

AGENDA

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

September 13, 2023 – 1:30 P.M.

Hall of Records, Room 301, 2281 Tulare Street, Fresno, California

COMMISSION MEMBERS

Gary Yep, Chair
Buddy Mendes, Chair Pro Tem
Nathan Magsig
Daniel Parra
Mario Santoyo

ALTERNATE MEMBERS

Michael Lopez
Scott Robertson
Vacant

LAFCo STAFF

Brian Spaunhurst, Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Juan Lara, LAFCo Analyst
Jessica Johnson, LAFCo Counsel

LAFCo Office: 1401 Fulton Street, Suite 900, Fresno, CA - 93721 - (559) 600-0604
Staff reports prepared for each item listed in this agenda may be viewed at www.fresnolafco.org.

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Comments from the Public:** Any person wishing to address the Commission on a subject not listed on the agenda may do so at this time. (State your name and address and please keep your comments to three (3) minutes.
4. **Potential Conflict of Interest:** Any Commission member who has a potential conflict of interest shall now identify the item and recuse themselves from discussing and voting on the matter pursuant to Govt. Code sec 84308.

CONSENT AGENDA

All consent agenda items are considered routine in nature and will be enacted by one motion; there will be no individual discussion of these items unless requested by a member of the Commission or the public. Any item pulled from the consent agenda for discussion will be set aside until after approval of the consent agenda. Prior to taking any action the public will be given the opportunity to comment on any consent item. The consent agenda will be considered on or about 1:30 p.m.

5. **Recommendation:** Approve 5A-5B by taking the following actions:
 - A. **Consider Approval:** Minutes from the LAFCo meeting of August 9, 2023.
 - B. **Consider Approval:** Amendment of Fresno LAFCo's Employee Handbook.

REGULAR AGENDA ITEMS

6. **Informational Item:** Mid-Point Report on Zalda No. 801 Reclamation District.
Recommendation: Receive and File.

- 7. **Executive Officer Comments**
- 8. **Commission Comments/ Reports**
- 9. **Adjournment**

THE NEXT LAFCO MEETING will be held on October 11, 2023, at 1:30 p.m. in the Board of Supervisors' Chamber – Hall of Records, Room 301, Fresno, California.

PLEASE NOTE:

(1) If you are an applicant for, or a participant in, any proceeding on the agenda for a **land use entitlement** and have made **campaign contributions** totaling more than \$250.00 to any member or alternative member of the Commission **within twelve (12) months prior to the Commission considering your application**, please immediately inform the Commission of your contribution. State law **disqualifies** each Commissioner and alternative Commissioner from participating in and voting on land use entitlement decisions (which include changes of organization and reorganizations) if the Commissioner or alternative Commissioner has received campaign contributions from (i) an applicant for a land use entitlement, (ii) someone who lobbies the Commission or LAFCo staff regarding an application for land use entitlement, (iii) someone who testifies in person before the Commission regarding an application for land use entitlement, or (iv) someone who otherwise acts to influence the outcome of an application for land use entitlement. State law also prohibits applicants and participants from making campaign contributions to a Commissioner or alternate Commissioner within three (3) months **after** the Commission's action. If you have any questions regarding these requirements (which are contained in the **California Political Reform Act** Government Code Section 84308 *et seq.*), please feel free to contact LAFCo staff at (559) 600-0604.

(2) In compliance with the Americans with Disabilities Act (**ADA**), if you need special assistance to participate at this meeting, please contact Ms. Amanda Olivas, Clerk to the Commission at 559-600-0604. Notification provided a minimum of 48 hours prior to the meeting will enable the Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled.



Fresno Local Agency Formation Commission
1401 Fulton Street, Suite 900, Fresno, CA 93721, (559) 600-0604

CONSENT AGENDA ITEM NO. 5A

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES

August 9, 2023

Members Present: Commissioners Magsig, Mendes, Parra, Santoyo, Yep

Members Absent: None

Staff Present: Brian Spaunhurst, LAFCo Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Juan Lara, LAFCo Analyst
Ken Price, LAFCo Counsel

1. Call to Order and Roll Call

Chair Yep called the meeting to order at 1:30 p.m.

2. Pledge of Allegiance

Chair Yep asked Commissioner Santoyo to lead the Pledge of Allegiance.

3. Comments from the Public

There were no comments from the public.

4. Potential Conflicts of Interest

Commissioner Magsig will recuse himself from voting on Item 6.

CONSENT AGENDA

5. A. Minutes from the LAFCo Meeting of June 14, 2023.

B. Biennial Conflict of Interest Code Review.

Motion: Approve Item 5A-5B

Moved: Commissioner Magsig

Second: Commissioner Mendes

Ayes: Commissioners Magsig, Mendes, Parra, Santoyo, Yep

Noes: 0

Absent: None

Passed: 5-0

REGULAR AGENDA ITEMS

Commissioner Magsig stepped out of the Chambers at 1:34 p.m.

6. City of Clovis “Shepherd-Willow Northeast Reorganization.” (LAFCo File No. RO-23-03)

There was general discussion, City of Clovis staff was available for questions.

Motion: Approve Item 6, Action 1

Moved: Commissioner Parra

Second: Commissioner Mendes

Ayes: Commissioners Parra, Mendes, Santoyo, Yep

Noes: 0

Absent: Commissioner Magsig

Passed: 4-0-1-0

Motion: Approve Item 6, Action 2

Moved: Commissioner Parra

Second: Commissioner Santoyo

Ayes: Commissioners Parra, Santoyo, Mendes, Yep

Noes: 0

Absent: Commissioner Magsig

Passed: 4-0-1-0

Commissioner Magsig returned to the Chambers a 1:48 p.m.

7. Report by the Executive Officer Compensation Committee Recommending an Amendment of the Executive Officer’s Employment Agreement (Compensation).

Motion: Approve Item 7

Moved: Commissioner Santoyo

Second: Commissioner Mendes

Ayes: Commissioners Santoyo, Mendes, Magsig, Parra, Yep

Noes: 0

Absent: None

Passed: 5-0

8. Executive Officer Comments.

LAFCo Executive Officer Brian Spaunhurst provided comments; projects to be discussed at the September hearing include an update on Zalda as well as an update to the Employee Handbook. June financials are at the Commissions place at the dais. Direct deposit info will be sent out to the Commission. Spaunhurst addressed Commissioner Magsig’s questions about the MOU.

9. Commission Comments/Reports.

Chair Yep will not be in attendance, at the September 13, 2023, hearing. Chair Pro Tem Mendes will Chair the meeting.

10. Adjournment

Moved: Commissioner Mendes
Second: Commissioner Santoyo
The meeting adjourned at 2:00 p.m.

Amanda Olivas
Clerk to the Commission

**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT**

CONSENT AGENDA ITEM No. 5-B

DATE: September 13, 2023
TO: Fresno Local Agency Formation Commission
FROM: Brian Spaunhurst, Executive Officer
BY: Amanda Olivas, Clerk to the Commission
SUBJECT: Amendment of Fresno LAFCo's Employee Handbook.
RECOMMENDATION: Approve.

Summary

The Commission adopted the Fresno LAFCo Employee Handbook in November 2012.

In July 2023, Sierra HR performed a comprehensive update of the Employee Handbook to reflect all relevant labor and wage law updates.

The amended Fresno LAFCo's Employee Handbook is attached for Commission approval.

Fresno Local Agency
Formation Commission



EMPLOYEE HANDBOOK

Effective July 2023

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INTRODUCTION

Welcome! As an employee of Fresno LAFCo you are an important part of a team effort. We look to you and other employees to deliver top quality work in support of our Mission and Vision.

Our Mission

It is the policy of the State of California to encourage orderly growth and development. The Legislature found that these are essential to the social, fiscal, and economic well-being of the state.

The Legislature recognized that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development. These sometimes compete state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services.

The Legislature found that this policy should be effected by the logical formation and modification of the boundaries of local agencies, and created a local agency formation commission, or LAFCo, within each county.

LAFCos coordinate orderly, logical and efficient changes in local agencies' boundaries, conduct service reviews of local agencies, and review ways to streamline the municipal services provided by local agencies.

Consistent with the Legislature's goals, the LAFCo's balance growth of cities and special districts (collectively called "local agencies") with the protection of agricultural and open-space lands. LAFCos perform these tasks by several means:

- LAFCo plans and regulates growth by establishing "spheres of influence" (SOI) around local agencies to regulate their growth for the 20 to 25-year planning horizon.
- LAFCo considers additions to local agencies' territory, called annexations, when those additions are consistent with the SOI, and the agency can demonstrate that it has the capacity to provide services to this new territory; and
- LAFCo conducts service reviews of each local agency to evaluate the agency's operation, compliance with its principal act, its public transparency and accountability, and the efficiency of the services it provides.

This value of the work we do for the Commission extends beyond our local agencies out to the community and the public at large, to other agencies like the County and various county departments such as the Auditor-Controller, Elections, and to the dependent special districts run by the County. We support and inform activities of the development community as they make market-driven decisions to implement general plans, we support sound economic development by making sure that services are available, and when the general public has questions, we assist them to be better informed.

Three-quarters of the LAFCos in California have no more than four staff members. Given the importance of the work of LAFCos, their relatively small staff means that individual performance and teamwork are critical. The work of each LAFCo employee is important to the Commission's objective.

Our Vision

To Encourage the Orderly Formation of Local Governmental Agencies

LAFCos review proposals for the formation of new local governmental agencies and for changes in the organization of existing agencies. There are 58 LAFCos working with nearly 3,500 governmental agencies (400+ cities, and 3,000+ special districts). Agency boundaries are often unrelated to one another and sometimes overlap at random, often leading to higher service costs to the taxpayer and general confusion regarding service area boundaries. LAFCo decisions strive to balance the competing needs in California for efficient services, affordable housing, economic opportunity, and conservation of natural resources.

To Preserve Agricultural Land Resources

LAFCo must consider the effect that any proposal will produce on existing agricultural lands. By guiding development toward vacant urban land and away from agricultural preserves, LAFCo assists with the preservation of our valuable agricultural resources.

To Discourage Urban Sprawl

Urban sprawl can best be described as irregular and disorganized growth occurring without apparent design or plan. This pattern of development is characterized by the inefficient delivery of urban services (police, fire, water, and sanitation) and the unnecessary loss of agricultural resources and open space lands. By discouraging sprawl, LAFCo limits the misuse of land resources and promotes a more efficient system of local governmental agencies.

Historical Information

After World War II, California experienced dramatic growth in population and economic development. With this boom came a demand for housing, jobs, and public services. To accommodate this demand, the state approved the formation of many new local government agencies, often with little forethought as to the ultimate governance structures in a given region. The lack of coordination and adequate planning led to a multitude of overlapping, inefficient jurisdictional and service boundaries, and the premature conversion/loss of California's agricultural and open-space lands. Recognizing this problem, in 1959, Governor Edmund G. Brown, Sr. appointed the Commission on Metropolitan Area Problems. The Commission's charge was to study and make recommendations on the "misuse of land resources" and the growing complexity of local governmental jurisdictions.

The Commission's recommendations on local governmental reorganization were introduced in the Legislature in 1963, resulting in the creation of Local Agency Formation Commissions, or "LAFCo."

From 1963-1985, LAFCos administered a complicated series of statutory laws and three enabling acts, the Knox-Nisbet Act, the Municipal Organization Act (MORGA) and the District Reorganization Act. Confusion over the application of these laws led to a reform movement that produced the first consolidated LAFCo Act, the Cortese-Knox Local Government Reorganization Act of 1985. In 1997, a new call for reform in local government resulted in the formation, by the Legislature, of the Commission on Local Governance in the 21st Century. After many months canvassing the state, the Commission recommended changes to the laws governing LAFCos in its comprehensive report “Growth Within Bounds.”

These recommendations became the foundation for the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), an act that mandates greater independence for LAFCos and further clarifies their purpose and mission.

In response to both the passage of the CKH Act and to local needs to address certain service provision issues, Fresno LAFCo was formed. Today, there is a LAFCo in each of California’s 58 counties.

Purpose of the Employee Handbook

This employee handbook includes personnel policies and procedures that govern the day-to-day operations of our organization. These policies are intended to increase your understanding of our expectations and set forth levels of responsibility and authority for all employees and supervisors.

This handbook, however, cannot anticipate every situation or answer every question about employment with us. The handbook is not, nor is it intended to be, an employment contract. Nor is it intended to create legal rights. In order to retain the necessary flexibility in the administration of policies and procedures, we reserve the right to change or revise policies and procedures described in this handbook without notice whenever such action is warranted. Any written changes to this handbook will be distributed to all employees so that you will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

Again, welcome to our team! We trust you will find your position with us to be both challenging and rewarding.

FAIR EMPLOYMENT POLICIES

At-Will Employment

You are free to terminate your employment at any time, with or without a reason or notice. Fresno Local Agency Formation Commission (hereafter referred to as Fresno LAFCo or “the Commission”) also has the right to terminate your employment at any time, with or without a reason or notice. Cause is not required for an employee's termination. This is called "at will" employment. We reserve the right to change your compensation, position, duties, hours of work and any other term or condition of employment without notice or reason.

No one is authorized to enter into an agreement, or make representations which are contrary to this policy, unless in writing signed by the Executive Officer.

Equal Employment Opportunity

Fresno LAFCo is an equal opportunity employer and makes employment decisions based on merit. We seek the best available person for every job, and Commission policy prohibits unlawful discrimination based on race, color, religious creed, national origin (including possessing a driver's license issued under Vehicle Code § 12801.9), ancestry, physical or mental disability, medical condition, age, marital status including domestic partnership, gender, sexual orientation, gender identity, an applicant or employee who has caregiving responsibilities, reproductive health decision making, or any other consideration made unlawful by federal, state or local laws.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, Fresno LAFCo will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship would result. The intent of a reasonable accommodation is to allow an employee to perform the essential job duties; therefore a reasonable accommodation will be directed to the limitations created by the identified disability.

If you require an accommodation in order to perform the essential functions of the job, contact the Executive Officer to request an accommodation. You should specify what accommodation you need to perform the job. A member of management will meet with you to identify and discuss possible accommodations, if any, which may assist you in performing the job. Once an accommodation has been determined, Fresno LAFCo will continue to provide the accommodation until it is no longer needed or becomes unreasonable. You are responsible to request an accommodation and to communicate with Commission representatives to determine effective reasonable accommodations. This duty to communicate remains throughout the accommodation period. If you fail to communicate, Fresno LAFCo will be compelled to make decisions with the limited information in its possession. In certain circumstances, you may need to notify another supervisor of the accommodation so that you receive the proper response to a request.

In order to fully evaluate your needs and to determine possible accommodations, we expect all parties to engage in an open, interactive discussion. The interactive discussion may consist of multiple communications, including ongoing efforts to accommodate a disability, the identification of vacant positions which you may be qualified to perform, and consideration of your ideas for potential accommodations. In considering possible accommodations, Fresno LAFCo cannot eliminate essential functions of a position in an effort to place an employee in a particular position. We may also ask you to provide documentation from a health care provider of the limitation(s) as well as possible accommodations. We will document the interactions between you and the Commission and ask you to sign the document. We will make a reasonable accommodation that does not impose an undue hardship to assist a qualified individual with a disability.

Fresno LAFCo is unable to provide an employee with an indefinite leave of absence as an accommodation. Indefinite leaves of absence typically arise when a health care professional cannot provide a reasonable time frame for an employee's return to work. An indefinite leave of absence may also arise when a health care professional provides us with multiple excuses from work for a specific period of time, but fails to provide a reasonable return date.

A medical examination may be required of employees when the examination is job-related and consistent with business necessity. This may include circumstances when Fresno LAFCo needs to assess possible harm or conduct an independent assessment of fitness for duty.

In the event there is a conflict between a person's religious belief or observance, religious dress or grooming practice and any employment requirement, Fresno LAFCo will explore available reasonable means of accommodating that religious belief or observance, including the possibility of excusing an employee from duties that conflict, with those duties to be performed at another time or by another person. Religious belief or observance includes observance of a Sabbath or other religious holy day, and reasonable time to travel to and from a religious observance. We will provide an accommodation unless it is an undue hardship, which means that the action requires significant difficulty or expense in light of the nature and cost of the accommodation, financial resources of the organization, the number of persons employed at the workplace, the effect on expenses or resources or the impact of the accommodations on operations. An accommodation for an employee's religious dress or religious grooming practice will never take the form of segregating the employee from other employees or the public. Fresno LAFCo will not retaliate or discriminate against a person for requesting a religious accommodation.

Policy Prohibiting Unlawful Discrimination and Harassment

All persons, including employees, vendors, contractors, and other third-parties are prohibited from engaging in unlawful behavior under the Fair Employment and Housing Act ("FEHA") or Title VII. Unlawful behavior includes discrimination, harassment or retaliation of our employees, independent contractors, or interns. We want to maintain a working environment free from all forms of discrimination and harassment, whether based upon race, religious creed (including religious dress or grooming), color, national origin (including possessing a driver's license issued under Vehicle Code § 12801.9), ancestry, physical or mental disability, medical condition, genetic information or

characteristics, marital status including domestic partnership, familial status, age, sex (including sexual harassment, gender harassment, and harassment based on pregnancy, childbirth or related medical conditions and breastfeeding or medical conditions related to breastfeeding), gender, gender identity, gender expression, or sexual orientation, military or veteran status, reproductive health decision making, or any other legally protected characteristic or status. Employees are also protected if they are perceived to have any of these characteristics or are associated with a person who has, or is perceived to have any of these characteristics.

Unlawful discrimination may consist of a decision, policy or practice that treats employees differently based on a protected characteristic or status. Harassment involves conduct or behavior that is so severe or pervasive that it alters a person's employment and affects a term, condition or privilege of employment. This is called a "hostile working environment." Harassment may also occur when a managerial employee asks a subordinate for sexual favors in return for a job benefit. This is called "quid pro quo" harassment. Sexually harassing conduct need not be motivated by sexual desire. Examples of prohibited conduct are described below.

Behavior such as telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's race, age, national origin, disability or mimicking one's speech, accent or disability, are examples of prohibited conduct and will not be tolerated in our organization.

Discrimination or harassment may take many forms. Following are a few examples of prohibited discrimination or harassment:

- A manager making a promotion or other employment decision based on the worker's gender, race, personal relationship or other protected class;
- Making racial, ethnic or religious epithets, slurs or jokes;
- Directing remarks, jokes or other intimidating behavior towards persons of a specific race, gender or other protected classification;
- Making comments, jokes or innuendo of a sexual nature, including comments about a person's body;
- Exhibiting nude, profane, or obscene cartoons, drawings or photographs;
- Whistling, staring, leering or making other sexual gestures;
- Inappropriate touching, hugging or kissing, assault, or impeding or blocking movements;
- Making unwelcome sexual advances or requests for sexual favors;
- Making submission to sexual requests a term or condition of employment, job benefit or job opportunity;
- Any other conduct that a reasonable person could conclude is intimidating, hostile or offensive behavior and based on a protected classification.

Every employee has the responsibility to maintain the workplace free of any form of unlawful discrimination or harassment. If you are the victim of unlawful discrimination or harassment, or if you witness an event that you feel may constitute unlawful discrimination or harassment, you must

immediately report the incident(s) to an appropriate authority. You cannot remain silent. You have an obligation to report the incident(s) and cooperate in any investigation.

Supervisors are accountable for taking reasonable steps to prevent unlawful discrimination or harassment and stop the behavior from reoccurring in the event it does happen. This includes ensuring reporting of incidents, monitoring employees and third persons (such as vendors or members of the public) who may have engaged in inappropriate behavior, carefully listening to employee grievances regarding alleged unfair treatment and protecting employees against retaliation. Supervisors must report any complaints of misconduct to the Executive Officer so we can try to resolve the claim as quickly as possible.

This policy covers conduct in the workplace, at social functions sponsored by Fresno LAFCo (such as holiday parties), and business functions (such as training conferences or community events).

Any messages or communications sent or received through our electronic communications systems are subject to our anti-harassment and anti-discrimination policies. The use of information systems (including email and internet) for the display or transmission of sexually explicit images, message, off-color jokes, racial slurs, or anything that may be construed as unlawful harassment or showing disrespect for others, is prohibited.

The Commission provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employee relations. You have the responsibility to immediately report any inappropriate or prohibited actions or words by a supervisor, co-worker, vendor, contractor or other individual. You should report the incident to your supervisor or the Executive Officer without delay. You may also express your concerns to Sierra HR Partners (559.431.8090), a consultant that assists with our human resource needs.

We encourage employees to use the appropriate procedure for notifying Fresno LAFCo of a concern or complaint. Notifying the appropriate representative allows us to investigate and resolve a complaint. An employee who does not use appropriate procedures, but instead gossips to co-workers may make the situation worse. In addition, the person gossiping may be subject to a lawsuit by the person who is the subject of the gossip. Commission representatives will also exercise discretion and maintain confidentiality to the extent possible, disclosing information to those persons only who have a legitimate need to know the information.

Fresno LAFCo will not retaliate against you for making a complaint regarding any employment practice prohibited by this policy, or for testifying, assisting or cooperating in any proceeding authorized by state or federal civil rights laws. Nor will we retaliate or discriminate against a person for requesting a religious accommodation.

Fresno LAFCo will take prompt remedial action in the event of a complaint. All complaints of unlawful discrimination or harassment will be followed by a fair, complete and timely investigation by qualified personnel. We will provide all parties with appropriate due process and reach reasonable conclusions

based on the evidence collected. Investigations will be documented to show reasonable progress and will be closed in a timely manner.

Prompt remedial action may include investigations, disciplinary actions or appropriate restoration of job benefits. Discretion will be used during the investigation in order to maintain as much confidentiality as possible while still being able to effectively complete the investigation. In order to protect employee privacy and ensure the integrity of the investigation, employees who are interviewed will be required to maintain confidentiality of the investigation and the contents of the discussion until the investigation has concluded. To the extent possible, the complainant and the accused will be advised of the findings and the conclusion. To provide confidentiality and to protect all persons, including witnesses, the Commission may not disclose all information in its possession.

Remedial action will be taken if misconduct is found. Action taken will be designed to ensure that the victim is restored to his/her position and that the inappropriate behavior will not be repeated. Action taken for misconduct could include job discipline, termination of employment, termination of a contract or other measure depending on the circumstances of the situation and the person's relationship with the organization.

If you believe you have been the victim of unlawful discrimination or harassment or suffered retaliation you may also contact the **California Civil Rights Department** or the federal Equal Employment Opportunity Commission. These agencies may investigate or assist you in resolving any dispute. **The CRD** and EEOC, if they prosecute the case, can obtain various remedies for a person including imposing fines or damages for emotional distress against the employer or persons who violated the law; order the employer to hire or reinstate you; order back pay or a promotion; order the employer to change or modify its workplace practices.

While it is not required that you exhaust the resolution process before contacting a governmental agency, we hope that you will take advantage of the Commission's process for resolving workplace concerns and complaints. We believe that prompt reporting of concerns will allow us to work in an environment that allows everyone to perform his/her job in a positive manner.

You may view online sexual harassment training courses developed by the **Civil Rights Department (CRD)** at <https://calcivilrights.ca.gov/shpt/>.

Salary Information

Fresno LAFCo will not seek or request salary history information about an applicant for employment. However, if an applicant voluntarily discloses it, the Commission may rely on the information to determine the pay rate of the applicant.

We will provide a pay scale, meaning a salary or wage range, for a position to an applicant who requests it. **The Commission will also provide the pay scale to an employee, upon request, for the position the employee currently holds.**

Reporting Compliance Irregularities

At Fresno LAFCo we are committed to maintain high professional and ethical standards. We expect all employees to comply with all applicable laws. If you have any concern or question regarding any policy or practice of the Commission, we encourage you to speak with your supervisor or the Executive Officer.

In addition, if you have reason to believe that Fresno LAFCo has violated a state or federal statute, or violated or failed to comply with a local, state or federal rule, regulation, or ordinance, you may file a report with the Attorney General's office without fear of retaliation. The Labor Law poster located in the breakroom describes your rights and provides the telephone number of the reporting hotline. The Commission will not retaliate against any employee because that person has disclosed information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has the authority to investigate, discover, or correct the violation or noncompliance, or for providing information to or testifying before a public body conducting an investigation, hearing, or inquiry provided the employee had reasonable cause to believe the information disclosed a violation of law. Disclosing information need not be part of the employee's job. Nor is it required that the disclosure relate to our business operations.

Immigration Related Policies

An employee may exercise his/her rights under the Labor Code or any local ordinance without suffering unfair immigration-related practices. This includes the filing of a complaint or informing Fresno LAFCo of an alleged violation of the Labor Code or local ordinance, provided the complaint or disclosure is made in good faith, seeking information about whether the Commission is in compliance, or informing another person of his/her rights under the Labor Code or local ordinance.

Moreover, Fresno LAFCo will not take adverse action against an employee, including reporting or threatening to report the employee or family member to a federal, state or local agency based on the employee's suspected citizenship or immigration status, because (s)he exercises a right under the Labor Code, the Government Code, or the Civil Code.

National Guard Employment Protections

Under the conditions set forth in this policy, Fresno LAFCo will restore a former employee to the former position, or to a position of similar seniority, status, and pay without loss of retirement or other benefits, unless the Commission's circumstances have so changed as to make it impossible or unreasonable to do so and will not discharge the former employee from the position without cause within one year after restoring him/her to the position.

The former employee must meet these conditions: (1) (s)he is an officer or enlisted member of the National Guard of any state; (2) (s)he was called to active duty by the governor of the state where (s)he serves in the National Guard or by the President of the United States; (3) (s)he received a certificate of satisfactory service in the National Guard; (4) (s)he is still qualified to perform the duties of the

position; (5) (s)he made an application for reemployment (i) within 40 days of being released if the employee was in a full-time position, or (ii) within five days of being released if the employee was in a part-time position.

WORKING CONDITIONS

Job Duties

Job responsibilities and performance standards will be explained at the time of hire. Please refer to your job description for further details about your position.

Job descriptions are meant only to describe the general nature of work. Job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects or to assist with other work necessary or important to your department or the Commission. A supervisor may alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

Classification of Employees

Full-time employees are those who are regularly scheduled to work no less than 40 hours per workweek. Full-time employees are paid on either an hourly or salary basis.

Part-time employees are those who are scheduled to work less than 40 hours per week. Part-time employees are generally paid on an hourly basis.

Special project employees are those employees hired to perform a special job task or work for a limited time period. An example of a special project employee is a student hired to perform services during the summer months.

Part-time and special project employees may not be eligible for any or some benefits. If you have questions regarding your eligibility for particular benefits, see the Executive Officer. The conditions of eligibility for benefits are set forth in the particular plan documents for each benefit.

Non-Exempt employees are paid on an hourly basis for all hours worked and are entitled to overtime compensation. You are also entitled to rest and meal period breaks as required by California labor code and Wage Orders.

Exempt employees are paid on a salary basis and are not entitled to overtime. These employees are in Executive, Administrative, or Professional positions which must meet strict standards for annual salary rate and levels of responsibility. Exempt employees are paid an agreed-upon amount based on the overall accomplishment of their jobs, rather than on the specific amount of time worked. However, the Commission may require an exempt employee to adhere to a certain work schedule.

Interns

Uncompensated interns may be with the Commission to develop marketable skills and gain knowledge in our industry and his/her field of choice. In order to be considered an uncompensated intern, the worker must receive training that is similar to that which would be given in a vocational school; the

training is for the benefit of the intern; the intern must not displace employees, but work under close observation; the Commission will derive no immediate advantage from the activities in which the intern participates; the intern is not necessarily entitled to a job at the completion of the training program; and both Fresno LAFCo and the intern understand that the intern is not entitled to wage for the time spent in training.

Workday and Workweek

A workday is defined as any consecutive 24-hour period beginning at the same time each calendar day. The workday begins at 12:00am.

A workweek is a fixed and regularly recurring period of 7 consecutive 24-hour periods. The workweek begins Monday at 12:00 a.m. and concludes at 11:59 p.m. on Sunday.

One Day of Rest in Seven

Non-exempt employees are entitled to one day's rest in seven unless total hours in the workweek do not exceed 30 hours and the employee has not worked more than six hours in any workday. The days of rest need not come each workweek. Rather, on average an employee is entitled to one day of rest for every seven days in the calendar month. An employee can choose, however, to forgo the day of rest. Employees will be requested to confirm in writing that they know their right to rest but choose to work a seventh day.

Work Hours and Attendance

General office hours are 7:00 a.m. to 4:00 p.m. Monday through Friday. Your work schedule may differ from the office hours depending on the needs of your position.

Consistent, reliable attendance is required of all employees in order to produce top quality work and deliver excellent service to our public agencies. Your co-workers depend on you to be present and ready to work as scheduled. While occasional, infrequent emergencies are understood, repeated or frequent tardiness or absences cannot be permitted.

Absenteeism and tardiness will ultimately affect your employment at Fresno LAFCo, and may result in termination of employment, regardless of cause. If you are unable to report on time for any reason, you must inform your supervisor as early as possible.

Planned absences must be arranged in advance. When time off from work is required, you should request permission for such an absence from your supervisor with as much notice as possible. Time off may be approved subject to Commission policies, anticipated workload, or other employees' planned leaves of absence. If you are absent without approval for two or more days and have not contacted the Executive Officer, we will assume that you have voluntarily terminated your employment.

Attendance and other records related to hours worked and wages paid are kept for a period of three years. These records are available for your review during normal office hours by scheduling a time to review them with the Executive Officer.

Time Keeping

All employees are required to record hours worked using our Commission time sheets. This includes time in and out, meal periods and overtime. For those employees paid on an hourly basis, your time sheet provides a record of the hours you work and for which you will be paid.

You are responsible for accurately recording your time worked. Fresno LAFCo will pay you for all hours accurately recorded. Do not work “off the clock.” If you fail to maintain accurate time records, your paycheck may not include compensation for all hours worked since the Commission will not be aware of it. Moreover, we cannot monitor all employees and determine when they are working. It is your responsibility to accurately maintain your time sheets.

While we do not require employees to record rest periods, you must take them as set forth in this handbook. Failure to take appropriate meal and rest periods may result in discipline, including termination.

Overtime

Only non-exempt employees are eligible for overtime compensation. Please refer to your job description to determine whether you are a non-exempt employee. Exempt employees are not eligible for overtime compensation. They are paid on a salary basis and are in executive, administrative or professional positions.

Non-exempt employees will be paid overtime compensation as follows:

1. Work in excess of eight hours in a workday and work in excess of 40 hours in any workweek and the first eight hours worked on the seventh consecutive day of work in any workweek will be paid at one and one-half times the regular rate of pay.
2. Any work in excess of 12 hours in a workday or in excess of eight hours on the seventh consecutive day of work in a workweek will be paid at twice the regular rate of pay.

In calculating overtime compensation, the Commission will not combine more than one rate of overtime compensation.

Hours worked means time actually spent on the job. It includes all time when you are subject to the Commission’s control or direction, and when you are performing duties we know about and authorize. It does not include hours away from work due to vacation, sickness or holiday even when these days are compensated.

Pay Day

All employees are paid biweekly on Fridays. If pay day falls on a holiday, paychecks will be available on the preceding business day.

Paychecks

Each pay day Fresno LAFCo will pay you with a check or by direct deposit. You will receive an itemized statement of earnings, typically referred to as a “paycheck stub.” The statement will show, for the pay period, gross wages earned, total hours worked (except for employees exempt from overtime and minimum wage pursuant to California law), all deductions, net wages earned, the dates of the pay period, your name and part of your social security number, the name and address of the business, and the applicable hourly rate. Fresno LAFCo will also provide you with the state mandated paid sick leave benefits you have accrued either on the paycheck stub on or a separate document distributed with your paycheck. Please assure that all personal information is true and correct. If changes need to be made, please contact the Executive Officer.

Fresno LAFCo processes the payroll for each employee. This requires many calculations to be made for each employee, and it is possible that an error may occur. For this reason, we ask that you carefully review each paycheck stub for accuracy. If you have any questions, or if there is an error, please bring it to our attention immediately. No employee will suffer adverse action because (s)he expressed or made a written or oral inquiry or complaint regarding wages.

Your paycheck will be subject to payroll deductions. This will include federal and state income taxes which Fresno LAFCo is required to withhold, payroll taxes such as social security, and any other deductions which you have authorized for your benefit. For example, you may be responsible for paying part of an insurance premium. A deduction from your paycheck may be made if an overpayment arises from the previous pay period.

Before Fresno LAFCo makes any deductions, you will be required to sign an authorization. If the amounts of the deductions change (such as for health care premiums), you will be required to sign a new authorization form.

Payroll Records

Fresno LAFCo will keep payroll records showing hours worked daily and wages paid to each employee. These records will be kept for at least three years. You may also keep a personal record of hours worked. If your record differs from the information provided on your paycheck, contact the Executive Officer immediately. Fresno LAFCo will make records available to an employee within 21 days of a request for payroll records.

Meetings, Events and Training Courses

You will be paid for all hours spent attending meetings, events or training courses unless:

- the meeting or event is outside your regular working hours,
- attendance is voluntary,
- the program is not directly related to your job, and
- you do not perform any productive work.

If Fresno LAFCo employs five or more employees, all supervisory employees must participate in two hours of classroom or other effective interactive training and education regarding sexual harassment. Non-supervisors must participate in one hour of training on sexual harassment. Training must take place within six months of the employee assuming the position. Training will be repeated every two years. This training will include information regarding the prohibition against and the prevention and correction of sexual harassment, and the remedies available to victims of sexual harassment in employment.

Travel Time

Employees may be required to travel to training meetings or other assignments during the course of a workday. Whether or not travel time constitutes hours worked will depend on the kind of travel involved. Travel between our office and an event or meeting location during the workday will be counted as hours worked. However, time spent traveling directly between your home and an event or meeting location is not considered hours worked.

Travel, whether by driving or other mode of transport, which keeps you away from home overnight is considered hours worked. Travel time does not include time spent at a hotel; time spent after the meeting/project is completed for the workday; time spent during meal breaks; or time spent on purely personal pursuits such as sightseeing and visiting family or friends.

Non-exempt employees are required to accurately record their travel and work hours in these situations. Time spent by exempt employees on travel related to the performance of their job duties is included in the employee's salary, and no additional compensation will be paid for travel time.

Off Duty Activities

Participation in any off-duty recreational, social or athletic activity offered by the Commission is strictly voluntary.

Bonuses

Extraordinary compensation (bonuses) may occasionally be awarded to employees, based on such factors as job performance and individual merit, or the budget needs of the Commission. All extraordinary compensation is given at the sole discretion of Fresno LAFCo.

Performance Evaluations

You may receive periodic performance reviews, discussed with you by your supervisor. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties or recurring performance problems.

Your performance evaluations may review factors such as the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude and your attitude toward others. The performance evaluations should help you become aware of your progress, areas for improvement and objectives or goals for future work performance. Positive performance evaluations do not guarantee increases in pay rate, promotions, or continued employment. Pay increases and promotions are solely within the discretion of Fresno LAFCo and depend upon many factors in addition to performance. After the review you will be required to sign the evaluation report to acknowledge that it has been presented to you and discussed with you, and that you are aware of its contents.

Meal Periods

Fresno LAFCo will make a 60-minute unpaid and uninterrupted meal period available to each employee who works at least a five-hour shift. We encourage employees to take a meal period to relax or to take care of personal matters. Employees will be relieved of all duty during the meal period and are not required to remain on the premises. If your supervisor concurs, you may waive your meal period if your work period is no more than six hours in the workday.

If you work 10 hours in a workday, you are entitled to a second unpaid meal period of 30 minutes. You cannot waive the second meal period unless your supervisor concurs and you have not waived your first meal period. Meal periods may be arranged around work requirements but should be taken before you have completed five hours of work.

If, for any work-related reasons, you feel as though you cannot take a meal period, contact the Executive Officer. By coordinating schedules we can assure that everyone can take a meal period. An employee's failure to record meal periods properly may result in disciplinary action.

Rest Periods

Fresno LAFCo encourages that all employees take rest periods, which shall be insofar as practicable in the middle of each work period. Employees will be relieved of all duty during the rest period. They may leave the worksite. They are not required to carry phones or other electronic devices during a rest period.

Employees are given 10 minutes of rest per four hours of work performed. We will try to permit rest periods in the middle of each work period unless practical considerations render it infeasible. We will not let employees aggregate rest periods and take them all at once. Employees may need to coordinate schedules so that everyone can take a rest period. If, for any work-related reasons, you feel as though you cannot take a rest period, contact the Executive Officer.

An employee is entitled to take rest periods based on the number of hours worked:

<u>Hours Worked</u>	<u>Rest Periods Allowed</u>
0 – 3.4 hours	0
3.5 – 6 hours	1
6.1 – 10 hours	2
10.1 – 14 hours	3
14.1 – 18 hours	4

On Call Time

On occasion, an employee may be asked to be on-call after normal business hours. The employee will be paid for all work performed while on call. However, not all time spent on-call is compensable work time. Therefore, unless Fresno LAFCo places excessive limitations on your activities, calls are restrictively frequent, or other circumstances restrict your activities while on-call, the time spent will not be considered hours worked.

Lactation Accommodation

If you would like to express breast milk for your infant child while at work, please submit a request for accommodation to your supervisor or the Executive Officer. We will make reasonable efforts to accommodate your need insofar as practicable. We will provide a similar accommodation as we would for another employee temporarily disabled by a medical condition. The accommodation may include extended break periods and the use of a lactation room or other location, other than a bathroom, that is safe, clean and contains a charging outlet and surface area for personal items where milk can be expressed in private. You will also be provided access to a sink and refrigerator in close proximity to your work area.

This break time will be required to run concurrently, if possible, with any break time already provided. In the event that it is not possible for the break time for expressing milk to run concurrently with break time already provided, the break time for expressing milk shall be unpaid.

Employee Conduct

Fresno LAFCo requires all employees to conduct themselves in a professional manner at all times. Below is a partial list of activities for which an employee may be disciplined.

1. Insubordination, refusal to follow instructions or to perform job assignments, or rude behavior.
2. Sleeping or leaving the job during work hours.
3. Theft, unauthorized removal or willful damage to any property belonging to another employee, a business associate, a vendor or to Fresno LAFCo
4. Possession of firearms or other dangerous weapons on Commission premises without proper authorization.

5. Working while under the influence of drugs or alcohol or having these substances in your possession while at work.
6. Falsification or omission of pertinent information of Commission records.
7. "Horseplay," wrestling, dangerous practical jokes, or throwing objects.
8. Repeated absences or tardiness, including unreported absences.
9. Disregard for safety rules or practices, security regulations or safety disciplinary rules.
10. Substandard or unsatisfactory work performance.
11. Unauthorized operation, repair, or attempt to repair office equipment.
12. Unauthorized use of the telephone or computers.
13. Committing any act of violence against another employee, vendor, or business associate.
14. Using Commission-owned material, time, equipment, or personnel for any unauthorized purpose.
15. Failure to immediately report an injury or accident to your supervisor.
16. Posting or removing any materials on Commission property without proper approval.
17. Unauthorized entry or exit from the premises at any location at any time.
18. Abusive, rude or profane language to employees, business associates or vendors.
19. Smoking in any/all enclosed areas of the workplace.
20. Provoking a fight or fighting during working hours or on Commission premises.
21. Engaging in criminal conduct, whether or not related to job performance.
22. Personal use of Commission equipment, including computers and electronic technology.
23. Violation of any Commission policy.

The foregoing is not all-inclusive, but only serves as examples of conduct that will not be tolerated. Although one or more corrective measures may be taken in connection with a particular performance, no formal order will be followed. Corrective action may include a variety of actions depending on the circumstances and severity of the particular situation. The corrective action process will not always start with a verbal warning. Some acts, particularly those that are intentional, serious, or prohibited, warrant more severe action. In cases of totally unacceptable performance and/or conduct, the employee may either be suspended without pay or terminated. All suspensions or terminations will be done by the Executive Officer.

TIME OFF

Paid Time Off (Full-Time Employees)

Full-time employees are eligible to accrue paid time off (PTO) benefits beginning the first day of work and may begin using accrued PTO after completing six months of employment. You will not accrue PTO if you are on an unpaid leave of absence or are suspended.

Full-time employees with zero to two years of continuous service accrue PTO at the rate of 21 working days per year. Upon the completion of two continuous years of service, the employee shall earn one additional day of PTO each year of service thereafter, from the completion of the second year until the end of the tenth year. For example, a full-time employee completing their fourth year of service will earn 24 working days of PTO; an employee completing their fifth year of service will earn 25 working days of PTO; and so forth. Part-time employees who work 20 hours or more will accrue PTO benefits on a prorated basis.

PTO may be used for vacations, bereavement, and other personal needs, or for the diagnosis, care or treatment of an existing condition, or preventive care, for the employee or for a family member. PTO can also be taken by an employee who is a victim of domestic violence, sexual assault, or stalking.

Please submit time off requests with as much notice as possible – preferably two weeks in advance when the need is foreseeable. The scheduling of your vacation or other planned time off depends in part on our operational needs and the prior requests for vacation and leaves of absence of other employees. Do not make unchangeable plans (such as buying an airline ticket) until you know your request has been approved.

To use PTO for illness, injury, or medical appointments (or for reasons relating to domestic violence) you should provide notice of the need for leave as soon as practicable, and in advance if foreseeable.

If an exempt employee is absent from work for a partial day (minimum four or more hours), the employee must substitute four hours of PTO in lieu of salary for the hours worked.

The amount of PTO you may accumulate must not exceed three times the maximum number of days for which you are eligible in the year. Once this accrual maximum is reached, you cannot accrue additional PTO until you have used up some of your accrued unused PTO. When some accrued PTO is used, PTO begins to accrue again. There is no retroactive grant of PTO for the period of time the accrued PTO days were at the maximum.

Fresno LAFCo generally does not permit employee to cash out accrued PTO instead of taking time off. You may receive pay instead of time off only when your employment with us terminates.

State Mandated Paid Sick Leave (Part-Time Employees)

In compliance with California's Healthy Workplaces, Healthy Families Act, part-time and special-project employees are awarded state-mandated paid sick leave ("PSL") on an annual basis.

Current part-time employees are awarded 24 hours of PSL at the beginning of each year. For purposes of this policy, a year is defined as the 365-day period beginning January 1st. Employees who are hired mid-year will be awarded 24 hours of PSL on the date of hire.

Each year on December 31st all unused PSL will expire and current part-time employees will be awarded 24 hours on January 1st.

Upon an oral or written request, an employee may use PSL for the diagnosis, care or treatment of an existing condition, or preventive care, for the employee or for a family member. PSL can also be taken by an employee who is a victim of domestic violence, sexual assault, or stalking. The employee should provide notice of the need for leave as soon as practicable, and in advance if foreseeable. Family members include a child (biological, adopted, foster, step), legal ward, child to whom the employee stands in loco parentis; parent (biological, adoptive, step), legal guardian of employee or employee's spouse or registered domestic partner, person who stood in loco parentis when employee was a minor; spouse; registered domestic partner; grandparent; grandchild; sibling; and a designated person. An employee may designate one person per 12-month period.

Employees must use PSL in at least two-hour increments. PSL will be paid at the employee's regular hourly rate of pay.

Unused PSL will not carry over from one year to another, nor will it be paid to the employee at the separation of employment.

Fresno LAFCo will maintain records documenting hours worked and PSL awarded and used. We will make them available within 21 days upon request.

Holidays

Each year the Commission will adopt the same holiday schedule as the County of Fresno. Whenever an announced holiday falls within the normal work week of Monday through Friday, it shall be considered holidays for all Commission employees. Full-time employees, and part-time employees working at least 20-hours per week, are eligible to receive holiday pay based on their normally scheduled straight time hours. Part-time employees working less than 20 hours per week and persons in temporary assignments do not receive holiday pay, but will receive the time off on the holiday without pay.

To be eligible for holiday pay, you must have worked, or been available to work, the days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by the Executive Officer. Furthermore, holiday pay is not considered hours worked for

purposes of determining overtime pay. Full-time employees receive eight hours of base hourly pay for each of the paid holidays listed above during the year.

If your religious beliefs require that you take a special day off, you may substitute holidays, use PTO or take time off without pay, provided a prior arrangement has been made with the Executive Officer.

Employees are ineligible for holiday pay while on leave of absence.

Make-Up Time

Fresno LAFCo allows the use of make-up time when non-exempt employees need time off to tend to personal obligations. You may take time off and then make up the time later in the same workweek, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek. Make-up time worked will not be paid at an overtime rate.

Make-up time requests must be submitted in writing to the Executive Officer, with your signature on the “Make-Up Time Request” form provided by Fresno LAFCo. Requests will be considered for approval based on the legitimate business needs of the Commission at the time the request is submitted. A separate written request is required for each occasion you request make-up time.

If you request time off that you will make up later in the week, you must submit your request at least 24 hours before the desired time off. If you ask to work make-up time first to take time off later in the week, you must submit your request at least 24 hours before working the make-up time. Your make-up time request must be approved in writing before you take the requested time off or work make-up time, whichever is first.

All make-up time must be worked in the same workweek as the time taken off. The Commission’s seven-day workweek is Monday to Sunday. You may not work more than 11 hours in a day or 40 hours in a workweek as a result of making up time that was or would be lost due to personal obligations.

If you take time off and are unable to work the scheduled make-up time for any reason, you may be required to use accrued PTO to cover the hours missed. If no PTO is available, the hours missed would be unpaid. However, your supervisor may arrange with you another day to make up the time, if possible, based on scheduling needs. If you work make-up time before you plan to take time off, you must take that time off, even if you no longer need the time off for any reason.

An employee’s use of make-up time is completely voluntary. Fresno LAFCo does not encourage, discourage or solicit the use of make-up time.

California Family and Medical Leave

The following policy is applicable only if Fresno LAFCo employs five or more employees.

Provided an employee has worked more than 12 months with Fresno LAFCo and has provided at least 1,250 hours of service within the last 12-month period, the employee is eligible to for a leave of

absence under this policy. An eligible employee may take an unpaid leave pursuant to the California Family Rights Act (“CFRA Leave”) due to:

- The birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee;
- To care for a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, domestic partner, or a designated person who has a serious health condition;
- Because of an employee’s own serious health condition that makes the employee unable to perform the functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions; and
- Because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee’s spouse, domestic partner, child, or parent in the Armed Forces of the United States (as specified in Section 3302.2 of the Unemployment Insurance Code).

When approving CFRA Leave, we will guarantee employment in the same or a comparable position upon the termination of the leave, and the employee will retain employment status. CFRA Leave is not a break in service for any purpose.

CFRA Leave is separate and distinct from Pregnancy Disability Leave (leave taken for disability on account of pregnancy, childbirth, or related medical conditions.) In addition to CFRA Leave, an employee is entitled to Pregnancy Disability Leave, if the employee is otherwise qualified for that leave.

PTO and Sick Leave

The employee may elect, or the Commission may require the employee, to substitute the employee’s accrued PTO during an otherwise unpaid portion of the CFRA Leave. The employee may also elect to take Paid Sick Leave (PSL). All time off will count toward the employee’s maximum CFRA Leave total.

If the employee is receiving benefit payments through the State Disability Insurance (SDI) or Paid Family Leave (PFL) programs, the leave is not considered unpaid and the Commission will not require the use of accrued PTO. The Commission may require the use of PTO during the 7-day waiting period before SDI payments begin and up to two weeks of accrued vacation prior to the employee receiving PFL payments.

Continuation of Benefits

During the employee’s absence for CFRA Leave, the Commission will maintain coverage under its group health plans for the duration of the leave, not to exceed 12 workweeks in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee were working.

If the employee fails to return from CFRA Leave after the period of leave has expired and the employee’s failure to return is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to CFRA Leave or other circumstances beyond the

control of the employee, the Commission may recover the premium that it paid as required for maintaining coverage under the group health plans.

An employee taking CFRA Leave is entitled to participate in health plans for any period when the Commission does not provide coverage (such as beyond the 12-week period), and other employee welfare benefit plans including life insurance and retirement plans, *on the same conditions and terms as an employee on an unpaid leave for any purpose*. The employee will be required to pay premiums, at the group rate, as a condition of continued coverage.

The nonpayment of premiums by an employee does not constitute a break in service.

Notice

An employee must provide reasonable advance notice of the need for CFRA Leave if it is foreseeable. If the employee's need for CFRA Leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision to avoid disruption to our operations, subject to the approval of the health care provider of the individual requiring the treatment or supervision.

Certification

Fresno LAFCo will require that an employee's request for leave to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition be supported by a certification issued by the health care provider of the individual requiring care. Certification should include all of the following information:

- The date on which the serious health condition commenced;
- The probable duration of the condition;
- An estimate of the amount of time that the health care provider believes the employee needs to care for the individual; and
- A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision.

If the estimate of time for the employee to care for the individual expires, we will require the employee to obtain recertification if additional CFRA Leave is required.

Fresno LAFCo will require that an employee's request for leave because of the employee's own serious health condition be supported by a certification issued by the employee's health care provider. Certification should include:

- The date on which the serious health condition commenced;
- The probable duration of the condition; and
- A statement that, due to the serious health condition, the employee is unable to perform the function of the employee's position.

We will require that the employee obtain recertification regarding the employee's serious health condition if additional CFRA Leave is required.

If the Commission has reason to doubt the validity of the certification provided by the employee due to the employee's own serious health condition, we will require, at the Commission's expense, that the employee obtain the opinion of a second health care provider, designated by the Commission. If the second opinion differs from the opinion in the original certification, we may require, at our expense, that the employee obtain the opinion of a third health care provider, approved jointly by the Commission and the employee. The opinion of the third health care provider shall be considered final and binding.

Return to Work

Consistent with the Commission's standard practice, we will request, as a condition of a return from CFRA Leave taken due to the employee's own serious health condition, certification from the employee's health care provider that the employee is able to resume work.

Definitions

- "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.
- "Designated person" means an individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee may designate one person per 12-month period.
- "Domestic partner" is defined in Section 297 of the Family Code.
- "Employment in the same or a comparable position" means employment in a position that has the same or similar duties and pay that can be performed at the same or similar geographic location as the position held prior to the leave.
- "Grandchild" means a child of the employee's child.
- "Grandparent" means a parent of the employee's parent.
- "Parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.
- "Parent-in-law" means the parent of a spouse or domestic partner.
- "Sibling" means a person related to another person by blood, adoption, or affinity through a common legal or biological parent.
- "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either of the following:
 - Inpatient care in a hospital, hospice, or residential health care facility; or
 - Continuing treatment or continuing supervision by a health care provider.

Pregnancy Disability

The following policy is applicable only if Fresno LAFCo employs five or more employees.

Fresno LAFCo wants to assist its employees who are pregnant to continue to work as long as they are able, and to take the appropriate amount of time off for the birth of the baby and for recovery. We have adopted this policy to achieve these goals.

If you are disabled by pregnancy, childbirth, or related medical conditions, you are eligible to take no more than four months of unpaid leave. Four months means the number of days you would normally work within a four-month period, which is 17 $\frac{1}{3}$ weeks. If your schedule varies month to month, a monthly average of hours worked over the four months prior to the beginning of the leave period will be used to calculate your normal work month. If you normally 40 hours per week, four months means 693 hours of leave entitlement (40 hours x 17 $\frac{1}{3}$ weeks).

Leave can be taken in a block, as intermittent leave, or as a reduced work schedule. For example, you could take intermittent leave for medical appointments.

We will treat employees disabled due to pregnancy like other employees temporarily disabled by a medical condition. You may also be able to transfer to a different position during the period of your disability if medically advisable and the transfer can be reasonably accommodated. If you are transferred to another position, you will retain your rate of pay and benefits. You will not be transferred over your objections unless your health care provider certifies that you need to take an intermittent leave or work a reduced schedule. In that case, Fresno LAFCo may transfer you temporarily to an available alternate position. When the transfer is no longer medically advisable, we will return you to your original or comparable position.

You may be entitled to an accommodation if medically advisable and the accommodation is reasonable. Fresno LAFCo will consider factors such as your needs, the duration of the requested accommodation, the cost to the organization, and available personnel to assist. We expect you to engage in a good faith interactive process to identify and implement a reasonable accommodation.

Fresno LAFCo requires you to provide reasonable notice of the need for a reasonable accommodation, transfer or leave, including the anticipated time and duration. This typically means at least 30-days' notice, unless the need was not foreseeable (such as due to an emergency).

Fresno LAFCo also requires that you provide medical certification as a condition of providing an accommodation, transfer or leave. If foreseeable, we ask that you provide the notice and medical certification at least 30 days in advance. If the need is not foreseeable, we ask that you provide the certification within 15 days of our sending you the certification form. This form may arrive either via mail, email or personal delivery.

We will also request that you provide medical certification of your ability to return to your position or duties following your leave or transfer.

Failure to timely provide notice of the need for an accommodation, transfer or leave could result in a delay of approval. If you fail to provide notice or fail to provide medical certification, approval for any accommodation, transfer or leave could be denied. Other consequences, including loss of employment, could result if you are not at work and you fail to communicate with Commission representatives.

We also ask that you make reasonable efforts to schedule appointments or treatments to minimize disruption to our operations and ability to provide necessary services. Of course, we recognize that appointments and treatments will be subject to the advice of your health care provider.

You may elect to use any accrued PTO or paid sick leave you have available. This means that your pregnancy disability leave and paid benefit will run concurrently, and you will receive compensation during the absence. Your ability to substitute accrued paid leave is determined by the terms and conditions of our normal leave policies. All paid time off will count toward your maximum leave total.

During your leave, Fresno LAFCo will continue to provide benefits, for up to a maximum of four months over a 12-month period, under our group health plan at the level and under the conditions that coverage would have been provided if you had continued in employment continuously for the duration of the leave. Fresno LAFCo may recover the premium it paid on your behalf if you fail to return from leave and your failure to return is for a reason other than: (1) You are taking leave under the California Family Rights Act; (2) the continuation, recurrence or onset of a health condition that entitles you to take pregnancy disability leave; (3) non-pregnancy related medical conditions requiring further leave unless you chose not to return following the leave; (4) where you must care for yourself or for a family member; or (5) other circumstances beyond your control.

Before you start a leave or transfer, we will provide you with a document setting forth the period of your leave or transfer, including scheduled return date. The document will also include a guarantee of reinstatement to your same position or duties, or to a comparable position, unless excused as set forth in this policy.

You are guaranteed the right to return to the same position or duties. However, you do not have any greater right to reinstatement than you would have had if you had been continuously working. For example, if you would not have been employed in the same position at the time of reinstatement for legitimate business reasons unrelated to your leave or transfer, Fresno LAFCo is excused from returning you to that position.

In that case, you will be reinstated to a comparable position unless Fresno LAFCo would not have offered you a comparable position had you been continuously at work or there is no comparable position available. A position is available if it is open on your scheduled date of reinstatement or within 60 calendar days for which you are qualified. We will provide you notice of available positions during the 60-day period.

In order to provide you with information regarding rights and responsibilities under the law, you will be provided with a notice entitled "Your Rights and Obligations as a Pregnant Employee." Please ask if you have any questions. We want this wonderful time in your life to be as free from worry and concern as possible.

Protection Against Crimes

We value our employees and are particularly concerned about any employee who may be suffering due to domestic violence, sexual assault, stalking, or any other crime. We have implemented these policies to help protect you during these difficult times.

Fresno LAFCo will not discharge or in any manner discriminate or retaliate against an employee, including, but not limited to, an employee who is a victim of a crime, for taking time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding. A victim includes:

- 1) a victim of stalking, domestic violence, or sexual assault;
- 2) a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury; and
- 3) a person whose immediate family member is deceased as the direct result of a crime.

For purposes of this paragraph only, it also includes any person against whom any crime has been committed.

The Commission will not discharge or in any manner discriminate or retaliate against an employee who is a victim for taking time off from work to obtain or attempt to obtain any relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child.

Fresno LAFCo requests, as a condition of taking time off, the employee give reasonable advance notice of the intention to take time off, unless advance notice is not feasible. If an unscheduled absence occurs, we shall not take any action against the employee if the employee, within a reasonable time after the absence, provides a certification in the following form:

- A police report indicating that the employee was a victim;
- A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court; Documentation from a licensed medical professional, domestic violence counselor, a sexual assault counselor, victim advocate, licensed health care provider, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse; or
- Any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf.

Except as required by federal or state law, or as necessary to protect the employee's safety in the workplace, Fresno LAFCo will maintain the confidentiality of any employee requesting leave. We will provide the employee with notice before making an authorized disclosure.

Bereavement Leave

Employees who have been employed for at least 30 days may take up to five days of bereavement leave related to the death of a family member. The Commission will provide three days of paid time off for this purpose, and you may elect to use accrued PTO or available paid sick leave for the remaining two days.

Family member includes spouse, child, parent, sibling, grandparent, grandchild, domestic partner or parent-in-law. The days off need not be taken consecutively but must be completed within three months of the date of death. You may be required to provide documentation of death.

School Visits

If you are a parent or guardian of a child in grades K – 12, and if you are requested to appear in the school due to the child’s suspension, you may take an unpaid leave of absence provided that you give reasonable notice of the request to appear.

Jury Duty

The Commission encourages employees to serve on jury selection or jury duty when called. You should notify your supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. You may be requested to provide written verification from the court clerk of having served. If work time remains after any day of jury selection or jury duty, you will be expected to return to work for the remainder of your work schedule.

If the employee is selected for jury duty during a peak work period and jury service would be a hardship for the Commission, the employee and the Executive Officer will attempt to obtain a deferment of jury service.

Full-time employees shall be entitled to receive full salary or wages less any fees received for jury or witness duty for up to thirty days of performing jury or witness service. In extraordinary circumstances, the Commission retains the rights to extend the paid time off for jury service in its sole discretion and on a case-by-case basis.

Witness Duty

Unpaid time off will be allowed if you are required by law to appear in court as a witness. We request that you give reasonable notice to your supervisor. You will be given paid time off if your appearance is related to Fresno LAFCo business.

Voting Time

If your work schedule would prevent you from voting on Election Day, Fresno LAFCo will give you up to 2 hours paid time off to vote. You must present a voter’s receipt before you will receive paid time off

to vote. You may also take unpaid time off to serve as an election official. You must give your supervisor at least two days' advance notice that you will need time off to vote or to serve as an election official.

Leave to Seek Office

An employee, who in a manner prescribed by law declares him/herself as a candidate for elective office may be granted a leave of absence without pay. The procedure and length of time shall be as provided in the County Ordinance Code, Section 3.08.120.

Military Leave of Absence

Generally, an employee returning from military leave is guaranteed reemployment and other rights as long as you comply with certain notification and other requirements. You are protected if you meet the following criteria:

- You gave notice that you were leaving the job for military service (unless military necessity or other exigent circumstances precluded the notice);
- The period of service was five years or less;
- You were not discharged from service under dishonorable or other punitive conditions; and
- You reported to your civilian job in a timely manner or submitted a timely application for reemployment.

In some cases, military leaves of absence beyond five years will be protected.

Return to Work

The period of time within which you must return to work after the completion of service depends on the duration of the military service. If you served less than 31 days, you are required to return to employment by the beginning of the first regularly scheduled work period after the completion of military service. You are, however, excused for the amount of time required to return home safely and for an eight-hour rest period.

If you served between 31 and 180 days, you must file an application for reemployment within 14 days after the completion of military service. If you served more than 180 days, you must file an application for reemployment no later than 90 days after the completion of military service. In all cases, if compliance with the time limits becomes impossible or unreasonable through no fault of your own, you will be given additional time. Furthermore, reporting and application deadlines are extended for up to two years for persons who are hospitalized or convalescing from a service-related illness or injury.

If you are returning from the armed services, you will be reemployed in the job that you would have attained if you had not been absent for military service. Fresno LAFCo will provide training or other assistance to returning service members to help them refresh or upgrade their skills to qualify for reemployment.

Benefits

Service members and their families will continue to receive health benefits for 31 days. You and your family may continue health care coverage at their expense for up to 18 months. When returning from military leave you will resume health plan coverage without a waiting period or other exclusion.

Emergency Service Volunteers

Any employee who takes time off to perform emergency duty as a reserve peace officer, or emergency rescue personnel, volunteer firefighter, or a disaster medical response entity will not be discharged or discriminated against in the terms of their employment. An employee who is a health care provider must notify Fresno LAFCo when (s)he becomes designated as an emergency rescue personnel and when (s)he is notified of deployment as a result of the designation.

Discretionary Leave of Absence

Fresno LAFCo recognizes that there may be times when additional time off may be requested beyond the benefits provided. In such cases, which may include times of personal or family emergencies, you may be provided with an unpaid leave of absence at the discretion of the Executive Officer. If it becomes necessary to fill your position during a discretionary leave of absence, we will make reasonable efforts to notify you to determine if you will return to work. If you are unwilling or unable to return, your position will be filled. If you elect not to return from a discretionary leave of absence, you will be considered to have voluntarily terminated employment with Fresno LAFCo. All employees returning from a medical leave of absence must provide a physician's statement that indicates you are released to return to work.

BENEFITS

Health Care

Certain employees and their dependents including spouses, children, registered domestic partners and children of the registered domestic partner may be eligible for coverage under Fresno LAFCo's medical plan. Employees may be required to pay all or a portion of the insurance premiums. Leaves of absence may affect coverage under the medical plan.

The official plan documents set forth the specific terms, conditions, and limitations regarding program eligibility and benefit entitlement. This handbook is not part of any official plan document of any benefit program, nor does it restate all of the features of the health care benefits program. Official plan documents should be consulted for further information regarding each benefit program. Questions and requests for copies of official plan documents should be directed to the Executive Officer.

While it is our present intention to continue these benefits, we reserve the right to modify, curtail, reduce or eliminate any benefit, in whole or in part, either with or without notice. Neither the benefit programs nor their descriptions are intended to create any guarantees regarding employment or continued employment. As noted elsewhere in the handbook, employment relationships are for an indefinite term and are terminable at will, either at the option of the employee or Fresno LAFCo.

Deferred Compensation Plan- 457

The Commission currently participates in the ICMA-RC defined contribution plan. This plan is optional and can be changed at any time. The employee chooses the amount they would like to contribute to their retirement out of their salary. ICMA-RC is a non-profit independent financial services corporation providing retirement plans and related services for more than a million public sector participant accounts. Its mission is to help build retirement security for public employees.

Defined Contribution Plan- 401(a)

All full-time regular employees are eligible for coverage on the first day of employment. An employee will not be entitled to receipt of contribution until the completion of three continuous years of service (the vesting period).

Under this plan, employees, once vested, will receive all proceeds resulting from contributions from the Commission (including interest and/or other appreciation which is exempt from Federal and State taxes until payment is made to the employee) upon retirement or termination of employment.

Contributions equal to 10% of an employee's gross salary will be made by the Commission.

Upon termination of employment other than retirement, amounts distributed under the plan may be subject to state and federal penalties if not reinvested according to IRS guidelines. Regulations

regarding early withdrawals are complex and a tax attorney or accountant should be consulted for additional information.

This policy is implemented through a 401(a) Money Purchase Plan administered by ICMA-RC. A 401(a) Money Purchase Plan that allows the Commission to contribute to the employee's tax-deferred retirement savings.

The Commission will make contributions to an account in the employee's name for the exclusive benefit of the employee and their beneficiaries. The value of the account is based on the contributions made and the investment performance over time. No taxes are due, including on earnings, until the employee makes withdrawals.

Employees are encouraged to also participate in the 457 deferred compensation plan offered by the Commission as referenced above.

Life Insurance

The Commission provides each full-time employee with a \$20,000 life insurance policy through the Special District Risk Management Authority or equivalent benefit vendor.

Workers' Compensation

Fresno LAFCo maintains workers' compensation insurance coverage as required by law to protect employees who are injured on the job. This insurance provides medical, surgical, and hospital treatment in addition to payment for loss of earnings that result from work-related injuries. If an injury occurs, notify your supervisor for directions to the nearest medical facility of an approved health care provider. You are required to immediately notify your supervisor of all work-related injuries or illnesses.

Fresno LAFCo or its insurance carrier may not be liable for the payment of workers' compensation benefits for any injury which arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity which is not a part of your work-related duties. Any questions regarding workers' compensation should be addressed to the Executive Officer.

State Disability Insurance

Pursuant to the California Unemployment Insurance Code, disability insurance is payable when you cannot work because of illness or injury not caused by employment. If you are ill and cannot work, you may apply to receive State Disability (SDI) benefits that generally begin on the eighth day after you leave work. Compensation payments received through SDI may be supplemented by the use of your accrued PTO or paid sick leave.

Paid Family Leave (PFL)

California's Paid Family Leave (PFL) program does not provide an employee with a leave of absence. However, if you are entitled to a leave of absence under a state or federal law or by Commission policy, you may receive pay from the state for up to eight (8) weeks in a twelve (12) month period to care for a parent, spouse, child, domestic partner, child of a domestic partner, grandparent, grandchild, sibling, or parent in-law, or to bond with a child. You may also receive "PFL Military Assist" benefits if you need time off work to participate in a qualifying event because of the military deployment of your spouse, registered domestic partner, parent, or child to a foreign country. Eligibility for benefits is determined by the Employment Development Department (EDD).

For bonding, PFL is limited to the first year after the birth, adoption or foster care placement of a child. A separate certification must be completed for leave associated with bonding.

Benefits payable from the state under PFL may include approximately 60 to 70 percent of lost wages for employees who contribute to SDI. Employees collecting workers' compensation, unemployment or SDI are not eligible to collect PFL.

You are required to use up to two weeks accrued PTO prior to accessing PFL benefits.

HEALTH AND SAFETY

Injury and Illness Prevention Program

Fresno LAFCo maintains an Injury and Illness Prevention Program (IIPP). You will receive training in order to enable you to safely perform your job duties. The IIPP is available for your review during working hours. Employees are also required to participate in periodic training meetings. If you have any questions related to health and safety, please refer to the IIPP, or speak with your supervisor.

COVID-19 Prevention Program and Notice

Fresno LAFCo has developed and implemented a COVID-19 Prevention Program (“CPP”). All employees should review the CPP and receive training about the prevention of and response to COVID-19. In addition, the Commission wants employees to know its process for notifying employees of potential exposure to COVID-19.

Within one business day of receiving notice of potential COVID-19 exposure, we will post a notice of potential exposure and keep it posted for not less than 15 calendar days.

We recognize that many employees may be hesitant to notify the Commission of a positive test or of exposure. However, your candor will allow us to provide you with information on COVID-19 related benefits to which you may be entitled, including workers’ compensation, sick leave, PSL, and any other benefits under state or federal law.

Reporting On-The-Job-Accidents

All accidents or injuries that occur in the course of your employment must be reported to a supervisor upon the occurrence, regardless of how minor the injury may appear.

Safety Suggestions

In keeping with our goal of creating a safe and healthy working environment, Fresno LAFCo welcomes any and all safety related employee suggestions, concerns and complaints. If you have a question or concern regarding the safety of your working environment, please discuss the matter with the Executive Officer. Employees who wish to remain anonymous may submit a written report of the concern. Fresno LAFCo will follow-up on all received suggestions and take corrective action when necessary.

Safety While Driving

Safety is the first priority when driving. The following rules apply when driving on Commission business or traveling to or from home from Commission business:

- Operate the vehicle safely. Observe all traffic laws and drive courteously. The way you drive reflects on you and the Commission.
- Employees are strongly discouraged from using cell phones or other mobile devices while driving. If you must place or receive a call or text message, or look up driving directions, pull the vehicle over to a safe location. Any use of electronic devices must comply with laws regarding safe, hands-free operation.
- Wear your seat belt at all times while operating the vehicle.
- Report any accident, regardless of how minor, to your supervisor as soon as possible, and no later than the end of your shift.
- Do not carry unauthorized riders or passengers, including non-employees and/or others not specifically assigned to accompany the authorized driver.

Fresno LAFCo will not allow any employee to drive a personal vehicle for work purposes, unless the Commission determines that the employee possesses a valid driver's license. This may require an employee to provide a copy of his/her license. We may also ask the DMV to verify license status. Employees must also maintain valid auto insurance in compliance with California law.

Anti-Substance Abuse Policy for All Employees

Fresno LAFCo is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when an employee illegally uses drugs or alcohol on the job; comes to work under their influence; or possesses, distributes or sells drugs in the workplace. Every employee shares the responsibility for maintaining a safe work environment. Co-workers should encourage anyone who may be abusing alcohol or drugs, or working under their influence, to seek help.

The Commission may provide an unpaid leave of absence or other assistance to those who may need it, while sending a clear message that the use of illegal drugs, alcohol or controlled substances that impair an employee's ability to safely perform his/her duties cannot be tolerated.

Policy Prohibiting Drug and Alcohol Abuse

No employee may possess, sell, trade, buy, offer for sale or otherwise engage in the illegal use of drugs or the use of alcohol on the job. The enactment of Proposition 64 in California permitting the recreational use of marijuana does not in any way alter our policies prohibiting drug and alcohol abuse.

No employee may report to work under the influence of illegal drugs, alcohol, or other substances that impair the employee's ability to safely and efficiently perform his or her job duties. Employees are subject to reasonable suspicion testing when there is reasonable cause to believe that he/she is working while under the influence or that the use of drugs or alcohol likely contributed to a safety incident and testing can accurately identify the impairment caused by drug or alcohol use.

Any employee who is using prescription (including domestic and foreign prescriptions) or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting work.

Employees should be aware that substances, including medications, lawfully used in foreign countries, may give rise to a positive drug test. Even in this situation a positive drug test will subject the employee to disciplinary actions, up to and including termination of employment.

An employee's conviction on a charge of illegal sale, purchase, possession or use of a controlled substance, even if the incident occurs off-duty and not in the workplace, may result in a loss of employment. Any employee convicted of such a charge must notify Fresno LAFCo within five calendar days of the conviction.

Smoking

Fresno LAFCo is committed to providing a healthy and safe workplace. In keeping with this commitment, smoking (including the use of e-cigarettes) is prohibited in all enclosed areas of the workplace. Enclosed spaces include covered parking lots, waiting areas, elevators, stairwells and restrooms.

Employees who smoke do not receive extra rest periods.

Safety Protections for Victims of Domestic Violence

Fresno LAFCo will provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who requests an accommodation for their safety while at work. Those accommodations may include the implementation of safety measures (including a transfer, reassignment, modified schedule, changed work telephone, changed work station, or installed lock) assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime, or referral to a victim assistance organization.

We will engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations. In determining whether the accommodation is reasonable, we will consider an exigent circumstance or danger facing the employee. We may request that the employee seeking a reasonable accommodation provide us with a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. We may also request certification from an employee requesting an accommodation that demonstrates the employee's status as a victim of domestic violence, sexual assault, or stalking. We may ask you for this certification every six months.

We cannot, however, undertake any actions that constitutes an undue hardship on business operations. This includes any action that would violate our duty to furnish and maintain a place of employment that is safe and healthful for all employees.

If the employee's circumstances change and the employee needs a new accommodation, the employee should request a new accommodation from the employer. We will engage in a timely, good faith, and interactive process to determine effective reasonable accommodations. The employee should also let us know if an accommodation is no longer needed.

We will not discharge or in any manner discriminate or retaliate against you because of your status as a victim of crime or abuse, or for requesting a reasonable accommodation, whether or not the request was granted.

Please see *Protection Against Crimes* policy for definitions related to this policy.

Workplace Violence

Fresno LAFCo is committed to preventing workplace violence and to maintaining a safe work environment. All employees, vendors and business associates should be treated with courtesy and respect at all times.

Conduct that threatens, intimidates or coerces another employee, vendor or business associate will not be tolerated. Commission resources may not be used to threaten, stalk or harass anyone at the workplace or outside of the workplace. The Commission treats threats coming from an abusive personal relationship as it does other forms of violence.

Workplace violence includes many types of behavior including, but not limited to, the following:

- Any type of physical violence toward a person
- Threats of violence, whether direct, indirect or conditional
- Physical intimidation or aggression
- Possession of a weapon on Commission property or during work-related activities

Behavior that, from the perspective of a reasonable person, generates a concern that an individual may act out violently may also be reported and investigated under this policy. This may include, but is not limited to stalking, erratic behavior caused by mental illness or substance abuse, and suicidal statements.

Fresno LAFCo will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. In order to maintain workplace safety and the integrity of its investigation, we may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Employees are encouraged to bring their disputes to the attention of a member of management before the situation escalates. The Commission will not discipline employees for raising such concerns in good faith.

Emergency Conditions in the Workplace

We want employees to take appropriate action to protect themselves in the event of an emergency condition. In the event of an emergency condition, Fresno LAFCo will not take adverse action against an employee for refusing to report to, or leaving, a workplace because the employee has a reasonable belief that the workplace is unsafe, meaning that there is a real danger of death or serious injury if you remain on the premises. Nor will the Commission take adverse action for accessing your mobile device to seek emergency assistance, assess the safety of the situation, or communicate with someone to verify their safety. When it is feasible, an employee should notify a member of management of an emergency condition so the Commission can take appropriate action to safeguard employees or third parties on the premises.

“Emergency condition” means:

- Conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act.
- An order to evacuate a workplace, a worksite, a worker’s home, or the school of a worker’s child due to natural disaster or a criminal act.

An emergency condition does not include a health pandemic.

PERSONNEL POLICIES

Representing the Commission

It is of paramount importance that each employee treats each other, vendors, and members of the public with the utmost of respect and consideration not only during working hours, but after hours as well. You should also recognize that business associates and public agency representatives may view or have access to postings you make electronically. How we behave both at work and after hours is a reflection on our business.

Please apply the following standards to your job:

- Greet people by name whenever possible.
- Introduce yourself to new business associates.
- See that all visitors feel comfortable in our office.
- Be prompt and courteous.
- Use appropriate telephone courtesy. Speak clearly, and do not allow persons to be placed on hold for long periods of time.

Personnel Documents

It is important that your personnel records contain accurate and up-to-date information. Any changes of name, address, telephone number, or number of dependents should be reported promptly. We also request that you supply us with the name, address, and telephone number of the person you wish to have contacted in the event of an emergency. Fresno LAFCo will not take adverse action against an employee who updates his/her personal information based on a lawful change of name, social security number, or federal employment authorization document.

The Commission will not display, disseminate or require you to use your social security number for any purposes, unless strict security devices are in place or required by law.

Fresno LAFCo shall immediately disclose to affected employees, any breach of the security of our computerized systems that includes personal information. Good faith acquisition of personal information by an employee or agent of Fresno LAFCo in the course of duties is not considered a breach, provided the personal information is not used or subject to further unauthorized disclosure.

If a current employee's personal information is released, we will provide written notification to the individual. Former employees will be notified through written correspondence to the most recent address on file. Notification may be delayed if a law enforcement agency determines the notification will impede a criminal investigation.

The Commission will retain certain records such as applications, personnel, referrals and other files for a minimum of four years after the records and files are initially created or received. We will also retain

personnel files of former employees for a minimum period of four years after the date of termination. Upon notice that a verified complaint against the Commission has been filed pursuant to the Fair Employment and Housing Act, we will maintain and preserve appropriate records and files until the later of the following:

1. The first date after the date for filing a civil action has expired; or
2. The first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have terminated.

Access to Your Own Personnel Records

Pursuant to Labor Code section 432, Fresno LAFCo will give you a copy of any document you sign relating to the obtaining or holding of employment.

Pursuant to Labor Code section 1198.5, you have the right to inspect or receive a copy of personnel records Fresno LAFCo maintains related to your performance or any grievance concerning you.

We will make personnel records available within 30 days from the receipt of your written request. Fresno LAFCo will provide you with a form you may use to make the written request.

We will not provide you with records relating to the investigation of a possible criminal offense, letters of reference, or records obtained prior to your employment. Prior to production we may redact the names of any nonsupervisory employees. You will be responsible to pay the actual costs of reproduction.

Upon request, Fresno LAFCo will provide you with a copy of your paycheck stubs (which may be a computer-generated document) showing information such as hours worked, compensation earned and deductions. We will provide you with these records within 21 days of your written request. You will be responsible to pay the actual costs of reproduction.

No-Match Letter

Each year, the Social Security Administration (SSA) sends letters to employers informing them that the Wage and Tax Statement (form W-2) contains employee names and social security numbers that do not match SSA records. If Fresno LAFCo receives a “no-match” letter, it will take the following steps.

First, within 30 days Fresno LAFCo will check its records to determine if the discrepancy is because of a typographical or clerical error in its records or in communications with SSA. If there is an error, we will correct it.

If the records are accurate, we will, within five business days of completing the review, ask you to confirm that the information on file is correct. If you provide corrected information, we will correct our records, inform SSA or the Department of Homeland Security (DHS), and verify that the corrected name and number match SSA or DHS records. If our records are correct, we will ask you to resolve the discrepancy with SSA or DHS within 90 days of receipt of the no-match letter.

If the discrepancy is not resolved within 90 days of receipt of the no-match letter, we may re-verify your employment eligibility and identity by completing a new Form I-9 within three days (93 days from the receipt of the no-match letter). In this case, you may not use a document containing the social security number or the alien number that is the subject of the no-match letter to establish employment eligibility or identity. In addition, all documents used to prove identity or both identity and employment eligibility, must contain a photograph.

If the no-match issue is not resolved by this process, Fresno LAFCo may be compelled to terminate your employment.

Conflict Resolution Procedure

The purpose of this policy is to provide a procedure by which employees may resolve differences, inform Fresno LAFCo of any concerns, or to grieve any action or decision of the Commission or its representatives.

We expect all employees to treat one another with respect and courtesy. However, in the event a misunderstanding, disagreement or a dispute arises, you are encouraged to speak privately and directly with the person(s) involved. This meeting should focus on the issues causing concern. Each person should speak kindly and listen carefully to the other person in an attempt to resolve all issues.

If the persons involved cannot arrive at a satisfactory resolution of their differences, they should meet with the Executive Officer, who will listen to the concerns expressed and reach a decision on the matter. The Executive Officer may seek advice from an impartial third party before rendering a decision.

The most effective way of resolving conflict is to discuss the matter with the persons involved in the conflict, or with those persons in management positions who can assist in the resolution of the conflict. Rarely, if ever, will discussing the matter with co-workers help resolve the issue. Most often, that will make the problem worse.

All employees are expected to cooperate and support any decision that is reached. Employees should not continue to debate and discuss the merits or wisdom of the decision. Instead, each employee should focus on what (s)he can do to improve the workplace environment.

Employment References and Verifications

Calls received to verify employment are referred to the Executive Officer. Persons calling to verify employment will be given the name, title and date of hire of an employee. No other information will be given unless you sign an authorization form allowing Fresno LAFCo to do so.

Written verification of employment for major purchases such as real estate will be completed by the Executive Officer. Your signature authorizing the release of the information must accompany a request for verification of employment.

Background Checks

Generally, if Fresno LAFCo hires a third-party to provide an investigative consumer report (background check) of any employee or applicant, we will comply with the Federal and State Fair Credit Reporting Acts. We will obtain your prior written consent by disclosing the information gathered or received to you and provide you with a summary of rights. Verifications of prior employment, education, job-related license or certification, social security number, or professional references may be conducted prior to an offer of employment. Fresno LAFCo will not conduct a criminal conviction background check, or ask an applicant to disclose, orally or in writing, information concerning his/her conviction history until a conditional job offer has been made.

If the Commission intends to deny an applicant a position because of criminal conviction history we will make an individualized assessment as to whether the applicant's criminal conviction history has a direct and adverse relationship with specific job duties justifying the denial. We will consider the nature and gravity of the conduct, the time that has elapsed since the conduct and completion of sentence, and the nature of the job sought.

If Fresno LAFCo makes a preliminary decision that the criminal conviction history disqualifies the applicant, we will comply with all notice requirements and allow applicants to respond to the decision within five business days. If the applicant notifies the Commission in writing that (s)he disputes the accuracy of the conviction history report, we will provide the applicant five additional business days to respond.

We will consider the information submitted before making a final decision. If the application is denied because of criminal conviction history, we will send a notice to the applicant regarding the final denial and the applicant's right to file a complaint with the **Civil Rights Department (CRD.)**

Confidentiality of Personnel and Medical Records

Fresno LAFCo will keep all personnel and medical records confidential. Information regarding an employee's medical condition is maintained in files separate from personnel files. Only those supervisors or managers who need to be informed regarding an aspect of the employee's personnel record or medical condition will be allowed access to these records. Confidential medical information may also be available to first aid or safety personnel in the event of an emergency.

Confidentiality of Commission Information

Except as required by the California Public Records Act and the Brown Act, employees are strictly prohibited from disclosing information relating to Commission internal operating policies, projects or the Commission itself without prior approval by the Commission in a writing executed by the Chair of

the Commission or the Executive Officer. Violation of this rule may result in immediate discipline, suspension or termination of employment.

In the course of the discharge of employee's duties, the employee may have access to and become acquainted with confidential information relating to the Commissions' activities and business. Such confidential information includes, but is not limited to, information concerning the Commission's financial, personnel, sales, planning and other operations. Except as required by the California Public Records Act and the Brown Act, no employee shall disclose any such confidential information to any third parties without prior approval by the Commission in a writing executed by the Chair of the Commission or the Executive Officer. This policy is an essential term of employment with the Commission and remains in effect even after termination.

You may be given a personal password to log onto Fresno LAFCo's computer system. Passwords are given to allow us to control and restrict access to information to certain employees. Do not give your password to others or allow others to access Commission data using your password. Nor should you ever, directly or indirectly, copy, download or disseminate or help another person copy, download or disseminate Commission information for a non-work purpose. You should never download information to take with you when you leave our employment, even if you created the document. Engaging in these activities could subject you to civil and/or criminal liability.

Conflicts of Interest

Employees of the Commission must adhere to the Conflict of Interest code and policy adopted by the Commission (provided separately.) In addition, the Commission has adopted the terms of two California Code of Regulations, section 18730, and the amendments to it adopted by the Fair Political Practices Commission, as its Conflict of Interest policy. A copy of Title 2 Code of Regulations, section 18730, is attached (provided separately).

You have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that you can seek further clarification on issues related to the subject of acceptable standards of operation.

A "conflict of interest" generally means a situation where the Commission's interests and an employee's interest may differ. A potential conflict of interest may exist where the interests of the Commission and the employee may differ, but the employee is presented with a decision or other arrangement from which the employee could personally benefit, and the question arises whether the employee's interest could influence the decision. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Commission's business dealings. Employees must take care to avoid not only actual impropriety, but also the appearance of impropriety. Potential conflicts of interest include, but are not limited to:

- **Conflicting Outside Business Activities:** Employees must obtain the approval of their Supervisor prior to engaging in outside employment that may constitute a conflict of interest.

- **Romantic Relationships:** Personal or romantic involvement with a public agency representative, co-worker or Commissioner, which impairs an employee's ability to exercise good judgment on behalf of the Commission, creates an actual or potential conflict of interest. We recognize that employees may develop personal relationships in the course of their employment. However, in an effort to prevent favoritism, morale problems, disputes, misunderstandings or potential sexual harassment claims, supervisors, managers, and board members are not permitted to date or engage in sexual relationships with employees that are in their chain of command. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace by a reasonable person while anywhere on Commission premises, whether during working hours or not. All employees should consider the potential conflicts of interest or problems that may arise from a consensual romantic relationship at work. The Commission will take appropriate action if such a relationship begins to adversely affect the work environment.
- **Off-Duty Conduct:** While the Commission does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the Commission's legitimate business interests. Employees are expected to conduct their personal affairs in a manner that does not adversely affect the Commission's or their own integrity, reputation or credibility. Illegal or inappropriate off-duty conduct on the part of an employee that adversely affects the Commission's legitimate business interests will not be tolerated.
- **Nepotism:** Persons hired, who are related to the Commission staff, will not work for the relative in a subordinate capacity or within the Supervisor's line of authority. A relative, for the purpose of this Employee Handbook, includes a spouse, domestic partner, child, parent, sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild.
- **Acceptance of Gifts:** Employees are prohibited from accepting direct gifts, money, or gratuities from persons receiving benefits or services, performing services under contract, or who otherwise are in a position to benefit from the employee's action.

Attorney-Client Confidentiality

On occasion, you may be a participant in discussions involving confidential Commission business, including matters that are the subject of a pending or potential lawsuit. The dissemination of this information to you and others is necessary to communicate litigation strategy and implement the advice of counsel. You must maintain the confidentiality of this information. The information is protected by the attorney-client privilege. The privilege is owned by the Commission. As a result, only the Executive Officer or the Chair of the Commission can authorize the dissemination of any litigation information. You cannot discuss the information with others including co-workers, spouse or friends.

Document Retention

In some cases, such as when litigation is pending or foreseeable, you may have a duty to stop normal purging procedures and preserve existing data. The Commission will provide notice to affected employees if this duty arises. Altering or deleting documents during a purging hold will be considered grounds for discipline up to and including termination.

Garnishment

If Fresno LAFCo receives an order to garnish your wages, we must comply with that order. A garnishment is a stoppage of a specified sum from wages to satisfy a creditor. This will reduce your take-home pay.

Attire and Grooming

The professional image of our staff is vital. Our employees must demonstrate professionalism and good judgment in matters of dress in the workplace.

The Commission observes a business casual dress environment, however, there may be situations requiring more formal attire. If you are conducting or attending meetings, seminars, roundtables, etc. where you come in contact with other business professionals, you are expected to represent the Commission in a professional manner and dress appropriately for conducting such business. Know your audience, remember whom you represent and dress accordingly. If you are in doubt as to whether the item of clothing is professional, err on the side of being formal.

Personal appearance should be a matter of concern for each employee. If your supervisor feels your attire and/or grooming is inappropriate, you may be asked to leave the workplace until you are properly attired and/or groomed. This time away will be considered unpaid time off. Employees who violate dress code standards may be subject to appropriate disciplinary action.

An employee who requires an accommodation of a religious belief or practice (including religious dress or grooming practices) should contact the Executive Officer and request such an accommodation.

Equipment and Supplies

All equipment and supplies necessary to the performance of a job shall be provided and maintained by Fresno LAFCo. Personal use of Commission property, including office supplies, is strictly prohibited. In addition, you are prohibited from using equipment on which you have not received training.

Solicitations

In order that employees are not bothered at work and to avoid disruption of Fresno LAFCo operations, non-employees will not be permitted to solicit employees during work hours. Solicitations by employees will be allowed during rest and meal periods.

Expense Reimbursements

Fresno LAFCo will reimburse employees for reasonable expenses incurred for business purposes. Generally, receipts must be provided to your supervisor for approval of expenses. You will be reimbursed the IRS standard mileage rate if you use your vehicle for Commission purposes. However, you are still responsible for any expenses associated with operating your own vehicle during business travel time, including but not limited to insurance deductibles.

Some employees may choose to use their personal cellular telephones and other devices for work purposes. We will provide a reasonable expense reimbursement for these devices. It may be in the form of a percentage of use for business or a flat fee based on average use. If you use a personal device for work we encourage you to discuss expense reimbursement with the Executive Officer.

Cash Shortages and Breakage

Fresno LAFCo will make a deduction from your wages or require reimbursement, if, after an investigation, it is determined that the shortage, breakage or loss was caused by a dishonest or willful act, or by the gross negligence of the employee.

The Use of Computers and Communication Equipment

Fresno LAFCo has made a significant investment in technology, including equipment that allows us to better and more efficiently communicate with one another and with third parties. The technology, including computers and telephone systems, were purchased to improve operations. Unfortunately, some employees may attempt to use the equipment inappropriately.

You should refrain from putting any information on Commission-owned equipment that is inappropriate, unlawful or that could prove embarrassing. Among those considered offensive are communications that contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability. Communications that violate any other rule or policy contained in this manual are also prohibited. In order to protect its property, maintain costs and improve efficiency, Fresno LAFCo reserves the right to search office property including computers, cell phones or pagers and associated billing and usage records.

Access to any website that is offensive or discriminatory is prohibited. You may not use Commission technology to state positions or opinions that give the impression that (s)he is speaking on behalf of Fresno LAFCo, unless you are specifically authorized to do so.

The communication systems should not be used to send or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization. Under no circumstances should any confidential or sensitive materials be disclosed to third parties except for appropriate and authorized business purposes.

You are advised that all information placed on the computers, telephones or any electronic data system, whether or not personal in nature, is property of Fresno LAFCo and may be assessed and reviewed by the Commission, without notice or reason. This information includes, but is not limited to, monitoring sites you visit on the internet, monitoring chat groups and news groups, reviewing downloaded or uploaded material, and reviewing e-mail sent and received by you. Fresno LAFCo will require you to provide copies of all internet and e-mail passwords used to access or use Commission-owned equipment. Passwords do not guarantee privacy of any data or information. Nor do system security features such as passwords and message delete functions prevent our ability to access equipment you have used or data you have created, received or sent. Inappropriate use of the equipment could lead to discipline.

You are further cautioned that the use of computers and communication equipment is for business purposes only. As examples, you should not send personal e-mails on Commission computers. Nor should you, unless specifically instructed to do so, access or e-mail Commission information for personal reasons. After you are no longer with Fresno LAFCo, you are no longer authorized to use Commission information or log into Commission accounts and must return any Commission property located on personal computers or in your home.

The Use of Social Media

You may not use Commission property to create, maintain, amend, view, access, download, contribute to, or store a blog, or post entries on the internet (whether through a social network of any form, or using another method), unless you have authorization to do so. You may not blog or post entries on the internet (whether through a social network of any form or using another method) while you are on duty unless you have authorization to do so. Do not use Commission equipment to post or disseminate any copyrighted materials or other intellectual property belonging to someone other than you.

Fresno LAFCo has access to all Commission-provided electronic equipment and property, and may from time to time, and without notice, inspect the condition of the equipment and the communications, content, data and imagery stored on it. You have no privacy rights in any communications, content, data or imagery in Commission-provided digital equipment you access, view, create or save. Those communications, content, data and imagery are also subject to monitoring by the Commission.

You may also be subject to discipline if any comments, material or information you post, blog, tweet, comment or disseminate on non-Commission-owned equipment:

- Violates the privacy rights of another Commission employee;
- Violates the Commission's confidentiality policies or Conflicts of Interest code.
- Discloses business plans, strategy or prospects of the Commission or any affiliated business entity;
- Criticizes or disparages representatives of public agencies or others with whom the Commission is working.

- Purports to represent the position, viewpoint, statements, opinions or conclusions of the Commission or any affiliated business entity;
- Violates laws that prohibit defamation, harassment, discrimination, or retaliation;
- Disparages Fresno LAFCo's professional services;
- Displays contemptuous, opprobrious or abusive comments about the Commission or its representatives; or
- Suggests that the Commission endorses or promotes a particular product, commercial enterprise, opinion, social cause or political candidate.

This policy does not, however, prevent you from engaging in concerted activities for the purpose of collective bargaining or other mutual aid.

Remember, you are personally responsible for any posting that you make. You can be held personally liable for any statements deemed to be defamatory, obscene, harassing, discriminating, or retaliatory, violate privacy rights, include confidential or copyrighted information (e.g., music, videos or texts that belongs to someone else) or are otherwise unlawful. Fresno LAFCo is not responsible for protecting you from the consequences of any information that you post.

Social Media Passwords

Generally, Fresno LAFCo will not require or request you to disclose a username or account password to access a personal social media account. Nor will we ask you to access your personal social media accounts in our presence or to divulge any personal social media. We may ask you to divulge personal social media if we reasonably believe it is relevant to an investigation of employee misconduct or employee violation of applicable laws and regulations. Even in this situation, we will use the information for the investigation or proceeding only.

We do require employees to disclose usernames, passwords or other methods of accessing employer-issued electronic devices.

Outside Employment

Unless you were hired as a part-time employee, your position with Fresno LAFCo is a full-time responsibility requiring your full loyalty. All employees will be held to the same standards of performance and scheduling demands, and exceptions will not be made for employees who also hold outside jobs. If you are engaged in outside employment, whether or not you are a full or part-time employee, please report it to the Executive Officer so that we can assess whether your outside employment presents a conflict of interest. Furthermore, information, projects or opportunities on which you work as part of your job duties with Fresno LAFCo are property of our Commission and may not be used for personal gain or as information for another organization.

Housekeeping

LAFCo is a public agency visited frequently local agency representatives, applicants, and occasionally by members of the public. Our offices should project a professional and competent image. Work spaces may be busy but should not appear cluttered or unkempt; and common office spaces and kitchen should be kept clean and orderly.

Personal Business

Personal phone calls, text messages, e-mails and visits during work hours should be kept to an absolute minimum. Except for emergencies, please restrict your personal business to your meal and rest periods. Attending to personal business during work hours is extremely costly.

Searches and Inspections

In order to protect its property and employees, Fresno LAFCo reserves the right to search office property including desks, computers, containers, storage areas and any other equipment without notice. Fresno LAFCo also reserves the right to inspect personal property on the premises as warranted, including vehicles, clothing, packages, lunch boxes, purses and other containers for illegal drugs, alcohol, weapons, stolen property or evidence of a violation of Commission rules. Searches of personal property will only be conducted when there is reasonable cause to believe that an employee has illegal drugs, alcohol, weapons, stolen property or evidence of a violation of Commission rules in his/her possession.

Fresno LAFCo property and premises may be monitored by means of audio, visual or electronic equipment at any time, without prior notice. Monitored information includes, but is not limited to, monitoring sites employees visit on the Internet, monitoring chat groups and news groups, reviewing downloaded or uploaded material, and reviewing email sent and received by employees. We will keep copies of all Internet and email passwords. System security features such as passwords and message delete functions, do not neutralize or inhibit our ability to access such materials. You should not expect privacy in any area not specifically designated to you for your exclusive use.

If You Must Leave Us

Should you decide to end your employment with us, although it is not required, we request that you provide at least two (2) weeks' advance notice. Your thoughtfulness will be appreciated and noted favorably should you ever wish to reapply for employment with Fresno LAFCo.

Upon voluntary or involuntary termination of employment, you must return all Commission property in satisfactory condition.

Postings

Federal and state employment posters and all other postings are located in the break room. In addition, you can view a copy of Wage Order No. 4-2001 via the Internet at:

www.dir.ca.gov/iwc/WageOrderIndustries.htm

2023 EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

By signing this form, I acknowledge receipt of the handbook. I understand that this handbook does not imply or constitute a contract or employment agreement for a specified term between myself and Fresno Local Agency Formation Commission (Fresno LAFCo.)

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it. I understand that I must read and comply with the Policy Prohibiting Unlawful Discrimination and Harassment contained in the handbook. If I have any questions about the handbook, or any employment matters, I will contact the Executive Officer.

If any dispute or grievance should arise in the workplace and it cannot be resolved between coworkers, I understand that I am to go to the Executive Officer to express my concerns, immediately, so that the dispute or grievance can be properly resolved in a timely manner.

I understand that it is my responsibility to in no way reveal or divulge any confidential, proprietary and trade secret information that I may come in contact with, during and after my employment with Fresno LAFCo.

I understand that the workplace can be inspected or searched, for reasonable cause. Items including property of Fresno LAFCo, personal property brought on the premises, and any information transmitted on computers or communications systems can and will be included in these searches or inspections.

I understand that my work at Fresno LAFCo is "at will," meaning that I am free to leave the Commission at any time, with or without reason, and that the Commission has the same right to end its employment relationship with me. No one has authority to make a contrary agreement with me except in a formal written document signed by the Executive Officer and myself. The employee handbook and all other policies and procedures of Fresno LAFCo are intended to be consistent with the Commission's employment-at-will philosophy.

I understand that this handbook contains general statements about current Commission policy, and that Fresno LAFCo retains the right to revise or modify the terms, information, policies, and benefits at its sole discretion and at any time.

I understand that Fresno LAFCo may, at its sole discretion, depart from policy from time to time.

Employee Signature _____

Employee Name Printed _____

Date _____

**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT**

AGENDA ITEM NO. 6

DATE: September 13, 2023
TO: Fresno Local Agency Formation Commission
FROM: Brian Spaunhurst, Executive Officer
BY: Jessica Gibson, LAFCo Analyst
SUBJECT: Mid-Point Report on Zalda No. 801 Reclamation District

RECOMMENDATION: Receive and File

Executive Summary

On March 8, 2023, the Local Agency Formation Commission (LAFCo) adopted the Municipal Service Review (MSR) and resolution of intent to initiate dissolution pursuant to Gov. Code § 56375.1(a)(1)(A) under SB 938 for the Zalda No. 801 Reclamation District (Zalda RD or District). LAFCo was directed to provide a mid-point report to the Commission on the District's remediation efforts, if any, at the regularly scheduled Commission meeting six months from the initial hearing.

Resolution No. MSR-23-01/USOI-209 (**Attachment A**) initiated dissolution of the Zalda RD and specified that the District take corrective action in its operation regarding District deficiencies, namely,

- failure to meet the minimum number of times required in its principal act in the prior calendar year and has taken no action to remediate the failings to ensure future meetings are conducted on a timely basis (Gov. Code § 56375.1(a)(1)(D)); and
- failure to perform timely audits in the prior three years and failure to meet the minimum financial requirements under Gov. Code Section 26909 over the prior five years (Gov. Code § 56375.1(a)(1)(E)).

Presently, the District continues to be deficient and has not taken the requisite actions required under the Government Code identified by LAFCo.

Mid-Point Report – Staff Analysis

During the first six months of the remediation period, LAFCo staff mailed copies of Resolution No. MSR-23-01/USOI-209 to the District's point of contact and the District's legal counsel. Thus far, neither District representatives nor persons have contacted LAFCo in reference to the

following SB 938 proceedings, nor has any person followed through with remediation efforts to amend District deficiencies.

In light of the District's lack of provided information to the Commission, LAFCo staff recommends that the Commission receive and file this information, note that the District has not satisfied district deficiencies based upon a preponderance of evidence, and stay the course with SB 938 procedures.

Under Gov. Code § 56375.1(a)(2)(B), the Commission must do one of two things; (i) find that the District adequately remedied the deficiencies identified by LAFCo, which would result in a rescission of the resolution of intent to dissolve the District, or (2) the Commission could find that the District has failed to remedy the deficiencies identified by LAFCo, which would result in the Commission adopting a resolution to dissolve the District. Either way, the Commission must wait twelve months after the intent to initiate dissolution.

Individuals Receiving this Report

Kenneth Price, LAFCo counsel
Raymond Carlson, Zalda RD counsel
David Merritt, Kings River Conservation District General Manager
Alex Dominguez, Kings River Conservation District counsel
Marilyn Dutra, Zalda RD (point of contact)
Chuck Kinney, Kings LAFCo Executive Officer

Attachment A: Resolution No. MSR-23-01/USOI-209

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RESOLUTION NO. MSR-23-01/USOI-209

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION OF
INTENT TO INITIATE DISSOLUTION OF ZALDA RECLAMATION DISTRICT NO. 801**

WHEREAS, Zalda Reclamation District No. 801 (the “District”) is a local special district formed under Reclamation District law (Wat. Code §§ 50000, et seq.) to provide levee maintenance and drainage services; and

WHEREAS, the District inhabited; and

WHEREAS, the District has been non-responsive to multiple inquiries from the Fresno Local Agency Formation Commission (“Fresno LAFCo”) staff since a municipal service review was initially prepared for the District in 2007; and

WHEREAS, in the 2007 municipal service review, Fresno LAFCo staff observed the following issues of concern for the District: (a) the District had ceased providing a service; (b) the District had adopted no annual budget; (c) the District was unable to fund capital improvements, operations, or staffing critical to its mission; and (d) no recent financial audit had been performed; and

WHEREAS, in 2023, Fresno LAFCo staff prepared another municipal service review and sphere of influence update for the District which identified the same concerns; and

WHEREAS, pursuant to Government Code section 56375.1, a Local Agency Formation Commission may initiate a proposal for dissolution of a district that meets certain statutory criteria during a publicly noticed hearing; and

WHEREAS, on March 8, 2023, during a public hearing for which notice was published and posted, the Board of Commissioners of Fresno LAFCo (the “Commission”) considered and adopted a municipal service review and sphere of influence update for the District, which report made the following statutory findings based on a preponderance of the evidence: (a) the District has failed to meet the minimum number of times required in its principal act in the prior calendar year and has taken no action to remediate the failings to ensure future meetings are conducted on a timely basis (Gov. Code § 56375.1(a)(1)(D)); and (b) the District has consistently failed to perform timely audits in the prior three years, and failed to meet the minimum financial requirements under Government Code section 26909 over the prior five years (Gov. Code § 56375.1(a)(1)(E)); and

WHEREAS, at said hearing, the Commission also considered adopting a resolution of intent to initiate dissolution of the District pursuant to Government Code section 56375.1; and

WHEREAS, at said hearing the Commission heard and received all oral and written comments, which were made, presented or filed, and all persons present were given the

opportunity to hear and be heard in respect to any matter relating to the report and proposed resolution; and

WHEREAS, the Commission believes it is in the best interests of the District and the orderly formation of districts pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code § 56000, et seq.), as amended, to initiate dissolution of the District pursuant to Government Code section 56375.1; and

WHEREAS, the Commission determined that the Notice of Exemption is adequate as the documentation to comply with the California Environmental Quality Act (CEQA) for the District's municipal service review and sphere of influence determination; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Fresno Local Agency Formation Commission, as follows:

Recitals. That the recitals set forth hereinabove are true, correct, and valid.

Action 1.

- A. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines find that the MSR prepared for the Zalda Reclamation District No. 801 (or "District") is Categorically Exempt from the provisions of CEQA under "Information Collection" in Section 15306, and under the common sense exemption in Section 15061(b)(3), or the "General Rule Exemption."

ADOPTED THIS 8th DAY OF MARCH 2023 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS MENDES, MAGSIG, ROBERTSON, YEP, SANTOYO

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Action 2.

- B. Find that the Municipal Service Review and Sphere of Influence update prepared for the Zalda Reclamation District No. 801 are complete and satisfactory.
- C. Find that the written determinations within the Municipal Service Review and Sphere of Influence update satisfy State Law.
- D. Pursuant to Government Code Sections 56425 and 56430 make the required determinations for the Municipal Service Review and District Sphere of Influence, adopt

the Municipal Service Review prepared for the District, and update the Sphere of Influence for said District by reaffirming the current boundaries.

ADOPTED THIS 8th DAY OF MARCH 2023 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS MAGSIG, MENDES, ROBERTSON, YEP, SANTOYO

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Action 3.

- E. Adopt resolution of intent to initiate dissolution pursuant to Gov. Code § 56375.1(a)(1)(A) under SB 938.
1. District Deficiencies. The Commission has duly considered the 2023 Municipal Service Review and Sphere of Influence update for the District and all relevant information, and makes the following findings based upon a preponderance of the evidence:
 - (a) the District has failed to meet the minimum number of times required in its principal act in the prior calendar year and has taken no action to remediate the failings to ensure future meetings are conducted on a timely basis (Gov. Code § 56375.1(a)(1)(D)); and
 - (b) the District has consistently failed to perform timely audits in the prior three years, and failed to meet the minimum financial requirements under Government Code Section 26909 over the prior five years (Gov. Code § 56375.1(a)(1)(E)).
 2. Remediation Period. The District shall have a remediation period of not less than twelve (12) months from the date of adoption of this Resolution to take steps to remedy the above-specified deficiencies.
 3. Mid-Point Report. Fresno LAFCo staff are directed to provide a mid-point report to the Commission on the District's remediation efforts, if any, at the regularly scheduled Commission meeting on September 13, 2023.
 4. Conclusion of Remediation Period. At the conclusion of the twelve (12)-month remediation period, at a public hearing for which notice has been published and posted, the Commission shall consider whether the District has remedied the identified deficiencies and whether the District should be dissolved.

5. That the Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner provided by law and take all further and necessary actions to implement the intent of this resolution.

ADOPTED THIS 8th DAY OF MARCH 2023 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS MAGSIG, MENDES, ROBERTSON, YEP, SANTOYO

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

CERTIFICATION

I, Brian Spaunhurst, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 8th day of March 2023.

**Brian Spaunhurst, Executive Officer
Fresno Local Agency Formation Commission**