

June 21, 2013

To: Executive Board

Subject: **Foothill Transit Employee Handbook**

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## **Recommendation**

Receive and file the Foothill Transit Employee Handbook. Authorize the Executive Director to make changes as necessary to the Employee Handbook due operational considerations and/or legal requirements and with the exception of those items included in the compensation plan.

## **Analysis**

Attached is the first Foothill Transit Employee handbook. This handbook is intended to cover a wide range of issues relevant to the employment of administrative and management staff. As Foothill Transit is a new employer it is anticipated that change to this handbook will be required from time to time. With the exception of those items covered by the compensation plan, the Executive Director would be charged with modifying the handbook as necessary.

Please note that the employee handbook introduces organization values in the cover letter. These had been under development over the past several months. The values include:

### ***Results***

We value the achievement of organizational goals and initiatives as defined in our business plan and involving all levels of the organization.

### ***Integrity***

We are committed to high ethical standards based on accountability, honesty, respect and transparency, and a high level of fiscal responsibility.

### ***Diversity***

We create an environment rich with talented people and differing viewpoints, valuing the unique perspectives that everyone brings.

### ***Team Members***

Our team members are the key to Foothill Transit's success and we are committed to supporting them through education, development and recognition.

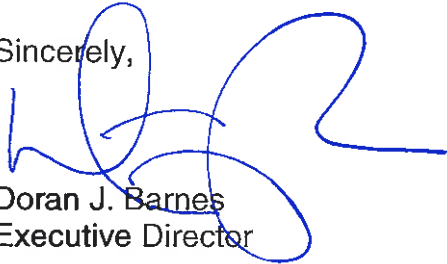
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## ***Communication***

We value and are committed to open, honest and respectful discussion which is responsive, informative, and constructive.

As Foothill Transit begins the process of hiring its own staff, this seems to be a good time to introduce these values.

Sincerely,



Doran J. Barnes  
Executive Director

# Foothill Transit Employee Handbook



July 1, 2013

***DRAFT***



## **Foothill Transit**

Going Good Places

### **WELCOME ABOARD!**

On behalf of the entire Foothill Transit organization, I am delighted to welcome you as an employee. You are joining a team of dedicated individuals who are committed to the principals embodied in the Foothill Transit mission statement.

***The mission of Foothill Transit is to be the premier public transit provider committed to safety, courtesy, quality, responsiveness, efficiency and innovation.***

Each of the words in our mission statement was carefully selected and has stood the test of time. Using the mission statement as our guide, we will continue to position Foothill Transit as a leading organization in Eastern Los Angeles County and in the transit industry.

It is my hope that your time at Foothill Transit will be rewarding and mutually beneficial. Throughout your time with Foothill Transit, I encourage you to work hard, deliver solid value and stay focused. These guiding principals will lead you to and our organization to success!

As an organization, there are several key values that I encourage you to embrace. These include:

#### ***Results***

We value the achievement of organizational goals and initiatives as defined in our business plan and involving all levels of the organization.

#### ***Integrity***

We are committed to high ethical standards based on accountability, honesty, respect and transparency, and a high level of fiscal responsibility.



**Foothill Transit**  
Going Good Places

### *Diversity*

We create an environment rich with talented people and differing viewpoints, valuing the unique perspectives that everyone brings.

### *Team Members*

Our team members are the key to Foothill Transit's success and we are committed to supporting them through education, development and recognition.

### *Communication*

We value and are committed to open, honest and respectful discussion which is responsive, informative, and constructive.

The success of Foothill Transit is a direct result of the success of our employees. Please count on me a resource to help you achieve your maximum potential. The organization has a firm commitment to the ongoing development of all team members and I look forward to assisting you as you continue to develop and expand your skills and abilities.

And one last thought.... While we are all committed to excellence and extraordinary accomplishments, let's not forget to have fun along the way!

One again, welcome aboard!

Doran J. Barnes  
Executive Director

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## **100 INTRODUCTION**

This handbook is intended to provide employees with a general understanding of our personnel policies. Employees are required to familiarize themselves with the contents of this handbook, as it will answer many common questions concerning employment with Foothill Transit.

However, this handbook cannot anticipate every situation or answer every question about employment. If you are unclear about any section of this manual, contact the Executive Director, Deputy Executive Director or Human Resources Manager.

In order to retain necessary flexibility in the administration of policies and procedures, Foothill Transit reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this handbook, except for its policy of employment-at-will. The only recognized deviations from the stated policies are those authorized in writing and signed by the Executive Director of Foothill Transit.

### **101 Nature of Employment**

Employment with Foothill Transit is At-Will, which means that either the organization or the employee can terminate the employment relationship, with or without cause, or with or without notice.

### **102 Employee Relations**

Foothill Transit provides working conditions, wages, and benefits to its employees, which it believes, are fair. If employees have any concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive.

### **103 Equal Employment Opportunity**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Foothill Transit will be based on merit, qualifications and abilities. Foothill Transit does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, medical or physical disability, veteran status, medical condition (including genetic characteristics), marital status, sexual orientation, or any other characteristic protected by law.



Foothill Transit will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor. Employees can raise concerns and make reports without fear of reprisals.

Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

#### **104 Americans with Disabilities Act**

Foothill Transit is committed to providing equal opportunity in employment, training, benefits, compensation and promotions. This includes a work environment free from discrimination on the basis of a physical or mental disability.

The Americans with Disabilities Act (ADA) defines disability as a physical or mental impairment that substantially limits one or more of the major life activities of such individual. A major life activity could include walking, seeing, hearing, speaking, breathing, learning or doing manual tasks.

It is the responsibility of the employee or applicant to request an accommodation for any physical or mental disability that substantially limits a major life activity of the employee or applicant. In accordance with the Act, the organization will take such requests seriously and will promptly determine whether the employee or applicant is a qualified individual with a disability.

#### **105 Code of Ethics**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which Foothill Transit employees must operate. The purpose of these guidelines is to provide general direction. Employees should seek further clarification on specific issues related to the subject of acceptable standards of operation.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a member of their immediate family as a result of Foothill Transit's decisions and/or business dealings.

For the purposes of this policy, immediate family includes persons related by blood or marriage:

- Spouse
- Grandparents
- Parents
- Mother-In-Law/Father-In-Law
- Children
- Brother(s)/Sister(s)

or, whose relationship with the employee is similar to that of persons who are related by blood or marriage.

Personal gain may result when an employee or relative receives anything of value or the promise or offer of anything of value including, but not limited to: a kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the organization.

No presumption of conflict is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she disclose to his or her superiors (or peers, in the case of elected officials) as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Foothill Transit employees may be required to complete California Fair Political Practices Commission Form 700 (Statement of Economic Interests) will be designated by the Agency's adopted conflict of interest code. Contact the Human Resources to determine your specific filing requirement

Failure to comply with this policy may result in disciplinary action up to and including termination of employment. Furthermore, failure to comply may result in the imposition of fines by the California Fair Political Practices Commission.

## **106 Outside Employment**

We discourage employment outside of Foothill Transit. Any such employment must not impair performance, infringe on assigned working hours or cause actual or potential conflict of interest. Furthermore, such employment must not be incompatible or inconsistent with work performed at Foothill Transit.

## **107 Non-Disclosure**

The protection of confidential information is vital. Any employee who discloses confidential information without appropriate authorization, may be subject to disciplinary action up to and including termination, even if he/she does not actually benefit from the disclosed information.

## **108 Consensual Relationships**

If an employee is involved in a consensual relationship with a fellow employee it is the responsibility of either or both employees to notify the Executive Director, Deputy Executive Director or Human Resources Manager immediately should the relationship become non-consensual at any time.

Employees involved in a consensual relationship will be asked to sign a document indicating they acknowledge that their relationship is purely voluntary. They will further acknowledge that it is their obligation to notify the Organization immediately should the relationship become non-consensual at any time.

## **109 Employee Medical Examinations**

To help assure that employees are able to perform their duties safely, medical examinations may be required. After an offer has been made to an applicant entering a designated job category, a medical examination will be performed at Foothill Transit's expense by a health professional of Foothill Transit's choice. The offer of employment and assignment to duties may be contingent upon satisfactory completion of the exam.

Current employees may be required to take medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at Foothill Transit's expense.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

## **110 Immigration Law Compliance**

Foothill Transit is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

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

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Manager. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## **111 Driving Record**

Pursuant to section 383.85 Federal Motor Carrier Safety Regulations, all information provided may be used and previous employers contacted for the purpose of investigating an applicant's work history. As a condition of employment, Applicants must submit an original DMV H6 printout with their application; it must be dated within five (5) days of the application. Foothill Transit requires that all applicants have no more than two (2) moving or major violations within the past three (3) years, no convictions of driving under the influence, and no more than one (1) accident within the past 36 months in which it was determined you were at fault.

Once hired, if you are involved in a collision or receive a citation or a conviction related to a moving violation, you are required to report this information in writing to the Human Resources Manager within two business days of the citation/conviction. This information must be reported regardless of whether the infraction occurred when driving a Foothill Transit owned vehicle or a privately owned vehicle, and irrespective of whether the infraction occurred during work hours or non-working hours. Failure to report this information will lead to disciplinary action and may include termination of your employment.

In some employment classifications, a key duty of a staff member is to operate a motor vehicle to complete their job duties. If an individual in such a classification is determined to be a "high risk" driver, as determined by Foothill Transit's insurance broker, that individual will be reassigned to another position that does not include driving a vehicle, provided that such a position exists and the individual is qualified to hold such a position. If reassignment is not possible, the employment of the individual may be terminated.



"People will forget what you said and did, but people never forget how you made them feel."

-Maya Angelou

## **200 EMPLOYMENT STATUS**

### **201 Employment Classifications**

Foothill Transit uses the following definitions of employment classification so that employees understand their employment status and benefit eligibility.

Each employee is designated as either NON-EXEMPT or EXEMPT from federal and state wage and hour laws. NON-EXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NON-EXEMPT classification may be changed only upon written notification by Foothill Transit management. In addition to the above classifications, each employee will belong to one other employment classification:

REGULAR FULL-TIME employees are those who are not in temporary or part-time status and who are regularly scheduled to work Foothill Transit's full-time schedule of at least forty (40) hours each workweek. Generally, they are eligible for Foothill Transit's benefit package, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 30 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of Foothill Transit's other benefit programs.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain all legally-mandated benefits (such as workers' compensation insurance and Social Security); they are ineligible for all of Foothill Transit's other benefit programs.

### **202 Employment Reference Checks**

To ensure that individuals who join Foothill Transit are well qualified and have a strong potential to be productive and successful, it is the policy of Foothill Transit to check the employment references of all candidates.

Only the Human Resources Manager or the Executive Director may respond to inquiries regarding our current or former employees. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

All employment inquiries **MUST** be referred to the Human Resources Manager or the Executive Director. Failure to do so will result in disciplinary action up to and including termination.

### **203 Performance Evaluation**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Performance evaluations may be scheduled after approximately six months of employment and then annually on July 1<sup>st</sup>. Merit-based pay adjustments are awarded by Foothill Transit in an effort to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by this formal performance evaluation process.

### **204 Personnel Records**

It is important that the organization always have current information about you. Please let your supervisor and the Human Resources Manager know immediately if you change your name, address, phone number, or marital status, etc. If for some reason you need to change your name and/or Social Security number, you will be asked to provide original documentation authorizing the change.

### **205 Access to Personnel Files**

Foothill Transit maintains a personnel file on each employee. The personnel file may include such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of Foothill Transit. Access to the information contained therein is restricted, as permitted by law. Only supervisors and management personnel of Foothill Transit who have a legitimate reason to review information in a file are allowed to do so.

With reasonable advance notice, an employee may review material in their own personnel file in Foothill Transit offices and in the presence of an individual appointed by the employer to maintain the file.

## **300 BENEFITS**

### **301 Employee Benefits**

Eligible employees at Foothill Transit are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs may be available to eligible employees:

- Auto Mileage
- Benefit Conversion at Termination
- Bereavement Leave
- Educational Financial Assistance
- Employee Assistance Program
- Flextime Scheduling
- Alternative Work Schedules
- Holidays
- Jury Duty Leave
- Life Insurance
- Long-Term Disability
- Short Term Disability
- Medical Insurance
- 401(k) Plan
- Sick Leave Benefits
- Vacation Benefits

Some benefit programs require contributions from the employee. For additional questions regarding these benefits, please contact the Human Resources Manager.

### **302 Group Health Care Coverage**

All regular full-time employees are eligible to participate in the organization's medical, dental, vision, chiropractic, life, long and short term disability insurance plans on the first day of the calendar month following the completion of 30 days of continuous service.



### *Medical Coverage*

The organization pays 100 percent of the premiums for the lowest cost medical plan coverage for the employee and one (1) dependent. Coverage for two or more dependents is available; however, the employee must pay 100 percent of the cost for this additional dependent coverage. Employee contributions to the plan are paid by payroll deduction, which must be authorized in writing. Several health plans may be made available. The cost differential between the lowest cost plan and the plan selected by the employee is paid by the employee.

### *Vision, Dental and Chiropractic Coverage*

Foothill Transit shall pay 100% of the cost of dental, vision and chiropractic care for the employee and either a spouse/domestic partner or children. Full family coverage shall be made available. The employee shall be responsible for the additional cost of family coverage.

Employee contributions to the plan are paid by payroll deduction, which must be authorized in writing.

Part-time employees and temporary employees are not eligible for these benefits.

Detailed information about coverage, limitations, exclusions, co-insurance amounts, deductibles, and premiums will be made available to you at the time you become eligible for coverage.

## **303 Vacation Benefits**

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular full-time employees are eligible to earn and use vacation time as described in this policy:

Foothill Transit shall provide vacation time to all full-time employees at the following rates per

0-5 years of Service	3.08 hours per pay period, which equates to 80 hours per year or two weeks per year
5-10 years of Service	4.61 hours per pay period, which equates to 120 hours per year or three weeks per year
10-15 years of service	6.15 hours per pay period, which equates to 160 hours per year or four weeks per year
15+ years of service	7.69 hours per pay period, which equates to 200 hours per year or five weeks per year

Years of service shall include time worked as a Foothill Transit employee and time worked for a Foothill Transit operating and/or management contract for the period in which the employee was assigned full-time to serving Foothill Transit. Service does not need to be consecutive.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. The maximum vacation accrual is two times the annual vacation amount or 280 hours, whichever is less. If the total amount of unused vacation time reaches the accrual maximum, no further vacation time will be earned. When the employee uses paid vacation time and brings the accumulated amount below the cap, vacation time will be earned until the cap is again reached.

In December of each year, employees may cash out up to one half of their vacation balance or 80 hours, whichever is less.

Once employees enter full-time status, they begin to accrue paid vacation time according to the schedule. However, before vacation time can be used, a waiting period of 180 calendar days must be completed. After that time, employees can request use of earned vacation time including that earned during the waiting period. Employees hired during calendar year 2013 are not subject to this waiting period.

Based on applicable law, all unused accrued vacation must be taken concurrent with an approved FMLA or ADA leave of absence. Vacation time benefits do not accrue during unpaid leaves of absence.

To take vacation, employees must request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials. Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

### **304 Holidays**

Foothill Transit shall observe the following holidays:

- Martin Luther King Day
- President's Day
- Memorial Day

- Independence Day
- Labor Day
- Thanksgiving
- Day after Thanksgiving

In addition, Foothill Transit will observe a holiday period beginning on December 24<sup>th</sup> of each year and ending on January 1<sup>st</sup>. During this time, the administrative offices will be closed. The specific days for this holiday period will be established at the beginning of each fiscal year. The specific number of days and total hours of holiday time will vary from year to year.

Foothill Transit will grant paid holiday time off to all eligible employees immediately upon assignment to full-time status. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Part-time employees are not eligible for holiday pay.

Foothill Transit will grant paid holiday time off to all eligible employees immediately upon assignment to full-time status. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Part-time employees are not eligible for holiday pay.

To be eligible for holiday pay, employees must work (or be on approved vacation) the last scheduled day immediately preceding and the first scheduled day immediately following the holiday.

A recognized holiday that falls on a Saturday generally will be observed on the preceding Friday. A recognized holiday that falls on a Sunday generally will be observed on the following Monday. A list of designated holidays will be prepared each year.

If a recognized holiday falls during an eligible employee's paid vacation time off, holiday pay will be provided instead of the vacation pay benefit that would otherwise have applied.

If an employee works on a recognized holiday, he or she may take the preceding or following workday as their observed holiday.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

Employees participating in the 9/80 work schedule will observe the following Tuesday after a holiday, should a holiday fall on their regular scheduled off day.

**305 Sick Leave**

Sick leave with pay is available to all salaried and hourly full-time employees. This policy does not apply to part-time or temporary employees. Eligible employees accrue sick leave benefits as follows: 3.69 hours per pay period, which equates to 12 days per year.

Sick leave benefits do not accrue during any unpaid portion of a leave of absence and all available sick leave benefits must be used concurrent with unpaid leaves of absence. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive because of a work related injury or illness (worker's compensation) and/or intermittent leaves of absence.

The maximum sick leave that can be accrued is 96 hours. Once your sick leave balance reaches 96 hours, no additional time will be accrued.

Employees will not receive pay for their unused sick leave benefits. Unused sick leave is not paid upon termination of employment.

**306 Life Insurance**

Foothill Transit shall provide life insurance at one times annual salary.

**307 Defined Contribution Retirement Plan**

Foothill Transit shall contribute seven percent of the employee's bi-weekly compensation to a 401(k) plan. In addition, Foothill Transit will match 100 percent of employee contributions up to two percent of annual compensation. Additional information on this benefit is available from the Human Resources Manager.

**308 Educational Assistance and Tuition Reimbursement**

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

Foothill Transit will provide educational assistance to all eligible employees immediately upon assignment to an eligible employment classification, as follows:

*Eligibility*

To be eligible for reimbursement under Foothill Transit's Tuition Reimbursement Plan, the employee must:

- Have been employed by Foothill Transit for one year prior to the commencement of the course(s);
- Be currently functioning as a full-time employee; and
- Receive a minimum grade of "C" or "Pass."

#### *Approved Courses*

Courses which may be approved for tuition reimbursement consideration must:

- Directly improve the employee's abilities in the employee's present position or increase the employee's potential in a future position with the organization; and
- Be taken at a technical or business school of post high school level or be undergraduate or graduate courses taken at a recognized college or university. General education classes required for a degree or certification are eligible with prior approval.

#### *Reimbursement*

Eligible employees interested in participating in the program should complete a Tuition Reimbursement Application form and present it to his or her supervisor. The supervisor must present all program documentation to Executive Director for approval and processing prior to registering for the course.

After approval by the Executive Director, the form is to be forwarded to the Human Resources Manager. A copy of the processed form will be returned to the employee.

Upon successful completion of the course, the employee must submit to the Human Resources Manager a copy of the passing grade report together with an invoice indicating the fee for the course. Reimbursement is limited to tuition expenses only (excluded are books, supplies, lab fees, parking fees, etc.) Reimbursement will be paid upon satisfactory completion and presentation of appropriate documentation.

To qualify for reimbursement, the employee must receive a grade "C" or better. If the grade is a pass/fail, the employee must pass.

The maximum reimbursement to an employee is \$5,250 per calendar year.

#### *Separation*

An employee who voluntarily terminates, or is terminated for cause Foothill Transit, is obligated to repay to the organization any tuition reimbursement assistance received during the prior 12 months. By his or her signature on the Tuition Reimbursement Application, the employee expressly acknowledges his/her liability and agreement to

repay the organization all amounts reimbursed to the employee by Foothill Transit to the extent permitted by applicable law or regulations.

The employee's signature on the application will serve as authority and permission for Foothill Transit to make payroll deductions from the employee in order to repay amounts owed to the organization under the plan. Employees taking advantage of the Tuition Reimbursement Plan acknowledge that the intent of the plan is to benefit both the employee and Foothill Transit and that Foothill Transit will realize such a benefit only over a period of time lasting more than one year accordingly.

### **309 Length of Service Recognition**

Employees shall receive a one-time length of service payment as follows:

5 years of service	\$500
10 years of service	\$750
15 years of service	\$1,000
Each subsequent five years of service	\$1,000

Length of service shall include time worked as a Foothill Transit employee and time worked for a Foothill Transit operating and/or management contract for the period in which the employee was assigned full-time to serving Foothill Transit.

Amounts noted are gross pay and shall be treated as ordinary income, which is subject to appropriate taxes.

### **310 Employee of the Quarter Recognition**

Employees who are selected as employee of the quarter shall receive a one-time payment of \$500. Amounts noted are gross pay and shall be treated as ordinary income, which is subject to appropriate taxes.

### **311 Workers' Compensation Insurance**

All employees are automatically covered by Workers' Compensation Insurance at the time they are hired. The premiums for this coverage are paid for by Foothill Transit. Additional information is available from the Human Resources Manager.

It is important that you report any work-related injury or illness to your supervisor as soon as it happens, regardless of how minor it may be. It is also important to get immediate and proper first aid and/or medical attention. Employees who refuse medical treatment for a work-related illness or injury may be required to acknowledge their

refusal in writing. However, employees who refuse treatment will still be able to receive treatment, if necessary, in the future.

Foothill Transit may not be responsible for the payment of workers' compensation insurance benefits for any injury or illness that is not work related and which arises out of an employee's voluntary participation in an off-duty recreational, social, or athletic activity which is not part of the employee's work-related duties.

Workers' compensation fraud is illegal in California. Any person who files or contributes to the filing of a fraudulent workers' compensation claim may be subject to imprisonment in state prison for up to five years, or by fine up to \$50,000, or by both. The following are examples of illegal activities:

- Filing a claim for an injury or illness that does not exist;
- Pretending that an injury happened at work when it really happened off the job;
- Making a false statement to support another employee's claim for workers' compensation benefits.

### **312 Continuation of Benefits**

Under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), if you (spouse or dependent child) lose group health coverage because of the employee's death, divorce, legal separation, or the employee's becoming entitled to Medicare, or because you lose your status as a dependent under the Plan, the maximum coverage period (for spouse and dependent child) is 36 months from the date coverage ends as a result of these qualifying events.

If you (employee, spouse or dependent child) lose group health coverage because of a termination or reduction in hours of the employee's employment, the maximum continuation period (for the employee, spouse and dependent child) is 36 months from the date coverage ends as a result of the termination or reduction in hours. For employees covered by federal COBRA, the first 18 months are available by reason of COBRA and the second 18 months are provided under Cal-COBRA. There are two exceptions to this rule (in either exception Cal-COBRA extends continuation coverage from the point at which COBRA ends to 36 months):

Group medical and dental coverage can be continued when one (1) of the following "qualified events" occur:

- Death of the covered employee;

- Termination of employment (other than for gross misconduct) or reduction of hours worked, which renders the employee ineligible for coverage;
- Divorce or legal separation;
- Employee becomes eligible for Medicare;
- A dependent child reaches the maximum age allowed under the group plan.

At the time of termination, or other qualified event, continuation information and procedures will be given to you or sent to you. It is your responsibility to maintain your benefit premiums if conversion is elected. At the conclusion of continuation of benefits under COBRA, you may convert your insurance to an individual plan by contacting the insurance carrier directly.

For more detailed information, contact the Human Resources Manager.





"It's kind of fun to do the impossible"

-Walt Disney

## 400 COMPENSATION AND TIMEKEEPING

### 401 Pay Grades

Foothill Transit shall utilize the following pay grades and ranges. Employees may be hired at any point within these pay ranges at the discretion of the Executive Director and subject to overall budget limitations:

	Bi Weekly Min	Bi Weekly Max	Annual Minimum	Annual Maximum	Position Type
Foothill Transit Grade 8	\$2,885	\$5,692	\$80,000	\$148,000	Department Director
Foothill Transit Grade 7	\$2,308	\$4,231	\$60,000	\$110,000	Department Manager
Foothill Transit Grade 6	\$1,885	\$3,115	\$49,000	\$81,000	Technical Staff
Foothill Transit Grade 5	\$1,654	\$2,500	\$43,000	\$65,000	Technical Support
Foothill Transit Grade 4	\$1,385	\$2,115	\$36,000	\$55,000	Administrative Support
Foothill Transit Grade 3	\$1,154	\$1,769	\$30,000	\$46,000	Clerical Support
Foothill Transit Grade 2	\$721	\$1,106	\$18,750	\$28,750	Part time Clerical Support (25 hrs/week)

Compensation for the Executive Director shall be set at the sole discretion of the Board. Compensation for the Deputy Executive Director shall not be less than 65 percent of the compensation of the Executive Director and not more than 80 percent of the compensation of the Executive Director

### 402 Positions by Pay Grade

Foothill Transit positions are assigned to the following pay grades:

	Department	Pay Grade
Purchasing Administrative Assistant	Purchasing	Grade 2
Facilities Administrative Assistant	Facilities	Grade 2
Administrative Assistant	Administration	Grade 3
Receptionist	Administration	Grade 3
Marketing Assistant	Marketing	Grade 3
Operations and Customer Services Assistant	Operations	Grade 3
Accounting Clerk	Finance	Grade 4
Staff Accountant	Finance	Grade 5
Fare Technology Specialist	Finance	Grade 5
Maintenance Quality Assurance Inspector	Maintenance	Grade 5
Marketing and Communications Coordinator	Marketing	Grade 5

Quality Assurance Inspector	Operations	Grade 5
Quality Assurance Analyst	Operations	Grade 5
Human Resources Manager	Administration	Grade 6
Procurement Coordinator	Administration	Grade 6
Facilities Manager	Facilities	Grade 6
Grant Specialist	Finance	Grade 6
Project Accountant	Finance	Grade 6
Senior Accountant	Finance	Grade 6
New Media and Customer Relations Coordinator	Marketing	Grade 6
Maintenance and Vehicle Technology Manager	Maintenance	Grade 6
Help Desk Administrator	I.T.	Grade 6
IT Application Specialist	I.T.	Grade 6
Safety Compliance Coordinator	Operations	Grade 6
Transit Planner	Planning	Grade 6
Board Support Manager/Executive Assistant	Administration	Grade 7
Government Relations Manager	Administration	Grade 7
Construction Project Manager	Facilities	Grade 7
Finance Manager	Finance	Grade 7
Manager of Community Engagement	Marketing	Grade 7
Network Manager	I.T.	Grade 7
Operations Contract Manager	Operations	Grade 7
Transit Planning Manager	Planning	Grade 7
Director of Procurement	Procurement	Grade 8
Director of Government Relations	Administration	Grade 8
Director of Facilities	Facilities	Grade 8
Director of Maintenance and Vehicle Technology	Maintenance	Grade 8
Director of Marketing and Communications	Marketing	Grade 8
Director of Information Technology	I.T.	Grade 8
Director of Planning	Planning	Grade 8
Director of Finance	Finance	Grade 8
Director of Customer Service and Operations	Operations	Grade 8

### **403 Work Schedules**

Foothill Transit has implemented an alternative workweek for most staff members.

Employees will be notified at the time of hire of the days and hours they will work, along with their scheduled lunch and rest periods.

A regular workweek consists of five 8-hour days. Employees assigned to work a regular workweek will be notified at the time of hire of the days and hours they will work, along with their scheduled lunch and rest periods.

Flextime scheduling may be available in some cases to allow employees to vary their starting and ending times each day, within established limits. Employees should consult with their immediate supervisor for the details of this program.

**404 Break and Meal Periods**

Nonexempt employees who work more than five hours in a workday will receive an unpaid off-duty meal period of at least 30 minutes where the employees are free to leave the premises and use the time however they choose. Employees who do not work more than six hours in a workday may voluntarily agree in writing to waive their right to a meal period.

Nonexempt employees who work over ten hours a day will be provided two unpaid meal periods of at least 30 minutes. However, the second meal period may be waived with the mutual consent of both the employee and the employer as long as the employee took his/her first meal period and does not work over twelve hours for the day. The first assigned meal period must be taken by employees, without exception within the first five hours of starting work for the day. If an employee elects to take their second 30 minute unpaid meal period s/he must begin that meal period within the tenth hour of work. Employees are not expected nor required to perform any work during their meal or rest periods.

Additionally, nonexempt employees that work over six hours will be provided with two ten-minute rest breaks, one in the morning and one in the afternoon. Those employees working over ten hours in a day will be provided with three ten-minute rest breaks during the day. Employees that work at least 3.5 hours for the day will be provided one rest break. Your supervisor will advise you of your daily break schedule. Employees should immediately notify their supervisor if they have not been scheduled or provided an opportunity to take a meal or rest break so that the situation can be promptly resolved at that time.

**405 Overtime**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the Executive Director's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purpose of performing overtime calculations. Exempt employees are not paid overtime.

Failure to work scheduled overtime or overtime worked without prior authorization from the Executive Director may result in disciplinary action, up to and including possible termination of employment.

#### **406 Timesheets**

All non-exempt employees are required to record hours worked each day on a timesheet. Timesheets must be signed by your supervisor and submitted to payroll bi-weekly for exempt and non-exempt employees. By signing your timesheet, you are indicating the timesheet is a complete and accurate record of the hours you worked.

Non-exempt employees may not work overtime unless it has been approved in advance by the Executive Director. All time worked must be accurately reported on your timesheet. If a correction or change is made on your time sheet, both you and your supervisor must initial it.

Exempt employees must record any time off such as vacation or sick leave using the exempt employee time record.

Timesheets for all employees shall be submitted to payroll on a bi-weekly basis.

Violations of this policy may result in disciplinary action, up to and including possible termination.

#### **407 Paydays and Paychecks**

All employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off such as a holiday, employees will receive pay on the last day of work before the regularly scheduled payday. If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to Foothill Transit. Employees will receive an itemized statement of wages when Foothill Transit makes direct deposit.

Foothill Transit will not cash paychecks for employees.

**408 Garnishments**

A garnishment is a legal levy by a creditor against an employee's wages. Foothill Transit must honor and fulfill all garnishments and other wage attachment orders as required by law. However, because of the time and cost involved in processing such orders, it is the responsibility of all employees to prevent such garnishments. Foothill Transit may charge an employee \$1.00 for each check written to fulfill a garnishment order.

**409 Attendance**

Prompt reporting for work and regular attendance as scheduled is expected of all employees. This policy is adopted to provide a method of fairly and consistently ensuring that office functions are not degraded by poor attendance or tardiness. These guidelines do not preclude the manager from exercising sound business judgment in establishing flexible schedules and creative scheduling alternatives. Employees are responsible for knowing and adhering to this policy. Each job is critical to our operation. In order to provide the superior quality of service for which we are known, we need each employee to be on the job performing the critical duties for which he or she was hired. Each employee must be aware that failure to meet Foothill Transit's standards for attendance will result in disciplinary action, up to and including termination.

Any employee who will be absent or late (other than pre-approved absences) must notify his /her supervisor of the absence or lateness as soon as possible, but not later than thirty (30) minutes prior to the scheduled start time. If an employee cannot contact his/her supervisor, he /she should leave a voicemail and email his/her immediate supervisor and also contact another Foothill Transit supervisor or the HR Manager. Notice to a fellow non-supervisory employee is not acceptable. Employees must specify the reason for the absence or expected late arrival. In the case of absences, the employee must provide the expected date of return. If the expected date of return is not known, the employee must call in each day in accordance with these guidelines.

If the absence is due to illness, the employee's lost time will be charged to accrued sick leave. In the case of illnesses in excess of three consecutive workdays, employees may be required to provide written documentation (from a physician or other health care provider) of their general condition and expectations for return to work. In the event of extended absences due to illness or injury, the employee may be asked to provide a doctor's release or statement prior to returning to work. Refusal to comply with this reasonable request may result in disciplinary action.

The following definitions shall apply to Foothill Transit's attendance management program:

- *Absence*—an absence is non-appearance for scheduled work. Appearing more than 60 minutes late will also be considered an absence for purposes of counseling and discipline. Pre-approved planned absences (vacation, jury duty, military leave, etc.) are not counted as absences.
- *Tardiness*—an employee shall be counted as tardy if he/she arrives at his/her work station more than 9 minutes after the scheduled starting time.
- *Leaving early*—leaving before the scheduled quitting time.
- *Occurrence*—any instance of absence, tardiness or leaving early. If the person is sick for one or more consecutive days, that is considered one (1) occurrence. For example; if you are sick on Monday and return to work on Tuesday and then are sick again on Wednesday, Thursday and Friday that would be two (2) separate occurrences. Monday is one (1) occurrence and Wednesday, Thursday and Friday is one (1) occurrence.

*Excessive absences, tardiness or leaving early*

Excessive absenteeism and tardiness, as determined in the sole discretion of Foothill Transit management, subjects employees to disciplinary action, up to and including termination. Any combination of seven (7) occurrences in a consecutive twelve (12) month period requires that the employee and his/her supervisor develop a performance improvement plan to prevent further occurrences.

Any combination of eight (8) occurrences in a consecutive twelve (12) month period will result in written notification to the employee that the next occurrence will result in termination

Any combination of nine (9) occurrences in a twelve (12) month period will result in the employee's termination.

*Failure to notify supervisor of absence or late arrival*

Failure to notify a supervisor of an absence or tardiness in accordance with the notification guidelines will result in discipline as follows:

First notice violation in any consecutive 12-month period—meeting with supervisor and preparation of performance improvement plan.

Second notice violation in any consecutive twelve (12) month period—meeting with supervisor and written notice to employee that third notice violation will result in discharge.

Third notice violation in consecutive twelve (12) month period—termination.

## 500 SEPARATION OF EMPLOYMENT

### 501 Termination

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. The most common circumstances under which employment is terminated are as follows:

- *Voluntary Resignation* - voluntary employment termination initiated by the employee.
- *Retirement* – voluntary employment termination initiated by the employee meeting criteria for retirement from the organization.
- *Layoff* – involuntary employment termination initiated by the organization for non-disciplinary reasons due to business and economic necessity.
- *Discharge* – involuntary employment termination initiated by the Foothill Transit.

Employees will receive their final paycheck within the time frame required by law. Employee benefits will be affected by employment termination. All earned benefits are due and payable at the time of termination. Some benefits may be continued at the employee's expense if the employee chooses. The employee will be notified in writing of the benefits that may be continued and the terms, conditions and limitations of such continuance.

Foothill Transit will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to Foothill Transit, or client-owned property. Suggestions, complaints and questions can also be voiced.

Violation of Foothills Transit policies and rules may warrant disciplinary action. Foothill Transit utilize progressive discipline that includes verbal warnings, written warnings, and suspension. The system is not formal and the organization may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including, termination of employment. Foothill Transit's policy of progressive discipline in no way limits or alters the at-will employment relationship.

Since employment with Foothill Transit is based on mutual consent, both the employee and Foothill Transit have the right to terminate employment at-will, with or without cause or notice, at any time.



## **502 Job Abandonment**

Employees who do not report to work and do not personally call in for three consecutively scheduled work days will be considered to have abandoned their employment and will be terminated. Job abandonment is considered a voluntary resignation.

## **503 Return of Property**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all Foothill Transit immediately upon request or upon termination of employment. Where permitted by applicable laws, Foothill Transit may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. Foothill Transit may also take all action deemed appropriate to recover or protect such property.

According to the California Penal Code sections:

"Any person who..."

502(c)(4) PC

"knowingly accesses and without permission adds, alters, damages, deletes, or destroys any data, computer software, or computer programs which reside or exist internal or external to a computer, computer system, or computer network..."

or

502(c)(5) PC

"knowingly and without permission disrupts or causes the disruption of computer services or denies or causes the denial of computer services to an authorized user of a computer, computer system, or computer network..."

"...has committed a public offense."

These represent felonies punishable by up to a \$10,000 fine, 3 years in prison, or both depending broadly upon the individual circumstances and damage/severity of the acts in question.

## 600 LEAVE

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

Foothill Transit provides family and medical leaves of absence without pay to eligible employees who need to take time off from work duties to fulfill obligations relating directly to the birth, adoption or foster care placement of an employee's child, or the care of an employee's child, parent, or spouse with a serious health condition, or the employee's own serious health condition that makes the employee unable to perform his or her duties. This leave section is to comply with both the federal Family and Medical Leave provisions (FMLA) and the California Family Rights Act (CFRA) provisions, where applicable.

"Serious health condition" is a very limited term and will be determined in accordance with the FMLA, the CFRA and their regulations.

Employees who have completed at least one year of employment and have worked at least 1,250 hours in the previous 12 months may submit a written request for a family and medical leave of absence, without pay, for any length of time up to a maximum of twelve (12) workweeks in a rolling 12-month period. The 12-month period is measured backward from the date an employee uses any family and medical leave. There is no carryover of unused leave from one 12-month period to the next 12-month period. An eligible employee can take up to 26 weeks for the FMLA circumstance above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the organization will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If the need for a family and medical leave of absence is foreseeable, employees must submit their request at least 30 days in advance. When unforeseen events occur that require leave under this policy, notice must be given as soon as practicable, and in any event not more than three (3) days after the leave is to begin. An employee who fails to give appropriate advance notice as outlined above may be subject to disciplinary action.

If leave is granted, employees will be given written notice designating the leave as a family and medical leave of absence, as well as notice of their rights and obligations during the leave. Requests for family medical leave to care for a child, parent, or spouse with a serious health condition, or an employee with a serious health condition, must be supported by a health provider's written statement on the prescribed written certification form that certifies the need for the leave and estimates the length of time the employee will be unable to work due to the serious health condition.

Leave requests or requests for a reduced leave schedule are subject to the same requirements. In the event an employee requests intermittent leave or a reduced leave schedule, the employee must make a reasonable effort to schedule medical treatment

so as not to duly disrupt business operations. Further, the employer reserves its right to transfer the affected employee temporarily to an alternate possible for which the employee is qualified, if, in the organization's opinion, the transfer better accommodates the requested leave.

Vacation, sick leave, and holiday benefits will not be earned during the family and medical leave period. Employees on family and medical leave may substitute t accrued vacation and sick pay benefits during the leave.

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal and/or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by Foothill Transit's organization established sick leave policy

Foothill Transit will continue to contribute to group health insurance premiums, as if the employee were actively at work, for up to 12 workweeks of an approved family medical leave of absence. Employees will be required to pay their portion of any applicable premiums as if they had not taken leave, and failure to do so may result in loss of coverage pursuant to law.

Employees must make arrangement with the organization to pay their share of group insurance premiums going on leave of absence. Employees who fail to return to work at the end of an approved leave of absence may be required to reimburse the organization for group insurance premiums paid by the organization while the employee was on leave.

Employees on leave of absence may be subject to lay off on the same basis as employees who are actively at work.

Employees with a serious health condition must timely present a health provider's written release verifying that they are able to safely perform their duties before they will be allowed to return to work.

An employee who exhausts his/her twelve (12) week maximum and fails to return to work shall be considered to have resigned with notice and his/her employment will be terminated unless she/he applies for, and has been granted, leave under some other policy of the organization.

Employees who falsify the reason for their leave of absence will be subject to disciplinary action, up to and including termination.

Although Foothill Transit is not able to guarantee reinstatement in all cases, employees on family medical leave who return to work immediately following the end of an

approved leave will be returned to the same job they held immediately prior to their leave or, if that position has been eliminated, a comparable position.

## **602 Pregnancy Disability Leave**

Employees must submit a written request for a leave of absence for a disability related to an employee's pregnancy, childbirth, or related medical condition, without pay, for the length of any pregnancy related disability, up to a maximum of four months.

If an employee is disabled due to a pregnancy or childbirth related condition, they may take a pregnancy related disability leave of absence of up to four (4) months, and if needed, up to twelve (12) weeks of leave if the employee is eligible under the California Family Rights Act (CFRA). When applicable, pregnancy leaves will run concurrently with family and medical leave under federal law, but not under state law.

Requests for pregnancy leaves will be granted to employees who present a physician's written statement on the prescribed written certification form that certifies the need for the leave and estimates the length of time the employee will be unable to work due to the disability.

Vacation, sick leave, and holiday benefits will not be earned during a pregnancy disability leave period. Employees on pregnancy disability leave may elect to use accrued vacation pay benefits and are required to substitute and exhaust accrued sick pay benefits during the leave.

If an employee takes pregnancy disability leave and is eligible for leave under FMLA and/or CFRA, the organization will maintain group health insurance coverage for up to a maximum of twelve (12) weeks under the terms of the organization's family and medical leave policy. If an employee is not eligible for leave under FMLA and CFRA, the employee will receive continued paid coverage on the same basis as other medical leave that the organization may provide and that the employee is eligible to take. If the employee is not eligible for continued paid coverage, the organization will forward the appropriate information to the employee for continuation coverage pursuant to COBRA.

Although Foothill Transit is not able to guarantee reinstatement in all cases, employees on pregnancy leave who return to work immediately following the end of an approved leave with a physician's written release verifying that they are able to safely perform their duties will be returned to the same job they held immediately prior to their leave or, if that position has been eliminated, a comparable position if one is available.

If requested by the employee and recommended by the employee's physician with a written certification on the prescribed form, the employee's work assignment may be changed as required to protect the health and safety of the employee and her child. Consistent with Foothill Transit's practice for temporary transfers to accommodate

medical conditions, the employee will receive the pay for the job to which she transfers. The written certification must include the date of the medical advisability of the transfer, the probable duration of the need for the transfer, and a statement that, due to a pregnancy related disability, the employee is unable to work at all, or perform any one or more of the essential functions of the job, without undue risk to her, the successful completion of her pregnancy, or to other persons.

### **603 Military Leave**

Foothill Transit will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and applicable state laws pertaining to military leave. Foothill Transit is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is Foothill Transit's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under this policy.

In accordance with USERRA, Foothill Transit employees who perform service in the uniformed services (as defined by USERRA) are entitled to a military leave of absence from their positions, subject to the limitations and restrictions set forth in federal and state law. Upon receiving an assignment for military service, employees should promptly provide notice to their supervisors prior to going on military duty, unless precluded by military necessity.

### **604 Leave for Volunteer Firefighter**

If you are an official volunteer firefighter, you are eligible to take time off for emergency duty, as required by law. Employees on leave as a volunteer firefighter are required to use accrued vacation leave benefits during the leave.

### **605 Domestic Violence Leave**

If you are a victim of domestic violence, you may take time off from work to attend court hearings, seek medical attention, legal assistance, services from a domestic violence shelter, program or rape crisis center, to obtain psychological counseling and/or for participating in safety planning, including temporary or permanent relocation. Employees on domestic violence leave are required to use accrued vacation pay and sick leave benefits during the leave.

**606 Sexual Assault Leave**

If you are a victim of sexual assault, you may take time off from work to seek medical attention, legal assistance, services or programs for sexual assault or rape crisis center, and/or to obtain psychological counseling. Employees on sexual assault leave are required to use accrued vacation pay and sick leave benefits during the leave.

**607 Workers' Compensation Leave**

Foothill Transit complies with applicable state and federal law concerning leaves for work-related illness or injury. When applicable, workers' compensation leaves will run concurrently with family and medical leave under both federal and state law. Employees on worker's compensation leave are required to use accrued vacation pay and sick leave benefits during the leave to supplement Workers' Compensation payments and not to exceed the employee's wages.

**608 Time Off To Vote**

If you are a registered voter and do not have enough time outside of working hours to vote in a state-wide election, you may take time off work to vote. Up to 2 hours may be taken without loss of pay. Employees must request time off to vote at least two working days prior to the election, and must justify to management that time off is really necessary.

**609 Time Off For Religious Reasons**

It is the organization's intent to reasonably accommodate the known religious observances and practices of employees, when to do so would not impose an undue hardship on the organization. Please talk to the Human Resources Manager or the Executive Director if you need to take time away from work for religious reasons. Your time away from work will be without pay, unless you wish to use accrued vacation benefits.

**610 School Activities**

Employees who are parents, grandparents or guardians of children in licensed day-care/preschool facilities and in grades K through 12, are eligible for up to 40 hours away from work, without pay, during each school year to participate in school activities. However, reasonable notice must be given, and no more than eight hours can be taken in any one month. In addition, employees may be required to provide verification from

the school or licensed day-care facility that the employee participated in the activity on a specific date and time.

Employees are required to use any accrued vacation, personal or sick time available. Employees who do not have paid time off available, will take the time off without pay.

If it becomes necessary for an employee who is a parent or guardian of a child to attend the child's school to discuss possible suspension, the employee should alert his/her supervisor as soon as possible so that alternative arrangements can be made.

## **611 Bereavement Leave**

Foothill Transit will provide paid time off for making arrangements, settling family affairs, bereavement and/or attending the funeral or memorial service of a member of the immediate family.

All employees who wish to take time off due to the death of a family member should notify his/her supervisor as soon as possible. Veolia Transportation reserves the right to require documentation.

The organization will provide up to five (5) paid days for bereavement of an immediate family member, defined as the following:

- Spouse
- Domestic partner
- Parent/legal guardian (including step parent)
- Child (including step child)
- Brother or sister (including step brother or sister)
- Son or daughter-in-law
- Mother or father-in-law
- Brother or sister-in-law

The Company will provide up to three (3) paid days for bereavement for the following:

- Grandparent
- Grandchild

The Company will provide up to one (1) paid day for bereavement for the following:

- Aunt or Uncle
- Niece or Nephew

Bereavement pay is calculated based on the base pay rate at the time of absence and will not be included in an overtime calculation. The number of hours paid are those

hours the employee would have normally worked on the day of the absence. Approval of bereavement leave will occur in the absence of unusual operating requirements. Employees in need of additional days off in excess of this policy may request to supplement their time off with vacation days, personal days, and/or floating holidays.

## **612 Jury Duty**

Foothill Transit encourages employees to fulfill their civic responsibility by serving jury duty when required. Fulltime employees may request up to eighty (80) hours of paid jury duty leave over any one year period.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of the absence.

If employees are required to serve jury duty beyond the period of paid jury duty leave, unless otherwise required by applicable law, they may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. If less than five hours of jury duty is served in a day, the employee must return to work as soon as released.

Foothill Transit will continue to provide health insurance benefits for up to 60 days. Vacation and sick leave will continue to accrue only during paid jury duty leave.





"My favorite four letter words  
are *hard work*"

-John Wayne

## **700 EMPLOYEE CONDUCT AND WORK RULES**

To ensure orderly operations and provide the best possible work environment, Foothill Transit expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property;
- Working under the influence of alcohol or illegal drugs;
- Insubordination or other disrespectful conduct;
- Sexual or other unlawful or unwelcome harassment;
- Falsifying or making a material omission on organization records, reports, or other documents, including payroll, personnel and employment records;
- Disorderly conduct including fighting or attempted bodily injury, or the use of profane, abusive, or threatening language towards others, or possession of a weapon;
- Unauthorized use of telephones, mail system, or other client-owned equipment;
- Abuse, misuse, theft, or the unauthorized possession or removal of organization property or the personal property of others;
- Violation of personnel policies, including Foothill Transit's policy regarding harassment and alcohol, drugs and controlled substances;
- Violation of any law adversely affecting Foothill Transit
- Conviction in court of any crime which may cause the employee to be regarded as unsuitable for continued employment.

## **701 Safety**

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous

situations, or fail to report or where appropriate remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Human Resources Manager or the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and worker's compensation benefits procedures.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with the responsible supervisor or manager, or bring them to the attention of the Human Resources Manager or the Executive Director. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

## **702 Dispute Resolution**

All management personnel at Foothill Transit have an open door for you to come to them and discuss any job concerns. You have the right to deal directly with management regarding organization policies, job assignments, working conditions, or any other concern that may affect your performance and relationship with the organization.

You are not required to utilize any other person or organization to represent you in any question, discussion or complaint regarding your employment at Foothill Transit. Your supervisor, manager and any of the organization's management are here to answer your questions and work with you in all matters for the best interests of you and the organization. You have the right, and management encourages you, to bring business concerns to their attention. Management personnel desire to aid and assist you, whenever possible, in the resolution of your concerns.

Foothill Transit encourages employees to bring their dispute differences with other employees to the attention of their immediate supervisor, the Human Resources Manager or the Executive Director, before the situation escalates. The organization is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

## **703 Sexual Harassment and Other Unlawful Harassment**

Foothill Transit is committed to provide a work environment free of unlawful harassment. Foothill Transit policy prohibits sexual harassment and harassment because of race, religious creed, color, national origin, ancestry, sex, pregnancy, physical or mental disability, medical condition (including childbirth and related medical conditions), marital

status, sexual orientation, age, veteran status, marital status, citizenship, genetic characteristics or any other bias protected by federal, state, or local law. This policy applies to all persons involved in the operation of this organization and prohibits unlawful harassment by any employee, including managers and co-workers, as well as by any person doing business with or for Foothill Transit. There is mandatory Sexual Harassment training for every employee.

California's Fair Employment and Housing Commission regulations define sexual harassment as unwanted sexual advances or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. Harassment includes, but is not limited to, the following examples of behavior:

- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters
- Verbal conduct such as making or using derogatory comments and unwanted sexual advances, comments, epithets, slurs or jokes
- Verbal abuse of sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations
- Physical conduct such as assault, unwanted touching, blocking of normal movement or interfering with work

It is also unlawful for an employer to retaliate against an employee for reporting or threatening to report any harassment or filing a complaint with the state federal agencies. This also includes retaliation against any employee for opposing harassment or for assisting in the investigation of harassment.

If you believe you have been unlawfully harassed, contact your immediate supervisor Manager, Director, or report the incident directly to Human Resources. Supervisors and managers are required to report all complaints and potential issues of harassment and/or retaliation directly to Human Resources as soon as possible. Foothill Transit will immediately undertake an effective, thorough and objective investigation of the harassment facts. All those with information on the matter will be interviewed. A determination will be made on the complaint and you will receive a report of the conclusions of the investigation. If you feel the investigation was inadequate, you should inform the Executive Director.

If the organization determines unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for the unlawful harassment will be subject to appropriate disciplinary action, up to and including termination. Foothill Transit will take effective action to prevent any further harassment of you and will remedy any loss to you resulting from the harassment.

Employees or job applicants may also file, within one year of harassment, a complaint of discrimination with the Equal Employment Opportunities Commission or the California Department of Fair Employment and Housing. The DFEH serves as a neutral fact finder and attempts to help the parties voluntarily resolve disputes. You may find the address and telephone number of Department of Fair Employment and Housing office posted on the employee bulletin board, or in your local telephone directory.

#### **704 Threats and Violence Intervention Policy**

Foothill Transit is committed to ensuring that the work environment is as safe as possible for all its employees and customers.

Any form of threats or violence, no matter how minor, will not be tolerated. It is the responsibility of every employee to report any situation involving a threat and/or any form of violent behavior. Even veiled threats or jokes should be taken seriously.

The only way to prevent a potentially dangerous situation is if the appropriate people within the organization are notified. Coworkers, not necessarily supervisors, are often times the first and only ones to become aware of such threats. Once notified, the organization will take steps to immediately intervene and defuse a situation, which involves threats and violence. To this end, please report all outstanding restraining orders to the Human Resources Manager.

If an employee is fearful of retaliation, he or she may make an anonymous call to any member of management, or to the Executive Director of the organization. Anonymous reporting of threats or violence will be investigated promptly. Be sure to give as much information as possible so that the threat can be investigated swiftly and effectively.

Depending on the severity of the situation, the local police may need to be called for assistance.

For additional information on related policies, please refer to the Human Resources Manager.

Both internal and external threats must be immediately reported to your supervisor/manager or the Executive Director. All reports will be kept as confidential as

possible. No threat is too small or insignificant. Every situation will be reviewed on its own merit. If a determination is made that a threat has occurred, appropriate disciplinary action, which may include a mandatory psychiatric fitness-for-duty examination or termination of the offender will occur. The severity of the discipline will be determined by the degree and/or frequency of the offense.

Violent behavior can include fighting, extreme verbal abuse, vandalism, bodily injury, destruction of property, etc. All violent behavior, whether verbal or physical, is prohibited and will be confronted immediately. All acts of violence must be reported to your supervisor/manager or Executive Director. All reports will be kept as confidential as possible.

We expect each employee to support this policy and understand how their behaviors may impact the safety of the workplace. In addition, each supervisor is required to enforce all safety-related policies in an attempt to avoid potential hazards. All employees share in the responsibility of assuring that misunderstandings and other problems are resolved in a timely and respectful manner so that a productive work environment is maintained.

## **705 Zero Tolerance/Drug and Alcohol Policy**

It is Foothill Transit's desire to provide a drug-free, healthful and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on Foothill Transit's premises and while conducting business-related activities off Foothill Transit's premises, no employee may use, possess, distribute, sell or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair and employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Foothill Transit reserves the right to inspect, at any time, lockers, desks, organization vehicles, personal vehicles, or organization property, packages, lunch boxes, containers, articles, in such areas, and other objects brought onto Foothill Transit property that might conceal alcohol, illegal drugs, and/or other inappropriate materials. In order to promote a safe, productive and efficient workplace, the organization reserves the right to inspect employees, as well as any articles and property in their possession, to detect inappropriate materials.

If there are reasonable grounds for suspecting that an employee is in violation of this policy, Foothill Transit has the right to require testing at the organization's expense. Any employee in violation of this policy will be subject to discipline, including termination

of employment. Other actions, such as notification of law enforcement agencies, may be taken depending on the circumstances.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. They may also wish to discuss these matters with their supervisor or Human Resources Manager to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through Foothill Transit's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all Foothill Transit policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause Foothill Transit any undue hardship.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify Foothill Transit of criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of conviction.

## **706 Office Key and Building Access Cards**

Keys and building access cards are issued to full-time employees. Part-time employees will receive an office key and/or building access card only when requested by their supervisor. Lost or stolen keys or building access cards are to be reported immediately to the Safety and Security Department. If a key is stolen or lost, front door locks will need to be changed and new keys will need to be made. The person to whom the key was issued is responsible for the cost of re-keying the locks and replacing keys. Fees to re-key the affected locksets will be assessed to the individual who lost the key.

## **707 Security Inspections**

Foothill Transit wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, Foothill Transit prohibits the possession, transfer, sale, or use of such materials on its premises. Foothill Transit requires the cooperation of all employees in administering this policy.

Decks, lockers and other storage devices may be provided for the convenience of employees but remains the sole property of Foothill Transit for Foothill Transit use. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of Foothill Transit at any time, either with or without prior notice.

Foothill Transit likewise wishes to discourage theft or unauthorized possession of the property of employees, Foothill Transit visitors, and customers. To facilitate enforcement of this policy, Foothill Transit or its representative may inspect not only desks and lockers but also persons entering and/or leaving the premises and any package or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto Foothill Transit's premises.

For security reasons, employees should not leave personal belongings of value in the workplace.

## **708 Personal Appearance**

We expect all employees to present a neat, well-groomed appearance and a courteous disposition. We feel that these qualities go further than any other factor in making a favorable impression on the public and your fellow workers. Business casual dress has been established as the standard dress code but may be changed according to events taking place.

Please avoid extremes in dress and behavior. Non-businesslike clothing such as bare midriffs, sweatpants, shorts, very short skirts or short shorts, raggedy clothes, revealing or cut out tank tops, etc. is unacceptable. Likewise, unprofessional behavior in the workplace, such as sexually related conversations, inappropriate touching (i.e., kissing, hugging, massaging, sitting on laps) of another employee, and any other behavior of a sexual nature is prohibited. Employees who fail to observe these standards will be subject to disciplinary action, up to and including termination.

Employees are expected to observe the organization's personal requirements at all times while at work. Employees who report to work in unacceptable attire may be requested to leave work and return in acceptable attire. Such time off from work will generally be without pay.

Examples of business casual clothes that are suitable for the office include:

- For men, this includes dress slacks, dress/sport shirts, vests, sweaters, jackets or sport coats. Shirts with tails must be worn tucked in and belts are required. Ties are not required on a daily basis, but may be required for specific functions/meetings
- For women, this includes dresses, skirts, dress slacks, pants



- Pullover golf-style knits shirts are considered appropriate for both men and women
- Uniforms must be clean and neat at all times

Examples of business casual clothes that are not suitable for the office include:

- Denim clothing including skirts, dresses, shirts, and jeans
- Shorts
- Warm-up/wind suits, sweat suits, T-shirts, sweatshirts, leggings, T-shirt/legging pantsuits, and sundresses
- Tops, blouses and shirts with tank top or spaghetti type straps
- Wearing of suggestive clothing such as tight fitting or see through garments is not acceptable
- Dirty or badly worn clothes, uniforms and similar items of casual attire are not permitted.

Jewelry should not be a distraction or an interference with work. Body piercing should not be visible, other than earrings worn in the ear by women.

Footwear appropriate for the office work environment is required. Examples of footwear not appropriate for the office include Uggs style boots, flip-flop type shoes, tennis shoes, and beach shoes.

Hair, beards, moustaches and sideburns should be clean, combed, and neatly trimmed or arranged.

## **709 Emergency Evacuation Policy**

To provide a safe workplace, it is essential that employees be prepared to respond appropriately in case of an emergency. To that end, an Emergency Planning Committee has been created. The committee consists of group leaders and a back-up to each group leader who will be responsible to oversee the safe evacuation of employees in an assigned area. All employees should cooperate fully with instructions given to them by their group leaders or their back-up in case of an emergency evacuation.

Any employee needing special accommodations should notify management personnel as soon as possible so that arrangements can be made promptly. A posting of who is on the Emergency Evacuation Planning Committee and areas of responsibility will be placed on the Safety Board in the lunchroom and copier rooms.

**710 Smoking**

In keeping with Foothill Transit's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace, including vehicles and outdoor work areas.

This policy applies equally to all employees, customers, and visitors.

**711 Organization Bulletin Boards**

Organization bulletin boards are maintained for the purpose of communicating matters of Foothill Transit business required by law and items of employee's personal interest. Bulletin boards are an essential component of the official communication and information program for Foothill Transit employees.

Bulletin boards are Foothill Transit property and, as such, Foothill Transit reserves exclusive control over their access and use. Approval for all postings outside of daily operational memorandums must be made through the Executive Director.

- A bulletin board will be maintained in order to display government required posters as well as Foothill Transit announcements, such as job postings or memos.
- Employees should read the bulletin board daily to keep current with Foothill Transit news.
- Personal notices may be posted provided that adequate space is available and such notices do not solicit the sale of good and/or services. Foothill Transit postings will receive priority in space assignment. Personal notices must be approved by the Executive Director.
- No ads of a commercial nature may be posted, unless approved by the Executive Director.

**712 Solicitation and Distribution**

It is the policy of Foothill Transit to maintain a secure, efficient work environment and to avoid disruptions in the workplace caused by solicitation and distribution by employees or non-employees. The following represents our policy on Non-Solicitation and Distribution.

- Employees may not distribute pamphlets, handbills or other materials while on working time on Foothill Transit premises.
- Employees are not permitted to post any unauthorized or unapproved materials on bulletin boards, walls or any other locations not designated for that purpose.

- The collection of money for gifts, flowers, parties, donations or for cases of severe hardship may be permitted. All solicitations must be made during normal business hours.
- To maintain a neat and professional appearance, the posting of notices or signs (other than those required by local, state, and federal regulations) on or in any Foothill Transit facility is strictly prohibited except on designated bulletin boards.
- Non-employees may not solicit employees, visitors, customers or contractors, or distribute any materials on Foothill Transit premises or property without prior written approval from the Executive Director.

It is the responsibility of each employee to advise any outside solicitor of our policy.

For the purpose of this policy, working time includes the working time of the employee doing the solicitation and the employee being solicited. An employee who is not on working time should not distribute literature to an employee who is on working time. This does not include the employee's break periods or mealtimes.

Employees are not allowed to use Foothill Transit property or facilities such as, stationery copiers, messenger services, computers, facsimile machines or telephones to solicit or conduct business on behalf of non-work related organizations, associations, individuals or groups. Please note that this policy does not restrict employer sponsored activities.

### **713 Organization Owned Vehicles and Auto Mileage**

Foothill Transit provides vehicles for use by the Foothill Transit management and administrative team for Foothill Transit use only. Employees are encouraged to use these vehicles or Foothill Transit bus service when conducting Foothill Transit business.

If it is infeasible to use a Foothill Transit vehicle or bus service, you may use your own private automobile provided you have valid proof of insurance with bodily injury limits of \$100,000 each person and \$300,000 each occurrence and property damage of \$50,000 each occurrence. You must provide your verification of vehicle insurance to the Human Resources Manager prior. In that case, employee mileage costs should be claimed and those costs will be reimbursed at the applicable rate. Be advised that if you are involved in a traffic collision in your own vehicle while conducting Foothill Transit business, your personal automobile insurance coverage will be applied first to any claims.

In order to comply with the EMS Idle Reduction Policy, any person authorized to operate a vehicle marked with a Foothill Transit logo may not idle the vehicle unnecessarily beyond five (5) minutes unless the conditions outlined below exist. It is the responsibility of each staff member to follow this policy. Employees who fail to observe this policy will be subject to disciplinary action, up to and including termination.

Unnecessary idling of vehicles and equipment wastes fuel, creates pollution, causes premature engine wear, and in some cases is against the law. It is every authorized driver's responsibility to comply with the law and to reduce idling in order to minimize fleet operating costs while reducing harmful effects to the environment.

Persons authorized to drive vehicles marked with the Foothill Transit logo must adhere to the following guidelines:

- Limit idling time whenever possible.
- Do not idle for longer than five (5) minutes while in operation unless the circumstance is deemed "permissible idling" by this policy.
- Do not idle for longer than 30 seconds while in operation in a school zone (per California law).
- Do not leave a vehicle idling while unattended and keys are in the vehicle. The vehicle must be secured.
- Do not idle a vehicle near a building fresh air intake unit.



"Don't be afraid to give your best to what are seemingly small jobs. Every time you conquer one it makes you that much stronger. If you do the little jobs well, the big ones tend to take care of themselves."

-Dale Carnegie

## **800 COMMUNICATION SYSTEMS**

### **801 Use of Telephone and Mail Systems**

Foothill Transit policy allows employees to use the telephone for occasional personal use. Occasional personal calls may be made using the Foothill Transit telephone. Excessive use of the telephone for personal use will result in disciplinary action, up to and including dismissal.

The use of any Foothill Transit office as your personal mailing address and the use of Foothill Transit postage for personal mail are prohibited.

### **802 Use of Cellular Telephones/Texting**

Foothill Transit provides cellular telephones for use by some Foothill Transit employees. Employees should have no expectation of privacy in using cellular telephones issued by Foothill Transit for employee use for business purposes. Please exercise judgment in the use of cellular telephones at all times.

Cellular phones are for business purposes. Occasionally, an employee may need to use their cellular phone for a personal call. However, these should be kept to a minimum. Employees may be required to reimburse Foothill Transit for any charges resulting from their personal use of a Foothill Transit cellular telephone in excess of the plan amount. Abuse of phone privileges may result in forfeiture of the cellular phone.

It is against the law to text while driving and talk on your cellular telephone without a proper hands-free device. The use of cellular telephones and other communications devices by employees other than those circumstances identified above is limited to situations permitted by law that do not pose a risk to safe driving.

The foregoing notwithstanding, cellular telephone or other communication device use while operating a motor vehicle and texting is prohibited in any jurisdiction that prohibits said use by law. If it becomes necessary to use a cellular telephone in a bona fide emergency situations employees must pull over and park in a safe place prior to powering on and using the phone.

Failure to comply with any portion of this policy may result in immediate termination of employment

### **803 Electronic Communication and Web Access**

Email and Information Technology systems generally are becoming more widely used for communication and business, both internally and between the organization's operating sites and externally via the Internet.

Web browsing, including the ability to access information on the Internet and download information from it, is increasingly becoming a regular part of business activities and the practice of conducting business over the Internet will only grow.

This policy seeks to safeguard the organization's interest and since all messages and access from its facilities are traceable under its domain name, employees should have no expectation of privacy in using Foothill Transit or Foothill Transit's electronic tools.

Messages sent via email or the Internet are more permanent and accessible than is often realized. Sending email is similar to writing a postcard. Such messages should be treated in the same way as other written material, as they may be accessible through archiving or retrieval procedures even when they have apparently been deleted.

All email, Internet messages and electronic communications should therefore be regarded as permanent documents.

Emails may be discoverable in court proceedings. You should therefore not include in an email anything that you would not choose to write down in any other document such as a letter. Additionally, emails should not be circulated to persons who do not need to receive them particularly in circumstances where litigation is pending or threatened.

Users of electronic communications should be aware that the Organization can monitor all of its electronic communications.

#### *Consequence of Misuse*

The email system and the Internet may only be used as expressly permitted or authorized by the organization. Some actions connected with the use of email or web access will be interpreted as misuse of the system, for example, but not limited to:

- Private or freelance business;
- Gambling;
- Pornography, including visiting pornographic sites;
- Conducting political activities;
- Sending, forwarding or replying to offensive or obscene messages or attachments;
- Passing on confidential organization information which could damage the reputation or business interest of Foothill Transit
- Making potentially libelous, untrue or malicious statements;

- Breaches of copyright;
- Knowingly or carelessly allowing the Organization's computer systems to become infected with any kind of software virus;
- Downloading information connected with any of the practices included in this section.

You should note that misuse of electronic communications and the Internet is regarded by Foothill Transit as an example of misconduct, which may lead to disciplinary action. Depending on the circumstances, serious misuse of the email and Internet systems may constitute gross misconduct and could lead to termination.

### *Harassment*

Any individual found to be sending hostile, harassing or bullying messages will be subject to disciplinary action, which could lead to dismissal. If you receive such a message, you must inform your manager as soon as possible.

### *Liability*

Be aware that both Foothill Transit and you may be held liable for the damage caused by internal and external emails, Internet messages and other electronic communication, which is regarded as libelous material. The law does not distinguish between such messages and paper memoranda when evaluating whether the material is potentially libelous or not. Therefore, you must ensure that when circulating information, which relates to individuals, firms or companies that the information is accurate. If you are in any doubt, do not write it.

Every individual has the responsibility to protect Foothill Transit against the electronic dissemination of a potentially libelous communication. Should you receive or become aware of an electronic communication, which could be considered as libelous, you must report it to your manager as a matter of urgency.

The following represent some principles of good practice in using email and in accessing the Internet. These are intended to allow you to maximize your and the Organization's benefits from the use of these electronic means of communication and should be seen in that light. The best approach to adopt is to view email as an alternative method of communication to which you would apply the same rules as a more traditional method.

### *Making Effective Use of the Email System*

- Email messages should be short and clear and are ideal for distributing or updating information, confirming arrangements, meetings, etc.
- Global emails (emails sent to everyone in the Organization) affect the performance of the system and should not be used.



- Messages should not be retained and attachments, where applicable, should be saved in the hard disk.
- The inbox and other folders within the mail system should be cleared regularly, but only after ensuring that relevant material has been saved in the manner most appropriate. Deleting data no longer required frees up memory in the system and prevents it from slowing down.
- Messages should not be printed out.
- Short messages are better sent direct as email text rather than a file attachment. This uses up less memory space.

#### *Personal Use of the Internet*

Foothill Transit recognizes that it may sometimes be necessary or useful for staff to make use of the Internet for personal reasons via the organization's hardware in the course of the working day. Limited use of the Internet for personal reasons is allowed by Foothill Transit so long as it does not fall within the categories of misuse set out above it does not interfere with employees' duties to Foothill Transit. Any abuse of this privilege (which will be judged by Foothill Transit management in its absolute discretion) will result in it being withdrawn.

Below are some key points to remember about the electronic communications systems available to you:

- It should not be used as a substitute for face to face or telephone conversation when these are more appropriate or necessary.
- Under no circumstances should electronic communication be used for vindictive, harassing, discriminatory or abusive comment or criticism of anyone, whether the target is another employee or any third party. Any person proved to have sent such an item will be dealt with according to Foothill Transit's disciplinary procedures.
- Any individual in receipt of an item which they feel should have been prohibited by the above point, must inform their manager immediately.
- All messages should be clear and unambiguous.
- An email message should be treated as if it were a hard copy letter, and drafted and checked in the same way.
- No response to an email message should be sent in haste, anger or hostility.
- If you need any further advice on the use of electronic communication, you should contact your manager.

#### *Unauthorized Third Party Use*

In order to prevent unauthorized use, you must not divulge your password to a third party. You should ensure that when you log on to a machine, that any other person using the machine has fully logged off beforehand.

*Password Protection*

You are responsible for ensuring that your password is protected, kept confidential and is changed on a regular basis. If you divulge your password to others, they may be able to log onto the system as you and send potentially libelous messages for which you may be responsible.

*Logging Out*

At all times when you are not using your email or Internet, you should ensure that you log off. This will help to prevent unauthorized third party use.

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## EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

This is to acknowledge that I have received a copy of the Foothill Transit 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. If I have any questions about the handbook and its policies and procedures, I will contact my supervisor, the Human Resources Manager and/or the Executive Director for explanation and answer to my questions.

I understand that it is not a contract of employment between Foothill Transit, and me and that my employment with Foothill Transit is as an at-will employee and my employment may be terminated at any time.

As a condition of employment, I agree to conform to all of the policies, rules, safety rules and regulations of the organization, including those contained in the Employee Handbook. I understand that, except for employment at-will status, any and all policies or practices can be changed at any time by the organization. I understand and agree that, other than the Executive Director, no manager, supervisor or representative of the organization has the 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. Any such agreement must be made in writing and signed by the Executive Director.

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 Foothill Transit is employment at-will; this means that my terms and conditions of employment may be changed, with or without cause and with or without notice, including but not limited to termination, demotion, promotion, transfer, compensation, benefits, duties, and location of work. My signature below certifies that I have received the Foothill Transit Employee Handbook and agree to abide by its provisions during my employment. It supersedes all prior agreements, understanding and representations concerning my employment with Foothill Transit.

Finally, I agree to always treat all persons conducting business with Foothill Transit in a manner that is courteous, cheerful, considerate, and professional.

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Employee's Name (*Please Print*)

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Employee's Signature

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Date

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## MANAGER ACKNOWLEDGMENT OF RECEIPT OF POLICY AGAINST HARASSMENT

As a management employee of Foothill Transit, I acknowledge receipt of the attached copy of the Foothill Transit's Policy against Harassment and Personal Appearance and Behavior Policy as documented in the Foothill Transit Employee Handbook. I understand that I may be held personally liable and responsible for acts of harassment that I commit, condone, tolerate or fail to investigate. Therefore, if I know of or have reason to know of any act of harassment or the existence of a hostile, intimidating or offensive work environment in the workplace and I fail to report it to higher management and/or fail to take immediate and appropriate corrective action, both the organization and I can be placed in serious jeopardy.

I understand that because I am a member of management I may not date, engage in any sexual activity with, or make sexual advances, welcome or unwelcome, toward any subordinate employee. I also understand that I am strictly prohibited from offering an employment benefit (such as a raise, promotion, or assistance with one's career) in exchange for sexual favors or threatening an employment detriment (such as termination, demotion, or disciplinary action) for an employee's failure to engage in sexual activity.

I agree that I will immediately report any act, allegation or rumor of harassment to my immediate supervisor and/or to the Human Resources Manager. I understand and agree that I will cooperate completely in the investigation of any claims of harassment, and that I am not to penalize any person for making a complaint of harassment.

Finally, I understand that if I violate any aspect of this policy, I will be subject to immediate termination and that I can additionally be sued and held personally liable for my acts or omissions.

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Employee's Name (*Please Print*)

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Employee's Signature

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Date