

**INSERT DATE**

Dear District Employee,

Welcome to employment with the Marin/Sonoma Mosquito and Vector Control District ("District"). The District is a public agency charged with the control and abatement of potentially disease-bearing vectors and other pests.

I hope that you will enjoy working at the District and that you find your work interesting and challenging. As a service-oriented organization, our goal is to maintain a friendly and courteous attitude and conduct our daily activities in a manner reflecting pride, efficiency, and competence. This District Employee Policy Manual has been prepared to give employees a better understanding of the District and its operating rules. District employees include administrative and supervisory staff, field and support personnel.

This Manual is designed to guide staff in the day-to-day operations of the District. There will be circumstances, from time to time, which will require changes to the described policies, practices and benefits. Updated pages will be distributed to you as amendments are made and changes occur. Please take a few moments and insert the new material as you receive it.

This District Employee Policy Manual covers work expectations, benefits, and organizational policy, and helps ensure uniformity throughout the organization. It affirms that the District retains sole discretion over the management and operations of the District as well as execution of the District's goals and policies. Please note that all forms referenced within the Policy Manual can be obtained at the District office.

As a District employee, you are required to read the District Employee Policy Manual carefully, then sign the Employee Statement below and return the signed Statement to the District Manager.

Very truly yours,

Philip D. Smith,  
District Manager



### Employee Acknowledgment

The District Employee Policy Manual has been prepared for your information and understanding of the policies, philosophies, practices and benefits offered by the District. As a condition of employment, all employees are required to read and request necessary clarification of these Policies. Each employee is required to sign a statement of receipt acknowledging that:

- a) they have received a copy, or has been provided access to the Policies; and
- b) they understand that they are responsible to read and become familiar with the contents and any revisions to the Policies.

PLEASE READ THIS DOCUMENT CAREFULLY. Upon completion of your review, please sign the statement below and return it to the District Manager within five (5) workdays. A reproduction of this acknowledgement appears at the back of this handbook for your records.

My signature below indicates that I have received, read, understand, and accept responsibility for my compliance with the District Employee Policy Manual. I agree to comply with all the District policies, procedures and programs found in the District Employee Policy Manual and subsequent revisions or updates, which will be communicated by the District Manager. I understand and agree that these policies do not create any contract right, nor any express or implied contract of employment. The District retains the full discretion to modify these Policies at any time in accordance with law.

Any questions regarding the interpretation of any material within this manual should be directed to the District Manager or designee.

An official current copy of this manual will be posted to the District intranet for employee review and consultation.

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Employee signature

Date



**LOYALTY OATH/AFFIRMATION**

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Date: \_\_\_\_\_, 202\_\_

By: \_\_\_\_\_  
(Employee's Signature)

\_\_\_\_\_  
(Print Employee's Name)

Loyalty Oath Administered by:

Date: \_\_\_\_\_, 202\_\_ By:

[Name of officer authorized to administer loyalty oath/affirmation]

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**



**TABLE OF CONTENTS**

**Series A**

<u>Policy Title</u>	<u>Policy #</u>
Adoption/Amendment of Policies/Conflicts with MOU	A-100
Appearance Standards	A-200
Applicability of Policies	A-300
Authority Delegation	A-400

**Series B**

<u>Policy Title</u>	<u>Policy #</u>
Board of Trustees	B-100

**Series C**

<u>Policy Title</u>	<u>Policy #</u>
Catastrophic Leave Policy	C-100
Cell Phone/Radio Use Policy	C-200
Class A Driver's License Incentive Pay	C-300
Communication System	C-400
Compensation	C-500
Conducting Personal Business	C-600
Confidentiality and District Work Product	C-700
Confined Space	C-800
Credit Cards	C-900
Customer / Public Relations	C-1000

**Series D**

<u>Policy Title</u>	<u>Policy #</u>
Disaster Plan and Disaster Service Workers	D-100
Disciplinary Action	D-200
Driver's Eligibility for District's Insurance	D-300
District Vehicles	D-400
Drug & Alcohol Free Workplace	D-500

**Series E**

<u>Policy Title</u>	<u>Policy #</u>
Educational Assistance	E-100
Electronic Media Use	E-200
Employee Development	E-300
Employee Status	E-400
Employee Travel and Expense Reimbursement	E-500
Employer Property	E-600
Equal Opportunity Employer	E-700
Ergonomics	E-800

**Series F**

<u>Policy Title</u>	<u>Policy #</u>
Facial Hair and Protective Respiratory Devices	F-100

**Series G**

<u>Policy Title</u>	<u>Policy #</u>
No Policies	

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**



<b>Series H</b>	
<b><u>Policy Title</u></b>	<b><u>Policy #</u></b>
Harassment, Discrimination and Retaliation Prevention	H-100
Holidays	H-200
Hours of Work and Pay Periods	H-300
Housekeeping	H-400
<b>Series I</b>	
<b><u>Policy Title</u></b>	<b><u>Policy #</u></b>
No Policies	
<b>Series J</b>	
<b><u>Policy Title</u></b>	<b><u>Policy #</u></b>
Job-Incurred Illness or Injury	J-100
<b>Series K</b>	
<b><u>Policy Title</u></b>	<b><u>Policy #</u></b>
No Policies	
<b>Series L</b>	
<b><u>Policy Title</u></b>	<b><u>Policy #</u></b>
Layoff	L-100
Leave of Absence	
– Discretionary Leave	L-200
– Family Medical Leave Policy	L-300
– Jury Duty/Subpoena	L-400
– Military Leave	L-500
– Pregnancy Disability	L-600
– School-Related Leave	L-700
– Time off for Victims and Relatives of Victims of Crimes	L-800
– Time off to Vote	L-900
<b>Series M</b>	
<b><u>Policy Title</u></b>	<b><u>Policy #</u></b>
No Policies	
<b>Series N</b>	
<b><u>Policy Title</u></b>	<b><u>Policy #</u></b>
Nepotism	N-100
<b>Series O</b>	
<b><u>Policy Title</u></b>	<b><u>Policy #</u></b>
Off-Duty Conduct	O-100
Outside Employment	O-200
<b>Series P</b>	
<b><u>Policy Title</u></b>	<b><u>Policy #</u></b>
Performance Evaluation	P-100
Personnel Records	P-200
Pesticide Regulation Compliance	P-300
Pesticide Safety	P-400

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**



Political Activities	P-500
Pre-Employment Physical Examination	P-600
Probationary Employees	P-700
Procurement	P-800
Protection from Wildfire Smoke	P-900
Public Complaints	P-1000
Punctuality and Attendance	P-1100

**Series Q**

<u>Policy Title</u>	<u>Policy #</u>
No Policies	

**Series R**

<u>Policy Title</u>	<u>Policy #</u>
Reasonable Accommodation	R-100
Recruitment and Selection	R-200
References/Employment Verification	R-300
Religious Accommodation	R-400
Resignation	R-500

**Series S**

<u>Policy Title</u>	<u>Policy #</u>
Sick Leave	S-100
State Disability Insurance and Paid Family Leave Benefits	S-200

**Series T**

<u>Policy Title</u>	<u>Policy #</u>
Timekeeping Requirements and Time Cards	T-100
Tobacco-Free and Smoke-Free Workplace	T-200
Transfers	T-300
Travel Time	T-400
Truck Inspection Sheets	T-500

**Series U**

<u>Policy Title</u>	<u>Policy #</u>
Uniforms and Protective Clothing	U-100

**Series V**

<u>Policy Title</u>	<u>Policy #</u>
Vacations	V-100
Vehicle Cost Reimbursement/Insurance Requirements - Personal Vehicles	V-200

**Series W**

<u>Policy Title</u>	<u>Policy #</u>
Wellness Benefit	W-100
Whistleblower Protection	W-200
Workday Time Allocation for Technicians	W-300
Workplace Violence Prohibition	W-400

**Series X**

<u>Policy Title</u>	<u>Policy #</u>
No Policies	

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

---



**Series Y**

**Policy Title   Policy #**

No Policies

**Series Z**

**Policy Title   Policy #**

No Policies

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Adoption/Amendment of Policies/Conflicts With MOU

**POLICY NUMBER:** A-100

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**Purpose**

This District Employee Policy Manual describes the employment policies and practices of the District in effect at the time of publication and/or approved revision. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded.

**Distribution**

The current manual will be posted on the District intranet site and should be considered the current, authoritative version of the manual.

To provide notification of changes, any written amendments to this handbook will be distributed to all employees.

**Amendment of Policies**

The District reserves the right and full discretion to revise, modify, delete or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document in accordance with the law. However, any such changes must be in writing and must be adopted by the Board of Trustees by majority vote. The District Manager may also propose amendment, repeal or adoption of policies.

No oral statements or representations can in any way change or alter the provisions of this handbook.

**No Contract**

These policies do not create any contract right, nor any express or implied contract of employment.

**No Conflict with MOU**

If a provision of this Manual conflicts with any provision of a valid, applicable memorandum of understanding entered into by the District and a recognized employee organization, to the extent of such conflict, the provision of the memorandum of understanding shall be deemed controlling for employees covered by the memorandum of understanding.

*Adoption / Amendment of Policies*



**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Appearance Standards

**POLICY NUMBER:** A-200

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**Purpose**

These dress code, tattoo, and body piercing appearance standards are designed to promote the District's legitimate and non-discriminatory goals to promote workplace safety and a professional image that is consistent with the employee's job duties and level of public contact.

This policy will apply to volunteers who work at public events on behalf of the District.

**Standards**

Employees are required to dress appropriately for the jobs they are performing. The following requirements shall apply to all District employees. If an employee has questions about how these standards apply to them, the matter should be immediately raised with his/her supervisor for consideration and determination.

1. All clothing, prescribed uniforms and footwear must be neat, clean, in good repair, and appropriate for the work environment and functions performed, including working directly with the public.
2. Employees who are required to enter onto private property as part of their job duties will present themselves neatly and professionally in order to garner public trust and confidence.
3. Prescribed uniforms and safety equipment must be worn.
4. Hair must be neat, clean and well-groomed.
5. Beards, mustaches, and sideburns must be maintained in neat and well-groomed fashion and in accordance with the District's facial hair policy where applicable.
6. Jewelry is acceptable except where it constitutes a health or safety hazard.
7. Good personal hygiene is required.
8. Dress must be professionally appropriate to the work setting, particularly if the employee has contact with the public at work.

**Tattoos**

1. Any visible tattoos shall not be obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang-related.
2. Any non-conforming tattoos will be covered with clothing, bandage or makeup while at work, or removed.
3. In addition to the above requirements, all visible tattoos larger than an inch in diameter must be covered when employees are required to engage directly with the public for District business.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**Piercings**

Piercing is acceptable except where it constitutes a health or safety hazard.

*Appearance Standards*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:**     **Applicability of Policies**

**POLICY NUMBER:** **A-300**

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These Policies apply to all categories of employees of the District unless a specific section or provision excludes a specific category.

Independent contractors, volunteers, and members of the Board of Trustees are not employees. However, where specified, the provisions of specific policies apply to independent contractors, volunteers, and/or members of the Board of Trustees.

*Applicability of Policies and Conflicts with MOU*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Authority Delegation

**POLICY NUMBER:** A-400

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The Board of Trustees delegates to the District Manager the authority to authorize employment, establish job responsibilities, and perform other personnel actions as to all subordinate employees in accordance with all federal and state laws and regulations and these Policies. The District Manager may delegate responsibility to the Assistant Manager to perform personnel actions in accordance with this section.

For the District Manager, who directly reports to the Board of Trustees, the Board retains authority over all personnel actions as authorized by law and these Policies.

*Authority Delegation*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** [Board of Trustees](#)

**POLICY NUMBER:** [B-100](#)

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All policies relating to the Board of Trustees are contained in the ***Board Policy Manual***, which can be accessed at the District office at 595 Helman Lane, Cotati and [are](#) posted on [both](#) the District's intranet [and public website](#).

*Board of Trustees*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Catastrophic Leave Policy

**POLICY NUMBER:** C-100

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### Purpose

The purpose of this policy is to establish a program allowing District employees to donate accrued sick, vacation, administrative or compensatory time to other eligible employees that are suffering from a catastrophic illness or injury either to themselves, a spouse, registered domestic partner, parent or to a child, or employees experiencing severe hardship resulting from a major disaster.

### Definition

Catastrophic Leave is paid leave donated to an employee due to:

1. An employee's serious health condition as defined under the District's Family Medical Leave Policy, and/or life threatening verifiable long-term illness or injury such as, but not limited to, cancer or a heart attack, which clearly disables the individual and puts a financial hardship on the employee.
2. The illness or injury of the employee's spouse, registered domestic partner, parent, or child requiring the employee's care, and that results in the employee being absent for more than twenty (20) consecutive work days and results in financial hardship on the employee.
3. A major disaster declared by the President of the United States if the disaster has caused severe hardship to an employee or a spouse, registered domestic partner, parent or child of the employee that requires the employee to be absent from work, and which puts financial hardship on the employee.

### Policy

1. All regular employees of the Marin/Sonoma Mosquito and Vector Control District who have successfully completed 1 (one) year of paid work status in a full-time or part-time permanent position shall be eligible for Catastrophic Leave due to their own serious illness or injury, in order to care for a spouse, registered domestic partner, child or parent with a serious illness or injury, or to deal with severe hardship resulting from a major disaster.
2. The employee must first exhaust all accrued sick leave, vacation leave and compensatory time before qualifying for Catastrophic Leave.
3. Catastrophic Leave shall be additional paid leave available from vacation, compensatory or administrative leave, and sick leave hours donated by other District employees to a specific qualified employee.
4. Employees donating sick leave, vacation compensatory or administrative leave must donate in increments of whole hours. The donating employee must have a vacation leave balance of at least 40 (forty) hours, or a sick leave balance of at least 40 (forty) hours remaining after the donation of vacation or sick leave. Employees may donate all of their accrued compensatory time or administration leave. Donated hours shall be transferred as used.
5. An employee requesting Catastrophic Leave must receive the approval of the District Manager. Such leave may initially be approved up to a maximum of 320 (three hundred and twenty) donated hours (approximately 2 months). If the catastrophic illness or injury continues, additional hours up to 320 (three hundred and twenty) donated hours may be recommended and approved in the following two (2) month period. The maximum hours donated will be

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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prorated for eligible part-time employees in permanent positions. The amount of leave that may be donated by a leave donor in any year generally will not exceed the maximum amount of leave that an employee normally accrues during the year.

6. The Family Medical Leave Act (FMLA) may be used in this type of illness or injury situation and will be reviewed on an individual basis to see how the FMLA would apply.
7. The District's Financial Manager or designee shall account for the donation and disbursement of Catastrophic Leave hours. All time donated will be credited on an hour for hour basis regardless of hourly pay differentials between donating employee and recipient.
8. Catastrophic Leave may be used in conjunction with SDI/PFL benefits upon exhaustion of FMLA/CFRA/PDL qualifying leaves. Catastrophic Leave shall not be used in conjunction with Workers Compensation Leave.
9. In the event of a major disaster, employee leave donations will be deposited in a leave bank for use by employees who have been adversely affected by a specific major disaster. Leave donors may not deposit leave for transfer to a specific leave recipient. Each leave recipient must use the leave for purposes related to the major disaster. The District will make a reasonable determination, based on need, as to how much leave each approved leave recipient may receive under the plan. The District shall adopt a reasonable limit, based on the severity of the disaster, on the period of time after the major disaster occurs during which a leave donor may deposit the leave in the leave bank, and a leave recipient must use the leave received from the leave bank.

Leave deposited on account of one major disaster may be used only for employees affected by that major disaster. Except for an amount so small as to make accounting for it unreasonable or administratively impracticable, any leave deposited under a major disaster leave-sharing plan that is not used by leave recipients by the end of the period specified by the District, must be returned within a reasonable period of time to the leave donors (or, at the employer's option, to those leave donors who are still employed by the employer) so that the donor will be able to use the leave. The amount of leave returned to each leave donor must be in the same proportion as the amount of leave donated by the leave donor bears to the total amount of leave donated on account of that major disaster.

*Catastrophic Leave Policy*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Cell Phone/Radio Use Policy

**POLICY NUMBER:** C-200

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**Policy**

The District requires all employees who use a cell phone or radio in a District vehicle to do so in a safe manner and in accordance with State and Federal Laws. This policy expresses to all employees that cell phone calls are distracting. Any distraction can cause one to lose focus on current surroundings and increase the chances of an accident occurring. Violation of this policy may result in disciplinary action.

**General Policy on the Use of District Cell Phones**

1. The District provides a District cell phone to each employee required to have one for business reasons, including the need to contact the employee in the field and during work-related emergencies. The District will pay the all costs involved in the use of the cell phone connected to District business. All employees issued a District cell phone shall use such devices in a responsible, appropriate and safe manner. All employees assigned communications equipment shall assume the responsibility to use the equipment in accordance with the provisions of these policies.

Alternatively, the District Manager or designee may authorize an employee to use their personal cell phone for District business. Where such regular use is authorized by the District Manager or designee, the employee shall receive a monthly cell phone stipend of thirty dollars (\$30) per month to cover business-related costs incurred when using their personal cell phones.

Non-exempt employees may not use District cell phones, District electronic devices or personal cell phones for District business while off duty, except as authorized in advance by a supervisor. If a non-exempt employee uses a District cell phone, District electronic device or personal cell phone for District business while off duty, the employee is required to report the time as time worked on their time sheet.

2. The District provides hands free equipment for use with the cell phone.
3. As with other District equipment, employees have no expectation of privacy in District-issued cell phones or the data contained therein. For these purposes, data includes, but is not limited to, text messages, e-mails and call history. Communications and data usage on the cell phone will be monitored, and the District may inspect data contained in the cell phone at any time and without notice to the employee.
4. Employees shall protect District telecommunications devices from loss or damage. If such a device is damaged, fails to work properly, or is stolen or lost, the employee shall immediately notify his or her supervisor.
5. District cell phones should only be used by District employees in the performance of their official duties. Personal use of District cell phones is prohibited, except: where specifically authorized by the District Manager or Assistant Manager; brief, urgent communication from immediate family members or caregivers; or in the case of an emergency when urgent communication is required.



**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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6. Employees must acquaint themselves with the rate plan that applies to their cell phone and use their best efforts to make the most economical and cost efficient use of the cell phone.
7. Because cell phones have additional "air time" and possible other charges, employees are expected to use a wired landline telephone when available. Employees may make calls from District cell phones only when the call cannot be made at any other time with a provided landline telephone.
8. Each month, cell phone bills will be monitored and any excessive or non-authorized use of District cell phones will be addressed. Employees are subject to discipline for excessive or non-authorized use of District cell phones.
9. Employees are prohibited from using the camera function on District cell phones, except for legitimate business purposes as authorized by a supervisor for work-related purposes.

**Use of Personal Cell Phones On Work Time Prohibited**

Unless an employee is authorized by the District Manager or designee to use a personal cell phone or other personal communication technology (e.g., smart watch) for District business, the cell phone provided by the District is the only cell phone that an employee can have on his or her person while on District work time and/or business.

Employees are not allowed to use a personal cell phone during business hours/duty time. Personal cell phone use is only permitted during rest and meal breaks, and in the event of an emergency.

**Use of District or Personal Cell Phone and Radios While Operating a Vehicle in the Course and Scope of Employment**

1. Safety Requirements
  - a. Pursuant to California law and in the interest of safety, District employees are prohibited from using cell phones while driving within the course and scope of employment, except for with hands-free equipment.
  - b. If an employee's job duties require the employee to keep his or her cell phone turned on while driving, they must use a hands-free device and safely pull off the road before taking a phone call.
  - c. Employees often receive service calls on their cell phones or radios while operating a vehicle. When receiving a radio/phone call, employees may only answer, via hands free device, if it is safe to do so and only to briefly respond and end the call. When answering, the employee must inform the caller that they are driving, and inform the caller that the call will be returned. When safe, the employee should pull over to a safe area and contact the caller to complete the call. In the alternative, employees may ask the caller to call you back after a time period sufficient to find a safe place to stop the vehicle. Do not attempt to write down a phone number while driving.
  - d. Under no circumstances should employees compose, send or read text messages, e-mails or instant messages while operating a motor vehicle in the performance of their job duties for the District.
  - e. Employees should be aware of the features of their cell phone and/or radio so as to minimize the time spent looking at the device while driving.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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- f. Employees must keep their cell phone and/or radio within easy reach to ensure that it can be answered if necessary.

2. Emergency Procedures

Pursuant to the California Vehicle Code, employees may use a cell phone (without a hands free device) while driving in the course and scope of their employment with the District for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

**Penalty for Misuse of Cell Phones and Radios Under this Policy**

For violations of this policy, the following progressive discipline will be followed:

- 1. First offense: An oral reprimand issued.
- 2. Second offense: A written reprimand issued.
- 3. Third offense: Suspension without pay.
- 4. Fourth offense: Termination.

The District reserves the right to apply higher levels of discipline for first, second and third offenses of a serious nature (e.g., violation of the hands-free requirement, and cell phone or radio use resulting in vehicle accidents or law enforcement citations).

*Cell Phone/Radio Use Policy*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Class A Driver's License Incentive Pay

**POLICY NUMBER:** C-300

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**Purpose**

When the District requires a full time employee to obtain or maintain a California Class A Driver's License, the District shall cover the cost of the employee's DMV physical and the fees associated with Department of Transportation (DOT) Drug and Alcohol testing.

**Incentive Pay**

The District also recognizes the extra responsibility that comes along with having a Class A License. The District shall:

1. Select up to three (3) District employees to obtain or maintain a Class A license, as workload demands, to use for District business purposes.
2. Every two (2) years the employee will receive \$1,000, upon completion and passing of the physical and eye exam required by the State of California, as Class A Driver's License Incentive Pay. Effective with each new or renewed allocation following July 1, 2020, the Class A Driver's License Incentive Pay will be paid on a pay period basis in the amount of twenty dollars and eighty-three cents (\$20.83) per pay period, in lieu of a lump sum payment.

**Requirements**

An employee assigned to receive Class A Driver's License Incentive Pay must maintain a driving record with no more than two (2) DMV points. An employee assigned to receive Class A Driver's License Incentive Pay who obtains more than two (2) DMV points will no longer be eligible for Class A Driver's License Incentive Pay.

The employee will be placed in a random pool draw for drug and alcohol testing provided by the District, in accordance with the District's Policy Drug and Alcohol Free Workplace Policy.

An employee assigned to receive Class A Driver's License Incentive Pay who is convicted of one (1) driving under the influence of drugs or alcohol, will no longer be eligible for Class A Driver's License Incentive Pay.

*Class A Driver's License Incentive Pay*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:**      **Communication System**

**POLICY NUMBER:**   **C-400**

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**Purpose**

The Marin/Sonoma Mosquito and Vector Control District's public notification system exists to enable the District to directly contact the public via telephone or other means.

**Use**

This system shall be used to communicate with the public on the following topics:

1. An arising Public Health situation, e.g., outbreaks of mosquito-borne viruses such as the West Nile virus (WNV), invasive species outbreaks, or any other arbovirus.
2. To provide advice on preventative measures the public can take when mosquito control measures are required.
3. To notify the public, when necessary, regarding areas that will receive large scale, adult mosquito control applications.

Any other uses of the communication system besides the conditions cited above require the direct approval of the District Manager or designee.

*Communication System*



POLICY TITLE: Compensation

POLICY NUMBER: C-500

### Compensation at hiring

#### 1. New Employees

All newly appointed employees will be paid at the first step of the salary range for the position to which the employee is appointed, except as provided elsewhere herein. The District's salary schedule is maintained at the District's offices and on the District's website.

#### 2. Advanced Step Hiring

If the District Manager (or Financial Manager) finds that an applicant is more qualified for the position due to education or other means the District Manager may hire an employee at an advanced salary schedule step based on the skills and/or prior experience of the applicant.

#### 3. Former Employees

A person who previously held a ~~full-time regular~~ position and was separated in good standing may, when re-employed within twelve months after separation in a position with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination.

### Merit Advancement within Range

#### 1. Performance Evaluation Required

The Manager will authorize merit advancement within salary range only after evaluating the employee's performance and determining that it is satisfactory. This determination will be noted on a performance evaluation form to be placed in the employee's file, with a copy given to the employee. (Performance Evaluations are covered in this policy manual at Policy Number P-100.)

#### 2. Period of Employment Required for Merit Advancement

Unless otherwise specified herein, each employee shall, in addition to receiving a satisfactory performance evaluation, complete the following time of employment to be eligible to receive a merit increase:

##### a. New Employees

A person hired as a new employee shall have a merit advancement date after completion of ~~one (1) year (2,080 hours)~~ of ~~full-time~~ satisfactory service in the first step of the salary range ~~and upon recommendation of the District Manager.~~ ~~For part-time employees in permanent positions, the 2,080-hour requirement will be prorated based on the employee's FTE allocation.~~ ~~Additionally, for those positions for which the District requires obtaining and maintaining state certification, the employee shall pass and the passing of State Certification Tests A and B: Pesticide and Mosquito Control, prior to advancement to step 2, and the recommendation of the District Manager.~~

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**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**b. Promotion or Demotion**

An employee who is promoted or demoted shall have a new merit advancement date, which shall be one year from the date of promotion or demotion.

**c. Voluntary Demotion**

An employee who voluntarily demotes to a position at a lower salary range shall have no change in advancement date.

**d. Change in Range Allocation**

If the salary range for an employee's position is changed, the employee's merit advancement date shall not change.

**Compensation at Promotion**

Employees promoted to a position with a higher salary range will be placed at the lowest step of the salary schedule of the new classification which provides a salary increase that is closest to five percent (5%) over the salary received prior to promotion. An employee may not receive an increase at promotion that exceeds the top step of the salary range for the new classification.

*Compensation*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:**     **Conducting Personal Business**

**POLICY NUMBER:** **C-600**

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Employees are to conduct only District business while at work. Employees may not conduct personal business or business for another employer during their scheduled working hours with the exception of meal periods and break times. Employees who conduct personal business or business for another employer during duty time are subject to discipline, up to and including termination.

*Conducting Personal Business*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Confidentiality and District Work Product

**POLICY NUMBER:** C-700

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**Confidentiality**

In the course of his/her work, an employee may have access to confidential information regarding the District, its suppliers, its customers or perhaps even fellow employees. Each employee is responsible for safeguarding confidential information obtained during employment. An employee may never reveal or divulge any such information unless it is necessary to do so in the performance of the employee's duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by the District Manager. Any breach of this policy will not be tolerated and may result in discipline, up to and including termination.

**Work Product**

All work product developed by District employees during the course of their employment is exclusive property of the District and, as such, employees have no personal property rights to any District work product.

Work product includes but is not limited to items such as: reports, studies, drawings, presentation materials, models, correspondence, budgets, projections, databases, email and all other records whether in electronic format or hard copy. Under no circumstances should any of these items be removed from the District without the knowledge and permission of an employee's supervisor or other authorized manager.

Employees knowingly providing these items directly to any third party without proper authorization may be subject to disciplinary action, up to and including termination.

*Confidentiality and District Work Product*



MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:**     **Confined Space**

**POLICY NUMBER:** **C-800**

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**Purpose**

It is the intent of this policy to give guidance to Marin/Sonoma Mosquito and Vector Control staff in responding to mosquito or vector problems.

**Policy**

1. No employee will go underneath a residence or business building for any reason, except as authorized by a direct supervisor.
2. No employee will go underground via manhole or sewer access at any time.
3. Confined spaces require special breathing equipment, and the District does not carry this type of equipment.

*Confined Space*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Credit Cards

**POLICY NUMBER:** C-900

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**Pre-Approval**

Unless otherwise directed, employees must receive oral or written approval from the District Manager or designee before making purchases on a District credit card.

**Documentation**

Employees must submit all receipts for purchases made to the District Manager, Financial Manager or other responsible managing employee before the end of each calendar month. If purchases are made without pre-approval or without the required documentation, the employee may be required to reimburse the District for the amount charged to the credit card.

**Required Identification**

All purchases made with the District's credit cards require the employee to show their District Identification card.

**Restrictions**

In accordance with California Government Code Section 50084.5 (AB-1399), all Trustees and District employees are prohibited from making available to any non-agency person or persons a credit card issued by the District.

*Credit Cards*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Customer/Public Relations

**POLICY NUMBER:** C-1000

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Employees are expected to be polite, courteous, prompt and attentive to every customer. When a situation arises in which the employee does not feel comfortable or capable of handling a customer/public relations problem, they should call a supervisor immediately.

*Customer / Public Relations*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Disaster Plan and Disaster Service Workers

**POLICY NUMBER:** D-100

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**Purpose**

The purpose of this plan is to provide for the preparation and implementation of plans to provide services within this District in the event of an emergency, to empower certain District officials to promulgate orders and regulations necessary to provide for the protection of life and property or to preserve public order and safety, and to provide for the coordination of the emergency service functions of this District with all other public agencies and affected private persons, corporations, and organizations.

**Emergency Defined**

As used in this chapter, “local emergency” or “emergency” means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the District caused by such conditions as air pollution, fire, flood, storm, tsunami, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic eruption, riot, pandemic, or other conditions, except those resulting from a labor controversy, which are, or are likely to be, beyond the control of the services, personnel, equipment and facilities of the District, and the control of which requires the combined forces of this District with other political subdivisions.

**Authorization of Emergency Plan**

The President of the Board of Trustees, who shall be chairperson, shall activate the District’s disaster plan upon the direction of the District Board of Trustees. The Chairperson is empowered to review, and recommend for adoption by the District Board of Trustees, emergency and mutual aid plans and agreements and such ordinances, resolutions, rules, and regulations as are necessary to implement these plans and agreements, and to perform such other functions as may be designated in the emergency operations plan.

**Emergency Operations Plan**

The District Board of Trustees shall adopt an emergency operations plan. The plan shall provide for the effective mobilization of all of the resources of the District, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency as those terms are defined in this chapter or by state law. The District Board of Trustees shall periodically review the plan to ensure the maximum effectiveness of the plan. The plan shall be considered supplementary to this chapter, but shall have the effect of law whenever an emergency, as provided in this chapter, has been proclaimed.

**Director and Assistant Director of Emergency Services—Powers and Duties.**

The Director of Emergency Services, who shall be the District Manager, shall have the following powers and duties:

1. Request the District Board of Trustees proclaim the existence or threatened existence of a local emergency, and the termination thereof, if the Board is in session. The District Manager may issue such a proclamation if the Board is not in session, and in such event, the District Board of Trustees shall take action to ratify the proclamation at the earliest practicable time, but in no event more than seven days after issuance of the proclamation;

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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2. Request the Governor proclaim a state of emergency when, in the opinion of the District Manager, resources available locally are inadequate to cope with the emergency;
3. Control and direct the efforts of the emergency organization of the District Departments to accomplish the purposes of this plan;
4. Direct cooperation between, and coordination of, the services and staff of the emergency organization of the District and resolve questions of authority and responsibility that may arise between them;
5. Redirect employees of this District from their usual job assignments to their disaster service assignment;
6. Authorize the payment of overtime compensation to disaster service workers;
7. Represent the emergency organization of the District in all dealings with public or private agencies pertaining to emergencies as defined in this chapter;
8. Prepare and maintain, on a current basis, the emergency operations plan as provided, and described, in this chapter, and submit the plan to the District Board of Trustees for approval. Emergency Organization. All officers and employees of this District, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law be charged with duties incident to the protection of life and property in this District during an emergency, shall constitute the Emergency Organization of the District.

**Disaster Service Workers**

Under Section 3100 of the California Government Code, all public employees in California are Disaster Service Workers who can be called upon in any emergency. This means that District employees have a responsibility to help in a disaster. During an emergency or disaster, the District may assign employees to perform disaster service work, which may be outside the employee's normal scope of duties and regular work schedule. Employees may also be required to perform their usual duties at a different location or during different or additional hours, and/or to support emergency operations in the County's Emergency Operations Center (EOC).

All District employees, except foreign nationals, are required to take the loyalty oath/affirmation provided by the District, as set forth in the Constitution of California.

Employees are required to fulfill disaster service worker training, as assigned.

When working in the role as a Disaster Service Worker, employees are required to keep detailed records of assignments, time worked, and any reimbursable expenses such as travel expenses. Employees should remain in close communication with their assigned Disaster Service Manager.

**Reporting Requirements of District Employees.**

Upon the assignment of District Employees to their disaster service assignment, employees must contact by telephone and/or email as soon as practical before the start of their scheduled shifts the District Manager and advise why they are unable to report to work and when they expect to be able to report to work. After the initial report, the employee shall update every 24 hours the District Manager regarding their inability to report to work. The employee must receive authorization from the District Manager for absences. The District Manager will authorize absences for an employee to take care of

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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minor children if their schools are closed due to the disaster and/or until relieved by another caregiver, sick family members until relieved by another caregiver, to prepare for the evacuation of homes, or other reasonable absences.

**Severability.**

If any section, subsection, sentence, clause or phrase of this policy is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this policy.

*Disaster Plan*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Disciplinary Action

**POLICY NUMBER:** D-200

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**Policy and Applicability**

All employees are subject to discipline and termination as outlined below.

The following categories of persons can be terminated at-will and have no rights to any of the pre- or post-disciplinary processes or procedures in this Policy: (1) temporary employees, (2) provisional or seasonal employees, (3) probationary employees (See Policy P-101), (4) any person who serves pursuant to a contract, and (5) any person who is designated "at-will" in any District policy, document, acknowledgement, resolution or ordinance.

In addition, any regular employee who is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) is not subject to any disciplinary penalty that is inconsistent with his or her FLSA overtime-exempt status.

**Grounds for Discipline**

1. Discourteous or offensive treatment of the public or fellow employees.
2. Abusive conduct, including malicious verbal, visual or physical actions, or the gratuitous sabotage or undermining of a person's work performance.
3. Violation of any District rule, policy or regulation, ordinance or resolution.
4. Drinking of intoxicating beverages or use of illegal or non-prescribed drugs on the job, or arriving on the job under the influence of such beverages or drugs.
5. Being under the influence of prescription medication that affects the safe and effective completion of job duties, or violation of the District's Drug & Alcohol Free Workplace Policy.
6. Abuse of sick leave (use of sick leave for purposes other than illness, injury or to care for an ill or injured family member).
7. Disorderly conduct.
8. Incompetence or inefficiency.
9. Being wasteful of material, property, or working time.
10. Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor; insubordination, insulting or demeaning the authority of a supervisor or manager.
11. Neglect of duty.
12. Dishonesty (including, but not limited to, making any false statement, omission or misrepresentation of a material fact).
13. Misuse or unauthorized use of District property, including, but not limited to: physical property,

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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tools, equipment, District communication systems, District cell phones and/or radios, District electronic media or intellectual property.

14. Conduct unbecoming of a District employee.
15. Absence without authorized leave.
16. Excessive absenteeism and/or tardiness.
17. Providing wrong or misleading information or other fraud in securing appointment, promotion or maintaining employment.
18. Unsatisfactory job performance.
19. Malfeasance or misconduct, which shall be deemed to include, but shall not be limited to the following acts or omissions:
  - a. Conviction of a felony that has a nexus to the employee's job duties. "Conviction" shall be construed to be a determination of guilt of the accused by a court, including a plea of guilty or nolo contendere, regardless of sentence, grant of probation or otherwise.
  - b. The damaging of District property, equipment or vehicles.
20. Theft.
21. Mishandling of public funds.
22. Falsifying any District record, including falsifying, altering or tampering with time records, or recording time on another employee's time record.
23. Failure to cooperate with employee's supervisor or fellow employees.
24. Violation of the District's policy against harassment, discrimination and retaliation.
25. Failure to comply with OSHA Safety Standards and District safety policies.
26. Working overtime without prior authorization.
27. Reckless or unsafe conduct.
28. Failure to possess or keep in effect any license, certification, certification, or other similar requirement specified in the employee's job description or otherwise necessary for the employee to perform the duties of the position.

**Administrative Leave**

The District Manager may place an employee on an administrative leave with pay (1) when the District Manager believes that the employee's continued presence at the work site could have detrimental consequences for District operations, or (2) pending investigation into charges of misconduct. If the charges against the employee are substantiated by the investigation, appropriate disciplinary action may be taken in accordance with these procedures.





### **Types of Progressive Discipline**

#### Supervisor's File Memo

A supervisor's file memo may be provided to an employee to identify a failure of appropriate conduct or performance issue; to explain the performance the employee is required to demonstrate in the future; and to explain consequences for failure to correct the behavior or problem. A supervisor's file memo will be retained in the supervisor's file until the completion of the evaluation year, and then documented in the performance evaluation, as the supervisor deems necessary. A supervisor's file memo is not subject to the discipline or discipline appeal procedures described below.

#### Oral Reprimand

This is an oral admonishment which alerts the employee to an area of concern. The oral reprimand may be confirmed by a written memorandum, but the memorandum will not be placed in the employee's personnel file. An oral reprimand is not subject to the discipline or discipline appeal procedures described below.

#### Written Reprimand

A supervisor may reprimand an employee by furnishing him/her with a written statement of the specific reasons to reprimand. A copy of the reprimand will be retained in the employee's personnel file, and may not be appealed. The employee has the right to have a written rebuttal attached to the reprimand in the employee's personnel file if the rebuttal is submitted to the District Manager within 10 working days of the date the reprimand was received.

#### Suspension Without Pay

The District Manager (or designee) may suspend an employee from paid status from his or her position for cause. Documents related to a suspension shall become part of the employee's personnel file when the discipline is final. An employee subject to suspension will receive prior written notice and the opportunity to appeal as provided in this policy. Employees who are exempt from Fair Labor Standards Act (FLSA) overtime will only be suspended as authorized by the FLSA. FLSA-exempt employees can only be suspended in the following circumstances: 1) for the entire FLSA-designated work week; 2) for one or more full days for violation of a written workplace conduct rule; or 3) for one or more full days for a major safety violation relating to the prevention of serious danger in the workplace or to other employees.

#### Demotion

The District Manager (or designee) may demote an employee from his or her position for cause. Documents related to a demotion may become part of the employee's personnel file when the discipline is final. An employee subject to demotion will receive prior written notice and the opportunity to appeal as provided in this policy.

#### Disciplinary Termination

The District Manager (or designee) may terminate an employee from his or her position for cause. Documents related to termination shall become part of an employee's personnel file when the discipline becomes final. A discharged employee is entitled to prior written notice and appeal as provided in this policy.



### **Oral and Written Reprimands**

All reprimands will be accompanied by a letter of warning to the employee stating the reasons and grounds for such discipline. The employee must acknowledge receipt of the warning by signing the letter at the time of presentation; this signature signifies only receipt of the document, not necessarily agreement of the contents. The employee may, before the conclusion of the next regular working day, respond in writing to the contents of the letter of warning.

All negative evaluations or letters of reprimand shall remain part of the employee's personnel file. Negative evaluation shall not be used by the District Manager in decisions to dismiss if the performance or the action that merited a warning has not recurred, each/both within a period of at least one year.

### **Pre-Disciplinary Procedures for Suspension, Demotion or Disciplinary Termination of Regular Employees**

Any proposed disciplinary action against a regular employee that may result in suspension without pay, demotion, reduction in pay or disciplinary termination shall be set forth in writing to the employee at least five working days before the proposed effective date or dates. This notice will be prepared by the District Manager after consultation with the District Counsel and will contain the following:

A description of the proposed action and its effective date or dates, and the ordinance, regulation, or rule violated;

1. The level of discipline intended to be imposed;
2. A statement of the acts or omissions upon which the action is based;
3. A description of the ordinance, regulation or rule(s) violated;
4. A statement that a copy of the materials upon which the action is based is attached or available for inspection upon request;
5. A statement advising the employee of the right to respond to the District Manager regarding the changes within five working days from the date of the Notice, either by requesting a conference, by providing a written response, or both;
6. A date by which time the employee must respond in writing if he/she wished to contest the action.

All notices of proposed action shall be personally served or be mailed by certified mail, return receipt requested, to the last known address of the employee.

An employee may, upon receipt of a notice of dismissal or disciplinary action, appeal in writing to the District Manager within five working days of the date of notification. Failure to respond by the time specified constitutes a waiver of the right to respond prior to final discipline being imposed.

The District Manager, upon receipt of the appeal, will schedule an informal meeting at which the employee may answer the charges against him/her, present any mitigating evidence, or otherwise respond to the notice of dismissal. The employee will be entitled to a representative of his or her choice during the meeting.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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The hearing guidelines and format will be available upon request.

**Procedures for Final Disciplinary Action and Disciplinary Termination of Regular Employees**

The District Manager will issue his/her opinion and decision within ten working days of the hearing. If the District Manager finds that the dismissal was not justified, he/she may order a less severe disciplinary action, or may order the employee reinstated with full back pay and benefits.

The District Manager will prepare and provide the employee with a final notice that contains the following:

1. The level of discipline, if any, to be imposed and the effective date of the discipline;
2. The specific charges upon which the discipline is based;
3. A summary of the facts upon which the charges are based;
4. A copy of all written materials, reports, or documents upon which the discipline is based; and
5. A statement of the nature of the employee's right to appeal.

The final notice of discipline will be sent by a mail method that verifies delivery to the last known address of the employee, or delivered to the employee in person. If the notice is not deliverable because the employee has moved without notifying the District or the employee refuses to accept delivery, the effective date of discipline will be the date the post office or delivery service attempted delivery.

**Post Disciplinary Appeal Procedures for Suspension Without Pay, Demotion and Disciplinary Termination of Regular Employees**

If the employee is unsatisfied with the District Manager's decision, the employee may appeal the discipline or termination to the Board of Trustees panel by filing a notice of appeal with the District Manager within ten working days of the District Manager's decision.

The letter requesting a hearing before the Board panel must state the name of the employee, the date and nature of the decision appealed, the ground(s) of the appeal, and all specific facts or omissions upon which the appeal is made. This referral letter to the President as well as the written response from the District Manager will be the only information communicated to any Board member prior to the actual presentation to the Board panel.

**Appeal to Board of Trustees Panel:**

1. A Board panel, appointed by the Board of Trustees, consisting of three (3) Board of Trustee members, shall hear the appeal. The Board-appointed, three-person panel shall hold a hearing not later than sixty (60) days from the date of filing the appeal, unless otherwise agreed to by the parties.
2. The Panel shall issue an advisory decision within fourteen (14) days after the hearing has been completed and the briefs, if any, have been submitted.
3. Within thirty (30) working days of the Panel's advisory decision, the Board of Trustees will review the advisory decision and either adopt or reject that decision as a final decision on the discipline, to the extent permitted by the laws of the State. A Panel decision affirmed by the

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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Board is a final decision from the Board

4. The Board of Trustees shall send the final decision, along with a proof of service of mailing, to each of the parties and to each of the parties' representatives. Copies shall also be distributed to the District Manager.
5. Judicial review of any decision of the full Board may be had pursuant to Section 1094.5 of the California Code of Civil Procedure only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section. Pursuant to Code of Civil Procedure 1094.6, any such petition will be filed not later than the ninetieth (90th) day following the date on which the Board of Trustees gives written notice of the final decision.

*Disciplinary Action*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Driver's Eligibility for District's Insurance

**POLICY NUMBER:** D-300

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**Purpose**

Every employee of this District for whom driving on District business is a job requirement is required to (a) maintain a current California driver's license, (b) follow the by-laws set up by the District's insurance administrator - the Vector Control Joint Powers Agency (VCJPA), and (c) remain eligible for insurance coverage through the VCJPA.

Prior to hiring, the District will obtain an initial DMV report for every employee including full-time, part-time, temporary and seasonal. ~~The District will submit a copy of the report to the VCJPA.~~

The District will file each employee's name with the DMV's Driver Record Information Service, which will forward a copy of the report and any follow-up notifications to the District.

An employee who is ineligible for insurance coverage through the VCJPA and/or does not have a valid driver's license is prohibited from driving on District business.

The District reserves the right to determine an employee's eligibility to drive a District vehicle on District business. Employees are required to maintain a safe and careful driving record, and allow no more than three points as determined by the Department of Motor Vehicles to accumulate on his/her DMV report. The District reserves the right to revoke permission to drive a District vehicle or to drive on District business, and to take disciplinary action against an employee up to and including discharge for failure to meet minimum job requirements.

Every member District is required to keep on file a copy of the Driver Eligibility for District Insurance policy, signed by each employee who drives District vehicles and/or drives on District business.

*Driver's Eligibility for District's Insurance*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** District Vehicles

**POLICY NUMBER:** D-400

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**Policy**

This policy concerns the District's guidelines and conditions for the use of District-owned vehicles. It is the District's intention that all District officers be provided transportation for the necessary performance of their assigned duties, and will either have a vehicle available for their use, or be reimbursed for the use of their private vehicle when such use is authorized.

According to District policy and part of the contract agreement, the District Manager is provided full use of a District vehicle together with all maintenance, insurance, taxes and costs associated with its upkeep. Because he/she has the vehicle in fulfillment of District responsibilities, expenses associated with personal use shall be apportioned and reimbursed to the District.

**Application**

This policy applies to each District employee who regularly or occasionally is required to drive a District vehicle as part of his/her employment. District employees and officers driving District vehicles must have a valid California driver's license of the appropriate class.

**DMV Report**

The District obtains a driver's record report from the State Department of Motor Vehicles for each employee. From time to time, it also obtains updated reports. Any employee subject to this policy must cooperate with the District in obtaining such reports.

Employees are required to maintain a safe and careful driving record, and allow no more than three points as determined by the Department of Motor Vehicles to accumulate on his/her DMV report. An employee who allows more than three points to accumulate, or who is convicted of a felony involving conduct while driving a vehicle, will be subject to discipline up to and including dismissal for failure to meet job requirements.

Each employee subject to this policy must sign a statement acknowledging that he/she has read, understands, and agrees to comply with this policy of Vector Control Joint Powers Agency (VCJPA) guidelines. A copy of the policy and implementing resolution is available at the District Office.

**District Vehicle Use**

Employees must obey the following guidelines when using District vehicles:

1. District vehicles may be driven only by authorized District employees and officers, and may only be used for conducting District business. California Government Code Section 50084.5 (AB 1399) prohibits any employee from allowing any unauthorized person, including an immediate family member, to use a vehicle owned and operated by a public agency.
2. District vehicles must at all times be driven in compliance with state and local traffic laws and regulations, and in a safe and courteous manner. Employees are prohibited from engaging in angry behavior, inappropriate gestures, and aggressive acts while driving.
3. The vehicle operator and all passengers must wear safety belts whenever the vehicle is in

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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motion.

4. No posters, stickers or advertisements of any form may be placed upon District vehicles without prior approval of the District Manager.
5. District vehicles may be monitored and searched at any time for any reason. District employees have no expectation of privacy in regard to District vehicles and their use.
6. It is the responsibility of the vehicle operator to perform all normal operator inspection tasks periodically between scheduled service intervals, including checking oil levels, coolant levels, tire pressure, cleaning windshields and refueling (vehicles should never be allowed to go below ¼ tank of fuel). Vehicle (i.e. trucks and ATVs) and trailer tires should be visually inspected before the vehicle is used each day and the tire pressure on vehicles should be checked with a gauge monthly even if tire pressures visually appear to be within specifications. The tire pressure on trailer tires should be checked before each use. It is also the operator's responsibility to keep the vehicle clean inside and out, and to report any problems, malfunctions, or needed replacement items to the shop staff. Issues should be reported in writing on work order form and submitted to shop staff.

*District Vehicle*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Drug and Alcohol Free Workplace

**POLICY NUMBER:** D-500

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**Purpose**

All work environments of District Employees must be safe, productive, and free of the influence of drugs, alcohol and/or other controlled substances. The Board of Trustees is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by the inappropriate use of controlled substances.

**Applicability**

This policy applies to all employees when they are on District property or when performing any District-related business. Compliance with this policy is a condition of District employment. Commission of any of the prohibited conduct described herein will subject the employee to disciplinary action up to and including termination.

Certain provisions, where identified, will apply only to safety-sensitive employees. It also applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work.

A safety-sensitive employee is:

1. One in any classification requiring the use of a Class "A" or Class "B" commercial driver's license;
2. One who has voluntarily driven a District vehicle requiring a commercial license within the last 12- month period, or who desires in the future to voluntarily drive a District vehicle requiring a commercial license; or
3. One who performs safety-sensitive functions, such as jobs that involve the direct influence over children. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

**Prohibited Substances**

"Prohibited Substances" addressed by this policy include all substances prohibited by Department of Transportation guidelines including, but not limited to, the following examples:

Drugs

Marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.

Alcohol

The use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of that stated in DOT guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited. "Alcohol" is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight



**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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alcohol, including methyl or isopropyl alcohol.

Legal Medications

Using or being under the influence of any legally prescribed medication(s), or non-prescription medication(s) while performing District business or while on District property is prohibited to the extent that such use or influence affects job safety or effective and efficient job performance. An employee must notify his/her supervisor before beginning work when taking medications or drugs that could interfere with the safe and effective performance of duties or operation of District equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the District may require medical clearance. The employee will be required to use their own paid leave for the time required to obtain medical clearance.

**Prohibited Employee Conduct**

1. Engaging in unlawful manufacture, sale, purchase, or distribution or dispensing of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation may result in termination. Law enforcement will be notified, as appropriate, where criminal activity is suspected.
2. Except as prescribed by a physician, employees are also prohibited from being under the influence of drugs, alcohol and/or other controlled substances during hours of work, while assigned to be on-call, and while subject to call back.
3. Engaging in unlawful possession or use of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a Substance Abuse Professional (SAP), and may result in discipline up to and including termination of employment.
4. No employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol during work hours, or within four (4) hours of reporting for duty. Violations of this provision are prohibited and will subject the employee to disciplinary action, including removal from duty and referral to a qualified Substance Abuse Professional (SAP).
5. The District is dedicated to assuring fair and equitable application of this Substance Abuse policy. Supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination of employment.
6. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution will be removed from duty immediately, referred to an SAP, and may be subject to discipline. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

For the purpose of applying this policy, being under the influence of drugs, alcohol and/or other

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

---



controlled substances means being impaired in any way from fully and proficiently performing job duties and/or having a detectable amount of said substances in one's body.

**Notification**

1. An employee is required to notify his or her manager or department head before beginning work when taking medications or drugs that could interfere with the safe and effective performance of duties or operation(s) of the District.
2. Pursuant to the "Drug Free Workplace Act of 1988," District employees are required to notify the District Manager in writing of any criminal drug statute of which they are convicted for a violation occurring in the workplace no later than five calendar days after such conviction. Any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

**Rehabilitation**

The decision to discipline or terminate an employee found to have used and/or be under the influence of drugs, alcohol and/or other controlled substances during working hours may be held in abeyance by the District Manager pending the employee's participation in a formal rehabilitation program. The District Manager has discretion to handle each case individually, with factors such as the employee's frequency of use, commitment to rehabilitation, and type of substance taken into consideration.

Discipline or termination that is held in abeyance pending rehabilitation should be done on the condition, set forth in writing, that the employee:

- o Successfully complete an approved rehabilitation program;
- o Faithfully comply with maintenance and therapeutic measures (e.g., attendance at AA or NA meetings); and,
- o Be subject to periodic testing without further reasonable cause.

If an employee is returned to duty following rehabilitation, he/she must agree to and sign a **Return-To-Duty Agreement**, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one to five years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the employee. An employee will be immediately terminated from employment on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation, administrative leave, personal necessity leave, and/or floating holidays, if any, to participate in the prescribed rehabilitation program.

Employees who are found to have brought drugs, alcohol or other prescription or non-prescription controlled substances onto District property or work sites and to have provided them to other employees shall be terminated without the opportunity to hold discipline in abeyance pending participation in a rehabilitation program.

The District is committed to providing reasonable accommodation to those employees whose alcohol or drug abuse problem classifies them as disabled under federal and/or state law.

**Searches**

In order to promote a safe, productive, and efficient workplace, the District has the right to search

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**



and inspect all District property, including but not limited to lockers, offices, storage areas, furniture, District vehicles, and other places under the common control of the District, or under joint control of the District and employees. No employee has any expectation of privacy in any District building, property, vehicle, or communications system.

**Circumstances under which Employees may be Tested**

The District has discretion to test applicants and employees for alcohol and drug use under the following circumstances. The District will use an outside laboratory to perform all testing. The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

**1. Pre-Employment Testing for Applicants of Certain Jobs:**

Those external applicants who apply for certain jobs where a special need for pre-employment drug and alcohol testing exists, including those safety-sensitive employees as defined in this policy, must take and pass a drug and alcohol test following a conditional offer of employment.

Jobs where a special need exists are jobs that require:

- Work with children
- Operation of heavy or specialized machinery or equipment
- Driving on a regular basis on District business
- Pesticide application, or
- Other special safety issues.

Receipt of a satisfactory test result is required prior to employment, and failure of a controlled substance test will disqualify the candidate from further consideration for employment. As required by DOT regulations, current employees who transfer from a non-safety sensitive position to a safety-sensitive position will be asked to provide, by written consent, alcohol and drug testing records for the two (2) year period prior to the date of application. Such records shall be obtained from employers who have employed the employee during any period during the two years before the date of the employee's application or transfer. These records shall include any alcohol test results of .04 or higher alcohol concentration, refusals to be tested, verified positive drug tests and documentation of the successful completion of return-to-duty requirements. Current employees, who promote, demote, or transfer from a non-safety-sensitive to a safety-sensitive position, shall test negative prior to assignment to a safety-sensitive classification.

The District will obtain records from the previous employers of new employees in safety sensitive positions, in conformance with DOT guidelines. Probationary employees who receive a positive alcohol and/or substance abuse test, or fail to provide "clean" records from previous employers will fail to complete the District's probationary period.

**2. Reasonable Suspicion Testing**

Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty will be removed from job duties and be required to undergo a reasonable suspicion controlled substance and/or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to an SAP. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the DOT guideline.



To ensure that employees, property and equipment are not endangered by other employees who are involved with, or under the influence of drugs, alcohol and/or other controlled substances, any employee whose conduct, appearance, speech or other characteristics create a reasonable suspicion of involvement with, or influence of said substances will be taken to a medical facility and be subject to an exam by a qualified physician at District expense. Reasonable suspicion is demonstrated by personal observation of an employee's performance, appearance, behavior, speech, odor, a serious accident or potentially serious near-accident, safety violation, possession, information provided either by reliable and credible sources; or independently corroborated. If the District suspects drugs or alcohol may have played a role in an accident involving District property or equipment, that will also constitute reasonable suspicion. The supervisor shall record the factors that support reasonable suspicion in writing in advance of testing.

Said employee will be subject to testing for the presence of alcohol or drugs in his/her body.

- Presence of such substances will result in disciplinary action up to and including termination, as described above.
- An employee who is suspected of involvement as described above and refuses to cooperate in the physician's exam and/or drug/alcohol testing is subject to termination.
- If a qualified physician, as part of the examination determines that an employee is not capable of working safely, said employee will be transported to his/her home by a supervising employee and not allowed to drive himself/herself home.

### **3. Post-Accident Testing**

Safety-sensitive employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incur disabling damage that requires towing from the site; or the safety-sensitive employee receives a citation under State or local law for a moving violation arising from the accident.

Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight hours following the accident for alcohol and thirty-two hours following the accident for controlled substances. Any employee who leaves the scene of an accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and be subject to termination of employment. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but also any other employees whose performance could have contributed to the accident.

### **4. Random Testing**

Employees working in safety-sensitive classification and employees who perform safety-sensitive functions, as defined by the DOT, will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each employee in a safety-sensitive classification/function will have an equal chance of being tested each time selections are made. Employees in safety-sensitive classifications/functions will be tested either just before departure, or during duty, or just after the employee has ceased performing his/her duty.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

---



When employees in safety-sensitive classifications/functions are off work due to a long-term lay-off, illness, injury, or vacation, the employee's name will be placed back into the pool and another employee name selected.

The number of employees in safety-sensitive classifications/functions selected for random testing will be the amount required in DOT guidelines. Currently, 25% of the employee pool is tested for alcohol and 50% for substance abuse. The employee pool will either be all District employees in safety-sensitive classifications/functions or, if the District participates in a consortium of employers, all safety-sensitive employees within the consortium.

Department of Transportation Requirements

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS), including split-sample testing. All testing will be conducted consistent with the procedures put forth in the DOT guidelines.

An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum threshold established in the DOT guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02, but less than 0.04 will be removed from his/her position for at least twenty-four hours unless a retest results in an alcohol concentration of 0.02 or less. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of the DOT guidelines and this policy.

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by an SAP.

**5. Return-to-Duty Testing**

All employees who previously tested positive for a controlled substance or alcohol test must test negative and be evaluated and released to duty by the SAP before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The SAP will determine the duration and frequency. However, it shall not be less than six tests during the first twelve months, nor longer than sixty months in total, following return to duty. This testing is separate from any random testing obligation.

**6. Employee Requested Testing**

Any employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

---



method of collecting, storing and testing the split sample will be consistent with the procedures set forth in the DOT guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) within seventy-two hours of notice of the initial test result. Requests after seventy-two hours will be only accepted if the delay was due to documental facts that were beyond the control of the employee.

**Record Retention**

The District is obligated to maintain records of the administration, including violations, of this policy for a period of five (5) years.

Any laboratory reports and test results shall not appear in an employee's general personnel folder but will be contained in a separate confidential medical folder that will be securely kept. The report or test results may be disclosed to District management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without employee consent, may also occur under the following situations:

1. When the information is compelled by law or by judicial or administrative process;
2. When the information has been placed at issue in a formal dispute between the employer and employee;
3. When the information is to be used in administering an employee benefit plan;
4. When the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure; or
5. When requested by the DOT or any state or local officials with regulatory authority over the District or any of its safety-sensitive employees.

**Test Related Time-Off Work Provisions**

Any employee who is relieved from duty due to a positive drug or controlled substance test must use accumulated compensated leave (i.e., vacation, sick leave, admin. leave, personal necessity leave or floating holidays, if any) during the regular scheduled work time missed. If the employee has insufficient accumulated compensated leave to cover the regularly scheduled work time missed due to a positive alcohol or controlled substance test, such time shall be without pay. In the event there is a false positive test, the District, upon verification, will compensate the employee for any regularly scheduled work time missed as a result thereof.

**Contact Person**

Any questions regarding this policy should be directed to the District Manager:

Name: Phil Smith  
Title: District Manager  
Address: 595 Helman Lane, Cotati, CA 94931  
Telephone: (707) 285-2200 / (800) 231-3236

**TESTING PROCEDURES**

**Reasonable Suspicion Testing**

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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1. A supervisor observes an employee who may possibly be under the influence of alcohol and/or controlled substances.

Any employee may identify someone suspected of alcohol and/or controlled substance abuse to any supervisor. (Employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action.) The supervisor must witness first-hand the employee's signs and symptoms.

2. The supervisor is then obligated to ensure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the employee in question may be under the influence of alcohol and/or controlled substances.
3. When the supervisor(s) suspect and believe that an employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by a District employee (or others designated) to the District specified collection site. Because of a testing facility requirement, the employee in question must show proof of identification, such as driver's license photo or state-issued photo identification card. Whenever practical, the District Manager (or his/her designee) should be notified in advance of the employee being taken to the collection site.
4. At the collection site, the employee will be required to submit a urine sample in the event that controlled substances are suspected, or a breath sample in the event that alcohol intoxication is suspected by the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
5. The District will take precautions to prevent the employee being tested from going back to work and driving his/her own car home if any tests are positive. Instead, a District employee (or others designated) will take the employee home from the collection site.

The employee whose results are negative (0.02 alcohol concentration or less) will be reinstated immediately. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive duty for twenty-four hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment, which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

6. The employee whose controlled substance test results are verified negative will be reinstated immediately. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the employee's condition and make recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

**DOT-Authorized Random Testing for Particular Classifications**

1. The compliance company notifies the District Manager, who in turn notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of the testing facility requirement, the safety-sensitive employee sent to the collection site must have proof of identification, such as a driver's license photo or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample (in the event that controlled substances are to be tested for) and/or breath sample (in the event that alcohol is being tested for) to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform safety-sensitive functions for twenty-four hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.
5. The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by a Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

**Post-Accident Testing**

1. The safety-sensitive employee notifies a supervisor that an accident has occurred.
2. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The District Manager (or his/her designee) will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
5. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test



**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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results indicate alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or to perform a safety-sensitive function for twenty-four hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and give a recommendation for treatment, which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

6. The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test results are verified positive by the Medical Review officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment, which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

*Drug & Alcohol Free Workplace*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Educational Assistance

**POLICY NUMBER:** E-100

**Purpose**

The District desires to encourage all employees to further their academic education both technically and professionally. The District will consider reimbursement of employee education costs for approved books, fees and tuition, up to ~~up to~~ \$5,000 per fiscal year for successful completion of job-related or career-related academic course work. Any coursework is to be taken voluntarily, at an independent college, university or trade school, and on off duty time.

**Application Process**

To apply for educational assistance, an employee must apply to the District Manager by April 1<sup>st</sup> in advance of an educational course that begins the following August or September, or by October 1<sup>st</sup> for an educational course that begins the following January. If approved by the District Manager, the educational assistance is subject to approval by the Board of Trustees as part of the annual budget or budget amendment.

Once approved by the Board of Trustees, the employee is required to pay "out of pocket" for the coursework and then, upon completion of the class and proof of passing with a grade "C" or higher, submit all the applicable receipts to the District Manager for reimbursement.

**Eligibility**

Employees are eligible if the following guidelines are met:

1. To be eligible for educational assistance, an employee must be a regular employee of the District and have been employed for at least two (2) years.
2. The classes or training must have a direct relationship to the work done by the Marin/Sonoma Mosquito and Vector Control District.
3. Employees must take coursework on their own time. District work time cannot be used for class time, study or homework.
4. Allowable expenses include fees, tuition and textbooks, only. Ineligible costs are: meals, lodging, transportation, parking, tools, supplies (other than text books) or courses involving sports, games or hobbies.
5. Employees must receive a grade of "C" or better to receive reimbursement for a class. For a credit/no credit class, employees must receive a grade of "credit" or "pass."
6. The classes or training will be pursued in colleges, universities, or trade schools that are accredited by the relevant regional accrediting agencies for higher education.

**Procedure**

Employees must submit a written request to the District Manager with the following information on a District reimbursement form by April 1<sup>st</sup> for a course beginning the following August or September, or October 1<sup>st</sup> for a course beginning the following January:

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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1. The courses the employee seeks to take.
2. How the courses relate to the employees' job duties or a career path available within the District.
3. At the completion of the course, the employee must submit his or her transcript, grade report or proof of attendance and completion. At that time, the District will reimburse the employee for allowable expenses if the employee has achieved a satisfactory grade or proof of successful completion.

**Reimbursement Upon Resignation**

If the employee resigns twelve months or less after receiving Educational Assistance funds, the employee will be required to reimburse the District for all funds received.

(See also: "Employee Development", below).

*Educational Assistance*



**POLICY TITLE:** Electronic Media Use

**POLICY NUMBER:** E-200

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### Introduction

The District requires employees to utilize various forms of electronic communication in carrying out their job duties including, but not limited to desktop and laptop computers, cellular and regular telephones, voice mail, fax machines, all online services paid for by the District, including the Internet, etc. All electronic communications, including all software and hardware, remain the sole property of the District and are to be used for District business and not for personal use.

### Policy

An employee has no expectation of privacy in any electronic media owned and/or operated by the District. The District reserves the right to access and review electronic files, messages, mail, etc., and to monitor the use of electronic communications as is necessary to ensure that there is no misuse or violation of District policy or any law. Employees who misuse electronic communications/media are subject to discipline, up to and including termination.

All electronic information created by any employee using any means of electronic communication is the property of the District and remains the property of the District. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the District's ownership of the electronic information or imply an expectation of employee privacy.

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

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

### Inappropriate Use

The following is a non-exhaustive list of examples of inappropriate use of electronic communications/media:

1. Use of electronic communication/media in any manner that would be discriminatory, threatening, harassing or obscene, or for any other purpose which is illegal, against District policy or not in the best interest of the District.
2. Use of electronic communications to engage in defamation, copyright or trademark infringement, or misappropriation of trade secrets
3. Installation of personal software on District computer systems.
4. Access of the electronic communications of other employees or third parties unless directed to do so by District Management.
5. Communication via cell phone, cordless phone, portable computer and fax for any communication of confidential or sensitive District information or any trade secrets.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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6. Access to the Internet, websites, social media, and other types of District-paid computer access for use other than for District-related business or minimal personal use during break times or non-work hours; access for purposes of promoting personal business interests or personal organizational affiliations
7. Unauthorized social media postings commenting on behalf of the District regarding District business.

Questions about access to electronic communications or issues relating to security should be addressed to the District Manager.

*Electronic Media Use*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Employee Development

**POLICY NUMBER:** E-300

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**Purpose**

It may be necessary for employees to attend professional development activities for the benefit of the District, including training programs, seminars, conferences, lectures, workshops, meetings or other outside activities.

Attendance at such activities may be required by the District or requested by individual employees. However, attendance will only be considered to be officially authorized, subject to the following policies on reimbursement and compensation, when the District Manager or designee has issued prior written approval. The District Manager or designee reserves the discretion to limit the number of employees who participate.

**Procedure**

Approval

To obtain advance approval, employees wishing to attend a professional development activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and nature, purpose and justification for attendance. The employee must state how the professional development activity benefits the District.

Reimbursement

Where attendance is required or authorized by the District, the employee's expenses will be reimbursed per the IRS Code and its Regulations upon submission of receipts for reimbursement. Reimbursable expenses include registration fees, materials, meals, transportation and parking. Please see the Expense Reimbursement policy contained within these policies for more information.

**Compensable Time**

Upon advance approval of the District Manager, employee attendance and travel time at authorized outside activities will be considered hours worked for non-exempt employees and will be compensated in accordance with normal payroll practices.

**Unapproved Non-Duty Time Activities**

This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions may generally lead to improved job performance. The District generally encourages all employees to improve their job skills and promotional qualifications, but such activities will be subject to this policy regarding reimbursement or compensation only when prior written approval is obtained from the District Manager. (See also: "Educational Assistance," above).

*Employee Education*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020



**POLICY TITLE:** Employee Status

**POLICY NUMBER:** E-400

**Full-Time Employee**

A full-time employee is one who has been hired to fill a full-time position in any job classification and has completed his/her probationary period.

Full-time employees are those who are normally scheduled to work and who do work a schedule of 32 hours per week or more.

Unless classified as FLSA exempt, regular employees are non-exempt and eligible for overtime compensation.

**Part-Time Employee**

Part-time employees are those who normally are scheduled to work and who do work less than 32 hours per week. Part-time employees may be assigned a work schedule in advance or may work on an as-needed basis. Part-time employees in permanent positions are eligible for the following employee benefits described in this policy manual: boot allowance (for qualifying employees), paid holidays (paid on a pro-rated basis pursuant to policy H-200), accrued paid sick leave (pursuant to policy S-100), and accrued vacation leave (pursuant to policy V-100). A permanent position is a position that is not temporary or seasonal, is funded on an ongoing basis, in the District's position allocation system, and is subject to layoff or position elimination by the Board of Trustees.

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Part time employees in permanent positions designated as 0.75 FTE (30-20 hours per workweek) or more may be entitled to vision, life and dental insurance benefits. Additionally, part-time employees designated as 0.5 FTE or more are entitled to prorated health-medical insurance benefits. Part-time employees designated as less than 0.75 FTE or less are not entitled to medical, dental, vision, or life insurance benefits.

Part-time employees may be eligible for pension benefits in accordance with the Marin County Employees' Retirement Association (MCERA) rules and regulations.

**Probationary Employee**

A probationary employee is one who has been hired to fill a regular position in any job classification and has less than twelve (12) months (2,080 hours) of actual supervised service with the District (prorated for a part-time employee in a permanent position based on FTE allocation). During the initial probationary period, a probationary employee serves at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal. A probationary employee serving in the initial probationary period is an at-will employee. Probationary employees are discussed in this policy manual under "Probationary Employment."

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**Regular Employee**

A regular employee is one who has satisfactorily completed the initial probationary period and cannot be disciplined except when the District has cause to do so. A regular employee has a property right in continued employment, and has the right to pre- and post-disciplinary procedural

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**



due process and an evidentiary appeal for certain types of disciplinary actions that result in a significant deprivation of property. [Regular employees may be either full-time or part-time.](#)

**At-will Employee**

An at-will employee is one who serves at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal. At-will employees include:

1. The District Manager
2. Employees whose positions are funded under a state or federal employment program or a grant.
3. Employees designated as temporary, seasonal or limited term.
4. Probationary employees.

**Temporary Employee**

Temporary employees are those employed at-will for short-term assignments. Temporary employees will be assigned to duties whenever the District's workload increases to a level that the full-time employees cannot accommodate it. The District may hire temporary employees in any job classification.

Temporary employees may be released at any time, have no property right in continued employment, and have no right to any pre- or post-disciplinary procedural due process or appeal. However, short-term assignments will generally be periods of three months or less. Depending on the District's workload, the assignment may be extended by the District Manager or designee.

Temporary employees do not become regular employees based on their service in a temporary position. Temporary employees are not eligible for employee benefits except where mandated by applicable law. [Temporary employees receive sick leave benefits in accordance with Board Policy 5030 and holiday pay pursuant to policy H-200. Qualifying temporary employees, as determined by the District, are eligible for boot allowance.](#)

**FLSA Overtime-Eligible Employees**

An employee who is entitled to FLSA overtime, regardless of whether paid on a salary or hourly basis is an FLSA overtime-eligible employee. An employee assigned to an FLSA-exempt position on an acting or temporary basis only remains overtime-eligible.

**FLSA Exempt Employees**

FLSA Exempt employees include all employees who are classified by the District as exempt from overtime provisions of the federal Fair Labor Standards Act. An FLSA exempt employee is not entitled to overtime compensation.

**Limited Term Employee**

A limited term employee is an employee hired on an as-needed basis for a specific project. Limited term employees shall enter into an M.O.U. with the District to express the specific job duties performed by that specific employee. A limited term employee may be terminated at any time, as the District's needs dictate, has no property right in continued employment, has no right to any pre- or post-disciplinary procedural due process or appeal, and is subject to the following



**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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conditions/benefits of contract:

Condition/Benefits of Limited-Term Employee Contracts:

1. Unemployment Insurance
2. Federal Medicare
3. Sick Leave: A limited term employee will accrue sick leave in accordance with the District's Sick Leave Policy, which may be used for the purposes described in the District's Sick Leave Policy. Upon termination of the limited term employee, there will be no pay-off of unused sick leave.
4. Limited term employees shall not be entitled to paid holidays.
5. Limited term employees will not accrue vacation time.
6. All leave of absences must be approved by the Manager.

*Employee Status*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Employee Travel and Expense Reimbursement

**POLICY NUMBER:** E-500

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**Purpose**

To provide guidelines for reimbursement of employee travel costs and other expenditures on behalf of the District.

**Policy**

During the course of their job duties, some employees will be requested to travel on District business, subject to the following requirements. Travel and similar expenditures must be pre-approved and directly related to District business in order to receive reimbursement. The policy is intended to result in no individual personal gain or loss.

If a paid holiday happens to fall during required District travel then the employee will take a different day off in lieu of the working day on the holiday.

**Travel Expense Reimbursement**

Subject to prior approval of the District Manager or designee, District employees and Trustees may be compensated for travel expenses related to attendance at or participation in the following;

1. An educational seminar;
2. A meeting of a Legislative body;
3. A meeting of an Advisory body;
4. A conference or organized educational activity conducted as part of required Ethics Training or a similar function;
5. An MVCAC event or meeting.
6. An event as requested by District Manager, or
7. For travel required by the employee's normal job duties.

Costs eligible for reimbursement by the District are as follows:

1. Airfare and transportation to and from airport.
2. Rental vehicle (if needed)
3. Per Diem for food (not including alcohol), lodging and incidental expenses paid to employee as per federal General Services Administration (GSA) standards. Allowable meals, lodging and incidental expenses rates can be obtained at: <http://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup>. /
4. Hotel cost.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

---



5. Mileage for use of personal vehicle (per IRS guidelines for mileage reimbursement). If an employee is approved to use his or her own vehicle for travel, the District will reimburse employees for mileage in accordance with the Federal Governments standard mileage rate. This rate is variable. The current rate at the time of travel will be used.

All personal costs incurred by Employee shall be borne by the employee and shall not be reimbursed by the District.

The District may pay directly the cost for public transportation (e.g. airfare) and lodging purchased in advance for District employees eligible to receive expenses while on District business.

**Meal Reimbursement**

Any employee of the District that travels outside the District boundaries during a normal 8-hour work day while on District business is eligible to request reimbursement for lunch. The amount of reimbursement is at the rate that Marin County Board of Supervisors approve each year. The rates are posted, updated yearly and can be found on the wall next to the Financial Manager's office.

For all meal reimbursement requests, employee must have and complete:

1. Receipt
2. Reimbursement Request Form
3. Detailed explanation of why employee was out of District
4. All supporting documents, i.e., Agenda, Registration, etc.

**Procedure**

The District will provide an **expense reimbursement report** form to employees and Trustees who incur reimbursable expenses on behalf of the District to help document that their expenses adhere to the policy.

Whenever District employees desire to be reimbursed for out-of-pocket expenses for items or services relating to District business, they must submit their request on a reimbursement form approved by the District Manager and/or the Financial Manager no later than seven business days after incurring the expense or within three days of returning to work at the District, whichever is later, but no later than the close of the fiscal year.

. The request should include an explanation of the District-related purpose for expenditures, with receipts attached as proof of the expense.

The District Manager and/or the Financial Manager will review and approve all reimbursement requests. Reimbursement requests by the District Manager will be reviewed and approved by the Financial Manager and reimbursement requests by the Financial Manager will be reviewed and approved by the District Manager.

Receipts must be submitted in conjunction with all items listed on the expense report form. Expenses without receipts will not be reimbursed.

Expense reports must be submitted within a reasonable time, but not more than seven business days after incurring the expense or within three days of returning to work at the District, whichever

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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is later, but no later than the close of the fiscal year.

It is against the law to falsify any expense report. Penalties for misuse of public resources or violating this policy may include but are not limited to the following:

1. The loss of reimbursement privileges;
2. Restitution to the District;
3. Civil penalties for misuse of public resources pursuant to Government Code Section 8314;
4. Prosecution for misuse of public resources, pursuant to Section 424 of the Penal Code, penalties for which include 2, 3 or 4 years' imprisonment; Violations of travel reimbursement policy may include disciplinary action up and including employment termination.

**Petty Cash**

A "petty cash" fund is maintained in the District office, having a modest balance intended to fund small and incidental business purchases).

Petty cash may be advanced to District staff upon their request and the execution of an appropriate petty cash receipt, for the purpose of procuring small items or services relating to District business. After the items or services have been obtained, a receipt for it must be submitted to the Financial Manager, and any remaining advanced funds returned. The maximum petty cash advance is \$50.00.

No personal checks may be cashed from the petty cash fund.

The petty cash fund must be included in the District's annual independent accounting audit.

**Reimbursement for Out-of-Pocket Expenses**

Whenever an employee of the District, with the approval of the District Manager or designee, incurs "out of pocket" expenses for items or services relating to District business as verified by valid receipts, these expenses should be reimbursed upon request. In those instances when a receipt cannot be obtained, the requested reimbursement must be approved by the District Manager, Financial Manager or other responsible managing employee prior to remuneration.

*Employee Travel and Expense Reimbursement*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Employer Property

**POLICY NUMBER:** E-600

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**Policy**

The District provides employees with equipment necessary to complete their duties. Lockers, desks, vehicles and (other property) are District property and must be maintained according to District rules and regulations. Equipment must be kept clean and well-maintained. District property is to be used only for work-related purposes. The District reserves the right to inspect all District property to ensure compliance with its rules and regulations, without notice to the employee and/or in the employee's absence. District property includes: desks, vehicles, lockers, telephones, cell phones, computers (including hardware and software), file cabinets, communications stored or transmitted on agency property, supplies and any other District property or equipment used by District employees in their work. Prior authorization must be obtained before any District property may be removed from the premises.

**Use of District Computer Equipment**

It may be necessary to assign and/or change "passwords" and personal codes for the voice mail, email or computer. These items are to be used for District business and are to remain the property of the District. Employees are required to provide all current passwords for District voicemail, email, and computers to the District. The District shall keep a record of all passwords used and/or may override any such password system.

Please see the Electronic Media Use Policy in this policy manual for further guidance.

**Check Out Sheet**

To help avoid loss or misplacement, all District employees shall fill out Equipment Checkout sheets before any designated piece of District equipment requiring the checkout sheet is used, even when the equipment is only used on District premises.

Before equipment is returned to be used again, the employee who used it shall inspect it. Any needed repairs must be reported to the shop staff in writing on the checkout sheet.

**Personal Belongings**

For security reasons, employees should not leave personal belongings of value in the workplace. Personal items in or on District property 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 the District. Personal items left in the workplace by previous employees are subject to disposal if not claimed at the time of the employee's termination.

**Off-Duty Use Of Facilities**

Employees are prohibited from being on District premises or making use of District facilities while not on duty, unless for legitimate business purposes or otherwise authorized in advance by the District Manager. Employees are expressly prohibited from using District facilities, District property

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

---



or District equipment for personal use, unless authorized in advance by the District Manager.

*Employer Property*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Equal Opportunity Employer

**POLICY NUMBER:** E-700

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The District prohibits discrimination or harassment on the basis of race, religious creed, age, color, national origin, ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, gender, gender identity, gender expression, pregnancy, childbirth or related medical conditions, marital status, registered domestic partner status, sex, military and veteran status, or any other basis prohibited by law.

The District will afford equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline, and termination. Employees or applicants who believe they have experienced any form of employment discrimination are encouraged to report this immediately using the District's complaint procedure, or by contacting the U.S. Equal Employment Opportunity Commission, or the California Department of Fair Employment and Housing.

The District will provide reasonable accommodations to the extent required by law, to all employees and applicants based on the ability of the person to perform essential job functions satisfactorily, with or without accommodation, in the position they hold or for which they have applied.

*Equal Opportunity Employer*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Ergonomics

**POLICY NUMBER:** E-800

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The District is subject to Cal/OSHA ergonomics standards for minimizing workplace Repetitive Motion Injuries (RMIs). It is committed to providing appropriate resources to create a safe and productive work environment. The District believes that reducing ergonomic risk is a key factor in maintaining an environment of personal safety and well-being, and is essential to our business. It takes all steps to reduce exposure to hazards by means of engineering controls, administrative controls and employee training. The District encourages safe and proper work procedures and requires that all employees follow safety instructions and guidelines. If you have questions about ergonomics, please contact the District Manager.

*Ergonomics*



MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Facial Hair and Protective Respiratory Devices

**POLICY NUMBER:** F-100

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**Purpose**

To provide working guidelines for the use of a respirator or dust mask for District employees, who are required to use such equipment to perform their essential job duties. This policy applies only to those employees, and is designed to promote the District's legitimate and non-discriminatory goals to promote workplace safety.

**Policy**

It is the policy of the Marin/Sonoma Mosquito and Vector Control District (MSVCD) that a dust mask and respirator that requires a tight face-to-face piece seal shall not have any interference with the establishment of this seal. The District requires that:

1. Employees shall not wear a respirator with a tight-fitting face piece if:
  - o Facial hair comes between the sealing surface of the face piece and the face or interferes with valve function; or
  - o Any physical or mental condition of the employee interferes with face-to-face piece seal or valve function.
2. Corrective glasses or goggles or other personal protective equipment worn by an employee do not interfere with the face-to-face piece seal.
3. Employees perform a user seal check each time they put on the respirator.
4. Employees, at the direction of supervising staff, will take a fit test at any time.
5. All respirator and dust masks are used in accordance with the label instructions.
6. Mustaches are trimmed at the corner of the mouth with no facial hair interference to meet the mask/respirator fit requirement.
7. Employees are educated on the proper use of the respirator.
8. Employees take responsibility for use of all equipment in accordance to the instructions provided.
9. The records of training are properly maintained.

Facial hair that the District Manager or designee determines to be at risk of interfering with the respirator seal and/or function will not be allowed.

**Consequences for Failure to Meet Requirements**

If the employee is found not to have a face-to-face piece seal due to facial hair interruption or facial hair that is not compliant with this policy during a work shift, the employee will be subject to discipline

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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up to and including termination.

**Exceptions**

The District Manager or designee may allow beards or other facial hair to be grown during times of the year when respirators or dust masks are typically not required. If permitted, the beard or other facial hair must be groomed and the employee must present a professional appearance as determined by the District Manager or designee.

*Facial Hair and Protective Respiratory Devices*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Harassment, Discrimination and Retaliation Prevention

**POLICY NUMBER:** H-100

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**Purpose**

Federal and State laws require that every employee has a right to work in an environment free from all forms of discrimination, harassment and retaliation on the basis of any protected classification. The District maintains a zero tolerance policy regarding discrimination, harassment or retaliation. Conduct need not arise to the level of a violation of state or federal law to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.

District employees have a grave responsibility to maintain a high standard of honesty, integrity, impartiality and conduct, both to assure proper performance of the District's business, and preserve the confidence of the people it serves. District policy makes clear that harassment, discrimination and retaliation are unacceptable and will not be tolerated in any form from any employee regardless of employment status. All employees are responsible for maintaining a work environment free from harassment, discrimination, and retaliation. The District takes a proactive approach to potential Policy violations and will conduct an investigation if its supervisory or management employees become aware that harassment, discrimination or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

This Policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation. The District encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible. Any retaliation against an employee because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited. Individuals found to have retaliated in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including termination.

The individuals covered by this Policy are: applicants, employees regardless of rank or title, elected or appointed officials, interns, volunteers, and contractors. This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

**Protected Classifications**

This Policy prohibits harassment, discrimination and retaliation based on the following protected class categories:

1. Race
2. Color
3. Religious Creed
4. National Origin
5. Ancestry
6. Age (40 and above)
7. Sex, including gender, gender identity and gender expression
8. Marital Status
9. Medical Condition
10. Genetic information
11. Physical and/or mental disability

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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12. Sexual Orientation
13. Military and/or veteran status, and
14. Any other basis protected by law.

This Policy prohibits discrimination, harassment or retaliation because: 1) of an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

**Protected Activity**

This Policy prohibits discrimination, harassment or retaliation because of an individual's protected activity. Protected activity includes: making a request for or receiving an accommodation for a disability; making a request for or receiving accommodation for religious beliefs or practices; making or supporting a complaint under this Policy; opposing violations of this Policy; or participating in an investigation pursuant to this Policy.

**Discrimination**

This Policy prohibits treating covered individuals differently and adversely because of the individual's protected classification, actual or perceived; because the individual associates with a person who is member of a protected classification, actual or perceived; or because the individual participates in a protected activity as defined in this Policy.

**Harassment**

Harassment includes unwelcome verbal, physical or visual conduct that creates a hostile work environment. Examples of actions that may lead to workplace harassment complaints based on protected categories include, but are not limited to, the following:

- Visual Harassment, such as posters, photographs, letters, notes, email, cartoons, or drawings related to the person's protected category/status (including using Agency computer systems related to such materials).
- Verbal Harassment, such as epithets, derogatory comments/statements, vulgar, racist or other discriminatory jokes, or slurs based upon a person's protected category/status. This includes inappropriate comments about appearance, dress, physical features, gender identification, or race, ethnic or sexually oriented stories and jokes.
- Physical Harassment, such as assault, offensive or unwanted touching, blocking or impeding access or other physical interference, sabotaging work or imposing demeaning work tasks based upon a person's protected category/status.

Sexual harassment is a form of workplace harassment and can include, but is not limited to:

- Unwelcome sexual advances
- Leering
- Unwanted touching
- Requests for sexual favors
- Repeated requests for dates
- Graphic verbal commentaries about an individual's body
- Sexually degrading words used to describe an individual
- Sexually suggestive objects, picture or cartoons, and other verbal or physical conduct of a sexual nature, and

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

---



- Acts of a sexual nature where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or creates an intimidating, hostile or offensive work environment,

**Guidelines for Identifying Harassment**

Harassment includes any conduct which would be unwelcome or unwanted to an individual of the recipient's same protected classification. The following guidelines to determine if conduct is unwelcome or unwanted should be followed:

- It is no defense that the recipient "appears" to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.
- Even visual, verbal, or physical conduct between two people who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
- Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual would find it offensive (e.g., gifts, over-attention, endearing nicknames, hugs).

**Retaliation**

Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" may include but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

**Notice**

All employees will be informed of the District's harassment, discrimination and retaliation policy and complaint process at the time of employment, and through periodic training. In addition, the policy and complaint process will be readily available to all employees and to members of the public who utilize the District facilities and services.

An annual bulletin is prepared and distributed to all employees reminding them of the District's sexual harassment policy. The bulletin will include summaries of cases involving harassment, with examples of back pay, punitive damages and personal financial liability of supervisors.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**Complaint Process**

Any covered individual who believes he/she has been subjected to discrimination, harassment, or retaliation may file a formal or informal confidential complaint, verbally or in writing to any supervisor, manager, department head, or to the President of the Board of Trustees, without regard to any chain of command. Ideally, a complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses.

Supervisors will immediately refer all harassment complaints to the District Assistant Manager or the District Manager. Upon receiving notification of a harassment complaint, the District will immediately undertake an effective, thorough and objective investigation of the harassment allegations, using the following steps:

1. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with: 1) the complainant; 2) the accused; and 3) other persons who have relevant knowledge concerning the allegations in the complaint.
2. Review the factual information gathered through the investigation to determine whether the alleged conduct violates the Policy giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
3. Report a summary of the determination as to whether this Policy has been violated to appropriate persons. If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.
4. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
5. Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

No individual lodging a complaint or participating in a workplace investigation will be subject to any form of retaliation.

The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing the alleged incidents; he/she shall be advised of this right prior to the commencement of such discussions.

**Remedy**

Upon conclusion of the investigation of alleged harassment, discrimination and/or retaliation, appropriate action shall be taken by the District Manager or designee if the alleged constitutes harassment, discrimination, and/or retaliation. If the District determines that harassment, discrimination and/or retaliation have occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the District to be responsible for unlawful discrimination, harassment, or retaliation will be subject to appropriate disciplinary action commensurate with the severity of the offense, up to and including termination. A District representative will advise complainant(s) whether or not the investigation resulted in affirmative findings. However, any resulting disciplinary action shall remain confidential, except where disclosure is legally-required. c. No individual lodging a complaint or participating in a workplace investigation will be subject to any form of retaliation.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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Action taken to remedy a discrimination, harassment, or retaliation situation shall be done in a manner so as to protect potential future victims.

Employees complaining of discrimination, harassment, or retaliation shall be protected thereafter from any form of reprisal and/or retaliation.

The District encourages all employees to report any incidents of discrimination, harassment, and retaliation forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

**Option to Report to Outside Administrative Agencies**

An individual has the option to report harassment, discrimination or retaliation to the Federal Equal Opportunity Employment Commission or the California Department of Fair Employment and Housing. These administrative agencies investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed, discriminated against, or retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed on the internet at [www.dfeh.ca.gov](http://www.dfeh.ca.gov) or [www.eeoc.gov](http://www.eeoc.gov). Employees can also check posters that are located on District bulletin boards for office locations and telephone numbers.

**Confidentiality**

Every effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss his or her interview with a designated representative. The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

*Harassment, Discrimination and Retaliation Prevention*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020



**POLICY TITLE:** Holiday Time Off

**POLICY NUMBER:** H-200

**Eligibility**

All regular employees shall be entitled to take all authorized holidays with full pay not to exceed eight (8) hours for any one (1) holiday (pro-rated for part-time employees in permanent positions).

An employee who is scheduled to work on a holiday and who fails to report for a scheduled work shift on any such holiday shall receive no holiday pay for that holiday.

**Holidays Observed by the District**

The following days shall be holidays for all employees occupying regular positions:

- New Year's Day, January 1st
- Martin Luther King Jr.'s Birthday
- Cesar Chavez Day, March 31st
- President's Day
- Memorial Day
- Juneteenth, June 19th
- July 4th
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day, December 25th
- Two (2) floating holidays

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If a holiday falls on Sunday, the following Monday shall be observed as a holiday. If the holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. The District Manager may change the day observed as a holiday from the actual day on which the holiday falls.

Floating holidays must be taken in eight (8) hour increments, or as pro-rated for part-time employees in permanent positions.

*Holiday Time Off*



MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Hours of Work and Pay Periods

**POLICY NUMBER:** H-300

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### Work Period

Unless otherwise provided, the work period on which weekly overtime calculations will be based begins Monday at midnight and ends at 11:59 p.m. on Sunday.

The standard workweek for employees occupying full-time positions consists of five eight-hour days, or a total of any forty hours.

In an emergency situation, the District Manager may suspend the standard workweek schedule until such time as the District Manager deems the emergency situation no longer exists.

### Hours of Work

The District workday for most employees starts at 7:00 a.m. and ends at 3:30 p.m., Monday through Friday (as also set forth in Policy Number W-100). The District reserves the right to modify employees' starting and ending times and the number of hours worked. The regular hours of work each day are consecutive except for interruptions for meal periods.

### Alternate Work Schedule

An employee may be assigned to a 9/80 alternative work schedule, which shall consist of eight (8) nine (9) hour workdays and one (1) eight (8) hour workday over a two (2) week period.

Employees assigned to a 9/80 schedule will have either every other Monday or Friday off. The same day of the week (Monday or Friday) shall be permanently designated as the employee's regular day off. For employees working a 9/80 work schedule, each employee's designated FLSA work week (168 hours in length) shall begin exactly four hours after the start of his/her eight hour shift on the day of the week that corresponds with the employee's alternating regular day off.

When a full time employee assigned to a 9/80 work schedule has a holiday, the employee will receive eight (8) hours of holiday pay and will be required to use one (1) hour of vacation leave, or utilize an approved flextime scheduling arrangement to make up the extra hour.

When a full time employee assigned to a 9/80 work schedule takes a 9-hour day off and uses management leave, the employee will be required to use nine (9) hours of management leave.

### Flextime Scheduling Arrangement

Flextime is a scheduling arrangement that permits variations in an employee's starting and departure times, but does not change the total number of hours worked in a workweek. Flextime arrangements are subject to the approval of the District Manager or designee, and are contingent on the availability of supervision, sufficient staffing coverage and satisfaction of other District business needs as determined by the District Manager.

Flextime scheduling arrangements shall not result in overtime. In the event that a flextime

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

---



arrangement results in a non-exempt employee working in excess of eight (8) hours per day, the employee will not be eligible for overtime compensation. No flextime schedule arrangement for an FLSA non-exempt employee shall be approved requiring more than forty (40) hours of actual work in a workweek.

Flextime scheduling arrangement can be discontinued by the District at any time with fourteen days' notice to the affected employee. This does not preclude the assignment of overtime during the notice period.

**Accurate Time Reporting**

All employees must accurately report all work time to the nearest five minutes.

**Management Leave**

Employees who receive management leave may use available management leave on an hourly basis.

**Meal and Rest Periods**

**Lunch**

All overtime-eligible full-time employees who work more than five hours during the work day receive a thirty-minute meal period each day, unpaid. Overtime-eligible employees are responsible for taking their meal period at a time designated by the supervisor.

**Rest Periods**

All overtime-eligible full-time employees receive a fifteen minute paid rest period during the first half of the workday and a second fifteen minute paid rest period during the second half of the workday. Rest periods may not be combined to shorten the workday or to extend the meal period.

**Lactation Accommodation**

In accordance with state law, the District will provide a reasonable amount of break time to employees who are breast feeding to express milk. If possible, the break time will be that already provided. If not, the break time will be unpaid. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break will not be interrupted except for emergency or exigent circumstances.

To request lactation accommodation, the employee shall contact the District Manager or designee. The District Manager or designee shall respond to the request within five business days.

The District will provide a private lactation room, other than a bathroom, in close proximity to the employee's work area for this break. The lactation room shall be shielded from view and free from intrusion while the employee expresses milk; contain a surface to place a breast pump and personal items; contain a place to sit; and have access to electricity or alternative devices (such as extension cords or charging stations) needed to operate an electric or battery-powered breast pump. The District shall also provide access to a sink with running water and a refrigerator or other cooling device suitable for storing milk in close proximity to the employee's workspace. If a multipurpose room is designated as the lactation room,

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

---



lactation shall take precedence over other uses, but only for the time it is in use for lactation purposes. An employee may file a complaint with the Labor Commissioner for any violation of the law.

**Overtime**

**Pre-Approval**

Overtime-eligible employees may not work overtime without the express, advance approval of the District Manager or Assistant Manager. In emergency situations that necessitate working overtime, the employee must notify a supervisor as soon as possible, and in no event later than the end of that day upon which the emergency occurred. If the supervisor denies the request to work overtime, the employee must obey the supervisor's directive and cease working. Employees who work overtime without approval are subject to discipline, up to and including termination. Overtime-eligible employees who are directed to work overtime must do so.

**Rate of Pay**

Unrepresented, non-FLSA Exempt employees are entitled to overtime for all hours worked over 40 in a workweek, as defined in this policy. Overtime is paid at the rate of one and one half times the employee's regular rate.

**Compensatory Time Off**

An overtime-eligible employee may opt to accrue compensatory time-off (CTO) in lieu of cash payment for overtime worked if his or her supervisor agrees prior to overtime work being performed.

Accrual Rate

CTO accrues at the rate of 1.5 hours for each hour, or fraction thereof, worked after 40 hours of actual work within the employee's designated work week. Time in paid leave status does not count toward CTO. CTO cannot be accumulated in excess of 100 hours at any given time.

Employee Request to Use CTO

The District will grant an employee's request to use accumulated CTO provided that: 1) the District can accommodate the use of CTO on the day requested without undue disruption to department operations; and 2) the employee makes the request in writing to the supervisor no later than one week prior to the date requested. If the employee does not provide five days' notice, or if the District cannot accommodate the time off without undue disruption, the District will provide the employee the opportunity to cash out the amount of CTO requested at the end of the current pay period.

Cash Out

All compensatory time must be used by June 30<sup>th</sup> of each year, or will be paid out by the District.

During employment, accrued, unused compensatory time is cashed out at the

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

---



employee's current FLSA regular rate of pay (including all FLSA-applicable salary differentials and special pays).

Employees separating from District service shall be compensated for all accrued, unused compensatory hours at their current FLSA regular rate of pay, or their average FLSA regular rate for the prior three years, whichever is higher.

**Hours Worked for the Purpose of Calculating Overtime Eligibility**

Overtime pay is determined only by those hours actually worked. Paid leave time, paid time off for holiday pay do not count as hours worked for the purpose of calculating entitlement to overtime.

**No Remote Access for Overtime-Eligible Employees**

Unless the District Manager specifies otherwise in writing, overtime-eligible employees may not have remote access to District equipment, resources or email. If an overtime-eligible employee is granted remote access, they are required to record all time worked remotely on their time card. Overtime-eligible employees are required to receive advance approval before working overtime remotely.

**No Volunteering of Work Time**

All time spent for the benefit of the District must be reported as hours worked on time records so that the employee is paid for all work. Overtime-eligible employees may not "volunteer" work time to perform duties that are the same or similar as their stated or regular job duties. Employees have no authorization to work without compensation. No supervisor has authority to request overtime-eligible employees to volunteer work time.

**Pay Periods**

The District pay period is semi-monthly, and all wages are paid in accordance with applicable Federal and State Law.

*Hours of Work and Pay Periods*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Housekeeping

**POLICY NUMBER:** H-400

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All employees are expected to keep their work areas and District vehicles clean and organized. Common areas such as lunchrooms, locker rooms, and restrooms should be kept clean by those using them. Please clean up after meals and dispose of trash, recycling and compost properly and in the appropriate receptacle.

*Housekeeping*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Job-Incurred Illness or Injury

**POLICY NUMBER:** J-100

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### Reporting

In case of an accident during an employee's duty hours and/or on District premises involving an injury to an employee, regardless of how serious, the employee should notify his or her immediate supervisor immediately. Failure to report accidents violates this policy and can lead to difficulties in processing insurance and benefit claims.

### Worker's Compensation Procedures

An employee of the District who has suffered a disability caused by illness or injury arising out of and in the course of the employee's employment, as defined by the Workers' Compensation laws of the State of California shall be entitled to disability leave while so disabled without loss of compensation for the period of such disability to a maximum of ninety (90) days.

During the period the employee is paid by the District, the employee shall endorse to the District any benefit payments received as a result of Workers' Compensation insurance coverage. The District reserves the right to withhold payment of any disability benefits until such time as it is determined whether or not the illness or injury is covered by Workers' Compensation.

If the employee's disability caused by illness or injury arising out of and in the course of the employee's employment extends beyond the ninety calendar days described above, the District may integrate the employee's unused sick leave and vacation with the Workers' Compensation payments, provided that the sum of the Workers' Compensation payments and paid leave does not exceed the employee's regular rate of pay for that period.

### Benefits During Period of Absence

Employees on leaves of absence without pay (no longer on the payroll) are not entitled to payment by the District of the premiums for their health, dental, life insurance and retirement. If one's disability should extend beyond their banked hours thus putting them in a non-pay status, he/she may pay the District directly for their benefits in order to keep them in force.

As the retirement contribution is recorded differently; an employee does not have the option to contribute to pension when on non-pay status. When the employee returns to work and is back on the payroll, he/she may buy back retirement time if so desired. This will be handled through the Administrator, Marin County Employee's Retirement Association.

No sick leave or vacation shall be accumulated or paid to an employee during any leave of absence without pay. After an employee has exhausted banked hours, all vacation and sick leave accrual will cease until the employee is back in a pay status.

*Job-Incurred Illness or Injury*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Layoff

**POLICY NUMBER:** L-100

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From time to time, the District may decide, in the exercise of its sole managerial prerogative, to reduce the size of the work force by laying off employees for business, operational, or economic reasons (such as lack of work, reorganizing a departmental unit, or job elimination). Should the District consider such layoffs necessary, the District will consider District business needs and skills and experience required to continue District programs and projects to determine positions eliminated and attempt to provide affected employees with advance notice.

Layoffs of represented employees shall occur in accordance with the applicable labor agreement.

*Layoff*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Leave of Absence – Discretionary Leave

**POLICY NUMBER:** L-200

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**Long Term Discretionary Leave of Absence**

An employee may request, and the District Manager may approve, a discretionary leave of absence without pay for a period of up to one year. Discretionary leave is intended for circumstances such as, but not limited to, completion of education/training that would require extended work absence, family care obligations outside of the scope of other leave policies/legally-protected leave, and/or personal reasons outside the scope of other leave policies. Such a leave of absence may be taken in conjunction with, and at the conclusion of, an authorized use of accrued vacation time.

Eligibility requires an employee to not be on some current disciplinary action and having completed at least five (5) years of employment with the District.

**Leave Without Pay**

Once the employee who has been on a discretionary leave of absence without pay has used all available vacation and any other accrued leave time, then the continuation of such leave will be without any accrual of pay and/or other benefits available to regular employees of the District.

**District Contribution Toward Health, Dental and Life Insurance Premiums During Unpaid Discretionary Leave**

Employees on leaves of absence without pay, including intermittent or partial leave without pay, shall not be entitled to payment by the District of the premiums for their health, dental and life insurance, except as required by law. For employees on full unpaid leave, the entitlement to District payment of premiums shall end on the last day of the month in which the employee began the leave without pay. In the case of employees on intermittent or partial leave without pay, employees will receive a pro-rated District contribution to health, dental, and life insurance premiums during the period of intermittent or partial leave without pay. An employee on an unpaid leave of absence shall not accrue any seniority with the District for the length of unpaid leave.

**Return to Work**

Due to the District's limited work force, maintenance of job classifications for the term of a discretionary leave of absence cannot be guaranteed beyond six months (shorter period of time optional), except where required by law. Employees returning from a leave of absence will be reinstated with the first available job classification for which they are qualified.

*Leave of Absence: Authorized Leave*



MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Leave of Absence – Family Medical Leave Policy

**POLICY NUMBER:** L-300

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**Purpose**

The District's Family Medical Leave Policy provides eligible employees with an unpaid leave of absence for qualifying reasons under the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA). The following provisions set forth certain of the rights and obligation with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the FMLA and the regulations of the CFRA. Unless otherwise provided in this section, "leave" shall mean leave pursuant to the FMLA and / or CFRA. Unless otherwise provided by law, the District will run each employee's FMLA and CFRA leaves concurrently. Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination.

**Definitions**

1. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
2. "Single 12 Month Period" means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.
3. "Child" means a child under the age of 18 years, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child.

A child is "incapable of self-care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

For purposes of military leave, a child is any child regardless of age or disability.

3. "Parent" means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
4. "Spouse" means one or two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined below.
5. "Domestic Partner," is another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code §§297 and 299.2, shall have the same meaning as "spouse" for purposes of CFRA leave. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.



6. "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves:
- a. Inpatient Care in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery there from). A person is considered "inpatient" when a health care facility admits them to the facility with the expectation that they will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or
  - b. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
    - 1) A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days; and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
      - a) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
      - b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
    - 2) Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave. See Pregnancy Disability Policy L-600.)
    - 3) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
      - a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
      - b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
      - c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
    - 4) A period of incapacity which is permanent or long term due to a condition for

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

5) Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

7. "Health Care Provider" means:

- a. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
- b. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition;
- c. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- d. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
- e. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
- f. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

8. "Covered Active Duty" means: in the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or in the case of a member of the reserve component of the Armed Forces, duty during the deployment of members of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions

9. "Contingency Operation" means a military operation that is (1) designated by the Secretary of Defense as an operation in which members of the United States Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) that results in the call to order of active duty members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.

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

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**



recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy..

11. "Outpatient Status" means the status of a member of the United States Armed Forces assigned to: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
12. "Next of Kin of a Covered Service member" means the nearest blood relative of an injured service member other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA.
13. "Serious Injury or Illness" means in the case of a member of the Armed forces, including a member of the National Guard or reserves, means an injury or illness that a covered service member incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating; or in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

**Reasons for Leave**

Leave is only permitted for the following reasons:

1. The birth of a child or to care for a newborn of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;
3. Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition;
4. Leave because of a serious health condition that makes the employee unable to perform the functions of their position;
5. Leave to address a "qualifying exigency" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation (under the FMLA only, not the CFRA); or
6. Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered service member of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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leave can run up to 26 weeks of unpaid leave during a single 12-month period (under the FMLA only, not the CFRA).

**Family and Medical Leave Act (FMLA)/California Family Rights Act (CFRA) Eligibility**

In order to qualify for unpaid leave an employee must have been:

1. Employed by the District for at least 12 months (this period need not be consecutive); and
2. Have worked at least 1,250 hours of service in the immediate 12 months immediately prior to the leave.

**Amount of Leave**

Eligible employees are entitled to a total of 12 workweeks (or 26 weeks to care for a covered service member) of leave during a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first. In the case of military caregiver leave, FMLA rules govern when the leave year applies.

1. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two (2) weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks' duration on any two occasions.

If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the leave must comply with the notice and medical certification provisions of this policy.

**Spouses Both Employed By the District**

In any case in which both parents of a child, adoptee, or foster child are employed by the District and are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave).

In any case in which both spouses employed by the District are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken to care for a covered service member. This limitation does not apply to any other type of leave under this policy.

**Benefits While on Leave**

1. Group Health Insurance Benefits During Unpaid Leave

The leave under this policy is unpaid. While on unpaid leave, employees will continue to be covered by the District's group health insurance for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job. If the employee is disabled by pregnancy, coverage will continue up to four months each leave year. If an

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

---



employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, the District will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).

Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using their paid leave) or direct payments (if the employee is not using their paid leave). The District will inform the employee whether the direct payments for premiums should be paid to the carrier or to the District], and the deadlines for paying premiums in order to prevent coverage from being dropped. Employee contribution rates are subject to any changes in rates that occur while employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the District shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The District shall have the right to recover premiums through deduction from any sums due the District (e.g. unpaid wages, sick leave, vacation, etc.) up to the maximum permitted by law.

**2. Leave Accruals**

Sick leave and vacation will not accrue during any unpaid leave under this policy.

Holiday pay will not be paid during any unpaid leave under this policy.

**Substitution of Paid Accrued Leaves**

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the District may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

**1. Employee's Right To Use Paid Accrued Leaves Concurrently With Family Leave**

Where an employee has earned or accrued sick leave or vacation, that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

**2. District's Right To Require An Employee To Use Paid Leave When Using FMLA/CFRA Leave**

Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave, with the following exception:

Employees will only be required to use extended sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

**3. District's Right To Require An Employee To Exhaust FMLA/CFRA Leave Concurrently With Other Leaves**

If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying, the

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**



District will designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement, including Worker's Compensation leave.

FMLA leave will run concurrently with any leave under the CFRA, except when the employee takes FMLA for pregnancy and related medical conditions.

**4. District's and Employee's Rights If An Employee Requests Accrued Leave Without Mentioning Either the FMLA or CFRA**

If an employee requests to utilize accrued sick leave or other accrued paid leave without reference to a FMLA/CFRA-qualifying purpose, the District may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the District denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the District may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the District may require the employee to exhaust accrued leave as described above.

**Medical Certification Requirement**

Employees requesting leave for their own serious health condition will be required to provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of their position. An employee, on leave for their own serious health condition, will be required to provide certification from their health care provider that the employee is able to return to work and perform all of the essential functions of the job to which the employee is returning.

Employees who request leave to care for a child, parent, domestic partner or a spouse who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse. The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered family member, the employer must obtain recertification if additional leave is requested.

Employees who request leave to care for a covered service member who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured service member's serious injury or illness.

Medical certification must be provided thirty (30) days in advance of the request for leave when possible. When this is not possible, the employee must provide the medical certification to the District within the time frame requested by the District (which must allow at least 15 calendar days after the District's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

The employee must provide a certification for their own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If an employee provides an incomplete or insufficient medical certification the employee will be given written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee's diligent, good faith efforts to address the deficiencies. After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, the District may contact the health care provider who provided the certification to clarify and/or authenticate the certification. "Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. "Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response. The District may not ask for additional information beyond that required on the certification form.

If the District has a good faith, objective reason to doubt the validity of a medical certification for the employee's own serious health condition, the District may, at its expense, require a second medical opinion on the health condition by the health care provider of its choice. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee, but paid for by the District. The opinion of the third provider will be binding. The District must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. A copy of new active duty orders or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member. The District will verify the certification as permitted by the FMLA regulations.

**Intermittent Leave**

In case of a serious health condition, for either an employee's own or that of a child, spouse or parent, intermittent or reduced leave may be taken when medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. Subject to the recommendation of the employee's health care provider, employees needing intermittent/reduced schedule leave for foreseeable medical treatment must coordinate with the District to schedule the leave so as not to unduly disrupt the District's operations. In such cases, the District may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodates recurring periods of leave. The birth or placement of a child does not qualify for intermittent or reduced leave.

**Employee Notice of Leave**

Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed.

For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is





foreseeable.

### **Reinstatement Upon Return From Leave**

#### 1. Right To Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and the District, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

#### 2. Employee's Obligation To Periodically Report On Their Condition

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

#### 3. Fitness-for-Duty Certification

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

#### 4. Reinstatement of Key Employees

The District may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the District within 75 miles of the worksite) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the District, and the employee is notified of the District's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

### **Required Forms**

Employees must complete the applicable forms to receive family and medical care leave. The forms may be requested from the Financial Manager.

*Leave of Absence – Family Medical Leave Policy*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Leave of Absence – Jury Duty/Subpoena

**POLICY NUMBER:** L-400

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**Jury Duty**

Whenever an employee is called for jury duty the employee will be granted a leave of absence with pay in the amount of the difference between the employee’s regular earnings and any amount received as jury compensation. Employees are required to provide reasonable advance notice with verification of any need for such leave, as soon as possible. Any employee who is released from jury service prior to the end of their scheduled work hours must report to work unless otherwise authorized by their supervisor.

Time spent in jury duty is not work time for purposes of calculating overtime compensation.

**Subpoena**

An employee who is subpoenaed to appear in court in a District-related matter regarding an event or transaction in which they participated, were a witness, or investigated in the course of their District job duties, will do so without loss of compensation. The time spent in appearances related to the employee’s District job duties will be considered work time. Time spent in any other court appearances will not.

Any witness fees received by the employee shall be turned over to the District.

**Exception for Employee-Initiated or Non-District Related Lawsuits**

An employee subpoenaed to appear in court in a matter because of civil or administrative proceedings that they initiated (whether District related or not District-related), or due to a matter unrelated to District business, does not receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay, or may use accrued vacation for time spent related to those proceedings. The time spent in these proceedings is not considered work time.

**Notice**

Any employee who is subpoenaed or ordered to be a witness, must notify their supervisor or department head as soon as possible.

*Leave of Absence – Jury Duty/Subpoena*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Leave of Absence – Military Leave

**POLICY NUMBER:** L-500

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Requests for military leave shall be granted pursuant to the provisions of the Family Medical Leave Act, as discussed in Policy Number L-300, the California Military and Veterans' Code Sec. 395.01 and 395.02 and the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, 38 U.S.C. §§ 4301 – 4335).

*Leave of Absence – Military Leave*



**POLICY TITLE:** Leave of Absence – Pregnancy Disability

**POLICY NUMBER:** L-600

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### California Pregnancy Disability Leave Law

An employee who is disabled by pregnancy, childbirth, or related medical conditions, is entitled to take an unpaid pregnancy disability leave (PDL) of up to four months (one-third of a year or 17 1/3 weeks), depending upon the period of actual disability. For a full-time employee who works 40-hours per week, "four months" means 693 hours of leave entitlement, based on 40-hour per week times 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro rata or proportional amount of leave. Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth are all covered by the employee's pregnancy disability leave.

### Medical Certification

#### Leave

To be eligible for PDL, the employee must provide the District with a doctor's written report/excuse stating the length of disability and that the employee is unable to perform her normal job duties, with reasonable advance notice. The request for pregnancy disability leave must be supported by a written certification from the attending physician stating that: the employee is disabled from working by pregnancy, childbirth or a related medical condition; 2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and 3) the estimated duration or end date of the leave.

#### Return to Work

An employee on leave will be required to provide certification from her health care provider that the employee is able to return to work and perform all of the essential functions of the job to which the employee is returning.

### State Disability Insurance

Once the District has received the doctor's written report/excuse stating the first day of disability, there is a seven-day waiting period before State Disability Insurance (SDI) benefits begin. When an employee is on PDL she may use her accrued sick and vacation leave before receiving compensation equal to State Disability wages (current SDI pamphlet). Once the employee has passed the seven-day waiting period and has chosen to receive SDI benefits, the District will compensate the employee using the current SDI provisions for the remainder of the PDL (per/doctor's written report/excuse). (See District State Disability Insurance and Paid Family Leave Benefits (S-300)).

### Concurrent Use of Paid Leave

Pregnancy disability leave is without pay. However, if the employee elects to use paid leave concurrently with pregnancy disability leave, she must first use sick leave, if any. Once sick leave is depleted, the employee may elect to use vacation leave or any other accrued paid time off during the leave.



### **CFRA Bonding Leave**

Once an employee is no longer disabled due to pregnancy, childbirth, or related medical condition and has given birth, the employee may then be eligible for twelve weeks provided by the California Family Rights Act (CFRA) for bonding with a newborn. CFRA baby bonding leave is an unpaid leave. (See District FMLA/CFRA Policy (L-300) regarding concurrent use of paid leave).

If the employee has unused sick or vacation hours, she may use it during this twelve-week period.

### **Benefits While On Leave**

#### PDL

The District will continue to pay the employee's health and welfare benefits and the employee will continue to accrue vacation and sick leave if the four months are needed for PDL.

The District may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to 12 weeks of bonding leave under the California Family and Medical Leave Act.

#### CFRA Bonding Leave

Once an employee is under the twelve weeks provided by CFRA, the District will continue to pay the employee's benefits (except retirement). If the employee does not return to work after the twelve week leave, the District is entitled to receive the payments from the employee for benefits accrued during those twelve weeks and the employee's position is no longer protected.

### **Employee Status During Leave**

The employee retains employee status during the leave. The leave is not a break in service for purposes of longevity or seniority under any collective bargaining agreement or employee benefit plan. Benefits will be resumed upon the employee's reinstatement in the same manner and at the same levels as provided when the leave began, without any new qualification period, physical exam, or other qualifying provisions.

### **Reinstatement**

Upon the expiration of pregnancy leave, the employee will be reinstated to her original or a comparable position, so long as it was not eliminated for a legitimate business reason during the leave.

If the employee's original position is no longer available, the employee will be assigned to a comparable, open position.

If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will initiate an interactive process with the employee in order to identify a potential reasonable accommodation in accordance with these Policies.

*Leave of Absence – Pregnancy Disability*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Leave of Absence – School Related Leave

**POLICY NUMBER:** L-700

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Any District employee who is a parent, guardian or grandparent having custody of one or more children in kindergarten or grades 1 through 12 or attending a license day care facility shall be allowed up to forty (40) hours each school year, not to exceed eight (8) hours in any calendar month of the school year, without pay, to: participate in activities of their child's school or licensed child care facility; find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a child care provider or school emergency. The employee must provide reasonable advance notice to his/her supervisor of the planned absence. The employee may be required to use vacation leave to cover the absence.

The District may require the employee to provide documentation from the school as verification that the employee participated in school activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody work for the District at the same work site, only the first parent requesting will be entitled to leave under this provision.

Any District employee who is the parent or guardian of a child in grades 1 through 12 may take time off to go to the child's school in response to a request from the child's school, if the employee gives advance notice to their supervisor. A school has the authority to request that the parent attend the child's school if the child has: committed any obscene act; habitually used profanity or vulgarity; disrupted school activities; or otherwise willfully defied the valid authority of school personnel. If any provisions in this policy are in conflict with any applicable MOU, the MOU provisions will control.

*Leave of Absence – School Related Leave*



**POLICY TITLE:** Leave of Absence – Time Off For Victims And Relatives Of Victims of Crimes

**POLICY NUMBER:** L-800

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#### Time Off

1. An employee who is a victim of crimes specified in Labor Code section 230.5, including various violent crimes, felony domestic violence, felony stalking, and sexual assault, may take time off to appear in court to be heard at any proceeding, including any proceeding at which a right of the victim is at issue.
2. An employee who has been a victim of a domestic violence, sexual assault, or stalking may take time off to: 1) obtain or attempt to obtain any relief, including, but not limited to: a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or their child; 2) obtain medical or psychological assistance; 3) obtain services from a shelter, program or crisis center; or 4) participate in safety planning to protect against further assaults.
3. An employee who is a victim or has any of the following relationships with a victim of a serious or violent felony, or a felony involving theft or embezzlement may be absent from work to attend judicial proceedings related to that crime: spouse; child; stepchild; brother; stepbrother; sister; stepsister; mother; stepmother; father; stepfather; registered domestic partner; child of registered domestic partner or legal guardian.
4. The term "victim" as used in this paragraph means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act,

#### Notice to the District

An affected employee must give the District reasonable notice that they is required to be absent for the purpose stated above. In case of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance, provide the District with written proof that the absence was required for any of the above reasons as required by law.

#### Use of Accrued Leave

Leave under this section is unpaid unless the employee elects to use vacation or other paid leave. Notwithstanding the District's Sick Leave Policy, employees may use accrued paid sick leave for the leave taken under number 2 listed under "Time Off" in this policy.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Leave of Absence – Time Off to Vote

**POLICY NUMBER:** L-900

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While District work hours/shifts are generally very accommodating of time to vote, employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. Employees should make their request at least two days in advance of the election. Up to two hours of paid time will be provided, at the beginning or end of the employee's regular shift, whichever will allow the most free time for voting and require the least time off work. An employee may take additional unpaid time off if required for the employee to be able to vote, or may request the use of accrued vacation.

*Leave of Absence – Time Off to Vote*



MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020



**POLICY TITLE:** Nepotism

**POLICY NUMBER:** N-100

**Policy**

The District regulates the employment and placement of relatives, spouses, and domestic partners so as to avoid conflicts of interest and to promote safety, security, supervision, and morale. The District Manager has the discretion to prohibit employment of relatives in any of the following circumstances:

**Definitions**

1. "Relative" means child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.
2. "Spouse" means one of two persons to a marriage, or two people who are registered domestic partners, as those terms are defined by California law. (Fam. Code § 297 & 300.)
3. "Supervisory relationship" means one in which one employee exercises the right or responsibility to control, direct, reward, or discipline another by virtue of the duties and responsibilities assigned to them.

**Employment of Relatives**

The District will not appoint, promote or transfer a person to a position within the same department, division, or facility in which the person's relative already holds a position, if any of the following would result:

1. A direct or indirect supervisory relationship between the relatives;
2. The two employees having job duties which require performance of shared duties on the same or related work assignment;
3. Both employees having the same supervisor; or
4. A potential for creating an adverse impact on supervision, safety, security, morale or efficiency.

**Spouses or Domestic Partners**

The District will not appoint, promote, or transfer a person, to the same department, division, or facility in which the person's spouse or registered domestic partner already holds a position, if such employment would result in any of the following:

1. One spouse or domestic partner being under the direct supervision of the other spouse or domestic partner; or
2. Potential conflicts of interest or hazards for married persons or those in domestic partnership which are greater than for those who are not married or in domestic partnerships.

Transfer: If two District employees who work in the same department later become spouses or domestic partners, the District Manager has discretion to transfer one of the employees to a similar position in another department. Although the wishes of the two employees will be considered, the

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**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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District Manager retains sole discretion to determine which employee will be transferred based upon District needs for supervision, safety, security or morale. Any such transfer that results in a salary reduction is not disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process.

**Separation:** If continuing employment of both employees, who work in the same department and who later become spouses or domestic partners, cannot be accommodated in a manner the District Manager finds to be consistent with the District's interest in the promotion of supervision, safety, security, or morale, then the District Manager retains sole discretion to separate one employee from the District. Absent the resignation of one employee, the less senior employee will be separated. Any such separation is not considered to be disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process.

**Other Employment Situations**

The District Manager must be notified and approve of employment situations where a marriage results in an employee being directly or indirectly supervised by his/her mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, or any person with whom he/she has relationship.

*Nepotism*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Off-Duty Conduct

**POLICY NUMBER:** O-100

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While the District does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the District's legitimate business interests. For this reason, employees should be aware of the following policy:

Employees are expected to conduct their personal affairs in a manner that does not adversely affect the District's or their own integrity, reputation or credibility, except where protected by law. Off-duty conduct on the part of an employee that may adversely affect the District's legitimate business interests or the employee's ability to perform his/her job will not be tolerated.

This policy does not affect an employee's ability to exercise their constitutional and legal rights, such as the right of free speech and assembly.

*Off-Duty Conduct*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:**      **Outside Employment**

**POLICY NUMBER:**   **O-200**

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**Policy**

While employed by the District, employees are expected to devote their energies to their jobs with the District. For this reason, outside employment is strongly discouraged. For the purpose of this policy, "employment" refers to a formal or informal paid employment, self-employment, or enterprise for compensation.

**Prohibited Outside Employment**

The following types of outside employment are strictly prohibited:

1. Employment that conflicts with an employee's work schedule, duties and responsibilities, or that involves the time demands as would render performance of their duties as a District employee less efficient;
2. Employment that creates a conflict of interest with, or is inconsistent or incompatible with, the employee's duties, functions, responsibilities or employment with the District;
3. Employment that impairs or has a detrimental effect on the employee's work performance with the District;
4. Employment that requires the employee to conduct work or related activities during the District's working hours, or using the District's facilities and/or equipment, whether on the District premises or in the field;
5. Employment that directly or indirectly competes with the District or the interests of the District;
6. Employment that involves the employee's badge, uniform, prestige or influence of District employment;
7. Employment that involves the performance of an act, in other than their capacity as a District employee, which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of the District;
8. Employment that involves receipt, by the employee, of any money or consideration, from anyone other than the District, for the performance of an act which the employee would be required or expected to render in the regular course or hours of their District employment or as a part of their duties as a District employee.

**Approval**

In order to avoid perceived or actual conflicts of interest that may arise from outside employment, employees must obtain written approval from the Assistant District Manager prior to undertaking any outside employment. Employees who wish to engage in outside employment must submit a written request to the District explaining the details of the outside employment including: the work hours and/or time required; job title or the nature of the activity; the work location; and the supervisor, manager and name of the employer or activity. The Assistant District Manager has the

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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right to deny the request if the outside employment meets any of the exclusions listed above, or is otherwise incompatible with the employee's employment at the District. Approval by the Assistant District Manager for outside employment may be revoked at any time.

An outside employment authorization is valid only up to one year. Should the employee continue the outside employment, activity, or enterprise for a longer duration, they must make another request following the process in this Policy.

If the outside employment is authorized, the employee must promptly report in writing to the Assistant District Manager any of the following changes that may occur during the year of an authorized outside employment: the outside employment ends; or the authorized employment changes as to the number of work hours, location, or types of duties.

If the outside employment is authorized, the District assumes no responsibility for the outside employment. The District shall not provide Workers' Compensation coverage or any other benefit for injuries occurring from or arising out of outside employment. Authorization to engage in outside employment can be revoked at any time.

**Appeal**

If the Assistant District Manager denies an employee's outside employment request, the employee may submit a written notice of appeal to the District Manager within ten days after the date of the denial. The decision on appeal will be put in writing, provided within ten days after the receipt of the appeal, and will be final.

**Discipline**

Employees may be subject to discipline for violation of this Outside Employment policy, in accordance with District Policy D-100.

**Use of District Resources Prohibited**

An employee who has additional or outside employment is prohibited from the use of District records, materials, equipment, facilities or other District resources in connection with the outside employment.

**Revocation of Authorization** Any outside employment authorization may be revoked or suspended during the year it is granted under the circumstances listed below. An employee may appeal the revocation or suspension as provided in this Policy. a. The employee's work performance declines; or b. An employee's conduct or outside employment conflicts with the conditions of the outside work authorization or is incompatible with the employee's work for the District.

*Outside Employment*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Performance Evaluation

**POLICY NUMBER:** P-100

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**Purpose**

The District Manager or his/her designated representative conducts a scheduled performance review of each employee prior to a merit advancement date. The purpose of performance evaluations is to establish and clarify goals and objectives and inform employees of their job performance. The District utilizes performance evaluations to summarize the performance of the employees for the period covered as accurately and as objectively as possible. All matters of significance appearing on the evaluation will be discussed with the employee, who in turn may add their own written comments to the evaluation, which then becomes part of the employee's permanent file.

**Frequency**

Regular employees who have passed probation will receive a written performance review annually on or near the employee's anniversary date. Unscheduled performance evaluations of any frequency may be made at the discretion of the District Manager or his/her designated representative.

On or about the completion of six months of a probationary period, and again at any point prior to separation or the successful completion of the probationary period, the probationary employee's supervisor will prepare and sign a performance evaluation. The purpose of the probationary performance evaluation is to chart the probationer's progress toward meeting the standards of their position.

**Procedure**

Performance evaluations are recorded in writing on forms prescribed by the District Manager. Evaluations should be discussed privately with the employee. The employee's signature indicates the employee's acknowledgement that they are aware of the evaluation's contents and has discussed the evaluation with their supervisor. The employee's signature on the evaluation does not indicate agreement with its contents. The employee will receive a copy of the evaluation after the meeting with the supervisor(s) and a copy of the evaluation will be placed in the employee's personnel file.

The employee may comment on the evaluation in a written statement within ten calendar days of the receipt of the evaluation. If the statement is submitted within ten calendar days of the employee's receipt of the evaluation, it will be placed with the evaluation in the employee's personnel file. An employee does not have the right to appeal or submit a grievance regarding any matter relating to the content of a performance evaluation.

**Record Keeping**

The supervisor retains a copy of the written evaluation and gives a copy to the employee. The original will be placed in the employee's personnel file and may be reviewed by the employee upon request.

*Performance Evaluation*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Personnel Records

**POLICY NUMBER:** P-200

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The District maintains a personnel file for each employee. An employee's personnel file will contain only material that is necessary and relevant to the administration of the District's personnel program.

Personnel files are the property of the District, and access to the information they contain is restricted.

The information in the employee's personnel file is permanent and is to be held confidential to the extent permitted by law. Personnel files may not be removed from the District's premises.

Personnel files shall be retained by the District for at least three years after separation from employment.

**Applicant or Employee Medical Information**

All medical information about an employee or applicant shall be retained in separate medical files and is treated as confidential. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for District business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

**Employee Access to Personnel File**

1. Inspection

A current or former employee and/or their representative, who wishes to review his or her personnel file should make a written request to the Financial Manager. A current employee has the right to inspect their personnel file at reasonable times and at reasonable intervals, within 30 days of a written request. A former employee is entitled to inspect their personnel records one time per year.

An employee may inspect only their own personnel file and only in the presence of a District representative, at a location where the employee works and at a time other than the employee's work time, or at another agreed upon location without loss of compensation to the employee.

2. Copies

A current or former employee is entitled to receive a copy of their personnel records within 30 days after the employer receives a written request. A current or former employee who wishes to receive such a copy should contact the Financial Manager in writing. The District may charge a fee for the actual cost of copying.

Prior to making a copy of personnel records or allowing inspection, the District may redact the names of nonsupervisory employees. Under no circumstances will the District provide access or copying of the following categories of personnel file documents: records relating to the investigation of a possible criminal offense; letters of reference; ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**Representative's Inspection**

If the current or former employee wishes to have another person/representative inspect their personnel file, they must provide the person/representative with written authorization. The Financial Manager will notify the employee and/or representative of the date, time and place of the inspection in writing.

**No Removal of Documents**

No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.

**Supervisor Working Files**

A supervisor may keep a working file on an individual employee to track work in progress, conduct, and performance related information. A supervisor's working file typically contains documents pertaining to ongoing work such as notes of conversations, assignments, status reports and milestones to support annual performance evaluations.

The supervisor's working file is a confidential file that is kept in a secure area near the employee's immediate supervisor and stored in a locked area when not in use. The contents of a working file will be discarded in a secure manner once the information is no longer necessary.

A supervisor's working file is not considered part of the official personnel file.

**Changes to Employee Information**

The employee shall inform District administration immediately whenever there is a change in personnel data such as address, telephone number, marital or registered domestic partner status, number of dependents, and person(s) to notify in case of an emergency. The District requires that a current home address be provided. This information is used to facilitate official written communications and may also be used in the event that employees have to be located in order to be activated as Disaster Service Workers.

*Personnel Records*



MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Pesticide Regulation Compliance

**POLICY NUMBER:** P-300

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All District employees who use pesticides or supervise their use must know, understand and have access to all rules and regulations governing operational restricted and non-restricted public health pesticides. Only employees with a current California Qualified Applicator Certificate or License, and employees supervised by another employee with a current California Qualified Applicator Certificate or License, will be permitted to use pesticides.

**Guidelines**

1. Employee Field Manuals must be complete and up-to-date in every facet of District pesticide use, handling and safety.
2. Pesticide application equipment must be maintained in top working condition.
3. All pesticide application equipment and containers must be properly labeled.
4. Pesticide users must utilize the proper equipment for application.
5. Pesticide users must know and be able to calibrate the equipment they use. Equipment must be calibrated at least annually; additional calibration may be necessary based on performance or maintenance of equipment or if instructed by a supervisor.
6. Pesticide users must be able to do the mathematics necessary to express or calculate dosage rate and application rate.
7. Pesticide users must know what, where, why, and how to apply pesticides in order to prevent adult mosquito emergence and to control adult mosquito populations post emergence.
8. Safety equipment must be utilized in conformance with established policy or guidelines. Failure to do so will result in the immediate initiation of progressive discipline.
9. Pesticide users must know how to carry out preventive maintenance and basic repairs on their application equipment.
10. Pesticide supplies in District vehicles must be replenished at the end of each workday.

Failure to follow all or any of these guidelines, unless otherwise noted, may result in discipline, up to and including termination.

*Pesticide Regulation Compliance*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Pesticide Safety

**POLICY NUMBER:** P-400

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Handle all pesticides and herbicides in full understanding and compliance of the label, including, but not limited to, the wearing of the correct safety equipment at all times.

See your supervisor for copies of the pesticide and herbicide labels available in the current Safety Data Sheets (SDS), or for any questions related to pesticide usage.

Triple rinse all containers.

Properly label all containers, tanks, and sprayers.

Only containers provided by the District and approved by a supervisor in the Operations Department may be used to store pesticides.

All pesticides must be stored and transported safely and properly in District vehicles and in accordance with State and local laws.

*Pesticide Safety*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Political Activities

**POLICY NUMBER:** P-500

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**Policy**

Consistent with the Federal Hatch Act and applicable state statutes regarding political activities of government/public sector employees, the District prohibits:

1. Employee use of any District facility or resource in support of any candidate or ballot measure.
2. Campaigning by employees for any candidate or political cause on District time or while on District premises.
3. Participating in political activities of any kind while in a District uniform or other District-issued clothing.
4. Employee use of their office to coerce or intimidate public employees to promote, propose, oppose, or contribute to any political cause or candidate.
5. Participation in political activities during work hours.
6. Participation in political activities in District work areas.
7. Distribution of political communications on District property.
8. Use of District equipment and/or supplies to create political communications.
9. Interference with any election.
10. Attempts to trade job benefits for votes for a particular candidate or cause.
11. Solicitation or receipt of political funds or contributions to promote the passage or defeat of any ballot measure that would affect working conditions, during the working hours of employees, or in District offices.
12. Direct or indirect solicitation of political contributions from other District employees, unless such solicitation is made to a significant segment of the public which incidentally includes District employees.

**Permitted Conduct**

1. Participation in political campaigns provided the participation does not interfere with District work, is on the employee's own time, and is not prohibited by law.
2. Expression of political opinion on all political subjects or candidates.
3. Candidacy for any local, state or national election.
4. Contributions to political campaigns.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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5. Joining and participating in the activities of political organizations on personal time and off District premises.
6. Requests, during off-duty time, for political contributions, through the mail or other means, from District officers or employees if the solicitation is part of a solicitation made to a significant segment of the public which may include District officers or employees.
7. Solicitation or receipt, during off-duty time, of political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement or other working conditions of District officers or employees.

*Political Activities*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Pre-Employment Physical Examination

**POLICY NUMBER:** P-600

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### Policy

Those external applicants who apply for certain jobs where a special need for pre-employment drug and alcohol testing exists must take and pass a drug and alcohol test, at the District's expense, following a conditional offer of employment. The categories of jobs subject to pre-employment drug and alcohol testing include, but is not limited to:

1. Safety sensitive jobs that have public safety implications, such as jobs requiring operation of heavy trucks to transport hazardous material and jobs requiring a Class A driver's license; and
2. Jobs that involve direct influence over children.

All job applicants for full-time, temporary and part-time employment who have been made a conditional job offer by the District are required to submit to a post-conditional offer a physician's examination at the District's expense. The District will receive only the ultimate results of the exam or medical information that is related to the employee's job duties.

1. A final offer of employment commitment will be made only if a negative drug screen result is obtained (for those subject to pre-employment drug and alcohol screening) and a qualified physician has certified the applicant is qualified to do the type of work required by the position being applied for.
2. Applicants who refuse to cooperate in the examination and testing will not be considered further for employment.
3. Applicants who have a positive alcohol and/or drug test result will be denied employment.

Drivers covered by the U.S. Department of Transportation regulations are required to obtain and maintain a valid Medical Examiner's Certificate (ME Certificate).

### Procedure

Appointments with the medical facility providing the examination and drug testing should be made at least one day prior to testing, if possible, with the applicant provided minimal advance notice (no more than one day, if practical).

When the applicant reports to the medical facility for the scheduled examination and drug testing, identification must be provided to the facility in the form of a photograph and verifiable signature (e.g., vehicle operator's license).

All test results will be kept confidential. The applicant may be told he/she failed to pass the test, but the District Manager or designee will have access to the actual results.

District employment application forms contain the following notice:

*Marin/Sonoma Mosquito and Vector Control District has a policy of requiring a job-related physician's exam of persons who are under serious consideration for employment, together*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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*with urine and blood testing of persons who are under serious consideration for employment for certain jobs where a special need for pre-employment drug and alcohol testing exists. Persons who do not receive said physician's certification of qualification to do the type of work required by the position applied for, or who test positive for the presence of illicit drugs in their body will not be considered further. If you have reason to believe that you will not pass a physician's examination or will register positive on a drug test, or if you are unwilling to consent to such a test or examination, it is recommended that you not submit an application.*

Immediately prior to reporting for drug testing, job applicants will complete a Consent and Release Form to be kept on file in the District office.

**Independent Medical Opinion**

Where the results of a pre-employment medical examination would result in disqualification, an applicant may submit an independent medical opinion for consideration before the final determination is made.

*Pre-Employment Physical Examination*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Probationary Employees

**POLICY NUMBER:** P-700

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A probationary employee is one who is serving a probationary period. The probationary period shall be regarded as part of the testing process and shall be utilized for closely observing the employee's work to determine the employee's fitness for the position.

All District employees are required to serve a probationary period of 2,080 hours of actual, supervised service in the position, excluding overtime. For a part-time employee in a permanent position, the 2,080-hour requirement will be pro-rated based on the employee's FTE allocation. A probationary period shall automatically be extended for the length of any leave of absence exceeding thirty (30) consecutive days. The District reserves the right, at the sole discretion of the District Manager, to extend the duration of the probationary period when such an extension is deemed appropriate and necessary.

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A probationary employee has no property right in continued employment during the initial probationary period and may be dismissed at any time during a probationary period without cause and without pre or post-disciplinary procedural due process, including any right of appeal or hearing. In case of such dismissal, the District Manager will notify the dismissed probationary employee in writing that he/she is being separated from District service and the effective date of the separation.

No probationary employee will receive a regular appointment without a written recommendation from the District Manager or designee.

An employee does not acquire regular status in the promotional position until the successful completion of the probationary period. If the employee fails to satisfactorily complete the probationary period in the promotional position, the employee will be entitled to return to the position held prior to promotion at the range and step previously held if not subject to termination for disciplinary reasons. The employee is not entitled to notice or a hearing if rejected during probation.

*Probationary Employees*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Protection from Wildfire Smoke

**POLICY NUMBER:** P-800

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Pursuant to CalOSHA regulations (2 CCR section 5141.1), the District provides the following information:

1. Health Effects of Wildfire Smoke

Although there are many hazardous chemicals in wildfire smoke, the main harmful pollutant for people who are not very close to the fire is "particulate matter," the tiny particles suspended in the air.

Particulate matter can irritate the lungs and cause persistent coughing, phlegm, wheezing, or difficulty breathing. Particulate matter can also cause more serious problems, such as reduced lung function, bronchitis, worsening of asthma, heart failure, and early death.

People over 65 and people who already have heart and lung problems are the most likely to suffer from serious health effects.

The smallest -and usually the most harmful -particulate matter is called PM2.5 because it has a diameter of 2.5 micrometers or smaller.

2. Right To Obtain Medical Treatment

The District encourages employees who show signs of injury or illness due to wildfire smoke exposure to seek medical treatment. Affected employees will not be subject to reprisal for seeking such treatment. In the event of serious injury or illness caused by wildfire smoke exposure, the employee should seek immediate assistance from emergency medical providers, or the District's designated medical facility if emergency assistance is not required.

3. Obtaining Current Air Quality Index (AQI) for PM2.5.

Various government agencies monitor the air at locations throughout California and report the current AQI for those places. The AQI is a measurement of how polluted the air is. An AQI over 100 is unhealthy for sensitive people and an AQI over 150 is unhealthy for everyone.

Although there are AQIs for several pollutants, Title 8, section 5141.1 regarding wildfire smoke only uses the AQI for PM2.5.

The easiest way to find the current and forecasted AQI for PM2.5 is to go to [www.AirNow.gov](http://www.AirNow.gov) and enter the zip code of the location where you will be working. The current AQI is also available from the U.S. Forest Service at <https://tools.airfire.org/> or a local air district, which can be located at [www.arb.ca.gov/capcoa/dismap.htm](http://www.arb.ca.gov/capcoa/dismap.htm). Employees who do not have access to the internet can contact the District for the current AQI. The EPA website [www.enviroflash.info](http://www.enviroflash.info) can transmit daily and



**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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forecasted AQIs by text or email for particular cities or zip codes.

4. Procedures for Addressing Wildfire Smoke

If employees may be exposed to wildfire smoke, the AQI applicable to the worksite will be obtained by the supervisor. If the current AQI for PM2.5 is 151 or more, the supervisor is required to:

- a. Check the current AQI before and periodically during each shift.
- b. Provide training to employees.
- c. Lower employee exposures.
- d. Provide respirators and encourage their use.

5. The District's Communication System

Supervisors shall alert employees when the air quality is harmful and what protective measures are available to employees.

Supervisors shall encourage employees to inform them if they notice the air quality is getting worse, or if they are suffering from any symptoms due to the air quality, without fear of reprisal.

The District shall communicate with employees regarding the AQI through two-way radio, phone, text, e-mail or in person.

6. Protecting Employees from Wildfire Smoke

The District shall take action to protect employees from PM2.5 when the current AQI for PM2.5 is 151 or greater. Examples of protective methods may include:

- a. Locating work in enclosed structures or vehicles where the air is filtered.
- b. Changing procedures such as moving workers to a place with a lower current AQI for PM2.5.
- c. Reducing work time in areas with unfiltered air.
- d. Increasing rest time and frequency, and providing a rest area with filtered air.
- e. Reducing the physical intensity of the work to help lower the breathing and heart rates.

7. Use of a Respirator When Exposed to Wildfire Smoke

Respirators can be an effective way to protect employee health by reducing exposure to wildfire smoke, when they are properly selected and worn. Respirator use can be beneficial even when the AQI for PM2.5 is less than 151, to provide additional protection.

When the current AQI for PM2.5 is 151 or greater, the District shall provide employees with proper respirators for voluntary use. If the current AQI is greater than 500, respirator use is required.

A respirator should be used properly and kept clean. The following precautions shall be taken:

- a. Respirators will be certified for protection against the specific air contaminants at the workplace by the National Institute for Occupational Safety and Health of the U.S. Center for Disease Control and Prevention (NIOSH). A label or statement of certification should appear on the respirator or respirator packaging listing what the respirator is designed for (e.g., particulates).



Surgical masks or items worn over the nose and mouth such as scarves, T-shirts, and bandannas will not provide protection against wildfire smoke. An N95 filtering facepiece respirator, shown in the image below, is the minimum level of protection for wildfire smoke.

- b. Supervisors and employees shall read and follow the manufacturer's instructions on the respirator's use, maintenance, cleaning and care, along with any warnings regarding the respirator's limitations. The manufacturer's instructions for medical evaluations, fit testing, and shaving should also be followed, although doing so is not required by Title 8, section 5141.1 for voluntary use of filtering facepiece respirators.
- c. Employees shall not wear respirators in areas where the air contains contaminants for which the respirator is not designed. A respirator designed to filter particles will not protect employees against gases or vapors, and it will not supply oxygen.
- d. Employees should keep track of their respirator so that they do not mistakenly use someone else's respirator.
- e. Employees who have a heart or lung problem should ask their doctor before using a respirator.

8. Proper Wear, Use and Maintenance of Respirators

To get the most protection from a respirator, there must be a tight seal around the face. A respirator will provide much less protection if facial hair interferes with the seal. Loose-fitting powered air purifying respirators may be worn by people with facial hair since they do not have seals that are affected by facial hair.

The proper way to put on a respirator depends on the type and model of the respirator.

For those who use an N95 or other filtering facepiece respirator mask that is made of filter material:

- a. Place the mask over the nose and under the chin, with one strap placed below the ears and one strap above.
- b. Pinch the metal part (if there is one) of the respirator over the top of the nose so it fits securely.

For a respirator that relies on a tight seal to the face, check how well it seals to the face by following the manufacturer's instructions for user seal checks. Adjust the respirator if air leaks between the seal and the face. The more air leaks under the seal, the less protection the user receives.

Respirator filters should be replaced if they get damaged, deformed, dirty, or difficult to breathe through. Filtering facepiece respirators are disposable respirators that cannot be cleaned or disinfected. A best practice is to replace filtering facepiece respirators at the beginning of each shift.

If you have symptoms such as difficulty breathing, dizziness, or nausea, go to an area with cleaner air, take off the respirator, and get medical help.

*Protection from Wildfire Smoke*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Public Complaints

**POLICY NUMBER:** P-900

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A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, or of a state or federal statute, causing the individual to be adversely affected. The Board of Trustees desires that public complaints be resolved in a timely, logical, and systematic manner, at the lowest possible administrative level.

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Public complaints of harassment, discrimination or retaliation based on a protected class shall be handled in accordance with the District's Harassment, Discrimination and Retaliation Prevention Policy (Policy Number H-100). The procedure for resolving public complaints as defined in this policy is as follows:

1. The individual with a complaint should first discuss the situation with the District employee present or on the phone with the objective of resolving the matter informally.
2. If the employee is unable to resolve the complaint to the individual's satisfaction, the complaint may be filed with the Supervisor (or other responsible managing employee). Within a reasonable time, the District Manager (or other responsible managing employee) will contact the person filing the complaint to resolve the matter. At the option of the District Manager (or other responsible managing employee), he/she may conduct conferences and take testimony or written documentation toward resolution of the complaint. The person filing the complaint may request a written decision from the District Manager (or other responsible managing employee).
3. If the person filing the complaint is not satisfied with the disposition of the matter by the District Manager (or other responsible managing employee), a written complaint may be filed with the Board of Trustees within ten days of receiving the District Manager's (or other responsible managing employee's) written decision.
4. A Board panel, appointed by the Board of Trustees, consisting of three (3) Board of Trustee members, shall hear the appeal. The Board-appointed, three-person panel shall hold a meeting to consider the matter no later than sixty (60) days from the date of filing the appeal. In making an advisory decision, the Board panel may conduct conferences, hear testimony, as well as refer to the transcripts of previous written documentation. The panel shall issue an advisory decision to the Board within fourteen (14) calendar days following the meeting and submission of relevant documentation. The Board of Trustees may consider the matter at the next regular meeting, or call a special meeting. A Panel decision affirmed by the Board is a final decision from the Board.
5. The Board of Trustees shall send the final decision, along with a proof of service of mailing, to each of the parties and to each of the parties' representatives. Copies shall also be distributed to the District Manager.
6. Judicial review of any decision of the full Board may be had pursuant to Section 1094.5 of the California Code of Civil Procedure only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section. Pursuant to Code of Civil Procedure 1094.6, any such petition will be filed not later than the ninetieth (90th) day following the date on which the Board of Trustees gives written notice of the final decision.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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This policy in no way prohibits nor is intended to deter a member of the community or staff member from appearing before the Board to present verbally a testimony, complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.

*Public Complaints*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Punctuality and Attendance

**POLICY NUMBER:** P-1000

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**Policy**

District employees are expected to be punctual and regular in attendance. Punctuality is defined to be at the work area/work station fully prepared to begin job duties at the employee's scheduled start time. When an employee is tardy or has an unscheduled absence, it has a detrimental effect on District operations, because his/her workload shifts to fellow employees and the immediate supervisor, who must perform the absent employee's workload (just as that employee must assume the workload of others who are absent). Employees are expected to report to work as scheduled, on time and prepared to start work, and to remain at work for their entire work schedule, except for break and meal periods or when required to leave on authorized District business. Employees must return from meal and break periods in a timely manner, and avoid all disruptive late arrivals, early departures or other absences from scheduled hours.

An employee is required to seek advance permission from their supervisor for any foreseeable absence or deviation from regular working hours.

**Employee's Duty to Notify of Absence or Late Arrival**

Unless there are extenuating circumstances, if an employee will not be reporting to work or will be late, they must call their immediate supervisor at least one hour before scheduled to begin working for that day. Failure to do so will result in the day of absence being treated as an unauthorized absence. In emergency circumstances, the employee must report the absence within a reasonable time.

Employees also need to inform the supervisor of the expected duration of any absence.

An employee who has an unauthorized tardy or absence not related to a protected reason will not receive compensation for the period of absence.

**Excessive Absenteeism and/or Tardiness**

Excessive absenteeism or tardiness (whether excused or not) will result in discipline up to and including dismissal. Excessive absenteeism or tardiness occurs when there are more than three (3) incidents of absenteeism or tardiness (not related to a protected reason and not previously authorized) in any rolling 30-day period. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination. Abuse of, or misrepresentation of any form of accrued or unpaid leave time will be grounds for discipline, up to and including termination.

*Punctuality and Attendance*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Reasonable Accommodation Policy

**POLICY NUMBER:** R- 100

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**Purpose**

To emphasize the District's commitment to comply with the provisions of the Americans with Disabilities Act and the California Fair Employment and Housing Act's disability accommodation provisions.

**Policy**

The District provides employment-related reasonable accommodations to qualified individuals with known physical or mental disabilities within the meaning of the Americans with Disabilities Act and the California Fair Employment and Housing Act.

**Procedure**

Request for Accommodation

An applicant or an employee who desires a reasonable accommodation in order to perform essential job functions should make such a request in writing to the District Manager. The request must identify: a) the job-related functions the employee is unable to perform without accommodation; and 2) the desired accommodation(s).

Reasonable Documentation of Disability

Following receipt of the request, the District may require additional information, such as reasonable documentation of the existence of a disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider.

Fitness for Duty Examination

The District may require an applicant or employee to undergo a fitness for duty examination at the District's expense to determine whether the applicant or employee can perform the essential functions of the job with or without reasonable accommodation. The District may also require that a District-approved physician conduct the examination. The District shall articulate in writing the factual basis for the exam. For applicants, the exam must be job related, consistent with business necessity and required of all entering employees in the same job classification. For current employees, the exam must be job related and consistent with business necessity.

The District will provide the health care provider with a letter requesting a fitness for duty examination and a written description of the essential functions of the job. The examination will be limited to determining whether the applicant or employee can perform the essential functions of his/her position and any work restrictions and/or functional limitations that apply to the applicant or employee. The health care provider will examine the employee and provide the District with non-confidential information regarding whether:

1. The applicant or employee has a disability within the meaning of the California Fair Employment and Housing Act;

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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2. The applicant or employee is fit to perform essential job functions;
3. Workplace restrictions or functional limitations apply to the applicant or employee, and the duration of the work restrictions or functional limitations;
4. There are any reasonable accommodations that would enable the employee to perform essential job functions; and
5. The employee's continued employment poses a threat to the health and safety of them self or others.

Should the health care provider exceed the scope of the District's request and provide confidential health information, without valid consent of the applicant or employee, the District will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that the District has requested.

Interactive Process Discussion

After receipt of reasonable documentation of disability and/or a fitness for duty report, the District will arrange for a discussion, in person or via telephone conference call, with the applicant, or the employee, and their representative(s), if any. The purpose of the discussion is to work in good faith to fully discuss all feasible potential reasonable accommodations.

Case-by-Case Determination of Availability of Accommodation(s)

The District determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The District will not provide accommodation(s) that would impose an undue hardship upon District finances or operations, or that would endanger the health or safety of the employee or others. The District will inform the employee of its decision as to reasonable accommodation(s) in writing.

District Contribution Toward Health, Dental and Life Insurance Premiums During Unpaid Disability Leave

Employees on leaves of absence without pay, including intermittent or partial leave without pay, shall not be entitled to payment by the District of the premiums for their health, dental and life insurance, except as required by law. For employees on full unpaid leave, the entitlement to District payment of premiums shall end on the last day of the month in which the employee began the leave without pay. In the case of employees on intermittent or partial leave without pay, employees will receive a pro-rated District contribution to health, dental, and life insurance premiums during the period of intermittent or partial leave without pay. An employee on an unpaid leave of absence shall not accrue any seniority with the District for the length of the unpaid leave.

*Reasonable Accommodation*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Recruitment and Selection

**POLICY NUMBER:** R-200

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**Policy**

Consistent with the best interest and needs of the District, the District Manager has the authority and obligation to fill all employee positions in the District with the best qualified applicants. The Board of Trustees reserves the sole and exclusive right to select and hire District Managers.

**Hiring Procedures**

The District Manager or designee will conduct initial screening of all applicants to ensure that candidates meet minimum qualifications.

The District Manager or designee may reject an application, if the applicant:

1. Has made false statements of any material fact, or practiced any deception or fraud on the application or declarations.
2. Is found to lack any of the requirements, certifications, or qualifications for the position involved.
3. Is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation, if disabled.
4. Is a current user of illegal drugs.
5. Is a relative of an employee, and is subject to the District's Nepotism Policy Number N-100.
6. Used or attempted to use political pressure or bribery to secure an advantage in the process.
7. Directly or indirectly obtained information regarding examinations.
8. Failed to submit the employment application correctly or within the prescribed time limits.
9. Has had their privilege to operate a motor vehicle in the State of California suspended or revoked, if driving is job related.
10. For any material cause which in the judgment of the District Manager or designee would render the applicant unsuitable for the position, including a prior resignation from the District, termination from the District, or a significant disciplinary action.

Depending on the number of applications received for a particular recruitment, the District Manager or designee may rank applications in order of qualification levels. The District may choose to call only the most qualified applicants for interviews as opposed to all applicants who meet minimum qualifications.

After completing an examination process determined by the District Manager or designee, conditional offer(s) of employment shall be made to qualified candidates based on the applicant's qualifications, experience, references, evaluations by interviewers and other relevant information, including information obtained from the employee's resume and other submitted documents.



**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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Offers of employment may be made by the District Manager or Assistant Manager only.

**Criminal Conviction Check**

After the District makes a conditional offer of employment, the District Manager or Assistant Manager may then request information about criminal convictions, except for misdemeanor marijuana-related convictions that are over two years old, or convictions that have been judicially sealed, eradicated, or expunged.

Unless required by law, the District will not deny employment to any applicant solely because they have been convicted of a crime. The District may, however, consider the nature, date and circumstances of the offense, evidence of rehabilitation, as well as whether the offense is relevant to the duties of the position.

The following procedure shall not apply to a position for which a state or local agency is otherwise required by law to conduct a conviction history background check, or to a position where an employer or agent thereof is required by any state, federal, or local law to conduct criminal background checks for employment purposes or to restrict employment based on criminal history

1. If the District intends to deny an applicant a position of employment solely or in part because of the applicant's conviction history, it shall make an individualized assessment of whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job that justify denying the applicant the position.
2. If the employer makes a preliminary decision that the applicant's conviction history disqualifies the applicant from employment, the employer shall notify the applicant of this preliminary decision in writing. The notification shall contain a notice of the disqualifying conviction or convictions that are the basis for the preliminary decision to rescind the offer, a copy of the conviction history report, if any, and an explanation of the applicant's right to respond to the notice of the employer's preliminary decision before that decision becomes final and the deadline by which to respond. The explanation shall inform the applicant that the response may include submission of evidence challenging the accuracy of the conviction history report that is the basis for rescinding the offer, evidence of rehabilitation or mitigating circumstances, or both.
3. The applicant shall have at least five business days to respond to the notice before the District makes a final decision. If, within the five business days, the applicant notifies the District in writing that the applicant disputes the accuracy of the conviction history report and is taking specific steps to obtain evidence supporting that assertion, then the applicant shall have five additional business days to respond to the notice.
4. The District shall consider information timely submitted by the applicant before making a final decision.
5. If the District makes a final decision to deny an application solely or in part because of the applicant's conviction history, the District shall notify the applicant in writing of the final denial or disqualification and the applicant's right to file a complaint with the Department of Fair Housing and Employment.

**Medical Examinations**

Appointment to certain positions may be made contingent upon the applicant/employee passing a drug / alcohol test, and/or a job-related medical examination. Such examination shall only be

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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required after a conditional offer of employment has been made. (See Reasonable Accommodation Policy and Pre-Employment Physical Examination Policy.)

**Assignment of Duties**

Specific employment classifications and/or personnel job descriptions will not modify or limit the power of the District Manager to assign duties as the need arises or to direct and control the work of employees within the scope of the District's policies. Any issues of extended performance of employee job duties significantly outside of the person's regular job classification should be brought to the attention of the District Manager or designee.

**Reporting for Duty**

The person accepting appointment shall report to the District Manager or designee on the date designated by the District Manager. Otherwise, the applicant shall be deemed to have declined the appointment.

**Required Licenses and Certifications**

All candidates for positions that may require operation of a District vehicle must have a valid California State Driver's Licenses and a driving record acceptable to the District's insurance carrier. All employees who are required to drive District vehicles will be subject to dismissal on two weeks' notice should their personal and/or District driving records become unacceptable to the District's Administration or its insurance carrier.

When certification is required, an employee will be given a reasonable opportunity to qualify. The District Manager will have the option to terminate an employee who fails a required certification examination. As of July 1, 1979, the only required certification for continued employment is a Mosquito Control Core Certificate.

*Recruitment and Selection*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:**     References/Employment Verification

**POLICY NUMBER:**  R-300

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All requests for employment verifications and employee references must be directed promptly to the District Manager or designee. Other employees should not attempt to provide any such information. The District Manager or designee is responsible for handling any inquiries or requests for employment verification in accordance with Agency policies.

In response to any inquiries for requests for references, the District will provide only a former employee's dates of employment, salary and job title. Requests for additional employee information beyond employment verification noted above will be limited to required response to law enforcement, federal and state regulatory agencies and lawful records requests/subpoenas for records. Additional references may be provided only with advance approval of the District Manager.

*References/Employment Verification*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Religious Accommodation

**POLICY NUMBER:** R-400

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The District will make reasonable accommodation to the employment conditions for an employee's bona fide religious beliefs, observances and/or practices when such accommodation may be accomplished without undue hardship to the District. Requests for such accommodation must be made in writing to the District Manager or designee.

*Religious Accommodation*



**POLICY TITLE:** Resignation

**POLICY NUMBER:** R-500

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### **Resignation**

In order to leave District service in good standing, an employee must file a written notice of resignation with the District Manager or Assistant Manager at least two weeks before the effective date. The District Manager may, however, grant good standing with less notice if he/she determines the circumstances warrant. A resignation becomes final when the District Manager accepts the resignation in writing. Once a resignation has been accepted, it is final and irrevocable. A resignation can be accepted by the District Manager even if it is submitted less than two weeks prior to the planned resignation date. Resignation may not be withdrawn without District Manager's approval.

### **Abandonment of Position/Constructive Resignation**

If an employee fails to report for work without any notification to an immediate supervisor and without prior authorization, and the absence continues for a period of three (3) consecutive scheduled workdays/ shifts, the District will consider this as abandonment of employment resulting in voluntary termination and constructive resignation from employment.

The employee will be given written notice, at their address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for the employee's unauthorized absence. An employee who promptly responds to the District's written notice, within the timeframe set forth in the written notice, can arrange for an appointment with the District Manager before final action is taken, to explain the unauthorized absence and failure of notification. An employee separated for job abandonment will be reinstated upon proof of justification for such absence, including but not limited to severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. No employee separated for job abandonment has the right to a post-separation appeal.

*Resignation*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Sick Leave

**POLICY NUMBER:** S-100

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**Sick Leave Defined**

Sick leave is paid leave from duty that can be used for the following purposes:

1. Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling; or
2. For an employee who is a victim of domestic violence, sexual assault, or stalking to:
  - a. obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or their child; or
  - b. obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.

**Protected Sick Leave:**

1. For employees who are not seasonal/temporary ~~or extra help~~, one-half of the employee's accrued and available annual sick leave is protected and may be used for any of the purposes stated in this Policy.
2. For seasonal/temporary ~~or extra help~~ employees, up to 24 hours, or three days, whichever is greater, of accrued and available sick leave each year is protected and may be used for any of the purposes stated in this Policy. The year is measured beginning on July 1st, or the employee's anniversary of hire date, whichever is later.

**Usage**

An employee may use accrued sick leave, in a minimum increment of one-half (1/2) hour, beginning on the 90th day after the first day of employment with the District, subject to the limits and request provisions in this Policy.

To request to use sick leave if the need for leave is foreseeable, an employee must give the immediate supervisor reasonable advance written or oral notice. If the need for sick leave is not foreseeable, the employee shall provide written or oral notice of the need for the leave as soon as practicable. If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed each day as to the date the employee expects to return to work and the purpose of the leave.

Failure to request sick leave as required by this Policy without good reason, may result in the employee being treated as absent without leave.

In the event that an employee or a member of the employee's immediate family recovers from any such sickness after being granted sick leave, and during the regularly scheduled hours of work,

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**



then such employee shall notify the appropriate immediate supervisor and be available to return for duty.

Exempt employees are required to use their sick leave when they are absent from work due to a qualifying reason for partial or full days.

**Certification**

The District may require that employees who are not seasonal or temporary provide a physician's certification to support any absence that involves the illness of the employee or family member if the District suspects that there is an abuse of sick leave by the employee.

All employees, including seasonal and temporary, who use paid leave to address issues related to domestic violence, sexual assault or stalking, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter.

The District may require a physician's certification for the employee's illness or the illness of an immediate family member if the employee is absent for more than three (3) consecutive work days. The certification must provide the employee's intended date of return to work

**Accrual**

Full time employees who are not seasonal/temporary accrue eight hours of sick leave for each calendar month of paid status.

Part-time employees who are not seasonal/temporary accrue sick leave in an amount prorated to the lower number of hours they work each calendar month in paid status, which shall be a minimum of one hour of paid sick leave for every 30 hours worked.

Accrued sick leave carries over from year to year. No accrual limit applies.

Seasonal \_\_\_\_\_ and \_\_\_\_\_ temporary employees  
accrue sick leave in accordance with Board policy 5030.

accrue sick leave in accordance with Board policy 5030.

accrue sick leave in accordance with Board policy 5030.

Employees granted an approved leave with pay shall accrue sick leave as provided in these policies in accordance with Board policy 5030.

**Sick Leave on Separation from Employment**

Unless otherwise provided by a labor agreement, unused sick leave is not cashed out upon termination, resignation, retirement, or other separation from employment. Sick leave will not be accrued by an employee absent from duty after separation from District service, or during any leave of absence from duty not authorized by the District.

**Sick Leave Reinstatement**

If an employee separates and is rehired within one year from separation, accrued and unused sick leave, to a maximum of 6 days or 48 hours, whichever is greater, will be reinstated. An employee

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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who worked at least 90 days in the initial employment with the District may immediately use reinstated sick leave. An employee who had not worked 90 days in the initial employment with the District must work the remaining amount of the 90 day-qualifying period to be able to use accrued sick leave.

**Evaluation Of Sick Leave Usage**

An employee is subject to disciplinary action for excessive use of sick leave and/or abuse of sick leave. Protected sick leave as defined above, and other protected leaves, will not count toward a charge of excessive use of sick leave.

Abuse of sick leave is a claim of entitlement to sick leave for a purpose not provided under "Definition," above.

*Sick Leave*



**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** State Disability Insurance and Paid Family Leave

**POLICY NUMBER:** S-300

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**Purpose**

California's Employment Development Department (EDD) administers the State Disability Insurance (SDI) and Paid Family Leave (PFL) programs to provide partial wage replacement for employees temporarily unable to work for qualifying reasons.

The purpose of this policy is to define how the SDI/PFL partial wage replacement is integrated with District paid leave benefits.

**Eligibility**

Employees in the General and Management/Confidential Units are eligible for SDI/PFL wage replacement benefits in accordance with the terms and conditions of the SDI/PFL Program.

1. Employees who experience a loss of wages when they are unable to work due to a non-work-related illness, injury, or pregnancy, may be eligible for Disability Insurance (DI) benefits.
2. Employees who experience a loss of wages when they need to take time off work to care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, registered domestic partner, or to bond with a new child entering the family through birth, adoption, or foster care placement, may be eligible for Paid Family Leave (PFL) benefits.

Employees fund SDI/PFL benefits through employee payroll deductions. The District does not fund SDI/PFL. Benefit amounts are determined solely by the EDD.

**Filing a Claim**

It is the employee's responsibility to file a claim for SDI/PFL benefits. The District is not involved in the application or benefit payment process.

Upon request from the EDD, the District will verify employment, pay rate, dates of absence due to a qualifying event, and integration of paid leave (if applicable).

The employee is responsible for notifying the District of claim approval and benefit amounts.

**Integration**

The SDI/PFL program allows for integration of SDI/PFL benefits with accrued, unused paid leave. Integration has the effect of ensuring the employee will receive his/her normal salary or wages during the period of SDI/PFL wage replacement benefits. The following terms apply:

1. District payroll personnel will integrate payment of paid leave for the remaining base salary only if sick leave, vacation leave, and/or compensatory time off (CTO) is available to draw from when the absence begins. The employee is required to integrate enough paid leave per pay period to amount

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**



to the employee's base salary in conjunction with SDI/PFL benefits, except (1) in the pay period in which leave is exhausted, and (2) in the pay period in which the employee elects to discontinue integration as specified below.

2. Integration of paid leave benefits with SDI/PFL benefits is to be automatic, except where the employee is concurrently on designated Family Medical Leave. If an employee is concurrently on designated Family Medical Leave (FMLA/CFRA), the employee may *elect* to integrate paid leave with SDI/PFL benefits. In addition, an employee may elect to discontinue integration in order to retain up to forty hours of accrued, unused vacation and/or up to forty hours of accrued, unused sick leave.
3. The total, combined compensation from integrated SDI/PFL benefits and accrued paid leaves shall not exceed the employee's base salary at the time of disability/PFL.
4. In order to receive integrated paid leave, the employee shall provide a copy of their SDI/PFL statement showing the amount of benefits and period of time for which the employee received SDI/PFL benefits. The District will utilize the employee's SDI/PFL statement as the basis for integration of paid leave. The District shall subtract SDI/PFL benefits paid to the employee by EDD from the employee's gross wages in a pay period, and then divide the remainder by the employee's current District hourly rate, totaling the number of leave hours to be deducted from the employee's leave bank.

**Type and Order Of Leave**

Integration will occur first with accrued, unused sick leave (where use is required according to District policy), and then with accrued, unused vacation and compensatory time off (CTO). An employee who exhausts sick leave, vacation and CTO will receive no monetary compensation from the District for the remaining period of SDI/PFL wage replacement.

An employee is required to use up to one week of accrued, unused vacation time before, and as a condition of, the employee's initial receipt of PFL benefits during any 12-month period.

The District's contribution to group health insurance benefits will continue during FMLA/CFRA/Pregnancy Disability Leave (PDL) qualifying leaves in accordance with District policy. After FMLA/CFRA/PDL leave is exhausted, the District's contribution to group health insurance benefits will continue during SDI/PFL only for the period that the employee integrates paid leave.

Catastrophic Leave may be used in conjunction with SDI/PFL benefits upon exhaustion of FMLA/CFRA/PDL qualifying leaves. This sentence supersedes provisions to the contrary in Section 15.4.2 of the District's Memoranda of Understanding with the General and Management Confidential Units.

**Overpayments**

Overpayments during integration can frequently occur. The employee is fully responsible for repayment of overpayments. If the employee is overpaid by the District, the employee shall be required to repay the District for the overpayment within three pay periods, or unless otherwise agreed by the parties. The employee is solely responsible for repaying overpayments from the EDD.

*State Disability Insurance and Paid Family Leave Benefits*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Timekeeping Requirements and Time Cards

**POLICY NUMBER:** T-100

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### Timekeeping

Every employee (with the exception of the District Manager) is required to record his/her own time on the **Time Card Data Entry Form** in the District's database system. Employees must record the time at the start and at the end of each work period, including before and after the lunch break. Employees also must record the time whenever they leave the building for any reason other than District business. The supervisor must validate/approve all timecards.

Entering another employee's time card information, allowing another employee to enter your time card, or altering a time card violates District policy and may be subject to discipline up to and including employment termination.

### Time Cards

Time cards are legal documents used to record the hours an employee worked, for purposes of accountability, salary eligibility, use of public funds, and tracking pesticide usage.

As legal documents, time cards must accurately and completely reflect an employee's workday.

The District requires that employees fill out time cards, consistent with respective FLSA exempt or non-exempt status practices, on a continuous basis, as work is completed throughout the workday, and including all overtime worked by overtime-eligible employees. At the end of the day, employees should record vehicle and equipment preparation for the next workday.

Accuracy is of the utmost importance. Inaccurate record keeping will result in poor work evaluations and, if not improved, discipline up to and including suspension without pay and/or dismissal.

Time cards are subject to review by other District staff including supervisors and higher, as well as County Agricultural Inspectors, agents of the State Department of Health Services, the Department of Pesticide Regulation and the California Highway Patrol.

Time cards must be turned in at the end of the workday for which they are filled out. Any problems inputting time card records should be reported immediately to a supervisor.

*Timekeeping Requirements*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Tobacco-Free and Smoke-Free Workplace

**POLICY NUMBER:** T-200

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The District is a tobacco-free and smoke-free environment, which prohibits the use of all tobacco products, including, but not limited to, cigarettes, e-cigarettes, vaping, cigars, pipes, and smokeless (including chewing) tobacco. California state law prohibits smoking, including e-cigarettes, vaping, and the use of tobacco products in District buildings. In the best interest of the health and safety of employees and the general public, the smoking and use of tobacco products and e-cigarettes is banned completely within District buildings and confined spaces. District buildings and confined spaces includes, but is not limited to: in District leased or owned vehicles; District leased or owned offices, buildings and facilities; open, private and shared offices; cubicles; lounges; lobbies; waiting rooms; break rooms; workrooms; restrooms; elevators; and stairwells. It also includes the common areas of covered parking lots and residential spaces, such as lobbies, lounges, waiting areas, elevators, stairwells, and restrooms of those places.

Smoking is also prohibited in any outdoor area within 20 feet of a main exit, entrances, or operable window of a public building. Employees are also prohibited from smoking and using tobacco products and e-cigarettes at any District job site where they are required to be as part of their employment, whether indoors or outdoors.

District employees who violate this policy will be subject to disciplinary action.

Successful implementation of this policy depends upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. All individuals on District premises, including visitors, vendors and contractors, share in the responsibility of adhering to this policy.

District employees are asked to advise members of the public who are observed smoking tobacco products on District property of the District's policy on the matter. Such individuals should be asked to refrain from smoking. If members of the public refuse to comply with this policy, employees will inform management, who may direct the individual to leave the District property.

*Tobacco-Free and Smoke-Free Workplace*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Transfers

**POLICY NUMBER:** T-300

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**Definition**

A transfer is a lateral movement in position to a job in the same or lower classification and pay grade, for which the employee is qualified in the opinion of the District Manager.

**Employee-Initiated Transfers**

The District recognizes the importance of facilitating employee-initiated transfers in order to retain qualified employees and to provide a broadened opportunity based for employees seeking career advancements.

The District will post transfer opportunities five (5) days in advance of recruitments.

To be eligible to apply for a voluntary transfer, an employee must complete a minimum of six (6) months in their current position, have satisfactory performance evaluations, be free from discipline for a minimum of one year, and meet the minimum qualifications for the position to which they seek to transfer.

Transfers shall be effective at the beginning of a pay period.

**District-Initiated Transfers**

The District reserves the right to involuntarily transfer employees based on the needs of the District. The District will endeavor to provide employees with at least two (2) weeks' notice of any such transfer.

*Transfers*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Travel Time

**POLICY NUMBER:** T-400

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**Commute Time**

Travel between home and work ("commute time") is generally not compensable. Travel from home to the first work site of the day or from the last work site of the day to home is considered commute time.

If an overtime-eligible employee is required to travel to a work location that is different from the employee's regular work location, then the excess difference in time between the employee's normal commute and the new location is compensable.

**Travel during the Workday**

Travel during the workday, after the employee has reported to work, is compensable for overtime-eligible employees, unless it is in connection with a bona fide meal break. However, travel from the employee's last work location to home is not compensable. Supervisors should not require employees who will be traveling during the workday to report to their normal work site at the start or the end of their shift unless it is truly necessary for the employee to report to such location.

**Special One-Day Out of Town Assignment or Overnight Travel**

If an overtime-eligible employee is required to travel from home to a work assignment out of town, including mutual aid assignments, then all travel time getting to and from the location is compensable, including time as a passenger. However, time spent taking a meal break, sleeping, or engaging in purely personal pursuits not related to travel or making travel connections shall be deducted from travel time. The District reserves the right to require or approve an employee's use of a District vehicle for travel to and from the assignment.

The District reserves the right to require that the employee stay in overnight accommodations at the assigned location in lieu of traveling between the assigned location and home.

*Travel Time*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Truck Maintenance

**POLICY NUMBER:** T-500

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This policy includes the following standards:

Trucks will be washed weekly

Trucks will be kept neat and orderly.

Any damage to a District vehicle due to an accident or incident encountered in the field is to be reported to a supervisor as soon as the driver becomes aware of the problem. A written document detailing the accident details should be turned in to a supervisor as soon as possible, no later than one workday after the accident.

Any mechanical problems found by a driver should be reported to the shop staff as soon as possible in writing, no later than the next workday or immediately if the problem is serious or presents a potential safety issue.

*Truck Inspection Sheets*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Uniforms and Protective Clothing

**POLICY NUMBER:** U-100

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**Policy**

At the discretion of the District Manager and Assistant Manager, regular, part-time, and seasonal staff may be required to wear District-provided uniforms (shirts, trousers and over garments) during work hours.

**Requirements**

1. Uniforms will be worn so that the technician presents a professional and business-like appearance whenever possible.
2. Torn, worn out or ill-fitting uniforms must be brought to the attention of a supervisor.
3. Uniform shirts must remain buttoned, with the exception of the top button, throughout the workday.
4. During hot weather, shirts may be left untucked from the trousers.
5. Jackets or coveralls worn must display District insignia.
6. Coveralls should be worn over uniforms when performing tasks that may damage uniform pants or shirts, and as required by pesticide labels.

**Exceptions**

1. During hot weather, full uniforms need not be worn under properly and fully marked coveralls.
2. During cold weather, warm uniform clothing may be worn.
3. Uniforms are not required to be worn at out-of-District continuing education and training events.

**Uniform cost reimbursement**

The cost of any uniforms and/or protective clothing and shoes which employees are required to wear will be borne by the District.

The District has the option of authorizing reimbursements to qualifying employees upon proof of purchase, or arranging with local retailers to supply all qualifying employees with a specific product that meets the needs and/or safety requirements, and bill the District for the total cost of all products purchased.

**Boot Allotment (BA)**

For employees who are required by the District to wear work boots on the job, the District will reimburse employees for receipted purchase of work boots meeting District specifications up to the maximum annual reimbursement provided by the District as determined by the District Manager or as provided in the applicable labor agreement.



**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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1. The BA provides the operational, supervisory, and laboratory personnel an allotment each fiscal year to purchase work boots. Each employee covered under the BA shall be reimbursed upon the submitted proof of purchase (receipt) any time from July 1st thru June 30th of each year.
2. A work boot for the purpose of this document is a waterproof work boot that provides protective support for fieldwork. Sport shoes and/or sport hiking shoes do not qualify for the BA. If there is any question regarding qualifying footwear, an employee should consult with their supervisor or the District Manager or designee. BA reimbursements are subject to approval from the District Manager or designee.
3. Full-time, seasonal and part-time employees who work in the field are eligible for the BA.

*Uniforms and Protective Clothing*



**POLICY TITLE:** Vacations

**POLICY NUMBER:** V-100

### Vacation Allowance

Every full time, ~~regular~~ employee in paid status- and shall accrue vacation leave as follows:

1. **Two weeks** (80 hours) of vacation with pay per year if the employee has been in the service of the District for less than three years . Vacation at this level accrues at a rate of 6.66 hours per month, starting with the first month of employment.
2. **Three weeks** (120 hours) of vacation with pay per year if the employee has been in the service of the District for at least three years, but less than nine years. Vacation at this level accrues at a rate of 10.00 hours per month.
3. **Four weeks** (160 hours) of vacation with pay per year if the employee has been in the service of the District for at least eight years and one month but less than eighteen years and one month. Vacation at this level accrues at a rate of 13.33 hours per month.
4. **Five weeks** (200 hours) of vacation with pay if the employee has been in the service of the District for at least eighteen years and one month. Vacation at this level accrues at a rate of 16.66 hours per month.

4- 5. Part time employees in permanent positions will accrue prorated vacation leave.

### Definitions

"Years of service" means years of unbroken service with the District, which in no case may be calculated from a date prior to the time the employee actually began working for the District as a regular employee.

### Method of Vacation Credit

~~Vacation will begin accruing upon the completion of the initial year of service. After the initial year of service,~~ vacation is earned and accrued monthly and recorded by the number of hours earned.

### Vacation Carry-Over

Employees may carry-over, past an anniversary date, vacation in the amount of eighty hours over the employee's regular vacation entitlement. Once the employee reaches the eighty-hour cap, vacation will no longer accrue until the employee's vacation balance falls below the cap. Vacation accruals will be noted on employee paychecks. Vacation carry over limits will be prorated for part-time employees in permanent positions.

The District Manager or Assistant Manager may allow the employee to exceed the applicable accumulation ceiling to accommodate work requirements. The District Manager or Assistant Manager will work with the employee to develop a plan for the employee to use vacation leave to return the employee's vacation balance to at or below the applicable maximum within a reasonable period.

### Vacation Schedule

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**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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Vacation must be scheduled in a manner consistent with the District's operational requirements. Employees are required to provide their supervisor with reasonable advance notice and obtain approval prior to using vacation. Requests for vacation leave must be received in writing at least five (5) working days prior to the first requested leave date. This allows the employee and the supervisor to prepare for the employee's time off and assure that all staffing needs are met. The District Manager or Assistant Manager may waive the five-day notice requirement and grant the employee's request to use vacation leave in case of an emergency (i.e. accident or illness) within the employee's immediate family. For purposes of this policy, "immediate family" means spouse or registered domestic partner, the employee's child (including adopted or foster children or a minor with whom the employee stands in loco parentis), mother or father. In such cases, and subject to legal requirements, the employer may require evidence from the employee sufficient to authenticate the emergency cited by the employee as the basis for the emergency vacation leave requests, subject to legal restrictions.

The District reserves the right to deny vacation requests on the basis of operational need.

If two or more employees request vacation covering the same period and cannot be absent simultaneously, the determination as to which employee will be permitted to take vacation is left to the discretion of the supervisor, or designated authorized signatory.

Exempt employees are required to use their accrued vacation when they are absent from work for partial or full days.

**Vacation Allowance for Separated Employees**

When an employee is separated from service, the full amount of employee's remaining accrued vacation allowance, if any, shall be paid as wages at the employee's final rate at which vacation benefits would be paid were the employee to take vacation, and added to the employee's final compensation.

**Recording Vacation**

Employees must record vacation usage on their time cards.

**Holiday During Vacation**

If any paid holidays for which the employee is eligible fall within an employee's vacation leave, such holiday shall not be charged against the employee's vacation time.

**Vacation Schedules in an Emergency, Serious Threat or Major Operational Challenge**

All vacation schedules are subject to suspension in case of an emergency, a serious threat of mosquito or other vector-borne disease, or a major operational challenge as determined by the District Manager.

*Vacation*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Vehicle Cost Reimbursement / Insurance Requirements – Personal Vehicles

**POLICY NUMBER:** V-200

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When an employee is authorized to use his/her personal vehicle in the performance of District work, he/she will be reimbursed for the cost on the basis of total miles driven and at the rate specified in the IRS Guidelines in effect at the time of usage.

Generally, the District prefers that employees use District vehicles for work-related trips. However, employees may request to use their personal vehicle to go to work assignments outside the District premises, which include, but are not limited to, Fairs, Parades, Education Functions, etc. Requests are subject to approval of the District Manager or Assistant Manager. To be eligible for approval to utilize a personal vehicle for District business, an employee must have a valid driver's license and provide a current and/or updated insurance policy for personal vehicle showing liability coverage of no less than \$100,000/\$300,000 liability.

*Vehicle Cost Reimbursement/Insurance Requirements – Personal Vehicles*

MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Wellness Benefit

**POLICY NUMBER:** W-100

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### Eligibility

To be eligible for the District's annual Wellness Benefit, an employee must be a **regular**, full time **or part-time** District employee in a permanent position.

### Use of Wellness Benefit

The Wellness Benefit is a yearly allowance of five hundred dollars (\$500) provided to a regular **full time** District employees to be used to offset health care and personal health care costs for the employee and the employee's family.

### Time Limits

This amount is granted on July 1st and must be used by June 30th. All receipts must be dated within this time frame. This amount will not be rolled over from year to year. Failure to provide receipts for expenses within the time limits will result in a forfeiture of funds.

### Reimbursement

~~Employees shall be reimbursed twice a year upon proof of purchase (receipt) of eligible expenditures. Reimbursement will occur on December 1st and June 1st.~~

~~During the year, the employee shall be reimbursed in any month as long as proof of purchase has been shown and the expenditure has reached two hundred dollars (\$200) or more.~~

### Examples of Eligible Expenditures:

1. Medical Expenses
2. Family and Marriage counseling
3. Health Club memberships
4. Co-payment for medical and dental costs
5. Dental expenses
6. AcupressureAcupuncture

The District Manager may approve other possible reimbursements, upon request by the employee. Reimbursement for medical expenses that would be tax deductible consistent with IRS publication 502 will be paid to the employee through accounts payable and will not be taxed. Reimbursement for expenses that are not consistent with IRS publication 502 will be taxable to the employee and paid on the employee's paycheck.

### Pro-Rated Allotments

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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If an eligible employee is hired after November 1st and on or before February 28th, the employee will be provided a Wellness Benefit reimbursement up to two hundred fifty dollars (\$250). Receipts must be dated within the first day of hire through the end of the current fiscal year.

If an eligible employee is hired on or after March 1<sup>st</sup>, the Wellness Benefit will not be granted that employee for the current fiscal year. The \$500 Wellness Benefit will be granted beginning the next fiscal year (July 1st – June 30th), or as provided under the applicable labor agreement, and again receipts must be dated within this time frame.

*Wellness Benefit*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Whistleblower Protection

**POLICY NUMBER:** W-200

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**Policy**

The District prohibits all of the following:

1. Taking any retaliatory adverse employment action against an employee because the employee has or is believed to have disclosed information to any government or law enforcement agency, including to the District, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
2. Preventing an employee from disclosing information to a government agency, including to the District, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
3. Retaliating against an employee for refusing to participate in any activity that would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation; and
4. Retaliating against an employee because the employee's family member has, or is perceived to have engaged in any of the protected activities listed in (a)-(c) above.

**Coverage**

This policy governs and protects District officials, officers, employees, and applicants for employment.

**Definitions**

"Protected activity" includes any of the following:

1. Filing a complaint with a federal or state enforcement or administrative agency that discloses any information that the employee has reasonable cause to believe violates state or federal law or a violation or noncompliance with a local, state, or federal rule or regulation.
2. Participating in or cooperating in good faith with a local, federal or state enforcement agency that is conducting an investigation in to alleged unlawful activity.
3. Testifying in good faith and with reasonable cause as a party, witness, or accused regarding alleged unlawful activity.
4. Associating with another covered individual who is engaged in any of the protected activities enumerated here.
5. Making or filing in good faith and with reasonable cause an internal complaint with the District regarding alleged unlawful activity.

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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6. Providing informal notice to the District regarding alleged unlawful activity.
7. Calling a governmental agency's "Whistleblower hotline" in good faith.
8. Filing a written complaint under penalty of perjury that the District has engaged in gross mismanagement, a significant waste of public funds, or a substantial and specific danger to public health or safety.
9. Refusing to participate in any activity that the employee reasonably believes would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation.

"Adverse action" may include, but is not limited to, any of the following:

1. Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of actual or potential protected activity.
2. Refusing to hire an individual because of actual or potential protected activity.
3. Denying promotion to an individual because of actual or potential protected activity.
4. Taking any form of disciplinary action because of actual or potential protected activity.
5. Extending a probationary period because of actual or potential protected activity.
6. Altering work schedules or work assignments because of actual or potential protected activity.
7. Condoning hostility and criticism of co-workers and third parties because of actual or protected activity.
8. Spreading rumors about a person because of that person's actual or perceived protected activity.
9. Shunning or unreasonably avoiding a person because of that person's actual or perceived protected activity.

**Complaint Procedure**

An applicant, employee, including seasonal/ temporary/ extra help employees, who feels they have been retaliated against in violation of this Policy should immediately report the conduct according to the complaint procedure in the District's Policy Against Discrimination, Harassment or Retaliation so that the complaint can be resolved fairly and quickly. Supervisors and Managers have the same responsibilities as defined in the Policy Against Discrimination, Harassment or Retaliation.

*Whistleblower Protection*



MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020

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**POLICY TITLE:** Workday Time Allocation for Technicians

**POLICY NUMBER:** W-300

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To the best of each full-time, part-time and seasonal technician's ability, the following daytime allocations should be followed.

**Standard Workday:** Hours of work are 7:00am – 3:30pm, or 6:00 am to 2:30pm, Monday through Friday. Hours of work may be subject to fluctuation.

**Breaks:** Two fifteen-minute breaks are allowed during the workday—one to be taken mid-morning and one mid-afternoon, work schedule permitting. These breaks provide rest and are considered a safety necessity. Allocated breaks are not to be saved and grouped in order to shorten the workday. There are other mechanisms available to handle specific work schedule needs.

**Lunch:** For employees who work more than five hours per day, Lunch is a half-hour break to be taken, whenever possible, sometime between 11:30am and 12:30pm.

Tardiness, extended break times and abuse of sick leave or vacation constitute a breach of work rules and are subject to the immediate initiation of progressive discipline.

Unless otherwise directed, technicians should optimize fieldwork time and still should return to the District office with sufficient time to refuel vehicles and replenish operational supplies.

End of the day paperwork should only deal with vehicle/equipment preparation, with all other work being logged as it is accomplished, unless otherwise directed by a supervisor.

On days that little or no next-day preparation is necessary, staff should optimize productive fieldwork time and report back to the office on time for standard check-out.

All overtime must be authorized in advance by the District Manager or Assistant Manager. In the event of returning travel delays (e.g., accidents) or delays in work start arrival, staff recording incidental unplanned overtime will not be subject to disciplinary action.

Failure to follow all or any of these guidelines, unless otherwise noted, may result in the initiation of progressive discipline.

*Workday Time Allocation for Technicians*

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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**POLICY TITLE:** Workplace Violence Prohibition

**POLICY NUMBER:** W-400

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### **Safe and Secure Workplace**

The District is committed to providing a safe and secure workplace and will not tolerate acts or threats of violence in the workplace. The workplace includes any location where District business is conducted, including vehicles and parking lots. Any violation of this Policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

### **Prohibited Behavior**

Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of District employment. The District has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

### **Workplace Violence**

"Workplace violence" is defined as any conduct that causes an individual to reasonably fear for their personal safety or the safety of their family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following:

1. Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property.
2. The destruction of, or threat of destruction of District property or another employee's property.
3. Fighting, challenging another person to fight, or participating in dangerous or threatening horseplay.
4. Striking, punching, slapping, or assaulting another person.
5. Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise.
6. Harassing or threatening phone calls.
7. Surveillance.
8. Stalking.
9. Possessing a weapon(s) during work hours unless the District issues the weapon(s) for performance of the job. "Weapon" is defined as a firearm, chemical agent, club or baton, knife, or any other device, tool, or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

### **Incident Reporting Procedures**

1. Employees must immediately report to their supervisor or manager whether they have been a victim of, or have witnessed, workplace violence. The supervisor or manager will immediately report the matter to the District Manager
2. The District Manager or designee will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.
3. The District Manager or designee will take appropriate steps to provide security, such as:
  - Placing the employee alleged to have engaged in workplace violence on administrative

**MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT  
DISTRICT EMPLOYEE POLICY MANUAL 2020**

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- leave, pending investigation;
- Asking any threatening or potentially violent person to leave the site; or
- Immediately contacting an appropriate law enforcement agency.

**Investigation**

The District Manager will see that reported violations of this Policy are investigated as necessary.

**Prevention**

Each manager has authority to enforce this Policy by:

1. Training supervisors and subordinates about their responsibilities under this Policy;
2. Assuring that reports of workplace violence are accurately and timely documented and addressed;
3. Notifying the District Manager and/or law enforcement authorities of any incidents;
4. Making all reasonable efforts to maintain a safe and secure workplace; and
5. Maintaining records and follow up actions as to reports of workplace violence.

*Workplace Violence Prohibition*