



**AGENDA**

MEETING OF THE  
**HUMAN RESOURCES/ PERSONNEL COMMITTEE**  
OF THE  
**SANTA BARBARA METROPOLITAN TRANSIT DISTRICT**  
A PUBLIC AGENCY  
**TUESDAY, JANUARY 6, 2015**  
9:00 A.M.

**SANTA BARBARA MTD CONFERENCE ROOM (UPSTAIRS)**  
550 OLIVE STREET, SANTA BARBARA, CA 93101

- 1. CALL TO ORDER**
- 2. ROLL CALL OF THE HUMAN RESOURCES/PERSONNEL COMMITTEE**  
Committee Chair, Dick Weinberg  
Director, Olivia Rodriguez  
Director, Roger Aceves
- 3. REPORT REGARDING POSTING OF AGENDA**
- 4. APPROVAL OF PRIOR MINUTES- (ACTION MAY BE TAKEN)**  
The committee will be asked to approve the meeting minutes of November 10, 2014.
- 5. PUBLIC COMMENT**  
Members of the public may address the Board on items within the jurisdiction of the Board that are not scheduled for public hearing. The time allotted per speaker will be at the discretion of the Board Chair. If you wish to address the Board under this item number, please complete and deliver to the MTD Board Clerk **before the meeting is convened**, a "Request to Speak" form including a description of the subject you wish to address. Additional public comment will be allowed during each agenda item, including closed session items. Please fill out the Request to speak form and indicate the agenda item that you wish to comment on.
- 6. STAFF EMPLOYEE HANDBOOK - (ATTACHMENT-ACTION MAY BE TAKEN)**  
The Committee will receive an update regarding the status of the staff employee handbook changes.
- 7. ADJOURNMENT**

**AMERICANS WITH DISABILITIES ACT:** If you need special assistance to participate in this meeting, please contact the MTD Administrative Office at 963-3364 at least **48 hours in advance** of the meeting to allow time for MTD to attempt a reasonable accommodation.



<b>MINUTES</b>
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MEETING OF THE  
**HUMAN RESOURCES/ PERSONNEL COMMITTEE**  
OF THE  
**SANTA BARBARA METROPOLITAN TRANSIT DISTRICT**  
A PUBLIC AGENCY  
**MONDAY, NOVEMBER 10, 2014**  
9:00 A.M.

**SANTA BARBARA MTD CONFERENCE ROOM (UPSTAIRS)**  
550 OLIVE STREET, SANTA BARBARA, CA 93101

- 1. CALL TO ORDER**  
Committee Chair Weinberg called the meeting to order at 9:00 a.m.
- 2. ROLL CALL OF THE HUMAN RESOURCES/PERSONNEL COMMITTEE**  
Committee Chair Weinberg reported that all members were present.
- 3. REPORT REGARDING POSTING OF AGENDA**  
General Manager Estrada reported that the agenda was posted on Thursday, November 6<sup>th</sup> at MTD's Administrative Office, emailed and mailed to those on the agenda list, and posted on MTD's website.
- 4. APPROVAL OF PRIOR MINUTES- (ACTION MAY BE TAKEN)**  
Director Rodriguez moved to waive the reading of and approve the meeting minutes of July 16, 2014. Director Aceves seconded the motion. The motion passed unanimously.
- 5. PUBLIC COMMENT**  
None was made.
- 6. DISCUSSION-EMPLOYEE HANDBOOK - (ACTION MAY BE TAKEN)**  
The Committee reviewed the employee handbook and provided guidance for staff. The Committee requested that staff review the items with department heads and bring suggestions back to the Committee in January.
- 7. ADJOURNMENT**



## HUMAN RESOURCE COMMITTEE REPORT

**MEETING DATE:** JANUARY 6, 2015      **AGENDA ITEM #:** 6

**TYPE:** ACTION

**PREPARED BY:** JEFF WOOLEVER

\_\_\_\_\_  
*Signature*

**REVIEWED BY:** GENERAL MANAGER

\_\_\_\_\_  
*GM Signature*

**SUBJECT:**      **STAFF EMPLOYEE HANDBOOK**

### **RECOMMENDATION:**

Receive update regarding status of staff employee handbook changes.

### **DISCUSSION:**

Memos that described policy changes published to staff members have been incorporated into the draft Staff Employee Handbook. The recommendations included in the draft document reflect input from department managers as well as guidance provided by the committee previously.

As directed by the committee the following three topics were sent directly to the districts legal counsel:

- Conflict of Interest
- Complimentary Bus Pass
- Alternative Dispute Resolution

### **ATTACHMENTS:**

- Draft Staff Employee Handbook



**Santa Barbara**  
**Metropolitan Transit District**

**Staff Employee Handbook**

Revised XX/XX/XX

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**Table of Contents**

**Mission Statement.....4**

**Essential Legal Provisions..... 5**

Introductory Statement..... 5

At-will Employment Status ..... 5

Right to Revise ..... 5-5

Confirmation of Receipt Including At-will Language ..... 6

EEO with ADA Provision..... 7

Unlawful Harassment ..... 8-8

Sexual Harassment.....8-10

**Employment Policies and Practices ..... 12**

New Hires ..... 12

Regular Employees ..... 12

Full-time Employees ..... 12

Part-time Employees ..... 12

Temporary Employees..... 12

Inactive Status ..... 12

Temporary Transfers ..... 13

Job Descriptions ..... 13

Job Duties ..... 13

Work Schedules ..... 13

Flex Schedules ..... 13-14

Meal and Rest Periods..... 16

Timekeeping Requirements ..... 12

Payment of Wages..... 16

Automatic Deposit..... 16

Overtime for Non-exempt Employees ..... 17

Advances..... 17

Personnel Records..... 17

Employee References ..... 18

Performance Evaluations ..... 18

Open-door ..... 18

Employment of Relatives..... 19

Conflicts of Interest ..... 19

Reductions in Force ..... 19

Involuntary Termination and Progressive Discipline..... 19

Voluntary Termination ..... 19

**Standards of Conduct..... 20**

Prohibited Conduct..... 20

Off-duty Conduct..... 20

Drug and Alcohol Abuse ..... 240

Punctuality and Attendance ..... 22

Dress Code and Other Personal Standards ..... 22-23

Confidentiality ..... 24

Business Conduct and Ethics ..... 24

**Operational Considerations ..... 25**

Employer Property ..... 25

Use of Electronic Media ..... 255

Prohibited Use of Company Cell Phone While Driving..... 276

Personal Use of Company Cell Phone or Land Line Phones .....	27
Conducting Personal Business .....	27
Employee Property .....	27
Security/Workplace Violence .....	27
MTD Facility Visitors .....	27
Health and Safety .....	28
Ergonomics .....	28
Smoking .....	28-28
Housekeeping .....	29
Solicitation and Distribution of Literature.....	309
Telecommuting.....	29
Bulletin Boards .....	30
<b>Employee Benefits .....</b>	<b>31</b>
Health Insurance.....	30
Holidays .....	30-31
Vacation.....	31
Sick Leave .....	31
Personal Day Off (PDO) .....	32
Life Insurance .....	32
Retirement Benefits .....	32-33
State Disability Insurance .....	33
Employee Assistance Program (EAP).....	33
Bus Pass .....	33-34
Unemployment Compensation .....	34
Social Security.....	34
Workers' Compensation.....	35
Leaves of Absence .....	36
Family Leave .....	36
Military Leave .....	36
Pregnancy Disability Leave (PDL).....	37-38
Bereavement Leave .....	38
Jury Duty and Witness Leave.....	39
Time Off for Voting.....	39
School Activities.....	39-39
External Employee Education.....	40
Recreational Activities and Programs.....	40
Safety on the Job .....	40
Inclement Weather/Natural Disasters .....	41
Alternate Dispute Resolution .....	41

# Mission Statement

The mission of the Santa Barbara Metropolitan Transit District is to enhance the personal mobility of South Coast Residents and visitors by offering safe, clean, reliable, courteous, accessible, environmentally responsible, and cost effective transit service throughout the district.

## Essential Legal Provisions

### **Introductory Statement**

Welcome! As an employee of Santa Barbara Metropolitan Transit District (“MTD”), you are an important member of a team effort. We hope that you will find your position with MTD rewarding, challenging, and productive. Because our success depends upon the dedication of our employees, we are highly selective in choosing new members of our team. We look to you and the other employees to contribute to the success of MTD.

This Employee Handbook is intended to provide you with an overview of MTD’s policies and practices and to serve as a guide to implement them. This Handbook reflects the policies and practices in effect at the time of its publication and supersedes any prior policies and practices, whether formal or informal. We anticipate that, as the District grows and our needs and expectations evolve, this Employee Handbook will be revised, supplemented, or otherwise modified as deemed appropriate by the Board of Directors. The policies in this Handbook are not intended to be construed, nor should be construed as a contract, either expressed or implied. In as much as this Handbook is a repository of policies, there may be amendments (e.g. additions, subtractions, or changes) to these policies, which have been adopted but are not included in this Handbook. To ensure that a policy is current, please inquire with the Human Resources Manager.

### **At-Will Employment Status**

MTD personnel are employed on an at-will basis. Employment at-will may be terminated with or without cause and with or without notice at any time by the employee or MTD. Nothing in this Handbook shall limit the right to terminate at-will employment. No manager, supervisor, or employee of MTD has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the General Manager of MTD has the authority to make any such agreement, which is binding only if it is in writing.

### **Right to Revise**

This Employee Handbook contains the employment policies and practices of MTD in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded.

MTD reserves the rights 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, except for the policy of at-will employment. However, any such changes must be in writing and must be signed by the General Manager of MTD. Any written changes to this Handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this Handbook.



Nothing in this Employee Handbook or in any other personnel document, including benefit plans descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

Within this handbook there are several local, state and federal laws, regulations and statutes that were current at the time of publication. Over time, new regulations and legislation changes these items either in their entirety or partially.

MTD's position is that we hold ourselves to highest standard and will follow the most current and published regulation(s). In any reference within this Staff Employee Handbook to local, state and federal laws, MTD will adhere to the most current version of those references.

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## Confirmation of Receipt Including At-Will Language

I have received my copy of MTD's Employee Handbook. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Handbook.

I understand that except for employment at-will status, any and all policies or practices can be changed at any time by MTD. MTD reserves the right to change my hours, wages, and working conditions at any time. I understand and agree that other than the General Manager of MTD, no manager, supervisor, or representative of MTD has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the General Manager has the authority to make any such agreement and then only in writing, signed by the General Manager.

I understand and agree that nothing in the Employee Handbook creates or is intended to create a promise or representation of continued employment and that employment at MTD is employment at-will; employment may be terminated at the will of either MTD or myself. My signature certifies that I understand my obligation to read and familiarize myself with the policies and procedures herein and that I understand that the foregoing agreement on at-will status is the sole and entire agreement between MTD and myself concerning the duration of my employment and the circumstances under which my employment may be terminated. It supersedes all prior agreements, understandings, and representations concerning my employment with MTD.

Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness Signature \_\_\_\_\_ Date \_\_\_\_\_

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## EEO With ADA Provision

Santa Barbara Metropolitan Transit District (“MTD”) is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available persons in every job. MTD’s policy prohibits unlawful discrimination based on race, color, creed, gender, religion, marital status, age, national origin or ancestry, physical or mental disability, and medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful.

MTD is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to **all** persons involved in MTD operations and prohibits unlawful discrimination by any employee of MTD, including supervisors and coworkers.

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

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact an MTD representative with day-to-day personnel responsibilities and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. MTD then will conduct an investigation to identify the barriers that interfere with the equal opportunity of the applicant or employee to perform his or her job. MTD will identify possible accommodations, if any, that will help eliminate the limitation. If MTD determines that the accommodation is reasonable and will not impose an undue hardship, MTD will make the accommodation.

If you believe you have been subjected to any form of unlawful discrimination, submit a written complaint to your supervisor or the individual with day-to-day personnel responsibilities. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact your Manager or the Human Resources Manager. MTD will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If MTD determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense up to, and including, termination. Appropriate action also will be taken to deter any future discrimination. MTD will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your coworkers.

## Unlawful Harassment

MTD is committed to providing a work environment free of unlawful harassment. MTD policy prohibits sexual harassment and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, or local law or ordinance or regulation. *All such harassment is unlawful.* MTD’s anti-harassment policy applies to all persons employed by MTD and prohibits unlawful harassment by any employee of MTD, including all persons in supervisory role, coworkers and any other persons. It also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Prohibited unlawful harassment includes, but is not limited to, the following behavior:

- *Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments;*
- *Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;*
- *Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race, or any other protected basis;*
- *Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and*
- *Retaliation for reporting or threatening to report harassment.*

If you believe that you have been unlawfully harassed, you must submit a written complaint to your own or any other MTD manager, the Human Resources Manager, or the General Manager of MTD as soon as possible after the incident. You will be asked to provide details of the incident or incidents, names of individuals involved, and names of any witnesses. Managers will refer all harassment complaints to the Human Resources Manager, investigative officer, or the General Manager of MTD. MTD will immediately undertake an effective, thorough, and objective investigation of the harassment allegations.

If MTD determines that unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved up to, and including, termination. Any employee determined by MTD to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to, and including, termination. A representative of MTD will advise all parties concerned of the results of the investigation but not protected confidential information regarding disciplinary actions. MTD will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by management, persons in supervisory roles, employees or coworkers.

MTD encourages all employees to report any incidents of harassment *immediately* so that complaints can be quickly and fairly resolved. You also should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

## **Sexual Harassment**

Sexual harassment is a form of discrimination based on a person's gender. It is defined as severe or pervasive unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. It is prohibited by MTD and is against the law.

Sexual harassment can be physical and/or psychological in nature. An aggregation or combination of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority than the person harassed, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. You should be aware that harassment can also come from an outside agent, an employee of a contractor, a passenger, or anyone conducting business with any MTD office.

Employees are prohibited from harassing or treating other employees, contractors or outside agents

unprofessionally, whether or not the incidents of harassment occur on MTD premises and whether or not the incidents occur during working hours.

Behavior can constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual; or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or hostile working environment.

Harassment, sexual harassment and discrimination can take various forms:

- Verbal harassment - epithets, derogatory comments or slurs;
- Physical harassment - assault, impeding or blocking movement, gestures, or any physical interference with normal work or movement, when directed at an individual;
- Visual harassment - derogatory posters, cartoons, or drawings.

#### **Complaint Procedures:**

MTD does not tolerate workplace discrimination or harassment and considers discrimination and harassment in all forms to be a serious offense. If you believe you or another coworker has been a victim of discrimination, harassment, or inappropriate treatment by a coworker, supervisor, agent or contractor of MTD, or a witness to such conduct, you shall immediately report the facts of the incident and the names of the individuals involved to your supervisor or the Human Resources Department. All such claims will be investigated and appropriate action will be taken. Failure to report such claims may adversely affect your claim and will delay our ability to resolve your complaint.

It is recommended that you proceed as follows:

- If you feel it is safe to do so, confront the individual and tell him/her that his/her behavior(s) are unwelcome and must stop.
- If the individual is not an MTD employee, report to your manager.
- Report the incident(s) immediately to your supervisor or the Human Resources Department.

All inquiries and complaints will be investigated. Information is revealed only on a need-to-know basis. The identity of the employee lodging the complaint is usually revealed to the individual accused of the policy violation and any witnesses. However, all parties will be asked to assist immediately and agree not to discuss the matter with other employees.

Sexual harassment can be costly. If you, as an employee, are found guilty of sexual harassment, you may be personally liable for monetary damages. MTD will not pay damages assessed against you personally related to sexual harassment.

#### **Protection Against Retaliation**

If you believe you are a victim of discrimination or harassment, including sexual harassment, you have the right

to complain without fear of retaliation and are required to come forward so that corrective action can be taken.

Federal and state law forbid retaliation against any employee who reports discrimination or sexual harassment, complains about discrimination or sexual harassment to MTD, files a complaint, testifies, or assists or participates in any manner in an investigation, proceeding or hearing conducted by governing agencies.

### **Training**

In accordance with AB 1825 (Government Code Section 12950.1) and clarified by the Fair Employment and Housing Commission (FEHC) Regulations (CCR, Title 2, section 7288.0), MTD will meet and attempt to exceed requirements of training employees:

As quoted from the FEHC guidelines:

*“Employers with 50 or more employees must provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees who are employed as of July 1, 2005, and to all new supervisory employees within six months of assuming a supervisory position. There after, covered employers must provide sexual harassment training and education to each supervisory employee once every two years.”*

MTD will train all Staff, hourly and supervisory employees every year with a satisfactory program that meets the requirements as stated above.

All trained employees will have the training documented in their respective employee file showing proof of completion.

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# Employment Policies and Practices

## **New Hires**

The first six (6) months of continuous employment at MTD is considered an introductory period. During this time you will learn your responsibilities, get acquainted with fellow employees, and determine whether or not you are happy with your job. Your supervisor will monitor your performance.

Upon completion of the introductory period, MTD will review your performance. If MTD finds your performance satisfactory and decides to continue your employment, you may still be advised of improvements expected from you. At that time, you may express suggestions to improve MTD's efficiency and operations. If your job performance has not been satisfactory at any time during your introductory period your employment may be terminated. Completion of the introductory period does not entitle you to remain employed by MTD for any definite period of time, but rather allows both you and District to evaluate whether or not you are right for the position. In spite of an existence of an introductory period, eligible employees will receive the benefits described in this Handbook even before completion of the period.

## **Regular Employees**

Regular employees are those who are hired to work on a regular schedule. Regular employees may be classified as full-time or part-time.

## **Full-time Employees**

Full-time employees are those who are scheduled for and do work 40 hours per week. Full-time employees are eligible for most employee benefits described in this Handbook.

## **Part-time Employees**

Part-time employees are those who are scheduled for fewer than 40 hours per week, but not fewer than an average of 20 hours a week over the span of a month. Part-time employees are eligible for the following MTD benefits: pro rata vacation.

## **Temporary Employees**

Temporary employees are those employed for short-term assignments. Short-term assignments generally are periods of three months or fewer; however, such assignments may be extended. Temporary employees are not eligible for employee benefits except those mandated by applicable law.

## **Inactive Status**

Employees who are on any type of non-work-related leave of absence that exceeds six (6) months will be placed on inactive status. During the time the employee is on inactive status, no benefits such as vacation or sick leave will be earned or accrued. (Refer to pg. 29 for rules of LOA)

## Temporary Transfers

Employees who request a temporary transfer for medical and/or family medical leave reasons will be considered for that transfer if a position exists at the time the transfer is requested and the employee is qualified to perform the job. The transfer must be approved by both department managers. The employee will be paid in accordance with the responsibilities and duties of the new temporary job.

## Job Descriptions

Job descriptions are available in Human Resources.

## Job Duties

During the introductory period, your supervisor will explain your job responsibilities and the performance standards expected of you. Be aware that your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects, or to assist with other work necessary or important to the operation of your department or MTD. Your cooperation and assistance in performing such additional work is expected.

MTD reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

## Work Schedules

MTD administration is normally open for business between the hours of 8 am and 5 pm, Monday through Friday. Your manager will assign your individual work schedule. (All employees are expected to be at their desks or workstations at the start of their scheduled shifts, ready to work).

Exchanging work schedules with other employees is not permitted without manager approval, and is discouraged. However, if you need to exchange schedules, notify your supervisor, who may authorize an exchange if he or she deems appropriate. Work schedule exchanges will not be approved if the exchange interferes with normal operations or results in excessive overtime.

**(The workweek begins at 12:01 a.m. Monday and ends on Sunday at midnight).**

## Flexible Schedule

In order to balance work and personal life, MTD provides a flexible, alternative workweek. A flexible work schedule must be compatible with the office workflow and the department's ongoing needs and must be pre-approved by the employee's supervisor. Once a work schedule, including beginning and ending time, is agreed upon between the employee and supervisor, it will be forwarded to the Human Resources Manager and placed in the personnel file.

## **MTD FLEXTIME POLICY for EXEMPT SALARY and NON-EXEMPT STAFF EMPLOYEES**

### **Policy Statement**

SBMTD Equal Employment Opportunity Policy confirms the commitment to develop, maintain and support a comprehensive policy of equal employment opportunity in the organization. To assist in this, MTD will actively support flextime (1) where it is reasonable and practical to do so and (2) where operational needs will not be adversely affected. This policy does not apply to staff whose work rules are governed by the collective bargaining agreement (CBA). Both management and staff must recognize that the use of flextime cannot



prevent or interfere with the accomplishment of the mission, goals and tasks of MTD, nor can flextime cause a reduction in Departmental coverage or levels of service presently being provided. It is also recognized that the success of flextime depends entirely upon the cooperation and good faith efforts of all parties involved, and on a mutual understanding and acceptance of the benefits and limitations of flextime. In order for flextime to succeed, Staff must continue to fulfill their commitments in a trustworthy and productive manner. This policy can be cancelled or modified at anytime with or without notice.

MTD offices normal business hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. It is required that all Departments are open and have sufficient coverage during regular business hours.

### **Definition of Flextime**

Flextime is a work schedule that allows staff to work hours outside of the standard 8:00 a.m. to 5:00 p.m. range, while maintaining required service during the District's peak operating hours. This may vary by department. With a flextime schedule, non-exempt staff is still subject to all requirements of the Fair Labor Standards Act (FLSA). Staff who are exempt from FLSA are expected to work whatever number of hours are required in order to accomplish their duties and may, with prior authorization from the department manager be permitted to set their own schedules.

### **Aims and Objectives**

MTD is committed to equality of opportunity for its staff. In order to facilitate this, department managers may create working arrangements, in accordance with managerial interests, whereby it can widen its recruitment pool, retain the valuable skills of existing staff who no longer want to work full-time or who may want to work full time but with an alternative schedule. This will benefit the MTD by retaining valuable staff as it encourages staff to retain career development opportunities.

### **Eligibility**

Because services within each department vary, not every staff member will be able to work similar flextime schedules. Therefore, managers will have to carefully examine any staff request for flextime to ensure required coverage and coordinate work schedules.

### **Managing Flextime**

It is the responsibility of each Department Manager to verify and ensure the performance of staff members (with or without flextime schedules). Flextime schedules will be posted in a central location so that all staff members know who is covering department services. A good relationship among everyone involved is important for a successful flextime policy. Trust is a big factor; managers and supervisors must feel confident that staff will not abuse the benefits that are inherent in a flextime schedule. Flextime is a privilege, not a right, and, if abused, can be taken away at the discretion of the Departmental Manager or the General Manager.

### **Flex-Time Schedules**

There are three types of flex schedules from which to choose:

#### **A. Peak-Hour Flextime**

#### **B. Adjusted Lunch Period**

#### **C. Compressed Work Week**

Once a staff member signs up for a particular flextime, the individual is expected to work that schedule in a consistent manner. However, schedules can be changed with prior authorization from the department and human resource manager. Agreement by a manager may be revoked at any time to better serve the needs of MTD.

**A. Peak-Hour Flextime:** This flextime schedule shifts daily work hours while still working an 8-hour day. For instance, instead of the normal 8:00 a.m. - 5:00 p.m. day, staff could work from 7:00 a.m. to 4:00 p.m., 7:30 a.m. to 4:30 p.m., or 9:00 a.m. to 6:00 p.m., etc. Working any arrangement of hours within an 8-hour day

constitutes a valid workday. It is important to remember that Departmental coverage must be maintained during regular business hours to serve passenger and community needs (i.e., 8:00 a.m. to 5:00 p.m., Monday thru Friday). Therefore, managers will need to coordinate the schedules of flextime participants to ensure required coverage.

**B. Adjusted Lunch Period:** This flextime schedule allows staff to adjust the length of their lunch period, while still working an 8-hour day. An employee can take a minimum of 30 minutes and a maximum of two hours for lunch. For instance, an employee might want to go to the gym everyday from 11:00 a.m. to 1:00 p.m. and consequently leave work at 6:00 p.m. rather than 5:00 p.m.

**C. Compressed Work Week:** To maintain this flextime arrangement, staff works a full 40-hour workweek in less than five days. For instance, staff may work (4) 10-hour days, or on a two-week rotating basis, one-week staff works a regular 8:00 a.m. to 5:00 p.m., five-day week and the next week they work a compressed schedule, which is four (4) 9-hour days and one (1) 4-hour day. A 9/80 workweek is when staff works five days in one workweek and four days in the following week, for a total of 80 hours over the two-week period. Examples of a 4/10 two-week rotating compressed workweek and a 9/80 workweek are shown on the next page.

**Compressed workweek = Employee works four ten-hour days**

<i>Weekly Schedule</i>	<i>Mon</i>	<i>Tues</i>	<i>Wed</i>	<i>Thus</i>	<i>Fri</i>	<i>Total Hrs</i>
Regular	8 hrs	8 hrs.	8 hrs	8 hrs	8 hrs	40 hrs
Compressed	10 hrs	10 hrs	10 hrs	10 hrs	0 hrs	40 hrs

**Compressed workweek two-week rotating basis**

<i>Weekly Schedule</i>	<i>Mon</i>	<i>Tues</i>	<i>Wed</i>	<i>Thurs</i>	<i>Fri</i>	<i>Total Hrs</i>
Week One	8 hrs	8 hrs.	8 hrs	8 hrs	8 hrs	40 hrs
Week Two	9 hrs	9 hrs	9 hrs	9 hrs	4 hrs.	40 hrs

**Compressed workweek = 9/80 formula**

<i>Weekly Schedule</i>	<i>Mon</i>	<i>Tues</i>	<i>Wed</i>	<i>Thurs</i>	<i>Fri</i>	<i>Total Hrs</i>
Week One	9 hrs	9 hrs.	9 hrs	9 hrs	8 hrs	44 hrs
Week Two	9 hrs	9 hrs	9 hrs	9 hrs	0 hrs.	36 hrs

**Holiday Scheduling:** If, due to flextime scheduling, a holiday falls on a staff members scheduled day off, the staff member will receive holiday hours off with pay at a later date (equivalent to the number of holiday hours for which the employee is eligible). The Department Manager must authorize such rescheduled holiday hours.

**For Example:** A staff member works a four (10-hour) workweek, Tuesday - Friday. Labor Day falls on Monday, when staff is normally scheduled off. The staff member can request accrued holiday hours (8 hours) at a later date.

## **Meal and Rest Periods**

Employees are provided with a 30-minute to 1-hour meal period, to be taken approximately in the middle of the workday generally between 12-2 pm. Employees are allowed a 10-minute rest period for every four (4) hours of work or major portion thereof. In coordination with your supervisor, schedule your meal and rest periods. You must take your scheduled meal period. If, for some reason, you are unable to take your meal period, you must notify your supervisor.

You are expected to observe your assigned working hours and the time allowed for meal and rest periods or request a change of schedule from your supervisor. Do not leave the premises during your rest period unless you have authorization from your manager. You are allowed to take 10 minutes for each rest period. You may leave the premises during your meal period. If you need to leave the premises for any reason including work-related reasons, check with your supervisor and notify the front desk.

## **Timekeeping Requirements**

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the employer to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties plus paid breaks.

Tampering with, altering, or falsifying your own or anyone else's time records, or recording time on another employee's time record, may result in disciplinary action up to, and including, termination.

It is your responsibility to sign your timecard to certify the accuracy of all time recorded. The supervisor is responsible for reviewing and signing the approval of the timecard before submitting it to the Payroll Department for processing.

Any errors on your payroll should be reported no later than 7 days from payday to your supervisor.

## **Payment of Wages**

All employees are paid bi-weekly according to the published payroll schedule. Each paycheck will include earnings for all work performed through the end of the previous payroll period. MTD's workweek begins on Monday at 12:01 am and ends on Sunday at 12:00 midnight.

Paydays are normally every other Friday except when bank holidays interfere. If you observe an error on your check, please report it immediately to your supervisor.

## **Automatic Deposit**

MTD offers automatic payroll deposit for employees. You may begin and stop automatic payroll deposit at any time. To begin automatic payroll deposit, you must complete a form (available from the Payroll Department) and return it to Payroll at least 10 days before the pay period for which you would like the service to begin. You should carefully monitor your payroll deposit statements.

To stop automatic payroll deposit, complete the form available from the Payroll Department and return it to Payroll at least 10 working weekdays before the pay period for which you would like the service to end. You will receive a regular payroll check on the first pay period after the receipt of the form, provided it is received no later than 10 days before the end of the pay period.

## Overtime for Non-Exempt Employees

Employees may be required to work overtime as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime. All overtime work must be authorized by a supervisor. MTD provides compensation for all overtime hours worked by non-exempt employees in accordance with federal law as follows:

- *All hours worked in excess of eight (8) hours in one workday or 40 hours in one workweek will be treated as overtime. A workday begins at 12:01 am and ends at midnight 24 hours later. Workweeks begin each Monday at 12:01 am;*
- *Compensation for hours in excess of 40 for the workweek, or in excess of eight (8) and not more than 12 for the workday, and for the first eight (8) hours on the seventh consecutive day of work in one workweek, shall be paid at a rate one and one-half times the employee's regular rate of pay;*
- *Compensation for hours in excess of 12 in one workday and in excess of eight (8) on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay; and*
- **Exempt employees** may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to exempt employees.

## Advances

MTD does not permit advances against paychecks or against unaccrued vacation or vacation not yet available for use

## Personnel Records

You have a right to inspect certain documents in your personnel file by filing a request 48 hours prior to review date. That date is to be a working weekday during normal business hours, as provided by law, in the presence of a MTD representative as authorized by the Human Resources department at a mutually convenient time. The Division of Labor Standards Enforcement DLSE Labor Code Section 1198.5 states we have 30 days from request to supply documents of any performance related issue or any grievance. The district will make every attempt to comply with your request as quickly as possible. **Current and former employees (or a representative) have the right to inspect and receive a copy of the personnel files and records that relate to the employee's performance or to any grievance concerning the employee.** You may add your comments to any disputed item in the file on a separate paper to be turned into Human Resources.

MTD will restrict disclosure of your personnel file to authorized individuals within MTD. Any request for information contained in personnel files must be directed to the Human Resources Manager. Only the General Manager, Assistant General Manager or Human Resources Manager are authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be limited. However, MTD will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

## Employee References

The Human Resources Department is the only department that will respond to reference inquiries from other employers and/or creditors. Responses to such inquiries will confirm only dates of employment and position(s) held. A written authorization from the current or former employee is required to release any other information.

## Performance Evaluations

To meet MTD's high standards, you should seek regular advice, counsel, and feedback on your performance. This feedback can come from a number of sources, but most frequently is provided by your supervisor. Your supervisor can provide both positive and corrective feedback to help you achieve excellence in your job and meet the professional goals you and MTD have set. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems. Most departments provide periodic opportunities (at least annually) for you and your supervisor to sit down and discuss your overall performance. These discussions provide an excellent opportunity for you to confirm how you are doing and to set new goals and objectives for the future. MTD expects the quality of a staff member's performance to at least meet all performance standards. Additionally, staff members are expected to display behaviors consistent with MTD and departmental policies and procedures. Key ingredients to successful performance include systematic and definitive orientation to job responsibilities and departmental procedures, appropriate on-the-job training, ongoing communication of performance expectations and standards, periodic performance and career development feedback, and corrective, progressive approaches to work performance. After the review, you will be asked to sign the evaluation report simply to acknowledge that it has been presented to you, that you have discussed it with your supervisor, and that you are aware of its contents. Your signature does not mean you necessarily agree with the evaluation.

Positive performance evaluations do not guarantee salary increases or promotions. Salary increases and promotions are within MTD's discretion and depend upon many factors in addition to performance.

## Open-door

Suggestions for improving MTD are always welcome. At some time you may have a complaint, suggestion, or question about your job, your working conditions, or the treatment you are receiving. Your good-faith complaints, questions, and suggestions also are of concern to MTD. We ask you to discuss your concerns by following these steps:

- *As soon as possible, but at least within a week of the occurrence, bring the situation to the attention of your immediate supervisor, who will then investigate and attempt a solution or explanation;*
- *If the problem persists, you may describe it in writing and present it to the Human Resources Manager, who will investigate and attempt a solution or explanation. We encourage you to bring the matter to the Human Resources Manager as soon as possible after you believe that your immediate supervisor has failed to resolve it; and*
- *If the problem is not resolved, you may present the problem in writing to the General Manager of MTD, who will attempt to reach a final resolution. If you need assistance with the written complaint, contact the Human Resource Manager for help.*

This procedure, which we believe is important for both you and MTD, cannot guarantee that every problem will be resolved to your satisfaction. However, MTD values your observations and you should feel free to raise issues of concern, in good faith, without the fear of retaliation.

## **Employment of Relatives**

MTD may refuse to hire relatives of present employees if doing so could result in actual or potential problems in supervision, security, safety, or morale, or if doing so could create potential conflicts of interest. This rule applies to “relatives” and “step” family members as follows: spouses, children, siblings, parents, in-laws, grandparents, grandchildren, legal guardian.

If two employees marry each other or become related, causing actual or potential problems such as those described above, only one of the employees will be retained with MTD, unless reasonable accommodations can be made to eliminate the actual or potential problems. The aforementioned employees will have 30 days to decide which relative will stay with MTD. If this decision is not made within the time allowed, the General Manager of MTD will make the decision, using any legal criteria deemed necessary to make the decision.

## **Conflicts of Interest**

All employees should avoid situations involving actual or potential conflict of interest. Personal or romantic involvement with a supplier, or subordinate employee of MTD, which impairs an employee's ability to exercise good judgment on behalf of MTD, creates an actual or potential conflict of interest. Supervisor-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment, and morale problems. If such a conflict (or potential) exist MTD may chose to remove one or more of the involved employees from the situation.

## **Reductions in Force**

Under some circumstances, MTD may need to restructure or reduce its workforce. If restructuring our operations or reducing the number of employees becomes necessary, MTD will attempt to provide advance notice, if possible, to help prepare affected individuals. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

In determining which employees will be subject to layoff, MTD will take into account, among other things, operation and requirements, the skill, productivity, ability, and past performance of those involved, and also, when feasible, the employee’s length of service.

## **Involuntary Termination of Employment**

Violation of MTD policies and rules may warrant disciplinary action. Disciplinary action is not based on a formal system and MTD may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to, and including, termination of employment. MTD’s discipline policy in no way limits or alters the at-will employment relationship.

## **Voluntary Termination of Employment**

Voluntary termination results when an employee voluntarily resigns his or her employment at MTD, or fails to report to work for three consecutively scheduled workdays without notice to, and/or approval by, his or her supervisor. All MTD-owned property, including vehicles, keys, uniforms, identification badges, and credit cards, must be returned immediately upon termination of employment.

# Standards of Conduct

## Prohibited Conduct

To assure orderly operations and provide the best possible work environment, MTD expects you to follow rules of conduct, which will protect the interest and safety of all employees and MTD. It is not possible to list all the forms of behavior which are considered unacceptable in the work place, but the following are examples of infractions of rules of conduct which may result in disciplinary action, including suspension or termination of employment. This list of prohibited conduct is illustrative only; other types of conduct that threaten security, personal safety, employee welfare and MTD operations also may be prohibited.

### PROHIBITED CONDUCT

1. *Consuming alcohol while representing MTD at an outside business function that may serve alcoholic beverages. If you are representing the MTD at these functions you are prohibited from consuming **ANY** alcoholic beverage. Refer to the current Drug and Alcohol Policy Section F "Prohibited Conduct" item #6.*
2. *Falsifying employment records, employment information, or other MTD records;*
3. *Recording the work time of another employee or allowing any other employee to record your work time, or falsifying any time card, either your own or another employee's;*
4. *Theft, removal and deliberate or careless damage or destruction of any MTD property, or the property of any employee or customer;*
5. *Removing MTD property without prior authorization;*
6. *Unauthorized use of MTD equipment, time, materials, or facilities;*
7. *Threatening, provoking a fight, or fighting during working hours or on MTD property;*
8. *Participating in horseplay or practical jokes, boisterous or disruptive activity on MTD time or on MTD premises;*
9. *Engaging in criminal conduct whether or not related to job performance;*
10. *Causing, creating, or participating in a disruption of any kind during working hours on MTD property;*
11. *Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management, or other disrespectful conduct toward a supervisor or member of management;*
12. *Using abusive language at any time on MTD premises;*
13. *Failing to notify a supervisor when unable to report to work;*
14. *Failing to obtain permission to leave work for any reason during normal working hours;*
15. *Failing to observe working schedules;*
16. *Failing to provide a physician's certificate when requested or required to do so;*
17. *Sleeping or malingering on the job;*
18. *Non exempt hourly staff working overtime without authorization, unless it an emergency need or refusing to work assigned overtime;*
19. *Violating any safety, health, security or MTD policy, rule, or procedure;*
20. *Committing a fraudulent act or a breach of trust under any circumstances;*

21. *Committing of or involvement in any act of unlawful harassment of another individual, including sexual harassment;*
22. *Working under the influence of alcohol or illegal drugs or any violation of MTD's policy regarding drugs and alcohol;*
23. *Manufacture, sale, purchase, offer to sell or purchase, distribution, dispensation, possession, or use of alcoholic or illegal drugs in the work place, while on duty, on MTD premises or while operating employer-owned vehicles or equipment;*
24. *Smoking in any area except designated area;*
25. *Possession of dangerous or unauthorized materials, such as explosives or firearms, in the work place;*
26. *Excessive absenteeism, tardiness or any absence without notice;*
27. *Unauthorized absence from work during the work day;*
28. *Unauthorized disclosure of trade secrets or confidential information;*
29. *Unsatisfactory performance or conduct.*

This statement of prohibited conduct does not alter MTD's policy of at-will employment. Either you or MTD remain free to terminate the employment relationship at any time, with or without reason or advance notice.

### **Off-Duty Conduct**

While MTD does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with MTD's legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely affect MTD's or their own integrity, reputation or credibility. Illegal or immoral off-duty conduct by an employee that adversely affects MTD's legitimate business interests or the employee's ability to perform his or her job will not be tolerated.

The following types of employment elsewhere are strictly prohibited:

- *Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at MTD;*
- *Additional employment that creates a conflict of interest or is incompatible with the employee's position with MTD;*
- *Additional employment that impairs or has a detrimental effect on the employee's work performance with MTD;*
- *Additional employment that requires the employee to conduct work or related activities on MTD property during the employer's working hours or using MTD facilities and/or equipment; and*
- *Additional employment that directly or indirectly competes with the business or the interests of MTD.*

Employees who wish to engage in additional employment that may create a real or perceived conflict of interest must submit a written request to MTD explaining the details of the additional employment. Even if the additional employment is authorized by MTD, the employee bears all responsibilities. MTD assumes no responsibility for it. MTD shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time. The same rules apply to volunteer activities that may interfere with your employment at MTD.

### **Drug and Alcohol Abuse (Refer to SBMTD's D & A Policy attached)**



## Punctuality and Attendance

For MTD to accomplish its goals of public service, it needs the combined efforts of all employees. The best way to achieve these goals is to have every person report to work as scheduled. Every employee has an obligation to maintain regular and reasonable attendance as a condition of employment. Your supervisor will explain your work hours. You may not choose to change your hours without authorization from your supervisor or manager. You may be required to maintain rigorous and specified hours, or you may have a flexible work schedule based on the work needs of your department. You may also be allowed to work an alternative work schedule such as a ten-hour shift or a 9/80 situation. Whatever schedule you are assigned, you can be sure it is designed to meet the needs of your department and MTD.

Whatever your schedule, MTD is depending on you to be at work when you are scheduled. MTD recognizes that there may be certain infrequent circumstances that might prevent you from being at work. In those cases, it is imperative that you notify your supervisor as soon as possible. You should tell your supervisor the reason for your absence and when you expect to return.

If you fail to report for work without any notification to and/or authorization from your supervisor and your absence continues for a period of three (3) days, MTD may consider that you have abandoned your employment.

MTD reserves the right to require a note from attending doctor as proof of absence for medical reasons. Refusal to provide such document will be considered absent with out leave.

## Dress Code and Other Personal Standards

Because each employee is a representative of MTD in the eyes of the public, each employee must report to work properly groomed and wearing appropriate clothing. Employees are expected to dress neatly and in a manner consistent with the nature of the work performed. Employees who report to work inappropriately dressed may be asked to clock out and return in acceptable attire, and may be subject to further discipline, up to and including, termination. (See MTD dress code).

The following information is intended to serve as a guide to help define appropriate casual business wear for staff of SBMTD. The MTD's primary objective is to have employees project a professional image while enjoying more casual and relaxed clothing.

Casual dress offers an alternative to the business attire of dresses, suits, ties, and dress shoes.

On the other hand, not all-casual clothing is appropriate for the office. Items that may be perfect for working in the yard, going on a picnic or playing sports aren't appropriate for the office, nor is clothing that is too revealing. Regardless of the item, it is essential to avoid wearing anything to the office that is excessively worn, frayed or wrinkled.

There are times when traditional business attire is required to be worn (i.e. board of directors meeting days) at the direction of your supervisor. Take your day's schedule into account when you are dressing. If you have a meeting scheduled with visitors, or if you are advised that others in the Agency will have visitors with whom you will come in contact, you will want to dress appropriately. And, of course, business attire continues to be acceptable if that is your preference.

Listed below is a general overview of acceptable business casual wear as well as a listing of some of the more common items that are not appropriate for the office. Neither group is intended to be all-inclusive. Rather, these items should help set the general parameters for proper casual business wear and allow you to make

intelligent judgments about items that are not specifically addressed. A good rule of thumb is that if you are not sure if something is acceptable, choose something else or inquire first.

Slacks—Cotton slacks are acceptable provided they are clean and wrinkle-free. Inappropriate items include jeans of any color, sweatpants, windsuits, short shorts, Bermuda shorts, bib overalls, leggings, spandex or other form-fitting pants.

Shirts—Casual shirt, polo shirt, collared shirts, sweaters and turtlenecks are acceptable. Inappropriate items include tank tops (unless worn under an appropriate shirt or blouse), sweatshirts, shirts with large lettering, logos or slogans, halter-tops, and t-shirts.

Dresses and Skirts—Casual dresses and skirts are acceptable. Dress and skirt length should be no shorter than three inches above the knee. Mini-skirts and spaghetti-strap dresses will not be worn to the office.

Footwear—Should be safe for the performance of job duties. Loafers, boots, flats, dress sandals, open-toed shoes, clogs and leather deck shoes are acceptable. Stockings are acceptable if it's appropriate for the rest of the outfit. Athletic shoes (with the exception of all black athletic shoes), sneakers, thongs, flip-flops and slippers are not acceptable. If driving a bus, staff must follow driver uniform guidelines related to shoes.

Jewelry—Should be conservative with no visible body piercing other than pierced ears.

With the prior approval of the department manager, jeans and athletic shoes are acceptable on certain days, such as clean-up days or "Casual Friday's".

If an item of clothing is deemed to be inappropriate for the office by the employee's supervisor and/or the Manager of Human Resources, the employee may be sent home to change clothes on their own time. The employee may be given a verbal warning or more serious disciplinary action will be taken depending on the situation.

Any questions regarding the Dress Code should be directed to the Manager of Human Resources.

## **PERSONAL PROTECTIVE EQUIPMENT (PPE)** **REFLECTIVE SAFETY VESTS POLICY**

### **PURPOSE**

The main purpose of a reflective safety vest is to make individuals more visible when they are in the bus yard or on the road outside the bus. A reflective vest is an item that can enhance safety in the bus yard/maintenance areas or when bus drivers/operators need to work in the roadway during a transit vehicle emergency setting up triangles, directing traffic, or evacuating the vehicle. The purpose of this policy is to identify the responsibilities relating to the use of the Reflective Safety Vest.

### **POLICY**

Wearing Personal Protective Equipment (PPE) – a Reflective Safety Vest is required in the bus yard/maintenance areas of Santa Barbara MTD's facilities, when Bus Operators step into the roadway for any reason including emergencies while in service and other locations for the safety of MTD's employees, vendors and guests. Employees that violate this policy will be subject to progressive disciplinary action, beginning with written warning and for subsequent violations up to and including termination of employment.

### **RESPONSIBILITY**

*Employee*

- All employees, vendors and guests will be required to wear a reflective safety vest whenever they are in the bus yard/maintenance areas of Santa Barbara MTD's facilities. Outside of MTD's facility, MTD employees will be required to wear a reflective safety vest during a road service call. While on duty, bus operators are encouraged but not required to wear a safety vest whenever they step out of the bus at the transit center. A safety vest must be worn when Bus Operators step into the roadway for any reason including emergencies while in service.
- This requirement will be in effect during all of MTD's operating hours, day or night.
- MTD-issued Reflective Safety Vests are considered part of the MTD-approved uniform and remain the property of MTD.
- Employees are responsible for their MTD-issued Reflective Safety Vests. Employees are responsible for notifying the supervisor or department manager if the vest is damaged, does not fit or requires repairs. Employees are responsible for the cost of replacing Reflective Safety Vests which are intentionally or repeatedly damaged or lost. For your convenience additional vest may be purchased through MTD.
- As with all uniforms all employees will be responsible for keeping their vests washed and clean.

#### *Supervisors*

- Ensure that all employees properly use and maintain their approved PPE, and follow MTD's PPE procedures and rules.
- Ensure that PPE is not damaged or worn out.

#### *Guests*

- All guests are required to check-in at MTD's administrative office, and will be directed by an MTD employee to their destination. All guests shall be provided a reflective safety vest to wear when in specified areas. It will be the responsibility of the host employee to insure that the guest is wearing the reflective safety vest and that the vest is returned to MTD.

#### *Vendors*

- The yard area from the bus wash to the maintenance building will be considered a delivery zone for vendors only. This will exempt vendors from wearing a reflective vest in that area.

## **Confidentiality**

Each employee is responsible for safeguarding the confidential information obtained during employment. In the course of your work, you may have access to confidential information regarding MTD, its suppliers, its customers, or perhaps even fellow employees. You have responsibility to prevent revealing or divulging any such information unless it is necessary for you to do so in the performance of your duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated, may be subject to discipline, up to, and including, termination, and legal action may be taken against you by MTD.

## **Business Conduct and Ethics**

No employee may accept a gift or gratuity from any customer, vendor, supplier, or other person doing business with MTD because doing so may give the appearance of influencing business decisions, transactions or service. Please discuss expenses paid by such persons for business meals or trips with your department manager in advance.

# Operational Considerations

## **Employer Property**

Prior authorization must be obtained before any MTD property may be removed from the premises. If authorized, the items are still MTD's property and required to be returned upon request.

For security reasons, employees are responsible for personal belongings left in the work place. MTD takes no responsibility for loss or damage of personal belongings. Personal items are subject to inspection and search, with or without notice, with or without the employee's prior consent.

Terminated employees (voluntary or involuntary) should remove any personal items at the time they leave MTD. Personal items left in the work place are subject to disposal if not claimed at the time of an employee's termination.

## **Use of Electronic Media**

MTD uses various forms of electronic communication including, but not limited to computers, e-mail, telephones, and Internet. All electronic communications, including all software, databases, hardware, and digital files, remain the sole property of MTD and are to be used only for MTD business and not for any personal use.

Employees are responsible for exercising good judgment regarding the reasonableness of personal use.

Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against MTD policy, or not in the best interest of MTD.

Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, or related actions will be subject to discipline and/or immediate termination.

Employees may not install personal software on MTD computer systems.

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

MTD cannot guarantee the confidentiality of information stored on any network device belonging to MTD. Network administrators may need to monitor network traffic and view stored data in the course of normal maintenance or to protect systems from various abuse or attacks.

Employees must keep passwords secure and should not share account information and passwords with anyone. MTD will override all personal passwords, if necessary, for any reason. All systems must be secured with password-protected screensavers that automatically activate after 10 minutes of non-activity.

Employees are responsible for keeping private and sensitive information in secure locations, and should coordinate with the network administrator to store information in locations that are only accessible by people who are authorized to access that information.

Employees may not override any software system such as anti-virus, firewalls, or computer settings that have been put in place to protect MTD's network and data systems.

Employees are strictly prohibited from any activity that would introduce malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).

MTD reserves the right to access and review electronic files, messages, mail, and other digital archives, and to monitor the use of electronic communications as necessary to ensure that no misuse or violation of MTD policy or any law occurs. Employees have no expectation of privacy as to any electronic media or other MTD property.

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

Employees are strictly prohibited from disseminating MTD network information to anyone unless specifically authorized to do so. This information includes but is not limited to MTD e-mail contact lists, account names, system names, and information about the types of computers and configuration of computers within MTD.

Employees are strictly prohibited from copying of unauthorized copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and installation of any copyrighted software for which MTD or the end user does not have an active license is strictly prohibited.

No employee may install or use anonymous e-mail transmission programs or encryption of e-mail communications, except as specifically authorized by the General Manager.

Employees who use devices on which information may be received and/or stored, including but not limited to, cell phones, cordless phones, portable computers, fax machines, and voice mail communications are required to use these methods in strict compliance with the trade secrets and confidential communication policy established by MTD. These communications tools should not be used for communicating confidential or sensitive information or any trade secrets.

Employees may not duplicate software programs, or keep any backup copies of work done for MTD when they leave the organization. If you wish to keep samples of your work, you must obtain written permission from MTD's General Manager to download specific examples. Under no circumstances are employees allowed to keep copies of proprietary information, data, or programs.

Access to the Internet, websites, and other types of MTD-paid computer access are to be used for MTD-related business only. Any information about MTD, its products or services, or other types of information that will appear in the electronic media about MTD must be approved by your department manager or MTD General Manager before the information is placed on an electronic information resource that is accessible to others.

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

## **Prohibited Use of MTD Cell Phone While Driving**

By law and in the interest of the safety of our employees and other drivers, MTD employees are prohibited from using cell phones except with a hands-free device while driving on MTD business and/or MTD time.

If your job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device. Employees are prohibited from text messaging-mailing or using the internet while they are driving.

Staff members who drive a transit buses are prohibited from using a cell phone while on safety sensitive duty.

## **Personal Use of Company Cell Phone or Company Land Line Phones**

Employees are prohibited from using MTD-issued cell phones, land line phone and any other MTD property to conduct other business/moonlight business.

## **Conducting Personal Business**

Employees are to conduct only MTD business while at work. Employees may not conduct business for self or another employer during their scheduled working hours. Personal phone calls and contact should be limited.

## **Employee Property**

MTD wishes to maintain a work environment, which is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, MTD prohibits the control, manufacture, possession, transfer, sale, purchase, and offer to sell or purchase, or use of such materials on its premises. MTD requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of MTD and are also covered under this policy. Accordingly, there is no expectation of privacy and they, as well as any article found within them, can be inspected by any agent or representative of MTD at any time, either with or without prior notice.

Further, MTD reserves the right to inspect an employee's personal property, including but not limited to, packages, purses, and backpacks, upon reasonable suspicion of unauthorized possession of MTD property or violation of MTD policy or law.

## **Security/Workplace Violence**

MTD has developed guidelines to help maintain a secure workplace. Be aware of persons loitering for no apparent reason in buildings, parking areas, walkways, entrances and exits, and service areas. Report any suspicious persons or activities to security personnel. Secure your desk or office at the end of the day. When called away from your work area for an extended length of time, do not leave valuable and/or personal articles in or around your workstation that may be accessible. The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. You should immediately notify your supervisor when unknown persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are missing.

MTD's workplace security, as well as preventing workplace violence program, is described in detail in MTD's Illness and Injury Prevention Program (IIPP).

## **MTD Facility Visitors**

MTD is committed to making a visit a safe and healthy one for visitors and others in the work place. It is for that reason that we require all visitors to MTD facilities to abide by the following safety rules while they are here.

- All visitors must sign in and out at the front desk and wear visitor ID badge unless accompanied by an MTD staff member.
- All visitors must obey the following rules of conduct at all times:
- Follow all verbal instructions and signs
- Report all injuries or problems immediately, no matter how minor

As an employee of MTD, it is your responsibility to uphold this policy by instructing any visitor to check in at the front desk.

In some instances it may be impractical to ask certain vendors to adhere to this policy. Good examples of certain vendors in this situation are fuel delivery drivers, armored car personnel and tool truck deliveries. This is not an all inclusive example list.

## **Health and Safety**

All employees are responsible for their own safety, as well as that of others in the work place. To help us maintain a safe work place, everyone must be safety conscious at all times. Report all work-related injuries or illnesses immediately to your supervisor or to the Human Resources Department. In compliance with California law, and to promote the concept of a safe work place, MTD maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in the General Manager's office.

In compliance with Proposition 65, MTD will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

## **Ergonomics**

MTD is subject to Cal/OSHA ergonomics standards for minimizing work place repetitive motion injuries. MTD will make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment and processes and employee training. MTD encourages safe and proper work procedures and requires all employees to follow safety instructions and guidelines.

MTD believes that reduction of ergonomic risk is instrumental in maintaining an environment of personal safety and well-being, and is essential to our business. We provide reasonable and appropriate resources to create a risk-free environment.

If you have any questions about ergonomics, please contact MTD's Human Resources Manager or your department manager or supervisor.

## **Smoking**

MTD is dedicated to providing a healthy, comfortable and productive work environment for its employees. This goal can be achieved only through ongoing efforts of MTD employees. In support of this goal, smoking is prohibited in all interior spaces at all district locations including bus stops and the transit center. Smoking is not permitted in MTD-owned vehicles. Smoking shall be permitted outdoors, but should be refrained within 20 feet of entrances to all buildings, offices or other covered/enclosed areas. MTD provides designated smoking areas.

All employees must use appropriate containers for cigarettes disposal.

The success of this policy depends on the thoughtfulness, consideration, and cooperation of smokers and nonsmokers. All MTD employees share in the responsibility for adhering to and enforcing the policy. Any conflicts should be brought to the attention of the Human Resources Manager, department manager and, if necessary, referred to the General Manager for a final decision.

**SMOKE FREE for SAFETY & HEALTH:** For the safety of all employees and the public affected within the service areas designated herein, SBMTD intends to provide a smoke free environment at all work sites and in all vehicles.

**CITY AND COUNTY OF SANTA BARBARA ORDINANCES:** This rule meets the intent of City and County regulations against smoking, City Municipal Code Chapter 9.20.030 A. 4 & B, County Ordinance #4437 (supersedes Ordinance No. 4173).

Smoking any cigarette, including e- or electronic cigarettes, is not allowed inside or within 20 feet of any enclosed building on the premises of the facility at 550 Olive Street,

Smoking any cigarette, including e- or electronic cigarettes, is not permitted inside or within 20 feet of any bus or shuttle parked or in motion including all District-owned passenger and service vehicles.

This policy is inclusive of all MTD employees, visitors, the public and employees of vendors who do business with SBMTD.

**DESIGNATED AREAS:** The only place permitted to smoke is the Designated Smoking Area for MTD's Olive Street facility, under the tree on the Operations side of the bus wash. Seating and a cigarette receptacle are available there. When smoking outside, do not leave cigarette butts or other traces of litter or tobacco use on the ground or anywhere else. Dispose of any litter properly in the receptacles provided for that purpose.

**BREAKS: Employees may smoke outside in designated areas during breaks. No additional breaks beyond those allowed may be taken for the purpose of using tobacco or similar products.**

If you do not follow this rule, you are subject to disciplinary action by MTD and may be fined by the County Public Health Department.

Some employees may find this rule difficult to follow. Smoking cessation program information is available from Human Resources. Help may be available through the County Public Health, your family health insurance, and your Employee Assistance Program

## Housekeeping

All employees are expected to keep their work areas clean and organized. People using common areas such as lunch rooms, locker rooms, and restrooms are expected to keep them sanitary. Please clean up after meals and dispose of trash properly. Please use recycle stations when possible.



## **Solicitation and Distribution of Literature**

The non-solicitation, non-distribution policy is intended to protect the interests of both MTD and its employees. It is the policy of MTD that solicitation of or by employees during working time is prohibited. Distribution of literature by employees during working time is also prohibited, as is distribution of literature in working areas. "Working time," as used in this policy, excludes meals and break periods.

## **Telecommuting**

MTD may permit staff members to telecommute upon approval from their department manager.

All costs for equipment associated with telecommuting are the responsibility of the employee. Costs include purchase price, maintenance, and insurance coverage for all necessary equipment.

Employees who telecommute still may be required to attend meetings at the office or other designated location.

Telecommuting does not change the employee's work location and employees are still responsible for all costs associated with travel to and from the office, when they are required to report to their work location.

Employees who telecommute will not conduct meetings with customers or clients in their home nor will they perform any manufacturing work at home.

Employees are responsible for contacting local governmental agencies for required licenses (if any) needed to maintain a home office.

Employees are responsible for any costs of obtaining tax advice about a tax deduction for a home office. Employees are responsible for any tax liability should they claim such an expense and it is later disallowed by the Internal Revenue Service.

Employees who telecommute must maintain the security of all confidential and/or sensitive information and other proprietary information, as if they were working in the office. All security procedures apply, regardless of whether the employee is in the work place or telecommuting.

Employees who telecommute are responsible for following all safety rules. The ability to telecommute does not change the performance level expected from an employee.

Employees, who are subject to overtime laws are always required to adhere to their beginning and ending work times, break times, and meal breaks. Telecommuting employees must continue to maintain required time records.

\*MTD retains the right to require telecommuters to report to the office to work.

Violation of any telecommuting policies may result in the loss of an employee's telecommuting privileges and any other discipline, up to, and including, termination.

MTD may at any time end the authorization for telecommuting with or without prior notice.

## Bulletin Boards

MTD maintains bulletin boards located at the Olive Street facility as well as the transit center.

Bulletin boards are used to provide information to employees concerning MTD.

Employees may not post items on MTD bulletin boards unless the following conditions are met:

- *Postings may be made by MTD employees only;*
- *The information to be posted must first be approved by General Manager or designate*

# Employee Benefits

## Benefit Package for Full-Time Staff Members

The benefit package for MTD full-time salaried staff members was approved by the Board of Directors on March 17, 1998 and amended on August 10, 2010. Newly hired full-time salaried staff members are eligible for benefits on the first of the month following their hire date. Accruals begin with active service.

### Active Employees

### Accrual of Benefits

Benefits for full-time, salaried staff members are based on 2000 paid hours per year. All benefits for regular, active employees will be pro-rated if the employee has less than the amount of paid hours required.

Benefits begin accruing the first day of the month following employment. Health insurance is effective the first day of the next month.

### Health Insurance

Full-time salaried staff members receive a family medical and dental insurance. MTD determines the benefit plan and MTD's contributions once a year.

Employees are responsible for deductibles and co-payments at the time of medical or dental service.

### Holidays

Full-time salaried staff members enjoy ten paid holidays per year:

- Christmas Eve
- Christmas Day
- New Year's Day
- Martin Luther King Day
- Memorial Day
- July 4th
- Labor Day
- Thanksgiving
- Day after Thanksgiving
- Presidents' Day

Some holidays require full or minimum staffing. A list of the staffing requirements for holidays is available. If a staff member works a holiday due to staffing requirements, he or she may take an alternate day off with pay.

Day must be authorized by the department manager.

When a holiday falls on your day off, it affects staff differently than the union member employees.

If you are an exempt salaried staff member you will still receive a maximum of 80 hours for the pay period. Salaried staff may float the holiday to be used within 9 months of the holiday. Staff may with authorization from the manager, trade it for a different day off with pay.

If you are a non-exempt staff member who is paid hourly, you may have an extra day of pay coming during that pay period. For example if, July 4<sup>th</sup> falls on your day off you will get 88 hours of pay. If you prefer to have a day off, you may request the day off with manager approval.

There may be other days on which MTD may reduce bus service and may not require staff to be present at the administration building. You will be informed in advance of any such changes.

## Vacation

Full-time salaried staff members are entitled to accrue and take vacation as follows:

after	up to
1 year of employment	2 weeks of vacation
5 years of employment	3 weeks of vacation
12 years of employment	4 weeks of vacation
20 years of employment	5 weeks of vacation

Accrual of vacation hours is based on 2000 paid hours in the previous year and will not exceed the amount set out above.

Employees are required to take at least two weeks of available vacation each calendar year. Department manager may schedule vacation for you if you do not. If an employee does not take all of the vacation hours earned **by the last pay period of the current vacation year**, the surplus hours will be paid out at the end of the vacation year **(usually in the month of January)**.

## Scheduling Vacations

Department managers must schedule their vacations through the General Manager. Also, on each of the scheduled work days, the General Manager or the Assistant General Manager or alternate manager of General Manager's choice must be on duty.

Vacations of other staff members must be scheduled through their department managers. For every absent member, there must be alternate member of the department available who is able to carry out the required duties. Staff should be notified who will be handling such duties.

## Sick Leave

Full-time salaried staff members may earn a maximum of 80 hours of sick leave per year. These sick leave hours will accumulate from year to year. There is no cash value or conversion except as noted on next page.

Effective July 1, 2015 all part-time employees will earn 1 hour of sick leave per thirty (30) hours worked.

## Personal Days Off

Full-time salaried staff members may use up to five personal leave days each calendar year, if needed. The following applies to personal days:

- For personal business related to self, family and home
- No accumulation from year to year
- Not to be used in place of vacation
- Not to be used in conjunction with vacation with the exception of an unanticipated emergency
- Personal leave days expire at the end of each vacation year
- No cash value/no conversion/no trade
- Not to be used to work a second job
- Use is optional based on personal need
- Bereavement days count as personal days
- Jury Duty count as personal days

Personal Day Off (PDO) must be pre-approved on or before the day of the PDO by your department manager. In case of manager's absence, time off must be authorized by the General Manager.

## Life Insurance

Full-time exempt salaried staff members receive a term life insurance policy with a death benefit of two time's annual salary based on an annual cap as set by the plan program. This benefit will not be adjusted at each salary increase; rather, the adjustment will be made one time per year for the entire staff group.

## Retirement Benefits for Full-Time Staff Salaried Employees

### 401(k)

Full-time staff members who are eligible based on the plan may join the District's 401(k) and profit sharing plan based on IRS and plan rules. For more information refer to the plan summary.

## Retirement Medical Insurance

If they meet the following, full-time staff members are entitled to a medical plan at retirement with premium paid by MTD for them and their spouse until death of the retired MTD employee qualifications:

- Employed for 20 full-time years at MTD
- At least 65 years old at retirement
- Employee retires from MTD employment

Deductibles and co-payments are the responsibility of the retired employee.

MTD reimburses each qualified retiree an amount not to exceed \$285 per month.

MTD determines the benefit coverage and plan carrier. MTD determines the maximum dollar amount paid.

## Sick Leave Pay

Full-time salaried staff members who:

- were employed on March 1, 1998
- retire after 20 full-time years of service to MTD
- are at least 60 years of age

- have 400 hours of accumulated sick leave may convert their accumulated sick leave to cash at retirement at a rate of 2:1 for each hour.

Benefits are subject to change by the Board of Directors at their discretion.

The following sections apply to benefits as applicable by Federal or State law:

## **State Disability Insurance**

Each employee contributes to the State of California to provide disability insurance mandated by the California Unemployment Insurance Code. Contributions are made through a payroll deduction. Disability insurance is payable when you cannot work because of accident, illness, or injury not caused by employment at MTD. This includes pregnancy or when you are entitled to temporary workers' compensation at a rate less than the SDI daily disability benefit amount. Specific rules and regulations governing disability are available from the Human Resources Department or on the state Employment Development Department's website at <http://www.edd.ca.gov/direp/diind.htm>. Rules are subject to change based on state law.

## **Employee Assistance Program (EAP)**

The Employee Assistance Program (EAP) is a free, confidential and voluntary counseling and information program for MTD employees, their family members and their significant others. The EAP staff are licensed professionals who provide assessment, brief therapy (up to six sessions), referrals and follow-up for individuals, couples, families and groups regarding personal or work-related issues such as stress; marital, family and relationship problems; anger management; substance abuse; work performance issues; emotional difficulties; or any concern that becomes a problem in one's life. See appendix for more information on MTD's EAP.

## **Bus Pass**

MTD currently provides a bus pass to all employees and eligible dependents. The bus pass allows unlimited rides on the MTD system, including the Valley Express. Details about the Bus Pass program are available in a separate publication distributed by the Human Resources Department.

### **MTD BUS PASSES: EMPLOYEE AND DEPENDENT SYSTEM PRIVILEGES**

#### **Who Is Eligible for a Bus Pass**

The District extends the benefit of a free bus pass for the following groups:

- All active full-time and Part-Time employees
- Long-term contract persons working on District site(s)
- All of their legal dependents. (per below)
- All qualified retired employees and qualified dependants (see below)

The bus pass is valid for you and your dependents only for the term of your employment with the District, and must be returned at separation. The exception to this is if you qualify for retirement pass privileges. In order to obtain passes, you must complete an authorized bus pass application form, annually.

### **DEPENDENT INFORMATION (updated in 2012)**

### Dependent eligibility status for bus passes:

- (1) The employee's legal spouse or registered domestic partner.
- (2) Dependent "children" and "young adults" are eligible up to their 26th birthday.

**Qualifications:** An unmarried dependent "child" (including a stepchild, a legally adopted child or a child placed in the employee's home for the purpose of adoption or any legal dependent) of either the employee or the employee's spouse. Grandchildren are considered "dependent" when legal guardianship has been awarded to the employee or the employee's spouse. In all cases, dependents must have principal place of residence with the employee, unless the employee is separated or divorced from their spouse.

**Special Rule:** There is no upper age limit in any case where the dependent child/young adult/adult is incapable of self-support because of mental or physical handicap. With the same proof that allows extension for purposes of health insurance, they may also receive a bus pass

**Procedures:** You must arrange for their picture to be taken at the Transit Center. It is your responsibility as an employee to be sure that your dependents understand this privilege. Passes may be used only by the person named on them. The pass must be shown each time you are boarding a bus. This is important even if the driver recognizes you. Other passengers may wonder why you have boarded without paying a fare.

**Passes may be revoked at any time for improper use:** All active employee and dependent passes must be returned to the District upon termination of employment with MTD.

**Lost or stolen passes:** If you or your dependent have lost your pass, report it immediately to your supervisor.

**Retired Union Employee Passes:** Per bargaining unit contract, the MTD provides lifetime passes for retirees who have at least 25 years of continuous service, or who are 55 years old and have at least 10 years of continuous service.

## Unemployment Compensation

MTD contributes to the California Unemployment Insurance Fund on behalf of employees. Unemployment Insurance is also available for forced reductions of hours. Further information is available in Human Resources.

## Social Security

Social Security is an important part of every employee's retirement benefit. MTD contributes to Social Security on behalf of all employees. Your Social Security contributions are based on a percentage of your salary. The amount/percentage of your contribution is regulated by the federal government.

## Workers' Compensation

All MTD employees are covered by the workers' compensation laws. If you are injured at work or your injury arises out of course of employment, you must report the injury to your immediate supervisor as soon as possible, and no later than the end of your scheduled work shift. Prompt reporting assures that you will receive adequate medical attention for your injury and other applicable benefits on a timely basis. Your immediate supervisor must be notified of any industrial incident and will be responsible for following through on further reporting requirements. MTD will provide you with an Employee's Claim for Workers' Compensation Benefits. It is important that you complete the form and return it immediately to your supervisor or Human Resource office.

MTD bears the entire cost of Workers' Compensation benefits. MTD's Third Party Administrators (TPA) as posted has the responsibility for the administration of benefits for employees injured in the course of employment. Details about Workers' Compensation benefits are available in a separate publication distributed by the Human Resources Department.

### **Medical Treatment for Work-Related Injuries**

If you need medical care for a work-related injury during regular work hours, advise your supervisor. He or she will advise you to see physicians at the MTD Designated Medical Facility as posted.

If the work-related injury occurs after hours, your supervisor will refer you to the nearest emergency room.

If you are unable to reach a supervisor and you are unable to safely travel to (or in case of severe traumatic injury requiring immediate medical assistance), call 9-1-1.

### **Workers' Compensation and FMLA/CFRA**

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)), will be placed on FMLA/CFRA during the time they are disabled until they are released to return to work by their treating physician. The leave under these laws runs concurrently. Eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a 12-month period.

## **Leaves of Absence**

Absence of more than five (5) days requires authorization for leave of absence. MTD may grant personal or medical leaves of absence of more than 5 days to employees in certain circumstances. Your department manager must approve the leave in writing. Request any leave in writing as far in advance as possible, keep in touch with your supervisor or the Human Resources Department during your leave, and give prompt notice of any change in your anticipated return date. If your leave expires and you fail to return to work without contacting your supervisor or the Human Resources Department, MTD will assume that you do not plan to return and that you have terminated your employment. Upon return from a leave of absence, you will resume all aspects of your employment status that existed prior to the start of your leave.

### **Family and Medical Leave Act (FMLA)**

#### **A. Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

#### **B. Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan"

on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **C. Eligibility Requirements**

Employees are eligible if they have worked for MTD for at least one year, for 1,250 hours over the previous 12 months.

### **D. Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar dates combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **E. Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **F. Substitution of Paid Leave for Unpaid Leave**

Employees may choose or MTD may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply normal paid leave policies.

### **G. Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.



## **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedure.

Employees must provide sufficient information for MTD to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the MTD if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

## **Employer Responsibilities**

MTD will inform employees requesting leave whether they are eligible under FMLA. The notice will specify any additional information of the employees' rights and responsibilities. If they are not eligible, MTD will provide a reason for the ineligibility.

MTD will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If MTD determines that the leave is not FMLA-protected, MTD will notify the employee.

## **Unlawful Acts by Employers**

MTD will not:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

## **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

## **Pregnancy Disability Leave (PDL)**

Under the California Fair Employment and Housing Act (FEHA), employees who are disabled due to pregnancy, childbirth or related medical conditions are also eligible to transfer to a less strenuous or hazardous position, or to less strenuous or hazardous duties, if such a position is available and transfer is medically advisable. PDL may be applicable to you as an MTD employee.

If you qualify for PDL, you may take an unpaid leave due to disabilities associated with pregnancy, childbirth or related medical conditions, depending on the actual duration of the certified disability. All pregnancy disability absences associated with a particular pregnancy (e.g., time off for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, etc.) will be considered part of the same PDL. If you qualify, you may take PDL for the period of disability, as stated by your doctor, up to a maximum of 4

months (or 88 workdays for a full-time standard 40-hour workweek schedule).

### **Bereavement Leave**

MTD grants leave of absence to employees in the event of the death of the employee's current spouse, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law. An employee with such a death in the family may take up to five consecutive scheduled work days off with pay with the approval of the department manager. This leave may be paid from Paid Day Off (PDO) or the employee may ask to use vacation pay or unpaid personal leave. The employee should discuss available options with their manager and the Human Resources Department. The employee's manager may approve additional unpaid time off.

### **Concurrent Personal and Family/Medical Leave**

Any leave taken that qualifies as leave under the state and/or federal Family and Medical Leave Acts will be counted as family/medical leave and charged to your entitlement of 12 workweeks of family/medical leave in a 12-month period. You will be notified of the use of family/medical leave by MTD.

### **Jury Duty and Witness Leave**

MTD encourages employees to serve on jury duty when called. Exempt employees who have completed their introductory periods will receive full salary while serving up to 5 days of jury duty. You should notify your Manager of the need for time off for jury duty as soon as a notice or summons from the court is received. You may be requested to provide written verification from the court clerk of performance of jury service. If work time remains after any day of jury selection or jury duty, you will be expected to return to work for the remainder of your work schedule. You must return to MTD any mileage allowance or other fee paid by the court for jury services.

### **Time Off for Voting**

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give his or her manager at least two days notice.

### **School Activities**

Employees are encouraged to participate in the school activities of their child(ren). The absence is subject to all of the following conditions:

- *Parents, guardians, or grandparents having custody of one or more children in kindergarten or grades one to 12 may take time off for a school activity;*
- *The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of 40 hours each school year;*
- *Employees planning to take time off for school visitations must provide as much advance notice as possible to their manager;*

- *If both parents are employed by MTD, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her manager;*
- *Employees may be asked to provide their manager with documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.*

## **Suspension of an Employee's Dependent Child**

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

## **External Employee Education**

Some employees may need to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of MTD or the individual employee. Attendance at such activities, whether required by MTD or requested by individual employees, requires the written approval of the General Manager. To obtain approval, any employee wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and the nature, purpose, and justification for attendance. Attendance at any such event is subject to the following policies on reimbursement and compensation.

For attendance at events required or authorized by MTD, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Acceptable expenses generally include registration fees, materials, per-diem, transportation, and parking. Reimbursement policies regarding these expenses should be discussed with the General Manager in advance.

Employee attendance at authorized outside activities will be considered hours worked for non-exempt employees and will be compensated in accordance with normal payroll practices. However, this does not apply to travel time to and from the event nor time waiting before or after. See Human Resources with questions.

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 generally may lead to improved job performance. While MTD generally encourages all employees to improve their knowledge, job skills, and promotional qualifications, such activities do not qualify for reimbursement or compensation under this policy unless prior written approval is obtained as described previously.

## **Recreational Activities and Programs**

MTD or its insurer will not be liable for payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or other activity that is not part of the employee's work-related duties.

## **Safety on the Job**

The safety and well-being of our employees is very important and, to guard it, MTD tries to identify and eliminate employee exposures to avoidable hazards and conditions that can lead to injury, illness, or accidents. MTD has an Injury & Illness Prevention Program to help maintain a safe and healthful work environment. This program complies with federal and state regulations, laws, and statutes. Safety is everybody's job. All employees are encouraged to remain alert and report hazardous conditions and unsafe acts to their supervisors.

## **Inclement Weather/Natural Disasters**

In the event of severe weather or a natural disaster that prevents employees from safely traveling to and from work, the following leave policies will apply:

- ***Inclement weather:*** *If weather conditions prevent you from safely traveling to work, you must notify your manager by phone, if telephone service is functional, or by any other available means.*
- ***Natural disasters:*** *In the event of a natural disaster such as earthquake, fire, or explosion, the office will be closed if the building is damaged or highways leading to the office are damaged. For instructions on reporting to another location, contact the office immediately, if possible.*

## **Alternative Dispute Resolution**

Any controversy, dispute or claim arising out of or relating to your employment at MTD, the end of your employment with MTD, or any other claim or dispute you may have against or with MTD, whether related to your employment with MTD or not, shall first be attempted to be settled through good faith negotiation. If the dispute cannot be settled through negotiation, the parties agree to attempt in good faith to resolve the dispute by mediation pursuant to the parties' separate, mutual agreement for alternative dispute resolution. If the parties are unsuccessful at resolving the dispute through mediation, the parties agree to binding arbitration pursuant to the parties' separate, mutual agreement for alternative dispute resolution.

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