



LGS | RECREATION

Personnel Policies & Administrative Regulations

Adopted: August 12, 2010

NOTICE

Application and Revision of

Policies & Administrative Regulations

Los Gatos Saratoga Community Education and Recreation (“LGS Recreation”) is a public entity and its employees are public employees. LGS Recreation is the joint effort of three public school districts: the Los Gatos Union School District, the Saratoga Union School District, and the Los Gatos-Saratoga Joint Union High School District. LGS Recreation personnel matters are governed by California law, including the California Education Code, the Joint Powers Agreement creating LGS Recreation, as well as policies and regulations the Governing Board adopts. The following collection of policies and administrative regulations shall hereinafter be referred to as the Policy Manual ("Manual").

This Policy Manual provides an overview and summary of LGS Recreation’s employment policies and regulations in effect as of August 12, 2010. As policies and regulations are revised, LGS Recreation will post the revised policies or regulations on LGS Recreation's website for employee access.

This Policy Manual supersedes all previous manuals, letters, memoranda and understandings. The date listed on this notice is the Policy Manual’s effective date. Once a policy or regulation has been adopted, it will supersede any policy or regulation on the same subject issued before the effective date noted on the revised policy or regulation. A new or revised policy or regulation also will supersede any verbal communications on the subject made before the effective date listed.

Please contact Human Resources or the Executive Director regarding any questions or concerns about this Policy Manual.

LGS Recreation complies with all applicable Federal and State laws.

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SECTION 1

PERSONNEL SYSTEM ADMINISTRATION

BP 1.0 **PURPOSES AND PRINCIPLES**

LGS Recreation policies and administrative regulations establish and maintain a uniform system for managing personnel matters; comply with applicable employment laws; and provide the standards, terms, and conditions of employment with LGS Recreation.

LGS Recreation believes that the success of its operations is largely due to the quality of its employees, the development of each employee's full potential, and LGS Recreation's ability to provide timely and satisfying rewards. LGS Recreation also recognizes, however, that employees differ and that circumstances may arise that are either insufficiently addressed in these policies and procedures, or that result in conflicts. In such cases, LGS Recreation will endeavor to make personnel decisions that are fair and equitable, while at all times assuring that LGS Recreation's best interests are served.

This Manual applies to all LGS Recreation's employees except the Executive Director whose employment conditions shall be determined by the Governing Board.

The Governing Board shall amend this Manual from time to time as necessary. When the Board amends any part of this Manual, LGS Recreation will post the changes to the Manual located on the LGS Recreation website for employees' access. Employees are responsible for reviewing and following all LGS Recreation policies and regulations.

Employees are encouraged to offer suggestions. Each employee covered by this Manual is responsible for knowing and complying with all its provisions.

These policies and administrative regulations apply to all LGS Recreation employees. But the conditions of employment for the Executive Director are determined by the Governing Board.

Legal References:

EDUCATION CODE

- 35020 *Duties of employees fixed by governing board*
- 35160 *Powers of governing board*

AR 1.0.0 OPEN DOOR POLICY

Employees' suggestions for improving LGS Recreation are always welcome. At some time, an employee may have a complaint, suggestion, or question about his or her job, working conditions, or the treatment he or she is receiving. Employees' good faith complaints, suggestions and questions also are of concern to LGS Recreation. LGS Recreation invites employees to discuss such matters with their immediate Supervisor, Director or Human Resources. As appropriate, an explanation or solution may be provided; however, LGS Recreation cannot guarantee that every complaint, suggestion, or question will be resolved, addressed or answered to the employee's satisfaction. LGS Recreation values employee observations and employees should feel free to raise issues of concern, in good faith, without the fear of retaliation.

BP 1.1 **PERSONNEL SYSTEM ADMINISTRATION**

LGS Recreation believes that the most rewarding employment relationship results from the open, fair, and consistent interaction between staff and those who supervise or manage operations. While no business is free from day-to-day problems, LGS Recreation intends that the Manual will foster effective policy dealings at all levels.

The Governing Board delegates to the LGS Recreation Executive Director primary authority for interpretation, application, and enforcement of the policies contained in the Manual. The Executive Director is also responsible for such personnel matters as:

- Recommending amendments and revisions to these policies and procedures when necessary.
- Recommending job descriptions, benefit plans and programs, and performance evaluation systems.
- Recommending candidates for employment.
- Recruiting, disciplining and removing employees pursuant to Board policies.
- Enforcing the Governing Board Policies in conformity with all applicable laws.
- Performing other duties that may be necessary to the administration of LGS Recreation operations..

Legal References:

EDUCATION CODE

- 35020 *Duties of employees fixed by governing board*
35160 *Powers of governing board*

BP 1.2 MANAGEMENT AND SUPERVISORY POSITIONS

Management employees are those persons having significant responsibilities for formulating LGS Recreation policies or administering LGS Recreation business operations.

Supervisory employees are those persons having the authority to make recommendations to the Executive Director concerning the employees under their supervision. This authority shall extend to recommendations regarding hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, discipline, direction, and work assignment.

Management and supervisory personnel shall function in accordance with the organizational chart prepared by the Executive Director. The Executive Director shall make temporary or permanent adjustments in management and supervisory personnel responsibilities as necessary, and will consult with the affected employees as may be required by law.

With the Executive Director's recommendation, the Governing Board shall employ any additional management and supervisory personnel necessary to assist the Executive Director in the conduct of LGS Recreation's affairs.

The Executive Director may require any of these personnel to attend regular and special meetings of the Board as he or she deems necessary to inform the Governing Board or to enhance LGS Recreation's management or administrative functions.

The Executive Director may require reports from these personnel on any topic and at any time as necessary to fulfill LGS Recreation's administrative functions.

In accordance with the above definitions, the management positions in LGS Recreation shall be:

- Executive Director
- Director Recreation Services
- Director Elementary School Services
- Human Resources Supervisor
- Fiscal Services Coordinator

In accordance with the above definitions, the supervisory positions in LGS Recreation shall be:

- Accountant
- Recreation Supervisor
- Elementary School Services Supervisor
- Recreation Coordinator
- Elementary School Services Coordinator
- Aquatics Coordinator
- Pool Manager
- Assistant Pool Manager
- Middle School Program Director
- Middle School Program Coordinator
- Preschool Director
- Assistant Childcare Director
- Childcare Director I
- Childcare Director II

- Day Camp Director
- Summer School Principal (Temporary)
- Summer School Vice Principal (Temporary)
- Office Manager

Legal References:

GOVERNMENT CODE

3543.4 *Management positions*

SECTION 2

GENERAL PROVISIONS

BP 2.0 EQUAL OPPORTUNITY EMPLOYMENT

In order to provide equal employment and advancement opportunities to all individuals, employment decisions will be based on merit, qualifications, and abilities. LGS Recreation does not discriminate in employment opportunities or practices on the basis of race, national origin, ancestry, ethnic group identification, religion, age over forty (40), sex, sexual orientation, color, mental or physical disability, marital status, pregnancy, medical condition, genetic information, gender identity, veteran status, or any other characteristic protected by law.

LGS Recreation prohibits any LGS Recreation employee from refusing to hire, train, promote, or provide equitable employment conditions to any employee or applicant, or from disciplining or dismissing an employee on the basis of any of the prohibited grounds.

LGS Recreation will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment.

Any employee with concerns about any type of discrimination in the workplace must bring these issues to the attention of their immediate supervisor or the LGS Recreation Executive Director. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including employment termination.

Each employee must cooperate with an investigation of alleged discrimination conducted by LGS Recreation.

Legal References:

EDUCATION CODE

44100 *Legislative intent, affirmative action employment*

GOVERNMENT CODE

11135 *Unlawful discrimination*

12900-12996 *Fair Employment and Housing Act*

LABOR CODE

1102.1 *Employment discrimination: sexual orientation*

CALIFORNIA CONSTITUTION, ARTICLE I, SECTION 31, *Discrimination based on race, sex, color, ethnicity or national origin; gender based qualifications in public employment, education or contracting*

UNITED STATES CODE, TITLE 20

1681 *et seq.* *Civil Rights Restoration Act*

UNITED STATES CODE, TITLE 29

621 *et seq.* *Age Discrimination in Employment Act*

791 *et seq.* *Vocational Rehabilitation Act of 1973, Sections 503 and 504*

UNITED STATES CODE, TITLE 42

2000d & 2000e *et seq.* *Title VI & VII, Civil Rights Act of 1964 as amended*

2000ff-2000ff-11 *(Genetic Information Non discrimination Act)*

2000h-2 *et seq.* *Title IX, 1972 Education Act Amendments*

12101 *et seq.* *Americans With Disabilities Act*

BP 2.1 **DISCRIMINATION AND HARASSMENT IN EMPLOYMENT**A. Purpose

LGS Recreation is committed to maintaining a work environment free from unlawful discrimination, harassment, intimidation, and reprisal. This policy prohibits discrimination and harassment in the conduct of LGS Recreation business; defines unlawful discrimination, harassment, and sexual harassment; and establishes a procedure for investigating and resolving discrimination and harassment complaints as required by law.

This policy applies to all persons involved in the operation of LG Recreation and prohibits unlawful discrimination and harassment by any employee of LGS Recreation, as well as volunteers who perform service for LGS Recreation and applicants for work with LGS Recreation. “Employees” and “applicants” as used in this policy include employees, volunteers, applicants for employment, and applicants for volunteer positions. LGS Recreation also prohibits discrimination and harassment by persons having business with LGS Recreation such as vendors and customers.

B. Policy1. Discrimination

LGS Recreation, including its elected officials, will not discriminate against any employee or applicant for employment, or make any employment decision, because of the employee’s or applicant’s race, national origin, ancestry, ethnic group identification, religion, age over forty (40), sex, sexual orientation, color, mental or physical disability, marital status, pregnancy, child birth, medical condition, genetic information, gender identity, veteran status or any other basis protected by law. This policy also prohibits unlawful discrimination based on the perception that anyone has any of the protected characteristics, or is associated with a person who has or is perceived as having any of those characteristics. LGS Recreation will provide an atmosphere free of discrimination and will not tolerate any form of prohibited discrimination by its employees or by its appointed or elected officials. Employees violating this directive will be subject to disciplinary action.

2. Harassment

- a. Harassment is a form of discrimination. LGS Recreation will provide an atmosphere free of unlawful harassment, including sexual harassment.
- b. LGS Recreation employees, elected and appointed officials, and persons having business with LGS Recreation shall not harass employees or applicants for employment because of the person’s race, national origin, ancestry, ethnic group identification, religion, age over forty (40), sex, sexual orientation, color, mental or physical disability, marital status, pregnancy, child birth, medical condition, genetic information, gender identity, veteran status or any other basis protected by law. Employees violating this directive will be subject to disciplinary action.

3. Retaliation

LGS Recreation prohibits retaliation against any person for reporting discrimination or harassment, filing a complaint, for participating in an investigation, or for opposing any act or practice prohibited by this Policy or by state or federal anti-discrimination laws. LGS Recreation will treat retaliation as a form of harassment.

4. Investigation And Remediation

LGS Recreation will investigate all allegations of discrimination, harassment, or retaliation. . Any LGS employee who engages or participates in prohibited discrimination or harassment, or who aids, abets, incites, compels, or coerces another to engage in such behavior, will be in violation of this policy and will be subject to disciplinary action, up to and including termination.

C. Definitions

1. “Age”

For purposes of this policy means age over forty.

2. “Discrimination”

Discrimination prohibited by this policy means discriminating against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual’s race, national origin, ancestry, ethnic group identification, religion, age over forty (40), sex, sexual orientation, color, mental or physical disability, marital status, pregnancy, child birth, medical condition, genetic information, gender identity, veteran status, or any other basis protected by law. This policy also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful..

3. “Employment Actions”

“Employment actions” are actions by a LGS Recreation employee that result in a significant change in employment status, including, but not limited to, hiring, placement, promotion, transfer, leaves, discipline, lay-off, training, compensation, hours, and benefits.

4. “Harassment”

a. Harassment is a form of unlawful discrimination. Harassment is verbal, physical, or visual conduct or communication based upon an individual’s race, national origin, ancestry, ethnic group identification, religion, age over forty (40), sex, sexual orientation, color, mental or physical disability, marital status, pregnancy, child birth, medical condition, genetic information, gender identity, veteran status, or any other basis protected by law that is sufficiently severe or pervasive to alter the conditions of the individual’s employment and create an intimidating, hostile, or offensive working environment. This policy also prohibits unlawful harassment based on the perception that anyone has any of those characteristics,

or is associated with a person who has or is perceived as having any of those characteristics.

- b. LGS Recreation will determine whether conduct constitutes prohibited harassment from the point of view of a reasonable person possessing the characteristic(s) on which the harassment is based.

5. “Medical Condition”

“Medical condition” as used in this policy has the same meaning as “medical condition” in Government Code Section 12926(h).

6. “Sexual Harassment”

- a. “Sexual conduct” includes unwelcomed sexual advances, requests for sexual favors, and other verbal, visual, and physical conduct of a sexual nature. Sexual conduct can include conduct directed by a man toward a woman or another man, or by a woman toward a man or another woman.

- b. “Sexual harassment” is a form of unlawful gender-based discrimination. Sexual harassment is unwelcome sexual or sex-based conduct made by someone from or in the work environment, when:

- i. Quid Pro Quo Harassment

The harassing person explicitly or implicitly makes an individual’s submission to the conduct a term or condition of the individual’s employment, or uses the individual’s submission to or rejection of the conduct as the basis of employment actions affecting the individual; and/or

- ii. Hostile Working Environment Harassment

The conduct is sufficiently severe or pervasive to alter the conditions of the individual’s employment and create an abusive, hostile, or offensive working environment.

- c. The victim of sexual harassment — that is, the employee or applicant whose working conditions are affected — may be the individual towards whom the harassment is directed or other individuals subjected to the harassment as witnesses.

- d. LGS Recreation will determine whether the conduct constitutes hostile working environment sexual harassment from the point of view of a reasonable person of the same sex as the offended employee.

7. “Retaliation”

Retaliation is adverse employment action taken by LGS Recreation or by a LGS Recreation employee against an individual for reporting alleged discrimination or

harassment, participating in an investigation, or opposing acts or practices prohibited by this policy or by state or federal anti-discrimination laws.

8. “Verbal, Physical, Or Visual Conduct Or Communication”

Verbal, physical, or visual conduct or communication based on an individual’s race, national origin, ancestry, ethnic group identification, religion, age over forty (40), sex, sexual orientation, color, mental or physical disability, marital status, pregnancy, child birth, medical condition, genetic information, gender identity, veteran status, or any other basis protected by law, or on a perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

- a. Verbal harassment includes epithets, derogatory comments or slurs;
- b. Physical harassment includes but is not limited to assault; battery; impeding or blocking movements; physical interference with normal work or movement; and hiding or removing an employee’s equipment, files, or tools, when directed at an individual; and
- c. Visual harassment includes display or circulation, in the workplace or to on-duty LGS Recreation employees, of posters, notices, bulletins, cartoons, drawings, graffiti, pictures, computer graphics, visual media, videos, and other displaying derogatory information and/or images,

D. Policy Distribution

1. Copies of this policy shall:
 - a. be displayed in prominent locations within LGS Recreation where notices regarding LGS Recreation rules, regulations, procedures, and standards of conduct are usually posted;
 - b. be posted on the LGS Recreation website for employee access;
 - c. be provided as part of any orientation program for new employees or when a new employee is hired;
 - d. appear in LGS Recreation publications, including this Policy Manual, that set forth rules, regulations, and standards of conduct.

E. Training

LGS Recreation will provide training to employees on how to recognize harassment and discrimination and how to respond appropriately to complaints.

AR 2.1.0 DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**A. Complaints Concerning Discrimination And Harassment Policy**

Any complaint by an employee or applicant alleging discrimination, harassment or retaliation shall be addressed in accordance with this procedure:

1. Reporting Discrimination Or Harassment**a. Employees Or Job Applicants**

Employees or job applicants who believe they have experienced or witnessed conduct constituting prohibited discrimination or harassment shall report the conduct orally or in writing to any LGS Recreation supervisor or manager.

b. Supervisory And Management Employees

Every LGS Recreation supervisory or management employee who becomes aware of conduct that may constitute prohibited discrimination or harassment shall promptly report the conduct to their LGS Recreation Head, and LGS Recreation Executive Director.

Supervisors, managers, and other LGS Recreation employees receiving discrimination or harassment complaints will not screen, alter, or investigate those complaints, but will immediately forward them to their LGS Recreation Director Recreation Services or Director Elementary School Services, and LGS Recreation Executive Director.

c. Elected And Appointed Officials

Members of the Governing Board who receive a discrimination or harassment report or who become aware of conduct that may constitute prohibited discrimination or harassment shall promptly forward the complaint or information to LGS Recreation Executive Director.

d. Others

Persons doing business with LGS Recreation who believe they have experienced or witnessed conduct constituting prohibited discrimination or harassment may report the conduct orally or in writing to the LGS Recreation Executive Director or the Director of Recreation Services or the Director of Elementary School Services..

e. Complaints Involving LGS Recreation Executive Director Or a The Governing Board Member.

Any employee alleging, or receiving a report alleging, that LGS Recreation Executive Director, or a member of the Governing Board has engaged in prohibited discrimination or harassment shall file or forward his/her complaint to a Governing Board member not named in the complaint or report.

f. False Reports

Employees who knowingly make false complaints or reports of discrimination or harassment or who use this complaint procedure for the purpose of penalizing or retaliating against an individual will be subject to discipline in accordance with established LGS Recreation policies and procedures. A finding that a complaint or report is not substantiated shall not necessarily constitute a finding that this subsection has been violated.

2. LGS Recreation Executive Director

- a. The LGS Recreation Executive Director, Director of Recreation Services, Director of Elementary School Services, Human Resources Supervisor, or Fiscal Services Coordinator may receive discrimination and harassment complaints. The Executive Director will review all discrimination and harassment complaints and oversee resolution as defined in the policy. LGS Recreation Executive Director will assign an investigator when an investigation is required. If engaging an outside investigator appears to be in LGS Recreation's best interests, LGS Recreation Executive Director will so recommend to the Governing Board. LGS Recreation Executive Director will keep the Board informed of the existence and progress of complaints and investigations.
- b. If LGS Recreation Executive Director is named in the complaint, the complaint will be submitted to the Governing Board, and the LGS Recreation Executive Director will not participate in the investigation or any decisions concerning the complaint.

B. Investigation Procedures

1. Preliminary Review

- a. Upon receiving a discrimination or harassment complaint or report, the LGS Recreation Executive Director will review the allegations to determine if they state a discrimination or harassment or a breach of another policy. If the complaint states a violation but can be resolved simply, the LGS Recreation Executive Director will promptly refer the complaint to the appropriate manager or supervisor for resolution. If the complaint states a claim that requires further investigation, the LGS Recreation Executive Director will promptly initiate an investigation. The investigation may be conducted by the LGS Recreation Executive Director or a management member or a third party.
- b. If LGS Recreation Executive Director determines that the allegations would not constitute discrimination or harassment acts even if proved the LGS Recreation Executive Director, will notify the complainant and affected manager or supervisor, record a brief procedural history, and retain this record in LGS Recreation's confidential investigation file.

2. Investigation

The investigator will interview the complainant, the person accused, and other persons who could have relevant information pertaining to the allegations. The investigator will

inform the complainant that the allegations will be kept confidential to the extent possible, but that some information may be disclosed as necessary in the course of the investigation.

Interim Measures

The LGS Recreation Executive Director shall determine if interim measures, such as scheduling changes, transfers, leaves, need to be taken before the investigation is completed. The LGS Recreation Executive Director shall ensure that such interim measure do not constitute retaliation against the complainant.

3. Investigation Results

The investigator will report investigation results to the Governing Board, who will ensure that a summary of the results is conveyed to employees experiencing the offending conduct and to alleged offenders.

C. Remediation

Following the investigation, if the report concludes that acts of discrimination or harassment have occurred, the LGS Recreation Executive Director or Governing Board, as appropriate under LGS Recreation personnel rules, shall:

1. Remedy any employment-related loss suffered as a result of the discrimination or harassment.
2. Take prompt and effective remedial action to stop the prohibited discrimination or harassment.
3. Take reasonable steps to protect victims, complainants, and witnesses from retaliation or reprisal as a result of reporting the discrimination or harassment, participating in the investigation, or opposing discriminatory or harassing acts or practices.

D. Confidentiality

LGS Recreation will respect the confidentiality of the complainant and the individual(s) against whom the complaint is made within the limits of fulfilling its legal obligations, to investigate and remedy claims of unlawful discrimination. Personnel involved in a complaint, including complainants, persons allegedly experiencing offending conduct, alleged offenders, witnesses, investigators, and supervisors, shall not engage in any conversation concerning the complaint that is unnecessary to the investigation and resolution. Employees who violate this section may be subject to discipline.

E. Alternative Complaint Procedures

The procedures described in this policy are intended to supplement and not to replace any applicable state and federal laws and regulations. Employees and job applicants may seek the remedies available under state and federal law by filing formal complaints with the following state and federal agencies:

Department of Fair Employment and Housing
111 North Market Street, Suite 810
San Jose, California 95113-1102
(408) 277-1271

Equal Employment Opportunity Commission
96 North Third Street, Suite 200
San Jose, California 95112
1-800-669-4000 (toll-free)
1-800-669-6820 (toll-free TTY for individuals with hearing impairments)
www.eeoc.gov

Legal References:

EDUCATION CODE

44100 *Legislative intent, affirmative action employment*

GOVERNMENT CODE

11135 *Unlawful discrimination*

12926(b)

12900-12996 *Fair Employment and Housing Act*

LABOR CODE

1102.1 *Employment discrimination: sexual orientation*

CALIFORNIA CONSTITUTION, ARTICLE I, SECTION 31, *Discrimination based on race, sex, color, ethnicity or national origin; gender based qualifications in public employment, education or contracting*

UNITED STATES CODE, TITLE 20

1683 *et seq.* *Civil Rights Restoration Act*

UNITED STATES CODE, TITLE 29

621 *et seq.* *Age Discrimination in Employment Act*

791 *et seq.* *Vocational Rehabilitation Act of 1973, Sections 503 and 504*

UNITED STATES CODE, TITLE 42

2000d & 2000e *et seq.* *Title VI & VII, Civil Rights Act of 1964 as amended*

2000h-2 *et seq.* *Title IX, 1972 Education Act Amendments*

12101 *et seq.* *Americans With Disabilities Act*

BP 2.2 **DISABILITY ACCOMMODATION**

A qualified individual with a disability is one who can perform the essential functions of the job, with or without accommodation. Employees who believe they are a qualified individual with a disability may contact their supervisor or Human Resources so that an evaluation can be made to determine if and how LGS Recreation may accommodate employee needs. LGS Recreation will accommodate qualified individuals with disabilities to the extent consistent with law and LGS Recreation resources. Every effort will be made to handle employee requests for disability accommodation sensitively and to protect the confidentiality of the information the employee shares with LGS Recreation.

Legal References

UNITED STATES CODE, TITLE 42
12101 et seq. *Americans With Disabilities Act*
GOVERNMENT CODE
12900-12996 *Fair Employment and Housing Act*

AR 2.2.0 DISABILITY ACCOMMODATION PROCEDURES

A qualified individual with a disability means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position and who, with or without reasonable accommodation, can perform the essential functions of such position.

In accordance with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, LGS Recreation will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee unless undue hardship would result.

When requesting reasonable accommodation, the employee shall inform his/her supervisor or Human Resources that he/she needs a change at work for a reason related to a medical condition. LGS Recreation may request the employee to supply reasonable documentation about his/her disability. If the documentation submitted by the employee is incomplete, LGS Recreation may require the employee to submit to an examination by a health care professional selected and paid by LGS Recreation.

LGS Recreation will engage in an informal, interactive process with the employee to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential means for providing accommodation.

LGS Recreation will make reasonable accommodation when the accommodation does not impose undue hardship and the employee can perform his or her duties in a manner that would not endanger the employee's health or safety or the health or safety to himself/herself or others.

Every effort will be made to handle employee requests for accommodation sensitively and to protect the confidentiality of the employee's medical information.

In accordance with the applicable laws, LGS Recreation will make reasonable accommodation for conditions related to pregnancy, childbirth or related medical condition, if requested with the advice of the employee's health care provider.

Reasonable accommodation may consist of a modification or adjustment to a job, a work environment or customary work practices and may include, but is not limited to:

1. Job restructuring;
2. Part-time or modified work schedules;
3. Reassignment to a vacant position;
4. Acquisition or modification of equipment or devices;
5. Appropriate adjustment or modification of examinations;
6. The provision of qualified readers or interpreters;
7. Use of accrued paid leave or unpaid leave for necessary treatment; and
8. Reserved parking space for persons with mobility impairment.

Upon receiving a request to reasonably accommodate the physical or mental disability of a LGS Recreation job applicant or qualified employee, the Executive Director shall:

1. Determine the essential functions of the job;
2. Consult with the employee or applicant to determine his or her precise limitations and how they may be mitigated;
3. With the employee or applicant's help, review the request for accommodation, identify potential means for providing accommodation, and assess their effectiveness; and
4. If possible, develop a plan for the accommodation that would satisfy the employee or applicant's concerns without imposing undue hardship on LGS Recreation.

The determination of whether an individual poses a significant risk of substantial harm to others shall be made on a case-by-case basis and shall be based on objective, factual evidence, taking into consideration the duration of the risks, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of potential harm.

The Executive Director may confer with the employee's supervisor, Human Resources, and/or other LGS Recreation staff before making a final decision.

The Executive Director shall notify the employee or applicant of the results of his or her determination.

Legal References:

UNITED STATES CODE, TITLE 42
12101 et seq. Americans With Disabilities Act
GOVERNMENT CODE
12900-12996 Fair Employment And Housing Act
UNITED STATES CODE, TITLE 42
12101 et seq. Americans with Disabilities Act

BP 2.3 RELIGIOUS ACCOMMODATION

LGS Recreation will allow employees to take time off without pay to observe religious holidays that are not otherwise LGS Recreation holidays where reasonable.

Employees who require time off to observe religious holidays should make a request to their supervisor at least three weeks before the date of the planned absence.

Legal References:

GOVERNMENT CODE

12940(a)-(d), (i) *Fair Employment And Housing Act (religious accommodation)*

UNITED STATES CODE, TITLE 42

2000e - 2(a)(i) et seq. *Title VI & Title VII, Civil Rights Act of 1964 as amended (religious accommodation)*

BP 2.4 DRUG AND ALCOHOL-FREE WORKPLACE

- A. The Governing Board believes that drug and alcohol-free workplaces are essential to LGS Recreation operations.
- B. No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during, or after work hours at any LGS Recreation workplace.

This policy covers LGS Recreation employees who perform services for LGS Recreation, and applicants for work with LGS Recreation.

- C. The Executive Director or Executive Director's designee shall publish and give each employee notice of the above prohibitions. The notification shall specify the actions LGS Recreation will take against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction that he/she receives for a violation occurring in the workplace.

For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug and alcohol statutes.

- D. A violation of the prohibitions listed in paragraph B may result in disciplinary action up to and including termination.

*Legal References:***EDUCATION CODE**

44011 *Controlled substance offense*

44940.5 *Procedures when employees are placed on compulsory leave of absence*

45123 *Employment after conviction of controlled substance offense*

45304 *Compulsory leave of absence for classified persons*

GOVERNMENT CODE

8350-8357 *Drug-free workplace*

UNITED STATES CODE, TITLE 21

202 *Schedules I-V*

812 *Controlled Substances Act*

CODE OF FEDERAL REGULATIONS, TITLE 21

1300.1-1300.15 *Definitions relating to controlled substances*

AR 2.4.0 DRUG AND ALCOHOL-FREE WORKPLACE NOTICE TO EMPLOYEES

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee or contractor at a LGS Recreation workplace to unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

“LGS Recreation workplace” is defined as any place where LGS Recreation work is performed, including a building or other premises; any LGS Recreation-owned or approved vehicle used to transport participants to and from activities; any off-sites when accommodating a sponsored or approved activity or function, such as a field trip or athletic event, where participants are under LGS Recreation jurisdiction; or during any period when an employee or contractor is supervising participants on behalf of LGS Recreation or otherwise engaged in LGS Recreation business.

As a condition of your continued employment or contract with LGS Recreation, you will comply with LGS Recreation’s policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify a supervisor of this conviction no later than five days after that conviction.

Pursuant to California Education Code Sections 44836 and 45123, the Governing Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code Section 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

The Board shall determine the type and manner of presentation of the evidence, and the Board’s determination as to whether or not the person has been rehabilitated is final. But the Board may employ a person convicted of such offense, if it determines from evidence presented that the person has been rehabilitated for at least five (5) years. (Education Code Section 45123.)

Employee Signature

Date

BP 2.5 **PERSONNEL RECORDS**

The Executive Director or Executive Director's designee will be responsible for providing the forms and maintaining records required to sustain a complete LGS Recreation personnel system.

AR 2.5.0 PERSONNEL RECORD PROCEDURES

To ensure that records are accurate and up-to-date, employees must notify Human Resources in writing whenever there is a change in the following:

- Name, address, or telephone number.
- Marital status or number of dependents, or beneficiary for life insurance and retirement plan (if applicable).
- Emergency contacts — name, relationship, and daytime phone.
- Education and training.
- Dependent child reaches age twenty-six (26). Once a dependent child reaches age twenty-six (26) he or she is no longer eligible for coverage under LGS Recreation's group health insurance.

An active file shall be kept for all current employees and a permanent file shall be kept for former employees as required by law. The files shall include the years of service to LGS Recreation, salaries paid, leaves granted, and such additional information as LGS Recreation shall deem appropriate and as required by law. LGS Recreation will maintain medical information about employees in separate, confidential medical files and will keep other confidential materials, such as internal investigations, in separate confidential files. Supervisors will not maintain personnel files separate from official LGS Recreation personnel files.

Placement Of Material In Personnel Files

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his or her file, it is with the understanding that his or her signature signifies only that he or she has read the material and does not necessarily indicate agreement with its contents.

Derogatory Information

Derogatory material must be signed and dated by the originating person. Anonymous documents, letters, or other materials shall not be filed. Employees shall be notified when derogatory information is to be placed in their personnel files. The notice shall inform the employee of his/her right to enter, and have attached to any derogatory comment, his or her own comments ten (10) working days after receiving the notice. Any employee so notified may ask to review and comment on the contents. Such a review shall take place during normal working hours. The employee shall be released from duty for this purpose without a salary reduction.

After the employee has reviewed and made written comments on the derogatory material, it shall be entered into the personnel file and shall become a part of the employee's record.

File Review By Employee

All other written materials placed in personnel files shall be made available for the employee to inspect at an off-duty time. Employees wishing to inspect their personnel file shall contact the Executive Director

or Executive Director's designee. Inspection shall take place in the presence of the Executive Director or Executive Director's designee.

All reviews of personnel files shall be recorded, including notation of date and time reviewed, and name and title of the person(s) present during the review.

In no instance shall any material be removed from the file. Requests for copies of material in a personnel file must be made in writing.

Any request by an employee to include any material in the file other than the employee's response to derogatory information must be approved by the Executive Director or Executive Director's designee.

File Review By Management And Board

LGS Recreation shall keep the contents of all personnel files in strict confidence. Management personnel or LGS Recreation legal counsel with a valid "need to know" may, with the Executive Director or Executive Director's designee's authorization, review an employee's personnel file. Governing Board members are not allowed access to personnel files but may request pertinent information from an employee's file in cases of personnel action.

Personnel files shall be reviewed in the office where the files are maintained unless otherwise approved in writing by the Executive Director or Executive Director's designee. Personnel files shall be reviewed and replaced within the shortest time possible. In no case should a personnel file be left unattended or left unfiled overnight.

Legal References:

EDUCATION CODE

- 35253 *Regulations to destroy records*
- 44031 *Personnel file contents and inspection*
- 44663 *Performance appraisals and related materials*
- 35253 *Regulations to destroy records*
- 44031 *Personnel file contents and inspection*
- 44663 *Performance appraisals and related materials*

UNITED STATES CODE, TITLE 5

- 16020-16022 *Records-general provisions*
- 16023-16027 *Retention of records*
- 16020-16022 *Records-general provisions*
- 16023-16027 *Retention of records*

BP 2.6 EMPLOYEES WITH INFECTIOUS DISEASES

The Governing Board encourages employees to inform LGS Recreation of any illness that may affect the employee's job performance as soon as an individual learns of his or her condition. No employee who is otherwise qualified to work may be discriminated against because of his or her condition. Employees significantly impaired by infectious diseases who are qualified individuals with disabilities are protected by law to the same extent, as if they had another protected disability.

When informed that an employee has a disabling infectious disease, the Executive Director or Executive Director's designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the Executive Director or Executive Director's designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The Executive Director or Executive Director's designee may also communicate with the employee's physician regarding the employee's ability to perform the job's essential requirements with reasonable accommodation and without posing a significant health or safety risks to the employee or others.

The Executive Director or Executive Director's designee shall prepare a confidential report that includes his or her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

- The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk;
- The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition; and
- The actual requirements of the employee's job and the expected type of interaction with others in the school setting.

This report shall be forwarded to the Governing Board for confidential review and action.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health that might affect his or her assignment.

The Governing Board and the Executive Director or Executive Director's designee shall ensure that employee rights to confidentiality are strictly observed. LGS Recreation shall disclose medical record information only to the extent permitted by law. LGS Recreation shall hold the medical records of any employee with a disabling infectious disease in strict confidence.

*Legal References:*CIVIL CODE56-56.37 *Confidentiality of medical information*GOVERNMENT CODE12900-12996 *Fair Employment and Housing Act*HEALTH AND SAFETY CODE120975-121020 *Mandated blood testing and confidentiality to protect public health*

UNITED STATES CODE, TITLE 29
701 et seq. Rehabilitation Act of 1983
UNITED STATES CODE, TITLE 42
12101 et seq. Americans With Disabilities Act

BP 2.7 EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

The Executive Director or Executive Director's designee shall insure that LGS Recreation meets state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. The Executive Director or Executive Director's designee shall establish a written plan designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

The Executive Director or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with LGS Recreation's plan, employees who have occupational exposure shall be offered the hepatitis B vaccination at LGS Recreation expense if not covered by private insurance.

The Executive Director or Executive Director's designee may exempt designated first-aid providers from preexposure hepatitis B vaccination under the conditions specified by state regulations.

Any employee not identified as having occupational exposure in LGS Recreation's exposure determination may petition to be included in LGS Recreation's hepatitis B vaccination program. Any such petition should be submitted to the Executive Director or Executive Director's designee, who shall evaluate the request and notify the petitioners of his or her decision. The Executive Director or Executive Director's designee may deny a request when there is no reasonable anticipation of contact with infectious material.

*Legal References:***HEALTH AND SAFETY CODE**

120875 *Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B*

120880 *Information to employees of school district*

CODE OF REGULATIONS, TITLE 8

5193 *California Bloodborne Pathogens Standard*

CODE OF FEDERAL REGULATIONS, TITLE 29

1910-1030 *OSHA Bloodborne Pathogens Standards*

AR 2.7.0 UNIVERSAL PRECAUTIONS

- A. “Universal precautions” is an approach to infection control. According to the universal precautions concept, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.
- B. Human immunodeficiency virus (HIV) and hepatitis B virus (HBV) can be found in blood, semen, vaginal secretions, and breast milk. Other body fluids such as feces, urine, vomit, nasal secretions, sputum, and saliva may contain infectious germs that cause other diseases. It is not always possible to know when blood or body fluids are infectious; therefore, all body fluids shall be handled as if infectious.
- C. All staff shall routinely observe the following universal precautions for the prevention of infectious disease:
1. Wear disposable gloves whenever direct hand contact with blood, other body fluids, or contaminated items or surfaces is expected. This applies to incidents including, but not limited to, caring for nosebleeds or cuts, cleaning up spills or handling clothes soiled by blood or body fluids. Do not reuse gloves. After each use, remove the gloves without touching them outside and dispose of them in a lined waste container.
 2. Wash hands and any other contacted skin surfaces thoroughly for thirty (30) seconds with dispensable soap and warm running water, rinse under running water, and thoroughly dry with disposable paper towels:
 - a. Immediately after any accidental contact with blood, body fluids, drainage from wounds, soiled garments, objects or surfaces;
 - b. Immediately after removing gloves;
 - c. Before eating, drinking, or feeding;
 - d. Before handling food, cleaning utensils, or kitchen equipment; and
 - e. Before and after using the toilet.

When running water is not available, use antiseptic hand cleanser and clean towels or antiseptic towelettes, and use soap and running water as soon as feasible.
 3. Clean surfaces and equipment contaminated with blood with soap and water and disinfect them promptly with a fresh solution of bleach (ten parts water to one part bleach) or other disinfectant. While cleaning, wear disposable gloves and use disposable towels whenever possible. Rinse mops or other nondisposable items in the disinfectant daily.
 4. Properly dispose of contaminated materials and label them as biohazardous.
 - a. Place blood, body fluids, gloves, bloody dressings, and other absorbent materials into appropriately labeled plastic bags or lined waste containers.
 - b. Place needles, syringes, and other sharp disposable objects in leak-proof, puncture-proof containers.

- c. Bag soiled towels and other laundry. Presoak with disinfectant and launder with soap and water.
 - d. Dispose of urine, vomitus, of feces in the sanitary sewer system.
5. If an employee has any uncovered bleeding or oozing wounds or non-intact skin conditions, they are not to care for others' injuries.
6. Use a mouthpiece, resuscitation bag, or other ventilation device when readily available in place of mouth-to-mouth resuscitation.
- D. Staff shall immediately report any exposure incident or first-aid incident in accordance with LGS Recreation's plan or other procedures.

Legal References:

HEALTH AND SAFETY CODE

120875 *Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B*

120880 *Information to employees of school district*

CODE OF REGULATIONS, TITLE 8

5193 *California Bloodborne Pathogens Standard*

CODE OF FEDERAL REGULATIONS, TITLE 29

1910-1030 *OSHA Bloodborne Pathogens Standards*

BP 2.8 CHILD ABUSE REPORTING REQUIREMENTS

The Governing Board recognizes that LGS Recreation has a responsibility to facilitate the prompt reporting of incidents of child abuse and neglect. The Executive Director or the Executive Director's designee shall ensure that parents and guardians have access to procedures whereby they can report suspected child abuse at a LGS Recreation site to appropriate child protective agencies.

The Executive Director or the Executive Director's designee shall establish regulations for use by employees in identifying and reporting child abuse.

LGS Recreation employees shall report known or suspected incidents of child abuse in accordance with LGS Recreation regulations and state law. Employees shall fully cooperate with the child protective agencies responsible for reporting, investigating, and prosecuting cases of child abuse.

*Legal References:*EDUCATION CODE

44690 et seq. Staff development in the detection of child abuse and neglect

PENAL CODE

273a Willful harm or injury to child; endangering person or health

11165-11165.17 Definitions relating to child abuse

11166-11170 Reporting known or suspected cases of child abuse

11172 Immunity from civil or criminal liability resulting from required reporting of known or suspected child abuse; failure to report is a misdemeanor

AR 2.8.0 CHILD ABUSE REPORTING PROCEDURES**Duty To Report**

LGS Recreation employees shall report known or suspected child abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within 36 hours. The reporting duties are individual and cannot be delegated to another individual except under circumstances described in Penal Code Section 11166.

Definitions

1. "Child Abuse" includes the following:
 - a. A physical or mental injury inflicted by other than accidental means on a child by another person.
 - b. Sexual abuse of a child, including sexual exploitation.
 - c. Willful cruelty or unjustifiable corporal punishment of a child, willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody.
 - d. Unlawful corporal punishment or injury resulting in a traumatic condition.
 - e. Neglect of a child or abuse in out-of-home care.
2. "Mandated Reporters" are those people defined by law as "child care custodians," "health practitioners," "child visitation monitors," and "employees of a child protective agency." Mandated reporters include virtually all LGS Recreation employees.
3. "Child Protective Agencies" are those law enforcement and child protective services responsible for investigating child abuse reports, including the local police or sheriff department, county welfare or juvenile probation department, and child protective services.
4. "Reasonable Suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse. (Penal Code Section 11166)

Reporting Procedures

1. To report known or suspected child abuse, any employee (as defined above) shall report by telephone to the local child protective agency.

The telephone report must be made immediately, or as soon as practically possible, upon suspicion. This report will include:

- a. The name of the person making the report.
- b. The name of the child.
- c. The present location of the child.
- d. The nature and extent of any injury.

- e. Any other information requested by the child protective agency, including the information that led the mandated reporter to suspect child abuse.

When the verbal report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify their supervisor as soon as possible after the initial verbal report by telephone.

Employees so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and LGS Recreation regulations. At the mandated reporter's request, the Executive Director may assist in completing and filing these forms.

Legal Responsibility And Liability

1. Employees required to report known or suspected child abuse are not civilly or criminally liable for filing a required or authorized report of known or suspected child abuse.
2. If a mandated reporter fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist, he or she is guilty of a misdemeanor punishable by confinement in jail for up to six months, a fine of up to \$1,000, or both. The mandated reporter may also be held civilly liable for damages resulting from any injury to the child after a failure to report.
3. When two or more persons who are required to report have joint knowledge of a suspected instance of child abuse, and when they so agree, the telephone report may be made by either of them and a single report made and signed by that person. However, if any person knows or should know that the designated person failed to make the report, that person then has a duty to do so.
4. The duty to report child abuse is an individual duty and no supervisor or administrator may impede or inhibit that reporting duty. Furthermore, no person making such a report shall be subject to any sanction.

Victim Interviews

Upon request, a child protective agency representative may interview a suspected victim of child abuse during LGS Recreation hours, on LGS Recreation premises, concerning a report of suspected child abuse that occurred within the child's home. The child shall be given the choice of being interviewed in private or in the presence of any adult LGS Recreation employee or volunteer aide selected by the child. (Penal Code Section 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the Executive Director or the Executive Director's designee shall inform him or her, before the interview takes place, of the following legal requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him or her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.

4. The selected person is subject to the confidentiality requirements of the Child Abuse and Reporting Act, a violation of which is punishable as specified in Penal Code Section 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during LGS Recreation hours when it does not involve an expense to LGS Recreation. (Penal Code Section 11174.3)

Release Of Child To Peace Officer Or Child Protective Services Agent

When a child is released to a peace officer or child protective services agent and taken into custody as a victim of suspected child abuse, the Executive Director or the Executive Director's designee shall not notify the parent or guardian as required in other instances, but rather shall provide the peace officer or agent with the address and telephone number of the child's parent or guardian. It is the responsibility of the peace officer or agent to notify the parent or guardian of the situation. (Education Code Section 48906)

Peace officers and child protective services agents will be asked to sign an appropriate release or acceptance of responsibility form.

When LGS Recreation Employees Are Accused Of Child Abuse

Regardless of who child abusers may be, mandated reporters' major responsibilities are to: (1) identify incidents of suspected child abuse; and (2) comply with laws that require the suspected abuse be reported to the proper authorities. Determining whether or not the suspected abuse actually occurred is not the reporter's responsibility of LGS Recreation employee. Such determination and follow-up investigation will be made by a child protective agency.

Pending the outcome of an investigation by a child protective agency and before formal charges are filed, an employee accused of child abuse may be subject to reassignment or a paid leave of absence.

Upon the filing of formal charges or upon conviction, LGS Recreation may take disciplinary action in accordance with law, LGS Recreation policies, regulations, and/or collective bargaining agreements. The Executive Director or the Executive Director's designee shall seek legal counsel in connection with the suspension or dismissal of the employee.

Legal References:

EDUCATION CODE

44690 et seq. Staff development in the detection of child abuse and neglect

PENAL CODE

273a Willful harm or injury to child; endangering person or health

11165-11165.17 Definitions relating to child abuse

11166-11170 Reporting known or suspected cases of child abuse

11172 Immunity from civil or criminal liability resulting from required reporting of known or suspected child abuse; failure to report is a misdemeanor

BP 2.9 **EMPLOYMENT OF MINORS**

California law requires that all minors under eighteen (18) years of age who have not graduated from High School have a work permit on file with the employer before employment.

New hires under the age of eighteen who have not graduated from High School will be requested to complete a work permit form upon hire. Thereafter, the employee's supervisor will ask the employee to update the form as required by law.

Legal References:

EDUCATION CODE

49100-49183 *Employment of minor*

BP 2.10 EMERGENCIES AFFECTING OPERATIONS

LGS Recreation will be open for business during normal working hours. In the event of emergencies that affect normal business operations (e.g., earthquake, unusual storm conditions, etc.) management will make a determination whether LGS Recreation will be open or closed, and will notify employees by phone or other possible means.

If LGS Recreation is unable to occupy the offices or any worksite due to any emergency, employees may be asked to report to work elsewhere.

Employee will be paid for time off due to emergency closure for up to three (3) days. If LGS Recreation is not able to resume business operations within three (3) days, further time off will be without pay. Should such circumstance occur, employee may use accrued vacation to cover unpaid time off.

SECTION 3

POSITION CLASSIFICATIONS AND
DESCRIPTIONS

BP 3.0 POSITION CLASSIFICATIONS

With supervisors' and employees' assistance, the Executive Director will prepare and maintain thorough job descriptions on all separate employment classes. Each job description shall state whether the job is exempt or nonexempt from Fair Labor Standards Act requirements, and shall specify job duties and qualifications. LGS Recreation will review all job descriptions periodically to determine their continued accuracy, completeness, compliance with applicable state and federal laws, and relevance to LGS Recreation's pay and performance evaluation systems.

Positions are also classified as either exempt or non-exempt according to criteria set forth in the Federal Fair Labor Standards Act and applicable state laws. A position's status is determined in conformance with these laws based on job duties performed. Employees will be informed at the time they are hired whether their position is classified as exempt or non-exempt. Exempt employees are paid base salary for duties and responsibilities that are assigned to them; they are not paid an hourly rate, and do not receive overtime pay.

LGS Recreation further classifies employees as:

- Regular classified employees: Those classified employees who have probationary or permanent status.
- Probationary classified employees: Those classified employees who have not completed their probationary period.
- Full-time classified employees: Those classified employees who are regularly scheduled to work at least thirty-five (35) hours a week.
- Part-time classified employees: Those classified employees who are regularly scheduled to work less than thirty-five (35) hours per week. Part-time classified employees are entitled to the same statutory benefits as full-time employees on a pro-rated basis. They may also be entitled to certain discretionary benefits.
- Seasonal employees (non-classified,): Those employees who work an unspecified, varying number of hours a week according to LGS Recreation needs, but always less than 195 working days.

Legal References:

EDUCATION CODE

45101	<i>Definitions</i>
45106	<i>Exempt classified positions subject to certain provisions</i>
45113	<i>Rules and regulations for classified service</i>
45256	<i>Applies to school district incorporating the merit system</i>

AR 3.0.0 **DEFINITION OF CLASSIFIED EMPLOYEE**A. Employees In The Classified Service

Employees in positions not requiring certification qualifications shall be known as employees in the classified service. The senior management of the classified service, who are those senior management employees whom LGS Recreation's Governing Board has designated as such:

1. A classified employee who regularly works thirty-five (35) or more hours per week for a minimum of ten (10) months shall be designated a full-time employee.
2. The classified service are those employees who have designated titles; regular minimum number of assigned hours per day, days per week; a specific statement of the duties required to be performed by the employees in each such position; and the regular monthly salary ranges for each such position.
3. A classified employee who works less than thirty-five (35) hours per week shall be designated a part-time employee.

B. Non-Classified Employees

The following employees shall not be part of the classified service.

1. Seasonal employees who are employed to perform services for LGS Recreation, upon the completion of which, the service required or similar services are not needed and who are paid for less than seventy-five (75) percent of 195 working days, and substitute employees who are paid for less than seventy-five (75) percent of a school year.
2. Employees in part-time playground positions, recreation leaders, full-time day and part-time students employed part-time, apprentices, and professional experts employed on a temporary basis for a specific project, regardless of their length of employment.

*Legal References:*EDUCATION CODE

- 45103 *Classified service in districts not incorporating the merit system*
 45113 *Rules and regulations for classified service*

AR 3.0.1 EMPLOYEE POSITIONS

The Governing Board has established the following employee positions in LGS Recreation organization:

Senior Management of the Classified Service

- Executive Director
- Director Recreation Services
- Director Elementary School Services
- Human Resources Supervisor
- Fiscal Services Coordinator

Classified Service

- Accountant
- Bookkeeper
- Recreation Supervisor
- Elementary School Services Supervisor
- Recreation Coordinator
- Aquatics Coordinator
- Elementary School Services Coordinator
- After School Enrichment Specialist
- Middle School Program Director
- Middle School Program Coordinator
- Preschool Director
- Preschool Lead Teacher
- Assistant Childcare Director
- Childcare Director I
- Childcare Director II
- Office Manager
- Office Clerk
- Senior Clerk
- Program Registrar I
- Program Registrar II

Non-Classified Employees

- Jr. Recreation Leader
- Recreation Leader
- Sr. Recreation Leader
- Preschool Teacher I
- Preschool Teacher II
- Pool Manager
- Assistant Pool Manager
- Head Lifeguard
- Water Safety Instructor
- Lifeguard
- Day Camp Director
- Sports Official
- Sports Scorekeeper
- Senior Program Assistant
- Locker Room Attendant
- Building Attendant
- General Support Services

After School Sports Coordinator
After School Sports Coach
Summer School Secretary
Summer School Instructor
Summer School Principal
Summer School Vice Principal
Clerical Office Assistant I
Clerical Office Assistant II
Program Instructor

Legal References:

EDUCATION CODE

45103 *Classified service in districts not incorporating the merit system*
45113 *Rules and regulations for classified service*

AR 3.0.2 EXEMPTION FROM WAGE AND HOUR PROVISIONS

The Governing Board designates the following entitled positions as supervisory, administrative or executive and exempt from the Education Code's overtime provisions:

- Executive Director
- Director Recreation Services
- Director Elementary School Services
- Human Resources Supervisor
- Fiscal Services Coordinator
- Accountant
- Recreation Supervisor
- Elementary School Services Supervisor
- Recreation Coordinator
- Elementary School Services Coordinator
- Aquatics Coordinator
- Pool Manager
- Assistant Pool Manager
- Middle School Program Director
- Preschool Director
- Childcare Director I
- Childcare Director II
- Day Camp Director
- Summer School Principal (Temporary)
- Summer School Vice Principal (Temporary)
- Office Manager

The Governing Board certifies that the duties, salary, and authority of the above excluded positions are of such a nature that they should be set apart from those positions that are subject to the overtime provisions. The Governing Board also certifies that the employees serving in such excluded positions will not be unreasonably discriminated against as a result of the exclusion.

Legal References:

EDUCATION CODE

45130 Exclusion from overtime provisions

AR 3.0.3 REVISION OF JOB DESCRIPTIONS, NEW POSITIONS, AND POSITION RECLASSIFICATION**Revision Of Job Descriptions**

The Executive Director shall develop and revise employee job descriptions. He or she shall consult with the employees as necessary to prepare or revise descriptions.

New Positions

New positions are those in which the position's job tasks and qualification standards are sufficiently different from existing position descriptions to justify a new position description. The Governing Board must approve new position requests and pay rate. Upon approval, the Executive Director will prepare a job description before filling such position.

Reclassification

Reclassification means the upgrading of a classified position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in such position.

A classified employee may request reclassification of his or her position if the position's duties and responsibilities have changed significantly from the job description, or the position has been structurally affected by organizational changes. The employee should make the request to the Executive Director, who will consult with other individuals as necessary. If appropriate, the Executive Director will submit the request to the Governing Board for approval. The Governing Board must approve reclassification requests.

Legal References:**EDUCATION CODE****45101 Definitions**

BP 3.1 **PROBATIONARY EMPLOYEES**

The probationary period gives new classified employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. LGS Recreation uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or LGS Recreation may end the employment relationship at will at any time during the probationary period, without cause or advance notice.

All new and rehired employees work on a probationary basis for the first six (6) months after their hire date. Employees who are promoted or transferred within LGS Recreation must complete a new six (6) month probationary period with each reassignment to a new position. An unpaid leave of absence will extend the probation period by the length of the absence. If LGS Recreation determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the Executive Director may extend the probationary period for up to three (3) months.

In cases of promotions or transfers within LGS Recreation, an employee who management judges unsuccessful in the new position can be removed from that position at any time during the probationary period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on whether the employee has achieved permanent status in the former position and whether the former position or a comparable position is available.

Upon satisfactory completion of the probationary period, employees enter the permanent employment classification.

If, when the employee's probationary period nears completion and the supervising personnel consider the employee's performance satisfactory in all respects, the supervising employee will make a retention recommendation to the Executive Director.

*Legal References:*EDUCATION CODE45101 *Definitions for classified employee*45113 *Rules and regulations for classified service*

SECTION 4

RECRUITMENT AND SELECTION

BP 4.0 **RECRUITMENT**

- A. The Governing Board desires to employ the most highly qualified person available for each open position. The Executive Director or Executive Director's designee shall develop recruitment and selection procedures that include:
1. Assessment of LGS Recreation's needs for specific skills, knowledge, and abilities.
 2. Development of job descriptions that accurately describe all essential and marginal functions and duties of each position.
 3. Dissemination of vacancy announcements to ensure a wide range of candidates.
 4. Screening procedures that identify the best possible candidates for interviews.
 5. Interview procedures that determine the best qualified candidate for recommendation to the Governing Board.
- B. The Executive Director or Executive Director's designee shall recommend only those candidates who meet all qualifications established by law and the Governing Board for the position. Nominations for employment shall be based upon screening devices, interviews, observations, and recommendations from previous employers.
- C. No inquiry shall be made with regard to the race, national origin, ancestry, ethnic group identification, religion, age over forty (40), sex, sexual orientation, color, mental or physical disability, marital status, pregnancy, child birth, medical condition, genetic information, gender identity, veteran status or any other basis protected by law.
- D. LGS Recreation employment practices shall not discriminate against legal noncitizen residents. Inquiries to assure employment eligibility shall be made in accordance with Board policy and administrative regulation.
- E. No person shall be employed by the Governing Board without the recommendation or endorsement of the Executive Director or Executive Director's designee, who shall present one candidate to the Governing Board for approval for each vacant position.

*Legal References:*EDUCATION CODE44100 *Legislative intent, affirmative action employment*45103 *Classified service in districts not incorporating the merit system.*GOVERNMENT CODE11135 *Unlawful discrimination*12900-12996 *Fair Employment and Housing Act*LABOR CODE1102.1 *Employment discrimination: sexual orientation*CALIFORNIA CONSTITUTION, ARTICLE I, SECTION 31, *Discrimination based on race, sex, color, ethnicity or national origin; gender based qualifications in public employment, education or contracting*UNITED STATES CODE, TITLE 201683 *et seq.* *Civil Rights Restoration Act*

UNITED STATES CODE, TITLE 29

621 et seq. *Age Discrimination in Employment Act*

791 et seq. *Vocational Rehabilitation Act of 1973, Sections 503 and 504*

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. *Title VI & VII, Civil Rights Act of 1964 as amended*

2000h-2 et seq. *Title IX, 1972 Education Act Amendments*

12101 et seq. *Americans With Disabilities Act*

AR 4.0.0 **RECRUITMENT PROCEDURES**A. Announcement

Announcements for positions in LGS Recreation shall be publicized as necessary and by such methods as the Executive Director deems appropriate. The announcement shall specify the position's title and pay, the nature of the work, typical duties, qualification requirements, application procedures, and any other pertinent information.

B. Application for Open Position

Employment application shall be made as prescribed on the position announcement. Job applications with resumes will be accepted for announced open positions. LGS Recreation does not maintain a mailing list of individuals interested in potential employment. Applications and resumes will not be accepted in advance of announced openings.

C. Selection Examinations

LGS Recreation shall use impartial examination techniques to select prospective new or promotional employees. Examination techniques shall relate to the job content in a way that fairly and accurately measures the applicant's ability to perform the position's duties. Examinations may include, but are not limited to, performance and achievement tests, aptitude tests, other written tests, personal interviews, work samples, medical or other examinations as permitted by law, or any combination of these or other legal criteria.

D. Conduct Of Examinations

The Executive Director will determine the manner and methods of employment examinations. LGS Recreation will accommodate individuals with disabilities in accordance with law. Persons participating in the examination process who cheat, falsify information, or disrupt others shall be immediately disqualified from further consideration. If such persons are current employees, they may be subject to termination.

E. Supplemental Announcements and Examinations

When LGS Recreation has completed examinations and the Executive Director subsequently determines either that there is an insufficient number of qualified candidates available, or that the available candidates do not meet the position's specific needs, the Executive Director may authorize a supplemental examination or announcement.

F. Applicant Limitations

Examinations periodically may result in an unusually large number of applicants who meet the prescribed minimum qualifications. When that circumstance arises, the Executive Director may limit the number of candidates to advance through the examination process based on the following criteria:

1. Length, type, and level of work experience related to the position;
2. Applicability of past work experience to LGS Recreation's facilities, special needs, and problems; and
3. Certificates, technical training or course work, and educational achievements.

G. Examination Records

Records pertaining to any employment-related examinations are confidential, and may not be divulged to any person who does not possess the legal or operational right to know. The Executive Director shall determine who has access to those records.

H. Selection and Appointment of Candidate

After interviews and background checks, the Executive Director or Executive Director's designee shall select the candidate best suited for the position and make the appointment. The Governing Board has final approval for hiring any employee, and shall consider the appointment for approval at its regular monthly meeting.

Legal References:

EDUCATION CODE

45103 *Classified service in districts not incorporating the merit system.*

AR 4.0.1 EMPLOYMENT OF SPOUSES OR REGISTERED DOMESTIC PARTNERS

LGS Recreation will not discriminate in its employment and personnel decisions on the basis of the employee or applicant's marital or family status. But, LGS Recreation retains the right to refuse to appoint an employee or applicant to a position in the same department, wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale. The Executive Director shall have the authority and responsibility for determining if such a potential for adverse impact exists.

If an employee marries or becomes partners of another employee, the Executive Director will make reasonable efforts to assign job duties or transfer one employee as to minimize problems of supervision, safety, security, or morale. When a transfer opportunity is possible, the related individuals will have thirty (30) days to decide who will transfer. If the related parties cannot decide who will transfer, then the Executive Director will. decide which party will transfer.

In cases where there is no reporting relationship, but relatives or cohabitants' working together creates conflict or other disruption to normal operations, LGS Recreation may reassign or transfer such employees as it deems necessary. In cases where such disruptions exist and there are no transfer/reassignment opportunities, the employees will be given thirty (30) days to demonstrate that they can work together without disruption. Related or cohabiting employees who cannot work together without conflict or disruption in the workplace are subject to corrective action up to and including termination of employment.

An employee shall notify his/her supervisor within 30 days of any change in his/her personal circumstances that would be a violation of this policy. The Governing Board member whose family member is seeking employment at LGS Recreation will abstain from voting and from participating in the Board's deliberation on the employment decision of his/her family member.

The employee whose relatives apply for a position or for a promotion at LGS Recreation will not participate in any employment decision concerning the employee's relatives.

For purposes of this policy, relative includes a parent, grand-parents, children, grandchildren, brothers, sisters, aunts, uncles, nieces, nephew, or any individual with whom the employee maintains a personal or business relationship, and the employee's spouse or domestic partner's parent, grand-parents, children, grandchildren, brothers, sisters, aunts, uncles, nieces, nephew, or any individual with whom the employee's spouse maintains a personal or business relationship.

Legal References:

GOVERNMENT CODE

12940 *Unlawful employment practices, exceptions*

AR 4.0.2 EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who join LGS Recreation are well qualified and have a strong potential to be productive and successful, it is LGS Recreation’s policy to check all applicants’ employment references.

When receiving inquiries about current or former employees, Human Resources shall provide employment contract information such as position, salary, and dates of employment. LGS Recreation requires a signed release from the current or former employee before it will release any additional information. A copy of employee releases and references LGS Recreation issues shall be placed in the current or former employee’s personnel file.

Legal References:

CIVIL CODE

47 *Privileged communication*

BP 4.1 **IMMIGRATION LAW COMPLIANCE**

LGS Recreation does not unlawfully discriminate on the basis of citizenship or national origin. LGS Recreation shall ensure that it employs only United States citizens and aliens who are authorized to work in the United States.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing their identity and employment eligibility. Former employees who LGS Recreation rehires must also complete the form if they have not completed an I-9 with LGS Recreation within the past three years, or if their previous Form I-9 is no longer retained or accurate.

*Legal References:*UNITED STATES CODE, TITLE 8

1324(a)(b) *Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986 and Immigration Act of 1990*

CODE OF FEDERAL REGULATIONS, TITLE 8

274(a) *Control of Employment of Aliens*

AR 4.1.0 DETERMINING LEGAL STATUS FOR EMPLOYMENT

A. In accordance with the Immigration Reform and Control Act of 1986, LGS Recreation shall require all new employees to provide documentation of employment eligibility. LGS Recreation shall hire only citizens and aliens who are lawfully authorized to work in the United States. LGS Recreation employment practices shall not discriminate on the basis of citizenship status or national origin, nor shall they discriminate against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

B. New Employees

Within three (3) days of employment, all new employees shall show Human Resources or the designee appropriate documents which certify that they are legally eligible to work. Documents specified by law which serve this purpose are listed on the Employment Eligibility Verification Form I-9. If unable to provide satisfactory documentation, the employee shall furnish a receipt indicating that the needed document has been requested. This receipt must be presented within three (3) days of the hire, and the document itself must be provided within twenty-one (21) days of the hire. Failure to provide the required documents or receipts proving the document or documents have been requested, within three (3) days of employment will result in immediate termination.

Human Resources or the designee shall then complete and sign the Employment Eligibility Verification Form I-9 and keep it on file where it shall be available for inspection by the Department of Homeland Security or Customs Enforcement, Department of Labor, or Department of Justice officers upon request. All Employment Eligibility Verification Form I-9's must be kept on file for a minimum of three (3) years from the date of employment or for one year following termination of the employee, whichever is longer.

Because the documents required to determine employment eligibility may contain confidential information that could affect decisions regarding hiring and/or advancement, Human Resources shall establish procedures to protect the full confidentiality of any copies of such documents made by LGS Recreation.

C. Human Resources or the designee shall examine the documents presented and record the expiration date as it appears on all work authorization permits. This expiration information shall be subsequently flagged so as to remind Human Resources or the designee to verify that the permit has been renewed and that the employee is still able to work.

D. Should an employee present two (2) documents on which the individual's name is not the same, Human Resources or the designee shall ask to see documentation of name change, such as would be provided by a marriage license, divorce papers, court order or other legal document verifying the name change.

E. After examining the documents presented, Human Resources or the designee shall copy them and return the originals to the employee. Such copies shall be used, if needed, only to help justify LGS Recreation's past decision to accept the documents as valid. The copies shall be kept in a confidential file and shall not be used for any other purpose.

F. Human Resources or the designee shall ask the employee to complete and sign the Employment Eligibility Verification Form I-9.

Human Resources or the designee shall complete and sign the Employment Eligibility Verification Form I-9 and shall assure that it is kept until a full year after the employee leaves the job. All Employment Eligibility Verification Form I-9's must be kept on file for a minimum of three (3) years from the hiring date.

Forms shall be available for inspection upon request by officers of the Department of Homeland Security or Customs Enforcement, or Department of Labor, or Department of Justice. Other personnel documents shall not be made available to government agents unless they present a warrant or subpoena.

In order to avoid the loss of any employer rights, all communications received from the Department of Homeland Security, Customs Enforcement, or the Department of Labor, or the Department of Justice shall be answered within thirty (30) days.

Legal References:

UNITED STATES CODE, TITLE 8

1324(a)(b) *Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986 and Immigration Act of 1990*

CODE OF FEDERAL REGULATIONS, TITLE 8

274(a) *Control of Employment of Aliens*

BP 4.2 **FINGERPRINTING**

All new personnel and volunteers working with minors must be fingerprinted via the Live Scan process. All new applicants for positions shall be fingerprinted at the time they are offered employment with LGS Recreation. The offer is contingent upon LGS Recreation determining eligibility for employment after receiving and reviewing a Department of Justice (DOJ) Report of Arrest and Conviction.

The cost of fingerprinting shall be the responsibility of the employee or volunteer.

The Governing Board shall not employ an applicant or allow a volunteer to work with minors until the Department of Justice completes its obligations regarding arrest and conviction information and furnishes a report to LGS Recreation.

All subsequent reports of arrest and conviction received by LGS Recreation from the Department of Justice will be reviewed and a determination will be made as to whether the information is of sufficient concern to place job restrictions on the employee or if the information is of serious concern, the employee will be considered for termination.

*Legal References:***EDUCATION CODE**

- 44332.6 *Criminal record check, county board of education*
- 45122.1 *Classified employees, conviction of a violent or serious felony*
- 45125 *Use of personal identification cards to ascertain conviction of crime*
- 45125.5 *Automated records check*
- 45126 *Duty of Department of Justice to furnish information*

CODE OF REGULATIONS, TITLE 2

- 703 *Release of criminal offender record information*
- 708 *Destruction of criminal offender record information*

BP 4.3 **PHYSICAL EXAMINATION FOR TUBERCULOSIS**

No person shall be initially employed unless he or she has submitted to an examination within the past four (4) years to determine that she or he is free of active tuberculosis. The tuberculosis examination shall consist of an approved intradermal tuberculin test. An X-ray of the lungs shall be required if the intradermal test is positive.

Each employee shall provide to LGS Recreation a certificate from the examining physician showing that the employee is free from active tuberculosis. Persons who have not complied with this policy's provisions shall not be allowed to perform any duties, including teaching classes, with LGS Recreation.

Persons seeking employment with LGS Recreation may satisfy this requirement by either: a) producing a certificate showing that the employee was examined within the past four (4) years and found free of active tuberculosis; b) having the employee's previous school employer provide a copy of the employee's current certificate less than four (4) years old; or c) undergoing the tuberculosis examination.

The Governing Board shall follow the law in those cases where an employee's religious belief prevents him or her from undergoing a physical examination.

Once employed, all employees shall be required to undergo a tuberculosis examination at least once every four (4) years. The cost of a tuberculosis examination is the responsibility of the employee.

*Legal References:*EDUCATION CODE

44839 *Medical certificate; periodic medical examination*

49406 *Examination for tuberculosis*

BP 4.4 TRANSFERS WITHIN LGS RECREATION

Employees interested in transferring to another location or position within LGS Recreation must submit a transfer request in writing to the appropriate program supervisor and send a copy to Human Resources. This request should be in the form of a memo explaining the desired transfer and the reasons for the request. Employee requests for transfer must be well justified and must serve the employee's and LGS Recreation's mutual best interests. LGS Recreation may or may not be able to accommodate requests for transfers, based upon factors including the demonstrated ability, skill or related experience of the employee requesting the transfer, as well as business conditions or requirements.

An employee who has been counseled for below standard performance may not be eligible for transfer. Also, LGS Recreation will usually not approve transfer requests submitted by employees who have not completed one year of service in their present position, unless such transfer is to accommodate the employee's disability or pregnancy.

If LGS Recreation approves a transfer request, the appropriate supervisors will coordinate transfer arrangements to minimize work interruptions in the affected work locations.

It should be noted that no transfer can be made until there is a job opening. Transfer requests will be kept on file by the Human Resources Supervisor (?) but it is an employee's responsibility to re-notify the appropriate work location if an opening occurs for which the employee wishes consideration. All transfers are at LGS Recreation's discretion.

Legal References:

EDUCATION CODE

BP 4.5 RESIGNATION

The Governing Board delegates authority to LGS Recreation Executive Director and management team members to accept any employee's resignation. Once the resignation is accepted, it is irrevocable.

Employees may resign their position at any time. Whenever possible, non-exempt employees are asked to provide at least two weeks written notice before leaving LGS Recreation. Exempt employees are asked to provide four weeks written notice if possible. Failure to give adequate and reasonable resignation notice, although not required, may render the employee ineligible for rehire. A resignation is final and irrevocable when the LGS Recreation Executive Director or any management team member receives and accepts it. LGS Recreation may fix an earlier time when the employee's resignation takes effect.

*Legal References:***EDUCATION CODE**

44930 *Acceptance and effective date of resignation*

45201 *Power of governing board to accept resignation and fix its effective date*

AR 4.5.0 EXIT INTERVIEWS

An employee may be asked to participate in an exit interview which is normally scheduled on the employee's last day of work. The purpose of this interview is to review eligibility for benefit conversion, to ensure that all necessary forms are completed, to collect all LGS Recreation property that may be in the employee's possession (e.g., keys, documents, etc.), and to provide employees with an opportunity to discuss their job-related experiences at LGS Recreation.

SECTION 5

THE EVALUATION PROCESS

BP 5.0 **EVALUATIONS**

The Executive Director or Executive Director's designee shall establish the means by which employees establish measurable goals for their own performance and supervisors evaluate their employees.

Legal References:

EDUCATION CODE

33039 *State guidelines for teacher evaluation procedures*

35171 *Availability of rules and regulations for evaluation of performance*

45113 *Rules and regulations for the classified service*

AR 5.0.0 EMPLOYEE PERFORMANCE EVALUATION PROCEDURES**A. Performance Standards**

The Executive Director will determine performance standards and assume overall responsibility for a performance evaluation system. It is supervisory and management personnel's responsibility to train employees; to assign, direct, control, and review the work of subordinate employees; to make efforts to assist employees in correcting deficiencies; and to evaluate employees objectively during the evaluation period.

Employee performance evaluations are intended to help management make decisions related to training, pay increases, job assignments, employee development, promotion, and retention. LGS Recreation uses performance evaluation reports to determine whether the employee is meeting LGS Recreation's required performance level.

B. Annual Performance Evaluations

All classified employees will be given a performance evaluation annually by their supervisor. The performance evaluation will discuss the performance during the past year, as well as areas that need improvement. The rating supervisor will give the employee a copy of the evaluation report. A signed and dated copy will be placed in the employee's personnel file.

C. Discretionary Performance Evaluations

When supervisory or management personnel believe an employee's performance has changed markedly, the supervisor may complete an unscheduled performance evaluation in the same manner as an annual report. Typically, discretionary performance reports are completed, reviewed with the employee, and placed in the personnel file as a means of formally recognizing the need to correct significant declines in an employee's performance. A discretionary evaluation may, however, also be completed to acknowledge an employee deserving positive recognition.

D. Review With Employee

The employee's supervisor will discuss each formal performance evaluation with the employee. LGS Recreation encourages employees to comment about their work performance, in writing or verbally, and to discuss working conditions and offer suggestions for improving business operations.

The employee shall sign the performance evaluation to acknowledge he or she has read it and discussed it with the rating supervisor. The employee's signature does not necessarily mean that the employee fully agrees with the contents of the report, and the employee may so state on the form before signing.

E. Effects Of Substandard Rating

A substandard rating is any rating below the satisfactory level. Employees receiving a substandard rating or ratings may be subject to the following, among other actions, in accordance with the disciplinary procedures for classified employees set forth in this Personnel Manual as applicable:

1. The employee may be ineligible for promotional consideration until the deficiency is corrected.
2. LGS Recreation may withhold a salary increase.
3. The employee may be involuntary transferred or demoted.
4. The employee may be terminated.

Specific action that may occur as the result of a substandard rating(s) will depend on, but not be limited to, the weight or significance of the evaluation category compared to the importance of other job performance aspects, and the length of time pertinent job factors have been observed by the rating supervisor.

Unless the rating has resulted in involuntary transfer, demotion, or termination, employees receiving substandard ratings will be reevaluated within three to six months to document progress in deficient categories. If the employee's performance in the deficient categories has improved to at least a satisfactory rating and the employee has maintained acceptable performance in other performance categories, the Executive Director may recommend any pay increase otherwise due, and restore promotional considerations.

F. Promotion

It is LGS Recreation's policy to promote existing employees to vacant or new higher-level positions when appropriate, as determined by LGS Recreation. In such cases, the promoted employee will be assigned a new anniversary date effective when the employee assumes the new position. The promoted employee will be required to serve a new probationary period in the new position.

G. Promotional Evaluations

Employees promoted to higher positions will receive at least one performance evaluation during the course of their promotional probationary period. The evaluation will consider the nature, scope, and detail of the promotional position and how the employee is adapting to the position.

H. Retreat To Former Position

LGS Recreation recognizes that the responsibilities and requirements of higher level positions may not prove suitable to a particular employee. In the event a promotional assignment is unsuitable, LGS Recreation may allow the promoted employee to retreat to a former or comparable position, depending, among other factors, upon whether the employee has achieved permanent status in the former position.

Legal References:

EDUCATION CODE

33039	<i>State guidelines for teacher evaluation procedures</i>
35171	<i>Availability of rules and regulations for evaluation of performance</i>
45113	<i>Rules and regulations for the classified service</i>

SECTION 6

COMPENSATION AND PAYROLL PRACTICES

BP 6.0 **COMPENSATION AND PAYROLL PRACTICES**

The Governing Board recognizes the importance of an attractive compensation package which includes salaries, health benefits, and other amenities.

The Governing Board shall adopt separate salary schedules for classified, and management/supervisory/confidential personnel as necessary. The Governing Board grants authority to the Executive Director to administer compensation and payroll procedures in conformance with existing law.

Legal References:

EDUCATION CODE

45160-45169 *Salaries for classified employees*

AR 6.0.0 COMPENSATION PLAN

- A. The Executive Director shall prepare a Compensation Plan for all classes of positions in LGS Recreation service except the Executive Director, whose compensation shall be determined by the Governing Board. The plan will consist of a base salary, salary range, or hourly wage rate for each separate class of employment. The Governing Board must approve the Compensation Plan. In arriving at such compensation rates, consideration will be given to such factors as:
1. Prevailing rates of pay for comparable work in similar employment.
 2. Regional cost-of-living indexes.
 3. Consistency between classes of work having the same or substantially similar duties, responsibilities, requirements and conditions of work.
 4. Differentials that recognize differences among classes with regard to skill, difficulty, responsibility and exercise of supervisory and administrative responsibilities.
- B. For the Executive Director position, criteria to be considered in setting compensation shall include:
1. Providing a compensation level sufficient to enable LGS Recreation to recruit, promote, train and retain qualified and competent personnel for these positions.
 2. Degree of risk-taking and impact on LGS Recreation if an error in judgment is made.
 3. Comparable salaries of other LGS Recreation heads in recreation agencies in surrounding counties.
 4. Years of service.
 5. Education and experience requirements.
 6. Extra duties and assignments delegated by the Governing Board.
 7. Performance.
 8. LGS Recreation's economic condition.
- C. The compensation plan shall be adopted and may be amended from time to time by the Governing Board. The Executive Director may make suggestions to the Board for amendments and revisions to the plans.

*Legal References:***EDUCATION CODE***45160-45169 Salaries for classified employees*

AR 6.0.1 INCENTIVE BONUSES

The Governing Board may elect to provide incentive bonuses for certain classified positions depending upon LGS Recreation's financial condition and/or other criteria as established by the Governing Board. Incentive bonuses may or may not be available at the discretion of the Governing Board. Before the start of a new fiscal year, the Governing Board shall formally approve, adopt, and set forth in writing the specific amounts, eligibility, and general provisions of the incentive bonus program.

AR 6.0.2 COMPENSATION IN VARIOUS SITUATIONS**A. Part-Time Classified Employees**

Part-time classified employees will receive base compensation proportionate to the rate or monthly salary established for the same full-time classification or position. Part-time employees working in a classification different from that of full-time employees shall have their base compensation rate determined by the Executive Director before employment, and consistent with the salary range adopted by the Governing Board. Those employees may be eligible for bonus consideration in the same manner as full-time employees.

B. Compensation Upon Promotion Or Demotion

.Upon the effective date of promotion, the employee will be assigned a new anniversary date.

Any permanent classified employee who is demoted to a position with a lower pay rate or range will be demoted in accordance with disciplinary procedures set forth in this Manual, as applicable.

C. Compensation Upon Transfer

A transfer is a change in position or work location within the same classification, or a change in position or work location as a result of a promotion.

Permanent employees transferred from one position to another having the same or substantially similar duties and pay rate will be compensated at an unchanged rate and with an unchanged anniversary date. Transfers of employees to other positions having a higher established base compensation rate or range must be treated in accordance with the promotion provisions in this Manual.

D. Compensation For Work In A Higher Position

A classified employee may be required to perform duties inconsistent with those assigned to the position by the Governing Board for a period of more than five working days provided that his or her salary is adjusted upward for the entire period he or she is required to work out of classification and in such amounts as well reasonably reflect the duties required to be performed outside his or her normal assigned duties.

Compensation in excess of the employee's base rate will not be authorized unless the employee is qualified to perform in the higher position, and required to perform at least a substantial range of the essential tasks of the higher position.

Higher-position work assignments shall not have any application toward time-in-position considerations such as bonuses, promotion, layoff, or the like.

*Legal Reference:***EDUCATION CODE**

45103 *Classified service*

45160-45169 *Salaries for classified employees*

AR 6.0.3 **PAYROLL PROCEDURES**A. Paydays

All employees are paid monthly on the last working day of the month. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

To ensure the security of all employee's paychecks, paychecks will be issued only to the employee personally unless the employee has provided authorization for LGS Recreation to release it to another person. Anyone authorized to pick up another employee's paycheck will be required to present identification before the paycheck will be released.

If a holiday falls on payday, employees will be paid on the work day before the holiday. A list of paydays will be posted at the beginning of each calendar year.

B. Payroll Deductions And Attachments

Deductions from each employee's gross pay period earnings are of two types: mandatory and voluntary. Mandatory deductions are those required to be made by LGS Recreation by law or court order. Such deductions include state and federal income tax withholding, LGS Recreation's retirement plan in lieu of Social Security (LGS Recreation does not contribute to Social Security), and wage garnishments. Voluntary deductions are those requested by employees to be made on their behalf, and may include such items as optional pension or retirement plans, savings accounts, the employees share of premium contributions for elected LGS Recreation health benefits and voluntary benefits.

Mandatory deductions will be made automatically by LGS Recreation in accordance with applicable legal requirements. LGS Recreation relies on the accuracy of the information provided by an employee in making these deductions. Attachments made to employee paychecks by legal authority of wage garnishment, regardless of cause, will be regarded as a mandatory deduction in the amount, and for the time, specified in the order.

Voluntary deductions will not be made without the employee's written authorization.

C. Pay Advances

LGS Recreation does not provide pay advances on unearned wages to employees.

D. Administrative Pay Corrections

LGS Recreation takes every measure to ensure that employees' paychecks are processed correctly. However, from time-to-time payroll errors can occur. To help ensure that LGS Recreation's payroll is accurate, employees are expected to review each paycheck carefully, and immediately report suspected errors to Payroll. Errors should be reported in writing including the date of the paycheck and details of the suspected error. A copy of the employee's paystub and the relevant time card should be attached to the memo.

Underpayment of less than \$50 will be included in the next paycheck following discovery of the error. Underpayment of more than \$50 will be paid by manual check within three working days of when the error is reported to Payroll.

Legal Reference:

EDUCATION CODE

45160-45169 *Salaries for classified employees*

BP 6.1 **TRAVEL AND BUSINESS EXPENSES**

LGS Recreation shall pay for actual and necessary expenses, including travel, incurred by any employee performing authorized services for LGS Recreation. The Executive Director or the Executive Director's designee may authorize an advance of funds to cover necessary expenses.

Expenses shall be reimbursed within limits approved by the Board. The Executive Director or the Executive Director's designee shall establish procedures for the submission and verification of expense claims.

Legal References:

EDUCATION CODE

- 44032 *Travel expense payment*
- 44033 *Automobile allowances*

AR 6.1.0 **TRAVEL EXPENSES GENERALLY**

Employees will be reimbursed for all reasonable expenses for travel, business meetings, and other expenses incurred on behalf of and in connection with authorized LGS Recreation business.

Travel expenses are controllable expense items at LGS Recreation. Management of, and accountability for, these expenditures rests with all employees incurring travel and entertainment expenses. The employees will not be reimbursed for travel, business related expenses that exceed the maximum authorized in LGS Recreation's policies or had not been authorized by the Executive Director.

Reimbursement for out-of-pocket expenses will only be made when the expenses are incurred in the course of approved LGS Recreation travel. Questions about travel expenses and expense reporting procedures should be directed to a supervisor or Accounting.

LGS Recreation will reimburse only actual out-of-pocket expenses incurred for business-related travel and entertainment. Employees will not be reimbursed for the "value" of an expense which the employee did not actually incur.

*Legal References:***EDUCATION CODE**44032 *Travel expense payment*44033 *Automobile allowances*

AR 6.1.1 LGS RECREATION CREDIT CARD

At the discretion of the Executive Director, certain classified employees may be issued an LGS Recreation credit card to be used strictly for business purposes as authorized by the Executive Director. Since LGS Recreation pays the fee for LGS Recreation credit cards, fees for other credit cards (*e.g.*, personal VISA or MasterCard) are not reimbursable, even if the employee uses such cards for business expenses.

LGS Recreation credit cards must not be used for personal expenses. Use of LGS Recreation credit card for personal expenses could result in disciplinary action.

AR 6.1.2 REIMBURSABLE EXPENSES

The following expenses are reimbursable:

A. Air Fare

Every attempt must be made to book travel plans in advance to take advantage of the lowest reasonable coach airfare. All air fares must be approved in advance by the Executive Director. The employee may fly the airline of their preference only if it offers the lowest fare available at the time they are scheduled to fly.

B. Use Of Personal Automobile

When using a personal automobile for business transportation, the employee will be reimbursed at the currently approved Internal Revenue Service rate per mile, minus the distance of the employee's normal commute. Reasonable parking fees and tolls will also be reimbursed.

C. Shuttles, Taxis, Limo Service

When traveling out-of-town, the most cost-effective means of public transportation should be utilized whenever possible. For example, if a shuttle or shared limo service is less expensive than a taxi, the employee should take either the shuttle or shared limo service.

D. Rental Car

When renting a car is necessary due to lack of public transportation or other necessity, or in the event that it provides the most cost-effective means of transportation, the employee may rent a car and will be reimbursed up to a maximum rental rate of \$100 per day. Unless employees are sharing a car with two or more individuals, compact class cars or the least expensive type of car should be rented. Whenever possible, purchase the refueling option or refuel the car before returning it.

Cars should be rented from the rental agency offering the lowest fare in the location visited, unless the agency offering the lowest rate cannot provide a car in a time frame that enables the employee to arrive on time at their destination.

In the event of an accident while driving a rental car, employees must immediately contact their supervisor and the Executive Director or Human Resources.

E. Lodging

LGS Recreation will reimburse the employee up to \$150 per night for lodging while traveling on LGS Recreation business. All accommodation reservations must be approved by the Executive Director before making final reservations. Lodging expenses in excess of the above will only be reimbursed with the approval of the Executive Director.

Hotel no-show bills will not be reimbursed unless there are extenuating circumstances explained on the expense report and approved by the Executive Director.

F. Meals

LGS Recreation will reimburse the employee for actual meal expenses up to \$100 per day over the duration of the trip (tips are considered part of the maximum daily meal allowance). It is recognized that sometimes the daily amount spent on meals may be under \$100 and sometimes the amount spent may be higher than \$100. However, on average over the duration of the trip, meals should not exceed \$100 per day limit.

Receipts for meals should show the name of the restaurant, and also include the date, the amount of the meal, tip, and total.

G. Other Expenses

1. Tips: Reimbursable up to a maximum of 15% of the services rendered (as shown by receipts for taxis, shuttles, restaurants, etc.). Also, one dollar per bag for airline porters and hotel bellmen is reimbursable.
2. Personal Telephone Calls: One personal call home per day will be reimbursable. Other personal calls should be charged to the employee's personal phone credit card. Employees should not charge personal phone calls to their hotel room.

H. Expenses Not Covered

The following expenses are not reimbursable:

1. Air fare for chartered or private aircraft.
2. Airplane headphones or use of airphones (except for emergency business use).
3. In-room movies.
4. Personal entertainment (e.g., movies, tickets to sporting events or plays) while traveling on business.
5. Hotel laundry and dry cleaning (unless the trip exceeds three (3) business days).

*Legal References:*EDUCATION CODE

44032 *Travel expense payment*

44033 *Automobile allowances*

AR 6.1.3 **OTHER TRAVEL EXPENSE RULES**A. Expenses For Traveling Companions

Generally, expenses incurred by or for a spouse or other companion traveling with the employee on LGS Recreation business are not reimbursable unless he or she is accompanying the employee on a business-related activity where participation from a significant other is requested or invited by LGS Recreation. In order to be reimbursed for the travel costs of a significant other, the employee must have the prior approval of the Executive Director.

B. Staying With Friends And Relatives While Traveling On LGS Recreation Business

In some instances, an employee may have friends or relatives living in an area where business travel is required, and as a result choose to stay with such friends or relatives as opposed to utilizing hotel accommodations. If the employee's stay with friends or relatives is three nights or longer, LGS Recreation will reimburse the employee for a "thank you dinner" for the hosts up to a maximum of \$100 (plus the employee's normal meal allowance). The employee must submit a receipt for such expense to receive reimbursement.

*Legal References:*EDUCATION CODE44032 *Travel expense payment*44033 *Automobile allowances*

AR 6.1.4 EXPENSE REPORTS

All travel and business expenses must be submitted on an LGS Recreation expense report form. Expense report forms can be obtained from each supervisor or are available in soft copy form on the main server in the "Forms" folder. Employees must print, complete, attach receipt for each expense, sign and turn the expense report into their supervisor for approval within seven (7) days from date of expense or completion of business trip. To expedite the approval process, any item outside LGS Recreation's travel guidelines should be accompanied by an explanation. To be reimbursed for an expense, a receipt is required. Expenses submitted for reimbursement for which there is no receipt will not be reimbursed. All receipts must be for LGS Recreation expenses only; there are not to be personal expenses on the receipts. Employees are to review expense reports for accuracy and required receipts before submitting them. Expense reports which have been filled out incorrectly (e.g., illegible entries, missing receipts, etc.) will be returned to the employee for correction before being processed. Expense checks are processed in the regular LGS Recreation check cycle.

For some business situations, a cash advance may be authorized by the Director Recreation Services, Director Elementary School Services, or Executive Director. There is only one cash advance permitted at any time. Each cash advance must be cleared before another one will be issued. Maximum of \$500 will be advanced. For all authorized cash advances, receipts are required to be submitted after purchases are made to clear the advance by attaching them to another completed Reimbursement Expense Form which is to be approved by the Supervisor. Any money not spent from the cash advance is to be returned in the form of a check made payable to LGS Recreation and attached to the Reimbursement Expense Form. An employee will be required to reimburse LGS Recreation if the employee is not able to provide receipts to support a cash advance.

*Legal References:*EDUCATION CODE

44032 *Travel expense payment*
44033 *Automobile allowances*

BP 6.2 HOURS OF WORK AND TIMEKEEPING

The Executive Director or the Executive Director’s designee shall assign hours of work and timekeeping rules for all employees in accordance with law.

Legal References:

EDUCATION CODE

- 45127 *Workweek*
- 45128 *Overtime*
- 45129 *Compensatory time off*
- 45130 *Exclusion from overtime provisions*
- 45131 *Workweek; five consecutive days; overtime*
- 45203 *Paid holidays*
- 45205 *Holiday in lieu of specified holiday*
- 45206 *Substitute holiday*
- 45206.5 *Admission day*

UNITED STATES CODE, TITLE 29

- 201-216 *Fair Labor Standards Act*

AR 6.2.0 **TIMECARDS**

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require LGS Recreation to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Non-exempt employees should accurately record the time they begin and end their work including overtime hours. The non-exempt employees must also record on their timesheet their vacation days, holidays, and sick days taken during that month. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Non-exempt employees should report to work no more than five minutes before their scheduled starting time nor stay more than five minutes after their scheduled stop time without express prior authorization from their supervisor.

It is the employee's responsibility to sign his or her time record to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record after it has been signed, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

Time Keeping Procedure

All nonexempt employees are required to complete and submit the LGS Recreation payroll timecard for each pay period, following the instructions for completing the timecard, according to the published payroll schedule. Employees must record their time worked daily on the timecard. Timecards that are inaccurate, incomplete, not approved, or arrive in Payroll after the due date/time will not be processed until the following month's payroll.

Timecard Instructions

- Employees must sign their timecards – if completing multiple timecards, each one must be signed.
- Timecards must be approved by the employee's supervisor prior to being submitted to Payroll.
- Accurate, complete and approved timecards must be submitted to payroll by 9:00 a.m. on the due date specified on LGS Recreation's published payroll schedule.
- Timecards that are inaccurate, incomplete, not approved, or arrive in Payroll after the due date/time will not be processed until the following month.
- Timecards must reflect the current month's payroll period covered (i.e., the pay period start and end dates) as published on LGS Recreation's payroll schedule. Dates other than those in the current period covered must be submitted on a separate timecard with an approved explanation, i.e., dates from a previous pay period that were not processed/paid.

- All information on timecards must be in ink and must be legible.
- Correct, full name of employee on timecards. No nicknames, aliases or only first or last names.
- Correct, full name of employee's supervisor on timecards.
- Accurate recording of hours worked, including notation of time taken for lunches and/or breaks.
- Accurate calculation of hours worked and totals.

Classified Employees Only:

- If a scheduled holiday falls within the assigned work schedule, employees must indicate the holiday on their timecard to receive holiday pay.
- Employees must record any vacation and sick time taken on their timecard, in addition to recording this activity on the separate Vacation and Sick Timecard Report provided.

Legal References:

EDUCATION CODE

45127	Workweek
45128	Overtime
45129	Compensatory time off
45130	Exclusion from overtime provisions
45131	Workweek; five consecutive days; overtime
45203	Paid holidays
45205	Holiday in lieu of specified holiday
45206	Substitute holiday
45206.5	Admission day

UNITED STATES CODE

29 U.S.C. 201-216	Fair Labor Standards Act
29 C.F.R. Parts 511-800	Department of Labor Relations

AR 6.2.1 **OVERTIME**

Each supervisor will establish work hours as needed to meet LGS Recreation and customer needs. From time to time additional hours (“overtime”) may be requested.

Non-exempt employees will be paid overtime in accordance with the law. Exempt employees’ salaries take into account that they sometimes work long hours. Accordingly, exempt employees are not eligible for overtime pay.

Overtime is all hours worked in excess of eight (8) hours in any day and forty (40) in a workweek except for those employees who work a four-day workweek with the meaning of Education Code Section 45132, in which case daily overtime is paid for all hours worked in excess of ten (10) hours in any day; or a nine (9) hour per day, eighty (80) hours per two (2) week work schedule as authorized by Education Code Section 45133, in which case daily overtime is paid for all hours worked in excess of the required workday. Although general office hours are 7:00 a.m. to 4:00 p.m., Monday through Friday, for the purposes of calculating overtime pay, the workweek begins at 12:01 a.m. Monday morning and runs through midnight the following Sunday. Hours worked include all time spent working on LGS Recreation business (either at LGS Recreation facilities or at a customer site). It also includes time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off, or other paid leave of absence.

Pursuant to Education Code Section 45127, the Board has exempted from the daily overtime requirements the following classes of employees whose positions are subject to fluctuations in daily working hours:

- Assistant Childcare Director
- Junior Recreation Leader
- Recreation Leader
- Senior Recreation Leader
- Water Safety Instructor
- Lifeguard
- Head Lifeguard
- Program Instructor
- Day Camp Director
- Sports Official
- Sports Scorekeeper

A non-exempt classified employee who is required to work on a holiday designated in the California Education Code or by the Governing Board, shall be paid in addition to his or her regular pay, compensation or compensating time off at time and one-half the employee’s regular rate of pay. Non-exempt, non-classified employees are paid at their regular rate of pay if they are required to work on a holiday.

All overtime work must be previously authorized by the employee’s supervisor.

Legal References:

<u>EDUCATION CODE</u>	
45127	<i>Workweek</i>
45128	<i>Overtime</i>
45129	<i>Compensatory time off</i>
45130	<i>Exclusion from overtime provisions</i>

- 45131 *Workweek; five consecutive days; overtime*
- 45132 *Four Consecutive-day work*
- 45133 *Nine-hour per day, 80-hour per 2-week work schedule*

UNITED STATES CODE

- 29 U.S.C. 201-216 *Fair Labor Standards Act*
- 29 C.F.R. Parts 511-800 *Department of Labor Relations*

AR 6.2.2 COMPENSATORY TIME OFF

Nonexempt employees may take compensatory time off in lieu of overtime payment under the following conditions:

- Compensatory time off (CTO) will be earned on the basis of one and one-half hours for each overtime hour worked.
- Accrued CTO hours must be taken by the employee, with approval of supervisory personnel, within one year of when it is earned. End-of-year balances of CTO hours will be converted to overtime pay.
- Earned overtime hours to be taken as CTO must be reported by the employee to supervisory personnel, and supervisors must record the use of CTO hours on the employee's time sheet for payroll purposes.
- In calculating an employee's overtime pay, CTO will be treated as paid time not worked.

Note that it is the employee's option to take compensatory time off in lieu of overtime pay; the employee is not required to do so.

*Legal Reference*EDUCATION CODE

45129 *Compensatory time off*

AR 6.2.3 HOLIDAYS

LGS Recreation grants paid holiday time off to all classified employees on the holidays listed below:

New Year's Day
 Martin Luther King, Jr. Day
 Lincoln's Birthday
 Washington's Birthday
 Memorial Day
 Independence Day
 Labor Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Eve Day
 Christmas Day
 New Year's Eve Day
 Floating Holiday (designated by employee with supervisory approval)

A list of dates on which the holidays will be observed will be provided at the beginning of each new year.

When a classified employee is required to work on any of these holidays, he or she shall be paid compensation, or given compensatory time off for such work in addition to the regular pay received for the holiday at the rate of one and one-half the employee's regular rate of pay. (Non-exempt, non-classified employees are paid at their regular rate of pay if they are required to work on a holiday.)

To receive holiday pay, employees must be at work or on a paid leave of absence the scheduled work day immediately before and after the holiday. Employees on unpaid leave of absence are not eligible for holiday pay. If a paid holiday falls during a scheduled vacation, that day will be coded as a holiday for payroll purposes, and vacation accrual will not be used for the holiday.

If a holiday falls on a Saturday, it will usually be observed on the preceding Friday. Holidays that fall on Sunday will generally be observed the following Monday.

Legal References:

EDUCATION CODE
 45203 *Paid holidays*
 45205 *Holiday in lieu of specified holiday*
 45206 *Substitute holiday*
 45206.5 *Admission day*

AR 6.2.4 ATTENDANCE

Consistent attendance and punctuality are imperative to LGS Recreation's business operations. Poor, uncertain, or irregular attendance disrupts LGS Recreation operations, lowers overall productivity and work continuity, and often is burdensome to other employees. All employees are expected to begin performing their job duties when their shift begins.

Absences from work often place a hardship on co-workers. Accordingly, personal business such as doctor, dental, school, and other appointments should be scheduled before or after normal business hours, or whenever possible, on days off or adjoining meal breaks to minimize disruption to work.

Reporting Absences

Employee who know they will be absent must contact his/her supervisor as soon as possible, at least two (2) hours before the beginning of their scheduled shift.. Failure to provide timely notification of an absence may result in discipline in accordance with the Disciplinary Policy and Administrative Regulation set forth in this Manual, as applicable.

Employee who fail to report his/her absence to his/her supervisor for three or more consecutive working days will be considered to be absent without leave and will be subject to discipline.

Unexcused absences or tardies can have a very serious effect on employee work performance, and accordingly may result in termination of employment. Excessive unexcused absences are defined as more than two (2) instances of unexcused absence within a twelve (12) month period.

All employees are expected to begin performing their job duties when their shift begins. Excessive tardiness is more than two (2) tardies within a twelve (12) month period.

In all cases, honest and truthful reasons for tardiness or absences are expected. Giving false reasons for tardiness or absence may result in discipline.

An employee who is regularly late for work or who misses work without reasonable excuses can be subject to discipline up to termination.

Legal References:**EDUCATION CODE**

45113	<i>Rules and regulations for classified service</i>
45116	<i>Notice of disciplinary action</i>
45191	<i>Leave of absence for illness or injury</i>
45196	<i>Salary: deductions during sick leave</i>
45207	<i>Personal necessity</i>

AR 6.2.5 **MEAL AND REST PERIODS**

Non-exempt employees are provided with meal and rest periods as prescribed by their supervisor and applicable law. Meal breaks allow employees to meet their dietary and health needs, as well as to rest and relax periodically from assigned work tasks.

LGS Recreation provides one thirty-minute non-compensable meal period for non-exempt employees working at least five (5) hours. The employee's supervisor will inform the employee when he or she should take a meal break. Employees are totally relieved of all duties during the meal period and may leave LGS Recreation premises. Employees are required to take their meal periods. However under certain circumstances, employees may be required to consume a meal while working, whereupon the employee shall be paid for the meal period.

An employee whose workday will be completed in less than six (6) hours may waive his or her meal period. Such waiver must be agreed in writing by the Executive Director.

LGS Recreation will provide non-exempt employees a paid one ten (10) minute rest period for each continuous four (4) hour work period. Breaks should be arranged with the employee's supervisor. Breaks are provided so that employees can attend to personal matters such as getting a snack or something to drink, using the restroom, and making unavoidable personal phone calls. Rest periods may not be combined with or added to an employee's meal period unless the supervisor approves it.

Legal References:

UNITED STATES CODE, TITLE 29
201-216 Fair Labor Standards Act
CALIFORNIA LABOR CODE
512(a)

AR 6.2.6 FLEX-TIME/FLEX-LOCATION

The job responsibilities of some limited exempt positions may require that the employee work outside of normal business hours either in the office, from home, or at a program location. Employees in certain limited exempt positions may be allowed at times to work from home during normal business hours for the benefit of LGS Recreation. Flex-time and flex-location are provided at the discretion of the employee's supervisor with management approval. For most positions, flex-time and flex-location is not available.

*Legal References:*EDUCATION CODE

45131 *Workweek; five consecutive days; overtime*

SECTION 7

BENEFITS AND LEAVES

BP 7.0 **BENEFITS AND LEAVES**

LGS Recreation strives to provide competitive and cost effective benefits for employees in recognition of the influence employment benefits have on the economic and personal welfare of each employee. Benefits are the equivalent of additional compensation.

Policies that govern LGS Recreation's benefit program will apply to all employees unless stated otherwise. While most benefits take effect during an employee's probationary period, eligibility for some benefits may not occur until an employee successfully completes probation or satisfies other conditions.

The Governing Board delegates authority to LGS Recreation Executive Director to establish and grant benefits and leaves in accordance with law.

Legal References:

EDUCATION CODE

45103 et seq. Classified service

AR 7.0.0 PRORATION AND COST SHARING OF BENEFITS

Where employees work part-time some benefits will be determined on a prorated amount of hours.

Benefit costs have risen sharply over the years, particularly in the area of insurance plans. Discretionary benefits are those LGS Recreation chooses, but is not required to provide. Employees may be required to share in the cost to continue certain discretionary benefits.

Legal Reference:

EDUCATION CODE

45136 *Benefits of probationary and permanent part-time classified employees*

AR 7.0.1 TYPES OF EMPLOYEE BENEFITS

Eligible employees at LGS Recreation are provided a wide range of benefits.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Some benefit programs may require contributions from employees, while others are fully paid by LGS Recreation. A number of the programs (such as workers' compensation and unemployment insurance) are required by law.

The following benefits are available to eligible employees:

- Bereavement Leave
- COBRA Benefits Continuation
- Differential Leave
- Disability (Long-term)
- Domestic Violence Proceedings Leave
- Educational Assistance
- Educational Leave
- Employee Credits and Discounts
- Family and Medical Leave (FMLA)
- Health Insurance
- Holidays - Paid
- Injury and Illness Leave (Sick Leave)
- Jury Duty/Witness Leave
- Leave of Absence without Pay
- Life Insurance
- Military Leave
- Pregnancy Disability Leave and Transfer
- Rest and Recreation Leave
- Retirement Benefits
- School Activities and Conferences
- Time Off to Vote
- Unemployment Insurance
- Vacation Leave
- Workers' Compensation

AR 7.0.2 WORKERS' COMPENSATION AND UNEMPLOYMENT INSURANCE**Workers' Compensation**

LGS Recreation provides workers' compensation insurance for all employees. LGS Recreation pays the full cost of this coverage. For employees to receive benefits, the injury or illness must arise out of, or in the course of, employment with LGS Recreation.

Industrial Accident Illness Leave

LGS Recreation provides to classified employees sixty (60) working days leave of absence for industrial accident or illness a year. The industrial accident or illness leave shall not be accumulative from year-to-year.

Payment for wages lost on any day shall not, when added to an award granted the employee under the Worker's Compensation laws of this state, exceed the normal wage for the day. The industrial accident or illness leave is to be used in lieu of all other sick leave benefits. When entitlement to industrial accident or illness leave under this Section has been exhausted, entitlement to all other sick leave, vacation or other paid leave may then be used.

If, however, an employee is still receiving temporary disability payments under the Worker's Compensation laws of this state at the time of the exhaustion of benefits under this Section, he/she shall be entitled to use only so much of his/her accumulated and available normal sick leave and vacation leave, which when added to the Worker's Compensation award, provides for a day's pay at the regular rate of pay.

During all paid leaves of absence, the employee shall endorse to LGS Recreation wage loss benefit checks received under worker's compensation law. LGS Recreation shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions when all available leaves of absences, paid or unpaid, have been exhausted. Any employee receiving benefits as a result of this Section shall, during periods of injury or illness, remain within the State of California unless the Executive Director authorized travel outside the state.

Classified Employees

When all available leaves of absence, paid or unpaid, have been exhausted, and if the classified employee is medically unable to assume the duties of the employee's position, the employee shall, if not placed in another position, be placed on a re-employment list for a period of thirty-nine (39) months. When available, during the thirty-nine (39) month period, the person shall be employed in a vacant position in the class of the previous assignment over all other available candidates, except for the re-employment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority. An employee who has been placed on a re-employment list, and has been medically released for return to duty and who fails to accept an appropriate position shall be dismissed.

Notification

In the event of work-related injury or illness, employees are required to contact their supervisor and Human Resources immediately. This notification is required even if the injury or illness seems minor or no time is lost from work. This is necessary to ensure that any subsequent claim is handled correctly and

to comply with legal reporting and record maintenance requirements. Failure to immediately report a work-related injury could result in discipline and/or denial of the employee's claim.

To ensure that employees receive any workers' compensation benefits to which they may be entitled, employees will need to:

- Immediately report any work-related injury to the supervisor and Human Resources;
- Seek medical treatment and follow-up care if required;
- If medical treatment is necessary and sought, complete a written *Employee's Claim for Workers Compensation Benefits* (DWC Form 1) and return it to Human Resources; and
- Provide LGS Recreation with a certification from the health care provider regarding the need for workers' compensation disability leave, as well as the eventual ability to return to work from the leave.

LGS Recreation provides medical treatment for work-related injuries through a medical provider network, which has been chosen to provide medical care to injured employees because of their experience in treating work-related injuries.

The workers' compensation benefits provided to injured employees may include:

- Medical treatment;
- Cash benefits, tax free, to replace lost wages; and
- Assistance to help qualified injured employees return to suitable employment.

Wage benefits generally begin several days after the disability occurs. The benefit amount is determined by the insurance company in accordance with state law. In the event of death due to a work-related injury or illness, a death benefit may also be paid to the surviving spouse and children. As workers' compensation wage benefits generally do not cover full salary, accrued sick leave and/or vacation will be paid to the employee to make up the difference between workers' compensation benefits and the employee's wage or salary.

An employee will be permitted to return from a work-related injury or illness in accordance with the provisions of existing law. Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee under most circumstances will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on worker's compensation leave would have been laid off had he or she not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining LGS Recreation's ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee would not be entitled to reinstatement.

An employee's return depends on his or her qualifications for any existing openings. If, after returning from a workers' compensation disability leave, an employee is unable to perform the essential functions

of his or her job because of a physical or mental disability, LGS Recreation's obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (Family medical Leave Act (FMLA) and the California Family Rights Act (CFRA)), will be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a 12-month period. The 12-month period begins with the date of first absence qualifying for FMLA leave, and rolls forward from that date.

The law requires LGS Recreation to notify the workers' compensation insurance company of any concerns of false or fraudulent claims. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony and may be fined and imprisoned.

Unemployment Insurance

Employees may be eligible for unemployment benefits upon termination of service with LGS Recreation, depending on state law and circumstances connected with termination. The departing employee can file an unemployment claim with the State Employment Development Department, which will explain the rights, benefits, and eligibility determination process provided by state law.

Legal Reference:

EDUCATION CODE

45192 *Industrial accident and illness leaves for classified employees*

45209 *Administrator of unemployment insurance for classified employees*

AR 7.0.3 INSURANCE BENEFITS

LGS Recreation offers a benefits package for permanent classified employees in certain positions. The insurance benefits are designed to protect the employee's (and the employee's family, if dependent coverage is elected) health and welfare. These benefits are intended to assist with the financial impact of health care and catastrophic health conditions.

Insurance coverage includes:

- Medical insurance
- Prescription drug insurance
- Dental insurance
- Vision insurance
- Life insurance
- Disability insurance

The positions eligible for insurance benefits are: Executive Director, Director Recreation Service, Director Elementary School Services, Human Resources Supervisor, Fiscal Services Coordinator, Accountant, Bookkeeper, Recreation Supervisor, Elementary School Services Supervisor, Recreation Coordinator, Aquatics Coordinator, Elementary School Services Coordinator, After School Enrichment Specialist, Middle School Program Director, Middle School Program Coordinator, Childcare Director I, Childcare Director II, Assistant Childcare Director, Office Manager, Senior Office Clerk, and Office Clerk, Program Registrar I, and Program Registrar II.

Full-time classified employees in benefit eligible positions are eligible for insurance benefits as follows:

- Employees contribute \$5 per month for the employee portion of the medical insurance premium, if elected, through a payroll deduction.
- Employees contribute 10% of the medical insurance premium for dependent coverage, if elected, through a payroll deduction.
- LGS Recreation shall pay the full premium for dental and vision insurance for employees and their dependents, if elected for dental and vision insurance composite rates. If the dental and vision insurance rates are tiered, LGS Recreation shall pay the full premium for the employee and the employee shall pay 10% of the dependent premium if elected, through a payroll deduction.
- LGS Recreation shall pay the premium for life insurance for employees. Management and Supervisor positions receive \$30,000 of life insurance coverage and full-time positions receive \$20,000 of life insurance coverage.
- LGS Recreation shall pay the premium for disability insurance for employees.
- LGS Recreation shall pay the entire cost for the employee's membership in the Public Employees Retirement System (7% of base salary).

Part-time classified employees in benefit eligible positions are eligible for insurance benefits as follows:

- Employees working less than full-time shall make the same contribution as full-time employees for the employee portion of the medical insurance premium, if elected, plus an additional percentage of the premium balance based upon their designated percentage full-time equivalent work schedule. The contribution shall be made through a payroll deduction. Any premium for medical dependent coverage, if elected, shall be the responsibility of the employee, through a payroll deduction. For example: 80% FTE Work Schedule (32 hours per week) – employee would pay \$5 for employee premium contribution PLUS an additional 20% of the premium balance and if elected, 100% of any dependent premium.
- Employees working less than full-time shall make a contribution for the composite rate dental and vision insurance premium, if elected, based upon their designated percentage full-time equivalent work schedule. If the dental and vision insurance rates are tiered, the employee shall pay a percentage of the employee premium based upon their designated percentage full-time equivalent work schedule and the employee shall pay any premium for dental and vision dependent coverage, if elected. Contributions shall be made through a payroll deduction.
- LGS Recreation shall pay the premium for life insurance for employees. Part-time positions receive \$10,000 of life insurance coverage.
- LGS Recreation shall pay the premium for disability insurance for classified employees.
- LGS Recreation shall pay the entire cost for the employee's membership in the Public Employees Retirement System (7% of base salary).

Although LGS Recreation provides insurance coverage, it does not accept any responsibility or liability for actions taken by the insurance agency. The employee is responsible for submitting claims and directly resolving with the insurance agency any problems that may occur with claims processing.

Legal References:

EDUCATION CODE

45136 *Benefits of probationary and permanent part-time classified employees*

45137 *Fringe benefits of part-time classified employees*

AR 7.0.4 **VACATION LEAVE**

Vacations are intended to provide employees with a reasonable period of time each year to be free of job responsibilities. Full-time and part-time regular classified employees earn vacation at the prescribed rate. Special conditions regarding vacation for 10 month employees is described below. LGS Recreation shall grant to regular classified employees an annual vacation at the regular rate of pay earned at the time the vacation is commenced.

Probationary classified employees earn vacation at the regular rate for their position, but cannot take vacation time off until satisfactory completion of their six month probationary period.

Vacation Accrual

Full-time employees earn 8 hours vacation beginning with the first full pay period of employment (annualized = 12 days). This accrual will continue through the first year of employment. Full-time employees with 2-5 years employment earn 8.66 hours vacation per pay period (annualized = 13 days). Full-time employees with 6-10 years employment earn 10.66 hours vacation per pay period (annualized = 16 days). Full-time employees with 11 or more years employment earn 14 hours vacation per pay period (annualized = 21 days). The maximum amount of vacation that a full-time employee may accrue is 240 hours. Each pay period, the appropriate accrual amount will be allocated first based on years of service, and any vacation taken will then be deducted. Once the vacation maximum is reached, the employee will not accrue any more until he or she uses vacation and lowers the accrual balance below the maximum. Vacation accrual lost due to reaching the maximum will not be reinstated.

Part-time employees earn an equivalent amount of vacation on a prorated basis up to a maximum of 6.4 hours per month regardless of the number of years of service. Part-time employees have a maximum vacation accrual amount on a prorated basis as well up to a maximum of 192 hours.

If a paid holiday falls during a scheduled vacation, no vacation accrual will be used for the holiday.

Vacation does not accrue during unpaid leaves of absence.

10 Month Employees

Full-time and part-time salaried, exempt employees who work a ten (10) month work schedule earn vacation but they do not use vacation on an individual basis. For 10-month employees, vacation is incorporated into their pay rate and into their work schedule because they are paid for school breaks during the school year when their assigned LGS Recreation program is closed and they do not work.

Vacation Scheduling

Vacation requests should be submitted as far in advance as possible, but not less than one month before the beginning of the vacation period requested. Because of work requirements (*e.g.*, customer commitments) it may be necessary from time to time to withhold approval of a requested vacation. However, whenever possible, LGS Recreation will try to accommodate vacation requests.

Vacation Pay On Separation

Terminated employees shall be paid for all accrued vacation leave earned before the effective date of termination. Employees retiring from LGS Recreation under the PERS Retirement Plan shall have the option to use accrual vacation before established retirement date provided this is not in excess of thirty

(30) working days. Payroll checks issued to employees using accrued vacation before retirement are subject to normal deductions.

Although probationary employees generally are not permitted to take vacation during their probationary period, they are entitled to payment for all accrued vacation should they be terminated before their probationary period is completed.

Legal References:

EDUCATION CODE

45136	<i>Benefits of probationary and permanent part-time classified employees</i>
45137	<i>Fringe benefits of part-time classified employees</i>
45190	<i>Leaves of absence and vacations</i>
45197	<i>Annual vacations</i>

AR 7.0.5 LEAVE OF ABSENCE FOR ILLNESS OR INJURY (SICK LEAVE)

LGS Recreation's illness or injury policy for classified employees provides paid time off for the employee's own or an immediate family member's illness or injury or for personal necessity.

Employees who are absent more than three consecutive days must provide a doctor's statement confirming the illness or injury, and their release to return to work. LGS Recreation, at its discretion and expense may require a doctor's statement/fitness to work exam from a doctor of its choosing.

All classified employees receive twelve (12) paid days leave of absence per year for illness or injury. Part-time classified employees receive leave on a prorated basis. Unused sick leave may be accumulated without limit.

Employees are expected to give honest and truthful reasons for absences. Using sick leave for reasons other than those outlined under these guidelines can result in corrective action up to and including termination of employment.

Employees may also use up to seven (7) days accrued sick leave in cases of personal necessity, including any of the following:

- Death of a member of his or her immediate family when additional leave is required beyond that provided under this Manual's "Bereavement Leave" policy. Members of the immediate family, as used in this section, means the mother, father, legal guardian, grandmother, grandfather, or a grandchild of the employee or of the spouse or registered domestic partner of the employee, and the spouse or registered domestic partner, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law of the employee, or any relative living in the immediate household of the employee.
- Accident involving his or her person or property, or the person or property of a member of his or her immediate family.
- Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena, or any order made with jurisdiction.

Prior approval from the employee's supervisor for utilization of personal necessity is required except when it is not reasonably possible due to the circumstances of the need for the leave.

*Legal References:***EDUCATION CODE**

45191	<i>Leave of absence for illness or injury</i>
45196	<i>Salary; deductions during sick leave</i>
45207	<i>Personal necessity</i>

AR 7.0.6 DIFFERENTIAL LEAVE

Classified employees shall be provided differential leave during an extended illness or disability, up to a maximum of five (5) months from the first day of the extended illness or injury. An extended illness or disability is defined as an illness or disability resulting in an absence of more than five (5) consecutive workdays. The differential pay shall be the difference between the employee's regular monthly salary less the amount LGS Recreation pays a substitute to fill his or her position during the leave. Such differential pay shall continue as long as the employee is absent from duty because of the extended illness or disability to a maximum of five (5) months during a year. Differential leave runs concurrently with accumulated sick leave, compensating time, vacation, or other paid leave and family care and medical leave (FMLA/CFRA).

The five (5) months of differential pay shall be available for each extended illness or disability, even if such illness or disability extends into the next fiscal year. If the employee returns to duty and is subsequently absent because of the same illness or disability, no more than five (5) months of differential pay will be provided in the fiscal year. No pay is provided after five (5) months of differential pay has been used.

If, at the conclusion of all leaves of absence, paid or unpaid, the employee is still unable to assume the duties of his or her position, the employee shall be placed on a reemployment list for a period of thirty-nine (39) months.

*Legal References:***EDUCATION CODE**

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| 45195 | <i>Additional leave for nonindustrial accident or illness</i> |
| 45196 | <i>Salary; deductions during sick leave</i> |

AR 7.0.7 BEREAVEMENT LEAVE

LGS Recreation provides paid time off for all employees to assist dealing with the loss of loved ones.

For the death of an immediate family member, employees receive up to three (3) working days off with pay. Members of the immediate family, as used in this section, means the mother, father, legal guardian, grandmother, grandfather, or a grandchild of the employee or of the spouse or registered domestic partner of the employee, and the spouse or registered domestic partner, son, son-in-law, daughter, daughter-in-law, brother, brother in-law, sister, sister-in-law of the employee, or any relative living in the immediate household of the employee. When travel out of state is required to attend the funeral of family member, LGS Recreation provides up to five (5) days paid bereavement leave. Employees may use accrued vacation to provide compensation for additional time off if approved by LGS Recreation.

Legal Reference:

EDUCATION CODE

45194 *Bereavement leave of absence*

AR 7.0.8 **MILITARY LEAVE**

An LGS Recreation regular classified employee, is entitled to a military leave of absence as provided by federal and state law to attend scheduled drills or training or to engage in ordered military duty.

An employee on military leave will be paid his or her salary for thirty (30) days for either his/her temporary military leave or long-term duty military leave.

Vacation, sick leave, and holiday benefits will continue to accrue during a temporary military leave of absence.

Employees returning from a military leave for less than thirty-one (31) days must return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees returning from a temporary military duty leave not exceeding 180 days will be restored to their former position.. Employee returning from other military duty leave will be granted the reemployment rights provided by federal law.

Employees returning from military leave will be treated as though they were continuously employed for purposes of determining benefits based on length of service. However, this absence does not count as part of the probationary period.

Leave for Spouses of Service Members

An employee who works an average of twenty (20) or more hours per week and has a spouse in the Armed Forces, National Guard or Reserve, who has been notified of an impending call or order to active duty or who has been deployed is entitled to a total of fifteen (15) days of unpaid leave per deployment.

The employee may use accrued vacations, sick leave, compensatory leave, if applicable.

The employee must work an average of twenty (20) or more hours per week and notify Human Resources of his/her intent to take leave for spouse of service members within five (5) business days of receiving official notice of either an impending call to active duty, or of a leave from deployment.

Legal Reference:

UNIFORMED SERVICE EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT, 38 USC, Section 4301, et seq.

CALIFORNIA MILITARY AND VETERANS CODE, Sections 389 et seq. (Temporary Military Leave)

AR 7.0.9 LEAVE OF ABSENCE WITHOUT PAY

The Executive Director may, depending upon the circumstances, grant an unpaid leave of absence to an employee for up to six months. The employee must set forth in writing the reason for the request. An employee's failure to report to work promptly at the expiration of the leave, or within a reasonable time after receiving notice to return earlier, may be cause for discharge.

Legal References:

EDUCATION CODE

45190 *Leaves of absence and vacations*

45198 *Effect of provisions authorizing leaves of absence*

AR 7.0.10 JURY DUTY/WITNESS LEAVE

LGS Recreation encourages employees to fulfill their civic responsibilities by performing jury duty when required.

All employees will continue to receive their full wages less their jury stipend for the period of time on jury duty.

Employees must notify their supervisor of the need for time off for jury duty and submit their jury duty summons to their supervisor as soon as it is received from the court. Depending upon the circumstances and LGS Recreation's workload, the supervisor may request that the employee postpone jury duty. Employees may be required to provide written verification from the court clerk of performance of jury service. When not required to be at court, employees are expected to report to work. For example, if an employee is serving on jury duty, and the court adjourns at noon, the employee is expected to return to work for the remainder of the day. Likewise, if the employee is not required to report to jury duty any day, or partial day during the assigned trial, they are expected to report to work. Employees may retain any mileage allowance paid by the court for jury services.

Legal References:

EDUCATION CODE

44036 *Leaves of absence for judicial and official appearances*

44037 *Jury duty; exemptions*

AR 7.0.11 DOMESTIC VIOLENCE PROCEEDINGS LEAVE

LGS Recreation will not discriminate or retaliate against an employee who is the victim of domestic violence (as defined by law) or sexual assault for taking time off work to obtain any relief, including but not limited to a restraining order or other injunctive relief, to help ensure the health, safety or welfare of the employee or the employee's child.

Such an employee must provide reasonable notice that he or she is required to appear in court or, if an unscheduled or emergency appearance is required, the employee must, within a reasonable time, provide evidence from the court or prosecuting attorney that he or she has appeared in court.

Further, LGS Recreation will grant leave to employee who is victim of domestic violence or sexual assault for medical attention, for domestic violence related services and psychological counseling.

The employee will give advanced notice to his/her supervisor.

The employee can use his/her accrued leaves and vacation for such absences.

Legal References:

LABOR CODE
230 et seq.

AR 7.0.12 **FAMILY AND MEDICAL LEAVE (FMLA)**

A. The federal Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601, et seq. and the California Family Rights Act, Government Code Section 12945.1, et seq. and their respective implementing regulations generally entitle a qualified employee to up to twelve (12) weeks of unpaid leave per year for a child's birth or adoption, to care for a spouse or an immediate family member with a serious health condition, or when a serious health condition renders the employee unable to work. LGS Recreation recognizes the need to have a uniform and comprehensive family and medical leave policy for all employees that conforms to state and federal statutes and their implementing regulation.

B. Types Of Absences Covered

Under the FMLA and/or CRFA an employee may take up to twelve (12) weeks within a twelve (12) month period of unpaid leave of absence for:

1. The birth of a child;
2. Care for the newborn child (birth - twelve (12) months of age);
3. Placement of a child with the employee for adoption or foster care;
4. To care for the employee's parent, child, or spouse; or,
5. An employee's own serious health condition that makes the employee unable to perform the functions of his or her position.
6. "Any Qualifying Exigency Leave" under which an eligible employee may take up to 12 weeks of leave for reasons related to the call to active duty of covered service member spouse, children or parents.
7. Military Caregiver Leave: An employee may take up to 26 weeks leave in a single 12-month period to care for a seriously injured or ill covered service member.

C. Serious Health Condition Defined

Serious health condition is defined as any injury, illness, or impairment that involves:

1. Inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility;
2. Continuing treatment by a health care provider which includes:
 - a. a period of incapacity for a period of three (3) or more consecutive calendar days; or
 - b. requires two or more treatments (visits) to the health care provider; or
 - c. requires at least one visit to the health care provider followed by a regimen of continuing treatment under the supervision of the health care provider.

D. Chronic Conditions

Chronic conditions also are covered by the FMLA. Chronic conditions are defined as conditions that:

1. Require periodic visits for treatment by a health care provider;
2. Continue over an extended period of time; or
3. May cause episodic rather than a continuing period of incapacity (*e.g.*, asthma, diabetes, epilepsy, etc.).

E. Eligibility For FMLA

To be eligible for FMLA leave an employee must have worked for LGS Recreation at least twelve (12) months, and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the request for FMLA leave.

F. Length Of Leave

Under the FMLA an employee is entitled to leave as long as a physician (or other legally qualified health care provider) certifies that the employee's condition (or the condition of the employee's family member) necessitates the employee's absence up to a maximum total of twelve (12) weeks within a twelve (12) month period. This twelve (12) weeks includes sick leave, vacation and other paid time (*e.g.*, disability or workers' compensation) taken while on FMLA.

For example, if an employee has ten (10) days accrued sick leave and ten (10) days accrued vacation at the time FMLA leave begins, the first four (4) weeks of FMLA will be with pay and eight (8) weeks will be without pay for a total FMLA leave of twelve (12) weeks.

G. Intermittent Leave

If an employee or their family member's condition requires only periodic treatment (*e.g.*, chemotherapy or dialysis), they may request FMLA leave on an intermittent basis. Intermittent leave can be taken in hourly increments and will be counted toward the twelve (12) week allotment in the increments taken

(Twelve (12) weeks = four hundred eighty (480) hours, or a prorated portion for part-time employees).

H. Twelve (12) Month Period Defined

The twelve (12) month period for FMLA eligibility begins with the date of first absence qualifying for FMLA leave, and rolls forward from that date. In other words, how much FMLA leave an employee is entitled to depends on how much time they have taken during the twelve month period before their request for leave.

For example:

If an employee takes four (4) weeks FMLA leave beginning September 1, 1998, and then takes another four (4) weeks beginning January 1, 1999 (total eight (8) weeks), they would have four (4) weeks FMLA leave allotment available until September 1, 1999.

I. Accrued Leave

An employee may elect or LGS Recreation may require the substitution of an employee's accrued vacation or other accrued paid leave, other than sick leave, for any part of the employee's family care and medical leave. An employee may elect or LGS Recreation may require the substitution of accrued sick leave and vacation leave for unpaid family care and medical leave when the requested leave is for the employee's own serious health condition or when requested for the birth, placement of a child or care of a family member only under circumstances permitted by LGS Recreation rule, regulation or policy.

J. Benefits Continuation While On FMLA Leave

LGS Recreation shall continue to provide group health and other benefits on the same basis as coverage would have been maintained had the employee not taken leave.

As permitted by law, LGS Recreation may recover from the employee the employee's share of any premium payments missed by the employee for any unpaid family care and medical leave period during which LGS Recreation maintains health coverage by paying the employee's share after the premium payment is missed.

As permitted by law, LGS Recreation may recover from an employee its share of health plan premiums during a period of unpaid family care and medical leave if the employee fails to return to work after the employee's family care and medical leave entitlement has expired.

If an employee does not return to work at the end of the twelve (12) week FMLA period, the employee may continue health care coverage under COBRA.

An employee's entitlement, if any, to benefits other than group health benefits while on family care and medical leave is determined by LGS Recreation's established policies regarding other forms of paid and unpaid leave, as appropriate.

The employee shall retain his or her employee status with LGS Recreation during the leave period. For purposes of layoff, recall, promotion, job assignment, and seniority-related benefits such as vacation, the employee returning from family care or medical leave shall return with no less seniority than he or she had when the leave began.

K. Leave Request

When foreseeable, (*e.g.*, for childbirth or elective surgery), an employee is required to give at least thirty (30) days written advance notice to his or her supervisor and Human Resources before taking a leave.

Unforeseeable circumstances do not require thirty (30) days advance notice. In such case, the employee must give notice as soon as practicable. Failure to give timely notice may affect the employee's ability to take leave as requested.

The written notice must inform LGS Recreation of the reasons for the leave, the anticipated duration of the leave, and the anticipated start of the leave. LGS Recreation's Request for Family and Medical Leave form should be used whenever possible.

An employee's request for leave to care for a child, spouse, or parent who has a serious health condition shall be supported by a certification from the health care provider of the person requiring care. The physician's certification form should be used.

An employee's request for leave because of his or her own serious health condition shall be supported by a certification from the employee's health care provider. LGS Recreation's certification of Health Care Provider should be used.

As permitted by law, at LGS Recreation's discretion and expense, LGS Recreation may require that the employee obtain the opinion of a second health care provider, designated or approved by LGS Recreation in accordance with the appropriate statutory provisions.

L. Qualifying Exigency Leave and Military Caregiver Leave

Employees seeking qualifying exigency and military caregiver leave must give reasonable notice to their supervisor and Human Resources if the exigency is foreseeable. The notice must inform LGS Recreation that a family member is on active duty or called to active duty and give the anticipated length of absence.

M. Return To Work

Employees are expected to return to work when released by their health care provider or when their family member is released. Failure to return to work when released by their or their family member's health care provider will be considered an absence without leave and cause for dismissal. If the employee takes leave for their own serious health condition, they must provide certification from their health care provider of their fitness to return to work.

If the employee returns to work within twelve (12) weeks, they will be returned to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. If an employee is not released to return to work within twelve (12) weeks, the employee may request a personal leave of absence.

Notwithstanding the preceding paragraph, LGS Recreation may refuse to reinstate an employee if all of the following apply:

1. The employee is among the highest paid ten percent (10%) of LGS Recreation employees.
2. The refusal is necessary to prevent substantial and grievous economic injury to the operations of LGS Recreation; and
3. LGS Recreation notifies the employee of the intent to refuse reinstatement at the time LGS Recreation determines this refusal is necessary under subparagraph (b) above.

LGS Recreation shall not refuse to hire and shall not discharge, fine, suspend, expel, or discriminate against any employee because he or she exercises his or her rights under this policy

or gives information or testimony regarding his or her or another person's family care or medical leave in an injury related to such leave.

N. Relationship To Pregnancy Disability Leave

The family care and medical leave provided under this section is in addition to any leave taken on account of pregnancy, childbirth, or related medical conditions for which an employee may be qualified under state law.

Legal References:

GOVERNMENT CODE

12945.1 et seq. California Family Rights Act

UNITED STATES CODE, TITLE 29

2601 et seq. Family and Medical Leave Act

AR 7.0.13 PREGNANCY DISABILITY LEAVE AND TRANSFER

Pregnancy disability leave permits employees to take time off as determined by their physician for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth and recovery from childbirth or related medical condition. Pregnancy disability leave is a separate and distinct leave from family and medical leave, and is in addition to any family and medical leave to which the employee may be entitled.

Leave Entitlement

Any employee who is disabled and unable to work because of pregnancy, childbirth, or a related medical condition, may take an unpaid pregnancy disability leave for the period of actual disability, up to four (4) months.

Pregnancy disability leave need not be taken all once, but may be taken intermittently or on a reduced work schedule, depending on the nature of the employee's pregnancy disability and the recommendations of her health care provider. All such leave taken will be counted toward the four (4) month pregnancy disability leave entitlement.

Compensation During Leave

Pregnancy disability leave is unpaid. The employee may choose, however, to substitute any available sick leave or earned vacation toward her pregnancy disability leave entitlement. The use of paid leave will not extend the total available amount of pregnancy disability leave. During any unpaid portion of the leave, the employee will not accrue sick leave or vacation benefits. The employee may be eligible for state disability insurance for the unpaid portion of her leave.

Benefits During Leave

An employee taking pregnancy disability leave who is also qualified for family and medical leave, will be eligible for employer-paid group health benefits as described in LGS Recreation's family and medical leave policy, above. For these employees, the entitlement to a maximum of twelve (12) weeks of benefits in a twelve (12) month period begins with the commencement of pregnancy disability leave.

Leave Procedure

Requests for extension of a pregnancy disability leave will be considered if they are received in writing before the expiration of the approved leave, and supported by proof of continued disability in the form of a physician's statement, and seek extensions that do not cause the total period of absence to exceed four (4) months.

Leave Extensions

Employees returning to work from a pregnancy disability leave not exceeding four (4) months are entitled to reinstatement to the same or comparable position, consistent with applicable law.

Pregnancy-Related Transfers

An employee who is affected by pregnancy or a related medical condition is eligible to transfer to a less strenuous or hazardous position, or to less strenuous or hazardous duties. The employee must provide LGS Recreation with a certification from her health care provider stating that the transfer is medically

advisable and the period during which the transfer is needed. If a less strenuous or hazardous position is available, LGS Recreation will grant such a transfer request.

Legal References:

EDUCATION CODE

45193 *Leave of absence for pregnancy*

GOVERNMENT CODE

12945 *et seq.* *California Family Rights Act*

AR 7.0.14 TIME OFF TO VOTE

LGS Recreation encourages employees to fulfill their civil responsibilities by participating in official state-sanctioned elections. Generally, employees are able to find time to vote either before or after their regular work schedules. If employees are unable to vote in such an election during their non-working hours, LGS Recreation will grant up to two (2) hours of paid time off to vote. Employees should request time off to vote from their manager at least two (2) working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two (2) hours combined. Under these circumstances, an employee will be allowed a maximum of two (2) hours of time off during an election day without loss of pay.

*Legal Reference:*CALIFORNIA EVIDENCE CODE*14001 Voting in statewide election*

AR 7.0.15 EDUCATIONAL LEAVE

At its discretion, LGS Recreation may provide unpaid educational leaves of up to one (1) year for full-time employees with three (3) or more years service. These leaves are to allow an employee to return to school to obtain more training or education directly related to improving their technical knowledge and job skills. While the employee is on educational leave they may continue health insurance through COBRA. Sick leave, vacation, and other benefits will not accrue while on unpaid educational leave.

While on educational leave, LGS Recreation will not hold open the employee's position. However, LGS Recreation will attempt to return the employee to the same job classification, if such a position is open at the time the employee is due to return to work.

*Legal References:***EDUCATION CODE**

45190 *Leaves of absence and vacations*

45198 *Effect of provisions authorizing leaves of absence*

AR 7.0.16 EDUCATIONAL ASSISTANCE

LGS Recreation recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that regular, full-time employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within LGS Recreation.

At its discretion, LGS Recreation may provide educational assistance in the form of payment for classes to full-time employees who have good performance evaluations with LGS Recreation and who have been full-time employees for one (1) year preceding their request. To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course.

Courses must be related to the employee's current job duties or a foreseeable future position in the organization. LGS Recreation has the sole discretion to determine whether a course relates to an employee's current or future job duties.

Although educational assistance is expected to enhance employee performance and professional abilities, LGS Recreation does not guarantee that completion of the courses will lead to automatic advancement, a different job assignment, or pay increases.

AR 7.0.17 SCHOOL ACTIVITIES AND CONFERENCES

Employees wishing to take time off to participate in the school activities of their children or to attend disciplinary conferences may do so under the guidelines listed below. For the purposes of this policy, “child” is defined as natural born child, adopted child, stepchild, grandchild in the employee’s legal custody, or foster child of whom the employee has legal guardianship.

Guidelines for school activities leave are as follows:

- Employees may take off up to eight (8) hours per month up to a total of forty (40) hours per school year;
- Employees may use accrued vacation, personal leave, or compensatory time for such absences, or take time off without pay;
- Leave must be used only for participation in a child’s school activity or to attend a disciplinary conference;
- Leave must be requested in writing at least two (2) weeks in advance, if possible.

Legal References:

EDUCATION CODE

48900.1 *Attendance of suspended child’s parent or guardian for portion of school day*

LABOR CODE

230.7 *Discharge or discrimination against employee for taking time off to appear in school*

230.8 *Discharge of or discrimination against employee for taking time off to visit child’s school or daycare facility*

AR 7.0.18 REST AND RECREATION LEAVE

Exempt employees are paid a base salary for all services rendered as opposed to payment of wages for actual time worked. Accordingly, exempt employees are not entitled to overtime pay or compensatory time off. However, LGS Recreation recognizes that from time to time exempt employees must work excessive hours in order to meet customer needs.

When such circumstances occur, exempt employees may request up to three (3) days of paid rest and recreation leave per year. Rest and recreation leave must be requested at least one (1) week in advance of the leave.

*Legal References:***EDUCATION CODE**

- 45130 *Exclusion from overtime provisions*
- 45190 *Leaves of absence and vacations*
- 45198 *Effect of provisions authorizing leaves of absence*

AR 7.0.19 EMPLOYEE CREDITS AND DISCOUNTS

Permanent classified employees, their spouses and their dependent children are eligible to receive certain credits and discounts for LGS Recreation classes and programs excluding World of Discovery and in the event of special circumstances or arrangements, any class or program determined by the Executive Director to be unavailable under this policy. Individuals may participate in the class or program only if there is space available. In the event of a waiting list, the employee will be admitted after everyone on the list has been admitted. A written evaluation is required to be submitted to the Executive Director or the Executive Director's designee at class/program end.

Additionally, classified employees, with approval of Executive Director, may use the Los Gatos Youth or Adult Recreation Center for social functions at no charge when the facility is available. If approval for use of a facility is granted, the employee is responsible for the security of the facility and cleaning.

AR 7.0.20 BENEFITS CONTINUATION (COBRA)

COBRA stands for the federal Consolidated Omnibus Budget Reconciliation Act. COBRA gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage at their own cost under LGS Recreation's health plan when a "qualifying event" normally would result in the loss of eligibility. Employees are responsible for advising LGS Recreation of any changes that may affect their eligibility for benefits, such as divorce or legal separation, medical eligibility, or when a child is no longer considered a dependent child under LGS Recreation's health insurance policy. After a "qualifying event" occurs, LGS Recreation will send a COBRA notice to the employee in accordance with existing law.

BP 7.1 **RETIREMENT BENEFITS**

Effective January 1996, all classified employees participate in LGS Recreation's retirement plan through California Public Employee's Retirement System (CalPERS). This written policy affirms the long standing practice of LGS Recreation paying the normal member contributions for the classified employees, as well as the monthly fee for the survivor benefit. Normal member contributions are paid at the rate of seven percent of base salary or as otherwise required by law.

LGS Recreation provides the retirement plan in lieu of social security.

BP 7.2 **ALTERNATE RETIREMENT BENEFITS**

All employees not eligible for participation in LGS Recreation's retirement plan through California Public Employee's Retirement System (CalPERS) participate in the Accumulation Program for Part-Time and Limited-Service Employees (APPLE Plan). LGS Recreation provides the retirement plan in lieu of social security.

SECTION 8

GRIEVANCES

BP 8.0 **GRIEVANCE PROCEDURE**

The purpose of LGS Recreation's grievance procedure is to attempt to secure equitable solutions to grievances at the lowest possible level. Toward this end, employees and their immediate supervisors are encouraged to promptly address and work together to resolve problems informally when possible.

The Executive Director or the Executive Director's designee has the responsibility for administering a comprehensive grievance procedure for all employees.

AR 8.0.0 **GRIEVANCE STEPS**

It is in the best interest of the employees and LGS Recreation to resolve problems at the lowest level soon after they arise. Employees are encouraged to bring their concerns to their immediate supervisors to promote prompt and informal resolution of problems.

A “grievance” is a formal written allegation that there has been a violation, misinterpretation, or misapplication of specific provisions of LGS Recreation policies and administrative regulations. Only personnel policies and administrative regulations relating to terms and conditions of employment can be grieved.

Step 1: Within thirty (30) days of the act or omissions which gave rise to the grievance, or within thirty (30) days of when the act or omission first came to the grievant’s attention; or in the exercise of reasonable diligence should have come to the grievant’s attention, the grievant may present a written grievance to his/her immediate supervisor. The written statement of the grievance shall contain:

1. The name and job classification of the grievant.
2. The grievant’s work site.
3. The name of the grievant’s immediate supervisor.
4. A statement of the nature of the grievance including date and place of occurrence.
5. The specific LGS Recreation personnel policy, administrative regulation or procedure alleged to have been violated.
6. The reasons why the immediate supervisor’s proposed resolution of the problem is unacceptable.
7. The remedies sought by the grievant.
8. The date and the grievant’s signature.

The immediate supervisor shall respond to the grievance in writing within twenty (20) working days from the date of its receipt.

Step 2: If the employee is dissatisfied with the decision of his/her supervisor in Step 1, he or she may submit the grievance to their division Director, either the Director of Recreation Services or the Director of Elementary School Services. If the grievant does not appeal in writing within ten (10) working days of receipt of the Supervisor’s Step One response, the grievance is deemed to be resolved. The Director shall respond to the appeal in writing within twenty (20) working days of its receipt.

Step 3: If the employee is dissatisfied with the decision of the Director in Step 2, or if there has been no response from the Director within twenty (20) working days from submission of the formal grievance, he or she may submit the grievance to the Executive Director. If the grievant does not appeal in writing within ten (10) working days of receipt of the Director’s Step Two response, the grievance is deemed to be resolved. The Executive Director shall respond to the appeal in writing within forty-five (45) working days of its receipt.

Step 4: If the employee is dissatisfied with the decision of the Executive Director in Step 3, or if there has been no response from the Executive Director within forty-five (45) working days from submission of the

formal grievance, he or she may submit the grievance to the Governing Board. If the grievant does not appeal in writing within ten (10) working days of receipt of the Executive Director's Step Three response, the grievance is deemed to be resolved. The Governing Board shall respond to the appeal in writing within forty-five (45) working days of its receipt. Within this period, the Governing Board, at their discretion, may conduct an informal hearing involving the parties to the dispute. The Governing Board's decision on the issue is final.

General Conditions For All Grievances

Any time limit set forth in this grievance policy may be extended by written agreement between the parties.

Except by mutual agreement, failure by LGS Recreation at any level to communicate a decision within the specified time limit shall permit the employee to proceed to the next level.

The Executive Director's Office shall serve as the central repository for all grievance records. The records will be filed separately from the grievant's personnel file.

Legal References:

EDUCATION CODE

45113 *Rules and regulations for classified service*

SECTION 9

EMPLOYEE CONDUCT AND DISCIPLINE

BP 9.0 **EMPLOYEE USE OF SOCIAL MEDIA****LGS Recreation's Expectations Regarding Social and Educational Networking Sites**

LGS Recreation realizes that part of 21st century interaction is adapting to the changing methods of communication. It is important that employees engage, collaborate, learn, and share in these digital environments. To this aim, LGS Recreation has developed the following policy to provide direction for employees when participating in online social media activities.

The Governing Board respects the right of employees to use social networking sites to communicate with others. Social Media is defined as any form of online publication or presence that allows users to engage in multi-directional conversations in or around the content on the website. A large percentage of internet traffic is centered on social media. Social Media includes: Facebook, MySpace, Twitter, You Tube, blogs, wikis, social bookmarking and email.

Expectations for Use of Social Networking Sites

1. LGS Recreation employees are personally responsible for the content they publish online. Employee online communication should reflect the same standards of honesty, respect, and professionalism that are used face to face. Employees are cautioned against disclosing personal information or conduct which when it becomes public knowledge, in or outside the workplace, undermines an employee's ability to fulfill their responsibilities and maintain the trust of management, co-workers, customers and/or community partners.
2. Any postings referencing LGS Recreation shall strive to be professional and respectful of LGS Recreation employees, customers and participants, as well as community partners. Professional, ethical discretion and judgment is to be used in any postings referencing LGS Recreation. Confidential or sensitive information about LGS Recreation employees, customers and participants, as well as community partners is not to be posted online for any reason.
3. Employees communicating with other employees, customers and participants, or community partners electronically shall maintain proper professional relationships by not demonstrating or expressing improper interest in the personal life of other employees, customers and participants, or community partners and by honoring proper adult boundaries with others at all times.
4. Employees should visit and regularly update their social networking sites to confirm appropriate privacy settings.
5. The Executive Director or the Executive Director's designee shall ensure that this policy is available and communicated to all employees.

BP 9.1 **EMPLOYEE CONDUCT**

The Executive Director or the Executive Director's designee has authority to set standards for employee conduct and administer a system for employee discipline.

Legal References:

EDUCATION CODE

45113 *Rules and regulations for classified service*

45116 *Notice of disciplinary action*

AR 9.1.0 STANDARDS OF EMPLOYEE CONDUCT

LGS Recreation employees are expected to comply with the following requirements:

- Read and follow the guidelines established in this Manual and other LGS Recreation manuals or management memos.
- Perform duties as assigned by the employee's supervisor.
- Always conduct him or herself in a polite, professional manner, treating customers and co-workers courteously and respectfully.
- Communicate well by asking questions, providing complete information, and expressing concerns openly, with respect and to the appropriate person. Good communication, both verbal and written, requires courtesy and respect. When discussing issues with others, LGS Recreation expects that employees will listen carefully to the other party(ies), respect their right to an opinion, and politely express their views to ensure that all communications are effective.
- Dress appropriately for the job as outlined under *Grooming and Appearance*.
- Be on-time for meetings and appointments, and deliver work projects by assigned due dates (or deadlines).
- Maintain assigned work areas in a clean and orderly fashion.
- Conduct a safety check of assigned equipment at the beginning of the employee's shift.
- Immediately report any problems with equipment or customers to management and/or the employee's supervisor.
- Perform all job duties safely.
- Produce quality work with minimal errors.
- Meet performance goals or standards as set by management.
- Provide honest, truthful, and accurate information regarding personal work history, education, and training.

AR 9.1.1 **SMOKING**

There shall be no smoking in any LGS Recreation building or on LGS Recreation premises and vehicles. Employees should politely inform visitors of this rule.

Legal References

LABOR CODE

6404.5

AR 9.1.2 LGS RECREATION FILES, FACILITIES, AND EQUIPMENT

The security of LGS Recreation property is vital to LGS Recreation's future success. All employees share responsibility for ensuring that LGS Recreation property is protected. LGS Recreation property includes not only tangible items like desks, computers, tools, and equipment, but also intangible property such as proprietary information. Proprietary information includes all information obtained by employees during the course of their work for LGS Recreation. Examples of proprietary information include (but are not limited to) customer lists, customer files, and computer records.

Employees must return all items containing proprietary information to LGS Recreation before leaving employment. To protect data and software on LGS Recreation computers, employees are prohibited from loading personal software onto LGS Recreation computers without the express permission of the Executive Director. Computer equipment should not be used for personal business; however allowances may be made for employees to use the computer equipment for minimal and incidental personal use that does not interfere with the employee's job responsibilities and is approved by the employee's supervisor with management approval.

Manual files may not be used for other than LGS Recreation business without the express permission of the Executive Director.

LGS Recreation stationery or materials with LGS Recreation's name or logo must not be used for personal correspondence, because any type of communication sent on LGS Recreation stationery or materials with LGS Recreation's name or logo might be considered an official communication.

AR 9.1.3 SECURITY AND CONFIDENTIALITY

LGS Recreation maintains strict control over entrance to the premises, access to work locations and records, computer information, and cash or other items of monetary value. Employees who are assigned keys, given special access, or assigned job responsibilities in connection with the safety, security, or confidentiality of confidential information or items of monetary or business value are required to use sound judgment and discretion in carrying out their duties, and will be held accountable for any wrongdoing or acts of indiscretion and may be subject to disciplinary action up to and including termination. Employees who are uncertain whether information is confidential should ask their supervisor.

AR 9.1.4 PERSONAL GROOMING STANDARDS

LGS Recreation believes that appropriate dress and grooming by LGS Recreation employees contribute to a professional environment. During work hours and at work activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for work, present an image consistent with their job responsibilities and assignment, and not endanger the health or safety of themselves or others. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

Employees who report to work inappropriately groomed or attired may be asked to leave and change into acceptable clothing. Clothing should be clean, neat, and free from tears.

Casual clothing is acceptable for office employees, but a professional image is still necessary in the event that a customer visits LGS Recreation offices. Therefore, employees should use good judgment when selecting casual attire for the office.

When visiting a customer site, or when having contact with a customer at some other location (e.g., meeting for lunch at a restaurant), employees should wear attire that is consistent with the customer's standard of dress. When visiting or meeting with a customer from a formal environment, employee should wear formal business attire such as a suit, business dress, jacket and slacks, dress shirt, and tie.

*Legal References:*EDUCATION CODE*35160 Authority of governing boards**35160.1 Board authority of school districts*GOVERNMENT CODE*12949 Dress standards, consistency with gender identity*

AR 9.1.5 UNAUTHORIZED VISITORS

Friends, relatives, or other unauthorized persons will not be permitted to visit an employee during working hours or at a work location without the express permission of supervisory personnel. Employees should exercise good judgment in their handling of an unforeseen visit, and should inform the visitor of LGS Recreation's policy.

AR 9.1.6 EMPLOYER PROPERTY, SECURITY, PRIVACY, SEARCHES AND EMPLOYEE USE OF TECHNOLOGY

Desks, storage areas, work areas, lockers, file cabinets, credenzas, computer systems, office telephones, modems, facsimile machines, duplicating machines and all other equipment are LGS Recreation's property and must be maintained according to this policy. All such areas and items must be kept clean and are to be used only for work purposes, except as provided in this policy.

Privacy and Right to Monitor

LGS Recreation reserves the right, at all times, and without prior notice to inspect and search any and all LGS Recreation property for the purpose of determining whether this policy or any other LGS Recreation policy has been violated, or whether such inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. Such inspections may be conducted during or after business hours and in the presence or absence of the employee.

LGS Recreation's computer systems and other technology resources, including any voicemail or email systems are provided for use in the pursuit of LGS Recreation's business and are to be reviewed, monitored, and used only in that pursuit, except as provided in this policy. As a result, computer data, voicemail, and email are readily available to numerous persons. If during the course of employment an employee performs or transmits work on LGS Recreation's computer systems or other technology resources, the work may be subject to the investigation, search and review by others in accordance with this policy. In addition, any electronically stored communications that an employee either sends to or receives from others may be retrieved and reviewed where such investigation serves the legitimate business interests and obligations of LGS Recreation.

Employees of LGS Recreation are otherwise permitted to use LGS Recreation's equipment for occasional, non-LGS Recreation purposes with permission from their direct supervisor. Nevertheless, the employee has no right of privacy as to any information or file maintained in or on LGS Recreation's property or transmitted or stored through LGS Recreation's computer systems, voicemail, email, or other technology resources.

For purposes of inspecting, investigating, or searching employee's computerized files or transmissions, voicemail, or email, LGS Recreation management may override any applicable passwords or codes in accordance with the best interests of LGS Recreation, its employees, or its customers or visitors. All bills and other documentation related to the use of LGS Recreation's equipment or property are the property of LGS Recreation and may be reviewed and used for purposes that LGS Recreation management considers appropriate.

Employees may access only files or programs, whether computerized or not, that they have permission to enter. Unauthorized review, duplication, dissemination, removal, damage, or alteration of files, passwords, computer systems, or programs, or other property of LGS Recreation, or improper use of information obtained by unauthorized means, may be grounds for disciplinary action, up to and including termination.

Personal Calls

LGS Recreation recognizes that employees may occasionally find it necessary to use LGS Recreation's telephones for personal business. Such calls must be kept to a minimum and must be made only during

break or lunch periods. All personal, long-distance telephone calls must be reported to LGS Recreation management in a timely manner and paid by the employee who made the call.

Personal Items

For security reasons, employees should not leave personal belongings of value in the workplace. Personal items are subject to inspection and search, with or without notice, with or without the employee's prior consent.

Terminated employees should remove any personal items at the time they leave LGS Recreation. Personal items left in the workplace by previous employees are subject to disposal if not claimed at the time of the employee's termination.

Use of Technology Resources

LGS Recreation's technology resources — including but not limited to electronic communication systems, computer systems, intranet, Internet access, voicemail, electronic mail (email), World Wide Web access, and electronic bulletin boards — enable employees quickly and efficiently to access and exchange information throughout LGS Recreation. When used properly, these resources greatly enhance employee productivity and knowledge. Because these technologies are both new and rapidly changing, it is important that employees understand how they fit within LGS Recreation and the responsibilities as an employee.

This policy applies to all technology resources — including desktop and portable computers, telephones, and other technology devices — that are owned or leased by LGS Recreation, that are used on or accessed from LGS Recreation's premises, or that are used on LGS Recreation business. This policy also applies to all activities using any LGS Recreation paid accounts, subscriptions, or other technology services, such as voicemail, email, and Internet and World Wide Web access, whether or not the activities are conducted from LGS Recreation premises.

All the above-described technology resources and any electronic communications created by their use, including all software and hardware, remain the sole property of LGS Recreation.

Rules

LGS Recreation's electronic property: Prior authorization must be obtained from the employee's immediate supervisor before removing LGS Recreation's electronic property from the work premises.

Internet: The Internet should only be used when essential to performing one's work, therefore employees should not use the Internet for personal "web surfing," including use of chat and social networking sites; however, allowances may be made for employees to use the Internet for minimal and incidental personal use that does not interfere with the employee's job responsibilities and is approved by the employee's supervisor with management approval. In limited circumstances for defined business purposes, an employee may be authorized by their immediate supervisor or Human Resources to use social media during working hours. Inappropriate use of the Internet can be grounds for disciplinary action up to and including termination.

Employees' own media is not to be used during working hours without express authorization from his/her immediate supervisor.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by LGS Recreation management.

Any information about LGS Recreation, its services, or other types of information that will appear in the electronic media about LGS Recreation must be approved by the Executive Director before the information is placed on an electronic information source.

LGS Recreation's policy against harassment, including sexual harassment extends to the use of computers, the Internet, and any component of the communications system. For instance, employees may not communicate messages that would constitute sexual harassment, may not use sexually suggestive screen savers, and may not receive or transmit pornographic, obscene, or offensive material or information.

In the same vein, LGS Recreation's anti-discrimination policy and Workplace Security and Anti-Violence policy extend to the use of the communications system.

Employees may not use LGS Recreation's communications systems to conduct private commercial business, nor use it to view pornography.

LGS Recreation's policy against solicitation extends as well to the communications systems.

Spam

Employees must not respond to any spam even if their responses include a request to be removed from an electronic mailing list.

Questions about access to electronic communications or issues relating to security should be addressed to the employee's supervisor.

Consequences of Misuse of Computer Privileges

LGS Recreation will investigate promptly any reasonable complaint to the effect that an employee is abusing LGS Recreation's resources and computer system.

Employees who are found to have purposely or recklessly violated any of these policies will be subject to disciplinary action up to and including termination, and/or legal action.

If LGS Recreation has compelling evidence of misuse of LGS Recreation's electronic communications systems, and if that evidence points to the computing activities or the computer files of a user, LGS Recreation shall pursue one or more of the following:

- Provide notification of the investigation to the user's supervisor.
- Temporarily suspend or restrict the user's computing privileges during the investigation.
- Inspect the user's files, and/or other computer-accessible storage media on LGS Recreation owned and operated equipment.
- Refer the matter to the appropriate supervisor for possible disciplinary action including termination.

Personal Passwords and Privacy of Employees

All electronic information created by any employee using any LGS Recreation means of electronic communications systems is the property of LGS Recreation and remains the property of LGS Recreation. Personal passwords may be used for purposes of security, but the use of a personal password does not affect LGS Recreation's ownership of the electronic information. Employees should not maintain any expectation of privacy with respect to information transmitted over, received by or stored in any electronic communications systems of LGS Recreation.

LGS Recreation will override all personal passwords if it becomes necessary to do so for any reason.

LGS Recreation reserves the right to access and review electronic files, messages, email, mail, etc., and to monitor the use of electronic communications, with or without notice and/or in the employees' absence as is necessary to ensure that there is no misuse or violation of LGS Recreation policy or any law.

Unauthorized or Destructive Programs

Users must not intentionally develop or use programs that disrupt other computer or network users or that access private or restricted information or portions of a system and/or damage software or hardware components of a system. Users must ensure that they do not use programs or utilities that interfere with other users, or that modify normally protected or restricted portions of the system or user accounts.

Use of Cell Phones or Other Communication Devices While Driving

LGS Recreation discourages employees from performing work using a cell phone or any other communication devices while driving. In the event that employees must attend to some work while driving only a hands-free cell phone must be used. LGS Recreation is not liable to pay any penalty imposed on employees who are driving and not using a hands-free cell phone.

AR 9.1.7 SOLICITATION

LGS Recreation wants to ensure that employees and customers are not bothered at work by others who wish to solicit for their own business or membership in organizations. Accordingly, there shall be no solicitation of employees or customers nor distribution of literature and notices for any purpose during working time or on LGS Recreation or customer premises without the express permission of the Executive Director or the Executive Director's designee, who shall limit any solicitation to specific conditions, including but not limited to method, frequency and duration. If an employee must make an appointment with a vendor for personal business, the employee should meet with him or her outside of the office on their own time (*e.g.*, before or after work, or during their lunch break).

For privacy and security reasons, employees are not allowed to give out other employees' addresses, phone numbers and/or other information about employees or former employees. Requests for such information should be directed to Human Resources.

In order to ensure efficient operation of LGS Recreation and to prevent disruption to employees, LGS Recreation has established control of solicitations and distribution of literature on LGS Recreation property. LGS Recreation has enacted rules applicable to all employees governing solicitation, distribution of written material, and entry onto the premises and work areas. All employees are expected to comply strictly with these rules. Any employee who is in doubt concerning the application of these rules should consult with his or her supervisor or Human Resources.

No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed, without the express permission from the Executive Director or the Executive Director's designee. Working time includes all time during which an employee is being paid to perform duties for LGS Recreation excluding breaks and meal periods.

No employee shall distribute or circulate any written or printed material in work areas at any time, or during his or he working time or during the working time of the employee or employees at whom such activity is directed, without the express permission from the Executive Director or the Executive Director's designee.

Under no circumstances will persons who are not employees of LGS Recreation be permitted to come upon or remain on LGS Recreation property or premises for solicitation purposes such as selling products or services, making solicitations, posting or distributing cards, literature, notices or other paper, or to handout samples, unless specifically invited by management for business purposes.

All questions regarding solicitation should be directed to Human Resources or the Executive Director.

AR 9.1.8 ETHICS

Employees are expected to adhere to the highest standards of personal, professional, and business ethics, and to always use common sense and good judgment about the way they conduct themselves when on duty or representing LGS Recreation. Honesty, respect and care in dealings with others on the job, in performing their duties, and in dealings with customers, vendors, and visitors should be standard benchmarks of employee behavior. It is important to avoid even the appearance of unethical behavior in all business relationships. LGS Recreation's business success does not require unethical actions, and LGS Recreation does not condone such conduct. Employees should contact their supervisor or LGS Recreation Executive Director with any questions or concerns they have regarding business ethics at LGS Recreation. Engaging in unethical conduct may result in corrective action up to and including termination of employment. "Unethical conduct" includes but is not limited to:

- Engaging in business conduct which is damaging to LGS Recreation's reputation;
- Engaging in outside employment that creates a real or potential conflict of interest.
- Disclosing or misusing confidential information belonging to LGS Recreation, other employees or its customers (parents and participants) (confidential information includes list of customers with their personal contact information, personal information pertaining to employees and participants, investigation reports, harassment complaints); personal information means individually identifiable information including a person's first and last name, a home or physical address, a telephone number, or a social security identification number;
- Promising or giving something of value to anyone doing or seeking to do business with LGS Recreation in order to influence them in matters relating to LGS Recreation;
- Accepting gifts, entertainment, services, or other benefits where the purpose is to unduly influence LGS Recreation business decisions. Gifts or benefits valued at over \$50 cannot be accepted by any employee unless the Executive Director authorizes the receipt of such gift;
- Selecting vendors based on non-business reasons, such as personal or former non-business relationships;
- Directing business to a relative, friend, or LGS Recreation in which an employee or employee's family member has a direct or indirect financial or personal interest (family member includes employee's current spouse, including registered domestic partner, parent, grandparent, child, stepchild, sibling, grandchild, other relatives who live with employee, employee's spouse's parent, child, sibling or the employee's child's spouse, or any relative living in the immediate household of the employee);
- Representing or discussing LGS Recreation affairs with the media without proper authorization;
- Undermining LGS Recreation business decisions, unless they are perceived to be illegal or dishonest; and
- Using LGS Recreation information, facilities and supplies, and/or merchandise for personal gain.

- Disclosing or misusing confidential information belonging to LGS Recreation or its customers, including but not limited to disclosing information on the internet regarding work situations, employees or customers;
- Personal conduct that becomes public knowledge, in or outside the workplace, including but not limited to by postings to personal facebook or other social networking venues, and personal email, that undermines an employee's ability to fulfill their responsibilities and maintain the trust of management, co-workers and/or customers.

Legal References:

CODE OF REGULATIONS, TITLE 5

80331-80338 *Rules of Conduct for Professional Educators*

20 *United States Code, Title 20 1232g; 1232h*

AR 9.1.9 USE OF PERSONAL AND LGS RECREATION VEHICLES

Where a position requires driving, employees must have the appropriate valid driver's license and a good driving record. All employees are expected to drive safely and courteously. LGS Recreation may, at its discretion, participate in a system that regularly checks the DMV records of all employees who drive as part of their job. LGS Recreation retains the right to transfer to an alternative position, suspend or terminate an employee whose license is revoked when his/her position requires driving.

LGS Recreation will reimburse the employee for actual mileage incurred on behalf of LGS Recreation.

Employees involved in auto accidents while on LGS Recreation business shall immediately notify the police and the LGS Recreation Executive Director and Human Resources. The employee must also complete an accident report and provide it to their supervisor and a copy to Human Resources.

Legal References:

EDUCATION CODE

44033 *Automobile allowance*

AR 9.1.10 PERSONAL CONDUCT AND CUSTOMER SERVICE

Superior customer service is essential to LGS Recreation's success. Therefore, providing superior customer service must be employees' first priority at all times. Employees must remember that the customer always comes first. It is, after all, revenue from customers that pays LGS Recreation employees' salaries. In addition to customers, integral to fulfilling the LGS Recreation mission, LGS Recreation partners with various schools, other units of local government and other agencies that serve the community. Developing and maintaining positive relationships with community partners is the responsibility of every employee as their position interacts with these partners. Employee's personal conduct when interacting with these community partners is to be the same as is required for customer interactions and all references to customers in this regulation includes community partners. Remember, respond with respect and explain LGS Recreation policy, and if the situation cannot be resolved or if the situation becomes uncomfortable, refer the customer to a supervisor immediately.

Employees are expected to conduct themselves in a professional manner at all times. While "professional manner" is a generally understood concept, it may mean something different to each person. The following guidelines are designed to further explain how LGS Recreation defines professional conduct:

- Display a positive attitude that conveys support and help for the customer. Be polite, courteous, prompt, and attentive to every customer. Never regard a customer's question or concern as an interruption or an annoyance.
- Respond to all inquiries from customers, whether in person, or by telephone, promptly and courteously. Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received.
- Be sensitive to whether a customer wishes to visit or to get down to business.
- Do not discuss LGS Recreation issues with customers.
- Avoid discussing customer matters in the presence of someone who has no reason to be part of the discussion.
- If a difference of opinion or conflict with another employee is encountered, do not discuss such matters with a customer or where the conversation might be overheard by a customer (*e.g.*, on the phone or while at a customer site).
- Information that could be considered confidential should not be discussed with customers or while on customer premises.
- Always be on time! In the event that an employee is going to be unavoidably late, the employee must contact the customer or the LGS Recreation office immediately.
- If a difference of opinion with a customer is encountered, the employee must immediately advise their supervisor of the problem and seek his or her assistance with resolution of the problem. Never argue with a customer.
- If the customer is dissatisfied, the employee must notify their supervisor of the complaint immediately.

- All correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates commitment to those with whom LGS Recreation does business.

AR 9.1.11 **CONFLICT OF INTEREST**

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 themselves or a relative as the result of LGS Recreation's business dealings. Relatives are defined as spouse, son, daughter, niece, nephew, cousin, grandchild, father, mother, brother, sister, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandmother, or grandfather. Non-related individuals sharing housing will also be considered "relatives" for the purpose of these guidelines (whether or not they are "significant others," domestic partners or simply share rent for economic reasons). If an employee has any influence on transactions between LGS Recreation and an organization where one of their relatives is employed, the employee must immediately notify their supervisor of potential conflict of interest. Failure to do so may result in corrective action up to and including termination of employment. Any employee who participates in practices which constitute a conflict of interest will be subject to corrective action up to and including termination of employment.

All employees must avoid situations involving actual or potential conflict of interest. Personal or romantic involvement with a competitor, supplier, or subordinate employee of LGS Recreation, which impairs an employee's ability to exercise good judgment on behalf of LGS Recreation, creates an actual or potential conflict of interest. Supervisor-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment, and morale problems.

An employee involved in any of the types of relationships or situations described in this policy should immediately and fully disclose the relevant circumstances to his or her immediate supervisor, or Human Resources, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, LGS Recreation may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action.

AR 9.1.12 OUTSIDE EMPLOYMENT/ACTIVITY

In order to maintain public trust in the integrity of LGS Recreation's operations, LGS Recreation expects all employees to give precedence to their duties at LGS Recreation over any outside employment. An LGS Recreation employee may receive compensation for outside employment as long as this employment is not inconsistent, incompatible, in conflict with, or inimical to LGS Recreation operations. While employed by LGS Recreation, employees are expected to devote their energies to their jobs. Employees are required to notify their supervisor when the employee engages in outside employment. Such activities will be reviewed for consistency with the best interests of LGS Recreation and/or LGS Recreation customers. An outside employment and/or activity shall be considered inconsistent, incompatible, or inimical to LGS Recreation employment where such employment activity:

- Conflicts with an employee's work schedule, duties, and responsibilities at LGS Recreation;
- Impairs or has a detrimental effect on the employee's work performance with LGS Recreation;
- Requires the employee to conduct work or related activities on LGS Recreation property during the employer's working hours or using LGS Recreation supplies, facilities and/or equipment; and
- Additional employment that directly or indirectly competes with the business or the interests of LGS Recreation.
- Entails compensation from outside source for activities which are part of the employee's regular duties.

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request with the Executive Director describing the nature of the employment and the time required. The Executive Director shall evaluate each request based on the employee's specific duties within LGS Recreation and determine whether to grant authorization for such employment. Authorization for an outside employment/activity that may be inconsistent, incompatible, in conflict, or inimical to LGS Recreation may be revoked at any time.

If an employee's outside employment affects negatively the effective performance of the employee's duties for LGS Recreation, or creates an actual or potential conflict of interest, the employee may be asked to either resign from outside employment, or resign a position with LGS Recreation.

*Legal References:**EDUCATION CODE**35160 Authority of governing boards**35160.1 Board authority of school districts**51520 Prohibited solicitation on school premises**GOVERNMENT CODE**1126 Incompatible activities of employees**1127 Incompatible activities; off duty work**1128 Incompatible activities, attorney**CODE OF REGULATIONS, TITLE 5**80334 Unauthorized private gain or advantage**ATTORNEY GENERAL OPINIONS**70 Ops.Cal.Atty.Gen. 157 (1987)*

BP 9.2 **EMPLOYEE TRAINING POLICY**

Training is an integral part of the success and efficiency of LGS Recreation's operation, and instrumental to employee development and preparation for career advancement. Training is a shared responsibility of management and employees.

The Executive Director will review training needs at regular intervals to assure that effective training is accomplished within LGS Recreation's financial resources and training priorities. Such training programs may include lectures, demonstrations, reading assignments, or other activities relevant to the skill and knowledge of employees in the performance of their respective duties.

Employees are responsible for attending training, learning, and applying the training information.

BP 9.3 DISCIPLINARY PROCEDURES FOR CLASSIFIED EMPLOYEES**A. Classified Employees**

1. During the probationary period, any employee in the classified service shall be subject to disciplinary action, including termination, for any reason. The employee shall not have a right to a hearing regarding any disciplinary action taken during the probationary period.
2. Upon satisfactory completion of the probationary period a member of the classified service is designated as a permanent employee who shall be subject to disciplinary action only for cause as prescribed in this policy.

B. Cause for Discipline

A permanent classified employee shall be subject to disciplinary action for cause, including suspension, demotion and dismissal. Cause for discipline shall include, but is not limited to the following:

1. Incompetency or inefficiency.
2. Absence and/or repeated tardiness without authorization or sufficient reason.
3. Abuse or misuse of sick leave or any other authorized leave.
4. Being under the influence of alcohol or controlled substances without authorization while on duty or using or possessing alcohol or controlled substances without authorization while on duty. "Controlled substance" means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance defined in state or federal law.
5. Insubordination or insolence or disrespect toward superiors or other employees.
6. Dishonesty.
7. Unlawful discrimination, including harassment, against members of the public or other employees while acting in the capacity of an LGS Recreation employee on the basis of pregnancy, child birth or related medical conditions, race, religious creed, color, gender, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, marital status, registered domestic partner status, age, , sexual orientation, or any other basis protected by federal, state or local law or ordinance or regulation or based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.
8. Retaliation against any other LGS Recreation officer or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to actual or suspected violation of any law of this State or the United States occurring on the job or directly related to the job.
9. Conviction of a felony, any crime involving moral turpitude, or any crime bringing discredit upon LGS Recreation.
10. Immoral conduct.

11. Evident unfitness for service.
12. Physical or mental condition unfitting the employee for service.
13. Violation of or refusal to obey the laws of the state or rules, regulations and policies of LGS Recreation.
14. Discourteous treatment of members of the public, customers, participants or other employees while on duty.
15. Conduct in violation of Section 1028 of the Government Code, which provides:

“It shall be sufficient cause for the dismissal of any public employee when such public employee advocates or is knowingly a member of the Communist Party or of an organization which during the time of his/her membership he/she knows advocates overthrow of the Government of the United States or any state by force or violence.”
16. Any conduct inimical to the welfare of LGS Recreation or its employees.
17. Failure to adequately perform the requirements of the position held.
18. Failure to work with others, to the detriment of LGS Recreation.
19. For employees who drive a vehicle in the regular course of their employment:
 - a. Loss of his or her driver’s license; or
 - b. Any restriction or limitations on the employee’s driver’s license or ability to drive ordered by the Department of Motor Vehicles or any other lawful authority; or
 - c. Failure to maintain a good personal or business driving record; or
 - d. Failure to satisfy the insurability requirements of LGS Recreation’s insurance carrier under LGS Recreation’s regular insurance policies. LGS Recreation’s ability to obtain insurance for the employee under a high risk or any policy other than the regular insurance policies does not mitigate this failure.
20. Neglect of duty.
21. Material and intentional misrepresentation or concealment of any fact in connection with obtaining employment.
22. Falsifying any information or records submitted to LGS Recreation, including, but not limited to time records.
23. Willful damage to public property, waste of public supplies or equipment, or excessive carelessness with LGS Recreation property or funds.
24. Misappropriation of LGS Recreation funds or property.

25. Failure to possess or keep in effect any license, certificate or other similar requirement specified in the law or the employee's class specification or otherwise necessary for the employee to perform the duties of the position.

C. Progressive Discipline

1. Progressive Discipline

At LGS Recreation's discretion, the following progressive discipline procedures shall usually be applied for conduct which is generally subject to remediation.

- a. Verbal Counseling/Warning. Verbal counseling/warning may result in a post-conference summary memorandum. A copy shall be placed in the employee's personnel file.
- b. Written Reprimand. The employee shall sign the reprimand to acknowledge receipt and a copy shall be placed in the employee's personnel file. The employee has the right to write a response and that response shall be attached to the reprimand and retained in the personnel file.
- c. Suspension Without Pay.
- d. Demotion Or Dismissal. Demotion or dismissal will be used when an employee's conduct does not meet LGS Recreation standards after other progressive discipline procedures have been utilized. However, LGS Recreation may demote or dismiss an employee without first suspending the employee for similar conduct.

2. Discipline Without Progression

Nothing in this provision shall prohibit LGS Recreation from disciplining an employee for just cause, up to and including termination in instances where LGS Recreation determines that remediation is inappropriate.

D. Procedure For Demotion, Suspension or Dismissal

1. Preliminary Written Notice

- a. A permanent classified employee shall receive a preliminary written notice of the proposed demotion, suspension or dismissal. The written notice must contain a specific statement of charges or grounds upon which the proposed disciplinary action is based and the date the proposed disciplinary action will be effective.
- b. Any known written materials, reports or documentation upon which the proposed disciplinary action is based must be attached to the preliminary written notice.
- c. The classified employee shall have the right to respond either orally or in writing within ten (10) calendar days to LGS Recreation Executive Director or the Executive Director's designee. The purpose of the meeting shall be to permit the employee to respond to the charges against him, to offer information regarding the proposed discipline and to examine the materials, if any, on which the proposed action is based.

- d. The LGS Recreation Executive Director or the Executive Director's designee shall consider the employee's response and make a recommendation within fifteen (15) calendar days regarding the proposed disciplinary action.

2. Notice Of Intention To Suspend Or Demote Or Dismiss

When the Executive Director or designee, after having given the preliminary written disciplinary notice, decides to suspend, demote or dismiss an employee, the employee will receive a written notice specifying the reasons/charges for its decision. The notice shall contain a statement of the employee's rights to a hearing on such charges. The time within which a hearing may be requested shall not be less than five (5) calendar days after service of the notice on the employee, and the notice shall be accompanied by a paper, the signing and filing of which with the LGS Recreation Executive Director or the Executive Director's designee shall constitute a demand for a hearing and a denial of all charges. Failure of the employee to file a request for hearing within the time specified shall constitute a waiver of the employee's right to a hearing, the disciplinary action takes effect immediately. The hearing is an appeal of the decision to demote, suspend, or dismiss the employee.

3. Employee's Status

- a. Administrative Leave. Any permanent classified employee may be placed on administrative leave from duty with pay pending a determination of whether or not discipline will be recommended by the LGS Recreation Executive Director.
- b. An employee against whom dismissal is recommended shall be suspended without pay from the date of the intent to dismiss notice until the effective date of the dismissal.

4. Sex Or Narcotics Offenses: Compulsory Leave

- a. Any classified employee charged with the commission of any sex offense as defined in, but not limited to, Education Code Section 44010, or with the commission of any controlled substance offense as defined in, but not limited to Education Code Section 44011, may be placed upon compulsory leave of absence pending a final disposition of such charges.
- b. An employee placed on compulsory leave shall continue to be paid his or her regular salary during such leave if he or she furnishes to LGS Recreation a suitable bond to guarantee that the employee will repay the salary paid during the compulsory leave in case the employee is convicted of such charges, or fails to return to service following expiration of the compulsory leave. If the employee does not furnish a bond and if the employee is acquitted of such offense, or the charges dropped, LGS Recreation shall pay to the employee upon the employee's return to service, the full amount of salary which was withheld during the compulsory leave.

5. Appeal Procedure For Suspension Without Pay Or Demotion Or Dismissal

- a. Hearing Authority. At the Governing Board's discretion, the hearing will be conducted before a Hearing Officer appointed by the Governing Board, or by the Governing Board.

- b. Notice Of Hearing. The Hearing Officer or the Board shall set the matter for hearing and shall give the employee at least twenty (20) calendar days' notice in writing of the date and place of the hearing. The hearing and the Board's consideration of the Hearing Officer's proposed decision shall be conducted in closed session unless the employee requests an open hearing in the employee's written request for a hearing.
- c. Hearing Procedures.
- i. The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or Hearing Officer and the availability of counsel and witnesses. The employee shall be entitled to appear personally, produce evidence, and have counsel. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. LGS Recreation may also be represented by counsel. The procedure entitled "Administrative Adjudication" commencing with Government Code Section 11500 shall not apply to any such hearing before the Board or a hearing officer. Neither the Board nor a hearing officer shall be bound by rules of evidence used in California courts. Informality in the hearing shall not invalidate any order or decision made or approved by the hearing officer or the Board.
 - ii. All hearings shall be heard by a hearing officer except in those cases where the Board determines to hear the appeal itself. In any case in which the Board hears the appeal, the Board may use the services of its counsel in ruling upon procedural questions, and issues of law. If the appeal is heard by the Board, the Board shall affirm, modify or revoke the recommended disciplinary action.
 - iii. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed with the Board and furnished to each party within ten (10) days after the proposed decision is filed with the Board. The Board may:
 - (a) Adopt the proposed decision in its entirety.
 - (b) Reduce the disciplinary action set forth in the proposed decision and adopt the balance of the proposed decision.
 - (c) Reject a proposed reduction in the disciplinary action, approve the disciplinary action sought by LGS Recreation or any other penalty, and adopt the balance of the proposed decision.
 - (d) Reject the proposed decision in its entirety.
 - iv. If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is assigned to a hearing officer, he/she shall prepare a

proposed decision, as provided in item “c” above, upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of this proposed decision shall be furnished to each party within ten (10) days after the proposed decision is filed by the Board.

- v. In arriving at a decision or a proposed decision on the propriety of the proposed disciplinary action, the Board or the Hearing Officer may consider the records of any prior disciplinary record of the employee.

d. **Hearing Decision.**

The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any.

A copy of the decision shall be delivered to the employee or his/her designated representative personally or by registered mail. The decision of the Board shall be final.

- e. Continuances. The Hearing Officer or the Board may grant a continuance of any hearing upon such terms and conditions as the Hearing Officer or the Board deems proper. The employee shall remain on unpaid suspension for the period of any continuance.

6. Judicial Review

Judicial review of the Governing Board’s decision is available pursuant to Code of Civil Procedure Section 1094.5 only if the petition for writ of mandate is filed within the time limit specified in Code of Civil Procedure Section 1094.6.

Legal References:

EDUCATION CODE

- 45101 *Definitions (including “disciplinary action,” “cause”)*
 45109 *Fixing of duties*
 45113 *Rules and regulations for classified service in districts not incorporating the merit system*
 45116 *Notice of disciplinary action*
 45123 *Employment after conviction of sex or narcotics offense*
 45302 *Demotion and removal from permanent classified service*
 45303 *Additional cause for suspension or dismissal of employees in classified service*
 45304 *Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense*

VEHICLE CODE

- 1808.8 *School bus drivers; dismissal for safety-related cause*

UNITED STATES CODE, TITLE 42

- 12101-12213 *Americans with Disabilities Act*

COURT DECISIONS

- California School Employees v. Livingston Union School District (2007) 149 Cal.App.4th 391*
CSEA v. Foothill Community College District, 52 Cal.App.3rd 150, 155-156, 124 Cal.Rptr. 830 (1975) (“Conduct unbecoming an employee” too vague)

BP 9.4 SAFETY AND HEALTH

LGS Recreation maintains an on-going health and safety program that assures a healthy and safe work environment for all employees. Employees should practice the highest possible standards of health and safety in carrying out assigned duties.

LGS Recreation is committed to maximizing employee safety and believes that workplace safety is every employee's responsibility. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful.

LGS Recreation expects all employees to use safe work practices and, to the extent possible, correct any unsafe conditions which may occur. If an employee is unable to correct an unsafe condition, he/she shall immediately report the problem to the Executive Director or the Executive Director's designee.

The Executive Director or the Executive Director's designee shall promote safety and correct any unsafe work practices through education and enforcement.

The Executive Director or the Executive Director's designee shall ensure the ready availability of first aid materials at LGS Recreation workplaces and shall make effective provisions, in advance, for prompt medical treatment in the event of an employee's serious injury or illness.

The Executive Director or the Executive Director's designee manages LGS Recreation's safety program, including record-keeping and processing of injury reports, safety records, and safety training. He or she may request the assistance of others in carrying out these duties.

No employee shall be terminated or discriminated against for making complaints, instituting proceedings, or testifying with regard to employee safety or health or for participating in any occupational health and safety committee established pursuant to Labor Code 6401.7.

Legal References:

CODE OF REGULATIONS, TITLE 8

3203 *Injury and illness prevention programs*

3400 *Medical services and first aid*

LABOR CODE

6310 *Retaliation for filing complaint prohibited*

6402 *Requiring or permitting employee to be in unsafe place*

6401.7 *Injury prevention programs*

AR 9.4.0 INJURY AND ILLNESS PREVENTION PROGRAM**A. General Principles**

The following summarizes key points from LGS Recreation's Injury & Illness Prevention Program. Copies of the complete plan are available from the Executive Director or Human Resources.

Every employee should know that:

1. LGS Recreation places a high priority on employee safety and health.
2. Creating and maintaining a safe and healthy work environment is everyone's job.
3. All employees are expected to adhere to established safety standards.
4. Employees who do not adhere to established safety standards will be subject to corrective action up to and including termination.
5. Good housekeeping is essential to maintain a safe and healthy work environment. Employees must maintain a neat work area, discard all waste materials, and properly store materials and equipment.
6. As part of LGS Recreation's efforts to maintain a safe and healthy work environment, LGS Recreation will conduct worksite inspections on an as-needed basis.
7. Employees should immediately report accidents and injuries, no matter how minor, to their supervisor.
8. Information pertaining to occupational safety and health will be communicated to employees through memos, bulletin board notices and verbally in staff meetings.
9. Employees are encouraged to report safety or health hazards with an Employee Safety Reporting Form. Employees may submit suggestions anonymously if they choose.
10. Employees who report hazards or make safety suggestions will not be retaliated or discriminated against in any way. If an employee believes he or she has been retaliated or discriminated against, he or she should immediately discuss the situation with the Executive Director.
11. Safety training will be provided whenever an employee is assigned a new task, and whenever new substances, processes, procedures or equipment are introduced to the workplace.
12. Refresher training on topics related to general safety will be conducted on an as-needed basis.

B. Safe Practices

The following safe practices apply to all employees:

1. Follow all safety practices and immediately report all unsafe conditions to the supervisor or the Executive Director.
2. Immediately report all accidents, injuries and illnesses related to work to the supervisor and Human Resources.
3. In the event of a fire, sound the alarm and then evacuate the building in accordance with designated evacuation procedures. Upon hearing the alarm, stop work and proceed to the nearest clear exit. Gather at the appointed location (emergency headquarters).
4. Do not attempt to put out a fire or respond to a dangerous situation unless trained to do so.
5. Keep fire extinguishers clear at all times.
6. Do not store excessive combustibles (paper, etc.) in work areas.
7. Keep aisles, hallways and doorways clear at all times.
8. Do not engage in horseplay at any time.
9. Keep workstations and surrounding areas free of debris and excess electrical cords.
10. Exercise caution when moving about the office to prevent falls or collision with furniture, equipment or other employees.
11. Open file cabinet and desk drawers one at a time and close them when work is finished. Exercise care when closing file drawers to prevent finger and hand injuries.
12. When carrying objects, exercise care to avoid overexertion and strain. When lifting heavy objects, use the large muscles of the leg instead of the smaller muscles of the back.
13. Take regular rest periods and vary work periodically to minimize strain.
14. Follow all injury prevention methods outlined in training sessions.
15. Plan work to prevent injuries in the handling of all materials and equipment.
16. Wash hands after handling hazardous substances and follow all instructions pertaining to their use.

Legal References:

CODE OF REGULATIONS, TITLE 8

3203 *Injury and illness prevention programs*

LABOR CODE

6310 *Retaliation for filing complaint prohibited*

AR 9.4.1 LGS RECREATION PROPERTY

LGS Recreation property includes, but is not limited to, equipment, tools and supplies, and originals or copies of:

- Information stored on magnetic media and in digital form or electronic media of any type;
- Computer software;
- Work notes;
- Project plans;
- Lists of customer names and contacts;
- Management reports;
- Proposals;
- Employee and customer telephone numbers;
- All magazines, journals, books, and other materials for which LGS Recreation paid;
- Business related letters; and,
- Any and all other work which is the result of employment with LGS Recreation.

When using LGS Recreation tools and equipment, employees are expected to use such items with caution so as not to injure themselves or others. Also, employees are expected to operate such items in accordance with the manufacturer's specifications so that the tools and equipment will not be damaged. When in doubt as to how to operate something, please refer to the manufacturer's manual or ask a supervisor for assistance. Employees should immediately inform their supervisor of any tool or equipment malfunctions.

Generally, tools and equipment must be used only on LGS Recreation premises, except when necessary to complete work at a customer site or at home, or when traveling on LGS Recreation business. Before removing tools or equipment from the premises, employees shall secure authorization from their immediate supervisor.

In some cases, employees may be assigned certain tools or equipment which are necessary to properly perform their job duties. Employees may be asked to sign for receipt of such items. It is possible that an employee may be held financially responsible for any lost tools or equipment which have been issued to them. Upon termination of employment, all tools and equipment issued to an employee must be returned to LGS Recreation.

Employees are expected to return all LGS Recreation tools and equipment before leaving LGS Recreation. Failure to do so could result in legal action.

Legal References:

CODE OF REGULATIONS, TITLE 8

3203 *Injury and illness prevention programs*

LABOR CODE

6310 *Retaliation for filing complaint prohibited*

AR 9.4.2 **WORKPLACE VIOLENCE**A. Zero Tolerance For Workplace Violence

LGS Recreation has adopted a Zero Tolerance Policy for Violence in the Workplace. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment and coercion will not be tolerated.

LGS Recreation's prohibition against threats and acts of violence applies to all employees, customers, visitors or vendors. Employees engaging in a workplace violence will be subject to disciplinary action up to and including dismissal.

Acts or threats of violence include conduct that is sufficiently severe, offensive or intimidating to alter the employment conditions at LGS Recreation or create a hostile, abusive or intimidating work environment for one or more employees. Examples of violent or threatening behavior includes but is not limited to:

1. Threats of any kind.
2. Threatening, physically aggressive or violent behavior, such as intimidation of or attempts to instill fear in others.
3. Striking or otherwise assaulting another person.
4. Fighting or challenging another person to fight.
5. Engaging in threatening or unwelcome horseplay.
6. Belligerent speech, excessive arguing, or sabotage of LGS Recreation property.
7. Defacing LGS Recreation property or causing deliberate physical damage to LGS Recreation facilities.
8. Bringing a weapon or firearms (including hunting rifles) knife, explosive or other weapon or dangerous substance on LGS Recreation premises, in LGS Recreation parking lots, in personal vehicles or while conducting LGS Recreation business.
9. Using any object in a threatening or weapon-like manner.
10. Jokes about weapons, violence, or other threat of violence are considered workplace violence.

B. Violence By Third Parties

To protect employee safety and the safety of co-workers, employees should immediately report to their supervisor or the Executive Director personal or domestic situations which may pose a threat of violence to LGS Recreation's workplace so that LGS Recreation may take appropriate measures to try and protect employees and/or co-workers. Employees who report potential workplace violence from a domestic or personal dispute do not need to fear corrective action or retaliation.

C. Reporting Workplace Violence

Employees who are threatened, the victim of a violent act, or who observe behavior that is violent or potentially violent in the workplace should immediately report it to a supervisor, manager, or the Executive Director. This includes threats or violent acts by co-workers, customers, visitors, or others who have come onto LGS Recreation's premises. If a supervisor or other management team member is not available or the violence is of an emergency or life threatening nature, call 911 immediately.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. LGS Recreation will maintain confidentiality when possible. LGS Recreation will not tolerate retaliation against any employee who reports workplace violence.

Legal References:

EDUCATION CODE

- 32210-32212 *Willful disturbance, public schools or meetings*
 44014 *Report of assault by pupil against school employee*
 48902 *Notification of law enforcement authorities if student violates assault or controlled substance provision*
 48905 *Injury or damage to person or property of school district employee; request for legal action*
 49330 *Definition of injurious object*
 49331 *Removal of injurious object from possession of pupil by designated employee*

GOVERNMENT CODE

- 995-996.4 *Defense of public employees*

PENAL CODE

- 71 *Threatening public officers and employees and school officials*
 240 *Definition of assault*
 242 *Definition of battery*
 243 *Battery; definition of "injury" and "serious bodily injury"*
 243.2 *Battery on school or park property against any person*
 601 *Trespass by person making credible threat*
 626.9 *Gun-Free School Zone Act of 1995*
 626.10 *Exceptions to bringing weapons on school grounds*
 646.9 *Stalking*
 12403.7 *Weapons approved for self defense*

CIVIL CODE

- 51.7 *Freedom from violence or intimidation*

CODE OF CIVIL PROCEDURE

- 527.8 *Workplace Violence Safety Act*

AR 9.4.3 EMERGENCY EVACUATION

The Evacuation Plan for each worksite is posted in the breakroom or office area, depending upon work location. Employee must become familiar with this plan.

In the event of an emergency evacuation, all employees must immediately report to their designated Emergency Headquarters. All employees are to remain there until a roll call is completed and instructions are given. Employees may only leave Emergency Headquarters after receiving permission from the primary worksite supervisor or LGS Recreation Executive Director, or in their absence, the most senior manager present during the emergency. Strict compliance with this procedure is essential for employee safety.

