



## BOARD OF COMMISSIONERS MEETING

**DATE:** December 16, 2024

**TIME:** 5:30 PM

**MAIN LOCATION:** Nielsen Conference Center 3110 W Nielsen Ave, Fresno, CA 93706

### AGENDA

| ITEM               | SUBJECT                                                                                                                                                                                                                                                                                                       | PRESENTER             | ACTION      |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------|
| 1.                 | <b>CALL TO ORDER AND COMMUNITY ACTION PROMISE:</b><br>Community Action changes people's lives, embodies the spirit of hope, improves communities, and makes America a better place to live.<br><br>We care about the entire community, and we are dedicated to helping people help themselves and each other. |                       |             |
| 2.<br>Page 4       | <b>ROLL CALL</b><br>A. Board and Committee Meetings Monthly Attendance Record                                                                                                                                                                                                                                 |                       |             |
| 3.<br>Page 8       | <b>NOVEMBER 18 2024 BOARD MEETING MINUTES</b>                                                                                                                                                                                                                                                                 | Baines, Chair         | Approve     |
| 4.                 | <b>ADDITIONS TO THE AGENDA</b><br><i>(The Board may add an item to the agenda if, upon a two-thirds vote, the Board finds that there is a need for immediate action on the matter and the need came to the attention of the Board after the posting of this agenda.)</i>                                      |                       |             |
| 5.                 | <b>PUBLIC COMMENTS</b><br><i>(This is an opportunity for the members of the public to address the Board on any matter related to the Commission that is not listed on the Agenda. Limit three minutes per speaker)</i>                                                                                        |                       |             |
| 6.                 | <b>POTENTIAL CONFLICT OF INTEREST</b><br><i>(Any Board Member who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.) (FPPC §87105)</i>                                                                                           |                       |             |
| 7.<br>Page 15      | <b>COMMISSIONER APPRECIATION</b>                                                                                                                                                                                                                                                                              | Baines, Chair         | Information |
| 8.<br>Pages 16-507 | <b>CONSENT AGENDA – ITEMS 8_1 – 8_15</b><br><i>See attached consent agenda.</i><br>Any Commissioner or member of the public may pull any Consent Item for discussion.                                                                                                                                         | Baines, Chair         | Approve     |
| 9.<br>Page 508     | <b>AGENCY FINANCIAL AND HEAD START FINANCIAL STATUS REPORT SEPTEMBER 2024</b><br>A. Supporting Document - CSBG Organizational Standard 8.7                                                                                                                                                                    | Mungur, Staff         | Accept      |
| 10.<br>Page 525    | <b>BYLAWS REVISIONS</b><br>A. Supporting Document - CSBG Organizational Standard 5.3                                                                                                                                                                                                                          | Price, Legal Council  | Approve     |
| 11.<br>Page 559    | <b>ACTING CHIEF EXECUTIVE OFFICER'S REPORT</b>                                                                                                                                                                                                                                                                | Tutunjian, Acting CEO | Information |
| 12.                | <b>COMMISSIONERS' COMMENT</b>                                                                                                                                                                                                                                                                                 | Baines, Chair         |             |
| 13.                | <b>EXECUTIVE SESSION</b>                                                                                                                                                                                                                                                                                      |                       |             |



|       |                                                                              |               |  |
|-------|------------------------------------------------------------------------------|---------------|--|
| 14.   | ADJOURNMENT                                                                  | Baines, Chair |  |
| NOTE: | NEXT BOARD MEETING: Monday, January 27, 2024, at 5:30 p.m. at the Board Room |               |  |



## BOARD OF COMMISSIONERS MEETING

### CONSENT AGENDA

*(Any Commissioner or member of the public may pull any Consent Item for discussion)*

| ITEM                     | SUBJECT                                                                                                                         | PRESENTER       | ACTION      |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|
| <b>8_1.</b><br>Page 16   | <b>OCTOBER 21, 2024 BYLAWS COMMITTEE MEETING MINUTES</b>                                                                        | Mitchell, Chair | Accept      |
| <b>8_2.</b><br>Page 19   | <b>TARGET AREA CANDIDATES</b><br>A. Supporting Document                                                                         | Mitchell, Chair | Accept      |
| <b>8_3.</b><br>Page 36   | <b>COMMUNITY SECTOR APPLICATIONS</b><br>A. Supporting Document                                                                  | Mitchell, Chair | Accept      |
| <b>8_4.</b><br>Page 49   | <b>CHRONOLOGY OF BOARD ELECTION EXTENSION</b>                                                                                   | Mitchell, Chair | Approve     |
| <b>8_5.</b><br>Page 51   | <b>BOARD SELF-ASSESSMENT RESULTS</b><br>A. Supporting Document                                                                  | Mitchell, Chair | Information |
| <b>8_6.</b><br>Page 111  | <b>NOVEMBER 4, 2024 EXECUTIVE COMMITTEE MEETING MINUTES</b>                                                                     | Baines, Chair   | Approve     |
| <b>8_7.</b><br>Page 115  | <b>PERSONNEL POLICIES &amp; PROCEDURES MANUAL UPDATE</b><br>A. Supporting Document                                              | Dibie, Staff    | Approve     |
| <b>8_8.</b><br>Page 467  | <b>HEAD START 0 TO 5: CALIFORNIA STATE PRESCHOOL PROGRAM (CSPP) 2025-2026 REFUNDING APPLICATION</b>                             | Balderas, Staff | Ratify      |
| <b>8_9.</b><br>Page 469  | <b>HEAD START 0 TO 5: STATE OF CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CSDD) CCTR 2025-2026 CONTINUED FUNDING APPLICATION</b> | Balderas, Staff | Approve     |
| <b>8_10.</b><br>Page 471 | <b>HEAD START 0 TO 5: STATE OF CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CSDD) CCTR 2024-2025 EXPANSION APPLICATION</b>         | Balderas, Staff | Approve     |
| <b>8_11.</b><br>Page 473 | <b>NOVEMBER 5, 2024 HEAD START COUNTY WIDE POLICY COUNCIL MINUTES</b>                                                           | Balderas, Staff | Accept      |
| <b>8_12.</b><br>Page 484 | <b>HEAD START 0 TO 5: PROGRAM UPDATE REPORT (PUR) FOR OCTOBER 2024</b><br>A. Supporting Document                                | Balderas, Staff | Accept      |
| <b>8_13.</b><br>Page 488 | <b>HEAD START 0 TO 5: SELECTION CRITERIA</b><br>A. Supporting Document                                                          | Balderas, Staff | Approve     |
| <b>8_14.</b><br>Page 490 | <b>PROGRAM PLANNING AND DEVELOPMENT: GRANT TRACKER</b><br>A. Supporting Document                                                | Medina, Staff   | Information |
| <b>8_15.</b><br>Page 499 | <b>WORKERS' COMPENSATION INSURANCE RENEWAL</b><br>A. Supporting Document                                                        | Mungur, Staff   | Approve     |

## BOARD OF COMMISSIONERS ROLL CALL 2024

| #  | Commissioner             | Term Expiration | Target Area / Appointing / Nominating Org. | 1/22 | 2/24 Board Training | 3/18 | 4/15 | 5/20 | 6/4-8 CAPLAW Training | 9/16 | 10/21 | 11/18 | 12/16 |
|----|--------------------------|-----------------|--------------------------------------------|------|---------------------|------|------|------|-----------------------|------|-------|-------|-------|
| 1  | ARAMBULA, JOAQUIN        | Dec 2024        | 31st Assembly District                     | N/A  | N/A                 | N/A  | N/A  | N/A  | N/A                   | N/A  | O     | O     |       |
| 2  | ARAMBULA-REYNA, KATHLEEN | Dec 2025        | Fresno Reel Pride                          | N/A  | N/A                 | N/A  | N/A  | N/A  | O                     | O    | O     | O     |       |
| 3  | BAINES, OLIVER           | Dec 2024        | 16 <sup>th</sup> Congressional District    | O    | O                   | O    | O    | O    | O                     | O    | O     | O     |       |
| 4  | BONNER, ALYSIA           | Dec.2024        | Target Area F                              | O    | O                   | O    | O    | T    | O                     | O    | O     | O     |       |
| 5  | BROWN, EARL              | Dec 2024        | Target Area G                              | O    | O                   | O    | O    | O    | O                     | X    | O     | O     |       |
| 6  | BROWN-JENKINS, ZINA      | Dec 2024        | Head Start CWPC                            | O    | O                   | O    | O    | O    | O                     | O    | O     | T     |       |
| 7  | GARABEDIAN, CHARLES      | Dec 2025        | Board of Supervisors                       | N/A  | O                   | X    | O    | O    | O                     | X    | O     | O     |       |
| 8  | HAYES, LINDA R.          | Dec 2024        | Target Area H                              | O    | O                   | X    | O    | O    | O                     | O    | O     | O     |       |
| 9  | JAIME-MILEHAM, LUPE      | Dec 2024        | FCSS                                       | X    | O                   | X    | O    | O    | X                     | T    | T     | X     |       |
| 10 | KING BRIAN               | Dec 2025        | Mayor's Appointment                        | O    | X                   | O    | X    | O    | X                     | O    | O     | O     |       |
| 11 | LEON, REY                | Dec 2024        | Target Area B                              | X    | O                   | X    | X    | T    | O                     | O    | O     | O     |       |
| 12 | MARTINEZ, DANIEL         | Dec 2025        | Target Area D                              | O    | X                   | O    | X    | X    | X                     | O    | X     | O     |       |
| 13 | MARTINEZ, LUIS           | Dec 2025        | 14 <sup>th</sup> Senatorial District       | O    | O                   | O    | O    | O    | X                     | O    | O     | O     |       |
| 14 | MCALISTER, BRUCE         | Dec 2025        | West Fresno Faith Based Organization       | O    | O                   | X    | O    | O    | O                     | O    | O     | O     |       |
| 15 | MCCOY, BARIGYE           | Dec 2024        | Board of Supervisors                       | X    | X                   | X    | O    | O    | O                     | O    | O     | O     |       |
| 16 | MITCHELL, LISA           | Dec 2025        | Target Area E                              | O    | O                   | O    | T    | O    | O                     | O    | O     | O     |       |
| 17 | NIKKEL, LAUREN           | Dec 2024        | Economic Development Corp.                 | N/A  | N/A                 | O    | O    | X    | O                     | O    | T     | O     |       |
| 18 | PACHECO, ALENA           | Dec 2025        | Target Area A                              | O    | X                   | O    | O    | O    | X                     | O    | O     | O     |       |
| 19 | PARRA, DANIEL            | Dec 2024        | Target Area C                              | X    | O                   | X    | O    | T    | O                     | O    | O     | O     |       |
| 20 | PIMENTEL, ROBERT         | Dec 2025        | SCCCD                                      | O    | O                   | X    | O    | X    | O                     | O    | O     | T     |       |
| 21 | RODGERS, JIMI            | Dec 2025        | Association of Black Social Workers        | O    | O                   | O    | O    | O    | O                     | O    | O     | O     |       |
| 22 | ROMERO, MANUEL           | Dec 2025        | Central La Familia Advocacy Services       | O    | O                   | O    | O    | O    | O                     | O    | O     | O     |       |
| 23 | RUIZ, DAVID              | Dec 2024        | Juvenile Court                             | O    | O                   | O    | O    | O    | O                     | X    | O     | O     |       |
| 24 | TAYLOR, STEVEN           | Dec 2024        | NAACP                                      | O    | O                   | O    | O    | O    | O                     | O    | O     | O     |       |
|    |                          |                 |                                            |      |                     |      |      |      |                       |      |       |       |       |
|    | Present = O              |                 |                                            |      | = 1 absent          |      |      |      |                       |      |       |       |       |
|    | Absent = X               |                 |                                            |      | = 2 absent          |      |      |      |                       |      |       |       |       |
|    | Teleconference = T       |                 |                                            |      | = 3 absent          |      |      |      |                       |      |       |       |       |

*It is the Commissioner's responsibility to check the matrix, verify accuracy and inform the Secretary or designee if any changes are needed.*





**Audit Committee Meeting  
Monthly Attendance Record  
2024**

Oliver Baines  
Robert Pimentel  
Amy Arambula  
Lisa Mitchell  
Charles Garabedian  
Earl Brown  
Alysia Bonner  
Linda Hayes  
Jimi Rodgers

| Jan. | Feb | Mar | April | May | June | July | Aug. | 9-Sep | Oct | Nov | Dec | Attended |
|------|-----|-----|-------|-----|------|------|------|-------|-----|-----|-----|----------|
|      |     |     |       |     |      |      |      | X     |     |     |     | 0/1      |
|      |     |     |       |     |      |      |      | O     |     |     |     | 1/1      |
|      |     |     |       |     |      |      |      | X     |     |     |     | 0/1      |
|      |     |     |       |     |      |      |      | O     |     |     |     | 1/1      |
|      |     |     |       |     |      |      |      | O     |     |     |     | 1/1      |
|      |     |     |       |     |      |      |      | O     |     |     |     | 1/1      |
|      |     |     |       |     |      |      |      | T     |     |     |     | 1/1      |
|      |     |     |       |     |      |      |      | O     |     |     |     | 1/1      |
|      |     |     |       |     |      |      |      | O     |     |     |     | 1/1      |

O-Present X-Absent T-Teleconference

## Bylaws Committee Meeting Monthly Attendance Record 2024

Lisa Mitchell  
Linda Hayes  
David Ruiz  
Luis Martinez  
Zina Brown-Jenkins

| Jan. | Feb | Mar. 21 | April | May | June | July | Aug. 15 | Sep. 5 | Oct. 21 | Nov. 18 | Dec | Attended |
|------|-----|---------|-------|-----|------|------|---------|--------|---------|---------|-----|----------|
|      |     | O       |       |     |      |      | O       | O      | O       | O       |     | 5/5      |
|      |     | O       |       |     |      |      | O       | O      | O       | O       |     | 5/5      |
|      |     | O       |       |     |      |      | O       | O      | O       | O       |     | 5/5      |
|      |     | O       |       |     |      |      | O       | X      | O       | O       |     | 4/5      |
|      |     | O       |       |     |      |      | O       | O      | O       | T       |     | 5/5      |

O-Present X-Absent T-Teleconference



## Executive Committee Meeting Monthly Attendance Record 2024

Oliver Baines  
Robert Pimentel  
Lisa Mitchell  
Charles Garabedian  
Earl Brown  
Alysia Bonner  
Linda Hayes  
Jimi Rodgers

| January | 5-Feb | 4-Mar | 8-Apr | 6-May | June | 1-Jul     | 5-Aug | 9-Sep     | 7-Oct | 4-Nov | 9-Dec | Attended |
|---------|-------|-------|-------|-------|------|-----------|-------|-----------|-------|-------|-------|----------|
|         | O     | O     | O     | O     |      | Cancelled | O     | Cancelled | X     | X     | O     | 6/8      |
|         | O     | O     | X     | O     |      |           | O     |           | O     | O     | O     | 7/8      |
|         | O     | O     | X     | O     |      |           | O     |           | O     | O     | O     | 7/8      |
|         | O     | O     | O     | O     |      |           | O     |           | O     | O     | T     | 8/8      |
|         | O     | O     | O     | O     |      |           | O     |           | O     | O     | O     | 8/8      |
|         | O     | O     | O     | O     |      |           | O     |           | T     | O     | O     | 8/8      |
|         | O     | O     | O     | T     |      |           | O     |           | O     | O     | O     | 8/8      |
|         | O     | O     | X     | T     |      |           | O     |           | T     | O     | T     | 7/8      |

O-Present X-Absent T-Teleconference



## BOARD OF COMMISSIONERS MEETING MINUTES

**DATE:** November 18, 2024

**TIME:** 5:30 PM

**LOCATION:** 1920 Mariposa Street, Suite 310 Fresno, CA 93721

1. **CALL TO ORDER AND COMMUNITY ACTION PROMISE:**

Oliver Baines, Board Chair, called the meeting to order at 5:12 p.m.

Andy Levine, Fresno Unified School District (FUSD), provided a brief Community Listening Session.

2. **ROLL CALL**

**Present:** Joaquin Arambula, Katheleen Arambula-Reyna, Oliver Baines, Alysia Bonner, Earl Brown, Charles Garabedian, Linda Hayes, Brian King, Rey Leon, Daniel Martinez, Luis Martinez, Bruce McAlister, Barigye McCoy, Lisa Mitchell, Lauren Nikkel, Alena Pacheco, Daniel Parra, Jimi Rodger, Manuel Romero, David Ruiz and Steven Taylor.

**Teleconference:** Robert Pimentel and Zina Brown-Jenkins

**Absent:** Lupe Jaime-Mileham

Commissioner Joaquin Arambula requested the Roll Call sheet to be corrected to reflect his attendance.

3. **OCTOBER 21 2024 BOARD MEETING MINUTES**

Commissioner Joaquin Arambula submitted the attached letter dated November 18, 2024, expressing concerns regarding the financial condition of the agency. His letter is incorporated into the minutes as Exhibit A.

Commissioner Alena Pacheco followed up on Item 6-5 where she requested updated organization charts.

Public Comment: None heard.

**Motion by:** Taylor      **Second by:** Arambula

**Ayes:** All in favor.

**Nays:** None heard.

4. **ADDITIONS TO THE AGENDA**

Public Comment: None heard.

No action required.

5. **POTENTIAL CONFLICT OF INTEREST**

Public Comment: None heard.

No action required.

6. **COMMISSIONER REINSTATEMENT: DANIEL MARTINEZ**

Commissioner Daniel Martinez requested to be reinstated back as a Board Commissioner.

Public Comment: None heard.

**Motion by:** Garabedian      **Second by:** Hayes

**Ayes:** All in favor.

**Nays:** None heard.

7. **CONSENT AGENDA – ITEMS 7\_1 – 7\_18**

Commissioner Joaquin Arambula made a correction on Item 7\_3 to replace the word *servicing* with *serving* on the Job Descriptions.

Public Comment: None heard.

**Motion by:** Baines      **Second by:** Hayes

**Ayes:** All in favor.

**Nays:** None heard

**APPROVAL OF PULLED CONSENT AGENDA ITEMS**

**7\_2: SEPTEMBER 5, 2024 BYLAWS COMMITTEE MEETING MINUTES**

Commissioner Mitchell, requested Legal Counsel to provide a brief overview of the Commissioner's election term. Price stated the new three-year term will begin for the year 2025 Board election. For example, if a Commissioners term begins in January 2025 their term will end in December 2027, or if their term begins in January 2026 their term will end in December 2028.

Commissioner Mithell stated a revised agency Bylaws will be presented at the December 16, 2024, Board Meeting.

Public Comment: None heard.

**Motion by:** Mitchell    **Second by:** Parra

**Ayes:** All in favor.

**Nayes:** None heard.

#### **7\_5: HEALTH SERVICES: ENDING CALIFORNIA'S TOBACCO EPIDEMIC IN EVERY COMMUNITY**

Commissioner Joaquin Arambula inquired an explanation of how the Fringe Benefits funds would be spent and what resources are going to be used and the reason for being top-heavy with Program Coordinators and Program Managers, rather than with consultants and contracts. Jane Thomas, Health and Services Director, stated the budget of personnel was a requirement by the state and only the Program Coordination and Program Manager can be funded for this project. Thomas stated Freno EOC Standards for Fringe Benefits rate is about 34% of the staff's salary. Commissioner Joaquin Arambula recommends accepting the funds with the option to amend the budget once the funds have been accepted given the agency's financial deficit.

**Motion by:** Arambula    **Second by:** Hayes

**Ayes:** All in favor.

**Nayes:** None heard.

#### **7\_9: SANCTUARY: PROJECT HOPE UPDATE**

Commissioner Joaquin Arambula requested additional information on Project HOPE and inquired if students are getting displaced. Misty Gattie-Blanco, Sanctuary Director, provided an update and stated that this is currently in the works with Fresno City College and will provide an update at a later time and regarding students getting displaced was not part of EOC's contract, their portion was strictly to navigate students into housing.

No action required.

#### **8. TRANSFORMING AND INSPIRING**

Thomas Dulin, Transit Systems Director, provided an overview video of clients from Central Valley Training Center sharing their expiring with Transit.

Public Comment: None heard.

No action required.

#### **9. AGENCY FINANCIAL AND HEAD START FINANCIAL STATUS REPORT JUNE 2024**

Hemanta Mungur, Chief Financial Officer, provided an overview report of the Agency Financial statements and the Head Start Financial Status Report as of Year-to-Date for August 31, 2024.

The Commission and staff engage in a detailed discussion on the plan to reduce the deficit cost for Food Services, Local Conservation Corps, Transit System, and Administration.

The Commission accepted the motion with the recommendation that the forensic Audit Financial Report be provide a better understand of the agency's budget.

This item meets Community Services Block Grant (CSBG) Organization Standards 8.7

Public Comment: None heard.

**Motion by:** Arambula **Second by:** Reyna Arambula

**Ayes:** All in favor.

**Nayes:** None heard

#### 10. CHIEF EXECUTIVE OFFICER'S REPORT

Emilia Reyes, Chief Executive Officer, heighted the following items:

- Community Events and Involvement
- Agency-Wide Priorities and Goals
- Agency Financial Highlights and Impact

Public Comment: None heard.

No action required.

#### 11. PUBLIC COMMENTS

Susan Lopez, School of Unlimited Learning, announced they will be selling Wreath for \$25 on Thursday, November 21, 2024, from 8:30 am – 10:30 at the Fresno EOC Executive Plaza if any Commissioner or staff wish to purchase one in support of the school's fundraiser.

Public Comment: None heard.

No action required.

#### 12. COMMISSIONERS' COMMENT

Commissioner Katheleen Reyna-Arambula, recommended for the Board members to attend the agency tour as Commissioner Reyna-Arambula found it beneficial and has some great ideas for program staff.

Commissioner Lauren Nikkel, stated she is with the Fresno County Economic Development Corporation and is currently conducting a 2025-2030 Comprehensive Economic Development Strategy for the County of Fresno and is currently in the discovery phase and if the Commission wishes to provide input to please reach out to set up a connection between them and the consultant.

Commissioner Lisa Mitchell, thanked the staff for their amazing job of putting together the annual Halloween Safe Night Out event.

Commissioner Rey Leon, invited the Commission and staff to the 2024 Huron Winter Fest Parade Routing taking place on Saturday, December 7, 2024 at 1:00 pm.

Public Comment: None heard.

No action required.

13. **EXECUTIVE SESSION**

Ken Price, Legal Counsel, stated there was no action to report out of Executive Session.

14. **ADJOURNMENT**

The meeting adjourned at 11:30 pm



Nov. 18, 2024

To: The Fresno EOC Board of Commissioners:

I submit this letter regarding the Fresno EOC commissioners' meeting of October 21, 2024. In addition, I am writing in response to the minutes of that meeting – I strongly disagree with how it was written reflecting my statements about the Financial Audit Report. I am pulling Item 9 from the November 9, 2024 agenda for open discussion and want this letter entered into the official record:

As the elected Assemblymember for the 31<sup>st</sup> District, I can designate a member to the Fresno Economic Opportunities Commission. I recently decided to serve in this role myself as a way to better understand the important nonprofit agency that the commission oversees.

I am alarmed by what I learned in preparation for my first meeting on October 21 – the agency is hemorrhaging money.

Let me disclose that the commission post I am assuming was held by my mother, Amy Arambula, who is an attorney and involved in community issues. She stepped down because of frustration in not getting answers to her questions about the organization's finances.

It turns out that she had ample reason to be worried: EOC has been operating in the red for at least the past two years and resorted to depleting its reserve fund of millions of dollars to fill the void. The future outlook for EOC's finances is uncertain, at best.

This is unacceptable and threatens the ongoing viability of EOC.

I am greatly concerned that agency leaders have not acted as responsible stewards of taxpayers' money. With the reserve fund now drained, the commissioners and EOC administrators cannot operate with the mindset that finances will be better down the road. That is a capricious and passive form of governing.

The current approach to financial oversight cannot continue. I don't yet know "who knew what when," but we as the board of commissioners must find out. As part of our fiduciary responsibility, we must start with a forensic audit of EOC's expenses and personnel structure.

Regarding the board minutes from the October 21 meeting: I in no way said or indicated that I supported taking the discussion about EOC's budget deficit into a closed session, away from the public. Budgets are NOT a closed session item. I believe in full public transparency.

In summary, too many people depend on EOC to help them climb out of poverty and become self-sufficient. We are accountable to those communities and the public at large to make responsible decisions. We cannot lose that trust, nor cripple the organization's future.

EOC prides itself on helping people transform their lives. From my viewpoint, EOC leaders need their own transformation.



## BOARD OF COMMISSIONERS MEETING

|                                           |                                    |
|-------------------------------------------|------------------------------------|
| <b>Date:</b> November 18, 2024            | <b>Program:</b> N/A                |
| <b>Agenda Item #:</b> 7                   | <b>Director:</b> N/A               |
| <b>Subject:</b> Commissioner Appreciation | <b>Officer:</b> Michelle Tutunjian |

### Background

On an annual basis we recognize those Commissioners that are terming for their years of services as a Fresno EOC Board Commissioner.

- ❖ Linda Hayes – 12 years of service
- ❖ Amy Arambula – 10 years of service
- ❖ Lupe Jaime-Mileham – 5 years of service
- ❖ Daniel Parra – 2 years of service



## BYLAWS COMMITTEE MEETING

**Date:** October 21, 2024

**Time:** 4:00 PM

**Location:** 1920 Mariposa Street, Suite 300 Fresno, CA 93721

### MINUTES

#### ITEM

**1. CALL TO ORDER**

Lisa Mitchell, Chair, called the meeting to order at 4:03 p.m.

**2. ROLL CALL**

Roll was called and a quorum was established.

**Committee Members:**

Lisa Mitchell  
Linda Hayes  
David Ruiz  
Zina Brown-Jenkins  
Luis Martinez

**Staff:**

Emilia Reyes  
Karina Perez  
Kenneth Price, Legal Counsel  
Elionora Vivanco

**Absent:**

N/A

**3. MINUTES FROM SEPTEMBER 5, 2024 COMMITTEE MEETING**

Public Comment: None heard.

**Motion by:** Hayes **by:** Ruiz

**Ayes:** All in favor.

**Nays:** None heard

**4. 2024 ELECTION**

Karina Perez, Chief of Staff, provided a brief overview of the status of the 2024 Election, and stated we have two vacancies for Target Area B & G and one Communication Sector seat. Upon further discussion, the Committee members decided to extend the deadline to allow our vacant position to be filled, from October 23, 2024, through November 7, 2024.

Public Comment: None heard.

No action required.

## 5. AGENCY BYLAWS REVISIONS

The Committee members discussed the agency's Bylaws during the Committee Meeting. Upon further discussion, the Committee decided the agency's legal counsel, Kenneth Price, will bring back to the committee a red line version of the revised agency Bylaws.

Public Comment: None heard.

No action required.

## 6. AGENCY BYLAWS ACCESSIBILITY

Chair Mitchell, requested for transparency purpose to post the Agency Bylaws on the agency website.

Public Comment: None heard.

No action required.

## 7. POLICIES AND PROCEDURES FOR COMMITTEE APPOINTMENTS

The Committee members discussed and reviewed the Policies and Procedures for Committee appointments. Upon review the Committee decided the following changes:

- **Ad-Hoc Committees and Advisory Boards:**
  - Remove: Facilities/Infrastructure, Community Action Funds, and Eplus.
  - Add: Executive Committee, Finance Committee, Audit Committee, Program Planning and Evaluation Committee, Human Resources/Pension, Bylaws Committee, and SOUL Charter School Committee.

Price requested a presentation to be presented at the next Board Meeting with the Commissioners expiring terms to avoid any confusion about the Commissioner's three-year terms.

Public Comment: None heard.

**Motion by:** Hayes **Second by:** Brown-Jenkins

**Ayes:** All in favor.

**Nays:** None heard

## 8. COMMISSIONERS JOB DESCRIPTIONS

Perez provided an overview of the red lines Job Descriptions to be in alignment with our agency Bylaws.

Public Comment: None heard.

**Motion by:** Martinez **Second by:** Brown-Jenkins

**Ayes:** All in favor.

**Nays:** None heard

**9. PUBLIC COMMENTS**

Public Comment: None heard.

No action required.

**10. COMMISSIONERS' COMMENT**

Chair Mitchell, requested to reschedule the next Bylaws Committee Meeting to Monday, November 18, 2024, at 4pm. The Committee members were all in favor.

No action required

**11. ADJOURNMENT**

**Motion by:** Brown-Jenkins **Second by:** Martinez at 5:54 p.m.



## BOARD OF COMMISSIONERS MEETING

|                                        |                                    |
|----------------------------------------|------------------------------------|
| <b>Date:</b> December 16, 2024         | <b>Program:</b> Executive Office   |
| <b>Consent Agenda Item #:</b> 8_2      | <b>Director:</b> N/A               |
| <b>Subject:</b> Target Area Candidates | <b>Officer:</b> Michelle Tutunjian |

### Recommended Action

The Bylaws Committee and Executive Committee recommends review and acceptance of the following uncontested candidate's applications running for their target areas.

- Target Area B: Rey Leon
- Target Area F: Alysia Bonner
- Target Area G: Earl Brown
- Target Area H: Debra D. McKenzie

### Background

The Bylaws Committee reviewed and approved Target Area F, G & H for full Board consideration on November 18, 2024. On December 9, 2024, the Executive Committee reviewed and approved Target Area B after the running candidate, Aldo Jay Chavira, decided to withdraw and allow Rey Leon to have the seat uncontested to represent Target Area B.

On December 3, 2024, Target Area C candidate, Danielle Parra, rescinded her candidacy to serve on the Board. Staff will conduct a special election to fill the seat for Target Area C.

On an annual basis, the Commission holds a Board Election for the expiring terms per the agency's Bylaws: *Target Area Commissioners shall be elected by members of the respective areas hereinafter "Target Area" in accordance with Policies and Procedures established by the Commission, under elections that are run by the Internal Audit department and supervised by the Selection Committee appointed by the Board Chair. Emphasis should be given to providing maximum participation of low- income persons in the selection process of Target Area Commissioners, who shall be duly elected from areas within Fresno County that insure equal target area rural and urban representation and adopted by the Commission.*

### Fiscal Impact

Action on this agenda item will have no fiscal impact.

### Conclusion

If accepted by the Board, these uncontested candidates will serve a three-year term effective January 1, 2025. If not accepted by the Board, the Board will have several Target Area vacancies and be out of compliance.

**From:** [Fresno Economic Opportunities Commission Forms](#)  
**To:** [Karina Perez](#); [Elionora Vivanco](#); [Elections](#)  
**Subject:** New submission: Board of Commissioners Application Form  
**Date:** Monday, October 28, 2024 8:54:25 PM

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**Fresno EOC IT Notice:**  
**External Message. Think before you click!**

**A user has submitted the Fresno Economic Commission Form**

*Please review the submission below.*

|                                                                                 |                    |
|---------------------------------------------------------------------------------|--------------------|
| — APPLICANT INFORMATION —                                                       |                    |
| Name                                                                            | Rey Leon           |
| Home Address                                                                    | [REDACTED]         |
| Primary Phone                                                                   | [REDACTED]         |
| Alternative Phone                                                               | [REDACTED]         |
| Email                                                                           | [REDACTED]         |
| Date of Birth                                                                   | [REDACTED]         |
| Do you qualify as a low-income individual under the Federal Poverty Guidelines? |                    |
| No                                                                              |                    |
| — EMPLOYMENT —                                                                  |                    |
| Employer                                                                        | The LEAP Institute |
| Job Title                                                                       | Executive Director |



**Employer Address****— TARGET AREA REPRESENTATIVE —****Target Area You Live In**

Target Area B

**Please give a statement of qualifications/how you can contribute to Fresno EOC (This will be included on the ballot. You may use a separate sheet if necessary.)**

Long time leadership and commitment to rural community and farmworker families

**Must attach documentation of age and residency.**

- [693457227-IMG-20220118-WA0002.jpg](#)

**ADDITIONAL QUALIFICATIONS**

**Briefly explain why are you interested in serving on the EOC Board of Commissioners?**

To be the voice for Farmworker families and rural communities in Fresno county

**Briefly explain your qualifications or areas of demonstrated expertise for the EOC Board.**

Over 20 years of Successful advocacy, organizing, coalition building and program development to improve quality of life of farmworker families and communities

**What experience or special knowledge can you bring to the Fresno EOC Board of Commissioners?**

Grassroots organizer, coalition builder, systems change agent and policymaker.

**Reference 1****Name**

Neal Costanzo

**Organization**

Costanzo Law Firm

**Position**

Lead attorney

**Phone****Reference 2****Name**

Dr. Kathy Murphy, M.D.

**Organization**

Valley Children's Hospital

**Position**

ER Doctor

**Phone**



**DISCLAIMER AND SIGNATURE**



I agree to the privacy policy.

**Signature**



**From:** [Fresno Economic Opportunities Commission Forms](#)  
**To:** [Karina Perez](#); [Elionora Vivanco](#); [Elections](#)  
**Subject:** New submission: Board of Commissioners Application Form  
**Date:** Friday, October 4, 2024 4:20:40 PM

---

**Fresno EOC IT Notice:**  
**External Message. Think before you click!**

**A user has submitted the Fresno Economic Commission Form**

*Please review the submission below.*

|                                                                                 |                                                             |
|---------------------------------------------------------------------------------|-------------------------------------------------------------|
| — APPLICANT INFORMATION —                                                       |                                                             |
| Name                                                                            | Alysia Lavon Bonner                                         |
| Home Address                                                                    | <div><div></div><div></div></div><br><a href="#">Map It</a> |
| Primary Phone                                                                   | <div></div>                                                 |
| Email                                                                           | <div></div>                                                 |
| Date of Birth                                                                   | <div></div>                                                 |
| Do you qualify as a low-income individual under the Federal Poverty Guidelines? | Yes                                                         |
| — EMPLOYMENT —                                                                  |                                                             |
| Employer                                                                        | County of Fresno                                            |
| Job Title                                                                       | Supervising Office Assistant                                |
| Employer Address                                                                | <div></div>                                                 |

United States

[Map It](#)

— TARGET AREA REPRESENTATIVE —

**Target Area You Live In**

Target Area F

**Please give a statement of qualifications/how you can contribute to Fresno EOC (This will be included on the ballot. You may use a separate sheet if necessary.)**

I am thankful for the opportunity to volunteer and represent Target Area F. I show up and actively participate in the process. Because it is critical that I participate and help in the effort to develop strategies that will fight poverty. Having served on the board since 2021, I understand how important it is to speak up and ask questions to ensure all communities are heard.

I have a proven track record for compassion to invest into and empower my community for a brighter future.

I would be honored to have your support to continue to represent and serve as your Commissioner for Target Area F.

Thank you,

Alysia Bonner

**Must attach documentation of age and residency.**

- [Alysia-Bonner-AddressID.pdf](#)

**ADDITIONAL QUALIFICATIONS**

**Briefly explain why are you interested in serving on the EOC Board of Commissioners?**

The work to fight and end poverty is a heavy lift. But if we come together, we can eradicate the systemic systems that cause poverty. There is a saying "Many hands make light work", that is why it is important for all members of the Target Areas voice is heard. Lived experiences shared, and together we can advocate for effective methods to help our most vulnerable. My heart's desire is to help people help themselves, and that is my driving force to stay active on the EOC board of Commissioners.

**Briefly explain your qualifications or areas of demonstrated expertise for the EOC Board.**

I have many years of experience in decision making roles. I have represented over 50,000 workers as an elected member volunteer President of Service Employees International Union (SEIU) Local 521. As a board member on the SEIU State Council California with over 750,000 members. My board experience also includes the following volunteer positions: President for NAACP Fresno 1038-B, Vice President for the Central Labor Council for Fresno, Madera, Tulare & Kings Counties, Director for Fresno Regional Workforce Development board, Commissioner for Fresno Economic Opportunities Commission, and Elected Trustee for Fresno County Employees Retirement board.

**What experience or special knowledge can you bring to the Fresno EOC Board of Commissioners?**

What experience or special knowledge I can bring to the board, is to be authentic, be ready to serve the people, and to help create opportunities for others to step up and out of poverty.

**Reference 1**

**Name**

Dillon Savory

|                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Organization</b>                                                                                                           |
| Central Labor Council                                                                                                         |
| <b>Position</b>                                                                                                               |
| CEO                                                                                                                           |
| <b>Phone</b>                                                                                                                  |
| <div></div>                                                                                                                   |
| <b>Reference 2</b>                                                                                                            |
| <b>Name</b>                                                                                                                   |
| Elizabeth Camarena                                                                                                            |
| <b>Organization</b>                                                                                                           |
| SEIU Local 521                                                                                                                |
| <b>Position</b>                                                                                                               |
| Director                                                                                                                      |
| <b>Phone</b>                                                                                                                  |
| <div></div>                                                                                                                   |
| <b>DISCLAIMER AND SIGNATURE</b>                                                                                               |
| <div> I agree to the privacy policy.</div> |
| <b>Signature</b>                                                                                                              |
| <div><div></div></div>                     |

**From:** [Fresno Economic Opportunities Commission Forms](#)  
**To:** [Karina Perez](#); [Elionora Vivanco](#); [Elections](#)  
**Subject:** New submission: Board of Commissioners Application Form  
**Date:** Thursday, October 31, 2024 3:29:26 PM

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**Fresno EOC IT Notice:**  
**External Message. Think before you click!**

**A user has submitted the Fresno Economic Commission Form**

*Please review the submission below.*

|                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| — APPLICANT INFORMATION —                                                                                                                                        |
| <b>Name</b>                                                                                                                                                      |
| Earl Brown                                                                                                                                                       |
| <b>Home Address</b>                                                                                                                                              |
| <div></div> <div><a href="#">Map It</a></div>                                                                                                                    |
| <b>Primary Phone</b>                                                                                                                                             |
| <div></div>                                                                                                                                                      |
| <b>Email</b>                                                                                                                                                     |
| <div></div>                                                                                                                                                      |
| <b>Date of Birth</b>                                                                                                                                             |
| <div></div>                                                                                                                                                      |
| <b>Do you qualify as a low-income individual under the Federal Poverty Guidelines?</b>                                                                           |
| No                                                                                                                                                               |
| — EMPLOYMENT —                                                                                                                                                   |
| <b>Employer</b>                                                                                                                                                  |
| None                                                                                                                                                             |
| — TARGET AREA REPRESENTATIVE —                                                                                                                                   |
| <b>Target Area You Live In</b>                                                                                                                                   |
| Target Area G                                                                                                                                                    |
| Please give a statement of qualifications/how you can contribute to Fresno EOC (This will be included on the ballot. You may use a separate sheet if necessary.) |

I am currently serving as a commissioner since 1/1/23. I believe my background fit well with the mission and vision FCEOC.

**Must attach documentation of age and residency.**

- [drivers-license1.pdf](#)

### **ADDITIONAL QUALIFICATIONS**

**Briefly explain why are you interested in serving on the EOC Board of Commissioners?**

I currently serve and would like to continue.

**Briefly explain your qualifications or areas of demonstrated expertise for the EOC Board.**

I have experience working with programs as an employee, board member, board chairman, and consultant.

**What experience or special knowledge can you bring to the Fresno EOC Board of Commissioners?**

I have worked in farm labor, construction, housing, government, private sector and community based organizations.

### **Reference 1**

**Name**

Keshia Thomas

**Organization**

FUSD

**Position**

Trustee

**Phone**

[REDACTED]

### **Reference 2**

**Name**

James Parks

**Organization**

Westside Community Church

**Position**

Pastor

**Phone**

[REDACTED]

### **DISCLAIMER AND SIGNATURE**



I agree to the privacy policy.

**Board of Commissioners Application Form : Entry #  
54767****— APPLICANT INFORMATION —****Name**

Debra D. McKenzie

**Home Address**

[REDACTED]  
[REDACTED]  
[REDACTED]

[Map It](#)**Primary Phone**

[REDACTED]

**Alternative Phone**

[REDACTED]

**Email**

[REDACTED]

**Date of Birth**

[REDACTED]

**Do you qualify as a low-income individual under the Federal Poverty Guidelines?**

No

**— EMPLOYMENT —****Employer**

Central California Legal Services

**Job Title**

Director of Administration

**Employer Address**

[REDACTED]  
[REDACTED]  
[REDACTED]

[Map It](#)**— TARGET AREA REPRESENTATIVE —****Target Area You Live In**

Target Area H



## Board of Commissioners Application Form : Entry # 54767

**Please give a statement of qualifications/how you can contribute to Fresno EOC (This will be included on the ballot. You may use a separate sheet if necessary.)**

As a seasoned administrative management professional with over 15 years of experience in local government and non-profit sectors, I bring a wealth of expertise in strategic planning, budget management, and community engagement. My career has been dedicated to enhancing operational efficiency, fostering community partnerships, and driving impactful initiatives that align with organizational missions. My deep understanding of the challenges faced by low-income communities, combined with my proven ability to secure funding and manage large-scale projects, positions me to contribute effectively to the Fresno EOC's mission of ending poverty. I am committed to leveraging my skills to represent and advocate for the needs of the target area residents, ensuring that their voices are heard and their needs are met.

**Must attach documentation of age and residency.**

- [DMcKenzie-Drivers-License.jpg](#)

### ADDITIONAL QUALIFICATIONS

**Briefly explain why are you interested in serving on the EOC Board of Commissioners?**

I am passionate about empowering communities and addressing systemic barriers to economic opportunities. Serving on the Fresno EOC Board of Commissioners would allow me to contribute directly to initiatives that make a tangible difference in the lives of low-income residents. My background in managing programs that support vulnerable populations, coupled with my commitment to social equity, aligns closely with Fresno EOC's mission. I am eager to bring my experience in public service and non-profit management to the Board to help shape policies and programs that promote economic self-sufficiency and community well-being.

**Briefly explain your qualifications or areas of demonstrated expertise for the EOC Board.**

I have extensive experience in strategic planning, budget management, and community engagement, all of which are critical to the role of a Commissioner. My expertise in securing and managing large-scale grants has enabled organizations to expand services and reach more residents in need. Additionally, my leadership roles have involved overseeing complex projects that require collaboration across multiple stakeholders, ensuring that initiatives are both effective and sustainable. My work in local government and the non-profit sector has given me a comprehensive understanding of the regulatory and operational challenges that organizations like Fresno EOC face, and I am well-equipped to provide strategic guidance on these matters.

**What experience or special knowledge can you bring to the Fresno EOC Board of Commissioners?**

I bring a unique blend of experience in government and non-profit management, with a proven track record of improving service delivery and operational efficiency. My work as the Director of Administration at Central California Legal Services has provided me with insight into the needs and challenges of low-income communities, and my experience in securing millions of dollars in funding has taught me the importance of resource stewardship in achieving organizational goals. Furthermore, my involvement in community planning and development as a former Commissioner for the City of Fresno has equipped me with the knowledge to advocate for policies that foster equitable development and access to opportunities for all residents.

Resume:

Seasoned administrative management professional with 15+ years of experience in local government and non-profit sectors. Expertise in strategic planning, budget management, and team leadership. Proven track record of enhancing operational efficiency, fostering community partnerships, and driving impactful initiatives. Proficient at navigating complex regulatory environments and delivering results in dynamic settings. Committed to advancing organizational goals and improving community outcomes.

Strategic Planning and Visionary Leadership: Strong working knowledge in developing and implementing long-term strategic plans that align with the organization's mission and goals, ensuring sustainable growth and impactful outcomes.

## Board of Commissioners Application Form : Entry # 54767

Fundraising and Financial Management: Expertise in securing funding through grants, donations, and partnerships, along with strong financial oversight skills to manage budgets effectively and ensure fiscal responsibility.

Community Engagement and Partnership Building: Proficiency in building and maintaining relationships with diverse community stakeholders, including donors, volunteers, government agencies, and other nonprofits, that foster collaboration and support for the organization.

Program Development and Evaluation: Skilled in designing, implementing, and evaluating programs and services that meet the needs of the community, ensuring they are effective, efficient, and aligned with the organization's objectives.

Team Leadership and Human Resources Management: Strong leadership abilities to inspire, motivate, and manage a diverse team, including staff and volunteers, while fostering a positive organizational culture and ensuring professional development and performance management.

Technical Skills: PeopleSoft Financial and Budget Modules, Tyler Munis Financials, Paylocity, OnePoint, Abila and Microix Accounting Software

### CAREER EXPERIENCE

Central California Legal Services | Fresno, CA

Director of Administration | August 2019 - Present

Lead implementation of the vision through daily operations of Human Resources, Facilities, IT, and Fiscal Services teams that support the 100 person CCLS organization.

Align program and administrative strategies to the overall organizational objectives to ensure cohesion among executive leadership and other stakeholders.

Manage the administrative portion of the \$10,000,000 annual budget to drive innovation, impact, and efficiency while being fiscally responsible.

Negotiate the collective bargaining agreement, and monitor it to ensure alignment with organizational goals and compliance with labor regulations. Resulting in improved labor relations.

Partner with the Human Resources Director to champion a purposeful restructure of critical financial and technological infrastructure, creating new learning management and redeploying staff to expand capacity. Leading to 50% lower rates of turnover and absenteeism within administrative teams.

Mobilize an internal public relations committee resulting in 100% participation by each substantive legal team to create website content, and increase client engagement with our website by 50%.

City of Madera Administrative Office | Madera, CA

Program Manager | June 2017 - June 2019

Planned, organized, directed, and coordinated the activities of the City's transit services, including grant and proposal writing, program development, contract procurement and oversight, administration of grant funds, and accounting and reporting for the approximately \$1.9 million dollar budget.

Secured \$5M in funding for expanding and adding more efficiency to the public transit system that serviced 110,000 residents and customers annually.

Secured \$7M+ in grants which served the community by hiring additional law enforcement for community policing and crime prevention, providing more access to public transportation, and building a new public transit center.

County of San Joaquin Administrative Office | Stockton, CA

Senior Deputy Administrative Officer | June 2014 - August 2015

Led the development and implementation of strategic initiatives across 25 county departments, optimizing operational efficiency and achieving a 15% improvement in service delivery.

Administered fiduciary duties of \$235 million annual budgets, ensuring fiscal responsibility of public funds through detailed financial planning, analysis, and reporting.

Spearheaded cross-departmental collaboration efforts to streamline processes and enhance interdepartmental communication, leading to a 25% increase in human resources department project completion rates.

Oversaw the negotiation and administration of contracts and agreements with vendors and service providers, ensuring compliance

**Board of Commissioners Application Form : Entry # 54767**

with county policies and maximizing value for public funds.

Directed the implementation of new technology solutions and administrative systems, enhancing data management and reporting capabilities, which improved decision-making processes and increased transparency.

County of Fresno Administrative Office | Fresno, CA

Principal Administrative Analyst | July 2008 - June 2014

Gang Task Force Coordinator | September 2007 - March 2012

Led the design and execution of regional assessments, identified and analyzed resource gaps, and presented a five year strategic plan to staff, elected officials, and community partners.

Received national recognition for the County's gang prevention initiative

Landed \$1.2M in competitive funds for launching a six-city plan with law enforcement to lead community driven education and partnership sessions that saw a drop in gang-related crime over a three year period.

Conducted comprehensive analyses of county policies, programs, and budgets, providing data-driven recommendations that led to a 15% increase in operational efficiency and cost savings.

Developed and presented detailed reports and briefings to senior management and the Board of Supervisors, effectively communicating complex information and influencing policy decisions.

Led interdepartmental teams in the design and implementation of strategic initiatives, resulting in the successful completion of high-impact projects ahead of schedule and under budget.

Managed the annual budget development process for multiple county departments, ensuring accuracy, compliance with regulations, and alignment with strategic priorities, leading to a balanced budget for three consecutive years.

Coordinated performance measurement and evaluation efforts across county programs, identifying key performance indicators and implementing tracking systems that improved program accountability and outcomes by 20%.

**EDUCATION, CERTIFICATIONS, & AFFILIATIONS**

Master of Business Administration | Regis University

Bachelor of Arts | Concordia University

Board of Directors | Sierra Health Foundation

DEI in the Workplace Certificate | University of South Florida, MUMA College of Business

Certificate in Nonprofit Management | OneJustice Executive Fellowship

Former Commissioner | City of Fresno Planning Commission

Former Commissioner | City of Fresno Housing and Community Development

Graduate | City of Madera Citizen's Police Academy

Graduate | San Joaquin County Sheriff's Citizens Academy

Graduate | San Joaquin Political Academy, Fresno Chamber of Commerce

Graduate | City of Fresno Citizen's Academy

**Reference 1****Name**

Joe Hebert

**Organization**

City of Madera

**Position**

**Board of Commissioners Application Form : Entry # 54767**

Director of Parks &amp; Recreation

**Phone****Reference 2****Name**

Allysunn Walker

**Organization**

Southwest Fresno Community Development Corporation

**Position**

President &amp; CEO

**Phone****DISCLAIMER AND SIGNATURE**

I agree to the privacy policy.

I certify under penalty of perjury the above information is true and that:

- I am or will be 18 years of age or older;
- I am not an employee of Fresno EOC nor a member of the immediate family of an employee of Fresno EOC;
- I have read and understand the Fresno EOC Commissioner Job Description and have the capacity to serve;
- I understand there is a mandatory training for new commissioners, monthly board meetings and an annual board retreat;
- I am not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency;
- I have not been convicted of or had a civil judgment rendered against me for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, for violation of federal and state antitrust statutes or for commission of embezzlement,

**ADDITIONAL QUALIFICATIONS**

Page 3 of 3

theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- I have not been indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses above; and
- I have not had any public transactions (federal, state or local) terminated for cause or default during the three years prior to the application.
- I am aware that I may be required to file Statements of Economic Interest forms (Form 700) disclosing certain types of information so that the public can be made aware of potential conflicts of interests. The types of disclosures are: Investments; Interests in Real Property held by a Business Entity or Trust; Investments Held by a Business Entity or Trust Income (other than loans and gifts); Income – Travel Payments, Advances, Reimbursements; Income Gifts; Business Positions; Commission Income Received by Brokers, Agents, and Salespersons; Income and Loans to a Business Entity or Trust Income from Rental Property.

**Signature**

**Board of Commissioners Application Form : Entry #  
54767****Notes****Admin Notification (ID: 65a8096ea0d12)**

added August 26, 2024 at 9:53 pm

WordPress successfully passed the notification email to the sending server.

**Admin Notification (ID: 65a8096ea0d12)**

added 3 mins ago

WordPress successfully passed the notification email to the sending server.

**From:** [Chavira, Aldo](#)  
**To:** [Elionora Vivanco](#)  
**Subject:** Re: Fresno EOC: Target Area B CONTESTED Election  
**Date:** Thursday, November 21, 2024 2:56:10 PM  
**Attachments:** [image001.png](#)

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**Fresno EOC IT Notice:**  
**External Message. Think before you click!**

Good afternoon,

My apologies for the delay in my reply. Currently, I have been working on other projects that have taken up a lot of my time. I originally was led to believe that there was no one running for contested area B. After looking through the emails, I have decided to step back and leave it to Rey Leon. I have met with Rey before, and I think he should remain in place for EOC as he is an amazing candidate. I would like to withdraw from this election with the hope of trying again potentially in the future. Thank you for your time and consideration.

Regards,

*Aldo Jay Chavira*  
*Biology Teacher*  
*Riverdale High School*  
*P~(559) 891-4429*



**From:** [Danielle Parra](#)  
**To:** [Fresno EOC](#)  
**Subject:** Re: Fresno EOC: Target Area "C" NOT Contested Election  
**Date:** Tuesday, December 3, 2024 1:21:48 PM  
**Attachments:** [image001.png](#)

---

**Fresno EOC IT Notice:**  
**External Message. Think before you click!**

Hi Elionora,

I would like to kindly rescind my candidacy to serve as an EOC board member for Target Area C.

Could you please let me know if there is a specific process for this?

Thank you,

Danielle Parra



## BOARD OF COMMISSIONERS MEETING

|                                               |                                    |
|-----------------------------------------------|------------------------------------|
| <b>Date:</b> December 16, 2024                | <b>Program:</b> Executive Office   |
| <b>Consent Agenda Item #:</b> 8_3             | <b>Director:</b> N/A               |
| <b>Subject:</b> Community Sector Applications | <b>Officer:</b> Michelle Tutunjian |

### Recommended Action

The Bylaws Committee recommends the review and acceptance of the following Community Sector applicants.

- Steven Taylor - National Association for the Advancement of Colored People
- Lauren Nikkel - Fresno County Economic Development Corporation
- Jalyssa Jenkins-McGill - Head Start County-Wide Policy Council

### Background

This item was presented during the November 18, 2024, Bylaws Committee Meeting where Committee Members reviewed and approved for full Board consideration.

On an annual basis, the Commission holds a Board Election for the expiring terms.

*Per the agency Bylaws: "Community Sector Commissioners may consist of representatives of business, industry, labor, religious, law enforcement, youth, education, social services, and/or multicultural organizations that can contribute or mobilize economic and human resources, ethnic and racial diversity and balance to the Commission as a whole, and is supportive of the mission and objectives of the agency."*

The Executive Committee recommended for staff to re-open the application period to fill the remaining Community Sector seat.

### Fiscal Impact

Action on this agenda item will have no fiscal impact.

### Conclusion

If accepted by the Board, the applicants will serve a three-year term effective January 1, 2025. If not accepted by the Committee, the Board will have several vacant seats and be out of compliance.



**From:** [Fresno Economic Opportunities Commission Forms](#)  
**To:** [Karina Perez](#); [Elionora Vivanco](#); [Elections](#)  
**Subject:** New submission: Board of Commissioners Application Form  
**Date:** Friday, October 4, 2024 4:10:43 PM

---

**Fresno EOC IT Notice:**  
**External Message. Think before you click!**

**A user has submitted the Fresno Economic Commission Form**

*Please review the submission below.*

|                                                                                 |                                                                                  |
|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| — APPLICANT INFORMATION —                                                       |                                                                                  |
| Name                                                                            | Steven Taylor                                                                    |
| Home Address                                                                    | <div>██████████<br/>██████████<br/>██████████</div> <a href="#">Map It</a>       |
| Primary Phone                                                                   | ██████████                                                                       |
| Email                                                                           | ██████████@██████████.t                                                          |
| Date of Birth                                                                   | ██████████                                                                       |
| Do you qualify as a low-income individual under the Federal Poverty Guidelines? | No                                                                               |
| — COMMUNITY SECTOR REPRESENTATIVE —                                             |                                                                                  |
| Organization Representing Name                                                  | National Association for the Advancement of Colored People Fresno Branch #1038-B |
| # of years as a Fresno County Resident                                          | 28                                                                               |
| Organization Address                                                            | NAACP<br>████████████████████████████████████████                                |

[Map It](#)

**How will the organization and you be an asset to Fresno EOC?**

Ongoing effort to fight poverty. Work as a partner with Fresno EOC to make the 2023 -2026 Strategic Plan a success. Fight with Fresno EOC to identify the root cause of Structural Racism and provide real solutions. Continue to seek out ways to help the working poor and provide Resolutions through our NAACP and EOC to raise the poverty income limits for working households to quality for Head Start and other federal programs.

By actively engaging with our Economic Opportunity Commission, organizations and the members our city NAACP Branch can play a crucial role in promoting economic development and opportunity in our communities. This collaboration not only benefits the immediate recipients of the EOC's programs but also contributes to building a more equitable and prosperous society overall.

**List the reasons your organization is interested in Fresno EOC Board of Commissioners**

1. Expertise Sharing:
2. Community Outreach and Engagement.
3. Policy Advocacy and Development.
4. Resource Mobilization.
5. Program Implementation and Support.
6. Research and Data Analysis.
7. Innovative Solutions and Technology.
8. Volunteerism.
9. Capacity Building.
10. Collaborative Projects.

**— TARGET AREA REPRESENTATIVE —**

**Must attach documentation of age and residency.**

- [EOC-2025-Commissioner.docx](#)

**ADDITIONAL QUALIFICATIONS**

**Briefly explain why are you interested in serving on the EOC Board of Commissioners?**

With established networks and credibility within the community, I and the Fresno Branch NAACP can significantly aid the EOC in reaching more individuals and families who could benefit from its services. This includes disseminating information about EOC programs, events, and resources.

**Briefly explain your qualifications or areas of demonstrated expertise for the EOC Board.**

Leader well known in the Community as a volunteer with the Fresno Branch NAACP, Commander of American Legion Post 511, active member of Saints Community COGIC, Senior Warden King Solomon Masonic Lodge #6 F&AM , Over 22 years Staff Services Manager State of California, Vice President of Edison Tennis Club, Husband, father Grand father , Coach and Mentor, Hold a MS in Counseling working on Ph.D. Psychology Behavior Health, Retired Military and Disabled American Veteran.

**Reference 1**

**Name**

Jimi Rogers

**Organization**

Association of Black Social Workers

|                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Position</b>                                                                                                                        |
| Member                                                                                                                                 |
| <b>Phone</b>                                                                                                                           |
| <div></div>                                                                                                                            |
| <b>Reference 2</b>                                                                                                                     |
| <b>Name</b>                                                                                                                            |
| Bruce McAlister                                                                                                                        |
| <b>Organization</b>                                                                                                                    |
| West Fresno Faith Based Organization                                                                                                   |
| <b>Position</b>                                                                                                                        |
| Member                                                                                                                                 |
| <b>Phone</b>                                                                                                                           |
| <div></div>                                                                                                                            |
| <b>DISCLAIMER AND SIGNATURE</b>                                                                                                        |
| <div><div></div> I agree to the privacy policy.</div> |
| <b>Signature</b>                                                                                                                       |
| <div><div></div></div>                              |



**NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLLORED PEOPLE**

**Fresno Branch -1038-B 1900 Mariposa Ste #100 C \* Fresno, CA 93721**

**Mailing Address P.O. Box 12301, Fresno, CA 9377-2301**

September 26, 2024

Re: Resolution Fresno Branch NAACP EOC Commissioner Appointment

Attn: Fresno EOC Board Chair – Oliver Baines

WHEREAS, the Fresno Branch 1038-B desires to authorize current Branch member and Economic Opportunities Board member Steven Taylor to serve on the EOC Board of Commissioners for the upcoming Term Period starting January 2025.

Sincerely,

Alysia Bonner, Branch President

Fresno NAACP #1038-B

**From:** [Fresno Economic Opportunities Commission Forms](#)  
**To:** [Karina Perez](#); [Elionora Vivanco](#); [Elections](#)  
**Subject:** New submission: Board of Commissioners Application Form  
**Date:** Friday, October 4, 2024 1:22:46 PM

---

**Fresno EOC IT Notice:**  
**External Message. Think before you click!**

**A user has submitted the Fresno Economic Commission Form**

*Please review the submission below.*

— APPLICANT INFORMATION —

**Name**

Lauren Mae Nikkel

**Home Address**



[Map It](#)

**Primary Phone**



**Email**



**Do you qualify as a low-income individual under the Federal Poverty Guidelines?**

No

— EMPLOYMENT —

**Employer**

Fresno County Economic Development Corporation

**Job Title**

Director of Business Services

**Employer Address**



[Map It](#)

— COMMUNITY SECTOR REPRESENTATIVE —

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Organization Representing Name</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Fresno County Economic Development Corporation                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b># of years as a Fresno County Resident</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1981                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Organization Address</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <br><a href="#">Map It</a>                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>How will the organization and you be an asset to Fresno EOC?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>Fresno County EDC conducts economic development work on behalf of the County of Fresno and 14 cities in Fresno County. This includes business attraction, expansion, and retention projects. We strive to assist businesses with locating and thrive in Fresno County, and seek to bring in employers and industry who have a vested interest in providing skills training and employing our residents. Our mission is well-aligned with EOC's commitment to eradicating poverty in Fresno County.</p> |
| <b>List the reasons your organization is interested in Fresno EOC Board of Commissioners</b>                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Fresno County EDC has been a longtime partner of the EOC, and works in collaboration with EOC staff at the VAC to provide skills training to Fresno County residents for the building and construction trades. We believe that economic opportunities should extend to all residents of Fresno County, and are committed to providing high quality training pathways for historically underserved populations.</p>                                                                                     |
| <b>ADDITIONAL QUALIFICATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Briefly explain why are you interested in serving on the EOC Board of Commissioners?</b>                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>I'm very interested to serve on this board to grow in my knowledge about what Community Action, and to find ways for our organizations can partner and share resources on behalf of Fresno County.</p>                                                                                                                                                                                                                                                                                                 |
| <b>Briefly explain your qualifications or areas of demonstrated expertise for the EOC Board.</b>                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>I have 15 years of experience working with nonprofit organizations, from grassroots literacy to higher education and workforce development. I have 4 years of demonstrated impact in designing and funding workforce projects.</p>                                                                                                                                                                                                                                                                     |
| <b>What experience or special knowledge can you bring to the Fresno EOC Board of Commissioners?</b>                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>I like to joke that I am a grant writer by trade, but I really am! The bulk of my career has been in fund development and grants coordination. I have special interest in renewable energy technologies and how we can leverage them for long-term climate solutions -- and maximize them to include skills training opportunities.</p>                                                                                                                                                                |
| <b>Reference 1</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Name</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Will Oliver                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Organization</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Fresno County Economic Development Corporation                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Position</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| President & CEO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

**Phone**

[REDACTED]

**Reference 2**

**Name**

Ricky Bravo

**Organization**

Neighborhood Industries

**Position**

Communications and Development Director

**Phone**

[REDACTED]

**DISCLAIMER AND SIGNATURE**



I agree to the privacy policy.

**Signature**



RESOLUTION NO. 9.30.24

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE FRESNO COUNTY ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING SUBMISSION OF NOMINATION TO THE BOARD OF COMMISSIONERS OF

THE FRESNO ECONOMIC OPPORTUNITES COMMISSION

BE IT RESOLVED, by the Executive Committee of the Fresno County Economic Development Corporation as follows:

Authorization is hereby given for the submission of the nomination of Lauren Nikkel, Director of Business Services of the Fresno County Economic Development Corporation, to the Board of Commissioners of the Fresno Economic Opportunities Commission (EOC). A copy of the Resolution may be filed with the Board Secretary of the EOC in satisfaction of the nomination condition demonstrating authorization of the affected entity.

**CERTIFICATION**

The foregoing Resolution was passed and adopted by the Executive Committee of the Fresno County Economic Development Corporation on the 30<sup>th</sup> day of September 2024.



---

Nick Audino

Fresno County Economic Development  
Corporation, Board Chairman



**From:** [Fresno Economic Opportunities Commission Forms](#)  
**To:** [Karina Perez](#); [Elionora Vivanco](#); [Elections](#)  
**Subject:** New submission: Board of Commissioners Application Form  
**Date:** Friday, October 4, 2024 1:04:32 PM

---

**Fresno EOC IT Notice:**  
**External Message. Think before you click!**

**A user has submitted the Fresno Economic Commission Form**

*Please review the submission below.*

— APPLICANT INFORMATION —

**Name**

Jalyssa Allysse Jenkins-McGill

**Home Address**



[Map It](#)

**Primary Phone**



**Email**



**Date of Birth**



**Do you qualify as a low-income individual under the Federal Poverty Guidelines?**

Yes

— EMPLOYMENT —

**Employer**

Fresno City College

**Job Title**

Full Time Student

— TARGET AREA REPRESENTATIVE —

**Must attach documentation of age and residency.**

- [Resolution-Letter-1.pdf](#)

## ADDITIONAL QUALIFICATIONS

### Briefly explain why are you interested in serving on the EOC Board of Commissioners?

I am interested in being an EOC Commissioner because I love children and want to help implement change and growth wherever I can. I believe being on the board was a calling for me. As a mother of 9 children, I have seen deficits when it came to social emotional goals and teachings when my children were young. I did not know where to go. Once, I have children in the Head Start/Early Head Start program I felt empowered. My children felt empowered. I want to be able to bring those feelings to other parents and children. The EOC program has so many resources that I want to bring to all of our centers as well as to our families who participate in our programs. I want to be the extension of the EOC program. Being a commissioner means I get to voice both positive and areas of improvement for everyone. From our center directors, parents, and of course of children. Being an EOC commissioner gives me the front row seat to help navigate and steer our parents in the right directions. Like Whitney Houston said, "the children are the future." In knowing that, I want to help bridge the gaps between our parents and children when it comes to the knowledge of our program and what we can assist with.

### Briefly explain your qualifications or areas of demonstrated expertise for the EOC Board.

I am a Head Start child  
 My older brother is a Head Star Child  
 I have had 5 children in the Head Start Program  
 My mother Zina Brown-Jenkins was the former EOC Commissioner  
 I have served on the Personnel Committee I have also served as the Secretary and Vice Chairperson for 4 + years  
 Through the time my children were in the Head start/Early Head start I have served as a Chairperson and Representative for our center.

### What experience or special knowledge can you bring to the Fresno EOC Board of Commissioners?

As a mother of 9 sons, I have firsthand knowledge of how imperative it is to have male involvement in our program. I will work to show a positive environment for a male presence in our program. This is not just a father but any caregiver who shows interest in the child's life. Serving as a Secretary and Vice-Chairperson for our County Wide meetings gives me the insight to know where I feel we may fall short in our program. Holding these seats in our program also helps me navigate for other parents. I bring a mind as a mother. I bring a mind as a mother of all sons. I bring a mind of a mother who has children with mental health diagnosis, which a lot of parents have but do not want to say. I want to make struggles ok to talk about and get help. For example, our partners with EPU. I talk to my parents all the time about how they can get their children assessed. Being the Vice-Chairperson, I know the ins and outs of our meetings. Being on our EOC Executive Board I have first hand knowledge of what conversations need to be had. My ultimate reason is because like me at a terrible time in my life, I wish I knew the resources and family the EOC provided. I want to make sure I am learning, growing, and sharing this information with any family who wants to listen.

## Reference 1

### Name

Audrey Metcalf

### Organization

Fresno EOC

### Position

Family Engagement/ Volunteer Services Specialist

**Phone**

[REDACTED]

**Reference 2**

**Name**

Maria Zarate

**Organization**

Fresno EOC

**Position**

Family Engagement/ Volunteer Services Specialist

**Phone**

[REDACTED]

**DISCLAIMER AND SIGNATURE**



I agree to the privacy policy.

**Signature**





**A RESOLUTION OF THE COUNTY-WIDE POLICY COUNCIL (CWPC) OF THE  
FRESNO EOC HEAD START 0 TO 5 AUTHORIZING SUBMISSION OF  
NOMINATION TO THE BOARD OF COMMISSIONERS OF THE  
FRESNO ECONOMIC OPPORTUNITIES COMMISSION**

*UNA RESOLUCIÓN DEL CONSEJO DE POLÍTICAS DE TODO EL CONDADO (CWPC) DE FRESNO EOC HEAD START  
0 TO 5 AUTORIZANDO LA PRESENTACIÓN DE LA NOMINACIÓN AL CONSEJO DE COMISARIOS DE LA COMISIÓN  
DE OPORTUNIDADES ECONÓMICAS DE FRESNO*

**BE IT RESOLVED, by the County-Wide Policy Council (CWPC) of the Fresno EOC Head Start 0 to 5,  
County of Fresno, California, as follows:**

*SEA RESUELTO, por el Consejo de Políticas de Todo el Condado (CWPC) de Fresno EOC Head Start 0 a 5,  
Condado de Fresno, California, del modo siguiente:*

**Authorization is hereby given for the submission of the nomination of Jalyssa Jenkins, member  
of the CWPC, to the Board of Commissioners of the Fresno Economic Opportunities Commission ("Fresno  
EOC"). A copy of the Resolution may be filed with the Board Secretary of the Fresno EOC in satisfaction of  
the nomination condition demonstrating authorization of the affected entity.**

*Se otorga la autorización para la presentación de la nominación de Jalyssa Jenkins, miembro del CWPC,  
al Consejo de Comisarios de la Comisión de Oportunidades Económicas de Fresno ("Fresno EOC"). Una copia de  
la Resolución podrá presentarse ante el Secretario del Consejo de Fresno EOC en satisfacción de la condición  
de nominación demostrando la autorización de la entidad afectada.*

**Motion to nominate and recommend Jalyssa Jenkins as the CWPC Representative Board of Commissioners  
was made by Alma Martinez Guillen and seconded by Ashley Prendez. Motion carried.**

*Una moción para nominar y recomendar a Jalyssa Jenkins como Representante del CWPC en el Consejo de  
Comisarios fue hecha por Alma Martinez Guillen y apoyada por Ashley Prendez. Moción aprobada.*

**CERTIFICATION/CERTIFICACIÓN**

**The foregoing Resolution was passed and adopted by the CWPC of the Fresno EOC at a meeting  
thereof held on the 1<sup>st</sup> day of October 2024.**

*La Resolución anterior fue aprobada y adoptada por el CWPC de Fresno EOC en la junta realizada en  
el primer (1) día de octubre del 2024.*

**Fresno EOC Head Start 0 to 5  
Fawnda Cole, CWPC Chairperson/presidenta CWPC**

10-2-2024  
**Date/Fecha**



## BOARD OF COMMISSIONERS MEETING

|                                                        |                                    |
|--------------------------------------------------------|------------------------------------|
| <b>Date:</b> December 16, 2024                         | <b>Program:</b> N/A                |
| <b>Consent Agenda Item #:</b> 8_4                      | <b>Director:</b> N/A               |
| <b>Subject:</b> Chronology of Board Election Extension | <b>Officer:</b> Michelle Tutunjian |

### Recommended Action

The Bylaws Committee recommends review and approval for full Board consideration of the 2024 Chronology of Board Election Extension.

### Background

This item was presented during the November 18, 2024, Bylaws Committee Meeting where Committee Members reviewed and approved for full Board consideration.

There are two qualified candidates in Targe Area B. Staff have provided the following two options below for the Committee review, discussion and selection for the election to take place.

#### Option A:

| <i>Date</i>     | <i>Activity</i>                                                                                                                 |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------|
| Wed.<br>11/27   | Voter registration form deadline to vote in 2024 elections                                                                      |
| Fri.<br>12/6    | Election Close Date.<br><br>Ballots can be hand-delivered by 5:00p.m. If mailed, ballots must be postmarked by December 6, 2024 |
| Thurs.<br>12/12 | Ballots Opened at 12:00 PM at the Fresno EOC location and Virtual Link provided for Public View.                                |
| Mon.<br>12/16   | Present election results at the Board of Commissioners meeting for approval to seat as of January 1, 2025.                      |

#### Option B:

| <i>Date</i>   | <i>Activity</i>                                                                                                                 |
|---------------|---------------------------------------------------------------------------------------------------------------------------------|
| Fri.<br>12/13 | Voter registration form deadline to vote in 2024 elections                                                                      |
| Mon.<br>01/06 | Election Close Date.<br><br>Ballots can be hand-delivered by 5:00p.m. If mailed, ballots must be postmarked by January 6, 2024. |
| Mon.<br>01/13 | Ballots Opened at 12:00 PM at the Fresno EOC location and Virtual Link provided for Public View.                                |
| Mon.<br>01/27 | Present election results at the Board of Commissioners meeting for approval to seat as of January 27, 2025.                     |



### **Fiscal Impact**

Action on this agenda item will have no fiscal impact.

### **Conclusion**

If approved by the Board, staff will carry out the Election for Target Area B. If not approved by the Board, Target Area B will have a vacant seat and be out of compliance.



## BOARD OF COMMISSIONERS MEETING

|                                       |                                    |
|---------------------------------------|------------------------------------|
| <b>Date:</b> December 16, 2024        | <b>Program:</b> N/A                |
| <b>Consent Agenda Item #:</b> 8_5     | <b>Director:</b> N/A               |
| <b>Subject:</b> Board Self-Assessment | <b>Officer:</b> Michelle Tutunjian |

### Recommended Action

The information presented below is intended to keep the Committee informed of the Board Self-Assessment results.

### Background

This information was presented during the November 18, 2024, Bylaws Committee meeting where Committee Members reviewed.

As a way of background, on an annual basis, a Board Self-Assessment is conducted to aid Fresno EOC's Board of Commissioners to:

1. Identify gaps between the standards for effective, nonprofit boards
2. Engage the commissioners in discussions about their effectiveness as a board
3. Ascertain our commissioners' perceptions of knowledge, skills, and processes as they carry out their board roles
4. As applicable, pinpoint areas in which the Board is excelling as well as those requiring improvement.

A total of 63% of the Commissioners completed the Board Self-Assessment. The attached document showcases the analyzed results for the Committee members to engage in a discussion on next steps.

### Fiscal Impact

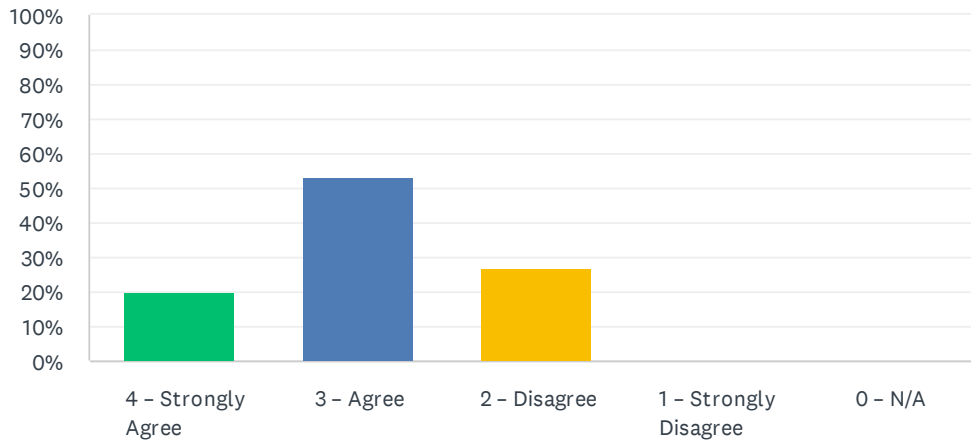
Action on this agenda item will have no fiscal impact.

### Conclusion

The Board Self-Assessment is part of the annual agency risk assessment report. After the Committee reviews, this item will move forward to the December 16, 2024 Board Meeting.

## Q1 The board operates under a set of policies, procedures, and guidelines with which all members are familiar.

Answered: 15 Skipped: 0



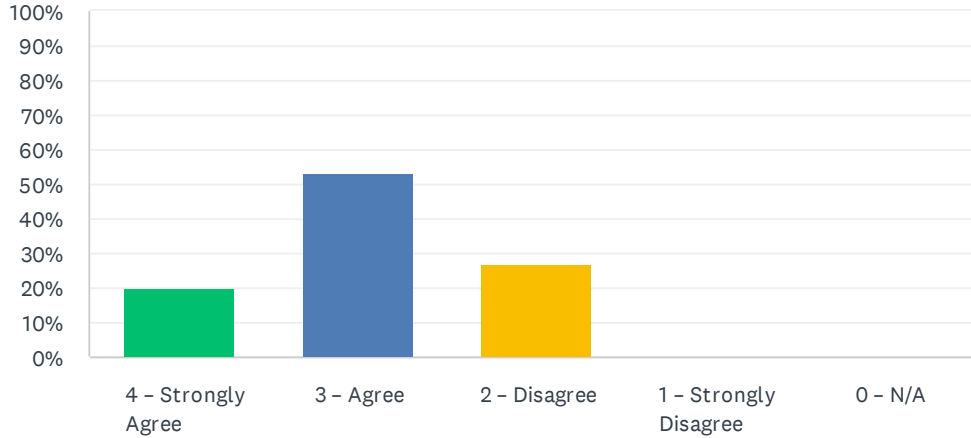
| ANSWER CHOICES        | RESPONSES |           |
|-----------------------|-----------|-----------|
| 4 – Strongly Agree    | 20.00%    | 3         |
| 3 – Agree             | 53.33%    | 8         |
| 2 – Disagree          | 26.67%    | 4         |
| 1 – Strongly Disagree | 0.00%     | 0         |
| 0 – N/A               | 0.00%     | 0         |
| <b>TOTAL</b>          |           | <b>15</b> |

| # | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | DATE               |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1 | While I agree that we have a set of policies and procedures, I don't agree that the board operates according to those policies and procedures. The recent changes in board leadership, the elimination and consolidation of several subcommittees, and the perceived financial conflicts of interests that arise when awarding contracts that are not brought to the full board, are just a few examples of ways that we as commissioners are not fully informed or involved in how this organization operates. | 9/15/2024 4:33 PM  |
| 2 | Some board members are new and are not familiar with all of the procedures and guidelines                                                                                                                                                                                                                                                                                                                                                                                                                       | 9/13/2024 1:08 PM  |
| 3 | Being in set committees for different programs, don't allow us to be that familiar with other and all programs                                                                                                                                                                                                                                                                                                                                                                                                  | 8/31/2024 11:07 AM |
| 4 | I don't think all of the board members are familiar with policies and procedures, including myself!                                                                                                                                                                                                                                                                                                                                                                                                             | 8/28/2024 8:41 AM  |



## Q2 Commissioners play an active role in the organization's strategic planning.

Answered: 15 Skipped: 0

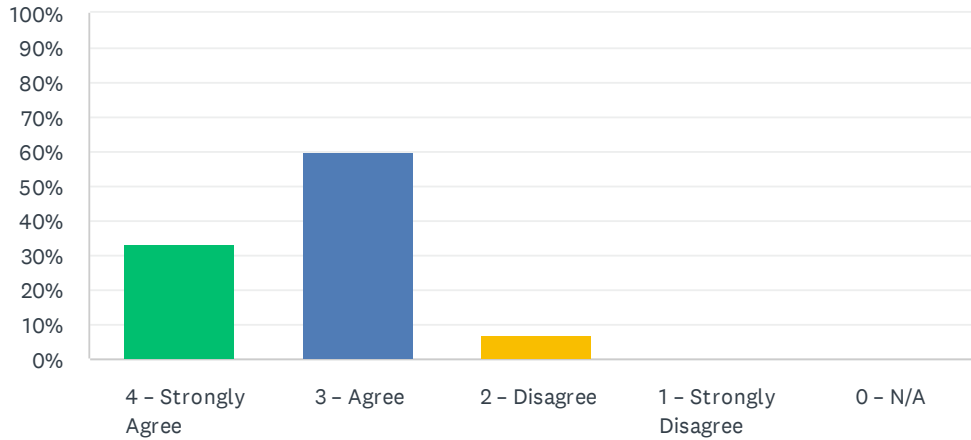


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 20.00%    | 3  |
| 3 – Agree             | 53.33%    | 8  |
| 2 – Disagree          | 26.67%    | 4  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                                                                                                             | DATE               |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1 | Commissioners need to be more actively involved in the strategic planning process. The board retreat would be a great platform to allow Commissioners to work for two days on identifying goals and outcomes for the strategic plan. | 9/15/2024 6:16 PM  |
| 2 | We hear about a lot of things after they have been Set in motion.                                                                                                                                                                    | 8/31/2024 11:07 AM |

### Q3 Our organization's vision and mission is clear and accepted by our board.

Answered: 15 Skipped: 0

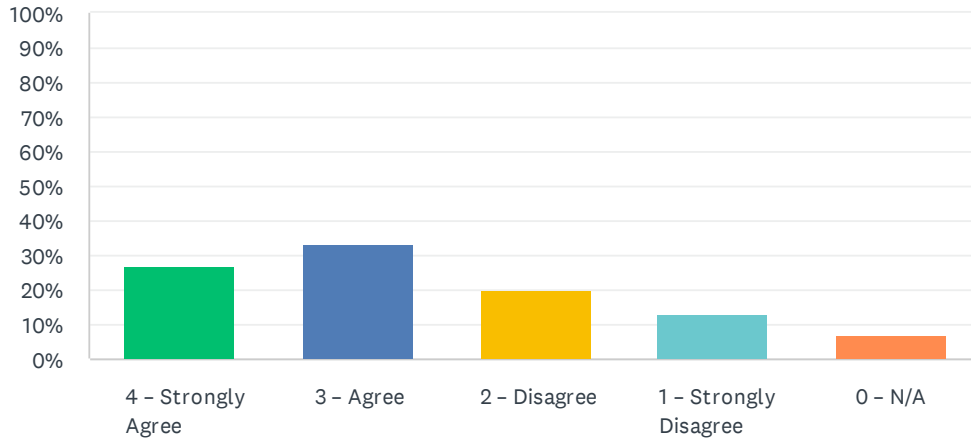


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 33.33%    | 5  |
| 3 – Agree             | 60.00%    | 9  |
| 2 – Disagree          | 6.67%     | 1  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q4 The full board collaboratively reviews and updates the organization's strategic plan on a regular basis.

Answered: 15 Skipped: 0

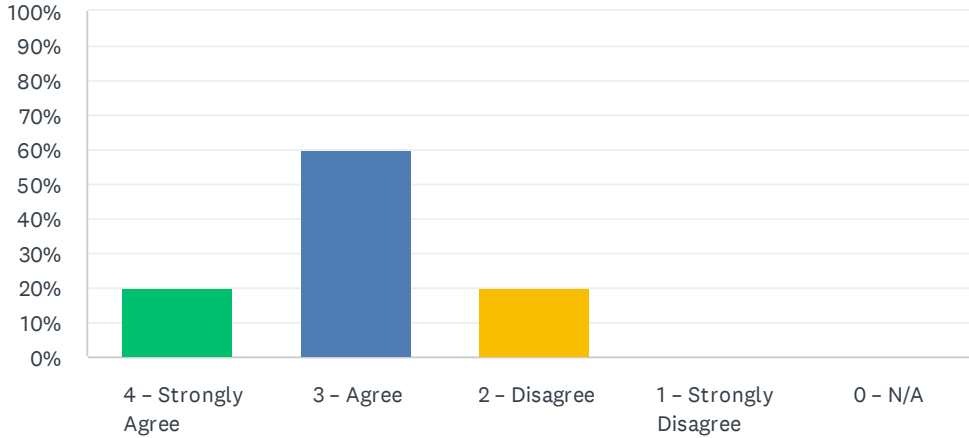


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 26.67%    | 4  |
| 3 – Agree             | 33.33%    | 5  |
| 2 – Disagree          | 20.00%    | 3  |
| 1 – Strongly Disagree | 13.33%    | 2  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                          | DATE               |
|---|-----------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1 | The strategic plan should be reviewed at least quarterly by a special board member to allow ample time for review and discussion. | 9/15/2024 6:16 PM  |
| 2 | The board has requested to be involved of updating the organizations strategic plan, but this has not happened on a regular basis | 9/13/2024 1:08 PM  |
| 3 | I feel it would be better if we met monthly.                                                                                      | 8/31/2024 11:07 AM |
| 4 | I've only been on the board about six months, so don't feel I can speak to regularity just yet.                                   | 8/28/2024 8:41 AM  |
| 5 | When placed on the Agenda                                                                                                         | 8/21/2024 6:05 PM  |

## Q5 Staff develop and carry out annual action plans based on the board–approved strategic plan.

Answered: 15    Skipped: 0

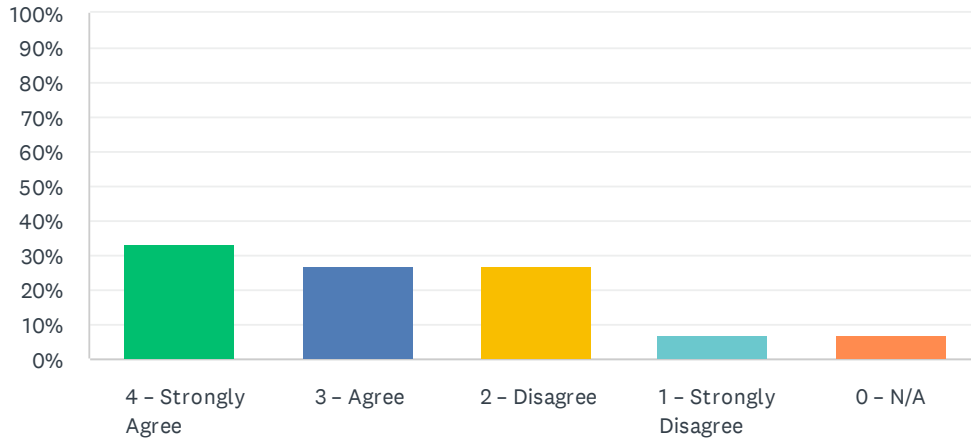


| ANSWER CHOICES        | RESPONSES |           |
|-----------------------|-----------|-----------|
| 4 – Strongly Agree    | 20.00%    | 3         |
| 3 – Agree             | 60.00%    | 9         |
| 2 – Disagree          | 20.00%    | 3         |
| 1 – Strongly Disagree | 0.00%     | 0         |
| 0 – N/A               | 0.00%     | 0         |
| <b>TOTAL</b>          |           | <b>15</b> |

| # | COMMENTS                                                                                                                                                                                                                                                                              | DATE              |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | While staff are using the strategic plan as a guide, funding seems to determine the plans being made. We seem to continue carrying out some programs because we have funding, not necessarily because that funding is moving the needle on poverty and furthering our strategic plan. | 9/15/2024 4:33 PM |

## Q6 The board routinely receives updates by the staff on their annual plans developed by staff.

Answered: 15 Skipped: 0

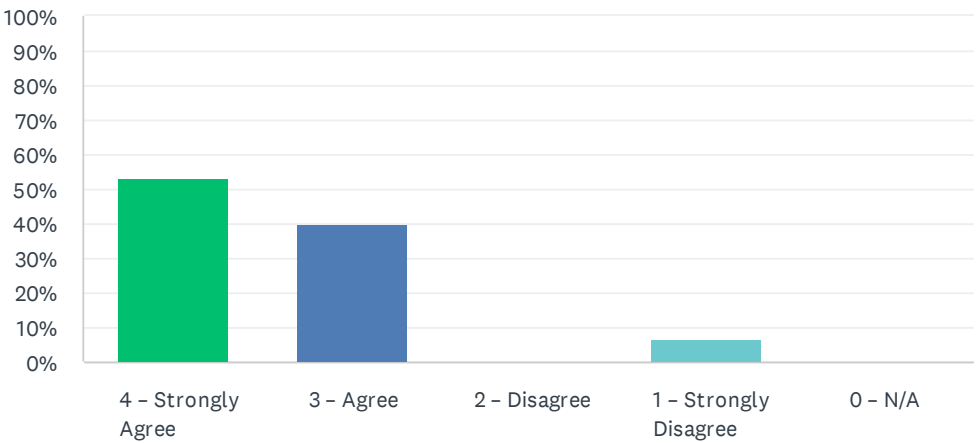


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 33.33%    | 5  |
| 3 – Agree             | 26.67%    | 4  |
| 2 – Disagree          | 26.67%    | 4  |
| 1 – Strongly Disagree | 6.67%     | 1  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                     | DATE              |
|---|------------------------------|-------------------|
| 1 | Board has to ask for updates | 9/13/2024 1:08 PM |

Q7 Staff support to board meetings is adequate.

Answered: 15    Skipped: 0

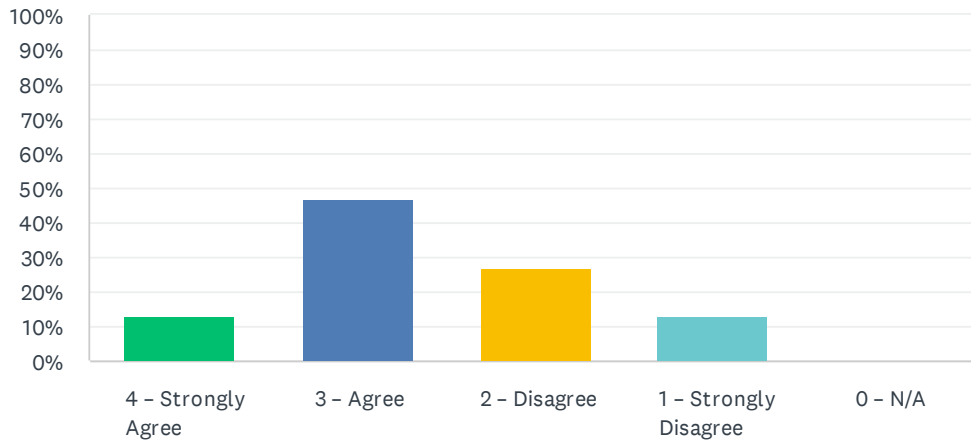


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 53.33%    | 8  |
| 3 – Agree             |  | 40.00%    | 6  |
| 2 – Disagree          |  | 0.00%     | 0  |
| 1 – Strongly Disagree |  | 6.67%     | 1  |
| 0 – N/A               |  | 0.00%     | 0  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q8 Information provided by staff is adequate to ensure effective board governance and decision-making.

Answered: 15 Skipped: 0

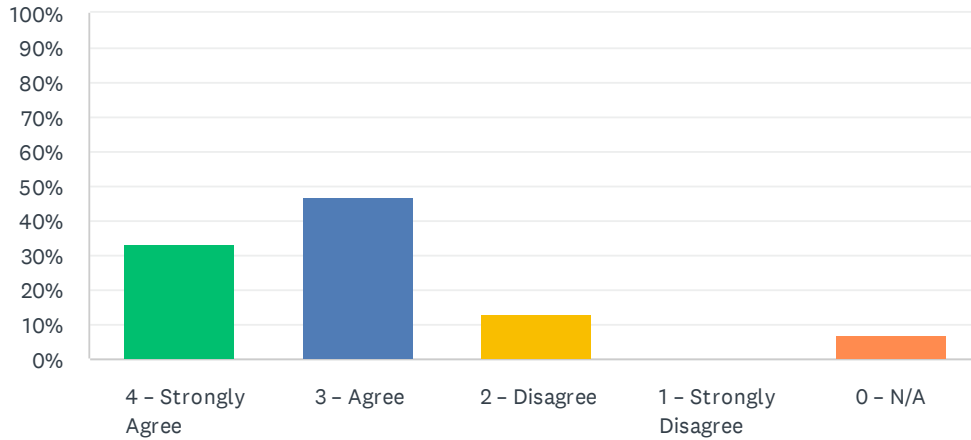


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 13.33%    | 2  |
| 3 – Agree             | 46.67%    | 7  |
| 2 – Disagree          | 26.67%    | 4  |
| 1 – Strongly Disagree | 13.33%    | 2  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                                                                                                                                                                                                                                                | DATE              |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | There have been too many occasions when Commissioners have requested staff to provide additional or follow-up information/materials, and the information has not been provided promptly. Additionally, staff have had to be reminded to send the information. This has resulted in me, as a Commissioner, not feeling I have the ability to make appropriate decisions. | 9/15/2024 6:16 PM |
| 2 | Board does not get details regarding budget in a way that board can understand what is going on with the agency to made governance decisions.                                                                                                                                                                                                                           | 9/13/2024 1:08 PM |

## Q9 Committees are the primary tools for communication and decision making for our board structure.

Answered: 15 Skipped: 0



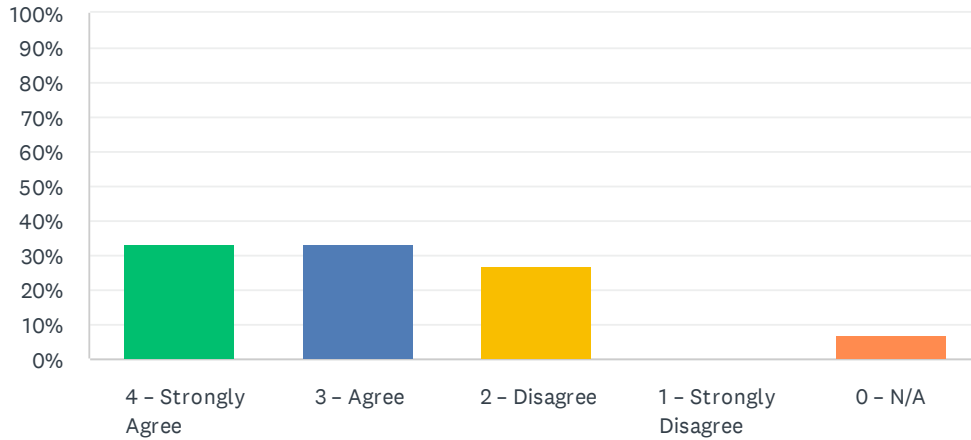
| ANSWER CHOICES        | RESPONSES |           |
|-----------------------|-----------|-----------|
| 4 – Strongly Agree    | 33.33%    | 5         |
| 3 – Agree             | 46.67%    | 7         |
| 2 – Disagree          | 13.33%    | 2         |
| 1 – Strongly Disagree | 0.00%     | 0         |
| 0 – N/A               | 6.67%     | 1         |
| <b>TOTAL</b>          |           | <b>15</b> |

| # | COMMENTS                                                                                                                                            | DATE              |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | Unfortunately, the consolidation of committees has decreased involvement of commissioners in decision-making of programming and planning.           | 9/15/2024 4:33 PM |
| 2 | I recommend board goes back to having standing committees with committee chairs                                                                     | 9/13/2024 1:08 PM |
| 3 | I've been on the board about six months and am not sure which committees we have except for executive committee. Clarity would be appreciated here! | 8/28/2024 8:41 AM |



## Q10 The board's ad hoc and standing committees streamline our work process and increase board effectiveness.

Answered: 15 Skipped: 0

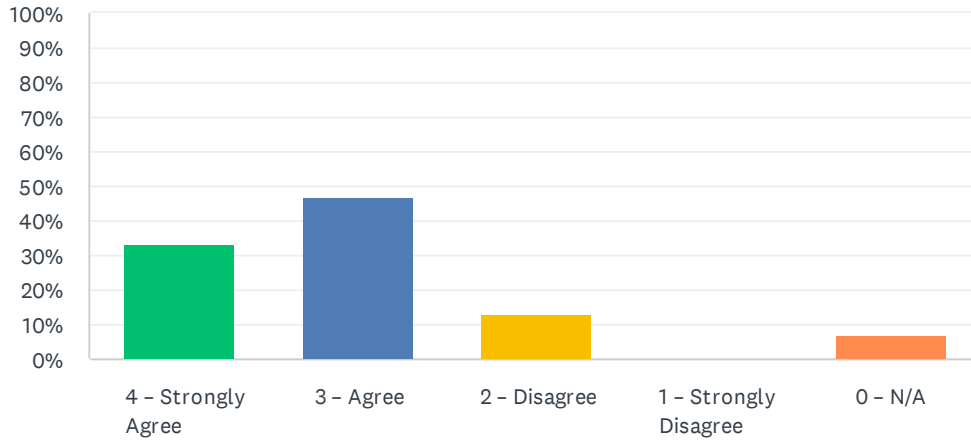


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 33.33%    | 5  |
| 3 – Agree             | 33.33%    | 5  |
| 2 – Disagree          | 26.67%    | 4  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                  | DATE              |
|---|-----------------------------------------------------------------------------------------------------------|-------------------|
| 1 | It would be helpful to have a list of what ad hoc and standing committees are available to commissioners. | 9/15/2024 4:33 PM |
| 2 | There are to many ad hoc committees called at the last minute                                             | 9/13/2024 1:08 PM |

## Q11 My committee assignments make good use of my interests and expertise.

Answered: 15 Skipped: 0

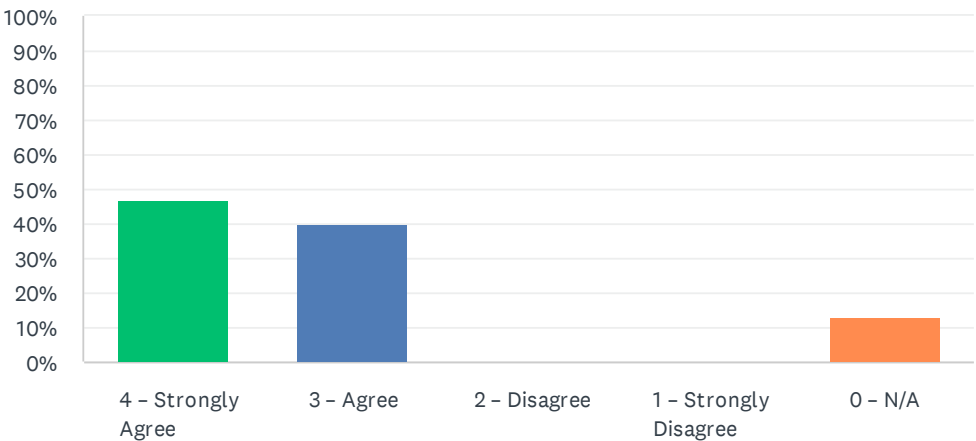


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 33.33%    | 5  |
| 3 – Agree             | 46.67%    | 7  |
| 2 – Disagree          | 13.33%    | 2  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                          | DATE              |
|---|---------------------------------------------------|-------------------|
| 1 | I am not on any committees, but would like to be! | 8/28/2024 8:41 AM |

Q12 I am able to attend the majority of my committee meetings.

Answered: 15    Skipped: 0

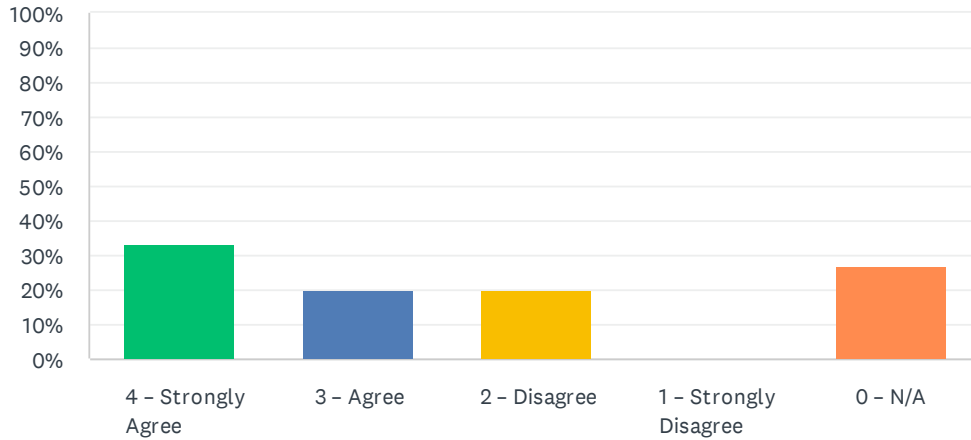


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 46.67%    | 7  |
| 3 – Agree             |  | 40.00%    | 6  |
| 2 – Disagree          |  | 0.00%     | 0  |
| 1 – Strongly Disagree |  | 0.00%     | 0  |
| 0 – N/A               |  | 13.33%    | 2  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q13 Each standing committee reviews its charter at the beginning of the year and modifies it as needed.

Answered: 15 Skipped: 0

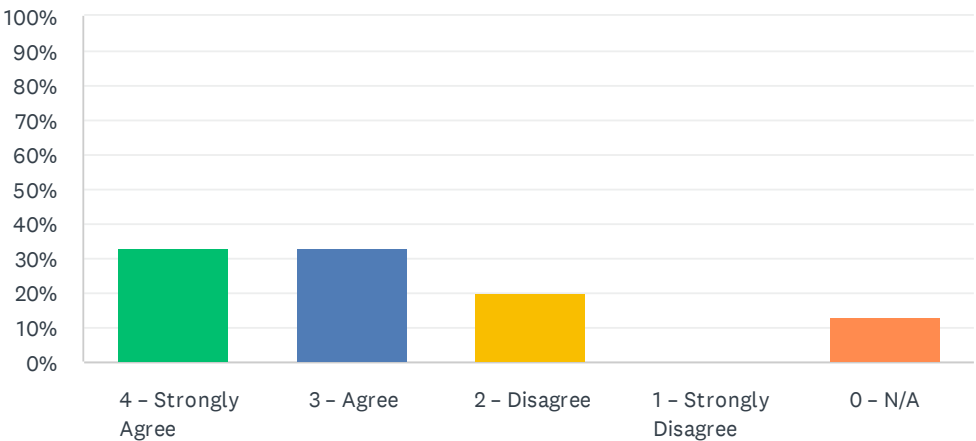


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 33.33%    | 5  |
| 3 – Agree             | 20.00%    | 3  |
| 2 – Disagree          | 20.00%    | 3  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 26.67%    | 4  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                         | DATE              |
|---|----------------------------------------------------------------------------------|-------------------|
| 1 | I'm not aware of what each standing committee does at the beginning of the year. | 9/15/2024 4:33 PM |

Q14 I understand the function of the different committees.

Answered: 15    Skipped: 0

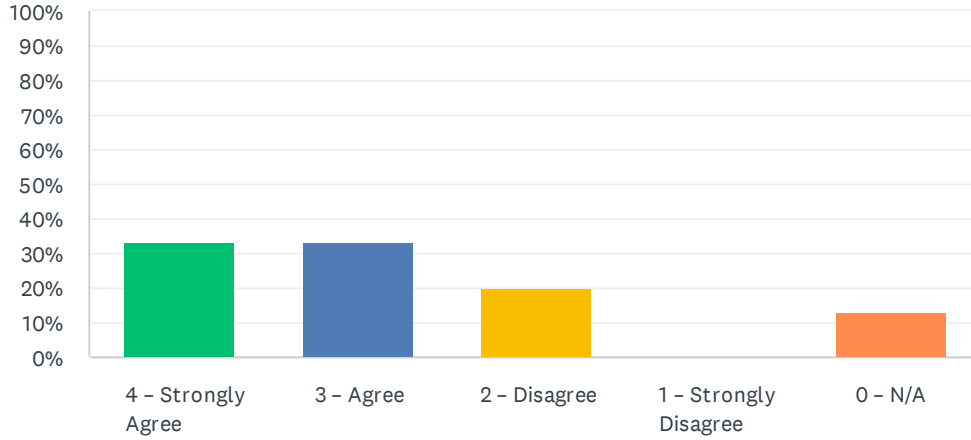


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 33.33%    | 5  |
| 3 – Agree             |  | 33.33%    | 5  |
| 2 – Disagree          |  | 20.00%    | 3  |
| 1 – Strongly Disagree |  | 0.00%     | 0  |
| 0 – N/A               |  | 13.33%    | 2  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q15 The committee structure provides adequate contact with administration and staff.

Answered: 15 Skipped: 0

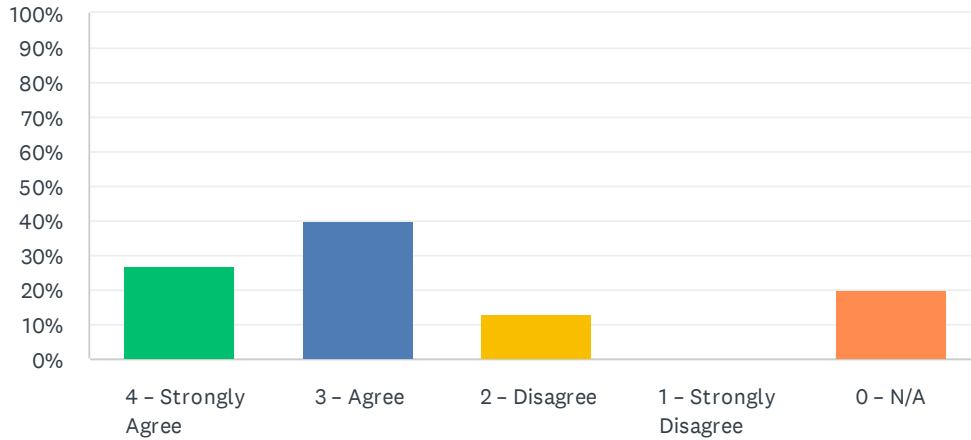


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 33.33%    | 5  |
| 3 – Agree             | 33.33%    | 5  |
| 2 – Disagree          | 20.00%    | 3  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 13.33%    | 2  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                         | DATE              |
|---|--------------------------------------------------------------------------------------------------|-------------------|
| 1 | The current committee structure is unclear to me. I could use a review of the committee options. | 9/15/2024 4:33 PM |

## Q16 The Executive Committee meets only when necessary and reports to the board on all actions taken.

Answered: 15 Skipped: 0

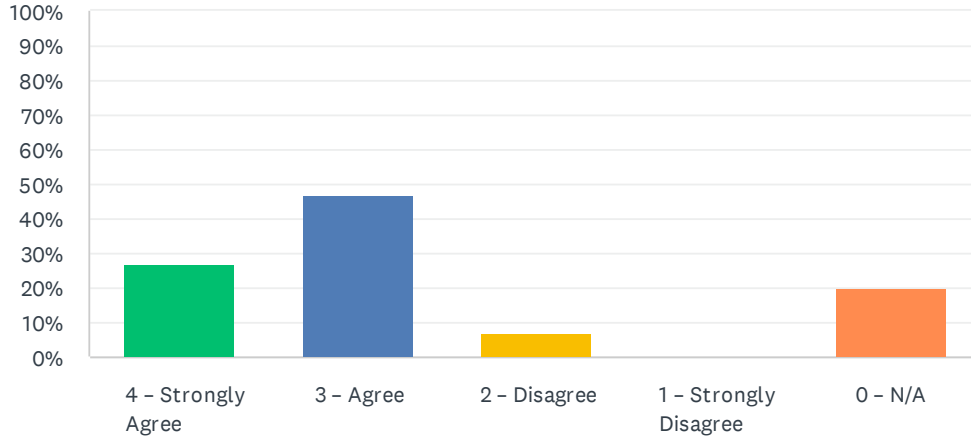


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 26.67%    | 4  |
| 3 – Agree             | 40.00%    | 6  |
| 2 – Disagree          | 13.33%    | 2  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 20.00%    | 3  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                       | DATE              |
|---|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | It seems that the exec committee meets more frequently than before.                                                                            | 9/15/2024 4:33 PM |
| 2 | Suggest that the Executive Committee no longer meets before the board meeting and we go back to having standing committee meetings with chairs | 9/13/2024 1:08 PM |

## Q17 All committees have adequate agendas and minutes for each meeting.

Answered: 15 Skipped: 0



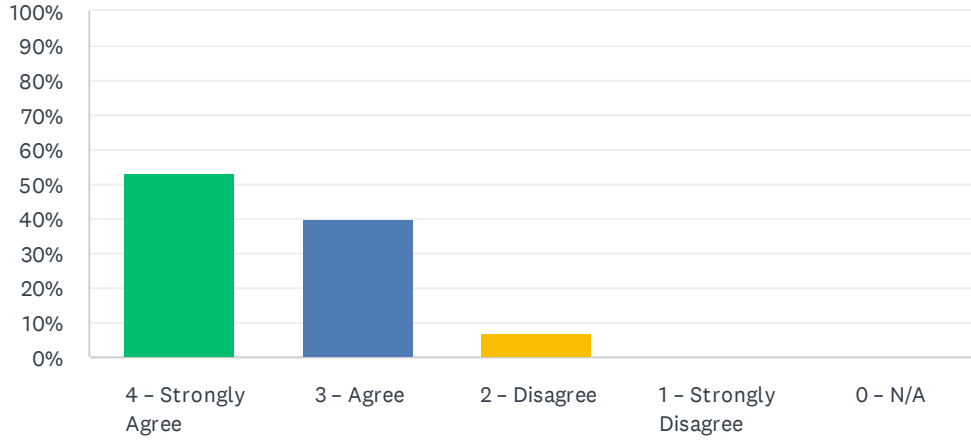
| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 26.67%    | 4  |
| 3 – Agree             | 46.67%    | 7  |
| 2 – Disagree          | 6.67%     | 1  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 20.00%    | 3  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                          | DATE              |
|---|-------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | The agendas are adequate; however, it would be helpful to have agendas at least one week in advance consistently. | 9/15/2024 6:16 PM |



## Q18 The number of board meetings is adequate to ensure effective governance.

Answered: 15 Skipped: 0

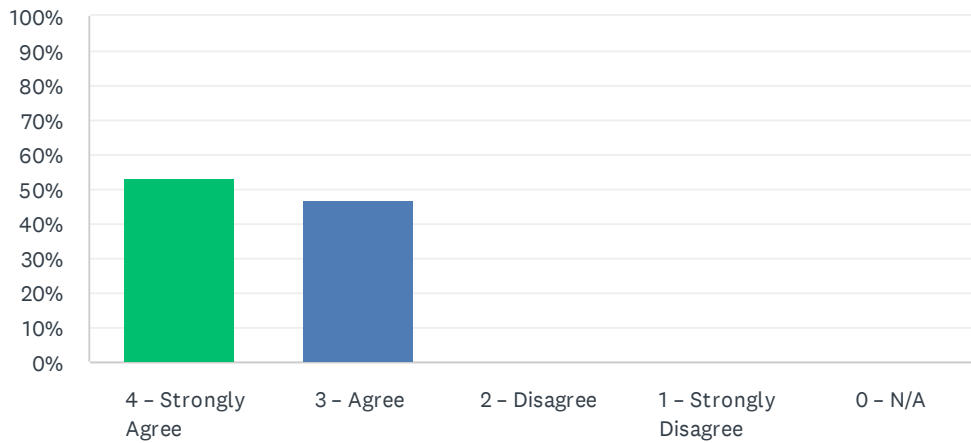


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 53.33%    | 8  |
| 3 – Agree             | 40.00%    | 6  |
| 2 – Disagree          | 6.67%     | 1  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q19 Board meetings are long enough to accomplish the necessary work.

Answered: 15   Skipped: 0

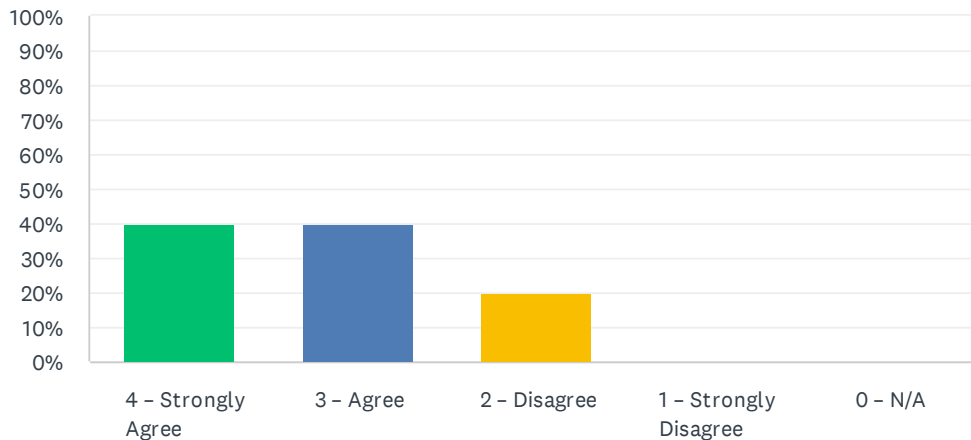


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 53.33%    | 8  |
| 3 – Agree             |  | 46.67%    | 7  |
| 2 – Disagree          |  | 0.00%     | 0  |
| 1 – Strongly Disagree |  | 0.00%     | 0  |
| 0 – N/A               |  | 0.00%     | 0  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                                 | DATE              |
|---|------------------------------------------|-------------------|
| 1 | Sometimes the board meetings feel rushed | 9/13/2024 1:08 PM |
| 2 | Often too long                           | 8/23/2024 8:14 AM |

## Q20 The agendas of our board meetings and supporting written material are provided in advance of meetings with enough time for adequate advance review.

Answered: 15 Skipped: 0

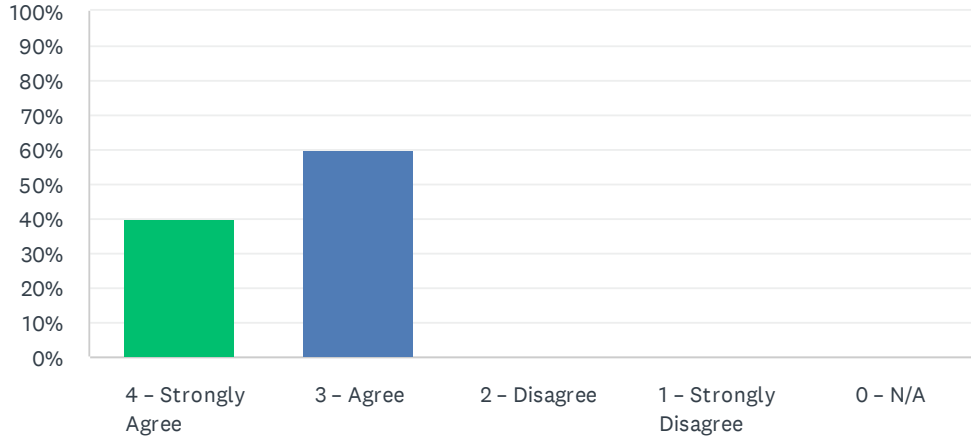


| ANSWER CHOICES        | RESPONSES |           |
|-----------------------|-----------|-----------|
| 4 – Strongly Agree    | 40.00%    | 6         |
| 3 – Agree             | 40.00%    | 6         |
| 2 – Disagree          | 20.00%    | 3         |
| 1 – Strongly Disagree | 0.00%     | 0         |
| 0 – N/A               | 0.00%     | 0         |
| <b>TOTAL</b>          |           | <b>15</b> |

| # | COMMENTS                                                                                                                                                                | DATE              |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | Requested that board agendas be sent out at least one week in advance to give sufficient time for Commissioners to review the material, which can sometimes be lengthy. | 9/15/2024 6:16 PM |
| 2 | Too much detail, too many pages. Would be better to state action, cost, pros and cons of approval. Let staff or committee chair answer questions.                       | 8/28/2024 9:55 AM |
| 3 | I would want the agenda weeks earlier, ensuring I understand all the information                                                                                        | 8/26/2024 2:27 PM |

## Q21 Board meetings are well attended, with near full turnout at each meeting.

Answered: 15 Skipped: 0

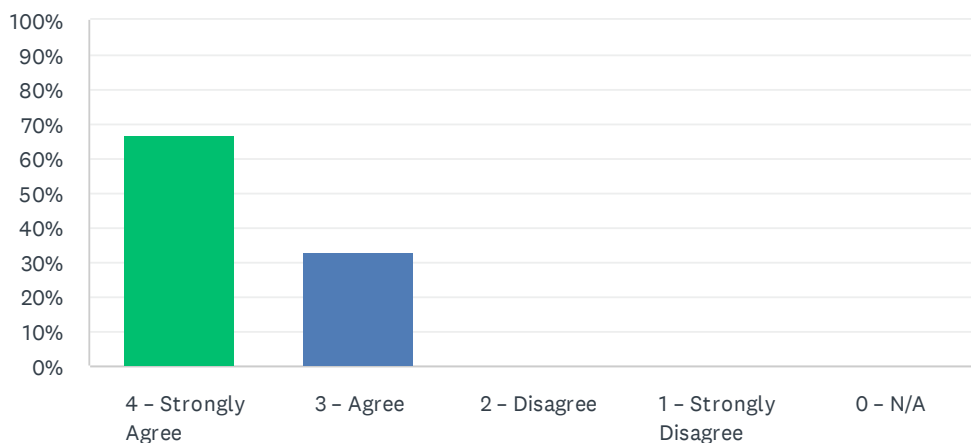


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 40.00%    | 6  |
| 3 – Agree             | 60.00%    | 9  |
| 2 – Disagree          | 0.00%     | 0  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q22 I am aware of and follow the board meeting attendance policy.

Answered: 15 Skipped: 0

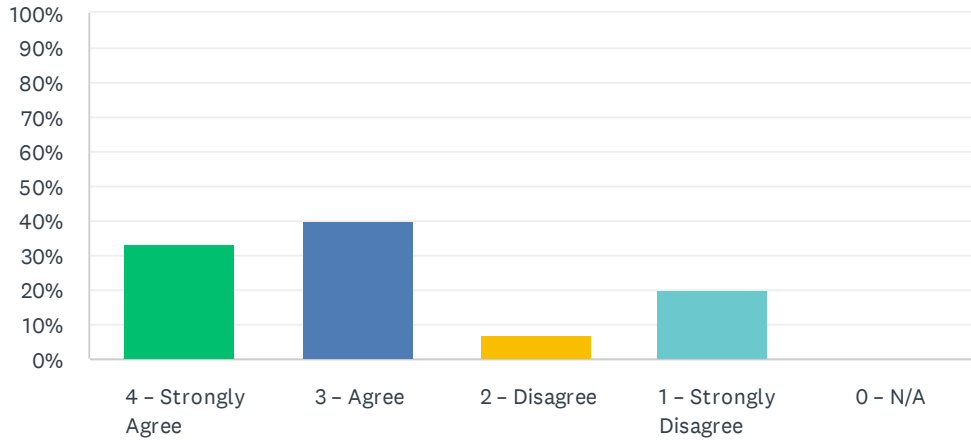


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 66.67%    | 10 |
| 3 – Agree             | 33.33%    | 5  |
| 2 – Disagree          | 0.00%     | 0  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                          | DATE              |
|---|-----------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | It needs to be modified because most of the commissioners who are absence from a board meeting may, in fact, have a valid excuse. | 9/19/2024 3:54 PM |

## Q23 Our board thoroughly examines the pros and cons of all major issues and makes fully informed decisions.

Answered: 15 Skipped: 0

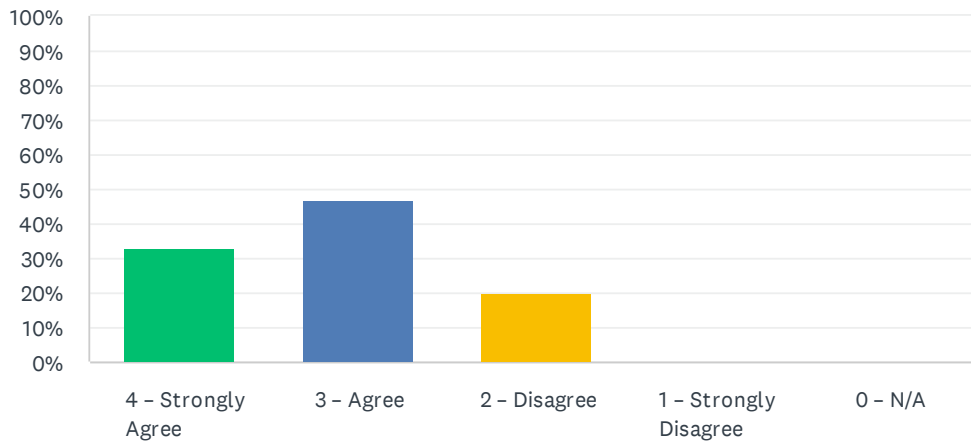


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 33.33%    | 5  |
| 3 – Agree             | 40.00%    | 6  |
| 2 – Disagree          | 6.67%     | 1  |
| 1 – Strongly Disagree | 20.00%    | 3  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                                                                          | DATE              |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | At times, it appears that the board and staff are irritated when the cons of major issues are addressed and clarifying questions are asked to make an informed decision on approval agenda items. | 9/15/2024 6:16 PM |
| 2 | We often make decisions without adequate time to consider all the pros and cons.                                                                                                                  | 9/15/2024 4:33 PM |

## Q24 I am comfortable with the amount of time spent on agenda items.

Answered: 15 Skipped: 0

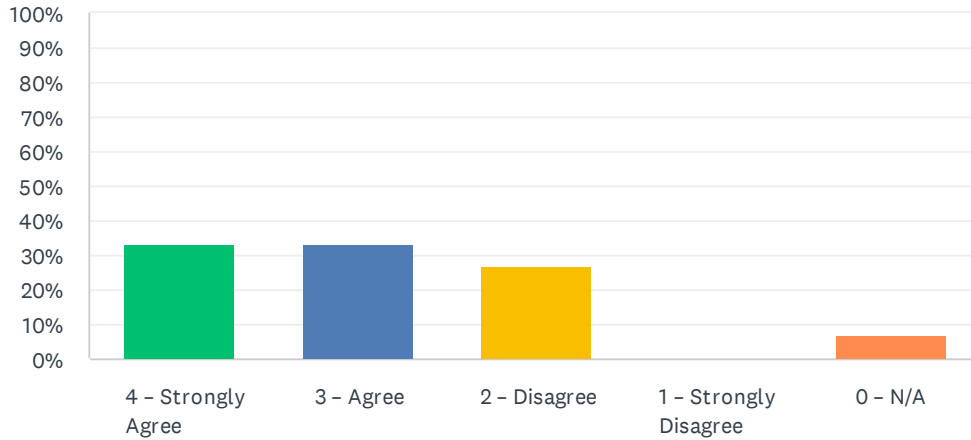


| ANSWER CHOICES        | RESPONSES |           |
|-----------------------|-----------|-----------|
| 4 – Strongly Agree    | 33.33%    | 5         |
| 3 – Agree             | 46.67%    | 7         |
| 2 – Disagree          | 20.00%    | 3         |
| 1 – Strongly Disagree | 0.00%     | 0         |
| 0 – N/A               | 0.00%     | 0         |
| <b>TOTAL</b>          |           | <b>15</b> |

| # | COMMENTS                                                                                                                                                 | DATE              |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | Putting most items on consent now requires a commissioner to pull more items that could have been discussed in committee. The meetings are already long. | 9/15/2024 4:33 PM |
| 2 | Sometimes it feels as though we are just approving items to end the meeting early                                                                        | 9/13/2024 1:08 PM |
| 3 | Sometimes I think routine agenda times take way too much time.                                                                                           | 8/24/2024 9:22 AM |

## Q25 I understand the process to get more information when there is something I don't understand on the agenda.

Answered: 15 Skipped: 0



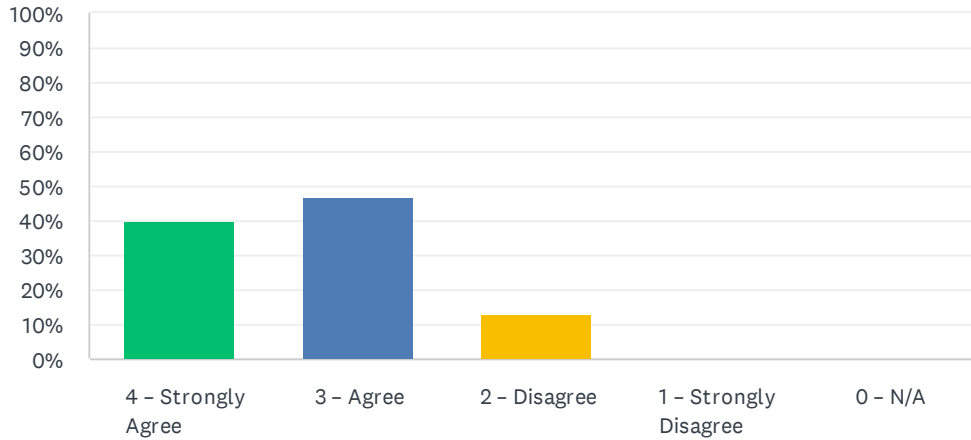
| ANSWER CHOICES        | RESPONSES |           |
|-----------------------|-----------|-----------|
| 4 – Strongly Agree    | 33.33%    | 5         |
| 3 – Agree             | 33.33%    | 5         |
| 2 – Disagree          | 26.67%    | 4         |
| 1 – Strongly Disagree | 0.00%     | 0         |
| 0 – N/A               | 6.67%     | 1         |
| <b>TOTAL</b>          |           | <b>15</b> |

| # | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                     | DATE              |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | While I understand that I can reach out to leadership for questions, I preferred being able to discuss program and planning questions in committee where department staff were available and other commissioners were participating and providing input.                                                                                                                                     | 9/15/2024 4:33 PM |
| 2 | If more commissioners would ask questions before the meeting instead of at the meeting, I think actual meeting discussions would be more productive. I Dont think many commissioners understand that staff is available days before the meeting to answer questions. (It's scary to think maybe some commissioners are only first looking at the staff reports the minute the meeting starts | 8/24/2024 9:22 AM |



## Q26 Commissioners fully participate in discussions around significant issues.

Answered: 15    Skipped: 0

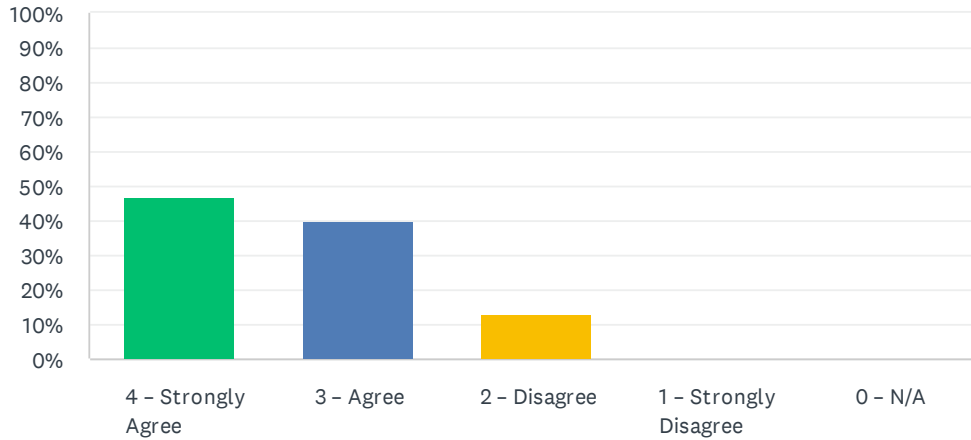


| ANSWER CHOICES        | RESPONSES |           |
|-----------------------|-----------|-----------|
| 4 – Strongly Agree    | 40.00%    | 6         |
| 3 – Agree             | 46.67%    | 7         |
| 2 – Disagree          | 13.33%    | 2         |
| 1 – Strongly Disagree | 0.00%     | 0         |
| 0 – N/A               | 0.00%     | 0         |
| <b>TOTAL</b>          |           | <b>15</b> |

| # | COMMENTS                                                | DATE              |
|---|---------------------------------------------------------|-------------------|
| 1 | Many commissioners do not participate.                  | 9/15/2024 4:33 PM |
| 2 | I would encourage more participation from commissioners | 9/13/2024 1:08 PM |

## Q27 Our board environment encourages dealing with different points of view.

Answered: 15 Skipped: 0

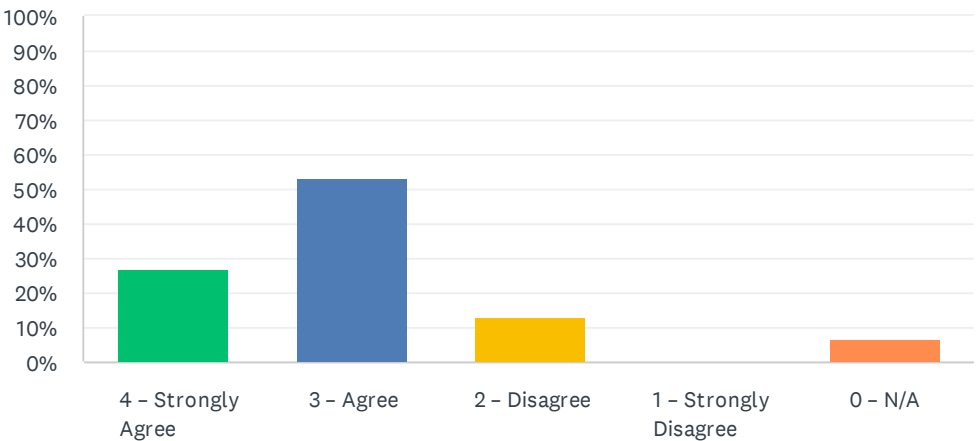


| ANSWER CHOICES        | RESPONSES |           |
|-----------------------|-----------|-----------|
| 4 – Strongly Agree    | 46.67%    | 7         |
| 3 – Agree             | 40.00%    | 6         |
| 2 – Disagree          | 13.33%    | 2         |
| 1 – Strongly Disagree | 0.00%     | 0         |
| 0 – N/A               | 0.00%     | 0         |
| <b>TOTAL</b>          |           | <b>15</b> |

| # | COMMENTS                                                                                                                                                                                                                                                 | DATE              |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | As stated earlier, there is discomfort, and there appears to be a lack of encouragement to deal with different points of view.                                                                                                                           | 9/15/2024 6:16 PM |
| 2 | The full board environment is not an ideal place to deal with questions for staff. In my experience, the committee is a better place for dealing with questions of staff and allowing them time to gather information to be presented to the full board. | 9/15/2024 4:33 PM |
| 3 | The chair does a great job                                                                                                                                                                                                                               | 8/24/2024 9:22 AM |

Q28 Once a decision is made, we stand behind it as a group.

Answered: 15 Skipped: 0

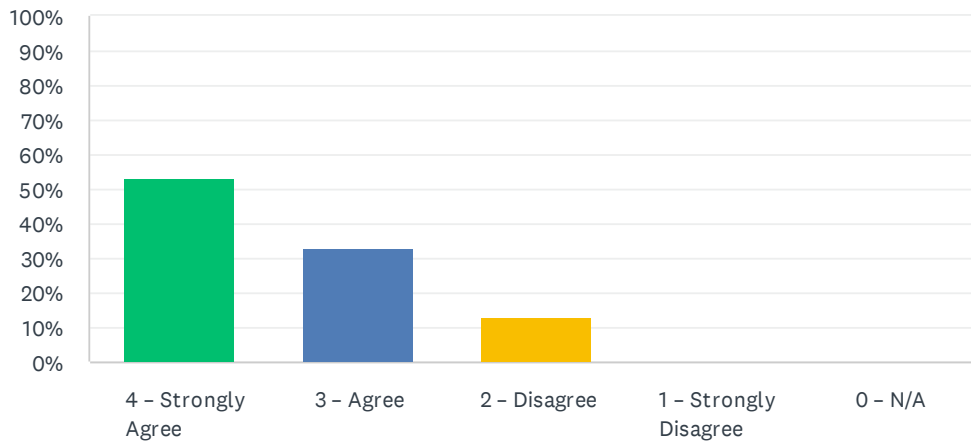


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 26.67%    | 4  |
| 3 – Agree             |  | 53.33%    | 8  |
| 2 – Disagree          |  | 13.33%    | 2  |
| 1 – Strongly Disagree |  | 0.00%     | 0  |
| 0 – N/A               |  | 6.67%     | 1  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q29 As a Commissioner, I am aware of what is expected of me.

Answered: 15 Skipped: 0

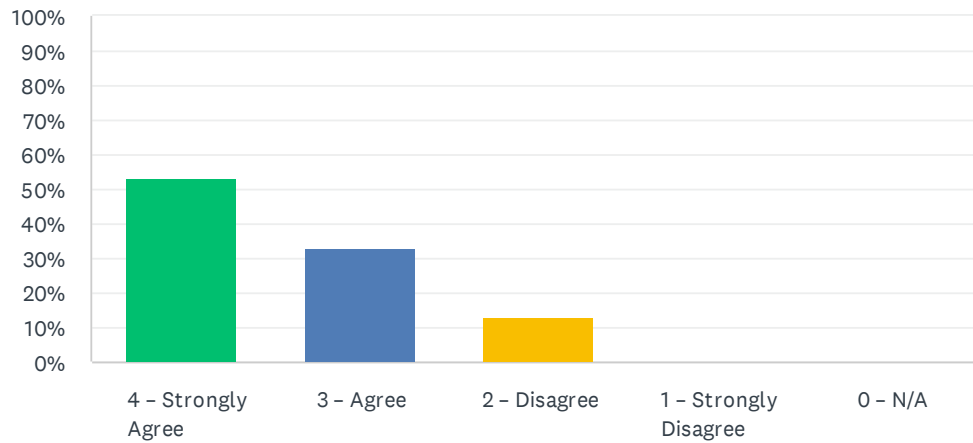


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 53.33%    | 8  |
| 3 – Agree             | 33.33%    | 5  |
| 2 – Disagree          | 13.33%    | 2  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                                                                                                                                                                                                                  | DATE              |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | I feel like I have a good instincts about this, but as I did not receive official onboarding due to stepping in to complete someone else's turn, I don't think I received the traditional onboarding or orientation. However, this is soon to be rectified, and there's a meeting on the calendar to discuss official onboarding process. | 8/28/2024 8:41 AM |

## Q30 I am satisfied with my participation on the board.

Answered: 15 Skipped: 0

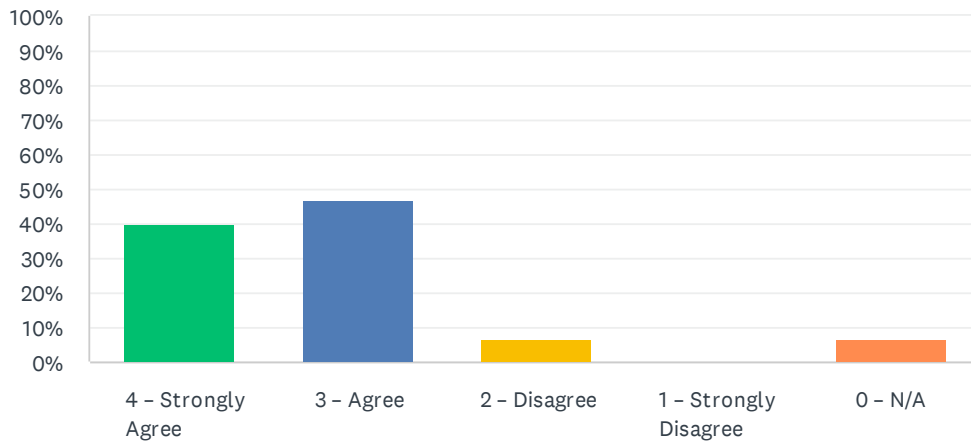


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 53.33%    | 8  |
| 3 – Agree             | 33.33%    | 5  |
| 2 – Disagree          | 13.33%    | 2  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                                           | DATE              |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | While I take pride in being part of a poverty fighting action agency, I am not satisfied with my ability to connect people in need with the services EOC provides. | 9/15/2024 4:33 PM |
| 2 | I was thrilled with the opportunity to sit on this board. I can't wait to learn more and feel like I'm a valuable addition.                                        | 8/28/2024 8:41 AM |

### Q31 I am aware and understand the tri-partite requirement.

Answered: 15   Skipped: 0

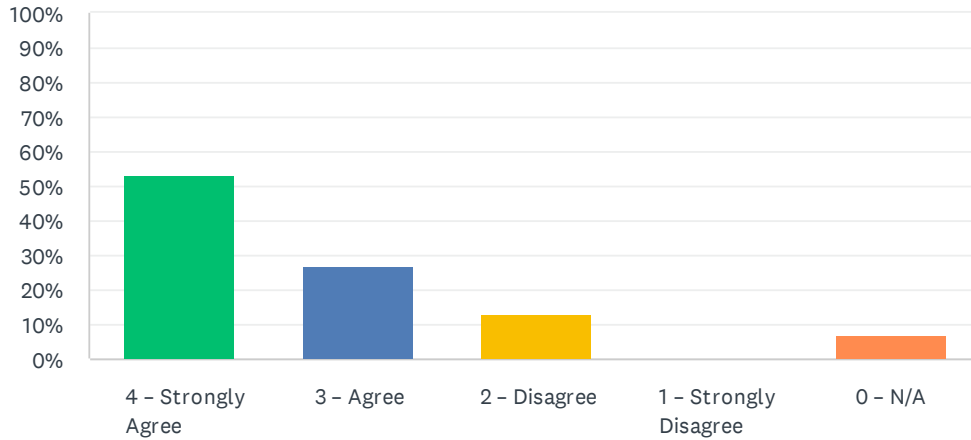


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 40.00%    | 6  |
| 3 – Agree             |  | 46.67%    | 7  |
| 2 – Disagree          |  | 6.67%     | 1  |
| 1 – Strongly Disagree |  | 0.00%     | 0  |
| 0 – N/A               |  | 6.67%     | 1  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                                                               | DATE              |
|---|------------------------------------------------------------------------|-------------------|
| 1 | I do now! I didn't know this was the structure before going to CAPLAW. | 8/28/2024 8:41 AM |

## Q32 Nomination and appointment of Commissioners follow clearly established procedures using known criteria that I understand.

Answered: 15 Skipped: 0

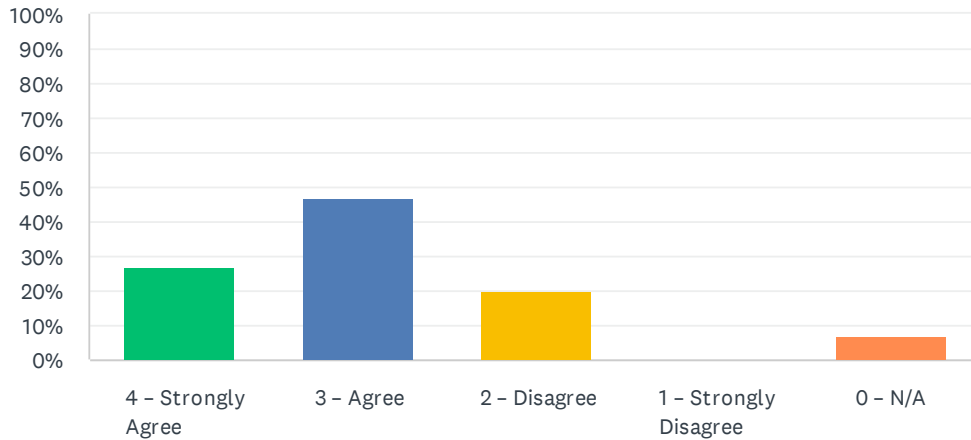


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 53.33%    | 8  |
| 3 – Agree             | 26.67%    | 4  |
| 2 – Disagree          | 13.33%    | 2  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | DATE              |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | There have been several changes this past year where commissioners were removed based on conflicts that I do not understand. Some current commissioners seem to have apparent conflicts of interest in receiving funding yet still are allowed to remain on the board. Several former EOC staff members have rotated on the board and then back off the board to return as staff members. Though the tripartite board has been explained by staff, the conflicts of interest have not been fully explained. | 9/15/2024 4:33 PM |

### Q33 Our board and staff inform new Commissioners about responsibilities and important organizational information through a structured new member orientation program.

Answered: 15 Skipped: 0



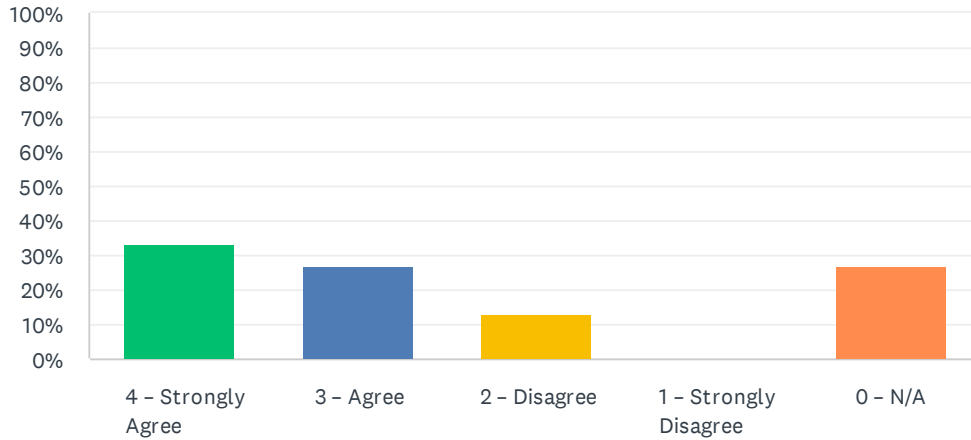
| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 26.67%    | 4  |
| 3 – Agree             | 46.67%    | 7  |
| 2 – Disagree          | 20.00%    | 3  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                                                                          | DATE              |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | While there is a board retreat and training every year, I'm not aware of a structured new member orientation.                                                                                     | 9/15/2024 4:33 PM |
| 2 | See previous responses, I did not receive a structured new member orientation. No hard feelings about it and we're going to rectify that soon, so this comment can be taken with a grain of salt! | 8/28/2024 8:41 AM |



## Q34 The new member orientation prepared me to effectively serve as a Commissioner.

Answered: 15 Skipped: 0

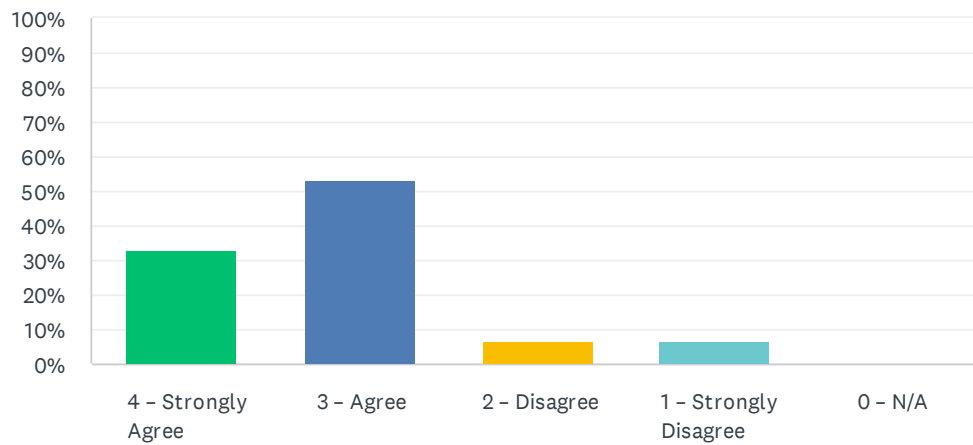


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 33.33%    | 5  |
| 3 – Agree             | 26.67%    | 4  |
| 2 – Disagree          | 13.33%    | 2  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 26.67%    | 4  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                             | DATE              |
|---|------------------------------------------------------------------------------------------------------|-------------------|
| 1 | I've been on the board for several years and still don't feel like I understand how to be effective. | 9/15/2024 4:33 PM |

## Q35 The board size is adequate to effectively govern the organization.

Answered: 15   Skipped: 0

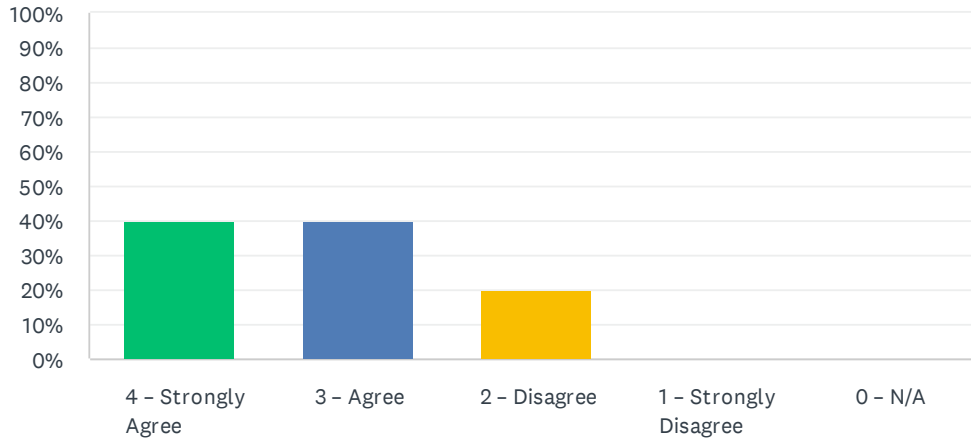


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 33.33%    | 5  |
| 3 – Agree             |  | 53.33%    | 8  |
| 2 – Disagree          |  | 6.67%     | 1  |
| 1 – Strongly Disagree |  | 6.67%     | 1  |
| 0 – N/A               |  | 0.00%     | 0  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                                                                                                                                                                                                                     | DATE              |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | The board size and political nature make it inherently difficult to effectively and transparently govern. The number of apparent financial conflicts of interests between commissioners and EOC programs is also concerning. | 9/15/2024 4:33 PM |

## Q36 There is a clear understanding of where the board's role ends and the Chief Executive Officer's begins.

Answered: 15 Skipped: 0

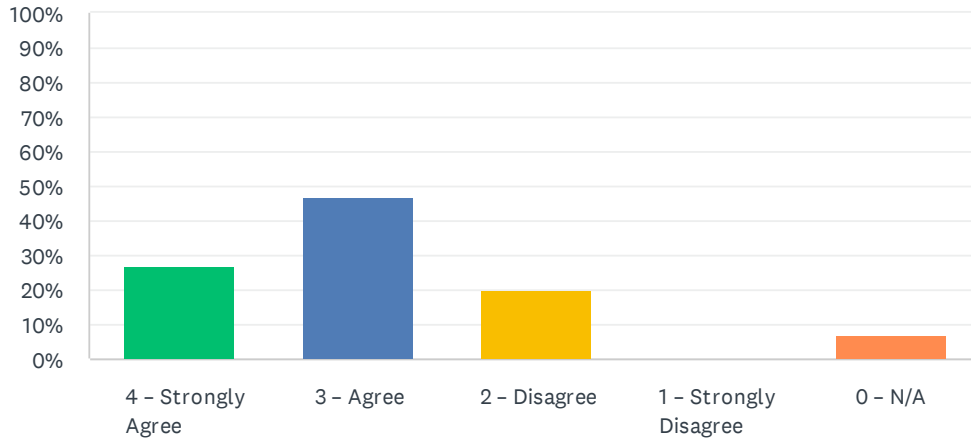


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 40.00%    | 6  |
| 3 – Agree             | 40.00%    | 6  |
| 2 – Disagree          | 20.00%    | 3  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q37 There is good two-way communication between the board and the CEO.

Answered: 15 Skipped: 0

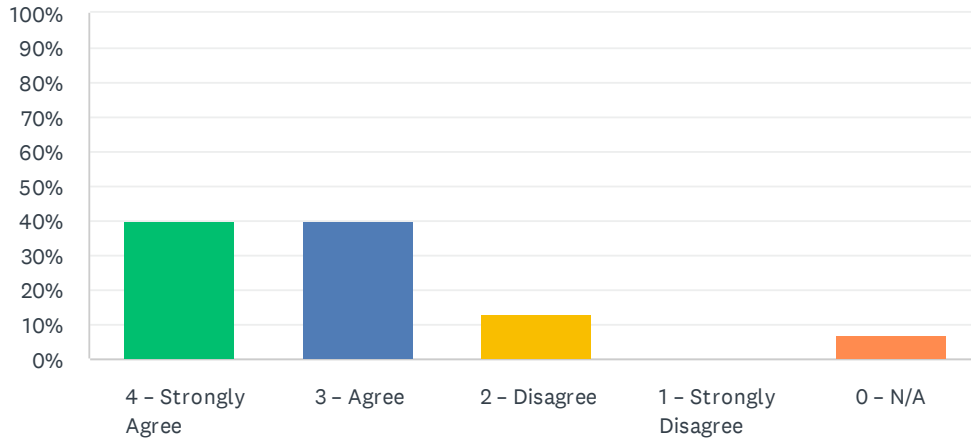


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 26.67%    | 4  |
| 3 – Agree             | 46.67%    | 7  |
| 2 – Disagree          | 20.00%    | 3  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                            | DATE              |
|---|-----------------------------------------------------------------------------------------------------|-------------------|
| 1 | Emilia has been very proactive about being available to commissioners.                              | 9/15/2024 4:33 PM |
| 2 | This communication needs some work. The board is not the enemy we are the governance of the agency. | 9/13/2024 1:08 PM |

## Q38 Commissioners provide the necessary support that allows the CEO to carry out the role successfully.

Answered: 15 Skipped: 0

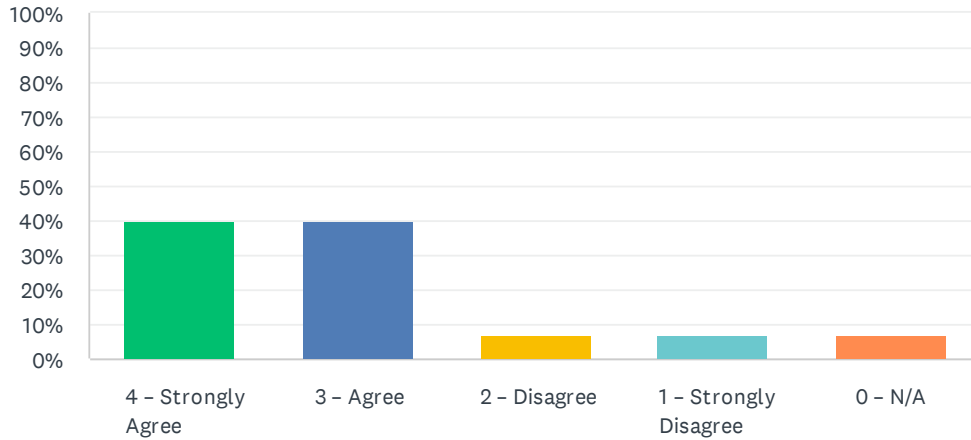


| ANSWER CHOICES        | RESPONSES |           |
|-----------------------|-----------|-----------|
| 4 – Strongly Agree    | 40.00%    | 6         |
| 3 – Agree             | 40.00%    | 6         |
| 2 – Disagree          | 13.33%    | 2         |
| 1 – Strongly Disagree | 0.00%     | 0         |
| 0 – N/A               | 6.67%     | 1         |
| <b>TOTAL</b>          |           | <b>15</b> |

| # | COMMENTS                                                                                                                                | DATE              |
|---|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | The CEO has a coach/mentor and recommends that this remain in effect for now.                                                           | 9/15/2024 6:16 PM |
| 2 | I would defer to the CEO to find out if the support we provide is sufficient for her to carry out her role.                             | 9/15/2024 4:33 PM |
| 3 | The board approved a Coach and mentor for CEO, to insure CEO has all the support and tools to do the job. This has not been done before | 9/13/2024 1:08 PM |

## Q39 The board has developed formal criteria and a process for evaluating the CEO.

Answered: 15 Skipped: 0

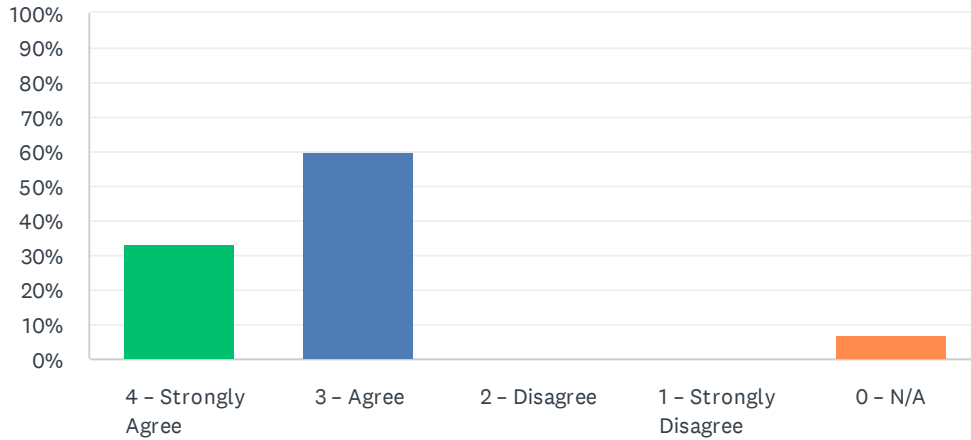


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 40.00%    | 6  |
| 3 – Agree             | 40.00%    | 6  |
| 2 – Disagree          | 6.67%     | 1  |
| 1 – Strongly Disagree | 6.67%     | 1  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                 | DATE              |
|---|--------------------------------------------------------------------------|-------------------|
| 1 | We continue to work on developing a fair process for evaluating the CEO. | 9/15/2024 4:33 PM |
| 2 | I actually don't know if we have!                                        | 8/28/2024 8:41 AM |

## Q40 The board, or a committee of the board, has formally evaluated the CEO within the past 12 months.

Answered: 15 Skipped: 0

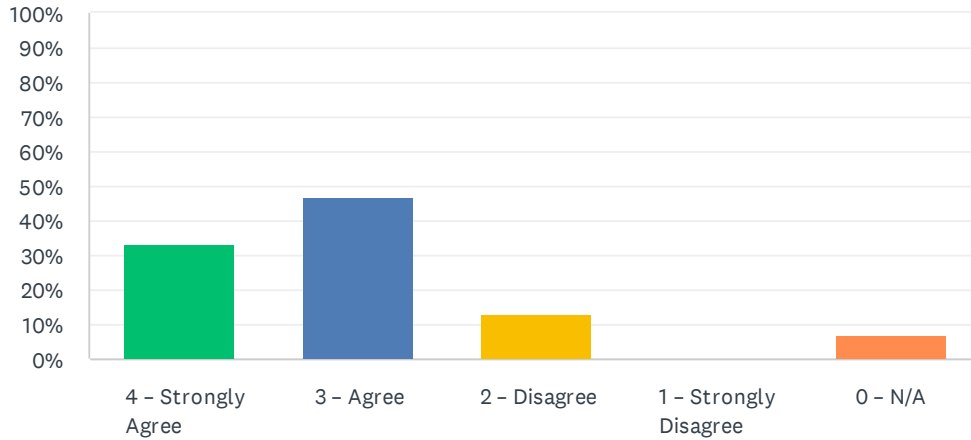


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 33.33%    | 5  |
| 3 – Agree             | 60.00%    | 9  |
| 2 – Disagree          | 0.00%     | 0  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q41 The board evaluates the CEO primarily on the accomplishment of the organization's strategic goals and priorities and adherence to policy.

Answered: 15 Skipped: 0



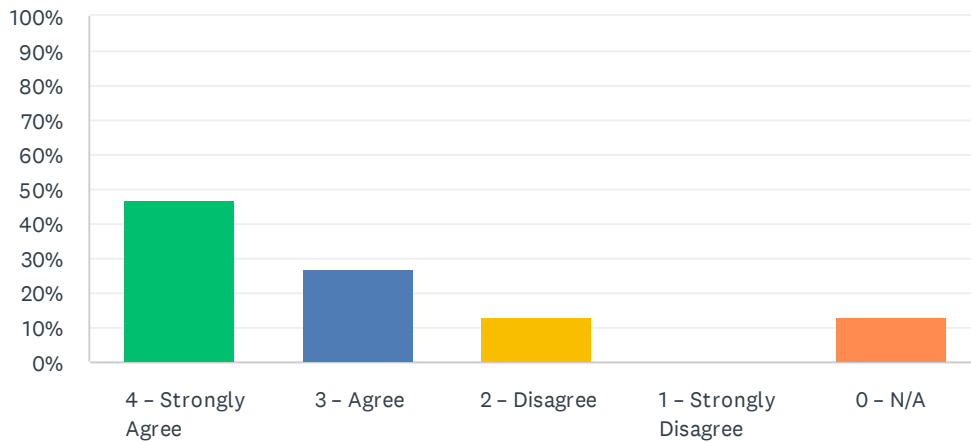
| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 33.33%    | 5  |
| 3 – Agree             | 46.67%    | 7  |
| 2 – Disagree          | 13.33%    | 2  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                       | DATE              |
|---|----------------------------------------------------------------|-------------------|
| 1 | I'm not sure we did a good job with that last year.            | 9/15/2024 4:33 PM |
| 2 | Agreeing because this is what I'd assume and want to practice. | 8/28/2024 8:41 AM |



## Q42 The board has discussed the role and responsibilities of the Chair.

Answered: 15 Skipped: 0

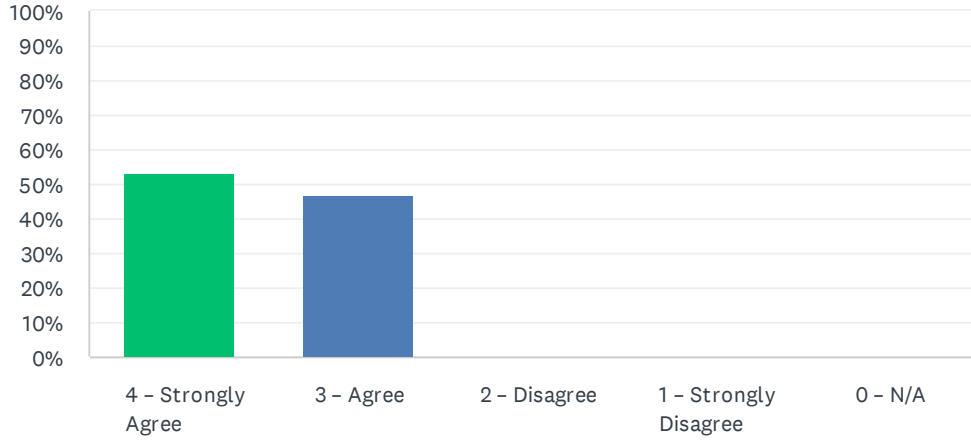


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 46.67%    | 7  |
| 3 – Agree             | 26.67%    | 4  |
| 2 – Disagree          | 13.33%    | 2  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 13.33%    | 2  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                                                                                                                                                            | DATE              |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | I don't believe this has been discussed as a board, nor was there transparency in the abrupt change of leadership this past year. Though we took nominations to replace the former chair and vice-chair, it was clear that a small group of commissioners were aware ahead of time. | 9/15/2024 4:33 PM |

### Q43 The Chair is well prepared for board meetings and helps the board stick to the agenda.

Answered: 15 Skipped: 0

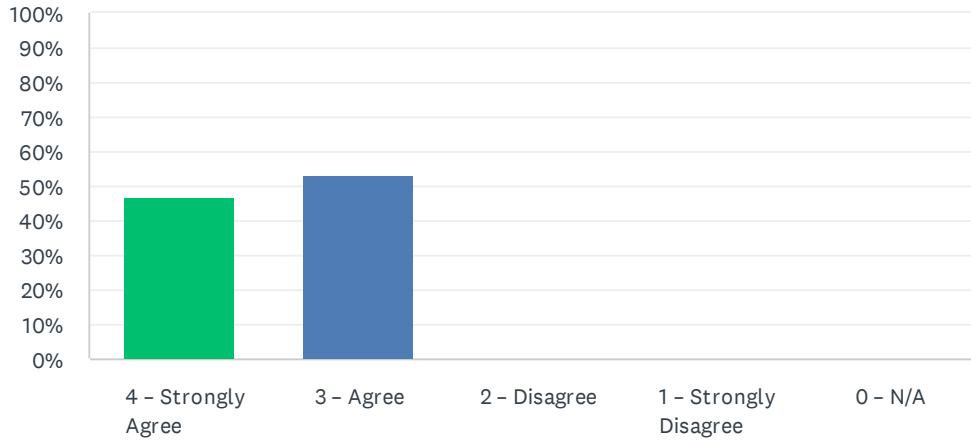


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 53.33%    | 8  |
| 3 – Agree             | 46.67%    | 7  |
| 2 – Disagree          | 0.00%     | 0  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q44 The Chair ensures that every Commissioner has an opportunity to be heard.

Answered: 15    Skipped: 0

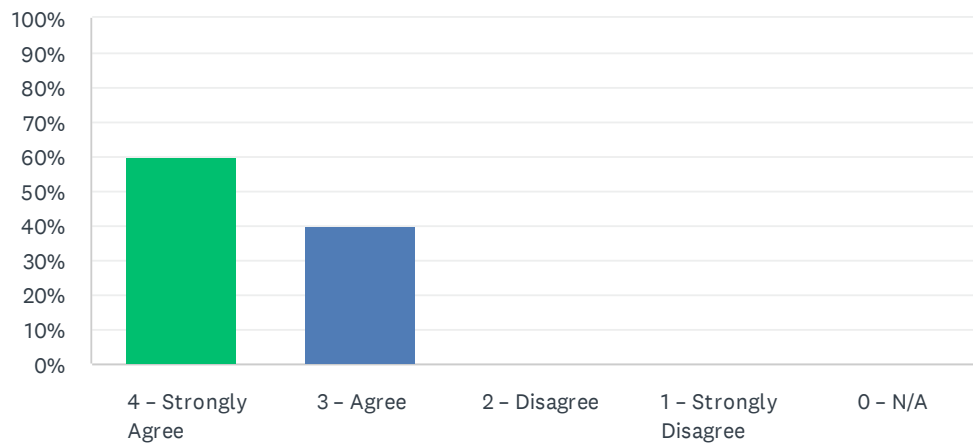


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 46.67%    | 7  |
| 3 – Agree             | 53.33%    | 8  |
| 2 – Disagree          | 0.00%     | 0  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q45 The Chair is skilled at managing different points of view.

Answered: 15 Skipped: 0

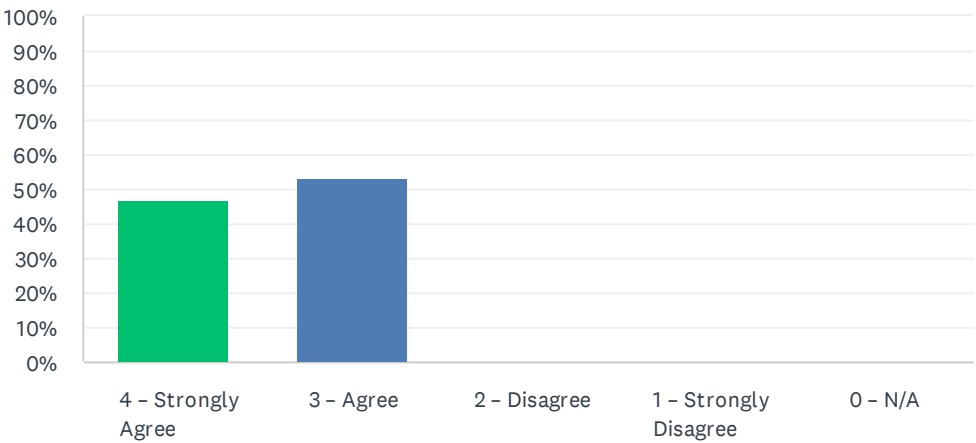


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 60.00%    | 9  |
| 3 – Agree             | 40.00%    | 6  |
| 2 – Disagree          | 0.00%     | 0  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                           | DATE              |
|---|------------------------------------------------------------------------------------|-------------------|
| 1 | Our Chair is full of knowledge, everyone could learn a great deal from Chair Bains | 8/26/2024 2:27 PM |

Q46 The Chair helps the board work well together.

Answered: 15    Skipped: 0

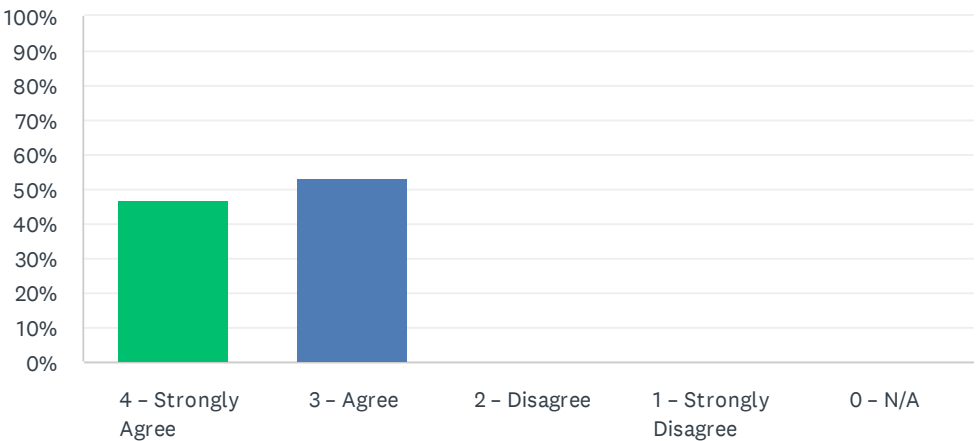


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 46.67%    | 7  |
| 3 – Agree             |  | 53.33%    | 8  |
| 2 – Disagree          |  | 0.00%     | 0  |
| 1 – Strongly Disagree |  | 0.00%     | 0  |
| 0 – N/A               |  | 0.00%     | 0  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

Q47 The Chair demonstrates good listening skills.

Answered: 15    Skipped: 0

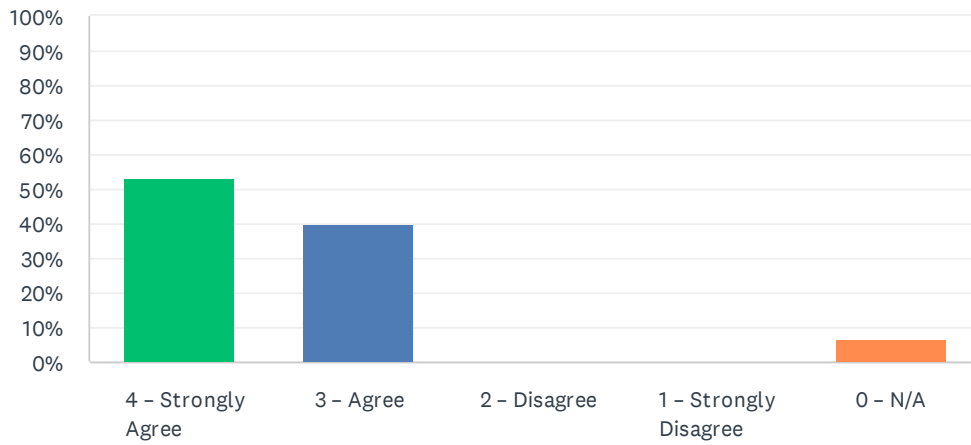


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 46.67%    | 7  |
| 3 – Agree             |  | 53.33%    | 8  |
| 2 – Disagree          |  | 0.00%     | 0  |
| 1 – Strongly Disagree |  | 0.00%     | 0  |
| 0 – N/A               |  | 0.00%     | 0  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q48 The board supports the Chair.

Answered: 15 Skipped: 0

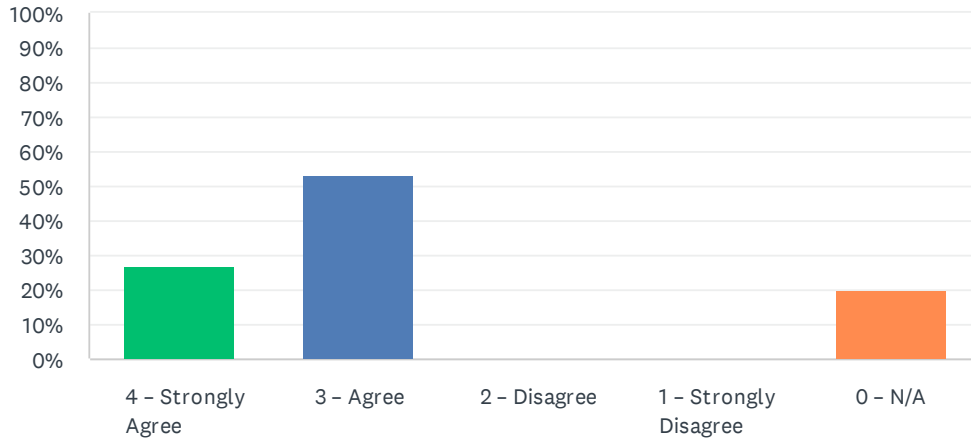


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 53.33%    | 8  |
| 3 – Agree             |  | 40.00%    | 6  |
| 2 – Disagree          |  | 0.00%     | 0  |
| 1 – Strongly Disagree |  | 0.00%     | 0  |
| 0 – N/A               |  | 6.67%     | 1  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q49 The Chair is effective in delegating responsibility among Commissioners.

Answered: 15   Skipped: 0



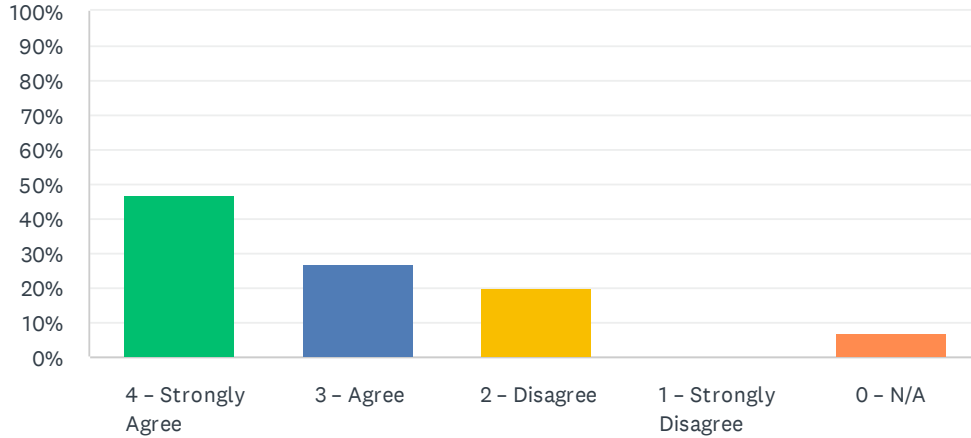
| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 26.67%    | 4  |
| 3 – Agree             |  | 53.33%    | 8  |
| 2 – Disagree          |  | 0.00%     | 0  |
| 1 – Strongly Disagree |  | 0.00%     | 0  |
| 0 – N/A               |  | 20.00%    | 3  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |



## Q50 Board members are fully aware of their legal responsibilities for the organization's fiscal management.

Answered: 15   Skipped: 0

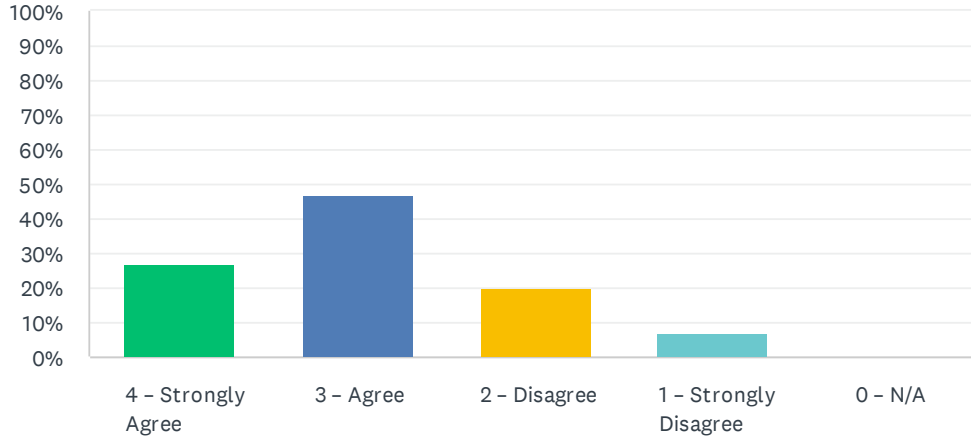


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 46.67%    | 7  |
| 3 – Agree             | 26.67%    | 4  |
| 2 – Disagree          | 20.00%    | 3  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS | DATE              |
|---|----------|-------------------|
| 1 | I'm not! | 8/28/2024 8:41 AM |

## Q51 The board adequately oversees the financial performance and fiduciary accountability of the organization.

Answered: 15 Skipped: 0

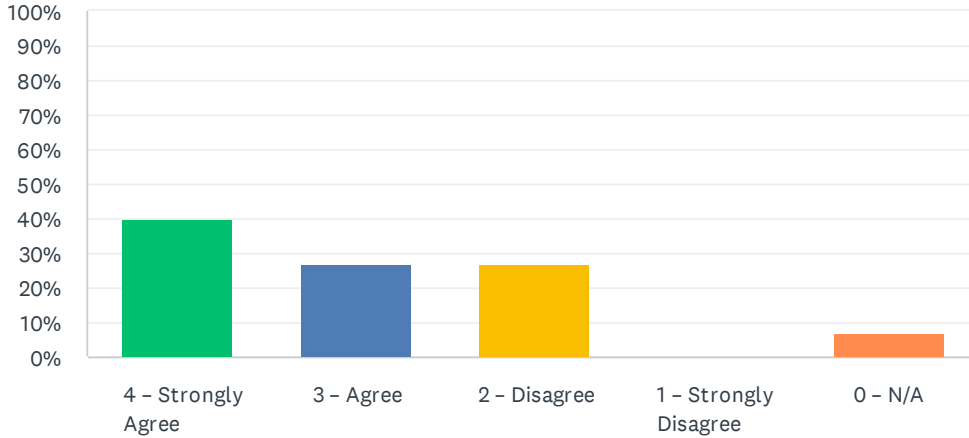


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 26.67%    | 4  |
| 3 – Agree             | 46.67%    | 7  |
| 2 – Disagree          | 20.00%    | 3  |
| 1 – Strongly Disagree | 6.67%     | 1  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                                                                                                 | DATE              |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | With the board's current financial situation and deficit, I do not feel the board has done a good job overseeing the organization's financial performance.                                                               | 9/15/2024 6:16 PM |
| 2 | When board members are asking questions about the finances, staff should not take it as the board is out to get them. Sometimes it feels that staff think the board should not be questioning what is presented to them. | 9/13/2024 1:08 PM |

## Q52 The board receives regular financial updates and takes necessary steps to ensure the operations of the organization are sound.

Answered: 15 Skipped: 0

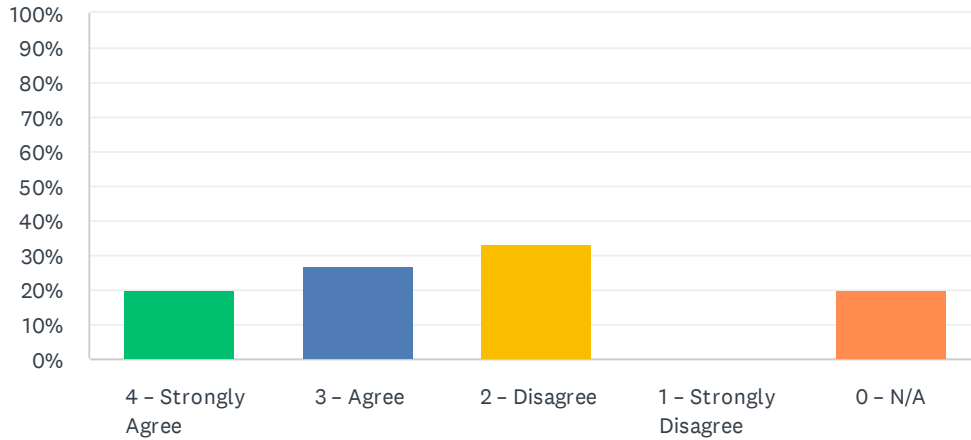


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 40.00%    | 6  |
| 3 – Agree             | 26.67%    | 4  |
| 2 – Disagree          | 26.67%    | 4  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                   | DATE              |
|---|--------------------------------------------------------------------------------------------|-------------------|
| 1 | Sometimes there are financial information that the board does not receive that they should | 9/13/2024 1:08 PM |

## Q53 Our organization's fund raising needs and strategies are understood by the board.

Answered: 15 Skipped: 0

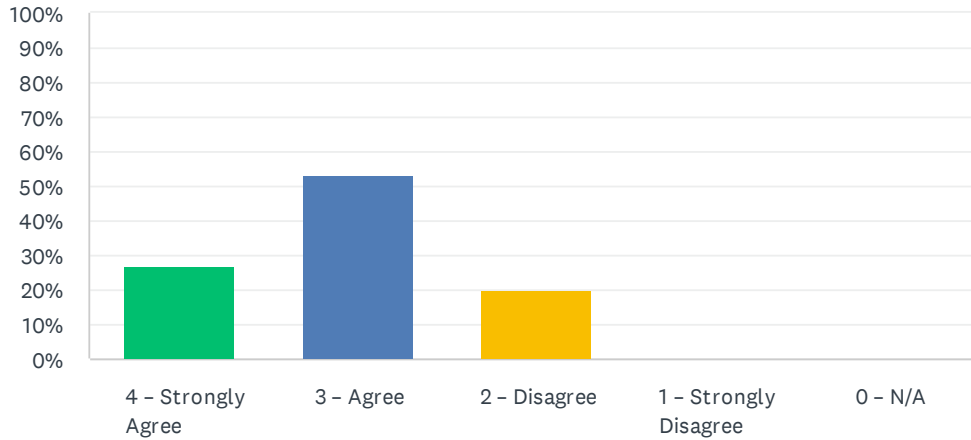


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 20.00%    | 3  |
| 3 – Agree             |  | 26.67%    | 4  |
| 2 – Disagree          |  | 33.33%    | 5  |
| 1 – Strongly Disagree |  | 0.00%     | 0  |
| 0 – N/A               |  | 20.00%    | 3  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                                                       | DATE              |
|---|----------------------------------------------------------------|-------------------|
| 1 | I'd be happy to learn more about this and to help out with it. | 8/28/2024 8:41 AM |

## Q54 Board members are knowledgeable about the organization's programs and services.

Answered: 15 Skipped: 0

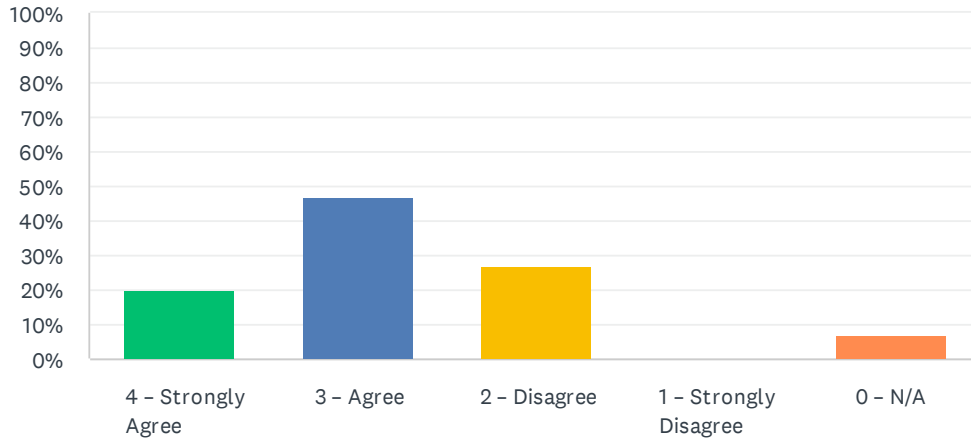


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 26.67%    | 4  |
| 3 – Agree             | 53.33%    | 8  |
| 2 – Disagree          | 20.00%    | 3  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |

## Q55 The board has been made aware of and understands its oversight role of the CSBG Organizational Standards.

Answered: 15 Skipped: 0

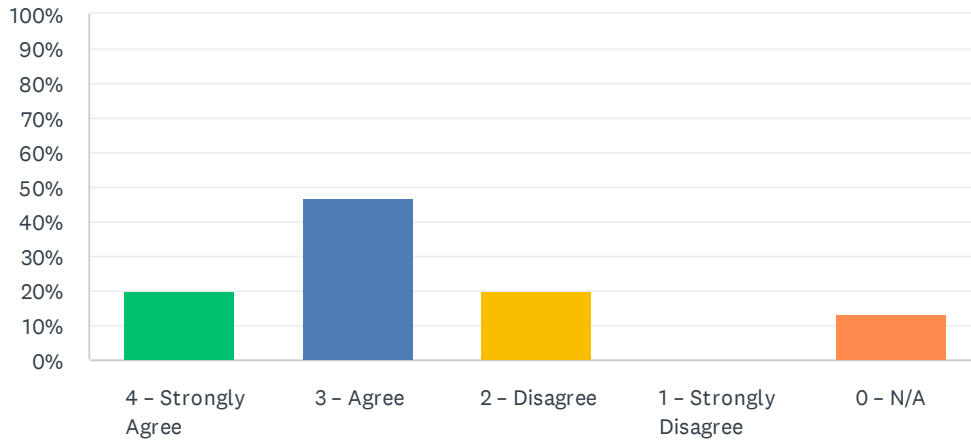


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 20.00%    | 3  |
| 3 – Agree             | 46.67%    | 7  |
| 2 – Disagree          | 26.67%    | 4  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 6.67%     | 1  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                                                                 | DATE              |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | Recommending training to the board on CSBG. Some Commissioners do not have a full understanding.                                                                                         | 9/15/2024 6:16 PM |
| 2 | Over the last few years, CEO has not allowed board to have oversight of CSBG funds, leaving some programs with a finical gaps where CSBG funds could have been used to cover those gaps. | 9/13/2024 1:08 PM |
| 3 | I don't know that all of us do. I didn't even know we handled CSBG funding until we went to CAPLAW.                                                                                      | 8/28/2024 8:41 AM |

## Q56 The board has been made aware of and understands its oversight role of the Head Start Governance, Leadership and Oversight Capacity Screener.

Answered: 15   Skipped: 0

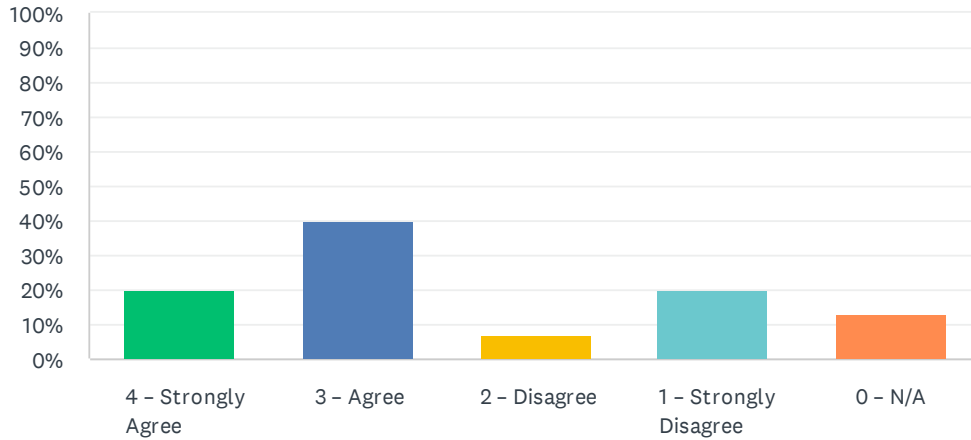


| ANSWER CHOICES        |  | RESPONSES |    |
|-----------------------|--|-----------|----|
| 4 – Strongly Agree    |  | 20.00%    | 3  |
| 3 – Agree             |  | 46.67%    | 7  |
| 2 – Disagree          |  | 20.00%    | 3  |
| 1 – Strongly Disagree |  | 0.00%     | 0  |
| 0 – N/A               |  | 13.33%    | 2  |
| TOTAL                 |  |           | 15 |

| # | COMMENTS                                                           | DATE              |
|---|--------------------------------------------------------------------|-------------------|
| 1 | I'm aware of this but would like to know more about our oversight. | 8/28/2024 8:41 AM |

## Q57 Our board receives regular reports about the organization's relationships with external constituents and community groups.

Answered: 15 Skipped: 0



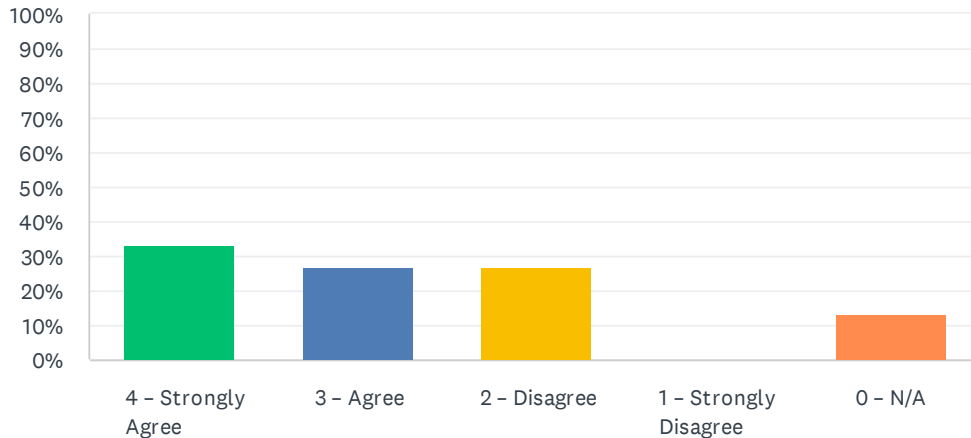
| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 20.00%    | 3  |
| 3 – Agree             | 40.00%    | 6  |
| 2 – Disagree          | 6.67%     | 1  |
| 1 – Strongly Disagree | 20.00%    | 3  |
| 0 – N/A               | 13.33%    | 2  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                 | DATE              |
|---|------------------------------------------------------------------------------------------|-------------------|
| 1 | This is something that has been requested by the board to be in the CEO's monthly report | 9/13/2024 1:08 PM |



## Q58 I participate in critical organizational events designed to promote the organization (annual meeting, programmatic kick-off events, openings of major new programs, etc.)

Answered: 15    Skipped: 0

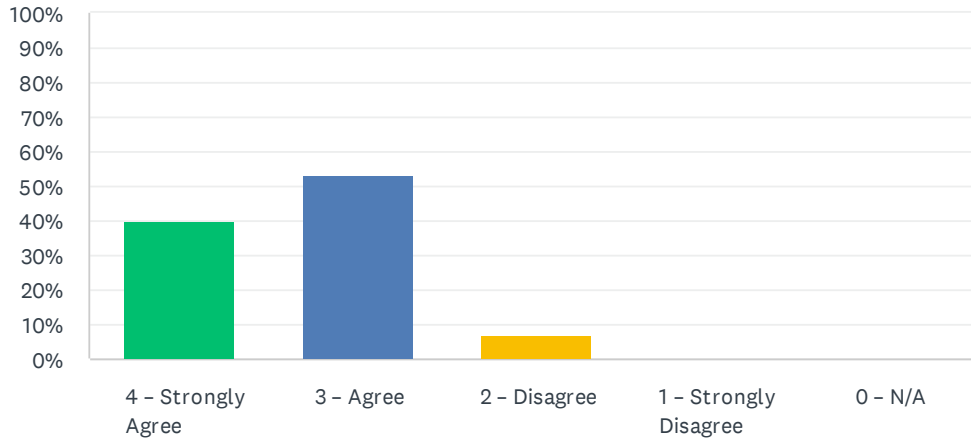


| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 33.33%    | 5  |
| 3 – Agree             | 26.67%    | 4  |
| 2 – Disagree          | 26.67%    | 4  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 13.33%    | 2  |
| TOTAL                 |           | 15 |

| # | COMMENTS                                                                                                                                                                                                               | DATE              |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1 | I could do a better job of proactively inquiring about and attending activities in my target area.                                                                                                                     | 9/15/2024 4:33 PM |
| 2 | This has been inconsistent. There have been a few events that came and went without invitation to all commissioners. However, this is minor, and the staff have been making an effort to proactively invite all of us. | 8/28/2024 8:41 AM |

## Q59 Board members are clear about who serves as official spokesperson for the organization.

Answered: 15 Skipped: 0



| ANSWER CHOICES        | RESPONSES |    |
|-----------------------|-----------|----|
| 4 – Strongly Agree    | 40.00%    | 6  |
| 3 – Agree             | 53.33%    | 8  |
| 2 – Disagree          | 6.67%     | 1  |
| 1 – Strongly Disagree | 0.00%     | 0  |
| 0 – N/A               | 0.00%     | 0  |
| TOTAL                 |           | 15 |

| # | COMMENTS                | DATE |
|---|-------------------------|------|
|   | There are no responses. |      |



## EXECUTIVE COMMITTEE MEETING

**Date:** November 4, 2024

**Time:** 5:30 PM

**Location:** 1920 Mariposa Street, Suite 310 Fresno, CA 93721

### MINUTES

1. **CALL TO ORDER**  
Robert Pimentel, Vice Chair, called the meeting to order at 5:30 p.m.
2. **ROLL CALL**  
Roll was called and a quorum was established.

**Committee Members:**

Robert Pimentel  
Earl Brown  
Charles Garabedian  
Lisa Mitchell  
Linda Hayes  
Jimi Rodgers

**Absent:**

Oliver Baines  
Alysia Bonner

**Staff:**

Emilia Reyes  
Karina Perez  
Michelle L. Tutunjian  
Hemanta Mungur  
Nelson Dibie  
Jack Lazzarini  
Sherry Neil  
Greg Streets  
Elionora Vivanco  
Patrick Turner  
Annette Thornton

Julio Romero  
Angela Riofrio  
Steve Warnes  
Andy Arredondo  
Augie Quiroz  
Thomas Dulin  
Jon Escobar  
Misty Gattie-Blanco  
Chris Erwin  
Ana Martinez  
Stephanie Buelna

3. **CONSENT AGENDA ITEMS 3\_1 – 3\_4**

Public Comments: None heard.

**Motion by:** Hayes **Second by:** Garabedian

**Ayes:** All in favor

**Nays:** None

**PULLED CONSENT AGENDA ITEM**

Public Comments: None heard.

4. **AGENCY FINANCIAL AND HEAD START FINANCIAL STATUS REPORT AUGUST 2024**

Hemanta Mungur, Chief Financial Officer, presented an overview report of the Agency's Financial statements and the Head Start Financial Status Report as of Year-to-Date for August 31, 2024.

Public Comments: None heard.

**Motion by:** Hayes **Second by:** Rodgers  
**Ayes:** All in favor  
**Nays:** None

**5. HEALTH SERVICES: ENDING CALIFORNIA'S TOBACCO EPIDEMIC IN EVERY COMMUNITY**

Julio Romero, Health and Dental Assistant Director, provided an overview of the Ending California's Tobacco Epidemic in Every Community Grant application, in the amount of \$900,000 for a three-year project.

Public Comments: None heard.

**Motion by:** Hayes **Second by:** Mitchell  
**Ayes:** All in favor  
**Nays:** None

**6. LOCAL CONSERVATION CORPS: 2023-2024 YOUTHBUILD AMERICORPS SUBGRANT AWARD AMENDMENT**

Patrick Turner, Training & Employment Services Director, provided an overview 2023-2024 YouthBuild AmeriCorps Subgrant Award Amendment with YouthBuild USA, reflecting an increase in the amount of \$49,504, bringing the total amount to \$249,504 for a 12-month period.

Public Comments: None heard.

**Motion by:** Rodgers **Second by:** Hayes  
**Ayes:** All in favor  
**Nays:** None

**7. LOCAL CONSERVATION CORPS: 2024-2025 YOUTHBUILD AMERICORPS EDUCATION SUBGRANTEE AWARD**

Turner, provided a brief overview of the 2024-2025 YouthBuild AmeriCorps Education Subgrantee Award, in the amount of \$200,000 for a 12-month period.

Public Comments: None heard.

**Motion by:** Hayes **Second by:** Garabedian  
**Ayes:** All in favor  
**Nays:** None

**8. WOMEN, INFANTS AND CHILDREN: 2023-2025 WOMEN, INFANTS AND CHILDREN CONTRACT AMENDMENT**

Annette Thornton, Women, Infants and Children (WIC) Director, provided an overview of the 2023-2025 WIC Amendment with the California Department of Public Health/WIC Division, reflecting an

increase in the amount of \$705,238, bringing the total amount to \$22,371,250 for a three-year period.

Public Comments: None heard.

**Motion by:** Rodgers **Second by:** Garabedian

**Ayes:** All in favor

**Nays:** None

## 9. PUBLIC COMMENTS

Sherry Neil, Programs Officer, thanked staff and Commissioners for attending the annual Halloween Safe Night event that took place on Thursday, October 31, 2024, and thanked those who donated candy. Neil shared that this event was very successful and had over 3,000 attendees.

Neil thanked Commissioners Rodgers, and Brown for attending the Weatherization Day that took place on Wednesday, October 30, 2024.

Misty Gattie-Blanco, Sanctuary Director, shared National Youth Homelessness Outreach, Prevention, and Education (HOPE) month is launching on November 1<sup>st</sup> and requested all to follow Sanctuary on social media for related events.

Public Comments: None heard.

No action required.

## 10. CEO COMMENT

Emilia Reyes, Chief Executive Officer, thanked those Commissioners who attended and donated candy for the annual Halloween Safe Night event.

Public Comment: None heard.

No action required.

## 11. COMMISSIONERS' COMMENT

Commissioner Mitchell thanked the staff for their amazing job of putting together the annual Halloween Safe Night Out event.

Commissioner Garabedian reminded staff and Commissioners to vote as Tuesday, November 5<sup>th</sup> is the last day to vote for the 2024 Election.

Public Comment: None heard.

No action required.



**12. ADJOURNMENT**

The meeting adjourned at 5:47 p.m.



## BOARD OF COMMISSIONERS MEETING

|                                                          |                                 |
|----------------------------------------------------------|---------------------------------|
| <b>Date:</b> December 16, 2024                           | <b>Program:</b> Human Resources |
| <b>Consent Agenda Item #:</b> 8_7                        | <b>Director:</b> N/A            |
| <b>Subject:</b> Personnel Policies and Procedures Manual | <b>Officer:</b> Nelson Dibie    |

### Recommended Action

The Executive Committee recommends approval for full Board consideration of the proposed revisions to the agency's Personnel Policies and Procedures Manual.

### Background

This item was presented during the December 9, 2024, Executive Committee Meeting where Committee Members reviewed and approved for full Board consideration.

The Personnel Policies and Procedures manual is periodically updated and/or new policies are created to comply with all new state or federal laws, rules and regulations and other recommended changes. The proposed manual has some policies with significant revisions since the last approved policy manual in December 2023.

Standard changes include revising policies to meet legislative requirements. Other changes address performance, conduct, workplace atmosphere and create additional structure in which management and the Human Resources Department can effect changes to the workplace.

The proposed policy manual has been revised by the Human Resources Department, employment law and labor law attorney. Additionally, agency Directors and Officers were provided the opportunity to provide feedback.

A summary of proposed changes are included with the staff report.

### Fiscal Impact

Action on this agenda item will have no fiscal impact.

### Conclusion

If approved by the Board, the Personnel Policies and Procedures Manual will be updated accordingly. If not approved, Personnel Policies and Procedures Manual will remain unchanged and will not comply with recent state or federal laws, rules and regulations or other recommended changes.

## Summary of Changes:

| <u>Policy Number</u> | <u>Title</u>                                                          | <u>Changes</u>                                                                                                                                                                                                                                                                         |
|----------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1010                 | Employment At-Will                                                    | No significant changes                                                                                                                                                                                                                                                                 |
| 1020                 | Equal Employment Opportunity Policy                                   | Updated list of protected categories per employment law attorney.<br><br>This commitment applies to all persons involved with Fresno EOC operations and prohibits unlawful discrimination by any employee of Fresno EOC, including supervisors, managers, coworkers, and third parties |
| 1030                 | Diversity Policy                                                      | No significant changes                                                                                                                                                                                                                                                                 |
| 1040                 | Discrimination/Harassment/Retaliation Complaint and Prevention Policy | Updated list of protected categories per employment law attorney.                                                                                                                                                                                                                      |
| 1050                 | Management Flow, and Open Communication                               | Added Guidelines for Hugging<br>No significant changes                                                                                                                                                                                                                                 |
| 1060                 | Personnel Records                                                     | Updated language to more strict oversight of management access to personnel files and legal compliance.                                                                                                                                                                                |
| 1070                 | Employment Classifications                                            | Clarified language regarding the agency's discretion to rehire and reinstate employees.                                                                                                                                                                                                |
| 1080                 | Determination of Exempt and Non-Exempt Status                         | Clarified language for ease of understanding.                                                                                                                                                                                                                                          |
| 1090                 | Recruitment, Selection and Employment                                 | Updated list of protected categories per employment law attorney.<br><br>Clarified policy to align with recruitment process changes from 2023 Policy Manual approval.                                                                                                                  |
| 1100                 | Internship and Volunteer Programs                                     | Updated list of protected categories per employment law attorney.                                                                                                                                                                                                                      |
| 1110                 | Outside Employment                                                    | Policy significantly rewritten to ensure that employees disclose employment outside of Fresno EOC and that the employment is not in conflict of interest with Fresno EOC.                                                                                                              |
| 1120                 | Transfers and Promotions                                              | No significant changes                                                                                                                                                                                                                                                                 |
| 1130                 | New Employee Orientation                                              | No significant changes                                                                                                                                                                                                                                                                 |
| 1140                 | Introductory Period                                                   | The introductory period changed from 6 months to 3 months.                                                                                                                                                                                                                             |



|      |                                           |                                                                                                                         |
|------|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| 1150 | Hours of Work, Rest and Meal Breaks       | Added tables to provide clarity on when meal periods and rest breaks are required to be provided or taken.              |
| 1160 | Punctuality and Attendance                | Shortened excused absence timeframe from 24 hours' notice to 2 hours' notice.                                           |
|      |                                           | Extended Return to Work release requirements from 3 days to 5 days.                                                     |
| 1170 | Lactation Policy                          | Added expectations for exempt employees<br>Updated language to follow employment law changes                            |
| 1180 | Personal Telephone Calls and Visitors     | No significant changes                                                                                                  |
| 1190 | Dress and Grooming Standards              | Simplified language regarding hair; added language for food safety regarding beard masks.                               |
|      |                                           | Added language requiring employees to return their ID Badge upon Separation of Employment.                              |
| 1200 | Automobile Insurance and Driver's License | Added language regarding sending staff home without pay for non-compliant apparel.                                      |
| 2010 | Pay Procedures                            | Added deadline for employees to submit mileage for reimbursement.                                                       |
| 2020 | Wage and Salary Administration            | Added language for split shift premiums in compliance with state law.                                                   |
| 2030 | Garnishments                              | Removed language regarding agency minimum wage as state minimum wage will be competing with it in the next year or two. |
| 2040 | Discretionary Bonus                       | No significant changes                                                                                                  |
| 2050 | <del>Hazard Pay Policy</del>              | <del>Eliminated Hazard Pay Policy</del>                                                                                 |
| 2060 | Pay Scale Information                     | No significant changes                                                                                                  |
| 3010 | Holidays                                  | Changed eligibility for Holiday pay to exclude those that call out the day before or after a holiday (without notice)   |
| 3020 | Vacations                                 | No significant changes                                                                                                  |
| 3030 | Sick Time                                 | Change minimum use of Sick Time from one hour to 30 minutes.                                                            |
|      |                                           | Kin Care definition clarified to represent a calendar year starting January 1.                                          |

Updated Sick Time Accrual amount to match 2023 PSL Policy Change

|                 |                                                           |                                                                                                         |
|-----------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| 3040            | Paid Sick Leave                                           | No significant changes.                                                                                 |
| 3050            | Insurance Benefits                                        | Updated policy to require employee's payment of premiums while on leave.                                |
| 3060            | Retirement Plans                                          | Updated vestment of 401a plan to two years.                                                             |
| 3070            | Vacation Donation Policy                                  | Clarified eligibility requirement for donors and recipients.                                            |
| 3080            | Employee Assistance Program                               | Moved Policy from 7040 to 3080 as part of employee benefits section of policy manual.                   |
| <del>3070</del> | <del>Vaccination Policy</del>                             | <del>Policy Deleted</del>                                                                               |
| <del>3080</del> | <del>Health and Wellness Platform</del>                   | <del>Policy Deleted</del>                                                                               |
| 4010            | Family And Medical Leave and California Family Rights Act | Moved Interactive Process section to new policy 4020                                                    |
| 4020            | Interactive Process                                       | New Policy, pulled from policy 4010.                                                                    |
| 4030            | Leaves of Absences                                        | Added reproductive loss leave in compliance with employment law.                                        |
| 4040            | Military Leaves                                           | No significant changes                                                                                  |
| 4050            | Domestic Violence and Sexual Assault Victim Leave         | Added definition of victim                                                                              |
| 5010            | Workplace Atmosphere                                      | Significant revision to the Workplace Atmosphere policy to include additional definitions and guidance. |
| 5020            | Standards of Performance and Conduct                      | Revised Performance and conduct standards                                                               |
| 5030            | Progressive Discipline                                    | Clarified performance and conduct discipline, and progressive discipline                                |
| 5040            | Alcohol/Drug Free Workplace                               | No significant changes                                                                                  |
| 5050            | Mandatory Child Abuse Reporting                           | Policy Re-written                                                                                       |

|                 |                                                               |                                                                                                                                                                          |
|-----------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5060            | Employment of Relatives (Nepotism) and Personal Relationships | Policy Re-written                                                                                                                                                        |
| 5070            | Code of Ethics and Business Conduct                           | No significant changes                                                                                                                                                   |
| 5080            | Solicitation, Distribution, and Posting                       | Policy rewritten                                                                                                                                                         |
| 5090            | Privacy and the Use of Fresno EOC Resources                   | No significant changes                                                                                                                                                   |
| 5100            | Social Networking                                             | No significant changes                                                                                                                                                   |
| 5110            | Remote Work Access Guidelines                                 | No significant changes                                                                                                                                                   |
| 5120            | Remote Work Policy                                            | Remote work not available for employees until after 90 days of employment.                                                                                               |
| 5130            | Retention Policy                                              | No significant changes                                                                                                                                                   |
| 5140            | Employee Referral Incentive Program                           | No significant changes                                                                                                                                                   |
| 5150            | Child Support Referral                                        | New Policy - to comply with CSBG Requirements                                                                                                                            |
| 6010            | Commitment to Safety                                          | No significant changes                                                                                                                                                   |
| 6020            | Workplace Violence                                            | No significant changes                                                                                                                                                   |
| <del>6030</del> | <del>Infectious Disease Control</del>                         | <del>Policy eliminated</del>                                                                                                                                             |
| 7010            | Learning and Development                                      | No significant changes                                                                                                                                                   |
| 7020            | Professional Certification Reimbursement                      | New Policy                                                                                                                                                               |
| 7030            | Succession Planning                                           | No significant changes                                                                                                                                                   |
| 7040            | Performance Evaluations                                       | Changed timeframe for evaluation due dates to follow introductory period changes from policy 1140. Revised and clarified the Performance Improvement Plan (PIP) process. |
| 7050            | Separation of Employment                                      | No significant changes.                                                                                                                                                  |
| 7060            | Layoffs and Furloughs                                         | No significant changes                                                                                                                                                   |
| 7070            | Severance Pay                                                 | Added Chief Officer severance pay level.                                                                                                                                 |



Fresno  
**Economic  
Opportunities  
Commission**

**PERSONNEL POLICIES & PROCEDURES MANUAL**

DRAFT

APPROVED OCTOBER 5, 2023

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DRAFT

## POLICY 1020 EQUAL EMPLOYMENT OPPORTUNITY POLICY

**PURPOSE:** To affirm Fresno EOC's policy of nondiscrimination and to assign responsibility for its operation and continuous review.

**POLICY:** It is the policy of Fresno EOC to recruit, employ, evaluate, transfer, and promote qualified personnel without distinction to race (including traits historically associated with race including but not limited to hair texture and protective hairstyles), color, sex, religious creed (including all aspects of religious beliefs, observances or practices, including but not limited to religious dress or grooming practices), gender (including but not limited to gender identity and gender expression), marital status, registered domestic partner status, age, national origin or ancestry (including but not limited to language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law), citizenship status, physical or mental disability (except when physical fitness is a valid occupational qualification), medical condition (including but not limited to genetic characteristics, HIV, AIDS, or cancer or a history of cancer), genetic information, sexual orientation, reproductive health decision-making (including, but not limited to, a decision to use or access a particular drug, device, product, or medical service for reproductive health), military and veteran status, taking or requesting to take protected leave(s), engaging in protected activity outside of work (including, but not limited to, lawful use of cannabis off the job and away from the workplace, except as limited by law), race (including hair texture and protective hairstyle), color, ethnicity, national origin, ancestry, sex, pregnancy (including childbirth and related medical conditions), request for pregnancy disability leave, religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, request for leave for a serious health condition, marital status, sexual preference, sexual orientation, gender identity, gender expression, sex stereotype, transgender, transitioning or perceived to be, reproductive health decision-making, genetic information, citizenship status, military or veteran's status, primary language, activities and status as a victim of domestic violence, assault or stalking or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law, request for family care leave, criminal background, or for any other reason prohibited by law or regulation and not work related. All such discrimination is unlawful.

**REFERENCE:** Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California Fair Pay Act (SB 358), California AB 987, Gender Nondiscrimination Act, Fair Chance Act.

**PROCEDURES:**



## I. COMMITMENT

Fresno EOC is committed to equal opportunity employment for all employees and applicants. Employment decisions will comply with all applicable laws prohibiting discrimination in employment. This commitment applies to all persons involved with Fresno EOC operations and prohibits unlawful discrimination by any employee of Fresno EOC, including supervisors, managers, coworkers, and third parties

**Accommodating Disabilities:** To comply with applicable laws and ensure equal opportunity to qualified individuals with disabilities, Fresno EOC will make reasonable accommodations for the known physical and mental limitations of an otherwise qualified applicant or employee unless undue hardship on Fresno EOC would result. An employee or applicant who requires accommodation to perform the essential functions of the job should contact their supervisor or Human Resources and request such accommodation. The individual with the disability should specify what accommodations they need to perform the job. Fresno EOC will then evaluate and identify barriers for the employee to perform~~ing~~ the job, and possible accommodations, if any, which will help resolve the limitation. If the accommodation is reasonable and will not impose an undue hardship or pose a direct threat to the health and safety of the employee or coworkers, Fresno EOC will make the accommodation. If there is more than one reasonable accommodation that will not impose an undue hardship, Fresno EOC will identify and select the accommodation(s) that will be made for the applicant or employee. In considering possible accommodations, Fresno EOC cannot eliminate essential functions of a position. - Fresno EOC will not discriminate or retaliate against employees or applicants for making reasonable accommodation requests.

### Accommodating Religious Beliefs:

**Accommodating Religious Beliefs:** To comply with applicable laws and ensure equal opportunity to qualified individuals with sincerely held religious beliefs, Fresno EOC will make reasonable accommodations for the known religious beliefs of an otherwise qualified applicant or employee unless undue hardship on Fresno EOC would result. An employee or applicant who requires accommodation to perform the essential functions of the job should contact their supervisor or Human Resources and request such accommodation. The individual with the religious belief should specify what accommodations they need to perform the job. Fresno EOC will then evaluate and identify barriers for the employee to performing the job, and possible accommodations, if any, which will help resolve the limitation. If the accommodation is reasonable and will not impose an undue hardship or pose a direct threat to the health and safety of the employee or coworkers, Fresno EOC will make the accommodation. If there is more than one reasonable accommodation that will not impose an undue hardship, Fresno EOC will identify and select the accommodation(s) that will be made for the applicant or employee. In considering possible accommodations, Fresno EOC cannot eliminate essential functions of a position. Fresno EOC will not discriminate or retaliate against employees or applicants for making reasonable accommodation requests.

Fresno EOC prohibits any pay discrimination in accordance with ~~will not tolerate any pay discrimination based on sex per~~ the California Equal Pay Act and will not retaliate against employees for discussing wages.

Each person with authority to hire, transfer, promote, evaluate, adjust salaries, issue ~~disciplinary action~~corrective action, terminate an employee, or to effectively recommend such action, is responsible for ensuring compliance with this policy.

## II. RESPONSIBILITY

A. The Human Resources ~~Office Director/Officer~~ is responsible for the dissemination of information regarding this policy, its implementation, and to monitor compliance by employees.

B. Policy Dissemination: To ensure compliance with this policy, employees and members of the community-at-large must be made aware of the Agency's policy and commitment to Equal Opportunity Employment.

All advertisements for employment with Fresno EOC will include the phrase "Equal Opportunity Employer, or EOE" to ensure that candidates for employment internally and from recruitment sources such as community organizations, state agencies, secondary schools and colleges, are aware of the Agency's policies on Equal Opportunity Employment.

## III. RECRUITMENT

A. Fresno EOC is committed to a diverse workforce which is reflective of the communities we serve.

B. Available open positions within the Agency are included on the Intranet/Internet which is updated regularly by Human Resources and the Communications Department.

## IV. ADVANCEMENT OPPORTUNITIES

A. It is the expressed goal of Fresno EOC to assist all employees in developing their skills and abilities to their maximum potential.

B. Employees are encouraged to apply for consideration for promotional opportunities within Fresno EOC. All qualified employees who apply for an advancement opportunity will receive equal consideration. Selection for promotion, training and transfer opportunities will be based on the employee's ability to perform the essential functions of the position and meeting the qualifications of the new position, with or without reasonable accommodation, along with other factors (see Policy 1120, Transfers and Promotions).

C. To the extent possible, training may be provided to assist employees in meeting established requirements and qualifications for advancement. Fresno EOC retains the right to select a candidate that is already qualified and interviewed.

D. Performance evaluations are completed to assess an employee's job performance in relationship with established performance criteria for job classification and to identify training needs for improved performance.

Ongoing evaluation will be made of the Agency's policies, procedures, and practices to ensure non-discrimination and equal opportunity.

DRAFT

## **POLICY 1040 DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINT AND PREVENTION POLICY**

**PURPOSE:** The Agency is committed to providing a work environment free of unlawful discrimination, harassment, and retaliation in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment, and retaliation.

**POLICY:** The Agency is committed to preserving a workplace free of discrimination, harassment, retaliation, and inappropriate workplace conduct based on protected classifications and in compliance with state and federal requirements as well as the use of sound management principles. The Agency will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should communicate them to the ~~Human Resources Department~~Human Resources Office.

**REFERENCE:** Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California SB 358, California AB 987, Gender Nondiscrimination Act. FEHA (Gov. Code § 12940 (h), 29 C.F.R. § 1604.11, §11019(b) and §11009(e), Fair Employment and Housing Council §11031, California AB 1825, Gov. Code §12950.1, 12950

### **PROCEDURES:**

#### **I. INDIVIDUALS AND CONDUCT COVERED**

These policies apply to all applicants, employees, unpaid interns, volunteers, client, commissioner and/or customer, whether related to conduct engaged in by fellow employees or by someone not directly connected to Fresno EOC (e.g., an outside vendor, consultant, or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

#### **II. OVERVIEW**

The law and the policies of Fresno EOC prohibit disparate treatment on the basis of any protected characteristic, with regard to terms, conditions, and privileges of employment. The prohibitions against discrimination, harassment and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

All individuals should be afforded the opportunity to participate in business or work-related social activities or discussions without fear of discrimination or harassment.

#### A. Equal Employment Opportunity

It is the policy of Fresno EOC to ensure equal employment opportunity without discrimination or harassment on the basis of:

- race (including traits historically associated with race including but not limited to hair texture and protective hairstyles including hairstyle/texture);
- ancestry (including but not limited to language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law);
- citizenship status;
- religion or religious creed (including religious dress and grooming practices);
- color;
- age (40 and over);
- sex;
- gender;
- sexual orientation;
- gender identity or expression;
- genetic information;
- national origin (including language use restrictions);
- marital status;
- domestic partner status;
- medical condition (including cancer, HIV/AIDS and genetic characteristics);
- physical or mental disability (~~including HIV and AIDS~~);
- military or veteran status;
- pregnancy;
- childbirth;
- breastfeeding and related medical conditions;
- reproductive health decision-making (including but not limited to a decision to use or access a particular drug, device, product, or medical service for reproductive health);
- taking or requesting to take protected leave(s);
- engaging in protected activity outside of work (including, but not limited to, lawful use of cannabis off the job and away from the workplace, except as limited by law); ~~or~~
- any other characteristic protected by law as Fresno EOC prohibits any such discrimination or harassment.
- ~~Individuals~~ individuals whose affiliation with or perceived affiliation with any characteristic protected by law including those listed above.

## B. Prohibiting Retaliation

The Agency encourages reporting of all perceived incidents of discrimination or harassment so that it may promptly and thoroughly investigate such reports. The Agency prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

## C. Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, “sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

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

~~Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment:~~

- ~~• Quid Pro Quo~~
- ~~• Hostile Work Environment.~~

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender.

Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

## D. Harassment

For the purposes of this policy, harassment is considered to be verbal, written or physical conduct that denigrates, shows hostility, and/or aversion toward an individual and/or that of an individual’s relatives, friends or associates, because of the reasons listed under section A. Equal Employment Opportunity and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material, including the display of signs or symbols, that denigrates, shows hostility, and/or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company/agency time or using company/agency equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

### E. Guidelines for Hugging

Fresno EOC understands that hugging can benefit employees and the workplace but consent for hugging must be requested and received.

- Consent: Always seek explicit verbal or non-verbal consent before initiating any physical contact, including hugging. If in doubt, avoid initiating physical contact.
- Respect Personal Space: Understand that not everyone is comfortable with physical displays of affection, even in friendly situations. Respect personal boundaries at all times.
- Professional Environment: Be mindful of the context. Hugging should be avoided in professional or formal settings, such as meetings, presentations, or interactions with clients.
- Power Dynamics: Supervisors, managers, or individuals in positions of authority should exercise extra caution when considering physical interaction with subordinates, as there may be an inherent pressure or expectation.
- Cultural Sensitivity: Recognize that cultural differences may influence how physical touch is perceived. Some individuals may come from backgrounds where hugging is uncommon or uncomfortable.
- Alternative Gestures: If you wish to express support or congratulations, consider alternative gestures such as a verbal compliment, a handshake, or a pat on the back.
- Communicate Directly: Politely express discomfort to the individual involved if they feel comfortable doing so.

If any employee feels uncomfortable or experiences unwelcome physical contact, they are encouraged to report to the Human Resources Office. Employees can report any concerns about inappropriate physical contact, including hugging, to Human Resources or their supervisor without fear of retaliation. All reports will be handled confidentially and investigated promptly, in accordance with the agency's anti-harassment and workplace conduct policies.



### III. MANDATORY TRAINING

Fresno EOC requires interactive training and education regarding sexual harassment and abusive conduct prevention. Every two years, supervisory employees must receive two (2) hours of training and non-supervisory employees must receive one (1) hour of training. New nonsupervisory employees will be provided one (1) hour of training within ninety (90) days of hire. New supervisory employees will be provided two (2) hours of training within thirty (30) days of assuming their supervisory position. Fresno EOC may provide this training in conjunction with other training provided to the employees.

### IV. REPORTING AN INCIDENT OF DISCRIMINATION, HARASSMENT, OR RETALIATION

The Agency encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the identity or position held by the accused. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, director, or Human Resources management. See the complaint procedure described below.

In addition, Fresno EOC also encourages individuals who believe they are being subjected to such conduct to promptly advise the accused that their behavior is unwelcome and to request that it be discontinued. Often, this action alone will resolve the problem. The Agency recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Any person, employee, or manager who has an obligation to report violations of this policy and fails to do so will be subject to ~~corrective action~~disciplinary action, up to or including termination.

### V. COMPLAINT PROCEDURE

Individuals who believe they have been the victim of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, director, or Human Resources management.

Any reported allegations of discrimination, harassment or retaliation will be investigated promptly by ~~management staff in~~ the Human Resources Office. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have relevant knowledge.

The Agency will handle all situations with confidentiality, to the extent possible, by making every effort to limit both the number of people involved with the investigation and the extent of the discussion with them to a need-to-know basis, while ensuring that the investigation is conducted thoroughly and objectively. Upon completion of the investigation, the investigator will provide an objective decision of the reported claims based on preponderance of evidence.

### VI. RETALIATION



The Agency prohibits retaliation against employees who, in good faith, report what they believe to be discrimination, harassment, retaliation, or inappropriate workplace conduct based on a protected classification, or who participates in the investigation of such complaints or other proceeding conducted by the California Civil Rights Department (“CCRD”) or U.S. Equal Employment Opportunity Commission (“EEOC”) or other applicable agency.

Retaliation can include conduct such as termination, demotion, loss of duties, or disadvantageous transfers or assignments as well as expressing hostility, shunning or avoiding an individual, applying unreasonable or unfair job expectations, and real or implied threats or intimidation against the complainant(s) or a participant in the investigation.

Any employee experiencing or witnessing retaliatory conduct should immediately report the conduct consistent with reporting procedures contained within this policy. Any person engaging in retaliatory conduct will be subject to discipline up to and including termination.

## VII. RESPONSIVE ACTION

Misconduct constituting discrimination, harassment or retaliation will be addressed appropriately. Fresno EOC will engage in a prompt and impartial investigation. Responsive action may include but is not limited to, ~~corrective action~~disciplinary action, training, referral for assistance, reassignment, temporary suspension without pay, or termination, as Fresno EOC believes appropriate under the circumstances.

If a party to a complaint does not agree with the resolution, that party may appeal to the ~~Program Director, Human Resources Director/Officer~~Human Resources Office.

False and malicious complaints of discrimination, harassment or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

Supervisors and managers have a responsibility to the employees and Fresno EOC to report any concerns or complaints of misconduct under this policy to their immediate supervisor (when appropriate) and Human Resources ~~management~~. Supervisors and/or managers must:

- ensure that their work environment remains free of discrimination, harassment, and retaliation;
- coordinate and cooperate with the Program Director in disseminating this policy to all employees under their management/supervision; and
- cooperate with the Program Director, Human Resources management and/or designated person in the investigation of complaints involving employees under their management/supervision.

When discrimination and/or harassment has occurred, supervisors and managers:

- must take reasonable steps to protect the complainant from further discrimination, harassment or retaliation;

- must take action to remedy the effects of discrimination/harassment/retaliation; and
- may be asked to participate in discrimination and harassment prevention training provided by Fresno EOC.

## **VIII. INTERACTIONS WITH NON-EMPLOYEES**

Employees are also prohibited from engaging in the conduct outlined in this policy with non-employees whom they come into contact with, such as employees of contractors, customers, suppliers, and temporary employment agency employees.

## **IX. CONTRACTS INVOLVING NON-EMPLOYEES**

When programs enter into contracts with independent contractors and persons providing services pursuant to a program grant, the Program Director shall ensure language is provided in the contract requiring those contractors to be responsible for ensuring that effective policies and procedures concerning the prevention of discrimination, harassment, and retaliation exist in their companies/businesses. Appropriate action will be taken if the employee of a customer, vendor, supplier, agency, contractor, or other entity with whom Fresno EOC does business engages in conduct prohibited by this policy.

## **X. EMPLOYEE RESPONSIBILITY**

Employees who were subject to or witnessed a violation of this policy should immediately report the violation to their supervisor or Human Resources ~~management~~.

Employees shall:

- not violate any provision of this policy;
- participate in anti-discrimination/harassment/retaliation training provided by Fresno EOC;
- cooperate fully with investigations of discrimination, harassment, and retaliation; and
- verify in writing that they have received a copy of this policy.

## **XI. SUPERVISOR AND MANAGEMENT RESPONSIBILITY**

Supervisors and/or managers who knew or should have reasonably known of a violation of this policy and do not report the violation will be subject to ~~corrective action~~ disciplinary action, up to and including termination.

## **XII. ADDITIONAL REPORTING INFORMATION**

Anyone who believes that they have been harassed, discriminated, or retaliated against may, within three years of the harassment or discrimination, file a complaint of discrimination with the CCRD or within 300 days of the harassment or discrimination file a complaint of

discrimination with the EEOC. Information regarding these agencies is available on the internet at the following websites:

- U.S. Equal Employment Opportunity Commission: [www.eeoc.gov](http://www.eeoc.gov)
- California Civil Rights Department: [www.caleivilrightserd.ca.gov](http://www.caleivilrightserd.ca.gov)

Because complaints made only to outside agencies may prevent Fresno EOC from taking prompt and appropriate action to remedy any situation, Fresno EOC requests, but does not require, that employees who file complaints to outside agencies also submit a complaint to Fresno EOC.

## POLICY 1060 PERSONNEL RECORDS

**PURPOSE:** To collect, use, and retain employee information required for business or legal reasons, provide employees with a means of reviewing records, and to control and limit internal and external release of information.

**POLICY:** It is the policy of Fresno EOC to maintain personnel records for applicants, employees, and past employees ~~in order to~~ document employment-related decisions, evaluate, ~~and~~ assess policies, and comply with government recordkeeping and reporting requirements.

**REFERENCE:** California Labor Code §1198.5, §432

### PROCEDURES:

#### I. PERSONNEL INFORMATION

Fresno EOC only maintains personnel files as required by federal, state, or local law. Personnel records are ~~confidential~~ and employee information will be ~~obtained~~, used, and retained in a manner which protects each employee's privacy. The personnel file is used to determine employee qualifications for employment, promotion, additional compensation, termination, or discipline.

#### II. RESPONSIBILITY

A. Human ~~Resources—Resources Office~~Department: The Human Resources ~~Office~~Department is solely responsible for overseeing recordkeeping for all personnel information and will specify what information will be collected and how it will be stored and secured. Individual programs are prohibited from keeping or NOT to keep their own personnel duplicating personnel records.

B. Employee: Employees have a responsibility to keep their personnel records up to date. The ~~Human Resources Department~~Human Resources Office must be immediately notified in writing or through Employee Self Service (ESS) of any changes in personal data such as address, telephone number, marital status, number of dependents, tax withholding status, and person(s) to notify in case of an emergency. All eligible employees participating in any of Fresno EOC's benefit plans must maintain a current listing of dependents covered under the plan and current beneficiary designations for any of Fresno EOC's insurance, disability, or retirement plans.

#### III. INSPECTION OF RECORDS

A. Employees: An employee (or former employee) may inspect their own personnel file at a reasonable time and with reasonable notice.

An inspection by the employee must be requested in writing to the ~~Human Resources Department~~Human Resources Office and will be scheduled at a mutually convenient time, but no later than 30 calendar days from the date that Fresno EOC received the employee's written

request. Records that are considered to contain sensitive or confidential information, such as letters of reference or materials pertaining to a pending criminal investigation, will be excluded from the personnel file, inspection, and all other inspections must be conducted in the presence of a designated member of the ~~Human Resources Department~~Human Resources Office.

An employee has the right to request copies of their own personnel file, ~~but may be charged the actual cost of copying.~~ Upon receipt of a written request from a current or former employee, or a representative, the employer shall provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, but no later than 30 calendar days from the date the employer receives the request. The employee can designate a representative if authorized in writing. An employee may submit a statement for their file if they dispute the accuracy, completeness, truthfulness, or relevance of any particular document in the file.

~~Employees have no right to inspect the personnel files of any other employee except as specified in Section B below.~~

The following individuals with direct reports may request access to view their employee's personnel file based on business need.

~~B. Supervisors: Only supervisory and management employees who have a business need to know may inspect the files of an employee. The inspection must be approved by designated staff in the Human Resources Department~~Human Resources Office.

B. Supervisors/Managers: To ensure the confidentiality and security of employee information, only supervisory and management employees who have a business need to know may inspect the files of an employee. The inspection must be approved by designated staff in the Human Resources Office.

Managers and supervisors are required to submit a written request to the Human Resources Office to access an employee's file. The request should include the reason for the access and the specific information needed.

The requests should be submitted via email or official request forms provided by Human Resources, ensuring that the request is documented for tracking and audit purposes.

Access to sensitive information is strictly prohibited. Sensitive information includes, but is not limited to date of birth, Social Security number, background checks, personal health information, immigration status, race, gender, religion, sexual orientation, and criminal history.

Any request for sensitive information must be justified with a clear, business-related rationale, and access will be reviewed on a case-by-case basis by Human Resources in consultation with the legal team.

Failure to comply with this policy may result in disciplinary action, up to and including termination of employment, depending on the severity of the violation.

Personnel files are the property of Fresno EOC and may not be removed from the premises.

#### IV. RELEASE OF INFORMATION

Requests to verify employment information for current and previous employees shall be submitted to The Work Number at 800.367.5690 or [www.theworknumber.com](http://www.theworknumber.com) using Employer Code ~~73024903148505~~. The Work Number will release personnel information only after obtaining the written or e-signature consent of the individual involved. If The Work Number is unable to provide the information requested, the request may be forwarded to the Human Resources Department. Exceptions may be made to cooperate with investigatory or legal requirements.

#### V. EMPLOYMENT REFERENCE REQUESTS

Fresno EOC does not authorize any employee or supervisor to complete a reference check on behalf of the Agency. Should an employee or supervisor want to provide a reference, it must be done without the appearance of acting on behalf of the agency and cannot be written on the aAgency's letterhead.

#### VI. SUBPOENAS

The ~~Human Resources Department~~Human Resources Office is the designated recipient when accepting legal documents regarding business and personnel matters. Fresno EOC does not accept subpoenas for personal matters on behalf of employees.

## POLICY 1070 EMPLOYMENT CLASSIFICATIONS

**PURPOSE:** To establish a policy governing classifications of employees and to establish standard terminology to provide common understanding in reference to Fresno EOC employees.

**POLICY:** It is the policy of Fresno EOC to have employment classifications for each position within the Agency. Depending upon employment status, each employee is classified in one of four status categories: full-time regular, part-time regular, temporary, or on-call/substitute. The classification and the number of hours worked each week determine eligibility for benefits. For payroll and overtime purposes, each employee is classified as either exempt or non-exempt.

**REFERENCE:** 29 U.S.C. § 213(a)(a) (FLSA); 29 C.R.R. pt. 541; 8 Cal. Code Reg. §§ 11010-11040, 11060-11150, 1(A) (Cal. Wage Order Nos. 4-89, 9-90); 8 Cal. Code Reg. § 11050, 1(B) No. 89, Cal. Wage Order 5-2001; California Labor Code § 3353.

### PROCEDURES:

#### I. FULL-TIME REGULAR EMPLOYEES

An employee who is regularly scheduled to ~~and does~~ work thirty-five (35) to forty (40) hours per week, excluding vacation and periods of authorized leave, for a period of indefinite duration is referred to as a full-time regular employee. Full-time regular employees are eligible to participate in the benefit program (see Policy 3050, Insurance Benefits).

#### II. PART-TIME REGULAR EMPLOYEES

An employee who is regularly scheduled to ~~and does~~ work less than the full-time workweek for a period of indefinite duration is referred to as a part-time regular employee. Part-time regular employees who work thirty (30) hours or more per week are eligible to participate in the benefit program (see Policy 3050, Insurance Benefits).

#### III. TEMPORARY EMPLOYEES

A temporary employee is an individual who is hired either part-time or full-time for a ~~specified, limited period, usually~~ not to exceed one (1) year in any funded position. ~~When the need arises, Fresno EOC will hire employees for a temporary period.~~

Temporary employees do not become regular employees as a result of the passage of time. ~~Temporary employees are encouraged to apply for open positions but will not be given special consideration for the temporary position they occupy should the position become a regular full time or part time position. If the temporary employee qualifies for a vacant position, the introductory period will end after one year from the seniority date.~~

Temporary employees may be eligible to participate in health insurance program benefits (see Policy 3050) or other benefits as required by law. An employee whose status changes from

temporary to full-time regular or part-time regular, working more than 30 hours, will become eligible for benefits (see Policy 3050, Insurance Benefits).

#### IV. ON-CALL/SUBSTITUTE EMPLOYEES

On-call/substitute employees are those who are not regularly scheduled to work. They work only as needed and are called in for the purpose of providing relief on short notice or in the event of an unexpected absence by another employee. On-call/substitute employees must meet the minimum qualifications for the job classification in which they are hired.

Substitute/On-Call employees do not become regular employees as a result of the passage of time. Substitute/On-Call employees are encouraged to apply for open positions but will not be given special consideration should the substitute/on-call position become a regular full-time or part-time position. ~~If the Substitute/On-Call qualifies for a vacant position, the introductory period will end after one year from the seniority date.~~

On-call employees may be eligible to participate in health insurance program benefits (see Policy 3050 Insurance Benefits), or as otherwise required by law. Employees can be removed from the on-call list at any time with or without cause or prior notice.

#### V. REINSTATED/~~REHIRED~~ EMPLOYEES

A reinstated employee is an employee who is rehired to the same position within thirty (30) calendar days from the employee's last separation date. The reinstatement of an employee is at the discretion of the Agency. If reinstatement is approved, the employee will be reinstated with their original date of hire and last rate of pay. For the purposes of benefits that accrue, entitlement will be restored to original hire date. Director and higher-level reinstatements must have ~~Human Resources Director/Officer~~Human Resources Office approval. A reinstated employee may enroll in other benefits based upon eligibility consistent with these policies and as required by law.

#### ~~VI. REHIRED EMPLOYEES~~

~~A rehired employee is an employee who is rehired following a break in service in excess of more than thirty (30) days from the employee's last separation date, for other than an approved leave of absence. Director and higher level rehires must have Human Resources Director/Officer approval. A rehired employee who has separated employment for more than after 30 days~~ is considered a new employee from the effective date of their re-employment for all purposes, including benefit eligibility except Paid Sick Leave (See Policy 3040, Paid Sick Leave).

#### VII. SENIORITY DATE

Seniority date is defined as the date of hire or rehire date, whichever is later.

#### VIII. EXEMPT/NON-EXEMPT EMPLOYEES



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Exempt employees, by definition, are exempt from earning overtime compensation (see Policy 1080, Determination of Exempt and Non-exempt Status). Non-exempt employees are all those who are eligible to be paid for overtime work in accordance with the provisions of applicable wage and hour laws (see Policy 2010, Pay Procedures).

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## POLICY 1080 DETERMINATION OF EXEMPT AND NON-EXEMPT STATUS

**PURPOSE:** To establish a policy governing the determination of exempt and non-exempt employees.

**POLICY:** For ~~the purpose of~~ salary administration and labor law compliance, it is the policy of Fresno EOC, to classify employees as either exempt or non-exempt on the basis of whether the jobs to which they are assigned meet the tests for the executive/managerial, administrative, professional, computer professional, or outside salesperson exemptions as outlined below.

**REFERENCE:** California Industrial Welfare Commission Orders 4, 5, and 9. Fair Labor Standards Act, as amended.

### PROCEDURES:

#### I. DEFINITIONS

A. Non-exempt: The term “non-exempt employee” means an employee is covered by overtime provisions of the California wage and hour laws or the Federal Fair Labor Standards Act. Employees in this category shall not be employed more than eight hours in any workday or more than 40 hours in any workweek unless they receive one and one-half times their regular rate of pay for all hours worked over eight hours in any workday and over 40 hours in the workweek. Eight hours of labor constitutes a day's work, and employment beyond eight hours in any workday or more than six days in any workweek requires the employee to be compensated for the overtime at not less than: (1) One and one-half times the employee's regular rate of pay for all hours worked in excess of eight hours up to and including 12 hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek; and )2) Double the employee's regular rate of pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight on the seventh consecutive day of work in a workweek. are entitled to overtime pay for work in excess of eight (8) hours in a single workday or forty (40) hours in one workweek. Employees are also entitled to rest periods and meal periods under California wage and hour laws and/or the Federal Fair Labor Standards Act. Such employees include, but are not limited to, those listed in California's Industrial Welfare Commission Orders 4, 5, and 9 (see Policy 2010, Pay Procedures).

B. Exempt: The term “exempt employee” means that employees are exempt from the overtime, meal period, and rest period provisions of the California wage and hour laws or the Federal Fair Labor Standards Act. Such employees include employees who meet the criteria for certain exemptions and/or qualify as exempt including the executive/managerial, administrative, professional, computer professional, or outside salesperson exemptions. Exempt employees are expected to fulfill their job responsibilities and to work their regular working hours (ex. standard operating hours 8:30-5pm) and as otherwise required to fulfill the position duties. Anything outside of the standard operating hours of work should be communicated to direct supervisor and reporting staff as it may affect the operations of the program/department. As an exempt employee your salary won't be deducted unless you are

absent for one or more full days from work for personal reasons (other than sickness or disability) and for absences of one or more full days occasioned by sickness or disability if the deduction is made from a bona fide plan, practice, or policy of providing compensation for such sickness or disability.

1. Executive/Managerial Exemption: Managerial or executive employees are those who manage all or part of an organization and supervise other employees. An employee qualifies for the executive exemption from overtime when the following conditions are met:
  - The primary duties and responsibilities must be management of the organization, or of a customarily recognized office or subdivision;
  - In most cases, the employee must customarily and regularly direct the work of at least two or more other employees therein;
  - The employee must have the authority to hire and fire, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight;
  - The employee must customarily and regularly exercise discretion and independent judgment;
  - The employee must spend more than 50 percent of working hours performing managerial tasks. Exempt duties include interviewing, selecting, and training employees; setting pay rates and work hours, evaluating employees' performance, handling workers' complaints, disciplining employees, planning and distributing work, deciding on types of work materials and supplies to be used and providing for the safety of employees; and
  - The employee's monthly compensation is not less than two times the state minimum wage for full time employment or meets federal exempt status requirements.
2. Administrative Exemption: An employee qualifies for the administrative exemption from overtime when the following conditions are met:
  - Customarily and regularly exercises discretion and independent judgment in the performance of "intellectual" work which, in the context of an administrative function, is office or non-manual work directly related to management policies or the general business operations of the Agency, and regularly and directly assists an exempt administrator, or performs under only general supervision, work along specialized or technical lines requiring special training, experience or knowledge, or executes special assignments and tasks under only general supervision;
  - Devotes more than 50 percent of work time to the activities described above; and

- The employee's monthly compensation is not less than two times the state minimum wage for full time employment or meets federal exempt status requirements.

Three types of administrative employees may qualify for an exemption if they meet one of the following ~~th~~[Human Resources](#)~~seeResources~~:

- Executive assistants or administrative assistants to whom executives or high-level administrators have delegated part of their discretionary powers may have enough authority to qualify for the administrative exemption.
- Staff employees, who are functional rather than department heads.
- Employees who perform special assignments under only general supervision may qualify for the administrative exemption. These include many who work away from the premises.

3. Professional Exemption: An employee qualifies for the professional exemption from overtime when the following conditions are met:

- The employee is engaged in work which is primarily intellectual, managerial or creative, and which requires exercise of discretion and independent judgment;
- The employee is engaged in a learned profession where the educational requirement for the job is very advanced, meaning that the employee must have a degree or certificate requiring at least one year of specialized study in addition to completion of a four-year college course. The employee's work is of such a nature that its product cannot be standardized with respect to time and the employee has control over hours of work;
- The employee is licensed or certified by the State of California in one of the following nine professions: law, medicine, dentistry, pharmacy, optometry, architecture, engineering, teaching or accounting. Registered nurses are not considered to be exempt professional employees unless they individually meet the administrative, executive or professional criteria described in the wage order; and
- The employee's monthly compensation is not less than two times the state minimum wage for full time employment or meets federal exempt status requirements.

4. Computer Professional Exemption: An employee qualifies for the computer professional exemption from overtime when the following conditions are met:

- The employee is primarily engaged in work that is intellectual or creative;
- The employee is primarily engaged in work that requires the exercise of discretion and independent judgment;

- The employee is primarily engaged in duties that consist of one or more of the following;
    - Applying systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;
    - Designing, developing, documenting, analyzing, creating, testing, or modifying computer systems or programs, including prototypes, based on and related to user or system design specifications;
    - Documenting, testing, creating, or modifying computer programs related to the design of software or hardware for computer operating systems. The employee is highly skilled and proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering; and
    - The employee is paid at least the minimum hourly rate set annually by the state.
5. Outside Sales Exemption: An employee qualifies for the outside sales exemption from overtime when the following conditions are met:
- They are 18 years of age or older; and
  - The employee spends more than 50 percent of all work time away from the place of business, selling tangible or intangible items, or obtaining orders or contracts for products, services, or use of facilities.

## II. SALARY BASIS

All non-exempt employees are paid on an hourly basis. Exempt employees are paid a salary on a bi-weekly basis regardless of the quality or quantity of hours worked. Exempt employees may not be docked pay for the following reasons:

- Violating an Agency policy unless it is a violation of a safety rule of major significance.
- Serving on a jury if they perform any work during a week in which they serve.
- Absences of less than a day.

Subject to the exceptions below, an exempt employee must receive full salary for any week in which any work is performed without regard to the number of days or hours worked. However, an employee need not be paid for any workweek in which no work is performed.

- Deductions may be made when the employee is absent from work for a full day or more for personal reasons, other than sickness or accident.
- Suspension as a result of disciplinary action for violating agency policy.
- Deductions may be made for absences of a day or more occasioned by sickness or disability if the deduction is made in accordance with the sick time policy which provides for loss of compensation occasioned by both sickness and

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disability. Deductions may be made before an employee has qualified under the plan and after an employee's leave balance has been exhausted.

- Deductions may be made for hours taken as intermittent or reduced Family Medical Leave Act/California Family Rights Act (FMLA/CFRA) leave.
- Offsetting may be made for amounts received as jury or witness fees, or for military pay.

### **III. TEMPORARY ASSIGNMENTS AND EXEMPTION**

An employee who does not perform exempt duties on a regular basis will not be exempt for a temporary assignment unless the employee works the exempt job and meets the duties and remuneration tests for at least one month. Employees who are in training for an exempt position are not exempt unless they actually are performing the duties of the exempt position.

## POLICY 1090 RECRUITMENT, SELECTION, AND EMPLOYMENT

**PURPOSE:** To describe the procedure for recruiting and selecting employees for vacant positions at Fresno EOC and to confirm the responsibility of the ~~Human Resources Department~~Human Resources Office with respect to recruitment, selection, placement, and employment.

**POLICY:** It is the policy of Fresno EOC to be an equal opportunity employer and to select individuals for employment upon the basis of their qualifications and the ability to perform the job to be filled. Persons applying for positions with Fresno EOC will be considered without regard to race (including traits historically associated with race including but not limited to hair texture and protective hairstyles), color, sex, religious creed (including all aspects of religious beliefs, observances or practices, including but not limited to religious dress or grooming practices), gender (including but not limited to gender identity and gender expression), marital status, registered domestic partner status, age, national origin or ancestry (including but not limited to language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law), citizenship status, physical or mental disability (except when physical fitness is a valid occupational qualification), medical condition (including but not limited to genetic characteristics, HIV, AIDS, or cancer or a history of cancer), genetic information, sexual orientation, reproductive health decision-making (including, but not limited to, a decision to use or access a particular drug, device, product, or medical service for reproductive health), military and veteran status, taking or requesting to take protected leave(s), engaging in protected activity outside of work (including, but not limited to, lawful use of cannabis off the job and away from the workplace, except as limited by law)~~race, color, ethnicity, national origin, ancestry, sex, pregnancy (including childbirth and related medical conditions), religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, marital status, sexual preference, sexual orientation, gender identity, gender expression, reproductive health decision making, genetic information, sex stereotype, transgender, transitioning or perceived to be, citizenship status, military or veteran's status,~~ primary language, activities and status as a victim of domestic violence, assault or stalking or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law. Fresno EOC is committed to effective recruitment and hiring of a diverse workforce.

**REFERENCE:** Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. Seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California SB 358, California AB 987, Gender Nondiscrimination Act, California Fair Pay Act (SB 358), Fair Credit Reporting Act, AB1008, CA Pay Transparency Act (SB1162).



## PROCEDURES:

### I. RECRUITMENT

A. General: ~~Agency programs have the primary responsibility of overseeing the recruitment process.~~ The ~~Human Resources Department~~Human Resources Office is responsible for maintaining the application tracking system. The ~~Human Resources Department~~Human Resources Office ~~may assist~~will assist programs with guiding the hiring process.

B. Personnel Requisition: Requisitions for additions or replacements to the workforce must be generated by the ~~hiring manager supervisor~~ in the applicant tracking system and approved by the next level of management, director as required, and the ~~Human Resources Department~~Human Resources Office.

C. Internal/External Recruitment: The ~~Human Resources Department~~Human Resources Office ~~facilitates access to the applicant tracking system.~~ The hiring program will be responsible for the determination of who meets the minimum requirements per the approved job description. Also, to the extent possible, the Agency's commitment to diversity should be an important factor in determining whether to recruit externally and assessing a candidate's consideration for interview. The Agency deliberately seeks diverse groups of people and promotes a diverse workforce. Fresno EOC will establish outreach programs for applicants experiencing poverty.

1. Fresno EOC supports a policy of making opportunities available for employees to advance within Fresno EOC through the use of an internal job posting system. Fresno EOC will try to fill job openings above entry level by promotion from within when a qualified internal candidate exists (see Policy 1120, Transfers and Promotions). However, when there is not a ~~sufficient~~strong pool of qualified internal applicants, Fresno EOC will seek qualified external applicants. In addition, Fresno EOC will give consideration to any known qualified applicant(s) who are on layoff status before recruiting applicants from outside the organization (see Policy 70~~670~~, Layoffs). Fresno EOC maintains sole discretion of all personnel decisions. Veterans will be given preference when filling job openings with qualified external applicants. Veterans must provide documents of veteran status at the time of interview to be given preference. If no documents are provided at the time of interview, no preference will be given.
2. Job announcements of open positions will be placed on the Fresno EOC Intranet and/or distributed and posted on Fresno EOC official boards and will include such information as job title, pay grade, job description, qualification requirements. Requisitions will include anticipated pay ranges, which will generally be posted from beginning to mid-range of the pay grade. Job posts will be advertised for at least three days and generally no more than two weeks. Employees who believe they are qualified for the position must apply to be considered. The employee may or may not be interviewed for the position.



3. In addition to seeking job candidates internally, external recruitment may also be required to ensure a strong pool of qualified applicants. Along with the posting to Fresno EOC's website, the following referral sources may be used to obtain new employees: (a) employee referrals, (b) nonprofit and state agencies, (c) government employment services, (d) schools, and (e) other organizations and resources as may be deemed necessary to reach the appropriate labor market and to attract qualified applicants.
4. During the recruitment, interviewing, and hiring process, no statement should be made promising permanent or guaranteed employment; and no document should be called a contract unless, in fact, a written employment contract is to be used and authorized by the Chief Executive Officer.

D. Application Process: When applicants are considered for job openings, the following procedures should be followed:

1. Any applicant for employment must complete an employment application online ~~in order~~ to be considered for employment. Applications for all open positions will be accepted by the applicant tracking system until the filing deadline.
2. The ~~Human Resources Department~~Human Resources Office will consider requests for reasonable accommodation of disabilities and religious beliefs and will determine what, if any, accommodations will be made for the application process.
3. The ~~hiring program and/or Human Resources Department~~Human Resources Office will screen the applications to determine whether applicants meet the minimum requirements as set forth in the job description. All applicants must meet the minimum qualifications with or without reasonable accommodation, for the position to be considered for interview. ~~The hiring program or Human~~The Human Resources Office may conduct a phone interview. The ~~program Human Resources Office~~ will schedule interviews and may request any supporting documents required for the position at that time.

If the applicant does not provide the required documentation within the time designated, they will not be considered as an applicant ~~who has not met the minimum qualifications of the position and~~ and will not be eligible to proceed with ante interview.

## II. SELECTION

### A. Interview Process

1. Panel Interview: Selected applicants who meet the minimum requirements for an open position may be invited to meet with a designated interview panel. Interview panels should contain a minimum of three interviewers. This panel will interview, evaluate, and rank the order of eligible candidates. One or more

interviews may be conducted with applicants to determine suitability for employment, depending upon the level of the position. When applicable, subsequent interviews may consist of internal/external content area experts from a variety of fields related to services offered within the program.

2. Rating sheet: The rating sheets are not the sole criteria in determining the best candidate for the position. Other factors as described in items B-D below may contribute to the final decision.
3. Panelists: All interview panel members, internal or external, must attend interview process training prior to participating in interviews. This training is conducted by the ~~Human Resources Department~~ Human Resources Office to inform interviewers of their responsibilities in conducting a fair, equitable, and legal interview process.

### III. EMPLOYMENT

A. Offer of Employment: The ~~Human Resources Department~~ Human Resources Office will make a verbal job offer based upon final selection from the hiring program. The offer of employment will include the job title, pay rate, employment status (temporary, regular, part-time, etc.), and employment date and any other information required by law. The offer of employment and continued employment may be contingent upon the satisfactory completion of employment requirements including, but not limited to: reference checks, fingerprint clearance, criminal background checks, investigations, verifications, tuberculosis screening, physicals, and drug and alcohol testing. The ~~Human Resources Department~~ Human Resources Office is responsible for generating the official written offer of employment following satisfactory completion of employment requirements.

When the offer is made to an internal applicant, the hiring program and the applicant's supervisor are responsible for determining the start date which should align with the Agency's New Hire Orientation schedule.

Due to State licensing requirements, certain positions may require individuals offered employment to be fingerprinted and have such records filed with the State Department of Social Services before beginning work with Fresno EOC. Fresno EOC shall bear the cost of filing with the State. The fingerprinting information will be maintained in a confidential manner for use by Fresno EOC and will not be utilized or forwarded to any other individuals, employers, or employment placement agencies.

If the background, medical, or any other subsequent investigation discloses any misrepresentation on the employment application or information indicating that the individual is not suited for employment with Fresno EOC, the applicant will be refused employment, or, if already employed, may be terminated. If the background and/or credit check of the applicant results in a refusal to hire, termination, or other adverse employment action, the applicant will be notified as identified in section II-(d) herein.

### IV. POST OFFER/PRE-EMPLOYMENT

A. Reference Checks: All employment is subject to the receipt of two (2) acceptable references. The Reference Check form will serve as a guide to those areas which generally warrant verification and investigation. The following sources of pre-employment reference will be used whenever possible and appropriate: (1) previous employers, (2) business references, (3) personal references, (4) educational institutions attended, and any other references deemed appropriate for the position. A recommendation letter may be accepted in lieu of a reference check. It is important that backgrounds in employment and education, if necessary, be verified. The hiring program will conduct reference checks, unless otherwise designated.

B. Pre-Employment Tests: Employment tests which measure the knowledge, skills, and abilities needed to perform a job may be necessary to evaluate an applicant's qualifications. For example, typing, computer skills, and physical skills tests may be used, provided they are designed for the purpose of testing the essential job functions. In most cases, these tests will be arranged or conducted by the ~~Human Resources Department~~Human Resources Office.

C. Background Checks: Background checks will be conducted on job applicants applying for positions involving security, confidentiality, financial responsibility, or as required by law. Fresno EOC will use a third-party agency to conduct background checks. The type of information that can be collected by this agency includes, but is not limited to an individual's past employment, education, character, criminal records, and credit checks as permitted by law, etc. This process is conducted to verify the accuracy of the information provided by the applicant. Fresno EOC will ensure that all background checks are held in compliance with all federal and state statutes.

Fresno EOC will notify the job applicant, in writing, that it is conducting a background check, provide the name of the third-party agency conducting the background check, identify the purpose of the background check, and identify that the background check may contain information on the applicant's character, general reputation, personal characteristics, and mode of living. Additionally, applicants will be given a pre-disclosure form on which they may check a box indicating a wish to receive a copy of any investigative report prepared regarding them. If the box is checked, the company performing the background check will send a copy of the report to the applicant.

The copy must contain the name, address, and telephone number of the person who issued the report and how to contact that person and, if adverse action is taken based on the report, the name of the investigative consumer reporting agency. In addition, if Fresno EOC conducts a credit check on an applicant and uses the information obtained as the basis for an adverse employment decision (e.g. refusal to hire), Fresno EOC must disclose to the applicant that its action was based on the credit report and the information contained in that report. Fresno EOC will provide notice to the applicant that they have the right to dispute the accuracy or completeness of any of the information in the report.

E. Final Selection: A review and analysis of the application form, interview, and reference check should provide sufficient information to assess and make the final selection of the best qualified applicant. If an applicant is rejected on the basis of reference information, the reference source and information provided will be kept confidential.

E. Email Notification: The Human Resources Office will make every effort to keep applicants and hiring manager ~~will make every effort to keep the applicants~~ informed of their status ~~throughout the~~status throughout the process.

F. Fairness: Fresno EOC has a zero-tolerance policy against employees suspected of or showing prejudiced behaviors and/or actions contrary to Fresno EOC's Diversity and EEO policies. Such employees will not be able to participate in the recruitment and selection process until they have attended a diversity-related training program. Fresno EOC will under no circumstances tolerate the misrepresentation of its Diversity Policy in the form of prejudiced employee behavior.

Behaviors and/or actions by employees that violate Fresno EOC policies and procedures are subject to ~~corrective action~~disciplinary action, up to and including termination.

## V. NON-COMPETITIVE SELECTION

In certain circumstances, the CEO may appoint a person to a position so long as they meet the minimum qualifications of the job and followed the application and interview process.

## VI. PERSONNEL PROCEDURES RELATING TO HEAD START 0 TO 5

The following personnel procedures relate to the hiring of Head Start 0 to 5 personnel and are meant to supplement the Fresno EOC's Personnel Policies & Procedure Manual. These provisions are based on Federal mandates of the Office of Head Start Program.

A. Recruitment: The Head Start 0 to 5 County-Wide Personnel Committee (hereafter CWPC) is responsible for reviewing and approving all changes to Head Start 0 to 5 job descriptions initiated by program staff and/or Human Resources.

Head Start 0 to 5 recruits for employees in a variety of ways. Job Fairs are held as needed and individual job positions are posted throughout the year. Recruitment efforts will be designed to reach out to all areas of our community consistent with the agency's commitment to diversity. Initial screening of applicants is completed by Head Start 0 to 5 staff. Those applicants meeting the minimum job requirements are eligible for an interview.

B. Selection: Once all applicants are screened, an interview is scheduled for those that meet the minimum qualifications. More than one interview may be required, when deemed necessary. Interviews are scheduled by the appropriate Head Start 0 to 5 program staff with assistance of the ~~Human Resources Department~~Human Resources Office. The interview panel may consist of ~~will be conducted by~~ parents and staff. The Administrative Assistant/Education Liaison or other designated staff will facilitate the interviews. The interview panel will make a recommendation to the CWPC for hiring once interviews are completed. ~~In the event that~~If a parent cannot be present during the interview, the panel will proceed with the interviews and the recommendation for hire(s) will be presented to the CWPC for approval or as an informational item.

In compliance with the Head Start Act of 2007, the CWPC is to be informed of the employment of program staff. Once hiring recommendations have been approved, all hires must pass fingerprint clearances as outlined in California regulation and a National Sex Offender Registry check. Clearances must be obtained prior to employment. In addition, the CWPC is also responsible for participating in the hiring and termination of key program staff (i.e., Chief Executive Officer, Chief Financial Officer, Chief Program Officer, Chief People and Culture Officer, Chief Administrative Officer and Head Start 0 to 5 Director).

In filling the position of the Head Start 0 to 5 Director, representatives from the CWPC, Fresno EOC Board and other Fresno EOC programs may participate in the interview process. When applicable, subsequent interviews may consist of internal/external content area experts from a variety of fields related to services offered in the Head Start 0 to 5 program. Upon approval of the Chief Executive Officer, the application and recruitment information will be forwarded to the Head Start Regional Office for review and recommendation.

If an acceptable applicant is not selected, the entire process, as outlined above, will start over.

## POLICY 1100 INTERNSHIP AND VOLUNTEER PROGRAMS

**PURPOSE:** To describe the procedure for recruiting and selecting interns for programs that utilize internships through local colleges, universities, vocational schools, and other established groups.

**POLICY:** It is the policy of Fresno EOC, as an equal opportunity employer, to select individuals for internships solely upon the basis of their qualifications and ability to perform the internship to be filled. Persons applying for internships with Fresno EOC will be considered without regard to race (including traits historically associated with race including but not limited to hair texture and protective hairstyles), color, sex, religious creed (including all aspects of religious beliefs, observances or practices, including but not limited to religious dress or grooming practices), gender (including but not limited to gender identity and gender expression), marital status, registered domestic partner status, age, national origin or ancestry (including but not limited to language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law), citizenship status, physical or mental disability (except when physical fitness is a valid occupational qualification), medical condition (including but not limited to genetic characteristics, HIV, AIDS, or cancer or a history of cancer), genetic information, sexual orientation, reproductive health decision-making (including, but not limited to, a decision to use or access a particular drug, device, product, or medical service for reproductive health), military and veteran status, taking or requesting to take protected leave(s), engaging in protected activity outside of work (including, but not limited to, lawful use of cannabis off the job and away from the workplace, except as limited by law), ~~race, color, ethnicity, national origin, ancestry, sex, pregnancy (including childbirth and related medical conditions), religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, marital status, sexual preference, sexual orientation, gender identity, gender expression, sex stereotype, transgender, transitioning or perceived to be, reproductive health decision making, genetic information, citizenship status, military or veteran's status,~~ primary language, activities and status as a victim of domestic violence, assault or stalking or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law, or for any other reason prohibited by law or regulation and not work related.

**REFERENCE:** Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California SB 358, California AB 987, Gender Nondiscrimination Act, California Fair Pay Act (SB 358), Fair Labor Standards Act.

**PROCEDURES:**



## I. INTERNSHIPS

~~Non-Agency Paid/Unpaid~~ Internships: ~~Internships Unpaid internships~~ must ~~be in compliance~~ comply with the Fair Labor Standards Act and California wage and hour laws. The ~~Human Resources Department~~ Human Resources Office must be notified in advance of an unpaid internship. All paperwork must be reviewed for compliance and be maintained in the ~~Human Resources Department~~ Human Resources Office. The Agency will work to ensure that underprivileged groups are afforded internship opportunities.

## II. VOLUNTEERS

Fresno EOC is committed to involving volunteers directly within the Agency to contribute to the delivery of our services, provide different skills and perspectives, and offer opportunities for participation. A volunteer is a person who freely offers to take part in an enterprise or undertake a task. Volunteering is the practice of a person working on behalf of others to take part in enriching themselves and their communities. Volunteers should have no expectation of compensation or other benefits for their volunteered time to the Agency.

## III. SELECTION

A. Interview: Selected students who meet the minimum requirements for an internship may be invited to meet with a Program Director or designee. This individual will interview and evaluate potential intern candidates. One or more interviews may be conducted with intern candidates to determine suitability for internship. The internship supervisor will conduct the interview process and make a recommendation to the next level of management for final selection.

Volunteers should be interviewed by the program manager/director to ensure fit with the needs of the program.

B. Reference Checks: All interns are subject to the receipt of acceptable references. Reference checks must be conducted prior to the final selection. Referrals from the school requesting the internship are acceptable as a reference.

C. Background Checks: Due to State licensing requirements, certain positions may require individuals offered internships or volunteer opportunities to be fingerprinted and have such records filed with the State Department of Social Services before beginning an internship with Fresno EOC. Fresno EOC shall bear the cost of filing with the State. The fingerprinting information will be maintained in a confidential manner for use by Fresno EOC and will not be utilized or forwarded to any other individuals, employers, or employment placement agencies. If the background check indicates that the individual is not suited for an internship, the internship will not be offered.

D. New Hire Orientation: Interns and volunteers attend New Hire Orientation as necessary.

## POLICY 1110 OUTSIDE EMPLOYMENT

**PURPOSE:** To define outside employment disclosure requirements.

**POLICY:** It is the policy of Fresno EOC to provide guidelines for employees who engage in outside employment.

### PROCEDURES:

#### I. 1. DISCLOSURE REQUIREMENT

- Employees are required to disclose any outside employment or business activities to their employer. Employees engaging in outside employment must submit a Conflict of Interest form to the Human Resources Office where a mitigation plan will be developed, if deemed necessary.
- Full transparency helps the employer assess if the outside employment conflicts with the employee's responsibilities.

#### II. 2. CONFLICT OF INTEREST

- Employees cannot engage in outside work that creates a conflict of interest with their regular duties. This can include:
  - Working for a competitor.
  - Using agency resources, information, or time for outside employment.
  - Engaging in work that compromises the employee's ability to perform their regular job effectively.

#### III. 3. WORK HOURS AND PERFORMANCE

- The outside employment must not interfere with the employee's performance or availability for their primary job.
- Employees are expected to prioritize their primary job and maintain the required level of performance and attendance.

#### IV. 4. USE OF AGENCY RESOURCES

- Employees are prohibited from using agency property, tools, or information for outside employment. This includes:
  - Intellectual property.
  - Office supplies and equipment.
  - Confidential information related to the employer.

#### V. 5. LEGAL AND ETHICAL CONSIDERATIONS

- Outside work should not contradict the agency's mission, vision and values.

#### VI. 6. APPROVAL PROCESS



- Fresno EOC requests you inform a supervisor or Human Resources Office before engaging in outside employment.
- The Agency may deny approval if a potential conflict of interest or impact on work performance is identified.

## VII. 7-DISCIPLINARY ACTIONS

- The policy should clearly state the potential consequences of violating the outside employment rules. This may include:
  - Warnings.
  - Suspension or termination of employment if the conflict affects the agency's interests.

~~Employees are required to provide notice prior to commencing outside employment to their supervisor so that Fresno EOC can evaluate whether a conflict exists. New employees should notify their supervisor of other employment upon hire. Employees may engage in any outside employment, including self-employment, at the discretion of Fresno EOC, if it does not:~~

- ~~1. Create a conflict of interest;~~
- ~~2. Adversely affect their availability for work;~~
- ~~3. Interfere with the fitness or ability to productively perform their employment with Fresno EOC.~~

Employees who engage in outside employment contrary to the above may be asked to terminate their outside employment or may be subject to ~~corrective action~~disciplinary action, up to and including termination.

## POLICY 1140 INTRODUCTORY PERIOD

**PURPOSE:** To define the initial period of employment and evaluation for employees.

**POLICY:** It is the policy of Fresno EOC for all employees to be subject to an initial introductory period. During this initial period, Fresno EOC will evaluate the employee and job performance.

### PROCEDURES:

#### I. INTRODUCTORY PERIOD

A. New Hires: The introductory period applies to regular full- and part-time employees, commences on the date of hire, and lasts ~~three (3) six (6)~~ months. During this time, supervisors should carefully observe the performance of the employee and provide constructive feedback. Supervisors should have performance conversations with their employees on a regular basis. A formal evaluation will be conducted at the midpoint and end of the introductory period. Nothing in this section changes or augments the at-will status of an employee, including that employees may resign with or without notice or be discharged with or without notice at any time during or after the introductive period.

B. Reinstatement: An employee ~~that who~~ separates employment and is reinstated within 30 days will retain their status. An employee in introductory status at time of separation will need to work the remaining time in the original ~~three (3) months six (6) month~~ introductory ~~period-status~~ to be eligible for regular status (see Policy 1070, Employment Classifications).

C. Rehire: An employee that separates employment and is rehired after 30 days will be subject to a new introductory period (see Policy 1070, Employment Classifications).

#### II. WRITTEN PERFORMANCE EVALUATION

Supervisors are required to complete a written evaluation of the employee's job performance no later than ~~thirty (30)~~ days from the due date. The evaluation will be forwarded to the ~~Human Resources Department~~ Human Resources Office with appropriate signatures for recording and placement in the employee's personnel file.

#### III. TERMINATION

Failure of an employee to meet acceptable standards of performance and/or conduct during the introductory period may result in termination pursuant to Fresno EOC's At-Will Policy.

A recommendation for termination should be submitted in writing to the program manager/director, and responsible Officer for review. The responsible or designated Officer has discretion and must approve the recommendation prior to termination occurring. The ~~Human Resources Department~~ Human Resources Office shall give assurance that all procedures for termination have been followed. Employment with Fresno EOC is a voluntary one and is subject to termination by employees or Fresno EOC at will, with or without cause, and with or without notice, at any time (see Policy 1010, Employment At-Will).

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A transferred or promoted employee who is unable to perform satisfactorily in their new job may, at the discretion of management, be returned to their previous position, if a vacancy exists, or may be terminated.

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## POLICY 1150 HOURS OF WORK, REST AND MEAL BREAKS

**PURPOSE:** To establish general working hours, rest and meal breaks for employees.

**POLICY:** It is the policy of the Agency to ensure the Aagency provides rest and meal breaks in compliance with applicable laws.

**REFERENCE:** CA Labor Code 233-234, 246.5, 551-552, 556; AB 1522, AB 304, SB 3

### PROCEDURES:

#### I. HOURS OF WORK

The general working hours for Fresno EOC are from 8:30 a.m. to 5:00 p.m., Monday through Friday, except recognized holidays. The general workweek for Fresno EOC employees consists of 37.5/40 hours per week. The workweek begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m.

#### II. MEAL BREAK PERIOD

Employee meal break periods are important to productivity and employee health. Employees who work at least five (5) consecutive hours will be provided an unpaid, uninterrupted net 30-minute meal break period. Employees may not take their meal break period later than the end of the fifth hour of work or take a meal break period of less than 30 minutes without prior authorization from their supervisor. For example, an employee who begins working at 8 a.m. must begin their meal break period by 12:59 p.m. If the employee's shift will be completed in no more than six hours, this meal break period may be waived by written mutual agreement of the employee and the Agency. In such instances, the employee must stop working and clock out by the end of the sixth hour and not resume working that workday. Employees are entitled to a second unpaid net 30-minute meal break period if they work 10 or more hours in one workday. The second meal break period may be waived if the employee's shift will be completed in 12 hours and the employee did not waive the first meal break period. The second meal break period must be taken before the end of the 10th hour of work.

| <u>Duration of Shift in Hours</u> | <u># of Meal Periods</u> | <u>Comments</u>                                                                                                                                                                                                                                                                                                   |
|-----------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>0 to &lt; 5.0</u>              | <u>0</u>                 | <u>Employees who work less than five hours in a workday are not provided with a meal period.</u>                                                                                                                                                                                                                  |
| <u>≥ 5.0 to &lt; 10.0</u>         | <u>1</u>                 | <u>Employees who work five or more hours in a workday, but who work less than ten hours in a workday are expected to take at least a 30-minute meal period before the start of the 5th hour of work, unless the employees are working six or fewer hours and elect in writing to waive the first meal period.</u> |
| <u>≥ 10.00 to &lt; 15.0</u>       | <u>2</u>                 | <u>Employees who work ten or more hours in a workday, in addition to their first meal period, are expected to take a second meal period of least a 30-minutes before the start of the 10th hour of work, unless the employees</u>                                                                                 |

|  |  |                                                                                                                                          |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <u>are working twelve or fewer hours, and did not waive the first meal period, and elect in writing to waive the second meal period.</u> |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------|

Non-Exempt employees are required to clock-out and clock-in for meal break periods. The meal break period will not be included in the total hours of work per day and is not compensable. Non-exempt employees are to be completely relieved of all job duties while on meal break periods ~~and may leave the premises.~~ Employees not relieved of all duties during meal break periods; not provided a timely meal break period; or who receive a shortened or missed meal break period will receive a penalty payment of one hour of their regular rate of pay for each workday this occurs. Employees must notify their supervisor of any occasion when meal break periods were not provided in accordance with the above policy.

The normal meal break period will be taken between 11:00 a.m. and 2:00 p.m. or may vary depending upon the start time of the workday. Employees are permitted to leave the premises for their meal break periods or they may remain on premises and take the meal period break in designated areas.

### III. REST BREAK PERIODS

All non-exempt employees are entitled to rest break periods during their workday, unless exempted by applicable Wage Orders. Non-exempt employees will be paid for all such rest break periods and do not clock out. ~~If an employee works more than six (6) hours in a workday, they will receive one rest break period during the first half of the shift and one rest break period during the second half of the shift. Rest periods are included in the total hours of work per day and are compensable.~~ Unless an employee is otherwise advised by their supervisor, the rest break periods should be taken as close to the middle of each work period as possible. Generally, an employee is entitled to a “net” ~~15-minute~~ 15-minute rest break period for every four (4) hours worked or major fraction thereof and employees are expected to return to work promptly at the end of any rest break period. Employees are relieved of all duties during the rest break periods and may leave the premises. If at any time an employee believes they have not been provided with a rest break period or enough time to make a net 15-minute rest break period, they should report this to their supervisor immediately. Rest break periods may not be combined or added to an employee’s meal break period or used to arrive late or leave early. Employees not relieved of all duties during rest break periods; not provided a timely rest break period; or who received a shortened or missed rest break period will receive a penalty payment of one hour of their regular rate of pay for each workday this occurs. Employees must notify their supervisor of any occasion when rest break periods were not provided in accordance with the above policy.

| <u>HOURS OF WORK</u>   | <u>15-MINUTE REST BREAKS</u> |
|------------------------|------------------------------|
| <u>Less than 3.5</u>   | <u>0</u>                     |
| <u>3.5 – 6.0</u>       | <u>1</u>                     |
| <u>&gt;6.0 – 10.0</u>  | <u>2</u>                     |
| <u>&gt;10.0 – 14.0</u> | <u>3</u>                     |

Employees are prohibited from taking any rest period that is less than 10 minutes.

Employees are permitted to leave the premises for their rest break periods or they may remain on premises and take the rest break period in designated areas.

Because work schedules may vary for different locations and different classifications of employees, supervisors will be responsible for determining and informing their employees of specific hours, workdays, meal and rest break periods. Additionally, the supervisor may increase or decrease an employee's hours and may require overtime work as it deems necessary or appropriate as permitted by law and as approved by the Director. No off-the-clock or unauthorized work is permitted by Fresno EOC and employees who do so will be compensated for their time but subject to ~~corrective action~~disciplinary action, up to and including termination.

A non-exempt employee who regularly works thirty (30) or more hours per week cannot be required to work seven (7) consecutive days in the defined workweek.

## POLICY 1160 PUNCTUALITY AND ATTENDANCE

**PURPOSE:** The purpose of this policy is to set forth the Agency's policy and procedures for handling employee absences and tardiness.

**POLICY:** As part of our responsibility to our clients, the public, and to other employees, Fresno EOC requires employees to be at work as scheduled, to arrange their personal schedules to accommodate established work hours, and to notify their supervisor prior to but no later than the employee's normal reporting time if they expect to be absent or tardy.

**REFERENCE:** CA Labor Code 233-234, 246.5, 551-552, 556; AB 1522, AB 304, SB 3

### PROCEDURES:

Punctual and regular attendance is an essential responsibility of each employee of the Agency. Regular attendance is important to workplace morale and the successful operations of the Agency. Absences can create a negative impact in the workplace and place strain on other employees. Employees (Exempt and Non-Exempt) are expected to report to work as scheduled, on time and prepared to start working. Employees are also expected to remain at work for their entire work schedule. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided.

This policy does not apply to absences covered by Paid Sick Leave (PSL), the Family and Medical Leave Act (FMLA) or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA) (see Policy 4010, Family and Medical Leave and California Family Rights Act).

### I. ABSENCES & PATTERNS OF ABUSE

An absence is defined as the failure of an employee to report for work when scheduled to work. The two types of absences are defined below:

A. Excused Absence: An excused absence occurs when all the following conditions are met:

- The employee provides their supervisor with sufficient notice two (2) hours before -the start of their shift.-at least 24 hours in advance of the absence.
- The absence request is approved in advance by the employee's supervisor.

B. Unexcused Absence: An unexcused absence occurs when any of the above conditions are not met. An unexcused absence counts as one occurrence for the purposes of discipline under this policy.

C. Patterns of Abuse: Supervisors should immediately address any patterns of abuse of unprotected sick time and/or unprotected unpaid time. Patterns can be two or more instances. Examples of abuse include, but are not limited to:

- Leaving after lunch on paydays.
- Calling in sick on days when vacation time was previously denied.
- Extending weekends by regularly calling in sick on Fridays and/or Mondays.
- Extending time off for holidays by calling in sick the day before or after a holiday.

Patterns of abuse count as one occurrence for the purpose of discipline under this policy.

## II. INABILITY TO REPORT TO WORK

If it is necessary for an employee to be absent or late for work because of an illness or an emergency, the employee must notify their supervisor no later than the employee's scheduled starting time on that same day. If the employee is unable to call, he or she must have someone make the call.

At the discretion of the Program Director, an emergency outside the employee's control, which occurred before the start of the shift, may be considered as an excused absence/tardy. This may include but is not limited to: acts of ~~mother nature~~ natural disasters, ~~motor~~ vehicle accidents, or hospitalization.

## V. RESPONSIBILITY

Employees are responsible for working all of their scheduled work hours at the scheduled times. Employees are required to be at their assigned workstation during all work hours, except for scheduled rest and meal break periods. No off-the-clock or unauthorized work is permitted by Fresno EOC.

Employees who are not able to report to work as scheduled, and who do not have prior written authorization to be absent, will be required to contact their supervisor or program manager/director prior to but no later than the normal reporting time or adhere to the location reporting procedure.

Employees who have consecutive days of unscheduled absences must contact their direct supervisors each workday prior to each scheduled shift they are absent unless a provided doctor's note indicates the return-to-work date.

All unscheduled absences and tardies will be considered when evaluating performance.

## III. RETURN TO WORK

Employees with ~~three~~ five (5) or more consecutive days ~~of of excused absences due to because of~~ illness or injury must provide a release to return to work. However, if the employee has you have already exhausted the annual allotted your annual PSL time, the employee you may be required to provide a medical note after 3 days of absence. If an employee is you are absent for more than five days the employee you may be eligible for protected leave FMLA/CFRA, please contact the Human Resources Office for more information 559-263-1070.



#### IV. TARDINESS AND EARLY DEPARTURES

Employees are expected to report to work and return from scheduled breaks on time. If employees cannot report to work as scheduled, they must notify their supervisor no later than their regular starting time. There is a five (5) minute grace period for tardies. This notification does not excuse the tardiness but simply notifies the supervisor that a schedule change may be necessary.

Employees who must leave work before the end of their scheduled shift must notify a supervisor immediately.

Tardiness and early departures are each one-half an occurrence for the purpose of discipline under this policy.

#### V. EXPECTATIONS FOR EXEMPT EMPLOYEES

Exempt employees are expected to work the number of hours required to successfully complete their job responsibilities, which generally equates to a full-time work schedule. However, due to the nature of exempt positions, employees may need to work more than the regularly scheduled 37.5 to 40 hours per week, depending on the demands of the role. Exempt employees are required to be available during the program's regular business hours to ensure collaboration and communication with colleagues.

- Attendance & Punctuality: Regular attendance and punctuality are required, with absences or lateness reported to managers in advance.
- Remote Work: Remote work is allowed with prior approval, but attendance and performance standards still apply.
- Absenteeism: Frequent, unapproved absences may result in disciplinary action.
- Leave Reporting: Exempt employees must accurately report any time off, such as vacation or sick time.
- Compliance: Non-compliance may lead to disciplinary action or termination.

#### DISCIPLINARY ACTION

One occurrence is defined as:

- An unexcused absence per Section I.B. of this policy, or
- A pattern of abuse per Section I.C. of this policy,
- Two (2) tardies or early departures per Section III of this policy

Three (3) or more occurrences in a rolling three (3) month period will result in disciplinary action. If an employee incurs an additional occurrence during the subsequent 60 days, the employee will proceed to the next step of the progressive disciplinary process.

Ten (10) occurrences in a 12-month period is subject to termination.

## VI. PROGRAM-SPECIFIC ATTENDANCE

The Agency recognizes that some programs may require more strict attendance policies based on the needs of serving clients effectively, efficiently and in compliance with funding guidelines. Any program that requires a stricter attendance policy than outlined in Sections I-V above may implement such standards, once meeting the following:

- Reviewing and receiving approval of the plan with the responsible Officer and ~~Human Resources Department~~ Human Resources Office; and
- Ensuring training is provided to all staff subject to the policy prior to implementation; or
- Advising new hires of the program attendance policy during their first week of work.

## VII. TIME OFF FOR ABSENCES

Employees that accrue paid time must use paid time for every absence unless otherwise allowed by agency policy (e.g., leave of absence).

## VIII. JOB ABANDONMENT

Any employee who fails to report to work for a period of three (3) days or more without notifying their supervisor will be considered to have abandoned the job and voluntarily resigned from the Agency.

## POLICY 1170 – LACTATION POLICY

**PURPOSE:** To inform employees of Fresno EOC's compliance with lactation regulations.

**POLICY:** It is the policy of Fresno EOC that the Agency will provide sufficient time and space for employees to express breast milk.

**REFERENCE:** Labor Code 1030-1034, SB142, FLSA

### PROCEDURES:

#### I. REQUEST AND APPROVAL

An employee may request accommodation for lactation breaks for ~~up to once year after the child's birth or as long as they are continuing to express milk~~ by submitting a verbal or written request to the employee's supervisor. The supervisor or program management will respond to the employee's request. Should the program not have resources to meet the requirements of the law as outlined below, the program will notify the ~~Human Resources Department~~Human Resources Office for assistance in accommodating the request.

#### II. PERIODS FOR EXPRESSING MILK

Fresno EOC provides a reasonable amount of time during a rest break period to accommodate an employee's need to express breast milk for the employee's infant child. When an employee is using break time at work to express breast milk, they must be completely relieved from duty or paid for the break time. This time should run concurrently with scheduled rest break periods if possible. Nonexempt employees must clock out for any lactation breaks that do not run concurrently with normally scheduled rest break periods. Any such rest break periods will be unpaid.

#### III. REST AREA

Fresno EOC will make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express milk in private, free from intrusion of co-workers or the public. The room or location may include an employee's private office if it otherwise meets the requirements of the lactation space. Multi-purpose rooms may be used as lactation space if they satisfy the requirements for space. This may include the place where the employee normally works if it otherwise meets the requirements. The lactation room or location must be safe, clean, and free from hazardous materials, contain a surface to place a breast pump and personal items, contain a place to sit and have access to electricity or alternative devices, including but not limited to, extension cords or charging stations needed to operate an electric or battery-powered breast pump. Fresno EOC will also provide access to a sink with running water and a refrigerator suitable for storing milk, ~~in close proximity to~~near the employee's workspace.

Fresno EOC will not tolerate discrimination or retaliation against employees who exercise their rights to lactation accommodation, including those who request time to express milk at work and/or who lodge a complaint related to the right to lactation accommodation. If you believe you have been denied reasonable break time or adequate space to express milk or have been otherwise been denied your rights related to lactation accommodation, you have the right to file a complaint with the Labor Commissioner.

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C. Footwear: Adequate footwear is required ~~To~~ reduce the possibility of injury to employees, to ensure protection it is necessary to ensure that all footwear provides adequate protection from workplace hazards, that can occur, to anyone working at Fresno EOC. Shoes should cover the foot as applicable to the work area. Flip-flops or similar casual footwear are prohibited. ~~not acceptable.~~

D. Hygiene: Employees should maintain good personal hygiene, presentable clothing specific to their position~~your role~~. Perfume and cologne, if worn, should ~~is not~~ be overbearing.

E. Employee ID Badge: All employees are required to wear their designated Identification (ID) badges visibly and prominently while on Agency premises or engaged in Agency-related activities. ID badges should not be shared or transferred to unauthorized individuals. Everyone is responsible for their assigned badge and must report any loss or theft to Human Resources Office. Individuals may temporarily remove their identification badge in situations where it poses a safety concern. Such exceptions may include, but are not limited to, the following:

- Working with machinery or equipment where the badge could pose a risk of entanglement or other physical hazards.
  - Engaging in activities that require wearing specialized protective gear, such as high-temperature environments or cleanrooms, where the badge may interfere with safety protocols.
  - Participating in activities involving open flames, high-voltage electrical systems, or other hazardous conditions where the badge may increase the risk of injury.
  - In areas where food is being prepared and packaged.
- After separation of employment with Fresno EOC, employees are required to return their ID badge to the Human Resources Office.

## II. RESPONSIBILITY

Each program will be responsible for their staff adhering to this policy. Specific offices or programs may have further guidelines due to the nature of the work involved. Questions concerning these guidelines should be referred to the ~~managing~~ supervisor/manager to determine the appropriateness of personal appearance in the program. It ~~is will be~~ the responsibility of the manager or supervisor to communicate such guidelines to the affected employees.

An employee reporting to work dressed inappropriately will be required to comply with the policy. An employee will be sent home without pay for correction of the dress code violation. An employee in violation of this policy may be subject to ~~corrective action~~disciplinary action, up to and including termination.

## III. ACCOMMODATIONS

Employees requesting accommodations for medical conditions or religious dress and grooming practices should inform their immediate supervisor. Programs should consult with Human Resources to discuss any request. Every effort will be made to accommodate an

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employee's request in accordance with applicable State and Federal laws (see Policy 1020, Equal Employment Opportunity Policy and Policy 1030, Discrimination/Harassment/Retaliation Complaint and Prevention Policy).

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## POLICY 1200 AUTOMOBILE INSURANCE AND DRIVER'S LICENSE

**PURPOSE:** To establish guidelines for employees that are required to drive in the course of their employment.

**POLICY:** It is the policy of Fresno EOC that employees required to drive in the course of their employment must maintain a valid California Driver's License and automobile insurance. All traffic violations, DUIs, or work-related vehicle accidents must be reported immediately.

**REFERENCE:** California Insurance Code §11580.1b, California Vehicle Code 16020

### PROCEDURES:

#### I. USE OF VEHICLES

A. Personal Vehicles for Agency Business: The Agency does not provide liability or physical damage insurance for personal vehicles. If an employee is to use a personal vehicle for Agency business, minimum coverage as required by state law for liability, bodily injury, and property damage must be currently in effect. Fresno EOC ~~will reserves the right to~~ request proof of coverage ~~before operating personal vehicles for work at any time~~ (see Accounting Policies and Procedures Manual Section on Agency Travel Procedures). Mileage reimbursement at the IRS rate covers the cost of operation of personal vehicles ~~for on~~ agency business, ~~including the cost of insurance~~, and will be reimbursed at the agency approved rate. Employees using their own vehicle for Agency business must submit mileage reimbursement forms by the end of the current quarter by \_\_\_\_\_.

B. Agency Vehicles: Operators of Agency vehicles must possess a valid California Driver's License applicable to the type of vehicle to be driven. Agency vehicles are to be used for Agency business or activities only, not for personal or non-Agency business. Employees driving for the Agency shall inform the ~~Human Resources Department~~ Human Resources Office immediately if their insurance coverage or ability to legally operate a vehicle changes.

C. All individuals operating private vehicles for ~~agency purposes~~ company use must maintain appropriate insurance coverage as mandated by California state law. This includes, but is not limited to, meeting the minimum liability insurance requirements set forth by the California Department of Motor Vehicles (DMV). Covered by liability insurance for at least the minimum amount prescribed by State Law (e.g., minimum \$15,000 for personal injury to, or death of one person; \$30,000 for injury to, or death of, two or more persons in one accident; \$5,000 property damage). Vehicle Code Section 16020 requires all motorists to carry evidence of current automobile liability insurance in their vehicle.

D. Procedures to Request Use of Agency Vehicles: Employees requesting use of an Agency vehicle must submit a completed and approved "Form" to the Agency's Transit Office in advance of the date of the anticipated activity. This will ensure that the vehicles are available and in good condition. Upon approval, the Agency's Transit Office will issue vehicle keys and provide the driver with a "Driver's Report Sheet", which must be completed and signed by the

driver. This information is used to maintain the records as required by the California Highway Patrol.

E. Seatbelts: Seatbelts are required to be worn at all times while driving or as a passenger while traveling for agency business, regardless of operating a personal or agency vehicle. Seatbelt extenders may be provided upon request.

## II. ACCIDENT REPORTING

All accidents must be reported as outlined in the following procedures regardless of the estimated damage amount. It is important that the operator of the Agency vehicle not make any statements about assuming liability or what the Agency will do in settling the claim.

Procedures for Reporting Accidents Involving an Agency Vehicle:

~~1. 1.~~ When an accident in an Agency vehicle occurs involving injuries or major damage, it should be immediately reported to the police agency having jurisdiction in the area of the accident. ~~As soon as feasible Accidents, it~~ should be reported to the supervisor immediately and to the Agency's Transit who will then obtain and provide necessary information to the Human Resources Office. ~~who will obtain the necessary information required by the insurance company.~~

- ~~1.~~
2. If an accident occurs involving minor damages with no injuries, insurance information must be exchanged between vehicle operators and must include the following information:
  - a. Name
  - b. Address
  - c. Telephone Number
  - d. Driver's License Number and Expiration Date
  - e. Name of insurance carrier, agent, and policy number, if known
  - f. Make, Model, and License Number of Vehicle
3. Upon receipt of information concerning an accident involving an Agency vehicle, the Supervisor will forward all information to the Agency's insurance representative. A vehicle accident report must be completed.

## III. VEHICLE/DRIVER RECORDS

### A. Vehicle Roster

The Agency's Transit Office maintains a current list of Agency vehicles and equipment for the purpose of providing routine maintenance. In addition, the Transit Office uses this roster as an inventory list for the purpose of securing insurance coverage on the vehicles and equipment listed.

### B. Driver Roster



The Agency's Transit Office maintains a current list of drivers authorized to operate Agency vehicles. Programs are requested annually to furnish the Transit Office with an updated list of employees authorized to operate an Agency vehicle. The information must include:

- Name
- Driver's License Number and Expiration Date
- State of Issuance
- Date of Birth

The driver roster is forwarded to the Agency's insurance representative. The Agency's Transit Office is notified if the insurance carrier does not approve a driver's record. Drivers must resolve any problems arising out of the DMV review before clearance is granted to operate Agency vehicles.

#### C. Additional Requirements for Commercial Drivers

Agency drivers must have a Class B (Commercial) driver's license, with the appropriate endorsements, to drive the Agency's 15 passenger vans or buses. The Agency has additional obligations relating to drug/alcohol testing for all Class B drivers, as required by The Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991.

Affected drivers will be notified of specific drug/alcohol testing requirements through the Human Resources Office ~~through their respective programs.~~

## POLICY 2010 PAY PRACTICES

**PURPOSE:** To establish guidelines for the payment of wages, calculation of overtime, and other types of pay.

**POLICY:** It is the policy of Fresno EOC to pay employees for hours worked in accordance with legal requirements and to pay employees by check or direct deposit on a regular basis and in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

**REFERENCE:** California Labor Code §§ 204-204(a). California Labor Code §§ 201, 202 and 227.3. IWC Wage Orders Nos. 4-89, 5-89, 9-90. California Labor Code § 204.3, 510, 1182.12; AB 1513, SB 3-

### PROCEDURES:

#### I. PLACE AND TIME FOR PAYMENT OF WAGES

A. Regular Payday: Employees are paid bi-weekly. If the regular payday occurs on a holiday, employees will be paid on the preceding workday.

Employee time sheets/electronic time records must be completed properly and accurately. The time sheet must reflect all hours worked, overtime hours, vacation or sick time, and any ~~other~~ leaves of absences. All punches will be paid to the minute. N, no rounding is permitted or will occur. The time sheet/electronic time record must be reviewed with and approved by the employee and supervisor before it is sent to the Payroll Office.

On each payday, employees will receive their paycheck, deposit notice if enrolled in direct deposit, or an e-mail announcement to the employee's designated e-mail account. Checks or deposit notices will be distributed by the employee's immediate supervisor at the employee's work location or mailed to the employee's home if the employee submits a written request for the check to be mailed so that payment is received on the designated pay date. If an employee is absent when a paycheck is distributed, the employee may claim the paycheck when the employee returns unless other distribution/delivery arrangement have been made. Employees who discover an error in their paycheck, lose their paycheck, or have it stolen should notify their supervisor immediately. After proper approval, a paycheck will be reissued within two business days.

Employees should discuss any questions or concerns regarding compensation issues with their immediate supervisor or program director.

B. Payment on Resignation or Termination: If an employee resigns, the final paycheck will be available on the final day of work provided the employee has given at least 72 hours' prior notice. If an employee resigns without 72 hours' notice or fails to return to work, the final paycheck will be made available to the employee no later than 72 hours after the date when an employee is considered to have resigned. If an employee is terminated involuntarily, the final paycheck will be available at the time of discharge or layoff. The employee's final

paycheck will include payment for all wages due and not previously paid and for accrued but unused vacation time, if eligible, minus authorized deductions.

## II. OVERTIME DEFINITION AND RATES OF PAY

A. Regular Overtime Arrangements: All non-exempt employees who work more than eight (8) hours in a single workday or forty (40) hours in one workweek will receive overtime pay computed in accordance with II-B.

B. Exclusions from Overtime Calculations: Only actual hours worked, along with any nondiscretionary payments, are included when calculating an employee's regular rate of pay for overtime. Absences, whether paid or unpaid, such as holidays, vacations, personal leave, or sick time, do not count as hours worked when determining overtime pay. Only those hours that are actually worked and any nondiscretionary payments, are added together to determine an employee's regular rate of pay for overtime calculations. Paid or unpaid absences such as holidays, vacations, and personal or sick time do not count as hours worked in computing overtime payments.

1. Overtime at the rate of one and one-half times the employee's regular rate of pay will be paid for all hours worked in excess of eight (8) in a workday or forty (40) in any one workweek.
2. Overtime at the rate of two times the employee's regular rate of pay will be paid for all hours worked in excess of twelve (12) in a single workday and for all hours worked in excess of eight (8) hours on the seventh consecutive day of work in a workweek.
3. Overtime at the rate of one and one-half the employee's regular rate of pay will be paid for the first eight (8) hours worked on the seventh consecutive day in a single workweek.
- ~~4. Overtime at the rate of two times the employee's regular rate of pay for all hours worked beyond eight (8) on the seventh consecutive day in a single workweek.~~

C. Workweek and Workday: A workday is any consecutive twenty-four hour period beginning at the same time on each calendar day. A workweek is any seven consecutive days starting with the same calendar day and time each week.

Unless otherwise provided:

1. The workweek on which weekly overtime calculations will be based begins each Sunday at 12:01 a.m. and ends on Saturday at 12:00 midnight; and
2. Each workday on which daily overtime calculations will be based begins at 12:01 a.m. and ends at 12:00 midnight.

D. Pre-authorization: Non-exempt employees may not work beyond their daily work schedule and/or overtime without prior approval of their supervisor and the program manager/director. Because unauthorized overtime is contrary to Fresno EOC policy, non-exempt employees who work unauthorized overtime may be subject to discipline.

### III. SPLIT SHIFT PREMIUM

A. Definition: A split shift occurs when an employee works two separate shifts in a single workday with a break of more than one hour between the shifts, unless exempted by applicable Wage Orders.

1. Eligibility: Employees are eligible for a split shift premium if they work two separate periods with a break of more than one hour between those periods on the same workday.
2. Premium Rate: Eligible employees will receive a split shift premium of one (1) hour of their normal hourly rate, in addition to their regular wages, for each workday that qualifies as a split shift.
3. Non-Eligibility: Employees are not entitled to split shift premiums if:
  - The break between the shifts is one hour or less.
  - The shifts do not meet the criteria for a split shift as defined above.
  - The workday does not include two separate periods with a break of more than one hour.

#### B. Reporting and Payment

1. Reporting: Employees must report split shifts to their supervisor or payroll department as soon as the shift structure is known. The report should include the start and end times of each shift and the duration of the break between shifts.
2. Payment: The split shift premium will be reflected in the employee's regular paycheck and will be included in the payroll cycle that covers the split shift work.

### OTHER TYPES OF PAY

A. Reporting Pay: Non-exempt employees who report to work at Fresno EOC's request but are provided with less than half of their usual or scheduled day's work will be paid, without regard to the number of hours actually worked, for one half of the usual or scheduled day's work, but in no event less than two nor more than four hours at the regular rate of pay, unless the reasons for lack of work are beyond Fresno EOC's control. Reporting time hours are not counted as "hours worked" for overtime purposes unless work is performed.

B. Callback Pay: Any non-exempt employee who is called back to work for a second work period in any one workday and is furnished with less than two hours' work will be paid a

minimum of two hours pay at the regular straight-time rate for the second work period, without regard to the number of hours actually worked, unless the reasons for lack of work are beyond Fresno EOC's control.

C. **Holiday Pay:** Employees are paid their regular straight-time wages for Fresno EOC paid holidays (see Policy 3010, Holidays).

To receive holiday pay, an eligible employee must be at work or taking an approved absence on the scheduled workdays immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both days because of an illness or injury, Fresno EOC reserves the right to verify the reason for the absence before approving holiday pay.

Non-exempt employees who are required to work on a designated holiday will be paid their regular rate of pay plus holiday pay or be allowed to observe the holiday by taking off another day approved by the employee's supervisor and program manager/director.

Employees who are working during the Fresno EOC holiday may request a floating holiday based on the approval of the program and needs of scheduling. Taking a vacation day and floating the holiday or being paid for both holiday and vacation on the same day, is not allowed.

Exception to holiday pay is if the employee works the holiday, they may receive the holiday pay, and pay for the actual hours they worked (double the pay). If they float the holiday, the employee's manager must note the date on the employee's timesheet and the employee will be paid for the hours worked on the holiday.

Employees on a leave of absence are not eligible for Holiday Pay.

#### **IV. PAYROLL DEDUCTIONS**

Certain deductions required by law will be made from each employee's wages. These include state and federal income taxes, FICA (for social security and Medicare), and state disability (SDI) payments, and the state paid family leave (PFL) program. Deductions may be required for garnishments received for federal or state levies for taxes, child support orders, or other court-ordered claims for indebtedness. Other deductions may be made from an employee's paycheck with the employee's written permission. These may include voluntary deductions including, but not limited to: health and life insurance premiums, retirement contributions, long-term disability insurance, credit union, health club membership, I EOC meal tickets, and other Agency approved events.

#### **V. DIRECT DEPOSIT**

Fresno EOC offers all employees the option of direct deposit of payroll checks. Employees who are interested in having all or some of their paycheck deposited directly into their bank account through electronic transfer of funds should complete the Direct Deposit Form available in ~~Human Resources Department~~the Payroll Office~~Human Resources Office~~ and attach a copy of a voided check or deposit slip from the appropriate account.

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Employees will continue to receive a detailed earnings statement each payday, itemizing wage, tax and deduction information, including direct deposit amounts. Employees can choose to enroll in paperless statements to receive this same information via email after enrolling online.

All bank and account information must be verified prior to implementation of the direct deposit. Direct deposit will be effective approximately one pay period after the employee has submitted the required forms and information to payroll.

Employees are responsible for reporting any changes to their bank account. All changes, including cancellation of direct deposit, must be submitted in writing to the Payroll Office.

## POLICY 2020 WAGE AND SALARY ADMINISTRATION

**PURPOSE:** To establish and maintain a compensation system that will attract, retain, and reward qualified employees at all levels of responsibility, reflect the difficulty and responsibility of jobs, be externally competitive and internally equitable, motivate employees to work toward achievement of Fresno EOC's goals, create an incentive for personal growth and advancement on the basis of demonstrated performance, control direct and indirect personnel costs, and comply with applicable laws.

**POLICY:** It is the policy of Fresno EOC, in regards to compensation, to: (1) create and maintain job descriptions which are reflective of the duties and responsibilities of all jobs in Fresno EOC; (2) establish wage and pay grades that reflect the value to Fresno EOC of the various jobs, as determined by a formal system of continuing job evaluation and review, taking into account the duties and level of responsibility of each job; (3) establish and maintain justifiable differentials between job levels; (4) adjust pay grades when warranted by changing economic and competitive factors, as determined by periodic surveys and available resources; (5) encourage quality performance by adjusting the pay rate of each employee on the basis of individual performance, as determined by a systematic program of performance evaluations and/or based on program budget requirements and guidelines; and (6) ensure that compensation is not in violation of Fresno EOC's Equal Employment Opportunity Policy (see Policy 1020, Equal Employment Opportunity Policy).

### PROCEDURES:

#### I. JOB DESCRIPTIONS

Job descriptions, in addition to summarizing the essential functions and/or responsibilities associated with a job, also include the skills, abilities, and knowledge required for a position. Job descriptions are used for recruiting and evaluating job candidates, coaching and developing current employees, comparing positions and salaries with other employers, and providing an overview of employee job responsibilities. The ~~Human Resources Department~~Human Resources Office is responsible for maintaining Fresno EOC job descriptions used throughout Fresno EOC, and when necessary, performs job analyses and assists management in the writing of job descriptions. The ~~Human Resources Department~~Human Resources Office is responsible for ensuring that the job descriptions meet the requirements set forth under the Americans with Disabilities Act and any other applicable laws. Job descriptions for Head Start positions will be reviewed and approved by the Head Start Policy Council.

#### II. JOB EVALUATIONS

The ~~Human Resources Department~~Human Resources Office is responsible for coordinating the continuing internal review of all compensation and ensuring that each job is evaluated and assigned a pay grade. The ~~Human Resources Department~~Human Resources Office will, when considered appropriate, participate in or conduct compensation surveys covering other employers with similar jobs.



### III. WAGE AND PAY GRADES

~~All positions are assigned a pay grade and pay range that are documented and managed by the Human Resources Office. All jobs are assigned to a pay grade.~~ For each pay grade, a range is assigned which provides for a spread from a minimum to a maximum rate paid for a job. ~~All positions are assigned a pay grade and pay range that are documented and managed by the Human Resources Department.~~ Human Resources Office.

### IV. NEW HIRE PAY

A new employee will generally be hired at a competitive rate compared to the market, at the minimum of the pay range for the pay grade assigned to their position. ~~While subject to change and consistent with its at-will employment policy, the Fresno EOC's lowest wage rate is \$187.00 per hour.~~ A candidate may be offered a higher starting rate based on experience, skill level or other competitive considerations. Any change from the normal starting rate must be reviewed and approved by the appropriate program manager, director, and responsible Officer, and must include a letter of justification before a job offer is made.

### V. PROMOTIONS

A promotion is the advancement from a position in one pay grade to another position in a higher pay grade. When promoted, a fully qualified employee should receive the minimum of the pay range assigned to the new position or a 10% increase, whichever is higher.

An employee may be promoted to a higher level of the same position occupied by the employee, such as from Secretary I to Secretary II or from Teacher I to Teacher II, when certain criteria of the job description are met. An employee promoted within a series should be moved to the beginning of the pay grade, or receive 5%, whichever is higher. This may be done by recommendation from the supervisor, not subject to the recruitment process.

### VI. COMPENSATION INCREASES AND COST OF LIVING ADJUSTMENT

Employee compensation within a pay grade is based on various measurable factors including, but not limited to: performance, increased responsibility without a change in job classification, length of service, meeting objective goals established in the last performance review, availability of program funds, and external market factors.

A. MERIT INCREASE: An employee may be eligible for a merit increase once a supervisor has conducted a performance evaluation with the employee. A merit increase cannot be paid more than once every 12 months.

The supervisor is responsible for conducting a performance evaluation with each employee. A pay increase decision will follow program and agency guidelines and will be based on a combination of, but not limited to the following: performance, pay grade, length of service, and program budget considerations.

Merit increases are outlined as follows:



|                                   |                           |
|-----------------------------------|---------------------------|
| Overall Evaluation Rating:        | Overall Evaluation Score: |
| Exceptional/Exceeds Expectations  | 4.0                       |
| Above Expectations                | 3.00-3.99                 |
| Meets Expectations                | 2.00-2.99                 |
| Below Expectations/Unsatisfactory | 0-1.99                    |

An employee may be eligible for an annual merit increase following the above evaluation rating and corresponding score. Merit increase amounts may be implemented at proportional rates based upon program budget for personnel costs and salary increases. Program personnel costs and budget for increases should be analyzed prior to the budget year, starting to ensure equitable and fair notice to all affected staff.

Additionally, an employee subject to formal disciplinary action (written reprimand, final notice, or suspension) is not eligible for a merit increase.

B. Cost of Living Adjustment (COLA): The Agency recognizes that inflation and increased cost of living impacts employees. Cost of Living Adjustments are not automatic or guaranteed. A proposed COLA amount will be determined based upon availability of funds, increases implemented during the same fiscal year and other factors. A COLA will be implemented agency-wide as recommended by the Chief Executive Officer, with consideration from the Chief Financial Officer and ~~Human Resources Director/Officer~~Human Resources Office, and with approval of the Board of Commissioners.

C. Other: Recommendations for salary adjustments outside of this policy' must be submitted with a letter of justification to the responsible Officer for approval. Final approval will be issued by the ~~Human Resources Department~~Human Resources Office after being reviewed for equity, impact and overall fairness.

Employees who have reached the maximum of the pay range for their job will not be eligible for further salary increases unless the range is adjusted, except for a Cost-of-Living Adjustment.

Employees covered by a collective bargaining agreement are not eligible for increases outside of the negotiated wages.

## VII. TEMPORARY INCREASES/INTERIM ASSIGNMENTS

A. Temporary Increase: An employee who is performing additional work in the same capacity for at least 10 consecutive working days will normally be compensated with a 5% salary increase for the duration of the increased workload. This temporary increase may occur for a variety of reasons including, but not limited to: an employee in the same job title being on vacation, a leave of absence or a vacancy existing. The increased workload should not last for more than four (4) months.

B. Interim Assignment: An employee may be placed on interim assignment to a position that is vacant or created for a temporary need. The employee must meet the qualifications of

|

the position and should be paid the minimum of the new pay grade or receive a 10% increase, whichever is higher.

## **VIII. RECLASSIFICATIONS**

Reclassifications may be made when a major change in the position content occurs, or when the incumbent in the position relinquishes or assumes substantial responsibilities and/or requires a marketplace adjustment. When a position warrants reclassification, the job description will be reviewed, reevaluated, and assigned to the proper pay grade.

If, as a result of reevaluation, a position is changed to a higher or lower pay grade, a change in pay rate should be considered. If the employee's position is evaluated to a higher pay grade, the rate should be increased to reflect the minimum of the new grade. If the employee's position is evaluated to a lower pay grade, the rate will remain the same unless it is above the maximum of the new pay range, in which case it will be adjusted to the maximum of the pay range, subject to program funding.

When an employee is demoted, the rate will be continued, provided it does not exceed the maximum of the salary range of the new classification. If the employee's current rate exceeds the maximum of the new classification, the rate will be adjusted to the new maximum, subject to program funding.

## **IX. TRANSFERS**

Transfers may be from one position to another within the same pay grade or from a position in one program to a position of equal value in another program (see Policy 1120, Transfers and Promotions). An employee transferred to a job within the same pay grade will continue to receive their existing rate of pay.

## **X. DEMOTION**

Demotion is the movement from a position in a higher pay grade to a position in a lower pay grade. An employee may be demoted due to: disciplinary action reasons, lack of work, budgetary reasons, reorganization, or at their own request. The employee will usually be paid at their former rate, unless the former exceeds the maximum rate of the new job in which case the employee will be paid the maximum rate of the new job.

## **XI. APPROVAL OF WAGE AND SALARY ADJUSTMENTS**

A. Forms: A formal procedure has been established for recording employment status and changes to an employee's rate, classification, and/or assignment. The Employee Form and Temporary Payroll Notice are the only official methods by which supervisors can be assured that their recommendations for changes will be recorded on all pertinent records. All requests for pay adjustments must be accompanied by appropriate documentation, which may include performance evaluations to support the request.

B. Approval: The Employee Form or Temporary Payroll Notice requesting any change must be completed and signed by the supervisor, program manager and/or director. The signed form will be submitted to the ~~Human Resources Department~~Human Resources Office for implementation of the change and filing in the employee's personnel file. Proposed changes related to pay shall not be discussed with the employee until final approval has been received.

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## **POLICY 20650 – PAY SCALE INFORMATION**

**PURPOSE:** To comply with pay posting requirements and limitations on the ability to require an applicant to provide or rely on salary history information in determining whether to hire an applicant or what salary to offer the applicant.

**POLICY:** It is the policy of Fresno EOC to comply with pay posting requirements and limitations on its ability to require an applicant to provide or rely on salary history information in determining whether to hire an applicant or what salary to offer the applicant.

**REFERENCE:** CA Labor Code section 432.2

### **PROCEDURES:**

Fresno EOC does not rely on the salary history of a job applicant in deciding whether to extend an offer of employment or what salary to offer unless the applicant voluntarily discloses this information. Fresno EOC also does not seek, either personally or through an agent, salary history information about an applicant. Moreover, upon request, Fresno EOC will provide to existing employees the pay scale (defined as “the salary or hourly wage range that the employer reasonably expects to pay for the position”) for the position in which the employee is currently employed. Fresno EOC will maintain records of a job title and wage rate history for each employee for the duration of the employment plus three years after the end of the employment. Pay scales will also be included for a position in any job posting. If Fresno EOC engages a third party to announce, post, publish, or otherwise make known a job posting, it will provide the pay scale to the third party and the third party should include the pay scale in job postings.

## POLICY 3010 HOLIDAYS

**PURPOSE:** To observe and allow time off with pay for designated holidays.

**POLICY:** It is the policy of Fresno EOC to designate and observe certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed. The following holidays are observed; however, Fresno EOC reserves the right to amend this policy at its discretion:

New Year's Day  
Martin Luther King Jr. Day  
Lincoln's Birthday  
Washington's Birthday (President's Day)  
Cesar Chavez Day  
Memorial Day  
Juneteenth  
Independence Day  
Labor Day  
Indigenous People's Day  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day through New Years Day

### PROCEDURES:

#### I. ELIGIBILITY

All regular full-time employees are eligible to receive their regular rate of pay for each observed holiday. Regular part-time employees are eligible to receive holiday pay only for holidays on which they would normally be scheduled to work, and only for their regularly scheduled number of hours.

Temporary and substitute on-call employees are treated the same as full-time or part-time employees for holiday purposes, depending on whether such temporary or substitute employee is working full-time or part-time.

Employees on leaves of absences, seasonal breaks, or on lay-off status are not eligible to receive holiday pay.

To receive holiday pay, an eligible employee must work the day before and after a holiday or taking approved vacation. be at work. An employee who calls out the work day before or after a holiday is not eligible for holiday pay. or taking an approved absence on the scheduled workdays immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both of these days because of an illness or injury, Fresno EOC reserves the right to verify the reason for the absence before approving holiday pay.

## II. HOLIDAY SCHEDULE

An approved holiday that occurs on a Saturday or Sunday will be observed on either the preceding Friday or following Monday, respectively.

Holidays that occur during an employee's vacation will not be counted as vacation days taken.

Fresno EOC may schedule work on an observed holiday, as it considers necessary. Normally, work on an observed holiday will be paid as if the day were a regularly scheduled day. The responsible Officer will determine if the employee ~~will receive~~receives additional pay for the day or take a paid day off at another time. However, Fresno EOC may, at its discretion, require an employee to work on scheduled holidays and provide pay in lieu of time off.

## III. HOLIDAY PAY

Non-exempt employees who are required to work on a designated holiday will be paid their regular rate of pay plus holiday pay or be allowed to observe the holiday by taking off another day approved by the employee's supervisor and program manager/director within the same workweek. Holidays that are observed and not worked will not be considered as time worked for the purpose of calculating overtime.

## IV. OTHER HOLIDAYS

Fresno EOC recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in Fresno EOC's regular holiday schedule. Accordingly, employees who would like to take a day off for those reasons may do so if it will not impose an undue hardship on the ability of Fresno EOC to conduct business, and the time off is requested and approved in advance by the employee's supervisor. Employees may use accumulated days ~~off~~of paid vacation for these occasions, or they may take the time off as an unpaid, excused absence.

## V. HOLIDAY PROCEDURES RELATING TO SOUL TEACHERS

SOUL teachers observe holidays in alignment with Fresno Unified School District holidays.

## **POLICY 3030 SICK TIME**

**PURPOSE:** To help prevent loss of earnings that may be caused by personal or family illness or injury. This policy is for the benefit of eligible employees and should be used wisely. This is separate from the Paid Sick Leave Policy.

**POLICY:** It is the policy of Fresno EOC to permit employees to be absent from work for personal illness or injury or the illness or injury of a family member, as defined in Section I (A) of Policy 4010 or registered domestic partner, or the child of a registered domestic partner, which requires immediate attention.

**REFERENCE:** California Labor Code § 233, California Labor Code sections 245-249 and section 2810.5.

### **PROCEDURES:**

#### **I. DEFINITION**

Sick time is time off from work that employees can use during periods of temporary illness to address their health and safety needs or that of a family member as defined in section IV of this policy. Sick time that is longer than ~~five (5)~~3 days may be designated as Family and Medical Leave Act if all criteria is met and must be converted to an approved leave of absence for employment rights to be maintained (see Policy 4010, Family and Medical Leave and California Family Rights Act). Fresno EOC reserves the right to amend this policy at its discretion.

#### **II. ELIGIBILITY**

All regular full-time and part-time employees working thirty (30) hours or more per week are eligible to accrue sick time benefits.

Part-time employees working less than thirty (30) hours per week, temporary, and on-call employees are not eligible to participate in this program but may take unpaid absences if approved by their supervisor.

All employees are eligible for Paid Sick Leave (PSL) (see Policy 3040, Paid Sick Leave).

#### **III. ACCRUAL**

All regular full-time employees are eligible to accrue up to a maximum of ~~seven (7)~~~~nine (9)~~ days of sick time per calendar year. Eligible part-time employees are eligible to accrue sick time on a pro rata basis which relates the average number of hours per week worked to a regular full-time workweek. Sick time accrues on a bi-weekly basis. Sick time may not accrue during any unpaid time off. To receive a full accrual for the pay period, employees must either work the full bi-weekly period or receive paid time off.

#### **IV. USE OF SICK TIME**

Sick time may be taken for personal illness or injury, disability, illness of a family member such as a child, spouse or parent, registered domestic partner or the child of a registered domestic partner, or for a family care or medical leave purpose (see Policy 4010, Family and Medical Leave and California Family Rights Act). Hours absent for medical and dental appointments will be treated as sick time. When possible, employees are expected to plan medical appointments in a manner that minimizes a disruption of the workflow.

Employees must use sick time in no less than a minimum of thirty (30) minutes~~one (1) hour~~. Employees' sick time will be tracked on their itemized wage statement.

## V. KIN CARE

Kin care may be used when an employee needs time to care for themselves or a family member. Kin care runs on a calendar year and resets on January 1. An employee may use up to ~~only~~ one-half of their annual sick time accrual, once it has actually accrued, ~~when they need time to care for themselves or a family member.~~ The amount of sick time available for kin care does not carry over from year to year.

A family member means any of the following: a child (biological, adopted, foster, step, legal ward, child to whom the employee stands in loco parentis); parent (biological, adoptive, foster, step, legal guardian of employee or employee's spouse or registered domestic partner or a person who stood in loco parentis when employee was a minor child; spouse; registered domestic partner; grandparent; grandchild; sibling; and designated person. A "designated person" is defined as "a person identified by the employee at the time the employee requests paid sick days." Employees are limited to designating one designated person per 12-month period for sick days. Management retains the right to request verification at any time from a licensed health care provider for any absences related to kin care.

~~The amount of sick time available for kin care does not carry over from year to year.~~

Fresno EOC will not ~~retaliatediscriminate in any manner~~ against an employee for using or attempting to use sick time for kin care.

Sick time used for kin care, up to one half of the employee's annual accrual, will not count towards Fresno EOC Attendance Policy (see Policy 1160 Punctuality and Attendance).

## VI. MAXIMUM ACCRUAL

Sick time may be accumulated up to a maximum of sixty (60) working days or 450 hours for use in future years.

## VII. SICK PAY



Eligible employees will be compensated for regular base wages lost during certain periods of absence to the extent that they have accumulated days of sick time under this policy. Sick time will be paid at the employee's base rate of pay and paid for regularly scheduled workdays.

Compensation for absences will not be granted before sick time has been accrued. Sick time will not be considered as work time for calculating weekly overtime compensation.

No unused sick time benefits will be paid upon termination of employment or retirement.

#### **VIII. REQUEST/APPROVAL PROCESSAPPROVAL OF SICK TIME**

A timekeeping request must be completed for each absence and approved by the employee's supervisor. After exhaustion of PSL, management retains the right to request verification of absence at any time from a licensed health care provider after three (3) days. Employee must submit verification of absence on the day they return to work to confirm fitness for duty. for all absences due to illness or disability. Sick pay may be denied if a satisfactory verification is not provided by the employee upon request by the supervisor.

An employee will not be allowed to use more than their accrued sick time balance. In the event an employee is unable to report to work due to personal or family illness or injury, the employee's supervisor or program manager/director must be directly contacted no later than the normal reporting time or adhere to the location reporting procedure. The date of return must be provided. If unknown, the employee's supervisor or program director/manager must be directly contacted each day prior to the normal reporting time, unless a written statement has been provided by a licensed health care provider.

#### **IX. COORDINATION OF SICK TIME BENEFITS WITH WORKERS' COMPENSATION AND NON-OCCUPATIONAL DISABILITY OR MEDICAL LEAVES OF ABSENCE**

An eligible employee may use sick time benefits during the applicable waiting period prior to being paid workers' compensation temporary disability benefits. Similarly, an employee may be paid sick time benefits during the applicable waiting period before becoming eligible for benefits under the state disability or paid family leave insurance plan.

Following the applicable waiting periods, an employee may continue to receive accrued sick pay, less the disability benefits actually received or the disability benefits that would have been received had the employee made timely application to the appropriate agency.

## POLICY 3050 INSURANCE BENEFITS

**PURPOSE:** To summarize the insurance benefits available for employees of Fresno EOC.

**POLICY:** It is the policy Fresno EOC to provide its employees with various insurance benefits. Information and summaries intended to explain the various insurance benefit plans will be furnished to all plan participants. Fresno EOC reserves the right to modify, amend, or terminate its insurance plans as they apply to all current and former employees. The benefits offered to eligible employees include workers' compensation insurance; State Disability Insurance; medical, dental, vision, and prescription drugs insurance; group life, accidental death and dismemberment, and business travel insurance. Eligibility will depend upon the specific requirements of each benefit plan and is described in the summary plan document where applicable.

**REFERENCE:** Consolidated Omnibus Budget Reconciliation Act, California Labor Code Section 3700, Unemployment Insurance Code Section 3300-3306, Health Insurance Portability and Accountability Act.

### PROCEDURES:

#### I. GROUP INSURANCE BENEFITS

A. Insurance Coverage Information: Eligibility requirements and further information concerning insurance coverage are fully explained in the Group Health Plan Summary Plan Documents available from the ~~Human Resources Department~~[Human Resources Office](#).

B. Group Health Insurance: The group health plan includes medical, vision, dental, and prescription drug coverage.

1. Eligibility: All regular full-time and part-time employees working thirty (30) hours or more per week and their dependents are eligible to participate in the group health plan beginning the first of the month following employment, provided an enrollment form is completed within thirty-one (31) days following employment. Those who are not eligible for the group health plan may be eligible for the sub on call plan based upon requirements as allowed by law. Employees who become eligible after employment may participate beginning the first of the month following eligibility, provided an enrollment form is completed within thirty-one (31) days of becoming eligible. Newly acquired dependents, such as by marriage, birth or by adoption, will become eligible on the effective date of the occurrence, provided an enrollment form is completed within thirty-one (31) days of the occurrence.
2. Open Enrollment: An annual open enrollment period of 30 days will be conducted each year for eligible employees and their dependents. Employees who did not enroll during the time periods mentioned above have an opportunity to enroll during this open enrollment period. The effective date of

coverage will be January 1, following submission and approval of enrollment selections.

3. Termination of Coverage: Insurance coverage terminates on the last day of the month that employment terminates or when an authorized leave of absence exceeds four (4) months unless the employee is on an approved CFRA leave preceded by PDL leave or as otherwise required by law.
  4. Conversion/Post-Employment Insurance Options: Pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), eligible employees and their dependents are entitled to continue health insurance coverage after employment with Fresno EOC ceases. The ~~Human Resources Department~~Human Resources Office and/or the third-party administrator must provide employees with information on how they can continue health care coverage under COBRA.
- C. Group Life Insurance: All regular full-time and part-time employees working thirty (30) hours or more per week are eligible for life insurance. Coverage begins on the first of the month following employment or eligibility. The maximum amount covered is described in the summary plan document.
- D. Accidental Death and Dismemberment: All regular full-time and part-time employees working thirty (30) hours or more per week are eligible for accidental death and dismemberment insurance beginning on the first of the month following employment or eligibility. The maximum amount covered per loss is described in the summary plan document.
- E. Premium Payments for Insurance Coverage: Employees who are enrolled in a group health insurance plan are required to participate in the cost of the insurance by having a deduction taken from their paycheck bi-weekly for use towards the premium cost. The employee is responsible for their benefit premiums while on protected leave. Any payments that have been missed even while on leave will be the responsibility of the employee. Failure to pay the employee portion of premiumsLack of payments could result in the loss of health insurance. Payment must be received in the Human Resources Office by the 25th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. Fresno EOC will provide 15 days' notification prior to the employee's loss of coverage.

Group health insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, will continue during an authorized leave of absence for up to the required amount allowed by the leave, in most cases up to four (4) months, provided the employee pays the required contributory amount. ~~Payment must be received in the Human Resources DepartmentHuman Resources Office by the 25th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. Fresno EOC will provide 15 days' notification prior to the employee's loss of coverage.~~ Employees returning from an authorized Leave of Absence will be reinstated into health coverage effective the 1st of the following month. After the four (4) month period, employees will be given the option to continue with group health insurance through COBRA.

## II. OTHER INSURANCE BENEFITS

A. Paid Family Leave (PFL): To protect employees who miss work due to a serious illness of a family member covered by California law, or to bond with the employee's new child, the new child of the employee's spouse or registered domestic partner or a child in connection with the adoption or foster care placement of the child with the employee's spouse or registered domestic partner, the law requires that a small percentage of each employee's wages, up to the prevailing maximum, be deducted each pay period for disability insurance. PFL provides up to eight (8) weeks of benefits in a twelve (12) month period based on the employee's earnings. Benefits are paid directly to the employee by the state. The program is under the state's disability insurance program and funded through an employee tax (SDI). Employees may receive SDI or PFL while on a protected leave covered under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), and Pregnancy Disability Leave (PDL). Claim forms and an informational brochure are available from the ~~Human Resources Department~~[Human Resources Office](#) or online at [www.edd.ca.gov](http://www.edd.ca.gov).

B. State Disability Insurance (SDI): To protect employees who miss work due to a non-work-related accident or illness, the law requires that a small percentage of each employee's wages, up to the prevailing maximum, be deducted each pay period for disability insurance. There is a seven-day waiting period before benefits are payable. Benefits are paid directly to the employee by the state. Disabled employees who are eligible will be paid a percentage of their regular earnings for a maximum period provided by law in any one year. Benefits are based on the wages paid during a specific 12-month base period, depending upon when the claim is filed. Claim forms and an informational brochure are available from the ~~Human Resources Department~~[Human Resources Office](#).

Sick time benefits may be coordinated with SDI (see Policy 3030, Sick Time).

C. Worker's Compensation Insurance: Fresno EOC carries workers' compensation insurance coverage as required by law to protect employees who are injured on the job. In general, this insurance provides medical, surgical, and hospital treatment in addition to payment for loss of earnings that result from work-related injuries. Disability payments for qualified employees begin from the first day of an employee's hospitalization or after the third day following the injury if an employee is not hospitalized. Sick time benefits may be coordinated with workers' compensation benefits (see Policy 3030, Sick Time).

D. Business Travel Accident Insurance: The Group Travel Accident Insurance Plan provides all-risk accident protection against most types of accidents while an employee is traveling on business, including flying as a passenger (but not as a pilot or crew member) in any commercial non-charter aircraft or an aircraft operated by Fresno EOC. All employees are eligible for coverage under this plan when they are traveling on business for Fresno EOC. Business travel means travel for the purpose of furthering the business of the Fresno EOC. Injuries sustained during the course of everyday travel to and from work, leaves of absence or vacations are not, for the purpose of this insurance, regarded as injuries sustained during business travel. The maximum amount payable under this plan is described in the summary plan document. There is no additional cost to the employee for this benefit.

### III. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT – PRIVACY RULE (HIPAA):

The HIPAA Privacy Rule regulates the use and disclosure of Protected Health Information (PHI) held by “covered entities” (generally health care clearinghouses, employer-sponsored health plans, health insurers, and medical service providers that engage in certain transactions). PHI is any information held by a covered entity which concerns health status, provision of health care, or payment for health care that can be linked to an individual. This is interpreted broadly and includes any part of an individual’s disclosure of Protected Health Information (PHI) held by covered individual within 30 days upon request. They also must disclose PHI when required to do so by law such as reporting suspected child abuse to state child welfare agencies.

## POLICY 3060 RETIREMENT PLANS

**PURPOSE:** To provide eligible employees with retirement benefits and provide all employees with the opportunity to establish a savings plan to supplement retirement income.

**POLICY:** It is the policy of Fresno EOC to provide a defined contribution retirement plan funded by contributions made by Fresno EOC. Additionally, Fresno EOC has established the opportunity for all employees to save for retirement through a voluntary, self-directed retirement plan. All benefits provided in the plan are described in the plan document which is available for review in the ~~Human Resources Department~~Human Resources Office by any plan participant or beneficiary.

**REFERENCE:** Pension Plan of Fresno EOC as amended; Internal Revenue Code § 415; Employee Retirement Income Security Act of 1974; 1991 Omnibus Bill. Internal Revenue Code § 403(b), (12); DOL Regulation 2510.3-29(f).

### PROCEDURES:

#### I. RETIREMENT PLANNING

In addition to providing a defined contribution retirement plan and a self-directed retirement savings plan, Fresno EOC provides financial planning services at no cost to employees. Employees can contact the ~~Human Resources Department~~Human Resources Office for contact information for the financial planning advisor.

#### II. 401(a) ~~RETIREMENT~~PENSION PLAN

A. Summary: The 401(a) ~~Retirement~~Pension Plan is provided by the Agency at an equivalent of 5% of an employee's gross pay.

B. Eligibility: To become a participant in the plan, an employee must reach age 21, and complete ~~two six years months~~ of service. ~~A year of service is defined as a year (counting from the hire date or from the anniversary of the hire date)~~ in which the employee worked at least ~~5001,000~~ hours.

C. Vestment: An employee will be vested in the plan at two years of continuous service with the agency. Separation before completion of two years of service will result in forfeiture of the 401(a) plan.

~~ED~~. Enrollment: An employee who becomes eligible will be notified of their eligibility and will automatically be enrolled in the Plan. All employees are required to designate a beneficiary.

~~DE~~. Benefit Calculation:

1. An employee begins participating and receiving benefits on the first day of the month after meeting eligibility.

2. The agency contribution benefit is equal to 5% of an employee's gross pay each pay period.

**EF.** Distribution of Funds: Employees should refer to the third-party administrator website for distribution and loan information.

### **III. 403(b) TAX SHELTERED PLAN**

A. Summary: The 403(b) plan gives an employee the opportunity to put contributions into a retirement savings plan. Employee participation in the program is voluntary.

B. Eligibility: An employee who normally works at least 20 hours per week is eligible to participate.

C. Enrollment: An employee can enroll in the voluntary contribution plan by ~~either completing an enrollment form or~~ registering an ~~online~~-account and electing contributions.

D. Contributions:

1. This plan consists of voluntary contributions as elected by the employee. There are no employer contributions to this plan.
2. Contributions may be made as a percentage of pay or a fixed amount. Annual contributions are limited to the amounts allowed under IRC §415(b). Catch-up contributions under IRC §414(v) are allowed for employees over age 50.
3. The plan offers both pre-tax Salary Reduction and after-tax Roth Contributions options. Employees may elect to divide their contributions between these options.

E. Distribution of Funds: Employees should refer to the third-party administrator website for distribution and loan information.

### **IV. 457(b) DEFERRED COMPENSATION PLAN**

A. Eligibility: Employees may participate in the plan immediately if they belong to a select group of management or key highly compensated employees.

B. Enrollment: An eligible employee can enroll in the voluntary contribution plan by either completing an enrollment form or registering an online account and electing contributions. ~~Eligible employees will be notified and given the opportunity to enroll.~~

C. Contributions:



1. Eligible employees are allowed to make voluntary contributions to the plan up to the limits allowed under IRC §415(b); catch-up contributions are permitted under the 3-Year Special Catch-up rule.
2. Employer contributions that are non-elective and discretionary are allowed but must have appropriate approval.

D. Distribution: Employees should refer to the third-party administrator website for distribution and loan information.

## V. PLAN REPORTING

Quarterly financial and investment reports are prepared and reviewed by the assigned Finance Office staff and are approved by the Board of Commissioners or designated committee.~~boardPension Committee.~~ Transaction and balance activity is gathered from the monthly statements received from the record-keeper.

Annual 1099-R and IRS Form 945 are processed by record-keeper.

Upon request, a report can be generated reflecting the balances in the plan by participant. Detailed information regarding employer and employee contributions, income, and withdrawals, is included. These reports and others are available through the third-party administrator~~Transamerica Sponsor~~ website.

## VI. AMENDMENTS/TERMINATION OF THE PLAN

Fresno EOC reserves the right to amend the Retirement Plan~~s~~. Plan amendments cannot reduce a participant's interest in the vested account balance, nor divert any portion of Plan assets to any purpose other than the payment of retirement benefits or defraying reasonable trust expenses. The Board of Commissioners of Fresno EOC has the authority to terminate the Plan by appropriate resolution and amendment. In the event of a Plan termination, a participant's interest in the Plan remains one hundred percent (100%) vested and non-forfeitable, and the participant's interest will be distributed as if the participant had terminated employment prior to retirement.



## POLICY 307090 – VACATION DONATION POLICY

**PURPOSE:** The purpose of vacation donation program is to provide employees facing medical emergencies themselves or by family members that will require prolonged absences from work and will result in a substantial loss of income to the employee. This policy enables employees to take the necessary time to address their personal or family needs without having to worry about the financial implications of being away from work for an extended period.

**POLICY:** It is the policy of Fresno EOC to endeavor to provide support to our employees when feasible.

**REFERENCE:** ~~(executive order, labor code, other laws)~~

### PROCEDURES:

#### I. BENEFIT OF VACATION DONATION PROGRAM

The Vacation Donation Program demonstrates compassion and solidarity among colleagues. It allows employees to support each other during difficult times, fostering a sense of community and mutual care within the agency.

Vacation donation programs contribute to maintaining a healthy work-life balance, as well as allow employees to prioritize their well-being and attend to personal matters without compromising income. Employees who are assisted the vacation donation program to address medical emergencies are likely to return to work with a clearer mind and higher productivity.

#### II. ELIGIBILITY

**Donor:** Any employee who has accrued a minimum of one day of vacation time can donate to the program.

**Recipient:** ~~An employee must be employed for at least twelve (12) months and has been with the agency for at least three months is to be~~ eligible to apply for and receive donated vacation time. ~~participate in the vacation donation program as a donor or recipient.~~

Employees who experience a qualifying medical emergency personally or with a family member's illness, or similar unforeseen circumstances that necessitate leave of absence and have exhausted all available paid leave options are eligible to receive donated vacation time.

#### III. DONATION PROCESS

Donors must submit a Vacation Donation Form to the Human Resources Office indicating the amount of vacation time they wish to donate. Non-exempt staff can donate in increments of one hour; exempt staff can donate in increments of one day. Donations cannot exceed more than one-half of an employee's annual accrual. Once donated, the vacation time cannot be returned to the donor.

Donors can donate vacation time to the vacation donation bucket. Donated vacation pay will be paid as the receiving employee's base hourly rate of pay. Donor employees may not claim an expense, a tax deduction or a charitable contribution for any of the leave donated under the plan. All paid leave granted to the recipient employee is considered wages and is subject to appropriate tax withholding.

The Human Resources Office will verify the donor's eligibility and process the donation accordingly.

Donated vacation time will be maintained in a bucket until applied accordingly to an eligible recipient employee's balance.

#### **IV. RECIPIENT APPLICATION**

Employees seeking to receive donated vacation time must submit a written request to the Human Resources Office, along with supporting documentation outlining the circumstances necessitating additional leave (some exceptions may apply).

The Human Resources Office will review the application and determine the eligibility of the recipient based on the severity of the circumstances and the availability of donated vacation time.

#### **V. ALLOCATION OF DONATED TIME**

Donated vacation time will be allocated to recipients on a first-come, first-served basis, subject to approval by the Human Resources Office.

The maximum amount of donated vacation time a recipient may receive in a calendar year is twenty-five (25) days. Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act and other leave policies.

All information regarding the donation and recipient of vacation time will be kept confidential by the Human Resources Office and shared only with the relevant parties involved.

This Vacation Donation Policy may be revised as necessary by the Human Resources Office to ensure compliance with applicable laws and regulations and to address any unforeseen circumstances that may arise.

DRAFT

## **POLICY 3080 EMPLOYEE ASSISTANCE PROGRAM**

**PURPOSE:** The Employee Assistance Program is a confidential resource that helps employees deal with life's challenges and the demands that come with balancing home and work. The program provides professional counseling and referrals for a wide array of personal and work-related concerns.

**POLICY:** It is the policy of Fresno EOC to recognize that personal problems may have a negative impact on an employee's attendance, job performance, or behavior at work. Employees may occasionally benefit from professional assistance with personal problems. Accordingly, Fresno EOC provides an Employee Assistance Program (EAP) for all employees.

**REFERENCE:** California Labor Code §§ 1025-1026, Civ. Code § 56 et seq., California Constitution, Article 1, § 1.

### **PROCEDURES:**

#### **I. EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program is administered by an outside employee assistance firm. The EAP provides confidential and professional counseling and when appropriate, referral to other services to address personal problems. The EAP is offered to enhance personal well-being.

Employees who need assistance with a personal life situation should contact EAP. Although employees are encouraged to use the EAP, participation in the program does not relieve an employee of their obligation to perform their work in a satisfactory manner and to comply with other Fresno EOC rules and guidelines including Fresno EOC's Alcohol/Drug-Free Workplace policy.

If a violation of Fresno EOC's Alcohol/Drug-Free Workplace policy occurs, subsequently using the EAP will not necessarily lessen discipline and may, in fact, have no bearing on the determination of appropriate discipline (see Policy 5040, Alcohol/Drug-Free Workplace). The employee's decision to seek assistance from the EAP will not be used as a basis for discipline and will not be used against the employee in any disciplinary proceeding. On the other hand, using the EAP will not be a defense to the imposition of discipline where facts proving a violation of the Alcohol/Drug-Free Workplace policy are obtained outside of the EAP. Accordingly, the purpose and practice of the Alcohol/Drug-Free Workplace policy and an employee's use of the EAP are not in conflict and are distinctly separate in their application.

#### **II. ELIGIBILITY**

The Employee Assistance Program is offered to all employees and all household members.

#### **III. COUNSELING AND REFERRAL SERVICES**

The EAP program provides for up to three (3) free visits per six (6) month period for problem assessment, professional consultation, counseling, information, and/or referral. EAP counseling is typically a three-stage process that includes (1) clarifying the problem, (2) identifying the possible solutions, and (3) developing an action plan. If the action plan calls for treatment by another resource, participating employees will be responsible for paying those fees or some of the costs may be covered under the group health plan. EAP brochures and information for online resources are available from the Human Resources Office.

#### **IV. USE OF THE EAP**

Employees should make every effort to schedule EAP appointments before or after working hours, or during meal periods. EAP appointments scheduled during working hours will be treated the same as medical appointments and may be charged against sick time unless it is employer mandated.

#### **V. SELF-REFERRAL**

Any employee or dependent who desires confidential assistance with a personal problem should call EAP directly. The EAP will arrange for a counselor to see the individual for confidential consultation.

#### **VI. SUPERVISOR REFERRAL**

In collaboration with the Human Resources Office, supervisors may refer an employee to the EAP when the supervisor has reason to believe that an attendance, behavior, or work-performance problem may be the result of a personal problem. Employees may be required to attend the EAP as a condition of employment when deemed necessary. Fresno EOC, however, may take such steps as it deems appropriate in response to the underlying attendance, behavior, or work-performance problem.

#### **VII. CONFIDENTIALITY**

All EAP records and services are treated confidentially. The EAP will not share information concerning an individual's involvement in the program without the individual's written permission unless life, safety, or national security is seriously threatened, or disclosure is otherwise required by law.

If an employee is referred to the EAP by the employee's supervisor because of an attendance, behavior, or work performance problem, the EAP will confidentially inform Human Resources whether the employee attends the EAP session(s) and cooperates with the counseling plan. However, no further information will be shared by EAP without the employee's written permission.

#### **VIII. EMERGENCY RESPONSE TO CRITICAL INCIDENTS**

In the event of a crisis or a critical incident (e.g., suicide or death of a co-worker, critical accident), the EAP's Critical Incident Response Team responds by debriefing the individuals involved in the traumatic event.

#### IX. QUESTIONS REGARDING EAP PROGRAM

Questions regarding EAP services should be directed to the Human Resources Office or the EAP provider.

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## POLICY 4010 FAMILY AND MEDICAL LEAVE AND CALIFORNIA FAMILY RIGHTS ACT

**PURPOSE:** To define Fresno EOC's policy and procedures to provide (A) family care and medical leave in accordance with California's Family Rights Act and the Federal Family and Medical Leave Act of 1993:

**POLICY:** It is the policy of Fresno EOC to provide family, medical, pregnancy and other disability leaves of absences in accordance with applicable law.

**REFERENCE:** California Family Rights Act, California Labor Code §12945.2, 2 California Code of Regulations § 7291.2 et seq. and § 7297.0 et seq., and the Federal Family and Medical Leave Act of 1993, Genetic Information Nondiscrimination Act, California Labor Code § 132a.

### PROCEDURES:

#### I. FAMILY AND MEDICAL LEAVE

Fresno EOC recognizes that employees may need to provide care for their dependent children, elder parents and certain other family members as defined in Section I(A). Fresno EOC also recognizes that family care obligations can, at times, require an employee to be absent from the workplace for an extended period. For that reason, Fresno EOC has established the following Family and Medical Leave Policy. The intent of this policy is to enable employees to attend to serious medical conditions of certain family members, including their own serious health condition, when necessary. Fresno EOC follows the regulations set forth in the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). There are times when this leave runs concurrently with other forms of leave of absence.

**Employee Eligibility:** To be eligible for family and medical leave benefits under FMLA, you must: (1) have worked for Fresno EOC for a total of at least 12 months; (2) have worked at least 1,250 hours over the previous 12-month period; and (3) work at a location where at least 50 employees are employed by Fresno EOC within 75 miles. For eligibility under the CFRA, you must: (1) have worked for Fresno EOC for a total of at least 12 months and (2) have worked at least 1,250 hours during the previous 12-month period.

**Leave Available:** Eligible employees may receive up to a total of 12 workweeks of unpaid leave during a 12-month period. A 12-month period begins on the date of the employee's first use of family and medical leave. Successive 12-month periods commence on the date of an employee's first use of family and medical leave after the preceding 12-month period has ended. Leave may be used for one or more of the following reasons:

- a. The birth of the employee's child or placement of a child with the employee for adoption or foster care;
- b. To care for employee's family member who has a serious health condition, including a child (meaning biological, adopted, foster child, legal ward, stepchild, or child of a domestic partner or a person standing in loco parentis);

including adult child under CFRA and adult child under FMLA if incapable of self-care because of mental or physical disability), spouse (including domestic partner under CFRA), parent (including biological or an individual who stood in loco parentis; also including under CFRA foster or adoptive parent, parents-in-law, stepparent, or legal guardian), grandparent (under CFRA), grandchild (under CFRA), sibling (under CFRA), or a designated person (under CFRA; meaning any individual related by blood or whose association with the employee is the equivalent of a family relationship).~~FMLA: To care for the employee's immediate family member (spouse, registered domestic partner, child, or parent) with a serious health condition and CFRA: To care for the employee's family member (spouse, registered domestic partner, child, parent, grandparent, grandchild or sibling), or designated person with a serious health condition.~~ A "designated person" is defined as "any individual related by blood or whose association with the employee is equivalent of a family relationship." Employees shall designate a person at the time the employee requests leave and may limit an employee to one designated person per 12-month period for family care and medical leave;

- c. To take medical leave when the employee is unable to work because of a serious health condition; or
- d. For employees who need to take leave due to a "qualifying exigency" ("Qualifying Exigency Leave") resulting from (See Section IV):
  - 1. Their spouse, son, daughter, and/or parent is a member of the Armed Forces ("Military Member") being deployed on covered active duty to a foreign country; or
  - 2. Their spouse, son, daughter, and/or parent is a member of the National Guard or Reserves ("Military Member") being deployed under a call or order to covered active duty to a foreign country.

For purposes of FMLA, a "serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:

- a. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom), or any subsequent treatment in connection with such inpatient care: or
- b. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
  - (I) A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore,



or recovery there-from) of more than ~~five (5)~~three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(A) Two visits to a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider within 30 days of the beginning of the period of incapacity and the first visit to the health care provider taking place within seven days of the first day of incapacity, or

(B) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(ii) Any period of incapacity due to pregnancy, or for prenatal care.

(iii) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that involves at least two visits to a health care provider per year. Common ailments do not qualify for FMLA unless complications arise.

Under most circumstances, leave under federal and state law will run at the same time. However, leave because of the employee's disability for pregnancy, childbirth, or related medical condition is not counted as time used under CFRA. Time off because of pregnancy disability, childbirth, or related medical condition does count as family and medical leave under FMLA. Thus, employees who take time off for pregnancy disability and who are eligible for FMLA will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave. If you are pregnant, please review the pregnancy disability leave policy below and notify the ~~Human Resources Department~~Human Resources Office if you need leave due to your pregnancy.

Leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. CFRA/Baby Bonding leave taken for the birth or placement of a child will be granted in a minimum amount of two weeks. However, Fresno EOC will grant a request for a CFRA leave taken for birth/placement of a child for a period of less than two weeks' duration on any two occasions. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hours schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) over a 12-month period. In order for time to be counted toward Intermittent FMLA/CFRA. An employee must record intermittent FMLA/CFRA usage on their time sheet. In addition to the above-referenced family and medical leave, Fresno EOC also provides Military Caregiver Leave, which is a protected leave of absence for employees who are a spouse, son, daughter, parent or next of kin of a covered Military Member who need to take time off to care for:

The Military Member who, while on active duty with the United States Armed Forces, the National Guard, or Reserves, suffered or aggravated a “serious injury or illness” that:

- a. Requires the Military Member to undergo medical treatment, recuperation, or therapy as a result of that serious injury or illness; or
- b. Places the Military Member on the temporary disability retired list.

The Military Member who is a veteran of the Armed Forces, the National Guard, or Reserves (“Veteran Military Member”) who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave who suffered or aggravated a “serious injury or illness” that:

- a. Requires the Veteran Military Member to undergo medical treatment, recuperation, or therapy as a result of that serious injury or illness.

Under those circumstances, an affected employee is entitled to receive up to 26 weeks of unpaid leave in a single 12-month period, which can be taken either in one large block of time or intermittently. An employee who, in the same 12-month period, previously took other family and medical leave is entitled to receive Military Caregiver Leave, but, under those circumstances, the total leave taken will not exceed 26 weeks. For Military Caregiver Leave the 12-month period begins on the date of the employee’s first use of Military Caregiver Leave.

## **II. MILITARY FAMILY LEAVE**

A. Qualifying Exigency Leave - Eligible employees with a spouse, son, daughter, parent or next of kin on active duty, called to active-duty status, having veteran status and has been honorably discharged in the last five (5) years, in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies.

“Qualifying exigencies” include:

- a. Issues arising from a military member’s short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
- b. Military events and related activities (e.g. official ceremonies, programs, or events sponsored by the military or family support or assistance programs, and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross) that are related to the covered active duty or call to covered active duty status of a military member;
- c. Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a military member (e.g. arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at school or a day care facility if they are

necessary due to circumstances arising from the covered active duty or call to covered active duty of the military member);

- d. Caring for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty (e.g. arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to care facility, or attending meetings with staff at a care facility);
- e. Making or updating financial and legal arrangements to address a military member's absence;
- f. Attending counseling provided by someone other than a health care provider for oneself, the military member, or the child of the military member, the need for which arises from the covered active duty or call to covered active duty status of the military member;
- g. Taking up to fifteen days of leave to spend time with a military member who is on short-term, temporary rest and recuperation leave during deployment;
- h. Attending certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status, and addressing issues arising from the death of a military member; and
- i. Any other event that the employee and Fresno EOC agree is a "qualifying exigency" or that qualifies as such under Gov. Code § 12945.2 and Unemployment Insurance Code § 3302.2 where applicable.

B. **Military Caregiver Leave:** Eligible employees with a spouse, child, parent, or next of kin of a covered service member can take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. If a spouse or registered domestic partner both work for Fresno EOC and each wishes to take leave to care for a covered service member, the spouse or registered domestic partner may take a combined total of 26 weeks of leave and must take the leave within the 12-month period.

Certain restrictions on these benefits may apply.

**Notice & Certification:** If you need family and medical leave and/or Military Caregiver Leave, you may be required to provide:

- i. 30-day advance-notice when the need for the leave is foreseeable--where the need for leave is unforeseeable, please inform Fresno EOC as soon as reasonably practical. The employee must submit an electronic request, when able, for approval by the employee's immediate supervisor, program manager/director. If an employee fails to provide the requisite 30-day advance-notice for foreseeable events without any reasonable excuse for the delay, Fresno EOC reserves the right to deny the taking of the leave until at least 30 days after the date the employee provides notice of the need for family care or medical leave. If an employee fails to provide adequate certification the absence will not be covered or protected by FMLA/CFRA and the employee may be subject to discipline, up to and including termination, via the agency's standard attendance policy.

All requests for family care or medical leave should include the anticipated date(s) and duration of the leave.

- ii. Medical certification from a health care provider (both prior to the leave and prior to reinstatement) or, for Qualifying Exigency Leave, a copy of the military member's duty orders or other documentation issued by the military that indicates that the military member has been deployed to covered duty in a foreign country and the dates of the military member's deployment to that foreign country or for Rest and Recuperation leave, a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave. In addition, for Qualifying Exigency Leave, an eligible employee may be required to provide certification of the exigency necessitating leave. In providing this medical certification, Fresno EOC shall comply with the provisions of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits employers from requesting or requiring genetic information of an employee or family member of the employee, except as specifically allowed by law. To comply with GINA, Fresno EOC is asking that employees not provide any genetic information when responding to this request for medical information. Fresno EOC will not discriminate against any employee on the basis of his or her genetic tests, the genetic tests of that employee's family members, or the manifestation of a disease or disorder in family members of the employee.

The medical certification for leave for the employee's own serious health condition shall include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; and (c) a statement that, due to the serious health condition, the employee is unable to perform the functions of the position. In addition, Fresno EOC may require the employee to obtain a second opinion from a doctor of Fresno EOC's choosing at Fresno EOC's expense. If the employee's health care provider and the doctor providing the second opinion do not agree, Fresno EOC may require a third opinion, also at

Fresno EOC's expense, performed by a mutually agreeable doctor who will make a final determination. Before permitting the employee to return to work, Fresno EOC requires the employee to provide medical certification that they are able to return to work. An employee may be denied reinstatement until certification is provided. An employee who is denied reinstatement due to a failure to provide medical certification for return to work, may be considered to have voluntarily resigned. An employee who does not provide a medical certification within 15 days and remains absent from work may be considered to have voluntarily resigned.

Any request for medical leave for an employee's own serious health condition or for family care leave to care for a child, spouse, or parent with a serious health condition must be supported by medical certification from a health care provider. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after Fresno EOC's request for certification. Failure to provide the required medical certification within 15 days of being requested to do so may result in a denial of the employee's continued leave and the employee may be considered to have voluntarily resigned. Any request for an extension of the leave also must be supported by an updated medical certification by a health care provider. If a certification is incomplete or insufficient, Fresno EOC will inform the employee in writing of needed information to complete the medical certification. The employee must furnish the additional information within 7 calendar days or the request for leave may be denied, and the employee may be considered to have voluntarily resigned.

For Qualifying Exigency Leave, a copy of the military member's duty orders or other documentation issued by the military that indicates that the military member has been deployed to covered duty in a foreign country and the dates of the military member's deployment to that foreign country; or for Rest and Recuperation leave, a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave. In addition, for Qualifying Exigency Leave, an eligible employee may be required to provide certification of the exigency necessitating leave.

- iii. Periodic recertification when prior certification expires; and
- iv. Periodic reports during the leave.

When leave is needed to care for an immediate family member or your own serious health condition, and is for planned medical treatment, you must try to schedule treatment so as not to unduly disrupt Fresno EOC's operation. The medical certification for a child, spouse, or parent with a serious health condition shall include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) the health care provider's

estimate of the amount of time needed for family care; and (d) the licensed health care provider's assurance that the health care condition requires family care leave.

Upon receiving notice of your need for family and medical leave and/or Military Caregiver Leave and absent any extenuating circumstances, Fresno EOC will notify you whether the leave will be designated as family and medical leave and/or Military Caregiver Leave within five business days of learning that leave is being taken for a qualifying reason.

A "child" includes a biological, adopted or foster child, stepchild, or a legal ward. "Parent" means a biological, foster, or adoptive parent, a stepparent, or a legal guardian. Parent does not include a parent-in-law. "Spouse" means a partner in marriage or a registered domestic partner.

**Compensation During Leave:** Family and medical leave is typically unpaid. However, an employee who is granted a medical leave shall be entitled to use any accrued sick time and/or vested vacation benefits during the period of leave. Sick time benefits may be coordinated with State Disability, Paid Family Leave and/or Workers' Compensation temporary disability benefits payable under such a plan, provided the employee has sick or vacation time and elects to coordinate the two benefits. Except to the extent that other paid time is substituted for family care or medical leave, family care (and medical) leave is unpaid.

If the leave is under FMLA only, the employee is required to use accrued and unused vacation or sick leave during the otherwise unpaid portion of the leave, unless otherwise prohibited by the law.

If the leave is under FMLA and CFRA, or CFRA only, for the employee's own serious health condition, the employee is required to use accrued and unused vacation or sick leave during the otherwise unpaid portion of the leave, unless otherwise prohibited by the law.

If the leave is under FMLA and CFRA, or FMLA and PDL, or falls under more than one leave, the laws regarding use of vacation or sick leave that are more favorable to the employee will apply.

If the employee is receiving a partial wage benefit during the family and medical leave (during FMLA only, CFRA only, or FMLA and CFRA leave), the employer and employee may agree to use vacation or sick leave to supplement the partial wage replacement benefit, unless otherwise prohibited by the law.

The substitution of paid leave for family care or medical leave does not extend the total duration of family care and medical leave to which an employee is entitled to beyond 12 weeks in a 12-month period. For example, if an employee has accrued four weeks of unused paid vacation time at the time of the request for family care or medical leave; that paid vacation time will be substituted for the first four weeks of family care or medical leave, leaving up to eight additional weeks of unpaid leave.

**Benefits During Leave:** The Agency will maintain, for up to a maximum of 12 workweeks of family and medical leave and 26 weeks for Military Caregiver Leave, any group health insurance coverage that was provided before the leave on the same terms as if the employee had continued to work. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. In some instances, Fresno EOC may recover premiums it paid to maintain health coverage if you do not return to work following family or medical leave.

Employees on family care and medical leave accrue employment benefits, such as vacation benefits, or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual. However, where a CFRA baby bonding leave follows an employee's pregnancy disability leave, Fresno EOC will provide health coverage for the pregnancy disability leave, up to four months, and an additional 12 weeks of CFRA leave.

**Job Reinstatement:** Under most circumstances, upon return from family and medical leave, you will be reinstated to your previous position, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, upon return from a family and medical leave, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not gone on family and medical leave, or if your position has been eliminated during the leave, then you will not be entitled to reinstatement.

Prior to returning to work after taking family and medical leave for your own serious health condition, you will be required to submit a fitness-for-duty certification from your health care professional certifying that you are able to return to work. Failure to provide the fitness-for-duty certification in a timely manner may either delay your reinstatement to your position or result in a denial of your reinstatement request if the certification is never provided.

If you are returning from family and medical leave taken for your own serious health condition, but you are unable to perform the essential functions of your job because of a physical or mental disability, Fresno EOC will engage in the interactive process with you to determine if there is a reasonable accommodation that may be provided to enable you to perform the essential functions of your position to the extent that doing so would not create an undue hardship for Fresno EOC. Your use of family and medical leave will not result in the loss of any employment benefit that you earned or were entitled to before using family and medical leave.

**Unlawful Acts:** It is unlawful for Fresno EOC to interfere with, restrain, or deny the exercise of any right provided by state or federal family and medical leave law. It is also unlawful for Fresno EOC to refuse to hire or to terminate or discriminate against any individual for being involved in any proceedings related to family and medical leave.

Fresno EOC retains the discretion to transfer the employee temporarily to an alternative position with equivalent pay and benefits which better accommodates the leave.

### **~~III. INTERACTIVE PROCESS/LIGHT DUTY ASSIGNMENTS FOR TEMPORARY DISABLED EMPLOYEES WHO HAVE A MEDICAL DISABILITY~~**

~~Disability leave as required to reasonably accommodate employees with a qualified disability under the Americans with Disabilities Act (ADA), California Fair Employment and Housing Act, or with a workplace injury.~~

~~Request: Extended Medical Leave will be granted and used as a reasonable accommodation during the interactive process if requested by the employee. This leave of absence will only be used to extend the period of absence due to an employee's medical disability. An employee, who qualified for FMLA/CFRA and/or PDL has exhausted their leaves and is unable to return to work after the allowable leave described in Section I and/or Section III of this policy, may request an extended medical disability leave in thirty (30) day increments or less. Initial requests for extended medical disability leave must be supported by a medical certification from a health care provider as defined in Section I(D)(2) of this policy. Any request(s) for extensions of this leave must be supported by a note from a health care provider. It is the employee's responsibility to provide the supervisor and/or program manager/director with a status report at least every thirty (30) days. Before returning to work following an extended medical disability leave, an employee must submit a licensed health care provider's verification stating the employee's ability to return to work with or without restrictions and the date the employee is able to return.~~

~~Status of Employee Benefits during Extended Medical Disability Leave: An employee who is granted an Extended Medical Disability Leave shall be entitled to use any accrued sick time and/or vested vacation benefits during the period of disability. Sick time benefits may be coordinated with State Disability and/or Workers' Compensation temporary disability benefits payable under such a plan, provided the employee has sick time and elects to combine the two benefits. Except to the extent that other paid leave is substituted for medical leave, the extended leave is unpaid.~~

~~Group health and life insurance benefits ordinarily provided by Fresno EOC and for which the employee is otherwise eligible may be continued during the extended disability leave but for no more than four (4) months total within a 12 month period, including benefits received during the previous 12 week period. The employee must pay the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15 day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. Employees whose total medical leaves, including the extended leave, are in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA. If a covered person is totally disabled when coverage terminates, benefits will be provided for that totally disabling condition until maximum benefits are paid, the disability ends, or up to twelve (12) months have passed since termination of coverage.~~

~~Reinstatement from Extended Leave: Except as provided by applicable law, Fresno EOC will make every effort to place an employee returning from an approved Extended Medical Disability Leave in the same or comparable position. If such position ceases to exist because of legitimate business reasons or if a position is not available, employment will be terminated,~~



~~and the employee will be considered for future openings (see Policy 1090 Recruitment, Selection, and Employment). Employees who do not return after the period of the approved leave expires may be considered to have voluntarily resigned, unless unusual circumstances have prevented the return and a reasonable excuse has been offered and accepted within three (3) workdays after the period of the approved leave expired.~~

~~Procedures: When feasible, Fresno EOC will locate and assign temporary light duty work to employees who are temporarily unable to perform the essential functions of their job due to injury.~~

~~Limitations: A temporary light duty assignment for an injured or ill employee shall stop when any of the following occurs: a) The employee is medically released to perform the essential functions of their regular position; or b) A medical provider deems the employee temporarily unable to perform any work in any capacity; or c) A temporary light duty assignment is no longer available due to operational necessity and/or is otherwise no longer reasonable to provide; or d) The employee's temporary medical limitations and/or restrictions render them unable to continue performing the temporary light duty assignment; or e) The employee is medically determined to have a permanent limitation(s) and/or restriction(s) that prevent them from being able to perform the essential functions of their regular position. When this occurs, Fresno EOC will continue the interactive process by engaging in alternative work search and/or through exhaustion of the interactive process.~~

~~On the job injury/Occupational Disabilities: A temporary disability leave of absence to reasonably accommodate a work-related injury will be granted to any employee who sustains a work-related disability.~~

~~Disability leave under this section may run concurrently with any medical leave to which the employee is entitled under Section I of this policy. Employees taking disability leave must comply with the Family Care and Medical Leave provisions regarding substitution of paid leaves (Section I(B)), notice (Section I(D)(1)), and medical certification (Section I(D)(2)). An electronic request must be submitted to and approved by the employee's immediate supervisor, program manager/director, and director. For the purpose of applying these provisions, occupational disability leave will be considered to be medical leave. The employee will be responsible for providing periodic updates to the supervisor and/or program manager/director at least every thirty (30) days during the leave concerning status, expected date of return, and continued intent to return to work upon expiration of the leave.~~

~~Subject to any limitations permitted by law, a leave of absence for a work-related disability shall be extended for the duration of the work-related disability until one of the following situations takes place:~~

- ~~• The employee is released with or without restrictions that can be accommodated.~~
- ~~• Fresno EOC receives medical evidence satisfactory to it that the employee will be unable to return to work.~~
- ~~• The employee resigns.~~

- ~~• The position which the employee occupied prior to the leave of absence ceases to exist or is filled for legitimate business reasons.~~

~~B. Status of Employee Benefits during Leave: Accrued sick time benefits or vested vacation benefits may be coordinated with Workers' Compensation temporary disability benefits payable under such a plan, provided the employee has accrued sick time and/or vested vacation benefits and elects to combine the two benefits. Except to the extent that other paid time is substituted for medical leave, the leave is unpaid.~~

~~Group health and life insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, will be continued during the period of disability for up to four (4) months, and provided the employee pays the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. Employees whose occupational leave is in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA.~~

~~C. Leave's Effect on Reinstatement: Before returning to work following a leave of absence for a work related disability, the employee must provide a medical certification from a licensed health care provider stating the date and ability to return to work. Except as provided by applicable law, Fresno EOC will make every effort to place an employee returning from leave in the same or comparable position for which the individual is qualified unless such position is unavailable or ceases to exist because of legitimate business reasons. In such cases, the employee may be terminated and may be considered for future openings (see Policy 1090, Recruitment, Selection, and Employment).~~

~~An employee who fails to report for work at the end of the approved leave may be considered to have voluntarily resigned unless unusual circumstances have prevented the return and a reasonable excuse has been offered and accepted within three (3) workdays after the employee was released to return to work.~~

#### **~~IV.~~ PREGNANCY LEAVE IN ACCORDANCE WITH THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

##### **A. Eligibility and Duration**

1. Leave of Absence: Any employee who is disabled due to pregnancy, childbirth, or related conditions may take a pregnancy-related disability leave of up to four months. At the end of the pregnancy disability leave, an employee may request family care or medical leave to which the employee may be entitled under Section I of this policy (Family Care and Medical Leaves).

2. Temporary Transfer before Childbirth: An employee who is disabled due to pregnancy, childbirth, or related conditions may be entitled to transfer temporarily to a less strenuous or hazardous position or to less strenuous or hazardous duties if the transfer is medically necessary and the transfer can be reasonably accommodated. A

written statement must be provided from a licensed health care provider stating the necessity of the transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties.

B. Substitution of Paid Leave for Pregnancy Related Disability Leave: An employee taking pregnancy related disability leave may, at her option, substitute accrued vacation time or unused sick time for all or a portion of the leave. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled.

The employee must provide the Agency with a certification from their healthcare provider. The medical certification should include:

1. The date on which the employee became disabled due to pregnancy or the date of the medical advisability for the transfer;
2. The probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and
3. A statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of their position without undue risk to themselves, the successful completion of their pregnancy or to other persons or a statement that, due to the pregnancy, a transfer is medically advisable.

C. Leave's Effect on Benefits: Group health and life insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, will be continued during the period of pregnancy-related disability leave for up to four (4) months provided the employee pays the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. Employees whose pregnancy-related disability leave is in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA. Pregnancy disability leave or a transfer begins when ordered by the employee's health care provider.

D. Other Terms and Conditions of Leave: Upon return from a pregnancy disability leave, the employee is required to provide medical certification from their health care provider that they are able to return to work. Under most circumstances, upon submission of certification from a health care provider that the employee is able to return to work from a pregnancy disability leave, the employee will be reinstated to their same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if they had been continuously employed.

The provisions of Fresno EOC's Family Care and Medical Leave policy regarding the leave's effect on pay (Section I(C)), notice requirements (Section I(D)(1)), medical Certification requirements (Section I(D)(2)); and reinstatement (Section I(E)) also apply to all pregnancy-

related disability leaves. However, for pregnancy-related disabilities, there is no process for obtaining more than one medical opinion. For the purpose of applying those provisions, an employee's pregnancy-related disability is considered to be a serious health condition.

#### **IV. SAFE HARBOR GENETIC INFORMATION NON-DISCRIMINATION ACT (GINA)**

The Genetic Information Notification Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or acquiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, Fresno EOC will not provide any genetic information when responding to a request for medical information. Genetic information, as defined by GINA, including an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual family member sought or received genetic services, and genetic information of a fetus carried by an individual or any individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

## 402010A- INTERACTIVE PROCESS/LIGHT DUTY ASSIGNMENTS

**PURPOSE:** To define Fresno EOC'S interactive process for light duty and modified assignments.

**POLICY:** It is the policy of Fresno EOC to engage in the interactive process for light duty and modified assignments. Engaging in this process provides is a benefit to the employee and the agency.

### **PROCEDURES:**

Disability leave is as required to reasonably accommodate employees with a qualified disability under the Americans with Disabilities Act (ADA), California Fair Employment and Housing Act, or with a workplace injury.

#### **I. REQUEST:**

A. Extended Medical Leave will be granted and used as a reasonable accommodation during the interactive process if requested by the employee. This leave of absence will only be used to extend the period of absence due to an employee's medical disability. An employee, who qualified for FMLA/CFRA and/or PDL has exhausted their leaves and is unable to return to work after the allowable leave described in Section I and/or Section III of this policy, may request an extended medical disability leave in thirty (30) day increments or less. Initial requests for extended medical disability leave must be supported by a medical certification from a health care provider as defined in Section I(D)(2) of this policy. Any request(s) for extensions of this leave must be supported by a note from a health care provider. It is the employee's responsibility to provide the supervisor and/or program manager/director with a status report at least every thirty (30) days. Before returning to work following an extended medical disability leave, an employee must submit a licensed health care provider's verification stating the employee's ability to return to work with or without restrictions and the date the employee is able to return.

B. Status of Employee Benefits during Extended Medical Disability Leave: An employee who is granted an Extended Medical Disability Leave shall be entitled to use any accrued sick time and/or vested vacation benefits during the period of disability. Sick time benefits may be coordinated with State Disability and/or Workers' Compensation temporary disability benefits payable under such a plan, provided the employee has sick time and elects to combine the two benefits. Except to the extent that other paid leave is substituted for medical leave, the extended leave is unpaid.

C. Group health and life insurance benefits ordinarily provided by Fresno EOC and for which the employee is otherwise eligible may be continued during the extended disability leave but for no more than four (4) months total within a 12-month period, including benefits received during the previous 12-week period. The employee must pay the required contributory amount. Payments must be received by the 25th of the month. If payment is more

than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. Employees whose total medical leaves, including the extended leave, are in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA. If a covered person is totally disabled when coverage terminates, benefits will be provided for that totally disabling condition until maximum benefits are paid, the disability ends, or up to twelve (12) months have passed since termination of coverage.

## II. REINSTATEMENT FROM EXTENDED LEAVE:

-Except as provided by applicable law, Fresno EOC will make every effort to place an employee returning from an approved Extended Medical Disability Leave in the same or comparable position. If such position ceases to exist because of legitimate business reasons or if a position is not available, employment will be terminated, and the employee will be considered for future openings (see Policy 1090 Recruitment, Selection, and Employment). Employees who do not return after the period of the approved leave expires may be considered to have voluntarily resigned, unless unusual circumstances have prevented the return and a reasonable excuse has been offered and accepted within three (3) workdays after the period of the approved leave expired.

Procedures: When feasible, Fresno EOC will locate and assign temporary light duty work to employees who are temporarily unable to perform the essential functions of their job due to injury.

## III. LIMITATIONS:

A temporary light duty assignment for an injured or ill employee shall stop when any of the following occurs: a) The employee is medically released to perform the essential functions of their regular position with or without reasonable accommodation; or b) A medical provider deems the employee temporarily unable to perform any work in any capacity; or c) A temporary light duty assignment is no longer available due to operational necessity and/or is otherwise no longer reasonable to provide; or d) The employee's temporary medical limitations and/or restrictions render them unable to continue performing the temporary light duty assignment; or e) The employee is medically determined to have a permanent limitation(s) and/or restriction(s) that prevent them from being able to perform the essential functions of their regular position. When this occurs, Fresno EOC will continue the interactive process by engaging in alternative work search and/or through exhaustion of the interactive process.

On the job injury/Occupational Disabilities: A temporary disability leave of absence to reasonably accommodate a work-related injury will be granted to any employee who sustains a work-related disability.

Disability leave under this section may run concurrently with any medical leave to which the employee is entitled under Section I of this policy. Employees taking disability leave must comply with the Family Care and Medical Leave provisions regarding substitution of paid leaves (Section I(B)), notice (Section I(D)(1)), and medical certification (Section I(D)(2)). An

electronic request must be submitted to and approved by the employee's immediate supervisor, program manager/director, and director. For the purpose of applying these provisions, occupational disability leave will be considered to be medical leave. The employee will be responsible for providing periodic updates to the supervisor and/or program manager/director at least every thirty (30) days during the leave concerning status, expected date of return, and continued intent to return to work upon expiration of the leave.

Subject to any limitations permitted by law, a leave of absence for a work-related disability shall be extended for the duration of the work-related disability until one of the following situations takes place:

- The employee is released with or without restrictions that can be accommodated.
- Fresno EOC receives medical evidence satisfactory to it that the employee will be unable to return to work.
- The employee resigns.
- The position which the employee occupied prior to the leave of absence ceases to exist; the employee requests an indefinite leave of absence; or the leave can no longer be accommodated because of is filled for legitimate business reasons.

#### IVB.—STATUS OF EMPLOYEE BENEFITS DURING LEAVE:

Accrued sick time benefits or vested vacation benefits may be coordinated with Workers' Compensation temporary disability benefits payable under such a plan, provided the employee has accrued sick time and/or vested vacation benefits and elects to combine the two benefits. Except to the extent that other paid time is substituted for medical leave, the leave is unpaid.

Group health and life insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, will be continued during the period of disability for up to four (4) months, and provided the employee pays the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. Employees whose occupational leave is in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA.

#### V.G. LEAVE'S EFFECT ON REINSTATEMENT

÷Before returning to work following a leave of absence for a work-related disability, the employee must provide a medical certification from a licensed health care provider stating the date and ability to return to work. Except as provided by applicable law, Fresno EOC will make every effort to place an employee returning from leave in the same or comparable position for which the individual is qualified unless such position is unavailable or ceases to exist because of legitimate business reasons. In such cases, the employee may be terminated

and may be considered for future openings (see Policy 1090, Recruitment, Selection, and Employment).

An employee who fails to report for work at the end of the approved leave may be considered to have voluntarily resigned unless unusual circumstances have prevented the return and a reasonable excuse has been offered and accepted within three (3) workdays after the employee was released to return to work.

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## POLICY 40~~30~~20 LEAVES OF ABSENCE

**PURPOSE:** To clarify and distinguish the parameters and procedures for authorized leaves for eligible Fresno EOC employees.

**POLICY:** It is the policy of Fresno EOC to provide authorized leaves of absence for specified periods of time to all eligible employees on a non-discriminatory basis. Leaves will be considered for personal reasons, education, bereavement, and legally required absences as set forth below.

**REFERENCE:** California Labor Code § 230. California Election Code § 14350. California Labor Code § 1025. California Labor Code §§ 1040-1044. California Labor Code §§ 230.7-230.8. California Labor Code § 230.3, CA SB 579, [CA SB 848](#).

### PROCEDURES:

#### I. PERSONAL LEAVE

Regular full-time and part-time employees may request a personal leave of absence without pay for personal compelling reasons for a reasonable period of time, up to thirty (30) days. Extensions may be granted in up to thirty (30) day increments due to special circumstances but may not exceed a total of four (4) months.

Personal leaves due to compelling reasons may involve circumstances such as family emergencies and family or personal disabilities for which the employee is not otherwise eligible for leave (see Policy 4010, Family and Medical Leave and California Family Rights Act).

A. Requests: An employee must submit a request for Personal Leave ~~in writing~~, accompanied by electronic time off requests, which must include the reason for the request, and approved by the employee's immediate supervisor and program manager/director. Requests for leaves of absences will be considered at the discretion of Fresno EOC and on the totality of circumstances, including, but not limited to the employee's length of service, performance, responsibility level, the reason for the request, the urgency of the situation, whether other individuals are already out on leave, and the expected impact of the leave on the employee's department. It is the employee's responsibility to report to work at the end of the approved leave.

B. Status of Employee Benefits during Personal Leave: During the leave of absence, the employee may use any accrued vacation benefits. However, the use of vacation benefits will not extend the duration of the leave. Group health and life insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, may be continued during the period of the leave, provided the employee pays the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. No vacation, sick time, or seniority will accrue during a leave without pay.

Any leave taken under this provision that qualifies as leave under the state and/or federal family/medical leave acts, will be counted as family/medical leave and charged against the entitlement of twelve (12) work weeks of family/medical leave in a twelve (12) month period.

C. Leave's Effect on Reinstatement: An employee who fails to report to work on the day after the leave expires will be considered to have voluntarily resigned, unless unusual circumstances have prevented the employee from returning and a reasonable excuse has been offered and accepted within three (3) workdays after the leave expired.

Every effort will be made to place an employee in the same or comparable position after the end of the leave unless such a position is unavailable or ceases to exist because of legitimate business reasons. If a position is not available, the employee will be laid off, and the employee may be considered for future openings (see Policy 1090 Recruitment, Selection, and Employment).

## II. EDUCATIONAL LEAVE

Regular full-time and part-time employees may request an Educational Leave without pay for a reasonable period of time not to exceed four (4) months per rolling calendar year. Educational leave may be granted when the educational program undertaken is likely to enhance Fresno EOC's capabilities to provide service to the public. Consequently, the training should have as its objective either an increase in the effectiveness of an employee in the current job assignment or be designed to enhance the employee's advancement possibilities within Fresno EOC.

An employee may be granted up to six (6) hours of time off during the normal work week per semester to attend an approved educational program, unless it would cause undue hardship to the program.

This time off is unpaid; however, the employee may use existing vacation benefits, if available and approved. Fresno EOC reserves the right to request that the employee furnish written verification from the school as proof that the employee participated in school activities on the specific date at the specific time. Failure to provide written verification is grounds for ~~corrective action~~disciplinary action. See Section I (A), (B), and (C) of this policy for the application process, status of benefits, and reinstatement.

## III. BEREAVEMENT LEAVE

Active employees who have experienced a death or terminal illness in the immediate family will be granted an emergency paid leave of up to five (5) working days per fiscal year. Subsequent bereavement leave is unpaid, but the employee can use accrued time. Immediate family is defined as: employee's spouse, domestic partner as defined by law, child, stepchild, parent, stepparent, parent-in-law, child-in-law, sibling, ~~step sibling~~stepsibling, grandparent, grandchild, or an adult who stood in loco parentis to the employee during childhood.

Active employees who have experienced a death or terminal illness in the extended family will be granted an emergency paid leave of up to one (1) working day. Extended family is defined as: brother-in-law, sister-in-law, aunt, uncle, or spouse or domestic partner's grandparent.

The employee will be paid the regular rate for each of the scheduled workdays missed and may be required to furnish satisfactory evidence to support the leave. The employee must request bereavement leave in writing and approved by the employee's supervisor and program manager/director. Employees ~~under discipline for attendance issues~~ may be required to provide documentation with regard to their bereavement leave, including but not limited to a death certificate, published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. The employee asked to submit such documentation must do so within 30 days of the first day leave is used.

The leave need not be consecutive but must be taken within one year from the date of loss.

Employees may be allowed up to four hours of bereavement leave to attend the funeral of a fellow regular employee or retiree of the Agency, provided such absence from duty will not interfere with normal operations of the agency.

The Agency will not refuse to provide the leave or discriminate/retaliate against an employee who utilizes leave under this policy.

#### **IV. CIVIC RESPONSIBILITIES**

Employees who do not have sufficient time outside of their regular working hours to vote in an election may request time off to vote. If possible, employees should give at least two working days' notice to their supervisor that time off for voting is desired if the employee knows or has reason to know of the need for the time off. Up to two hours of paid time off will be provided at the beginning or end of the employee's regular shift, whichever will allow the most free time for voting and require the least amount of time off, unless otherwise mutually agreed.

It is Fresno EOC's policy to enable its employees to fulfill their civic obligations. An employee who is called for jury duty or is required by law to appear in court will be provided time off for that purpose and will be paid regular pay less amounts received for jury duty or service as a witness. This does not apply in the case of legal or criminal action brought against an employee. It is the employee's responsibility to notify the supervisor as soon as notice has been received that the employee has been requested for jury duty or required to appear. The employee must provide a copy of the jury summons or subpoena to appear in court. In order to receive pay for days of absence, the employee must submit electronic time off requests and present a certificate or time sheet from the court verifying jury service or testimony for each day of absence to the supervisor. The employee's time sheet shall indicate jury duty for days of absence. The employee will be required at the end of the obligation to provide a copy of the jury or witness check whereby an adjustment will be made on the next paycheck, or the jury or witness check may be endorsed over to Fresno EOC. Any mileage received will be retained by the employee. The employee is expected to return to work each day when they are

not selected as a juror or they are released from service during normal working hours and must return to work at the completion of their obligation.

## **V. ALCOHOL AND DRUG REHABILITATION LEAVE**

Fresno EOC will make reasonable accommodations to employees who have enrolled voluntarily in a drug or alcohol rehabilitation program. Employees who have enrolled in a rehabilitation program will be given unpaid time off to participate in the program unless it would result in undue hardship on Fresno EOC. Fresno EOC will make reasonable efforts to keep confidential the fact that the employee is enrolled in the program.

This time off is unpaid; however, the employee may use any accrued sick time or accrued vacation benefits while on leave. This leave may run concurrently with any other medical leave to which the employee is entitled (see Policy 4010, Family and Medical Leave and California Family Rights Act).

To qualify for a leave, the employee will be required to provide a certification of enrollment within 15 days of the request and successfully complete the program to return to work. An employee who does not provide a certification within 15 days and remains absent from work may be considered to have voluntarily resigned.

## **VI. LITERACY ASSISTANCE**

Any employee who needs time off to attend an adult literacy education program should make the request through the supervisor. Fresno EOC will attempt to make reasonable accommodations for the employee of up to six (6) hours of time off during the normal work week, unless it would cause an undue hardship to do so. This time off is unpaid; however, the employee may use existing accrued vacation benefits, if available and approved. Fresno EOC will also attempt to safeguard the privacy of the fact that an employee is enrolled in an adult literacy education program.

## **VII. OTHER LEGALLY REQUIRED LEAVES**

An employee who has a child enrolled in kindergarten through grade twelve (12), or cared for by a licensed childcare provider, may take time off from work, up to 40 hours each year, not exceeding 8 hours in any calendar month, for certain child-related activities. These activities are: (1) to find, enroll, or reenroll a child in a school or with a licensed childcare provider; (2) to participate in activities of the school or licensed childcare provider; or (3) to address a childcare provider or school emergency.

“Parent” means a parent, guardian, stepparent, foster parent, grandparent, or a person who stands in loco parentis to a child. “Child care provider or school emergency” means that the child cannot remain in school or with the child care provider because: (1) the school or child care provider has requested that the child be picked up; (2) the school or child care provider has an attendance policy (excluding planned holidays) that prohibits the child from attending or requires the child be picked up; (3) behavioral or discipline problems; (4) closure or

unexpected unavailability of the school or child care provider (excluding planned holidays); or (5) a natural disaster including fire, earthquake, or flood.

To take time off under reasons (1) or (2), the employee must give reasonable notice to their supervisor. To take time off under reason (3), the employee must simply give notice to their supervisor as soon as possible. An employee may use vacation time for the visits, if available and approved. A supervisor may request the employee to provide documentation from the school or childcare provider verifying the date and time of the child-related activity.

If both parents of the child work for Fresno EOC, the parent who first gives notice is eligible for the time off. The other parent may be permitted to take time off, under the conditions set forth in this policy, only if a supervisor authorizes the leave of absence. An employee requested to appear at their child's school due to the child's suspension may take an unpaid leave of absence provided that the employee gives Fresno EOC reasonable notice of the request to appear.

### **VIII. SCHOOL APPEARANCE LEAVE**

An employee that is the parent or legal guardian of a child suspended from school is entitled to take an unpaid leave to comply with the principal's written request of the employee's presence at the school, provided the employee gives reasonable advance notice to the Agency. Check with the ~~Human Resources Department~~[Human Resources Office](#) for eligibility and scheduling before taking any leave to attend.

### **IX. ORGAN AND BONE MARROW DONOR LEAVE**

After completing 90 days of employment with Fresno EOC, an employee undergoing an organ donation procedure or treatment related to organ donation may take up to 30 business days of paid leave in a one-year period related to the donation. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months. Up to 10 days of an employee's accrued but unused vacation or sick time (not PSL) available at the time of leave is to be taken and will be credited against the 30 paid business days of donor leave available for organ donation. An additional unpaid leave of absence, not exceeding 30 business days in a one-year period, will be provided to an employee who is an organ donor, for the purpose of donating the employee's organ to another person.

After completing 90 days of employment with Fresno EOC, any employee undergoing a bone marrow donation procedure or treatment related to bone marrow donation may take up to 5 business days of paid leave in a one-year period related to the donation. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months. Up to 2 days of an employee's accrued but unused vacation or sick time (not PSL) available at the time of leave is to be taken and will be credited against the 5 business days of donor leave available for bone marrow donation.

An employee must provide written verification that they are an organ or bone marrow donor and that there is a medical necessity for the donation. An employee will be restored to the same or equivalent position upon their return. This leave will not be considered as a break in

continuous service for the purposes of accrued benefits, salary adjustments and health care. This leave will not run concurrently with FMLA or CFRA and can be taken in one or more periods. Donor leave taken will also not be counted against an employee's seniority/length of service and will not affect eligibility for pay increases or other benefits. Employees who take donor leave will not be retaliated or otherwise discriminated against for doing so.

#### **X. CIVIL AIR PATROL LEAVE**

Members of the Civil Air Patrol who have been employed at least 90 days are eligible for an unpaid leave of absence of a maximum of ten (10) days per calendar year for the purpose of responding to an emergency operational mission of the California Wing of the Civil Air Patrol. Under normal circumstances, the leave for a single emergency operation mission shall not exceed three days. Employees shall give the Agency as much notice as possible of the intended dates upon which the Civil Air Patrol leave will begin and end. The Agency may require certification to verify the eligibility of the employee for the leave requested or taken. Employees taking Civil Air Patrol leave are not required to exhaust accrued leave time but may do so at their election.

#### **XI. VOLUNTEER CIVIL SERVICE LEAVE**

An employee who is a volunteer firefighter, a reserve peace officer, or emergency rescue personnel who intends to perform emergency duties during work hours, should notify their supervisor that they may have to take time off to perform emergency duty. The employee should also notify their supervisor prior to leaving the premises in the event they need to take time off for emergency duty or training.

An employee who is a volunteer firefighter, reserve peace officer or emergency rescue personnel, will be permitted to take temporary leaves of absence for the purpose of engaging in fire, law enforcement or emergency rescue training. This amount of leave permitted will not exceed an aggregate of 14 days per calendar year.

#### **XII. REPRODUCTIVE LOSS LEAVE**

The Agency will provide up to five (5) days of reproductive loss leave upon a qualifying reproductive loss event, so long as the employee has worked for the agency for at least 30 days prior to the commencement of leave. "Qualifying Reproductive Loss Events" are as follows: failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. Assisted reproduction means a method of achieving pregnancy –artificial insemination or an embryo transfer and includes gamete and embryo donation. Reproductive loss leave applies if the employee would have been a parent had the Qualifying Reproductive Loss Event not occurred.

Reproductive loss leave is unpaid, but employees may utilize accrued and available paid time off during such leave, including accrued and available vacation and paid sick leave. If an employee experiences more than one reproductive loss event within a 12-month period, the Agency shall not be obligated to grant reproductive loss leave time in excess of 20 days within a 12-month period.



The five days do not have to be taken in a consecutive manner, but employees must complete leave within three months of the qualifying event. Notwithstanding the three-month limitation, if, prior to or immediately following a reproductive loss event, an employee is on or chooses to go on leave from work pursuant to Pregnancy Disability Leave, the California Family Rights Act, or any other applicable leave entitlement under law, the employee shall complete their reproductive loss leave within three months of the end date of the other leave.

The Agency will not take adverse action against employees for exercising their right to take reproductive loss leave or for giving information or testimony as to their own leave or another employee's leave. The Agency also will not interfere with, retrain, or deny the exercise of, or the attempt to exercise, reproductive loss leave rights.

The Agency will maintain the confidentiality of any employee requesting reproductive loss leave. Any information provided to the Agency will be maintained as confidential and will only be disclosed to internal personnel or counsel, as necessary, or as required by law.

## **POLICY 40~~5040~~ DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING VICTIM LEAVE**

**PURPOSE:** To define Fresno EOC's policy and procedure on Domestic Violence, Sexual Assault, or Stalking Victim Leave in accordance with California Labor Code.

**POLICY:** It is the policy of Fresno EOC to allow employees to take leave for purposes of domestic violence, sexual assault, or stalking to ensure their health, safety, or welfare, or that of their child.

**REFERENCE:** California Labor Code § 230 and 230.1; Family Code § 6211; Penal Code §§ 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 288, 288a, 288.5, 289, or 311.4; Family Medical Leave Act of 1993; AB2377

### **PROCEDURE:**

#### **I. DEFINITION**

A “victim”, for the purposes of this leave, is defined as someone who is a victim of stalking, domestic violence, or sexual assault, a victim of a crime that caused physical injury or that caused mental injury, or a person whose immediate family member is deceased as a direct result of a crime.

#### **II. DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING VICTIMS’ LEAVE: LEGAL PROCEEDINGS/ REASONABLE ACCOMMODATION**

If an employee is a victim of domestic violence and/or sexual abuse, the employee may use accrued sick leave or may take unpaid time off from work, to help ensure their health, safety or welfare, or that of their child; to seek medical attention for injuries caused by such abuse; obtain services from a domestic violence shelter; obtain psychological counseling related to an experience of domestic violence; obtain a restraining order; seek court assistance; or similar activities.

#### **III. CRIME VICTIMS’ LEAVE**

An employee who is the victim of certain crimes (violent felonies, felony thefts and serious felonies as defined by law) or is the immediate family member, registered domestic partner or child of the registered domestic partner of such a victim will be given time off as necessary to attend judicial proceedings in relation to the crime. A “victim” for the purposes of this leave is defined as someone who is a victim of stalking, domestic violence, or sexual assault, a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury, or a person whose immediate family member is deceased as a direct result of a crime.

Fresno EOC will also allow time off for employees to appear in court to be heard at any proceeding in which the right of the victim is at issue. The victim may be the employee, spouse, parent, child, sibling or guardian. The crimes to which this time off applies is extensive. The employee should ask the ~~Human Resources Department~~Human Resources Office about their



particular circumstances. As a condition of taking time off, employees may be required to provide reasonable advanced notice if feasible and documentation establishing the right to such time off. Fresno EOC will make every effort to maintain the confidentiality of any employee requesting crime victim leave. An employee may use accrued paid vacation time that is otherwise available to the employee for this time off.

#### **IV.HI. REQUESTING TIME OFF**

An employee who is a victim of domestic violence, sexual assault, or victims of stalking will not be discriminated or retaliated against when taking time off from work to help ensure their health, safety, or welfare, or that of their child by obtaining:

- A temporary restraining order;
- A restraining order; or
- Other court assistance;
- Medical attention for injuries caused by domestic violence, sexual assault, or stalking;
- Services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault;
- Psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or
- To participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

Employees must give Fresno EOC reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible. A leave request must be submitted and approved by the employee's immediate supervisor, and program manager/director. Should an unscheduled absence occur, the employee is responsible for providing a certification to Fresno EOC. Certification may be in the form of the following:

- A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking; or
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking or other evidence from the court or prosecuting attorney that the employee has appeared in court; or
- Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking.

~~An employee may use up to 24 hours, or 3 days, whichever is greater, of Paid Sick Leave (PSL) in each calendar year of employment (see Policy 3040, Paid Sick Leave).~~

~~The certification is only valid active for a period of one-year, updated certifications must be submitted to extend the need for leave past a one year period.should be submitted as the need for leave changes and once the certification meets the one year period.~~ An employee may use accrued and unused vacation or sick time while on leave. Leave may not exceed the unpaid leave time allowed under the unpaid leave permitted by the federal Family and Medical Leave Act within a rolling 12-month period.

~~Fresno EOC will also provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking who requests an accommodation for the safety of the victim while at work, unless it would constitute an undue hardship on Fresno EOC's business operations. Upon receiving an employee's request for accommodation, Fresno EOC shall engage in a timely, good faith interactive process with the employee to determine effective reasonable accommodations.If an employee is a victim of a crime or abuse, the employee may take leave to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the employee or the employee's child. Leave is typically unpaid, though employees may use available paid time off for such leave.~~

~~A "victim" for the purposes of this leave is defined as someone who is a victim of stalking, domestic violence, or sexual assault, a victim of a crime that caused physical injury or that caused mental injury and a of physical injury, or a person whose immediate family member is deceased as a direct result of a crime.~~

~~Employees are required to provide reasonable advance notice of the employee's intention to take time off, unless advance notice is not feasible. When an unscheduled absence occurs, the Agency will not take any action against the employee if the employee, within a reasonable time after the absence, provides certification/documentation establishing the right to such time off. The Agency will make every effort to maintain the confidentiality of any employee requesting such leave.~~

~~The Agency will also provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking who requests an accommodation for the safety of the victim while at work, unless it would constitute an undue hardship on the Agency's business operations. Upon receiving an employee's request for accommodation, the Agency shall engage in a timely, good faith interactive process with the employee to determine effective reasonable accommodations.~~

To the extent allowed by law, Fresno EOC shall maintain the confidentiality of any employee requesting leave.

## POLICY 5010 WORKPLACE ATMOSPHERE

**PURPOSE:** ~~To maintain a friendly, congenial and professional atmosphere.~~

~~The purpose of this policy is to provide a safe, supportive, and respectful environment for all employees, where bullying behavior is not tolerated. Fresno EOC is committed to fostering a workplace that promotes inclusivity, fairness, and respect, ensuring that everyone can perform their duties free from harassment or intimidation.~~

**POLICY:** It is the policy of Fresno EOC that all employees maintain a working environment that encourages mutual respect; promotes civil and congenial relationships among employee; and is free from all forms of harassment, discrimination, retaliation, and violence. Fresno EOC's respect and reputation in the community will be determined by the work we do, and by the employees who represent us. We are proud of those who work for us, and employees can be proud of the positions of trust they hold.

### PROCEDURE:

#### I. DEFINITION

Employees are expected to conduct themselves in an appropriate manner in accordance with this policy.

Employees have the right to conduct their work without disorderly interference from other employees and be treated with respect and professionalism. Employees are also expected to maintain their work area in a neat and professional manner ~~as to so as to~~ not disrupt another employee's work environment or create any safety hazards.

Fresno EOC encourages a congenial work environment of respect and professionalism. Therefore, employees, clients and/or program participants should not:

- verbally abuse others;
- use intimidation tactics and/or make threats;
- sabotage another's work;
- stalk others; or
- make malicious, false and/or harmful statements about others.

#### II. ANTI-BULLYING POLICY

~~The purpose of this policy is to provide a safe, supportive, and respectful environment for all employees, where bullying behavior is not tolerated. Fresno EOC is committed to fostering a workplace that promotes inclusivity, fairness, and respect, ensuring that everyone can perform their duties free from harassment or intimidation.~~

#### Scope

This policy applies to all employees, contractors, interns, and visitors, regardless of their position or role, and covers bullying behavior in the workplace, during work-related travel, at off-site work functions, and on digital platforms associated with Fresno EOC.

The purpose of this policy is to communicate to all employees, including supervisors, managers, and executives, that Fresno EOC will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

#### A. Definition

Fresno EOC defines bullying as repeated, unreasonable actions directed towards an individual or a group that are intended to intimidate, humiliate, degrade, or undermine, or that create a risk to health and safety. Bullying can be verbal, physical, or psychological, and can occur in person or via digital communication (e.g., email, social media). The Agency defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior violates the Workplace Atmosphere policy, which clearly states that all employees will be treated with dignity and respect.

#### B. Employee Responsibility

All employees share the responsibility to contribute to a positive, respectful, and safe work environment. This includes taking proactive steps to prevent, recognize, and respond to bullying behaviors.

##### Treat Everyone with Respect:

- Employees are expected to behave professionally and with respect toward their colleagues, supervisors, and subordinates at all times. This includes being mindful of language, tone, and actions in both verbal and written communications.

##### Lead by Example:

- Employees, especially those in leadership or management roles, are responsible for setting a positive example. This includes demonstrating respectful behavior, managing conflicts professionally, and addressing inappropriate conduct immediately.

##### Recognize Bullying Behavior:

- Employees should familiarize themselves with the agency's definition of bullying and be aware of common forms of bullying, such as verbal abuse, exclusion, or intimidation. By understanding what constitutes bullying, employees are better equipped to recognize and prevent it.

##### Speak Up:

- If an employee experiences or witnesses bullying behavior, they are encouraged to speak up. This can be done by:
  - Politely addressing/confronting the bully, if safe and comfortable to do so, and asking them to stop the inappropriate behavior.
  - Reporting the behavior to a supervisor, manager, or Human Resources.
  - Using the agency's reporting mechanisms if they do not feel comfortable reporting directly.

##### Support Others:

- Employees should support colleagues who may be experiencing bullying. This can include offering emotional support, encouraging them to report the incident, or witnessing any bullying behavior if needed during an investigation.

#### **Cooperate in Investigations:**

- Employees who are involved in or witness a bullying incident have a responsibility to cooperate in any subsequent investigation. This includes providing honest, accurate information and respecting the confidentiality of the process.

#### **Avoid Retaliation:**

- Employees are responsible for not retaliating against anyone who reports bullying or participates in an investigation. Retaliation can take the form of exclusion, further intimidation, or other forms of negative treatment.

#### **Commit to Self-Improvement:**

- Employees are encouraged to continuously develop their interpersonal and conflict resolution skills. This may involve participating in agency-provided training or seeking feedback on their behavior to ensure they contribute positively to the work environment.

#### **Foster a Positive Culture:**

- Everyone has a role in building and maintaining a culture of respect and collaboration. Employees should actively contribute to team-building efforts, encourage open communication, and address minor conflicts before they escalate into bullying.

~~Each and every employee of the Agency is expected to support the implementation of this policy by:~~

- ~~• Conducting themselves in a manner which demonstrates professional conduct, mutual respect for others and which honors diversity in the workplace;~~
- ~~• not engaging in the bullying and harassment of others;~~
- ~~• participating fully and in good faith in any resolution process or formal complaint and investigation process where they have been identified as having potentially relevant information;~~
- ~~• reporting any bullying and harassing behaviors which they experience or observe in the workplace which may be in violation of this policy; and~~
- ~~• respecting the rights to personal dignity, privacy and confidentiality pertaining to this policy.~~

### **C. Management Responsibility**

Managers and supervisors play a critical role in maintaining a respectful and safe workplace. In addition to their own behavior, they are responsible for preventing, addressing, and resolving instances of bullying among employees. Their leadership sets the tone for workplace culture and helps ensure the anti-bullying policy is effectively enforced.

#### **Foster a Positive Work Environment:**

- Managers must actively create and maintain a work culture where respect, inclusion, and collaboration are encouraged. This includes promoting open communication, teamwork, and professionalism within their teams.

#### **Lead by Example:**

- Managers and supervisors must model appropriate, respectful behavior at all times. They should demonstrate the agency's values in their interactions with employees, clients, and other stakeholders. As role models, their behavior sets the standard for how others should conduct themselves.

### **Be Proactive in Identifying Bullying:**

- Managers should be vigilant in identifying any signs of bullying or inappropriate behavior within their teams. This includes monitoring workplace dynamics, listening to employee concerns, and addressing potential issues before they escalate. Early intervention is key in preventing a toxic work environment.

### **Provide Support to Employees:**

- Managers must provide support to employees who report bullying or exhibit signs of distress due to workplace behavior. They should listen to complaints without judgment, ensure confidentiality, and reassure employees that their concerns will be taken seriously.

### **Encourage Reporting:**

- Managers should actively encourage employees to report bullying or any behavior that violates the agency's anti-bullying policy. They should ensure that all employees are aware of the reporting channels and feel comfortable using them without fear of retaliation.

### **Take Immediate Action:**

- Upon receiving a report of bullying, managers are responsible for acting swiftly. This includes:
  - Reporting the matter to Human Resources immediately.
  - Ensuring that the alleged bullying stops during the investigation process.
  - Protecting the privacy of both the complainant and the accused to prevent workplace gossip or unfair treatment.

### **Cooperate in Investigations:**

- Managers are expected to fully cooperate with Human Resources and any investigating bodies in a bullying investigation. They should provide all relevant information and documentation, including witness reports and any previous complaints that may be connected to the case.

### **Enforce Consequences:**

- If an investigation determines that bullying has occurred, managers must ensure that appropriate disciplinary actions are taken promptly and fairly. This may include issuing warnings, suspensions, or even termination, in line with the agency's policy.

### **Protect Employees from Retaliation:**

- Managers are responsible for protecting employees from retaliation after they report bullying or participate in an investigation. This includes monitoring the workplace to ensure that the complainant is not treated unfairly or excluded by colleagues, and addressing any signs of retaliatory behavior immediately.

### **Provide Training and Education:**

- Managers should ensure that employees receive regular training on anti-bullying, conflict resolution, and workplace behavior. They should also promote awareness of the agency's anti-bullying policy and foster continuous dialogue on creating a respectful work culture.

### **Address Workplace Conflict:**

- Managers are responsible for resolving conflicts within their teams before they escalate into bullying situations. This includes holding regular one-on-one meetings with employees to discuss any concerns and providing mediation or conflict resolution support when necessary.

### **Monitor Workplace Well-being:**



- Managers must regularly assess the well-being of their teams by conducting employee satisfaction surveys, one-on-one check-ins, and observing team dynamics. Proactive management can help identify potential issues early on and prevent a bullying culture from developing.

~~While every employee is responsible for maintaining and contributing to an environment which is free from bullying, those in supervisory positions carry more responsibility with the Agency. Management personnel have additional obligations to make every reasonable effort to establish and maintain a workplace free of bullying or harassment. Related to this policy, their responsibilities include but are not limited to:~~

- ~~respecting the rights of all parties to a fair, equitable and confidential process for responding to complaints;~~
- ~~providing support to all those who participate in a problem solving process; and~~
- ~~enforcement of corrective and/or disciplinary measures, where applicable.~~

~~Examples of~~ Bullying Behavior include, but are not limited to:

- Verbal abuse, such as insults, name-calling, offensive nicknames or offensive or jokes.
- Physical intimidation or aggression, including inappropriate gestures or threats.
- Public humiliation or spreading rumors.
- Excluding or isolating individuals from workplace activities; ignoring or interrupting others.
- Excessive and unjustified criticism of work or performance.
- Deliberately overloading someone with work or imposing impossible/unreasonable deadlines; manipulating or impeding in an employee's ability to perform their work.
- Cyberbullying, including harmful or intimidating messages through digital platform.
- Refusing reasonable requests for time off for leave or denying requests for reasons not related to work.
- Taking credit for another person's ideas or work product.

~~Bullying may be intentional or unintentional. However, it must be noted that when an allegation of bullying is made, the intention of the alleged bully is irrelevant. As in sexual harassment, it is the effect of the behavior on the individual that is important. The Agency considers the following types of behavior examples of bullying:~~

- (1) ~~Verbal Bullying: Slandering, ridiculing, or maligning a person or their family; persistent name calling that is hurtful, insulting, or humiliating; using a person as butt of jokes; abusive and offensive remarks.~~
- (2) ~~Physical Bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.~~
- (3) ~~Gesture Bullying: Nonverbal threatening gestures; glances that can convey threatening messages.~~
- (4) ~~Exclusion: Socially or physically excluding or disregarding a person in work related activities.~~

(5) — In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- — Persistent singling out of one person.
- — Shouting or raising voice at an individual in public or in private.
- — Using verbal or obscene gestures.
- — Not allowing the person to speak or express themselves (i.e., ignoring or interrupting).
- — Personal insults and use of offensive nicknames.
- — Public humiliation in any form.
- — Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- — Ignoring or interrupting an individual at meetings.
- — Public reprimands.
- — Repeatedly accusing someone of errors that cannot be documented.
- — Deliberately interfering with mail and other communications.
- — Spreading rumors and gossip regarding individuals.
- — Encouraging others to disregard a supervisor's instructions.
- — Manipulating the ability of someone to do their work (e.g., overloading, under loading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- — Inflicting menial tasks not in keeping with the normal responsibilities of the job.
- — Taking credit for another person's ideas.
- — Refusing reasonable requests for leave in the absence of work related reasons not to grant leave.
- — Deliberately excluding an individual or isolating them from work-related activities, such as meetings.
- — Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).



## POLICY 5020 STANDARDS OF PERFORMANCE AND CONDUCT

**PURPOSE:** To identify performance and conduct considered improper and unacceptable in the workplace and which may result in ~~corrective action~~disciplinary action.

**POLICY:** It is the policy of Fresno EOC that employees are expected to observe and demonstrate the highest standards of conduct and professionalism. An employee is expected to conduct themselves in a manner benefiting their status as an employee of Fresno EOC and exercise prudence and discretion in regard to all agency business. When performance or conduct does not meet the standards of the Agency, the Agency will endeavor, when it deems appropriate and at its sole discretion, to provide the employee a reasonable opportunity to correct the deficiency unless Fresno EOC determines such conduct is not able to be remedied or warrants immediate termination. An employee who fails to make the necessary changes in order to be in compliance with this policy will be subject to ~~corrective action~~disciplinary action up to and including termination.

### PROCEDURES:

#### I. STANDARDS

The standards set forth below are intended to provide employees with fair notice of performance and conduct considered improper and unacceptable in the workplace. However, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below but which adversely affects or is otherwise detrimental to the interests of Fresno EOC, other employees, clients and/or program participants, may also result in ~~corrective action~~disciplinary action up to and including termination.

A. Job Performance: All agency employees shall perform their duties diligently, thoroughly, and properly. An employee may be issued ~~corrective action~~disciplinary action, up to and including termination, for poor job performance, including but not limited to the following:

1. Failure to perform the job duties satisfactorily;
2. Failure to maintain minimum qualifications of the job;
3. Failure to follow established safety regulations;
4. Neglect of duty.

B. Conduct: All agency employees are expected to observe and demonstrate the highest standards of conduct and professionalism. An employee may be issued ~~corrective action~~disciplinary action, up to and including termination, for misconduct including, but not limited to the following:

1. Using offensive, demeaning, or abusive language towards colleagues, supervisors, or clients.

2. Engaging in behavior that intimidates, harasses, or discriminates against others based on race, gender, religion, sexual orientation, or any other protected characteristic.
3. Refusing to follow reasonable instructions or directions from a supervisor or manager.
4. Engaging in actions that disturb the work environment, such as making excessive noise, interrupting meetings, or arguing with colleagues.
5. Stealing, misuse or unauthorized use of agency property, supplies, or funds, including agency credit cards or expense accounts.
6. Falsifying records, expense reports, or any other agency documents for personal gain.
7. Using agency property such as computers or vehicles, for personal purposes without permission.
8. Falsifying timesheets, clocking in for another employee, or taking extended breaks without approval.
9. Abusing sick leave, vacation time, or other forms of paid time off by providing false reasons for absence.
10. Leaving the job without authorization.
11. Sleeping on the job.
12. Regularly missing work without valid reasons or failing to notify the supervisor in compliance with the attendance policy.
13. Incurring unauthorized meal and rest break period break premiums.
14. Disclosing confidential agency information, trade secrets, or client data with unauthorized individuals or entities.
15. Violating program confidentiality policies concerning information about children, families, and other staff members.
16. Failing to secure sensitive information, leading to data breaches or unauthorized access.
17. Talking about confidential business matters in public places where they could be overheard.
18. Engaging in activities that create a conflict of interest, such as accepting gifts from vendors in exchange for preferential treatment.
19. Providing false information during hiring, performance reviews, or investigations.
20. Claiming another person's work or ideas as your own, especially in reports, presentations, or creative work.
21. Ignoring or violating safety protocols, such as failing to wear required protective gear or not following emergency procedures.
22. Violating vehicle codes and/or agency policies which cause an accident, injury, or property damage.
23. Using, possessing, or being under the influence of alcohol or illegal drugs while on agency premises or during work hours.
24. Consistently ignoring the agency's dress code, wearing inappropriate attire to work or meetings.
25. Making unwanted advances, inappropriate comments, or engaging in any other forms of sexual harassment towards a colleague.

26. Treating someone unfairly based on their race, gender, age, religion, sexual orientation, or any other protected characteristic.
27. Taking adverse actions against an employee who has reported misconduct, such as bullying or harassment, or who has participated in an investigation.
28. Failing to perform job duties with the required level of care, resulting in errors, accidents, or financial loss.
29. Demonstrating a lack of commitment, such as frequently arriving late, procrastinating, or producing low-quality work.
30. Accessing restricted areas, systems, or confidential information without permission.
31. Making decisions or taking actions that exceed the scope of one's job role without proper authorization.
32. Altering, deleting, or falsifying agency records without authorization.
33. Spreading rumors or engaging in harmful gossip about colleagues or the agency.
34. Allowing personal relationships to interfere with professional duties, such as favoritism or conflicts of interest.
35. Gambling on agency premises or while conducting agency business.
36. Possessing a firearm or other dangerous weapon on agency property or while conducting agency business.
37. Failure to report to Fresno EOC within five (5) days any criminal conviction that may impact the employee's: (1) ability to perform their position duties; (2) licensing under the program the employee works; (3) insurability by the agency carrier; or (4) as otherwise required by law to be disclosed.
38. Stereotyping any child or family on any basis, including gender, race, ethnicity, culture, religion, disability, sexual orientation, or family composition.
39. Leaving children or clients alone or unsupervised while under their care.
40. Use corporal punishment.
41. Use isolation to discipline a child.
42. Binding or tying a child to restrict movement or taping a child's mouth.
43. Use or withhold food as a punishment or reward.
44. Use toilet learning/training methods that punish, demean, or humiliate a child.
45. Use any form of emotional abuse, including public or private humiliation, rejecting, terrorizing, extended ignoring, or corrupting a child.
46. Physically abuse a child.
47. Use any form of verbal abuse, including profane, sarcastic language, or derogatory remarks about the child or child's family.
48. Use physical activity or outdoor time as a punishment or reward.
49. Ignoring grantor requirements relating to any program for the Agency.
50. Engaging in actions that reflect adversely upon grantors and/or the families or communities Fresno EOC serve.
51. Acting in a manner deliberately contradicting the Agency's mission, vision or values.
52. Failure to comply with agency policies and procedures.

1. ~~Discourteous or unprofessional conduct;~~
2. ~~Insubordination, including refusal to comply with reasonable request from supervisor or refusal to perform a job assignment;~~
3. ~~Excessive absenteeism, tardiness, or abuse of break or meal privileges;~~
4. ~~Dishonesty, fraud, bribery or gratuity;~~
5. ~~Violation of safety practices, procedures, rules and regulations;~~
6. ~~Failure to notify supervisor of any inability to report to work;~~
7. ~~Unauthorized possession, misuse, defacement, or destruction of agency property or the property of another;~~
8. ~~Theft;~~
9. ~~Unauthorized removal of agency property from its proper location;~~
10. ~~Violating conflict of interest rules and accepting gratuities;~~
11. ~~Disclosing or using confidential or proprietary information without authorization;~~
12. ~~Falsifying or altering Fresno EOC's or another employee's records or documents, including but not limited to the application for employment and time sheets, etc.;~~
13. ~~Theft of time~~
14. ~~Incurring unauthorized meal premiums;~~
15. ~~Threatening, intimidating, coercing, or otherwise interfering with other employees, clients, and/or program participants;~~
16. ~~Physical violence;~~
17. ~~Unruly behavior or "horseplay";~~
18. ~~Use of obscene, abusive, or offensive language;~~
19. ~~Harassment as defined in Policy 1030;~~
20. ~~Being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on agency property or while conducting agency business;~~
21. ~~Gambling on agency premises or while conducting agency business;~~
22. ~~Wearing clothing inappropriate for the work being performed;~~
23. ~~Smoking where prohibited by local ordinance or agency guidelines;~~
24. ~~Leaving the job without authorization;~~
25. ~~Sleeping on the job;~~
26. ~~Possessing a firearm or other dangerous weapon on agency property or while conducting agency business;~~
27. ~~Failure to report to Fresno EOC within five (5) days any criminal conviction that may impact the employee's: (1) ability to perform their position duties; (2) licensing under the program the employee works; (3) insurability by the agency carrier; or (4) as otherwise required by law to be disclosed;~~
28. ~~Failure to report an on the job incident or accident;~~
29. ~~Causing an accident as a result of operating an agency vehicle in a reckless and negligent manner;~~
30. ~~Violating vehicle codes and/or agency policies which cause an accident, injury, or property damage;~~
31. ~~Failure to comply with agency policies and procedures;~~

- ~~32. Violating program confidentiality policies concerning information about children, families, and other staff members;~~
- ~~33. Using abusive, profane, sarcastic language or verbal abuse or threats, against or about Fresno EOC, staff, clients or client's family;~~
- ~~34. Failure to conduct themselves in a professional and ethical manner with all employees, co-workers, clients and/or program participants;~~
- ~~35. Engaging in sexual or other inappropriate contact or relationships with program participants;~~
- ~~36. Ignoring grantor requirements relating to any program for the Agency;~~
- ~~37. Engaging in actions that reflect adversely upon grantors and/or the families or communities we serve;~~
- ~~38. Acting in a manner deliberately contradicting the Agency's Mission, Vision or Values;~~
- ~~39. Violation of any agency rule, policy, or procedure.~~
- ~~40. Stereotyping any child or family on any basis, including gender, race, ethnicity, culture, religion, disability, sexual orientation, or family composition;~~
- ~~41. Leaving children or clients alone or unsupervised while under their care;~~
- ~~42. Use corporal punishment;~~
- ~~43. Use isolation to discipline a child;~~
- ~~44. Bind or tie a child to restrict movement or tape a child's mouth;~~
- ~~45. Use or withhold food as a punishment or reward;~~
- ~~46. Use toilet learning/training methods that punish, demean, or humiliate a child;~~
- ~~47. Use any form of emotional abuse, including public or private humiliation, rejecting, terrorizing, extended ignoring, or corrupting a child;~~
- ~~48. Physically abuse a child;~~
- ~~49. Use any form of verbal abuse, including profane, sarcastic language, threats, or derogatory remarks about the child or child's family; or,~~
- ~~50. Use physical activity or outdoor time as a punishment or reward;~~

These examples of conduct violations do not affect the at-will status of all employment whereby an employee can be terminated with or without cause or advance notice.

## II. DISCIPLINARY~~CORRECTIVE~~ ACTION

The level of discipline used to correct performance and conduct deficiencies will be determined in light of~~considering~~ the facts and circumstances of each individual case at the sole discretion of Fresno EOC. ~~Each incident will be considered by a variety of factors, including: (1) the seriousness of the incident and the impact to the Agency; (2) the employee's past conduct; (3) the nature of any previous incidents; and (4) the general practice as it relates to the incident (see Policy 5030, Progressive Discipline).~~

The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint in good faith.

## POLICY 5030 PROGRESSIVE DISCIPLINE

**PURPOSE:** To establish procedures with respect to coaching and ~~corrective action~~disciplinary action while ensuring ~~corrective action~~disciplinary action procedures are applied uniformly. To give employees who violate agency policies the opportunity to improve by advising what specific actions they should take to meet performance and conduct standards unless the employee's misconduct is determined to warrant immediate termination.

**POLICY:** It is the policy of Fresno EOC that all employees are required to comply with the Agency's standards of performance and conduct and that any noncompliance will be addressed accordingly. Fresno EOC has implemented a ~~corrective action~~disciplinary action system that supports uniformity. Circumstances and employee conduct may warrant eliminating one or more steps in the ~~corrective action~~disciplinary action system, possibly resulting in immediate suspension or termination. Nothing in this policy modifies Policy 1010 which provides that employment with Fresno EOC is at-will and can be terminated at any time with or without notice or cause.

### PROCEDURES:

#### I. DOCUMENTED COACHING

Supervisors are expected to regularly coach employees and correct performance and/or conduct issues immediately. The goal of coaching is to work with the employee to solve performance problems and to improve the work of the employee and the organization. Employees who fail to respond positively to informal coaching may receive ~~corrective action~~disciplinary action and/ or be placed on a Performance Improvement Plan (PIP).

#### II. PROGRESSIVE DISCIPLINE

~~Fresno EOC maintains the right to escalate the progressive discipline process considering the level of discipline used to maintain the standards of performance and conduct will be determined in light of considering~~ the facts and circumstances of each individual case, ~~at the sole discretion of Fresno EOC~~. Each incident will be considered based on a variety of factors, including but not limited to: (1) the seriousness of the incident and the impact to the Agency; (2) the employee's past conduct; (3) the nature of any previous incidents; and (4) the general practice as it relates to the incident.

All progressive discipline must be formally documented and submitted to the Human Resources Office before for approval being issued to the employee.

There are two paths for progressive discipline: Performance and Conduct. For attendance violations see Policy 1160, Attendance Policy.

Depending on the circumstances and nature of the incident, Fresno EOC may place an employee on paid administrative leave pending the results of an investigation. Paid administrative leave must be approved by the ~~program-responsible~~ Officer and may not exceed a maximum of four weeks.



A. Verbal WarningCounseling Memo: If an employee is not meeting Fresno EOC standards of performance and/or conduct, the employee's supervisor should take the following action:

1. Issue a Verbal WarningCounseling Memo to the employee;
2. Inform the employee of the nature of the problem and that continued failure to meet Fresno EOC's standards and expectations for performance and conduct will result in more severe discipline up to and including termination;
2. Require the employee to read and sign the verbal warningmemo. If the employee refuses to sign, the issuerwitness(es) will indicate refused to sign on the employee signature line. An employee has up to five (5) business days to provide a written response;
4. Submit the signed verbal warningmemo to the Human—Resources DepartmentHuman Resources Office to be filed in the employee's personnel file. A copy of the memo will be provided to the employee.

B. Written Warning: If there is a continued breach of performance or conduct standards, or if the severity warrants, the supervisor should hold a meeting with the employee and take the following action:

1. Issue a Written Warning to the employee;
2. Inform the employee that continued failure to meet the Fresno EOC's standards and expectations for performance and/or conduct will result in more severe corrective actiondisciplinary action up to and including termination;
3. Require the employee to read and sign the written warningreprimand. If the employee refuses to sign, the issuerwitness(es) will indicate refused to sign on the employee signature line. The employee will have up to five (5) business days to provide a written response; and
4. Submit the signed Written Warning to the Human—Resources DepartmentHuman Resources Office to be filed in the employee's personnel file. A copy of the form will also be provided to the employee.

C. Final Warning or Suspension: If there are additional occurrences, and/or depending on the severity of the performance and/or conduct issues, the supervisor should take the following action:

1. Recommend a Final Warning or Suspension to the Program Director, responsible Officer and Human—Resources DepartmentHuman Resources Office;

2. Meet with the employee and Human Resources Manager/Director/Officer to issue a Final Warning or Suspension ~~(without pay for up to five working days)~~, indicating the next breach will warrant termination;

2.3. A letter of suspension will be issued to the employee indicating it is without pay (for up to five working days).

3.4. Submit the signed suspension notice form to the ~~Human Resources Department~~Human Resources Office to be filed in the employee's personnel file. A copy of the form will be provided to the employee.

All suspensions, including those that may lead to termination, must be reviewed by and approved by the program manager/director, responsible Officer and ~~Human Resources Department~~Human Resources Office.

D. Termination: An employee may be discharged for poor performance, misconduct, or other violations of Fresno EOC's rules of conduct (see Policy 5020, Standards of Performance and Conduct). Discharges must be approved by the responsible Officer with approval by the Head Start Policy Council when applicable. Prior to discharging an employee under this policy, the ~~Human Resources Director/Officer~~Human Resources Office will be consulted to ensure proper documentation and procedures have been followed.

As required by Federal Head Start rules, if the Head Start Policy Council disagrees as to the discharge of a Head Start employee, a committee shall be established with representatives of the Policy Council, Head Start staff and Fresno EOC. The committee shall meet and confer in an attempt to resolve the difficulty and clarify the termination criteria to be utilized.

### III. DEMOTION

The program manager, with the approval of the director, may demote an employee for discipline reasons at any point during the process outlined above. A demotion is a change of any employee from a position of one pay grade to a position in a lower pay grade. The employee must meet the qualifications for the position in the lower grade. Demotions must be documented in writing and specify the cause for such action. Approval must be granted by the responsible Officer. Approval by the Head Start Policy Council, where applicable, is also required.

### IV. SERIOUS MISCONDUCT

In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a breach of policy or violation of law, the procedures contained above may be accelerated.

The Program Director, with approval from the responsible Officer and ~~Human Resources Director/Officer~~Human Resources Office will determine, based on the facts, if the employee will be placed on paid administrative leave or unpaid suspension. The ~~Human Resources~~



~~Department~~Human Resources Office will conduct an investigation of the allegations or misconduct to determine what further action, if any, should be taken, including termination.

## **V. INCIDENT REVIEW**

An incident review is a process in which minor concerns or incidents will be reviewed by the program before escalation to the ~~Human Resources Department~~Human Resources Office. An incident review will be conducted by program management for the purpose of determining the facts involved in any suspected violation of Fresno EOC rules and regulations, except for allegations of discrimination, harassment, bullying or retaliation. These allegations will be investigated by the ~~Human Resources Department~~Human Resources Office.

A typical review consists of interviewing the involved employee(s) and any witnesses, finding and assessing any physical evidence, and evaluating the facts. The ~~Human Resources Department~~Human Resources Office may be required to assist with the review. The interviewer should advise the witness as to the nature of the situation requiring investigation. Confidentiality shall be maintained during incident reviews to the extent possible. Only those with a business need-to-know should be told about the allegations and interviews, and participants should be requested not to discuss the situation with others in order to preserve the integrity of the review.

## **VI. TIME LAPSE BETWEEN PREVIOUS DISCIPLINE**

If an employee completes twelve (12) months without further discipline under this policy, any failure to meet performance or conduct may be treated as a first occurrence under this policy. However, Fresno EOC may still consider all past discipline in the continuation of employment and/or evaluating the performance of an employee (see Policy 704030, Performance Evaluations). Past discipline(s) are relevant when making employment decisions and when evaluating an employee's overall performance.

## POLICY 5050 MANDATORY REPORTING OF CHILD ABUSE

**PURPOSE:** The purpose of this policy is to ensure that all employees, contractors, and volunteers understand their legal and ethical responsibilities to report any suspected cases of child abuse or neglect. The safety and well-being of children are of paramount importance, and prompt reporting is essential to protect children from harm. To inform employees of their responsibility to report known or suspected instances of child abuse.

**POLICY:** Fresno EOC is committed to the protection of children and requires all employees, contractors, and volunteers to report any suspected cases of child abuse or neglect immediately. Failure to report suspected abuse may result in legal consequences and disciplinary action up to and including termination by the Agency. It is the policy of Fresno EOC that employees who work with children are required by law to report any known or suspected child abuse to the appropriate authorities.

**REFERENCE:** California Penal Code, §§ 11164-11174.4

### PROCEDURE:

#### I. DEFINITIONS

- A. Child Abuse: Any act or failure to act that results in physical harm, emotional harm, sexual abuse, exploitation, or neglect of a child under the age of 18. This includes physical abuse, emotional abuse, sexual abuse, and neglect.
- B. Neglect: The failure of a parent, guardian, or other caregivers to provide for a child's basic needs, including food, clothing, shelter, medical care, and supervision, which may result in harm or risk of harm to the child.
- C. Mandatory Reporter: Any employee, contractor, or volunteer who, in the course of their work, interacts with children or has reason to believe that a child has been subjected to abuse or neglect.

#### II. REPORTING OBLIGATIONS

- A. Immediate Reporting: Any employee, contractor, or volunteer who suspects or becomes aware of child abuse or neglect must report the situation immediately. Reports should be made as soon as possible and within the same working day that the suspicion arises.
- B. Who to Report To: Reports should be made directly to the designated Child Protection Officer (CPO) within the Agency. If the CPO is unavailable, the report should be made to the employee's immediate supervisor or directly to local child protective services or law enforcement authorities.
- C. How to Report: Reports can be made in person, by phone, or in writing. The report should include all relevant details, such as the child's name, the nature of the suspected abuse, the name of the suspected perpetrator, and any other information that may assist in the investigation.

D. Confidentiality: The identity of the individual making the report will be kept confidential to the extent possible, consistent with the need to conduct a thorough investigation and comply with legal requirements.

Programs that interact with children including, but not limited to Head Start, WIC, Sanctuary and Support Services, and SOUL, are required to comply with their program-specific regulations that may include other federal/state reporting requirements.

### **III. PROTECTION FROM RETALIATION**

A. ~~Non-Retaliation~~: Fresno EOC strictly prohibits retaliation against anyone who, in good faith, reports suspected child abuse or neglect. Employees who engage in retaliatory behavior will be subject to disciplinary action, up to and including termination of employment.

#### **A. Investigation Process**

1. Internal Investigation: Upon receiving a report of suspected child abuse or neglect, the Agency will cooperate fully with law enforcement and child protective services. Fresno EOC may also conduct its own internal investigation, as appropriate, to ensure the safety of the child and compliance with Agency policies.
2. Cooperation with Authorities: The Agency will cooperate with any external investigations conducted by child protective services or law enforcement. This includes providing access to relevant records and personnel as required by law.

#### **B. Legal Compliance**

1. Legal Obligations: All employees, contractors, and volunteers must comply with local, state, and federal laws regarding the mandatory reporting of child abuse and neglect. Failure to comply with these legal obligations may result in criminal and civil penalties, as well as disciplinary action by the Agency.
2. Training: Fresno EOC will provide training to all employees, contractors, and volunteers on recognizing the signs of child abuse and neglect, and on their mandatory reporting obligations. This training will be provided during orientation and periodically thereafter.

#### **C. Disciplinary Action**

1. Failure to Report: Employees who fail to report suspected child abuse or neglect, as required by this policy and applicable law, may face disciplinary action, including termination of employment.
2. False Reporting: Knowingly making a false report of child abuse or neglect is prohibited and may result in disciplinary action, including termination of employment, as well as legal consequences.

#### **D. Support and Resources**

1. Employee Assistance Program (EAP): Fresno EOC will offer support through its Employee Assistance Program (EAP) for employees who are dealing with the emotional impact of reporting child abuse or neglect.

—Resources for Reporting: The Agency will provide all employees with information on how to contact local child protective services and law enforcement authorities for reporting suspected child abuse.

2.

~~A mandated reporter is any employee that works with children as defined in Penal Code §11165.7. Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by law is guilty and punishable by law. All Head Start and Early Head Start employees are “mandated reporters.”~~

~~A mandated reporter shall make a report to the appropriate authorities whenever, within the employee's professional capacity or within the scope of employment, the employee has knowledge of, observes, or reasonably suspects a child has been the victim of child abuse or neglect. A mandated reporter must make a report if there is a substantial risk that abuse or neglect may occur, either in the care of a Fresno EOC Head Start/Early Head Start center or outside of the program. The mandated reporter shall make a report to the authorities immediately or as soon as is practicably possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any non-privileged documentary evidence relating to the incident. Agency programs and individuals must not attempt to investigate; to do so can jeopardize the accuracy of the official investigation conducted by child protective services. Any employee who is the subject of a reported case of abuse or neglect must be removed from contact with children during the state investigation and until the charge is fully resolved.~~

## POLICY 5060 EMPLOYMENT OF RELATIVES (NEPOTISM) AND PERSONAL RELATIONSHIPS

**PURPOSE:** ~~The purpose of this policy is to ensure fair and equitable treatment of all employees, prevent conflicts of interest, and maintain a professional work environment by regulating the employment of relatives and managing personal relationships within the workplace. This policy is applicable to employees, interns and volunteers. To avoid favoritism or the perception of favoritism by related employees and Commissioners or employees involved in a personal relationship with other employees.~~

**POLICY:** ~~Fresno EOC is committed to fostering a work environment where decisions related to hiring, promotion, and other employment matters are based on merit and qualifications. To avoid any real or perceived conflicts of interest, the agency restricts the employment of relatives and the involvement of personal relationships within the workplace that could affect impartiality, objectivity, or the work environment. It is the policy of Fresno EOC to avoid the employment, assignment, transfer, promotion or compensation of relatives of employees or employees involved in a personal relationship into situations where the possibility of favoritism or the perception of conflicts of interest might exist.~~

**REFERENCE:** California Government Code § 12940(a) (3) (A).

### PROCEDURES:

#### I. ASSIGNMENTS

Fresno EOC endeavors to avoid situations in which actual or an appearance of a conflict of interest may exist in the employment of relatives or employees involved in a personal relationship. To implement this objective, Fresno EOC will attempt to avoid assignments that involve actual or potential conflicts of interest, as well as working relationships involving relatives or individuals with close personal relationships that may potentially lead to complaints of favoritism, lack of objectivity, or employee morale and dissension problems that can result from such relationships.

In keeping with this policy, relatives of employees and the Board of Commissioners and individuals with whom employees reside will not be eligible for employment with Fresno EOC in any situation where potential problems of supervision, safety, security or morale exist or where personal relationships may create an actual or potential conflict of interest, cause disruption, or create a negative or unprofessional work environment. For example, Fresno EOC may refuse to place one relative under the direct supervision of the other relative for the reasons given above. For the same reasons, Fresno EOC may refuse to place relatives or employees involved in a personal relationship in the same program, component, department, division, or facility if the work involves potential conflicts of interest or hazards that are greater for relatives than for other individuals.

#### II. DEFINITIONS OF RELATIVE

**Relative:** For the purposes of this policy, a relative includes, but is not limited to, spouses, domestic partners, parents, children, siblings, grandparents, grandchildren, aunts, uncles, cousins, nieces, nephews, and in-laws.

**Personal Relationship:** A relationship involving close personal connections, including but not limited to romantic or intimate relationships, friendships that extend beyond the workplace, or any relationship that may lead to favoritism or bias.

### **Employment of Relatives (Nepotism)**

- **Hiring of Relatives:** Relatives of current employees may be considered for employment with the Agency based on their qualifications. However, relatives are not permitted to work in positions where one relative would have direct or indirect supervision or influence over the other's employment conditions, including decisions related to hiring, promotions, salary, performance reviews, and disciplinary actions.
- **Transfers and Promotions:** Employees may not be transferred or promoted into a position that would result in them having direct or indirect supervision or being supervised, directly or indirectly, by a relative. If a situation arises where a supervisory relationship between relatives is created due to restructuring, promotion, or other changes, the Agency will work with the employees to find an appropriate solution, which may include reassignment or transfer.
- **Disclosure:** Employees must disclose the existence of any familial relationship with another employee at the time of hire or when such a relationship is established during employment. This disclosure should be made to the Human Resources Office or the employee's direct supervisor.

### **Personal Relationships in the Workplace**

- **Disclosure of Personal Relationships:** Employees who enter into a personal relationship that could affect their work or create a conflict of interest must disclose the relationship to the Human Resources Office. This includes romantic or intimate relationships between employees, especially where a power imbalance exists (e.g., between a supervisor and a subordinate).
- **Handling of Personal Relationships:** The Agency may take steps to manage the impact of personal relationships in the workplace. This could include reassigning duties, changing reporting lines, or transferring one of the individuals involved to a different department or location to avoid conflicts of interest or perceptions of favoritism.
- **Professional Conduct:** Employees involved in a personal relationship are expected to maintain professionalism and not allow their relationship to interfere with their work or the work environment. Any inappropriate behavior related to the personal relationship, including public displays of affection, favoritism, or conflicts arising from the relationship, may result in disciplinary action.

### **Conflicts of Interest**

- **Avoidance of Bias:** Employees must avoid situations where their personal relationships could lead to actual or perceived favoritism, bias, or conflict of interest. Employees must not participate in any employment-related decision-making that could affect the relative or individual with whom they have a personal relationship.
- **Duty to Report:** If an employee becomes aware of a potential conflict of interest involving a personal relationship or the employment of a relative, they must complete a Conflict of Interest form report it to the Human Resources Office immediately where a mitigation plan can be developed, if deemed necessary.

### Consequences of Policy Violation

- **Disciplinary Action:** Violations of this policy, including failure to disclose a relevant relationship or allowing a relationship to affect workplace decisions or behavior, may result in disciplinary action, up to and including termination of employment.
- **Remedial Measures:** In cases where a violation of this policy has occurred, the Agency may take remedial measures to eliminate conflict of interest. This could include reassignment, transfer, or other actions to ensure compliance with the policy.

### Confidentiality and Non-Retaliation

- **Confidentiality:** All disclosures of relationships and any related actions taken by the Human Resources Office will be handled with sensitivity and confidentiality, to the extent possible while ensuring compliance with this policy.
- **Non-Retaliation:** Employees who report concerns or disclose personal relationships in good faith are protected from retaliation. Retaliatory actions against employees who comply with this policy will not be tolerated and may result in disciplinary action.

### Exceptions

- **Management Discretion:** In certain circumstances, exceptions to this policy may be granted at the discretion of senior management, provided that such exceptions do not compromise the principles of fairness, objectivity, or the integrity of the work environment. Any exceptions must be documented and approved in writing.

~~For purposes of this policy, relatives include an employee's parent, grandparent, child (natural, foster, or adopted), spouse, domestic partner, brother or sister, stepparent, stepchild, stepbrother or stepsister. Relatives also include any parent, child, brother or sister of an employee's spouse. As noted above, the policy is not limited to relatives and applies to other covered situations involving actual and potential conflicts of interest.~~

~~If two employees become subject to the restrictions of this policy after they are hired, one or both of the employees must seek a transfer or reassignment that eliminates the actual or potential conflict of interest as specified in this policy. (For example, if two employees marry,~~



become romantically involved, become related, or cohabitate as domestic partners, and the potential problems noted above exist, only one of the employees will be permitted to stay within the same program, component, department, division, or facility.) The decision as to which of the individuals will remain must be made by the two employees within thirty (30) calendar days from the beginning of the relationship or potential conflict. If no decision has been made by the employees involved during this time, management reserves the right to make an assignment.

### **III. DEFINITION OF PERSONAL RELATIONSHIP**

For purposes of this policy, personal relationship is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.



## POLICY 5080 SOLICITATION, DISTRIBUTION, AND POSTING

**PURPOSE:** To establish a policy prohibiting solicitation.

**POLICY:** Fresno EOC prohibits employees from soliciting or distributing literature to other employees, clients, or visitors on Agency premises except for approved work-related activities.~~It is the policy of Fresno EOC that employees are not to solicit or distribute literature to other employees, clients, and visitors on Agency premises other than for approved work-related business.~~

### PROCEDURE:

Fresno EOC does not allow solicitation, distribution, or posting of materials by employees or non-employees on Agency property, unless explicitly permitted by this policy. Exceptions are limited to charitable or community activities supported by management, or Agency-sponsored programs directly related to Agency services.~~Fresno EOC prohibits the solicitation, distribution and posting of materials on or at Agency property by any employee or non-employee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by management and Agency sponsored programs related to Agency services.~~

Non-employees are not permitted to solicit or distribute materials to employees on Agency premises during work hours.~~at any time. They may only enter work areas with management approval or if participating in an Agency-sponsored program. Such visits must not disrupt the workflow, and they must always be accompanied by the employee who invited them.~~~~Non-employees may not solicit employees or distribute literature of any kind on Agency premises at any time. Employees may only admit non-employees to work areas with management approval or as part of an Agency sponsored program. These visits should not disrupt workflow. The employee must accompany the non-employee at all times.~~

Employees are not allowed to solicit other employees during working hours unless it is part of an Agency-approved or sponsored event.

Employees are prohibited from distributing any literature during work time or in work areas, except in connection with an Agency-sponsored event.

"Work time" refers to the time when an employee is performing job duties and does not include meal periods or rest breaks.

~~Employees may not solicit other employees during work times, except in connection with an Agency approved or sponsored event.~~

~~Employees may not distribute literature of any kind during work times, or in any work area at any time, except in connection with an Agency sponsored event. "Work time" excludes off duty meal periods and rest breaks.~~

~~Posting of materials or electronic announcements, including Agency newsletters, Intranet announcements, and other Agency-wide communications, is not permitted unless it is related to an Agency-sponsored event or has been approved by the Agency. The posting of materials or electronic announcements is not permitted, except in connection with an Agency sponsored event or approved Intranet announcement.~~

~~Violations of this policy should be reported to the Human Resources Office. Employees who fail to comply with this policy may face disciplinary action, up to and including termination. Violation of this policy should be reported to the Human Resources Department Human Resources Office. An employee who violates this policy is subject to discipline up to and including termination.~~

## **POLICY 5120 – REMOTE WORK POLICY**

**PURPOSE:** To define remote work expectations of employees and the Agency.

**POLICY:** It is the policy of Fresno EOC to provide remote work arrangements, when possible, that would be of mutual benefit to the Agency and the employee.

### **PROCEDURES:**

#### **I. DEFINITION**

Remote work (also known as telecommuting) is a business arrangement that allows employees to work from a remote location by virtually linking to Fresno Economic Opportunities Commission whether from home, the road, a client's location, or elsewhere.

#### **II. REQUESTING PERMISSION TO WORK REMOTELY**

Employees who would like to explore the option of remote work should communicate with their supervisor and with Human Resources. Fresno Economic Opportunities Commission will consider requests for remote work on a case-by-case basis, taking into account factors including appropriateness of the role for telecommuting, tenure, seniority, employee performance, prior disciplinary action, flexibility, the reason(s) for remote work and the ability to work independently. Employees who are permitted to work remotely must sign a Remote Work Agreement and, if approved to work remotely, will be expected to communicate with the Fresno Economic Opportunities Commission at a level consistent with employees working at the office or in a manner and frequency that seems appropriate for the job and the individuals involved. Fresno EOC reserves the right to modify or retract any remote work arrangements at any time without written or prior notice. This may occur based on operational needs, changes in job requirements, performance concerns, or any other reason deemed appropriate by Fresno EOC management.

Employees must successfully complete their introductory period before requesting remote work.

#### **III. EQUIPMENT AND SUPPLIES**

On a case-by-case basis, and subject to change at any time, Fresno EOC will determine what equipment, if any, to provide to the employee to facilitate the remote working arrangement. The Agency accepts no responsibility for theft, loss, damage or repairs to employee-owned equipment. Any equipment that the Agency provides to an employee as part of a remote working arrangement shall remain the property of the Agency, and the Agency will maintain that equipment. This equipment must be used for business purposes only. Depending on the circumstances, the employee may be responsible for any theft, damage, or loss of property belonging to the Agency. Fresno EOC will supply the employee with appropriate office supplies (e.g., pens, paper, printer ink) for successful completion of job responsibilities. Fresno EOC will also reimburse the employee for certain business-related expenses (e.g., phone plan, shipping costs) that are reasonably incurred in accordance with

job responsibilities. Unless otherwise agreed to in advance in writing, the Agency will not be responsible for any other costs the employee may incur while working remotely.

#### **IV. REMOTE WORK SITE**

An employee approved to work remotely should designate a workspace, at the off-site work area, for installation of any equipment to be used while working remotely. This workspace should be maintained in a safe condition, free from hazards to people and equipment. The employee will immediately report any injury sustained while working remotely immediately to the employee's supervisor. Prior to granting approval to remote work, Fresno EOC reserves the right to require that the employee provide a floor plan of their remote work sites and/or be subject to a visit by a representative of the Fresno EOC to determine the appropriateness and viability of the remote working space from a technical standpoint. Given a minimum of 24 hours advance notice, a representative of Fresno EOC, trained for the purpose of the visit, may make on-site visits to the remote worker's work site, including residence. The purpose of the visit would be to determine that the work site is safe and free from hazards and, where appropriate, to maintain, repair, inspect or retrieve equipment, software, data and supplies owned by the Fresno Economic Opportunities Commission.

#### **V. ALL OTHER POLICIES APPLY**

Fresno EOC's remote employees must continue to abide by all other policies and procedures including those in regard to computer use, social media and confidentiality. As a condition of remote work, all employees who receive permission to work remotely under this Policy must first sign a remote work agreement.

#### **VI. REQUESTS FOR LEAVE**

Unless a flexible schedule is agreed to, employees should not permit non-work-related events and activities to disrupt or interfere with scheduled work time. Requests to use sick leave, vacation or other leave must be approved in the same manner as the employee who does not work remotely. If a non-exempt employee is unable to work at an alternate work location due to illness or other reason, the employee must report the hours actually worked and use accrued time for those hours not worked.

#### **VII. NONEXEMPT EMPLOYEES**

Employees ~~that~~ who are non-exempt under the Fair Labor Standards Act or California Industrial Welfare Orders are not exempt from the overtime requirements and therefore must comply with all recordkeeping requirements. Non-exempt remote employees must accurately record and timely report all working time as a condition of continued participation in the remote work program. A supervisor must approve, in advance, any hours worked in excess of those specified per day and per week, in accordance with local, state and federal requirements. Fresno EOC reserves the right to revoke the remote working privileges of any employee failing to comply with this requirement.

#### **VIII. TAX IMPLICATIONS**

Employees who work remotely from another state or work in several states are responsible for determining their taxes correctly. Employees are encouraged to consult a tax professional to determine the correct method for withholding income taxes.

#### **IX. DURATION OF THE REMOTE WORKING ARRANGEMENT**

All remote working arrangements are granted on a revocable basis. Consequently, in its sole discretion, Fresno EOC may discontinue any remote working arrangement at any time, although reasonable advance notice will be provided where practicable. Unless other arrangements have been made, upon termination of the remote working arrangement or employment, whichever is first, the employee must return all ~~agency~~company property to the Fresno EOC in good working order, less any normal wear and tear.

This Policy is not intended to alter the employment at-will relationship in any way. Accordingly, unless an employee has a valid written and signed contract of employment stating otherwise, employment is at-will and can be terminated by the employee or by Fresno EOC at any time.

## **POLICY 5130 – RETENTION POLICY**

**PURPOSE:** To define strategic actions to keep employees motivated and focused so they elect to remain employed and fully productive for the benefit of the organization.

**POLICY:** It is the policy of Fresno EOC to show our employees that we care for them and that we are committed to providing a culture that attracts and retains employees.

### **PROCEDURES:**

#### **I. DEFINITION**

Employee retention is the number of employees that stay with the agency or company in a given period of time. Typically, these employees only count as retained if they are happy, engaged, productive, and not looking for other work. Employee retention strategies help organizations prevent high turnover, usually through improving employee engagement and providing competitive benefits.

#### **II. VALUING OUR EMPLOYEES**

Fresno EOC understands how internal policies and practices reflect an organization's culture, which in turn can shape turnover. In general, a culture that supports retention employs the following practices:

- employees are treated with dignity and respect;
- there are open lines of communication among organizational levels;
- employees can participate in decisions affecting their jobs;
- policies and rules are applied fairly and consistently;
- there is a shared understanding of how to advance one's career;
- there is work-life balance; and
- employees are treated as organizational assets and not costs.

#### **III. POLICIES TO PROMOTE A HEALTHY WORKPLACE**

Creating psychologically healthy workplaces, coupled with the ability for employees to perform their jobs successfully and thereby receive ample rewards, results in a high-performance work culture. This, in turn, results in an organization that retains top performers and that replaces those employees who cannot meet its ever-increasing standards.

Fresno EOC is proud that the following policies support a high performance and retention culture:

- diversity, equity and inclusion;
- preventing workplace discrimination, harassment and retaliation;
- pay;
- open door;
- professional development
- sick leave;

- physical and emotional wellness;
- flexible work schedules;
- remote work;
- accountability; and
- Employee feedback

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## **POLICY 5140 – EMPLOYEE REFERRAL INCENTIVE PROGRAM**

**PURPOSE:** The purpose of the Employee Referral Incentive Program is to provide an incentive to current employees for referring new talent to Fresno EOC. This policy encourages employees to refer qualified applicants, whom the employee knows personally and/or professionally, will share in Fresno EOC's values and vision, and will demonstrate the competencies for an opportunity to become employed with Fresno EOC.

**POLICY:** It is the policy of Fresno EOC to provide an incentive to employees for referring applicant(s) that result in successful hires within the Agency.

### **PROCEDURES:**

#### **I. DEFINITION(S)**

- A. Referring Employee – the current Fresno EOC employee that completes the referral form (Refer a Friend) providing the name of the applicant referred.
- B. Successful Referral/Hire – an applicant who applied for a position at the recommendation of a referring employee, makes it through the recruitment process and is hired to fill the vacancy. A successful hire/referral cannot be a current or previous employee of the agency.

#### **II. ELIGIBILITY**

- A. All full-time, part-time, and temporary employees and paid interns are eligible to receive a referral incentive with the exception of the following:
  - i. Hiring Managers (including direct reports and anyone with influence in the hiring process) for the position in question
  - ii. Human Resources staff with direct involvement or who have staff involved in the recruitment duties for a vacancy.
  - iii. Executive level staff are not eligible to participate in the Employee Referral Reward Program.
- B. Incentive Eligibility:
  - i. In the event more than one employee completes a referral, the first employee to complete the referral and is listed as the referral source on the successful hire's application will receive the referral incentive.
  - ii. The referral incentive reward will be provided to the referring employee following completion of 1,000 hours of employment by the successful hire. Both the referring employee and successful hire must be in the employment of Fresno EOC at the time the referral incentive is awarded.

#### **III. REFERRAL PROCESS**



- A. Only open positions, which have gone through the approved Fresno EOC recruitment process, will be eligible for the Employee Referral Incentive Program (see Policy 1090, Recruitment and Selection).
- B. The referring employee must complete referral electronically by logging into the ADP entering the applicant's name in the "refer a friend" option in the career center.
- C. The applicant must complete the referral section of the employment application with the name of the current Fresno EOC employee to be eligible to participate in the Employee Referral Incentive Program.

#### IV. INCENTIVE PROCESS AND REDEMPTION

- A. Referral incentive rewards are paid out utilizing a gift redemption method. The referring employee will be notified via email or phone once the incentive has been activated and have 90 days to redeem the gift option of their choice (gifts have a cash equivalent up to \$300.00)

#### V. ~~HUMAN RESOURCES DEPARTMENT~~HUMAN RESOURCES OFFICE ROLE AND RESPONSIBILITY

The ~~Human Resources Department~~Human Resources Office will ensure that this policy is implemented as equally and fairly as possible, and that all employees eligible for the referral incentive are offered the incentive as outlined in this policy.

Any questions or policy clarifications arising from the application or administration of this program will be reviewed by the ~~Human Resources Department~~Human Resources Office.

## **POLICY 5150 – CHILD SUPPORT REFERRAL**

**PURPOSE:** To provide guidance on Fresno EOC's responsibility to clients regarding Child Support Services in the state of California.

**POLICY:** It is the policy of Fresno EOC to comply with the Community Services Block Grant Act Child Support Services regulations regarding referrals to Child Support Services for custodial parents in single-parent families.

**REFERENCE:** 42 U.S. Code § 9919

### **PROCEDURES:**

If a client is a single parent, who has custody of a child under the age of 18, the client may be eligible for help from CA Child Support Services.

#### **I. ELIGIBILITY DETERMINATION PROCESS FOR STAFF**

If a client indicates that they have custody of their child/children on an intake form and the client does not live with the other parent; the staff providing eligibility/enrollment services must:

1. Offer the client information such as a copy of the application for such services to be submitted to CA Child Support Services, an informational brochure and/or where someone could obtain additional information.
2. Enter applicable tracking codes for the services rendered into Fresno EOC's intake software.

## **POLICY 6010 COMMITMENT TO SAFETY**

**PURPOSE:** To establish Fresno EOC's commitment to safety and to providing a work environment as free as practical from all recognized safety and health hazards.

**POLICY:** It is the policy of Fresno EOC to be committed to providing and maintaining a healthy and safe working environment for all employees. Accordingly, Fresno EOC has instituted a Safety Program designed to protect the health and safety of all personnel. Employees are expected to comply with all safety and health requirements whether established by Fresno EOC or by federal, state, or local laws.

**REFERENCE:** California Labor Code §§ 6401, 6401.7; 8 Cal. Code Reg. § 3203; California Labor Code § 6404.5.

### **PROCEDURES:**

#### **I. RESPONSIBILITIES**

A. All Employees: Every employee should understand the importance of safety in the workplace. By remaining safety conscious, employees can protect their own interests as well as those of their co-workers. Accordingly, Fresno EOC emphasizes "safety first" and expects all employees to take steps to promote safety in the workplace. All employees are encouraged to submit suggestions to their supervisor or the ~~Human Resources Department~~Human Resources Office concerning safety and health matters in the workplace.

Compliance with safety requirements is a condition of employment and will be evaluated, together with other aspects of an employee's performance, as a part of the performance evaluation process. Due to the importance of safety considerations to Fresno EOC, employees who violate safety standards, who cause hazardous or dangerous situations, or who allow such conditions to remain when they could be effectively remedied, may be subject to discipline up to and including termination.

Therefore, it is essential that all employees comply fully with standards and practices established by Fresno EOC that are designed to promote a safe and healthy working environment. Fresno EOC has established a program to train and retrain employees as appropriate to assist them to avoid dangerous and unhealthful conditions and to remedy problems of hazards before they cause accidents or injuries.

B. Supervision: Supervisors are expected to facilitate compliance with all Fresno EOC safety rules, regulations, and procedures. Supervisors' safety responsibilities include: (1) being familiar with all safety and health procedures relevant to their operation; (2) inspecting their work areas periodically; (3) training their employees in safety matters; (4) identifying unsafe conditions; and (5) reporting accidents and injuries to the Safety Specialist immediately; and (6) ensuring that any injured employee is referred to appropriate medical care.

C. Safety Coordinator: The Safety Coordinator is in the ~~Human Resources Department~~Human Resources Office and oversees Fresno EOC's safety policies and procedures. The Safety Coordinators responsibilities include but are not limited to (1) monitoring compliance with safety rules and regulations; (2) developing and implementing written safety plans or programs as needed; (3) investigating and ensuring that safety and health hazards are corrected; (4) conducting periodic safety and health inspections; (5) representing Fresno EOC during investigations conducted by Cal OSHA; (6) organizing safety training; (7) monitoring compliance with various requirements established by law or by the workers' compensation insurance carrier; (8) investigating accidents and hazardous incidents when necessary; (9) ensuring that all required notices are posted; and (10) evaluating the effectiveness of Fresno EOC's safety program.

## **II. REPORTING INJURIES AND UNSAFE CONDITIONS**

Employees are required to immediately report all injuries to their supervisor. If an employee identifies an unsafe condition or an occupational safety and health risk, the matter should be immediately reported to the employee's supervisor. If the supervisor is not readily available, the condition may be reported to the Safety Specialist. Fresno EOC strongly encourages employees to report any situations of this nature.

Fresno EOC will not retaliate, nor will it tolerate retaliation, against any employee who reports any safety issue.

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

## **III. THE INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)**

An Injury and Illness Prevention Program (IIPP) has been developed to comply with state rules and requires safety meetings, training programs, posting safety notices and safety tips, and providing periodic written communications to employees regarding safety matters.

## **IV. SMOKING**

In keeping with the commitment to a philosophy of providing a work environment free of safety and health hazards, smoking is not permitted in the workplace. Accordingly, smoking including cigarettes, e-cigarettes, using dip or chew, or other nicotine-delivery devices such as vaporizers, is prohibited inside all Fresno EOC buildings, rented, leased, or owned; transportation vehicles; restrooms; elevators; outside entrances to offices, or any other work areas. Employees who wish to smoke must limit smoking to break and meal periods and only in authorized areas. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers and the public regarding the smoking policy.

Employees who violate this policy will be subject to discipline up to and including termination.

## **V. FIRST AID**

For basic First Aid & Universal Precautions see the Medical Emergency First Aid Program on the Safety Section of the Fresno EOC Intranet or contact the Safety Coordinator.

## **VI. WORKER'S COMPENSATION**

Worker's Compensation is a system whereby an employer must provide insurance to pay the lost wages and medical expenses of an employee who is injured on the job.

## **VII. EMERGENCY CONDITION**

In the event of an "emergency condition," the Agency will not take or threaten adverse action against any employee for (1) refusing to report to, or leaving, a workplace or worksite within the affected area because the employee has a reasonable belief that the workplace or worksite is unsafe; (2) preventing any employee from accessing the employee's mobile device or other communication device from seeking emergency assistance, assessing the safety of the situation, or communicating with a person to verify their safety. When feasible, an employee must notify the employer of the "emergency condition" prior to leaving the workplace or refusing to report and, if not feasible beforehand, then the employee must notify the employer as soon as possible. For these purposes, an "emergency condition" means the existence of either of the following: (1) conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act; and/or (2) an order to evacuate a workplace, a worksite, a worker's home, or the school of a worker's child due to natural disaster or a criminal act." "Emergency condition" explicitly excludes a health pandemic. "A reasonable belief that the workplace or worksite is unsafe" means that a reasonable person, under the circumstances known to the employee at the time, would conclude there is a real danger of death or serious injury if that person enters or remains on the premises.

## **POLICY 6020 WORKPLACE VIOLENCE PREVENTION**

**PURPOSE:** To maintain a safe working environment where employees and non-employees are free from the threat of workplace violence.

**POLICY:** It is the policy of Fresno EOC to be committed to providing a safe, violence-free workplace and strictly prohibits employees, Board of Commissioners, consultants, clients, visitors, or anyone else on Fresno EOC premises engaging in a Fresno EOC-related activity from behaving in a violent, intimidating, or threatening manner. As part of this policy, Fresno EOC seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring.

**REFERENCE:** Cal/OHSA Guidelines for Workplace Security; California Labor Code §§ 6310, 6311; Workplace Violence Safety Act of 1994.

**PROCEDURES:** Fresno EOC believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures for responding to any situation that presents the possibility of violence. The Agency's Workplace Violence Prevention Plan is available for review by employees and/or employee representatives in Human Resources Office and on the intranet.~~[Option 1: within the Agency's Injury Illness Prevention Program described above][Option 2: [describe if standalone document]].~~

### **I. WORKPLACE VIOLENCE DEFINED**

Workplace violence includes:

- Threats of any kind.
- Threatening, physically aggressive, or violent behavior, such as intimidation or attempts to instill fear in others.
- Other behavior that suggests a propensity toward violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of Fresno EOC property, or a demonstrated pattern of refusal to follow Fresno EOC policies and procedures.
- Defacing Fresno EOC property or causing physical damage to the facilities; or
- With the exception of public safety personnel, bringing weapons or firearms of any kind on Fresno EOC premises, in Fresno EOC parking lots, or while conducting Fresno EOC business.

### **II. ~~II.~~ TRAINING**

Employees are required to complete Workplace Violence Prevention training annually.

### **III. REPORTING**

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, commissioner, client, consultant, visitor, or anyone else, the employee's supervisor must be notified immediately. The supervisor will immediately notify the Director or designee, and Human Resources, who will take the necessary action steps to report a potential violence issue. The following contacts should be used to report critical situations.

- Imminent danger – dial 911
- Facilities – 559-263-1207
- Executive Plaza Site – building security as contracted by Fresno EOC or Fresno Police Department Dispatch 621-7000

AND

- Human Resources – 263-1070

Employees are encouraged to notify their supervisor and the ~~Human Resources Department~~Human Resources Office if any restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace.

### III. INVESTIGATION

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly by the Director or appointee. In the appropriate circumstances, Fresno EOC will inform the reporting individual of the results of the investigation. To the extent possible, Fresno EOC will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, in order to protect individual safety. Fresno EOC will not tolerate retaliation against any employee who reports workplace violence. A report will be made to law enforcement if a violent act is suspected to be a criminal act or a violation of a restraining order.

### IV. DISCIPLINARY ACTION

If Fresno EOC determines that workplace violence has occurred, the employee will be subject to discipline up to and including termination. Fresno EOC may request that the employee participate in counseling as a condition of continued employment. Any employee who may have a problem that could lead to violent behavior is encouraged to use the Employee Assistance Program.

If the violent behavior is that of a non-employee, Fresno EOC will take appropriate action to ensure that such behavior is not repeated.

## POLICY 7020XXX PROFESSIONAL CERTIFICATION REIMBURSEMENT

**PURPOSE:** To provide guidelines for Fresno EOC's approved professional certification and license.

**POLICY:** Fresno EOC supports to employees in furthering their professional skills in their current positions to better prepare employees for their roles within the agency by providing reimbursements for professional certification and licenses to full-time employees in regular status.

### **PROCEDURE:**

#### **I. ELIGIBILITY**

The following eligibility requirements will apply to certification reimbursement:

- a. Employees in a position that have a required or preferred certification requirement in their job or position descriptions, or employees whose manager and program director signs the reimbursement form and validates it is Fresno EOC's best interest for the employee to have/maintain the designated certification.
- b. Regular full-time employees who have completed 90 days of employment with Fresno EOC will receive up to 100% reimbursement for renewing or obtaining a certification within their role.

#### **II. PAYMENT**

Based on the program discretion, reimbursement will cover:

- a. The cost of certification exams only, or
- b. The cost of certification exams and all preparation materials.

#### **III. PAYMENT EXCLUSIONS:**

The following exclusions apply and will not be reimbursed certification reimbursement:

- a. Late fees
- b. Employee who did not pass the requirements to obtain certification

#### **IV. PROCEDURE:**

When an employee requests reimbursement for certification, the employee must:

- a. Ensure that he/she is qualified to sit for the desired certification the accrediting school, association, or organization.
- b. Satisfactorily complete all the requirements for the certification.
- c. Complete the Certification Reimbursement Application, attach documentation that the certification has been awarded and an itemized paid receipt for the certification fee.
- d. Submit the completed application materials to his/her Program Manager Director for review and approval.



- e. Send the completed, signed application and supporting materials to Human Resources -for payment as soon as the certification has been received. Incomplete applications will be returned to the employee. The deadline for submitting completed certification reimbursement forms to Human Resources is 30 days following certification notification.

**V. REPAYMENT:**

Employees will be expected to repay Fresno EOC the amount of certification reimbursement if the employee's employment ends within one (1) year following the completion of the certification. The employee must repay the certification reimbursement provided based the amount of passed time from certification/licensing date:-

- A. 1 – 3 months worked, 100%
- B. 4 – 6 months worked, 75%
- C. 7 – 9 months worked, 50%
- D. 10 – 12 months worked, 25%

- VI. REIMBURSEMENT PRACTICE:** An issuance of reimbursement by Fresno EOC for a specific certification or license does not guarantee future reimbursement or the rate paid for previous or future similar certifications or licenses.

## POLICY 70~~40~~30 PERFORMANCE EVALUATIONS

**PURPOSE:** To motivate employees, assess job performance and progress, communicate expected standards of performance, and discuss future objectives and goals.

**POLICY:** It is the policy of Fresno EOC that the job performance of each employee should be evaluated regularly by their supervisor. Performance evaluations are a management tool and provide an objective and consistent process to measure each employee's performance. The evaluation process should inform employees of their employment standing and communicate expected standards of performance. It is also used to discuss work standards, areas where improvement is needed, corrective plans, development and growth opportunities.

### PROCEDURES:

#### I. EVALUATION SCHEDULE

A. Introductory Period and Evaluation: The introductory period applies to all employees, commences on the employee's seniority date and lasts ~~three (3) months~~~~six (6) months~~. During this time, supervisors should carefully observe the performance of the employee. Where appropriate, weaknesses in performance and behavior are to be brought to the employee's attention for correction.

A formal evaluation will be conducted by the supervisor at the midpoint of the introductory period, and a full written performance evaluation will be completed at the end of the ~~three (3) six (6)~~-month period. The employee will transition from introductory status when they have received a satisfactory evaluation and recommendation of status change from their supervisor and approval by the Program Manager/Director (see policy 1140, Introductory Period).

B. Annual Evaluation: Performance evaluations will occur on an annual (12 month) basis from the employee's seniority date.~~Common Date Evaluation: Performance evaluations will occur on a common date basis, January 1, annually thereafter.~~

#### II. PERFORMANCE FACTORS TO BE CONSIDERED IN EVALUATIONS

When evaluating employees, supervisors should consider factors such as experience and training, commitment to continuing education, job duties and responsibilities, and attainment of previously set objectives and goals. Other factors to be considered include but are not limited to knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.

#### III. PERFORMANCE EVALUATION PROCESS

A. Written Evaluation: In conjunction with established timelines, supervisors should prepare a written evaluation of each employee's job performance using the approved performance evaluation template. The evaluation should include the supervisor's comments

and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.

B. Evaluation Review with Employee: The supervisor should review the evaluation with the next level of management prior to meeting with the employee to discuss the evaluation. During the meeting the employee and supervisor should assess the employee's strengths and weaknesses in a constructive manner and set objectives and goals for the period ahead. The employee should be given the opportunity to review the evaluation and make written comments about any aspect of it. The evaluation is signed by the supervisor and employee. A copy of the evaluation will be provided to the employee. The evaluation is forwarded to the ~~Human Resources Department~~ Human Resources Office for processing and inclusion in the employee's personnel file. An approved Employee Form should accompany the performance evaluation, if necessary.

An employee who contests the evaluation may file a written response to the performance evaluation within thirty (30) days of receiving the performance evaluation. The response will be attached to the performance evaluation and included in the personnel file.

C. Effects of Performance Evaluations: Information derived from the performance evaluation will be considered when making decisions affecting training, pay, promotion, transfer, or continued employment. An employee will not be eligible for a pay increase if the overall evaluation of an employee is unsatisfactory, ~~or improvement is needed~~. A Performance Improvement Plan (PIP) will be developed by the employee's supervisor, and the employee will be reviewed again within ninety (90) days. If no improvement is shown, the employee will be subject to discipline up to and including termination in accordance with the ~~corrective action~~ disciplinary action procedure (see Policy 5030, Progressive Discipline).

#### IV. PERFORMANCE IMPROVEMENT PLAN

The Performance Improvement Plan (PIP) is a formal process wherein the supervisor meets with the employee to provide structured counseling and feedback regarding performance and conduct.

~~If the employee fails to successfully complete the PIP, the supervisor will follow the discipline procedures. An employee may be placed on a PIP lasting in increments of thirty (30), sixty (60) or ninety (90) days. The duration of one Performance Improvement Plan, including extensions, cannot exceed, up to a maximum of ninety (90) days. The supervisor must schedule weekly meetings with the employee to follow up on areas needing improvement if the PIP is thirty (30) days. If the PIP is more than 30 days, the supervisor must meet at least bi-weekly. During the PIP, the supervisor must evaluate the employee at the midpoint and at the end of the period.~~

The supervisor will review the outcome of PIP with the employee, ~~and either end or extend the PIP up to a maximum of ninety (90) days~~. The employee may be terminated at any point during the PIP for failure to demonstrate immediate and sustained improvement in job performance and/or conduct.

## **POLICY 7070 – SEVERANCE PAY**

**PURPOSE:** The purpose of this policy is to outline discretionary severance pay benefits that may be implemented at the discretion of Fresno EOC.

**POLICY:** This policy, when implemented at the discretion of Fresno EOC, applies to all exempt and non-exempt, full-time and part-time employees. Part-time employees may receive severance pay on a pro-rated basis in accordance with their scheduled hours. Severance pay benefits are also subject to program restrictions and funding.

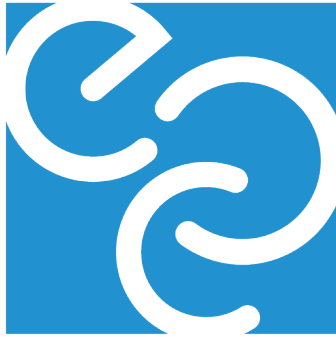
### **PROCEDURES:**

In the event of an involuntary termination due to a reduction in force/downsizing, change in program or agency direction, job elimination, or as otherwise deemed appropriate by Fresno EOC, the Agency may provide a severance benefit for the affected employees. This does not apply to terminations for cause, refusal to be reassigned, or refusal to be relocated.

**A. SEVERANCE PRACTICE:** An issuance of severance pay by Fresno EOC for a specific event does not guarantee future severance pay or the rate paid for previous or future similar events.

**B. SEVERANCE RATES:** Criteria for the rate of severance pay are:

- 1). Non-exempt staff: severance pay equivalent to two weeks' pay.
- 2). Exempt management staff: severance pay equivalent to one month's pay.
- 3). Exempt director staff: severance pay equivalent to two months' pay.
- 4). Officers: severance pay equivalent to three months' pay.
- 5). Chief Officers: severance pay equivalent to four months' pay.



Fresno  
**Economic  
Opportunities  
Commission**

**PERSONNEL POLICIES & PROCEDURES MANUAL**

DRAFT

APPROVED OCTOBER 5, 2023

## **INTRODUCTION TO PERSONNEL POLICIES & PROCEDURES MANUAL**

The purpose of these policies, procedures, rules and guidelines is to establish systematic and uniform procedures for handling personnel matters. It is the duty and responsibility of all employees of Fresno EOC to read, understand, know and comply with and assist in carrying into effect the provisions of these rules as amended and required by law.

### **I. GENERAL STATEMENTS**

These rules and procedures cannot address all possible workplace issues and the absence of a policy to address an issue shall not be construed as prohibiting the Agency from appropriately addressing the matter. In instances where the Agency has negotiated collective bargaining agreements, the Personnel Manual shall prevail where the bargaining agreements are silent. Under no circumstances shall these policies be constructed to act as or create any type of express or implied employment contract with any employee of Fresno EOC. This manual supersedes and replaces all previous Personnel Policies and Procedures Manuals.

Fresno EOC reserves full discretion to add, modify, or delete provisions of this Manual at any time, in whole or in part, without advance notice, consent or approval unless otherwise required by law.

Only the Chief Executive Officer (hereafter CEO) has the authority to enter into any employment or other agreement that modifies Fresno EOC policy. Any such modifications must be in writing and signed by the CEO. These policies are not intended to alter or affect the basis of employment with Fresno EOC. No oral statements or representations can change the provisions of this manual.

### **II. AGENCY PROPERTY**

All manuals are the property of Fresno EOC and are assigned to the job position and not to the individual. The Human Resources Office is responsible for distribution of the manuals to directors and management who, in turn, are responsible for safeguarding the materials and inserting approved changes. The current policy manual can be accessed on the intranet by all employees.

### **III. POLICY INTERPRETATION**

Directors, management and supervisors should refer to the manual whenever questions of policy interpretation or implementation arise.

Policies needing clarification or interpretation should be referred to the Human Resources Office.

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|---------------------------------------|
| <b>POLICY 1010 EMPLOYMENT AT WILL</b> |
|---------------------------------------|

**PURPOSE:** To inform employees of their at-will status within the Agency.

**POLICY:** It is the policy of Fresno EOC to observe the requirements of all federal and state laws and regulations pertaining to the at-will statement.

**REFERENCE:** CA Labor Code § 2922

**PROCEDURE:**

Employment with Fresno EOC is voluntary and is subject to termination by employees or Fresno EOC at-will, with or without cause, and with or without notice, at any time. These policies shall not be in conflict with, eliminate or modify the employment at-will status of Fresno EOC employees.

This policy of employment at-will may not be modified by any officer or employee and shall not be modified in any publication or document. The only exception to this policy is a written employment agreement, for a term longer than one month, approved at the discretion of the Chief Executive Officer or the Board of Commissioners, whichever is applicable. These personnel policies are not a contract of employment.

## **POLICY 1020 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

**PURPOSE:** To affirm Fresno EOC's policy of nondiscrimination and to assign responsibility for its operation and continuous review.

**POLICY:** It is the policy of Fresno EOC to recruit, employ, evaluate, transfer, and promote qualified personnel without distinction to race (including traits historically associated with race including but not limited to hair texture and protective hairstyles), color, sex, religious creed (including all aspects of religious beliefs, observances or practices, including but not limited to religious dress or grooming practices), gender (including but not limited to gender identity and gender expression), marital status, registered domestic partner status, age, national origin or ancestry (including but not limited to language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law), citizenship status, physical or mental disability (except when physical fitness is a valid occupational qualification), medical condition (including but not limited to genetic characteristics, HIV, AIDS, or cancer or a history of cancer), genetic information, sexual orientation, reproductive health decision-making (including, but not limited to, a decision to use or access a particular drug, device, product, or medical service for reproductive health), military and veteran status, taking or requesting to take protected leave(s), engaging in protected activity outside of work (including, but not limited to, lawful use of cannabis off the job and away from the workplace, except as limited by law), activities and status as a victim of domestic violence, assault or stalking or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law, request for family care leave, criminal background, or for any other reason prohibited by law or regulation and not work related. All such discrimination is unlawful.

**REFERENCE:** Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California Fair Pay Act (SB 358), California AB 987, Gender Nondiscrimination Act, Fair Chance Act.

### **PROCEDURES:**

#### **I. COMMITMENT**

Fresno EOC is committed to equal opportunity employment for all employees and applicants. Employment decisions will comply with all applicable laws prohibiting discrimination in employment. This commitment applies to all persons involved with Fresno EOC operations

and prohibits unlawful discrimination by any employee of Fresno EOC, including supervisors, managers, coworkers, and third parties

**Accommodating Disabilities:** To comply with applicable laws and ensure equal opportunity to qualified individuals with disabilities, Fresno EOC will make reasonable accommodations for the known physical and mental limitations of an otherwise qualified applicant or employee unless undue hardship on Fresno EOC would result. An employee or applicant who requires accommodation to perform the essential functions of the job should contact their supervisor or Human Resources and request such accommodation. The individual with the disability should specify what accommodations they need to perform the job. Fresno EOC will then evaluate and identify barriers for the employee to perform the job, and possible accommodations, if any, which will help resolve the limitation. If the accommodation is reasonable and will not impose an undue hardship or pose a direct threat to the health and safety of the employee or coworkers, Fresno EOC will make the accommodation. If there is more than one reasonable accommodation that will not impose an undue hardship, Fresno EOC will identify and select the accommodation(s) that will be made for the applicant or employee. In considering possible accommodations, Fresno EOC cannot eliminate essential functions of a position. Fresno EOC will not discriminate or retaliate against employees or applicants for making reasonable accommodation requests.

**Accommodating Religious Beliefs:** To comply with applicable laws and ensure equal opportunity to qualified individuals with sincerely held religious beliefs, Fresno EOC will make reasonable accommodations for the known religious beliefs of an otherwise qualified applicant or employee unless undue hardship on Fresno EOC would result. An employee or applicant who requires accommodation to perform the essential functions of the job should contact their supervisor or Human Resources and request such accommodation. The individual with the religious belief should specify what accommodations they need to perform the job. Fresno EOC will then evaluate and identify barriers for the employee to performing the job, and possible accommodations, if any, which will help resolve the limitation. If the accommodation is reasonable and will not impose an undue hardship or pose a direct threat to the health and safety of the employee or coworkers, Fresno EOC will make the accommodation. If there is more than one reasonable accommodation that will not impose an undue hardship, Fresno EOC will identify and select the accommodation(s) that will be made for the applicant or employee. In considering possible accommodations, Fresno EOC cannot eliminate essential functions of a position. Fresno EOC will not discriminate or retaliate against employees or applicants for making reasonable accommodation requests.

Fresno EOC prohibits any pay discrimination in accordance with the California Equal Pay Act and will not retaliate against employees for discussing wages.

Each person with authority to hire, transfer, promote, evaluate, adjust salaries, issue disciplinary action, terminate an employee, or to effectively recommend such action, is responsible for ensuring compliance with this policy.

## **II. RESPONSIBILITY**

A. The Human Resources Office is responsible for the dissemination of information regarding this policy, its implementation, and to monitor compliance by employees.

B. Policy Dissemination: To ensure compliance with this policy, employees and members of the community-at-large must be made aware of the Agency's policy and commitment to Equal Opportunity Employment.

All advertisements for employment with Fresno EOC will include the phrase "Equal Opportunity Employer, or EOE" to ensure that candidates for employment internally and from recruitment sources such as community organizations, state agencies, secondary schools and colleges, are aware of the Agency's policies on Equal Opportunity Employment.

### **III. RECRUITMENT**

A. Fresno EOC is committed to a diverse workforce which is reflective of the communities we serve.

B. Available open positions within the Agency are included on the Intranet/Internet which is updated regularly by Human Resources and the Communications Department.

### **IV. ADVANCEMENT OPPORTUNITIES**

A. It is the expressed goal of Fresno EOC to assist all employees in developing their skills and abilities to their maximum potential.

B. Employees are encouraged to apply for consideration for promotional opportunities within Fresno EOC. All qualified employees who apply for an advancement opportunity will receive equal consideration. Selection for promotion, training and transfer opportunities will be based on the employee's ability to perform the essential functions of the position and meeting the qualifications of the new position, with or without reasonable accommodation, along with other factors (see Policy 1120, Transfers and Promotions).

C. To the extent possible, training may be provided to assist employees in meeting established requirements and qualifications for advancement. Fresno EOC retains the right to select a candidate that is already qualified and interviewed.

D. Performance evaluations are completed to assess an employee's job performance in relationship with established performance criteria for job classification and to identify training needs for improved performance.

Ongoing evaluation will be made of the Agency's policies, procedures, and practices to ensure non-discrimination and equal opportunity.

## **POLICY 1030 DIVERSITY POLICY**

**PURPOSE:** Fresno EOC places a high importance on diversity, equity, and inclusion and aspires to be a workplace that benefits everyone. Fresno EOC believes that diversity, equity, and inclusion are essential to organizational effectiveness and excellence, and that services are enhanced when organizations are reflective of the communities being served. Moreover, Fresno EOC seeks to provide a fair and inclusive work environment that will nurture, develop, and respect the talents and differences of all employees equally, to give the Agency a competitive advantage, and promote the development of people from all sectors.

**POLICY:** It is the policy of Fresno EOC to employ the talents of all segments of society by enhancing our ability to recruit, hire, train, promote and retain a more diverse workforce. This policy seeks to create a culture of collaboration, flexibility, and fairness to enable individuals to participate and contribute to their full potential towards common goals.

**REFERENCE:** 76 Fed. Register 163

### **PROCEDURES:**

#### **I. DEFINITION**

Diversity describes an environment where the talents and attributes of all employees are respected, valued, and utilized to pursue organizational objectives efficiently and effectively. These attributes include a broad spectrum of characteristics including, but not limited to, race, color, ethnicity, national origin, gender, age, religion, religious belief, culture, language, disability, sexual orientation, gender identity, gender expression, sex, transgender, transitioning or perceived to be, socioeconomic status, family structures, geographic differences, diversity of thought, education, technical expertise, life experiences, physical and mental ability, political affiliation, veteran status and other characteristics that make our employees unique.

#### **II. COMMITMENT**

Our employees are the most valuable asset we have, as such, Fresno EOC is committed to fostering, cultivating, and preserving a culture of diversity, equity, and inclusion. . The collective sum of the individual attributes, differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities, and talents of our employees represent a significant part of not only our culture, but our reputation and our ability to achieve. As such, Fresno EOC draws upon the diverse life experiences of our employees and encourages their full and active participation in the Agency.

Achieving diversity requires commitment from the Agency's leadership at all levels. This commitment must be well thought out and extended over time, with an understanding that there must be a continued commitment to maintain our diverse workforce. Achieving diversity is an ongoing process, which the Agency believes will lead to a more innovative, pluralistic, and economically productive agency.

### III. OBJECTIVES

Fresno EOC strives to be a model agency by leveraging diversity and fostering equity and inclusion to deliver the best service possible to those we serve.

The Agency promotes diversity within its own organization in order that it may:

- reflect the racial, ethnic and other characteristics of those living in the communities served;
- promote greater understanding of and respect for the diversity within these communities;
- recognize and amplify these communities' "voices";
- build on the strengths of its employees and develop emerging leaders; and
- achieve the highest level of effectiveness and well-informed decision-making.

### IV. RESPONSIBILITY

The Agency will advance these objectives by:

- promoting amongst the Board, Leadership, management, and staff
- improving access for all those needing the programs and services of the Agency
- supporting self-development efforts of traditionally underrepresented groups to become equal participants within the Agency
- supporting specific efforts within the Agency and the community that address diversity, equity, and inclusion
- creating specific efforts that promote leadership development and build the capacity of employees
- actively seeking to be informed by all viewpoints
- promoting awareness of the value of diversity within the Agency and the community
- having a visible presence in all communities
- advocating for diversity in the community
- expecting respectful communication and cooperation between all employees
- encouraging teamwork and employee participation through the representation of all groups and employee perspectives in collaborative efforts and group-work settings
- recognizing work/life balance by offering accommodating work schedules
- requiring all employees to attend trainings to enhance their knowledge to fulfill this responsibility
- training all new hires on diversity awareness during new hire orientation
- providing opportunities for education and training
- identifying and addressing barriers that impede diversity

Fresno EOC's diversity initiatives include but are not limited to: the practices and policies regarding recruitment and selection, compensation and benefits, professional development and training, promotions, transfers, social and recreational programs, layoffs, terminations, and the ongoing development of a diverse work environment.

Any employee found to have engaged in any conduct or behavior in contrast with this diversity policy may be subject to disciplinary action up to and including termination (see Policy 5030, Progressive Discipline).

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## **POLICY 1040 DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINT AND PREVENTION POLICY**

**PURPOSE:** The Agency is committed to providing a work environment free of unlawful discrimination, harassment, and retaliation in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment, and retaliation.

**POLICY:** The Agency is committed to preserving a workplace free of discrimination, harassment, retaliation, and inappropriate workplace conduct based on protected classifications and in compliance with state and federal requirements as well as the use of sound management principles. The Agency will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should communicate them to the Human Resources Office.

**REFERENCE:** Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California SB 358, California AB 987, Gender Nondiscrimination Act. FEHA (Gov. Code § 12940 (h), 29 C.F.R. § 1604.11, §11019(b) and §11009(e), Fair Employment and Housing Council §11031, California AB 1825, Gov. Code §12950.1, 12950

### **PROCEDURES:**

#### **I. INDIVIDUALS AND CONDUCT COVERED**

These policies apply to all applicants, employees, unpaid interns, volunteers, client, commissioner and/or customer, whether related to conduct engaged in by fellow employees or by someone not directly connected to Fresno EOC (e.g., an outside vendor, consultant, or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

#### **II. OVERVIEW**



The law and the policies of Fresno EOC prohibit disparate treatment on the basis of any protected characteristic, with regard to terms, conditions, and privileges of employment. The prohibitions against discrimination, harassment and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

All individuals should be afforded the opportunity to participate in business or work-related social activities or discussions without fear of discrimination or harassment.

**A. Equal Employment Opportunity**

It is the policy of Fresno EOC to ensure equal employment opportunity without discrimination or harassment on the basis of:

- race (including traits historically associated with race including but not limited to hair texture and protected hairstyles);
- ancestry (including but not limited to language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law);
- citizenship status;
- religion or religious creed (including religious dress and grooming practices);
- color;
- age (40 and over);
- sex;
- gender;
- sexual orientation;
- gender identity or expression;
- genetic information;
- national origin (including language use restrictions);
- marital status;
- domestic partner status; medical condition (including cancer, HIV/AIDS and genetic characteristics);
- physical or mental disability);
- military or veteran status;
- pregnancy;
- childbirth;
- breastfeeding and related medical conditions;
- reproductive health decision-making (including but not limited to a decision to use or access a particular drug, device, product, or medical service for reproductive health);
- taking or requesting to take protected leave(s);
- engaging in protected activity outside of work (including, but not limited to, lawful use of cannabis off the job and away from the workplace, except as limited by law);
- any other characteristic protected by law as Fresno EOC prohibits any such discrimination or harassment.
- individuals whose affiliation with or perceived affiliation with any characteristic protected by law including those listed above.

## B. Prohibiting Retaliation

The Agency encourages reporting of all perceived incidents of discrimination or harassment so that it may promptly and thoroughly investigate such reports. The Agency prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

## C. Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, “sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

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

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender.

Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

## D. Harassment

For the purposes of this policy, harassment is considered to be verbal, written or physical conduct that denigrates, shows hostility, and/or aversion toward an individual and/or that of an individual’s relatives, friends or associates, because of the reasons listed under section A. Equal Employment Opportunity and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual’s work performance; or
- otherwise adversely affects an individual’s employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material, including the display of signs or symbols, that denigrates, shows hostility, and/or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on agency time or using agency equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

## **E. Guidelines for Hugging**

Fresno EOC understands that hugging can benefit employees and the workplace but consent for hugging must be requested and received.

- **Consent:** Always seek explicit verbal or non-verbal consent before initiating any physical contact, including hugging. If in doubt, avoid initiating physical contact.
- **Respect Personal Space:** Understand that not everyone is comfortable with physical displays of affection, even in friendly situations. Respect personal boundaries at all times.
- **Professional Environment:** Be mindful of the context. Hugging should be avoided in professional or formal settings, such as meetings, presentations, or interactions with clients.
- **Power Dynamics:** Supervisors, managers, or individuals in positions of authority should exercise extra caution when considering physical interaction with subordinates, as there may be an inherent pressure or expectation.
- **Cultural Sensitivity:** Recognize that cultural differences may influence how physical touch is perceived. Some individuals may come from backgrounds where hugging is uncommon or uncomfortable.
- **Alternative Gestures:** If you wish to express support or congratulations, consider alternative gestures such as a verbal compliment, a handshake, or a pat on the back.
- **Communicate Directly:** Politely express discomfort to the individual involved if they feel uncomfortable doing so.

If any employee feels uncomfortable or experiences unwelcome physical contact, they are encouraged to report to the Human Resources Office. Employees can report any concerns about inappropriate physical contact, including hugging, to Human Resources or their supervisor without fear of retaliation. All reports will be handled confidentially and investigated promptly, in accordance with the agency's anti-harassment and workplace conduct policies.

## **III. MANDATORY TRAINING**

Fresno EOC requires interactive training and education regarding sexual harassment and abusive conduct prevention. Every two years, supervisory employees must receive two (2) hours of training and non-supervisory employees must receive one (1) hour of training. New nonsupervisory employees will be provided one (1) hour of training within ninety (90) days of hire. New supervisory employees will be provided two (2) hours of training within thirty (30)

days of assuming their supervisory position. Fresno EOC may provide this training in conjunction with other training provided to the employees.

#### **IV. REPORTING AN INCIDENT OF DISCRIMINATION, HARASSMENT, OR RETALIATION**

The Agency encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the identity or position held by the accused. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, director, or Human Resources management. See the complaint procedure described below.

In addition, Fresno EOC also encourages individuals who believe they are being subjected to such conduct to promptly advise the accused that their behavior is unwelcome and to request that it be discontinued. Often, this action alone will resolve the problem. The Agency recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Any person, employee, or manager who has an obligation to report violations of this policy and fails to do so will be subject to disciplinary action, up to or including termination.

#### **V. COMPLAINT PROCEDURE**

Individuals who believe they have been the victim of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, director, or Human Resources management.

Any reported allegations of discrimination, harassment or retaliation will be investigated promptly by the Human Resources Office. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have relevant knowledge.

The Agency will handle all situations with confidentiality, to the extent possible, by making every effort to limit both the number of people involved with the investigation and the extent of the discussion with them to a need-to-know basis, while ensuring that the investigation is conducted thoroughly and objectively. Upon completion of the investigation, the investigator will provide an objective decision of the reported claims based on preponderance of evidence.

#### **VI. RETALIATION**

The Agency prohibits retaliation against employees who, in good faith, report what they believe to be discrimination, harassment, retaliation, or inappropriate workplace conduct based on a protected classification, or who participates in the investigation of such complaints or other proceeding conducted by the California Civil Rights Department ("CCRD") or U.S. Equal Employment Opportunity Commission ("EEOC") or other applicable agency.

Retaliation can include conduct such as termination, demotion, loss of duties, or disadvantageous transfers or assignments as well as expressing hostility, shunning or

avoiding an individual, applying unreasonable or unfair job expectations, and real or implied threats or intimidation against the complainant(s) or a participant in the investigation.

Any employee experiencing or witnessing retaliatory conduct should immediately report the conduct consistent with reporting procedures contained within this policy. Any person engaging in retaliatory conduct will be subject to discipline up to and including termination.

## **VII. RESPONSIVE ACTION**

Misconduct constituting discrimination, harassment or retaliation will be addressed appropriately. Fresno EOC will engage in a prompt and impartial investigation. Responsive action may include but is not limited to, disciplinary action, training, referral for assistance, reassignment, temporary suspension without pay, or termination, as Fresno EOC believes appropriate under the circumstances.

If a party to a complaint does not agree with the resolution, that party may appeal to the Human Resources Office.

False and malicious complaints of discrimination, harassment or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

Supervisors and managers have a responsibility to the employees and Fresno EOC to report any concerns or complaints of misconduct under this policy to their immediate supervisor (when appropriate) and Human Resources. Supervisors and/or managers must:

- ensure that their work environment remains free of discrimination, harassment, and retaliation;
- coordinate and cooperate with the Program Director in disseminating this policy to all employees under their management/supervision; and
- cooperate with the Program Director, Human Resources management and/or designated person in the investigation of complaints involving employees under their management/supervision.

When discrimination and/or harassment has occurred, supervisors and managers:

- must take reasonable steps to protect the complainant from further discrimination, harassment or retaliation;
- must take action to remedy the effects of discrimination/harassment/retaliation; and
- may be asked to participate in discrimination and harassment prevention training provided by Fresno EOC.

## **VIII. INTERACTIONS WITH NON-EMPLOYEES**

Employees are also prohibited from engaging in the conduct outlined in this policy with non-employees whom they come into contact with, such as employees of contractors, customers, suppliers, and temporary employment agency employees.

#### **IX. CONTRACTS INVOLVING NON-EMPLOYEES**

When programs enter into contracts with independent contractors and persons providing services pursuant to a program grant, the Program Director shall ensure language is provided in the contract requiring those contractors to be responsible for ensuring that effective policies and procedures concerning the prevention of discrimination, harassment, and retaliation exist in their companies/businesses. Appropriate action will be taken if the employee of a customer, vendor, supplier, agency, contractor, or other entity with whom Fresno EOC does business engages in conduct prohibited by this policy.

#### **X. EMPLOYEE RESPONSIBILITY**

Employees who were subject to or witnessed a violation of this policy should immediately report the violation to their supervisor or Human Resources.

Employees shall:

- not violate any provision of this policy;
- participate in anti-discrimination/harassment/retaliation training provided by Fresno EOC;
- cooperate fully with investigations of discrimination, harassment, and retaliation; and
- verify in writing that they have received a copy of this policy.

#### **XI. SUPERVISOR AND MANAGEMENT RESPONSIBILITY**

Supervisors and/or managers who knew or should have reasonably known of a violation of this policy and do not report the violation will be subject to disciplinary action, up to and including termination.

#### **XII. ADDITIONAL REPORTING INFORMATION**

Anyone who believes that they have been harassed, discriminated, or retaliated against may, within three years of the harassment or discrimination, file a complaint of discrimination with the CCRD or within 300 days of the harassment or discrimination file a complaint of discrimination with the EEOC. Information regarding these agencies is available on the internet at the following websites:

- U.S. Equal Employment Opportunity Commission: [www.eeoc.gov](http://www.eeoc.gov)
- California Civil Rights Department: [www.calcivilrights.ca.gov](http://www.calcivilrights.ca.gov)

Because complaints made only to outside agencies may prevent Fresno EOC from taking prompt and appropriate action to remedy any situation, Fresno EOC requests, but does not require, that employees who file complaints to outside agencies also submit a complaint to Fresno EOC.

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## **POLICY 1050 MANAGEMENT FLOW, OPEN COMMUNICATION**

**PURPOSE:** To describe the Agency's Management Flow and to provide an informal means of Open Communication with management.

**POLICY:** It is the policy of Fresno EOC to encourage employee participation in decisions affecting them and their daily professional responsibilities. An employee who has job-related interests, suggestions or questions is encouraged to initiate discussion with their supervisor(s). The Agency believes that employee job-related interests, suggestions or questions are best addressed through this type of informal open communication.

### **PROCEDURES:**

#### **I. MANAGEMENT FLOW**

The work of all employees will be assigned, directed, and reviewed by supervisory personnel.

A. Supervisor/Manager: The primary role of each supervisor is to provide a link between management and non-management employees. Accordingly, supervisors are expected to communicate the goals and policies of management and the Agency to the employees that report to them. Supervisors are also expected to communicate back to management the suggestions, interests, concerns, and complaints of their employees. This level of supervision generally reports to Program/Project Directors. It's important to note that an individual may not have the title of "supervisor" or "manager," but they could still hold supervisory-level responsibilities or have decision-making authority. B. Program/Project Directors: Program/Project Directors are responsible for the day-to-day operation of individual programs/projects and for supervision of component personnel. Program/project decisions regarding operational, personnel, fiscal, or funding agency matters require the approval of the assigned director. This level of supervision generally reports to an Officer.

C. Officer Positions: The officer level positions are responsible for the administration and management of assigned departments/programs and supervision of Program/Project Directors. Major decisions regarding operational, personnel, fiscal, funding agency or legal matters may require the approval of the Chief Executive Officer. This level of supervision generally reports to a Chief Officer..

D. Chief Executive Officer: The Chief Executive Officer is responsible for implementing the Board of Commissioners' policies. The Chief Executive Officer is responsible for all major decisions affecting the use of Fresno EOC resources to meet its mission, purpose, and vision, including policy, fiscal, and legal matters. The Chief Executive Officer supervises agency Officers, certain program/project directors and assigned support staff.

E. Board of Commissioners: The Board of Commissioners, duly composed under the provisions set forth in the bylaws, has the corporate responsibility for the Agency. The Board of Commissioners is responsible for the employment and assignment of the Chief Executive Officer.



## **II. INFORMAL OPEN COMMUNICATION PROCESS**

Employees are encouraged to raise work-related interests, suggestions, and questions to their immediate supervisor as soon as possible. As first point of contact, immediate supervisors can respond promptly and initiate action to resolve issues, answer questions, and review suggestions in a timely manner. For these reasons, employees are encouraged to raise and pursue discussions of work-related concerns with their immediate supervisor.

If the employee does not feel comfortable discussing certain issues with their immediate supervisor, then the employee is encouraged to discuss the issue with their manager, director, officer or with the Human Resources Office. (see Policy 1040 Discrimination/Harassment/Retaliation Complaint and Prevention Policy).

The Agency will attempt in each instance to explain the result to the employee and maintain confidentiality. No employee will be retaliated against for raising a good-faith concern.

## **POLICY 1060 PERSONNEL RECORDS**

**PURPOSE:** To collect, use, and retain employee information required for business or legal reasons, provide employees with a means of reviewing records, and to control and limit internal and external release of information.

**POLICY:** It is the policy of Fresno EOC to maintain personnel records for applicants, employees, and past employees to document employment-related decisions evaluate, assess policies, and comply with government recordkeeping and reporting requirements.

**REFERENCE:** California Labor Code §1198.5, §432

### **PROCEDURES:**

#### **I. PERSONNEL INFORMATION**

Fresno EOC only maintains personnel files as required by federal, state, or local law. Personnel records are confidential, and employee information will be used, and retained in a manner which protects each employee's privacy. The personnel file is used to determine employee qualifications for employment, promotion, additional compensation, termination, or discipline.

#### **II. RESPONSIBILITY**

A. Human Resources Office: The Human Resources Office is solely responsible for overseeing recordkeeping for all personnel information and will specify what information will be collected and how it will be stored and secured. Individual programs are prohibited from keeping or duplicating personnel records.

B. Employee: Employees have a responsibility to keep their personnel records up to date. The Human Resources Office must be immediately notified in writing or through Employee Self Service (ESS) of any changes in personal data such as address, telephone number, marital status, number of dependents, tax withholding status, and person(s) to notify in case of an emergency. All eligible employees participating in any of Fresno EOC's benefit plans must maintain a current listing of dependents covered under the plan and current beneficiary designations for any of Fresno EOC's insurance, disability, or retirement plans.

#### **III. INSPECTION OF RECORDS**

A. Employees: An employee (or former employee) may inspect their own personnel file at a reasonable time and with reasonable notice.

An inspection by the employee must be requested in writing to the Human Resources Office and will be scheduled at a mutually convenient time, but no later than 30 calendar days from the date that Fresno EOC received the employee's written request. Records that are considered to contain sensitive or confidential information, such as letters of reference or materials pertaining to a pending criminal investigation, will be excluded from the personnel

file. Inspections must be conducted in the presence of a designated member of the Human Resources Office.

An employee has the right to request copies of their own personnel file. Upon receipt of a written request from a current or former employee, or a representative, the employer shall provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, but no later than 30 calendar days from the date the employer receives the request. The employee can designate a representative if authorized in writing. An employee may submit a statement for their file if they dispute the accuracy, completeness, truthfulness, or relevance of any particular document in the file.

The following individuals with direct reports may request access to view their employee's personnel file based on business need.

Human Resources Office B. Supervisors/Managers: To ensure the confidentiality and security of employee information, only supervisory and management employees who have a business need-to-know may inspect the files of an employee. The inspection must be approved by designated staff in the Human Resources Office.

Managers and supervisors are required to submit a written request to the Human Resources Office to access an employee's file. The request should include the reason for the access and the specific information needed.

The requests should be submitted via email or official request forms provided by Human Resources, ensuring that the request is documented for tracking and audit purposes.

Access to sensitive information is strictly prohibited. Sensitive information includes, but is not limited to date of birth, Social Security number, background checks, personal health information, immigration status, race, gender, religion, sexual orientation, and criminal history.

Any request for sensitive information must be justified with a clear, business-related rationale, and access will be reviewed on a case-by-case basis by Human Resources in consultation with the legal team.

Failure to comply with this policy may result in disciplinary action, up to and including termination of employment, depending on the severity of the violation.

Personnel files are the property of Fresno EOC and may not be removed from the premises.

#### **IV. RELEASE OF INFORMATION**

Requests to verify employment information for current and previous employees shall be submitted to The Work Number at 800.367.5690 or [www.theworknumber.com](http://www.theworknumber.com) using Employer Code 730249. The Work Number will release personnel information only after obtaining the written or e-signature consent of the individual involved. If The Work Number is unable to provide the information requested, the request may be forwarded to the Human Resources Department. Exceptions may be made to cooperate with investigatory or legal requirements.

#### **V. EMPLOYMENT REFERENCE REQUESTS**

Fresno EOC does not authorize any employee or supervisor to complete a reference check on behalf of the Agency. Should an employee or supervisor want to provide a reference, it must be done without the appearance of acting on behalf of the agency and cannot be written on the Agency's letterhead.

#### **VI. SUBPOENAS**

The Human Resources Office is the designated recipient when accepting legal documents regarding business and personnel matters. Fresno EOC does not accept subpoenas for personal matters on behalf of employees.

## **POLICY 1070 EMPLOYMENT CLASSIFICATIONS**

**PURPOSE:** To establish a policy governing classifications of employees and to establish standard terminology to provide common understanding in reference to Fresno EOC employees.

**POLICY:** It is the policy of Fresno EOC to have employment classifications for each position within the Agency. Depending upon employment status, each employee is classified in one of four status categories: full-time regular, part-time regular, temporary, or on-call/substitute. The classification and the number of hours worked each week determine eligibility for benefits. For payroll and overtime purposes, each employee is classified as either exempt or non-exempt.

**REFERENCE:** 29 U.S.C. § 213(a)(a) (FLSA); 29 C.R.R. pt. 541; 8 Cal. Code Reg. §§ 11010-11040, 11060-11150, 1(A) (Cal. Wage Order Nos. 4-89, 9-90); 8 Cal. Code Reg. § 11050, 1(B) No. 89, Cal. Wage Order 5-2001; California Labor Code § 3353.

### **PROCEDURES:**

#### **I. FULL-TIME REGULAR EMPLOYEES**

An employee who is regularly scheduled to work thirty-five (35) to forty (40) hours per week, excluding vacation and periods of authorized leave, for a period of indefinite duration is referred to as a full-time regular employee. Full-time regular employees are eligible to participate in the benefit program (see Policy 3050, Insurance Benefits).

#### **II. PART-TIME REGULAR EMPLOYEES**

An employee who is regularly scheduled to work less than the full-time workweek for a period of indefinite duration is referred to as a part-time regular employee. Part-time regular employees who work thirty (30) hours or more per week are eligible to participate in the benefit program (see Policy 3050, Insurance Benefits).

#### **III. TEMPORARY EMPLOYEES**

A temporary employee is an individual who is hired either part-time or full-time for a limited period not to exceed one (1) year in any funded position. Temporary employees do not become regular employees as a result of the passage of time.

Temporary employees may be eligible to participate in health insurance program benefits (see Policy 3050) or other benefits as required by law. An employee whose status changes from temporary to full-time regular or part-time regular, working more than 30 hours, will become eligible for benefits (see Policy 3050, Insurance Benefits).

#### **IV. ON-CALL/SUBSTITUTE EMPLOYEES**

On-call/substitute employees are those who are not regularly scheduled to work. They work only as needed and are called in for the purpose of providing relief on short notice or in the event of an unexpected absence by another employee. On-call/substitute employees must meet the minimum qualifications for the job classification in which they are hired.

Substitute/On-Call employees do not become regular employees as a result of the passage of time. Substitute/On-Call employees are encouraged to apply for open positions but will not be given special consideration should the substitute/on-call position become a regular full-time or part-time position.

On-call employees may be eligible to participate in health insurance program benefits (see Policy 3050 Insurance Benefits), or as otherwise required by law. Employees can be removed from the on-call list at any time with or without cause or prior notice.

#### **V. REINSTATED/REHIRED EMPLOYEES**

A reinstated employee is an employee who is rehired to the same position within thirty (30) calendar days from the employee's last separation date. The reinstatement of an employee is at the discretion of the Agency. If reinstatement is approved, the employee will be reinstated with their original date of hire and last rate of pay. For the purposes of benefits that accrue, entitlement will be restored to original hire date. Director and higher-level reinstatements must have Human Resources Office approval. A reinstated employee may enroll in other benefits based upon eligibility consistent with these policies and as required by law. A rehired employee who has separated employment for more than 30 days is considered a new employee from the effective date of their re-employment for all purposes, including benefit eligibility except Paid Sick Leave (See Policy 3040, Paid Sick Leave).

#### **VII. SENIORITY DATE**

Seniority date is defined as the date of hire or rehire date, whichever is later.

#### **VIII. EXEMPT/NON-EXEMPT EMPLOYEES**

Exempt employees, by definition, are exempt from earning overtime compensation (see Policy 1080, Determination of Exempt and Non-exempt Status). Non-exempt employees are all those who are eligible to be paid for overtime work in accordance with the provisions of applicable wage and hour laws (see Policy 2010, Pay Procedures).

## **POLICY 1080 DETERMINATION OF EXEMPT AND NON-EXEMPT STATUS**

**PURPOSE:** To establish a policy governing the determination of exempt and non-exempt employees.

**POLICY:** For salary administration and labor law compliance, it is the policy of Fresno EOC, to classify employees as either exempt or non-exempt on the basis of whether the jobs to which they are assigned meet the tests for the executive/managerial, administrative, professional, computer professional, or outside salesperson exemptions as outlined below.

**REFERENCE:** California Industrial Welfare Commission Orders 4, 5, and 9. Fair Labor Standards Act, as amended.

### **PROCEDURES:**

#### **I. DEFINITIONS**

A. Non-exempt: The term “non-exempt employee” means an employee is covered by overtime provisions of the California wage and hour laws or the Federal Fair Labor Standards Act. Employees in this category shall not be employed more than eight hours in any workday or more than 40 hours in any workweek unless they receive one and one-half times their regular rate of pay for all hours worked over eight hours in any workday and over 40 hours in the workweek. Eight hours of labor constitutes a day's work, and employment beyond eight hours in any workday or more than six days in any workweek requires the employee to be compensated for the overtime at not less than: (1) One and one-half times the employee's regular rate of pay for all hours worked in excess of eight hours up to and including 12 hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek; and (2) Double the employee's regular rate of pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight on the seventh consecutive day of work in a workweek. Employees are also entitled to rest periods and meal periods under California wage and hour laws and/or the Federal Fair Labor Standards Act. Such employees include, but are not limited to, those listed in California's Industrial Welfare Commission Orders 4, 5, and 9 (see Policy 2010, Pay Procedures).

B. Exempt: The term “exempt employee” means that employees are exempt from the overtime, meal period, and rest period provisions of the California wage and hour laws or the Federal Fair Labor Standards Act. Such employees include employees who meet the criteria for certain exemptions and/or qualify as exempt including the executive/managerial, administrative, professional, computer professional, or outside salesperson exemptions. Exempt employees are expected to fulfill their job responsibilities and to work their regular working hours (ex. standard operating hours 8:30-5pm) and as otherwise required to fulfill the position duties. Anything outside of the standard operating hours of work should be communicated to direct supervisor and reporting staff as it may affect the operations of the program/department. As an exempt employee your salary won't be deducted unless you are absent for one or more full days from work for personal reasons (other than sickness or disability) and for absences of one or more full days occasioned by sickness or disability if the

deduction is made from a bona fide plan, practice, or policy of providing compensation for such sickness or disability.

1. Executive/Managerial Exemption: Managerial or executive employees are those who manage all or part of an organization and supervise other employees. An employee qualifies for the executive exemption from overtime when the following conditions are met:
  - The primary duties and responsibilities must be management of the organization, or of a customarily recognized office or subdivision;
  - In most cases, the employee must customarily and regularly direct the work of at least two or more other employees therein;
  - The employee must have the authority to hire and fire, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight;
  - The employee must customarily and regularly exercise discretion and independent judgment;
  - The employee must spend more than 50 percent of working hours performing managerial tasks. Exempt duties include interviewing, selecting, and training employees; setting pay rates and work hours, evaluating employees' performance, handling workers' complaints, disciplining employees, planning and distributing work, deciding on types of work materials and supplies to be used and providing for the safety of employees; and
  - The employee's monthly compensation is not less than two times the state minimum wage for full time employment or meets federal exempt status requirements.
2. Administrative Exemption: An employee qualifies for the administrative exemption from overtime when the following conditions are met:
  - Customarily and regularly exercises discretion and independent judgment in the performance of "intellectual" work which, in the context of an administrative function, is office or non-manual work directly related to management policies or the general business operations of the Agency, and regularly and directly assists an exempt administrator, or performs under only general supervision, work along specialized or technical lines requiring special training, experience or knowledge, or executes special assignments and tasks under only general supervision;
  - Devotes more than 50 percent of work time to the activities described above; and
  - The employee's monthly compensation is not less than two times the state minimum wage for full time employment or meets federal exempt status requirements.



Three types of administrative employees may qualify for an exemption if they meet one of the following Human Resources:

- a. Executive assistants or administrative assistants to whom executives or high-level administrators have delegated part of their discretionary powers may have enough authority to qualify for the administrative exemption.
- b. Staff employees, who are functional rather than department heads.
- c. Employees who perform special assignments under only general supervision may qualify for the administrative exemption. These include many who work away from the premises.

3. Professional Exemption: An employee qualifies for the professional exemption from overtime when the following conditions are met:

- The employee is engaged in work which is primarily intellectual, managerial or creative, and which requires exercise of discretion and independent judgment;
- The employee is engaged in a learned profession where the educational requirement for the job is very advanced, meaning that the employee must have a degree or certificate requiring at least one year of specialized study in addition to completion of a four-year college course. The employee's work is of such a nature that its product cannot be standardized with respect to time and the employee has control over hours of work;
- The employee is licensed or certified by the State of California in one of the following nine professions: law, medicine, dentistry, pharmacy, optometry, architecture, engineering, teaching or accounting. Registered nurses are not considered to be exempt professional employees unless they individually meet the administrative, executive or professional criteria described in the wage order; and
- The employee's monthly compensation is not less than two times the state minimum wage for full time employment or meets federal exempt status requirements.

4. Computer Professional Exemption: An employee qualifies for the computer professional exemption from overtime when the following conditions are met:

- The employee is primarily engaged in work that is intellectual or creative;
- The employee is primarily engaged in work that requires the exercise of discretion and independent judgment;
- The employee is primarily engaged in duties that consist of one or more of the following;
  - Applying systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

- Designing, developing, documenting, analyzing, creating, testing, or modifying computer systems or programs, including prototypes, based on and related to user or system design specifications;
  - Documenting, testing, creating, or modifying computer programs related to the design of software or hardware for computer operating systems. The employee is highly skilled and proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering; and
    - The employee is paid at least the minimum hourly rate set annually by the state.
5. Outside Sales Exemption: An employee qualifies for the outside sales exemption from overtime when the following conditions are met:
- They are 18 years of age or older; and
  - The employee spends more than 50 percent of all work time away from the place of business, selling tangible or intangible items, or obtaining orders or contracts for products, services, or use of facilities.

## II. SALARY BASIS

All non-exempt employees are paid on an hourly basis. Exempt employees are paid a salary on a bi-weekly basis regardless of the quality or quantity of hours worked. Exempt employees may not be docked pay for the following reasons:

- Violating an Agency policy unless it is a violation of a safety rule of major significance.
- Serving on a jury if they perform any work during a week in which they serve.
- Absences of less than a day.

Subject to the exceptions below, an exempt employee must receive full salary for any week in which any work is performed without regard to the number of days or hours worked. However, an employee need not be paid for any work week in which no work is performed.

- Deductions may be made when the employee is absent from work for a full day or more for personal reasons, other than sickness or accident.
- Suspension as a result of disciplinary action for violating agency policy.
- Deductions may be made for absences of a day or more occasioned by sickness or disability if the deduction is made in accordance with the sick time policy which provides for loss of compensation occasioned by both sickness and disability. Deductions may be made before an employee has qualified under the plan and after an employee's leave balance has been exhausted.
- Deductions may be made for hours taken as intermittent or reduced Family Medical Leave Act/California Family Rights Act (FMLA/CFRA) leave.
- Offsetting may be made for amounts received as jury or witness fees, or for military pay.

### **III. TEMPORARY ASSIGNMENTS AND EXEMPTION**

An employee who does not perform exempt duties on a regular basis will not be exempt for a temporary assignment unless the employee works the exempt job and meets the duties and remuneration tests for at least one month. Employees who are in training for an exempt position are not exempt unless they actually are performing the duties of the exempt position.

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## **POLICY 1090 RECRUITMENT, SELECTION, AND EMPLOYMENT**

**PURPOSE:** To describe the procedure for recruiting and selecting employees for vacant positions at Fresno EOC and to confirm the responsibility of the Human Resources Office with respect to recruitment, selection, placement, and employment.

**POLICY:** It is the policy of Fresno EOC to be an equal opportunity employer and to select individuals for employment upon the basis of their qualifications and the ability to perform the job to be filled. Persons applying for positions with Fresno EOC will be considered without regard to race (including traits historically associated with race including but not limited to hair texture and protective hairstyles), color, sex, religious creed (including all aspects of religious beliefs, observances or practices, including but not limited to religious dress or grooming practices), gender (including but not limited to gender identity and gender expression), marital status, registered domestic partner status, age, national origin or ancestry (including but not limited to language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law), citizenship status, physical or mental disability (except when physical fitness is a valid occupational qualification), medical condition (including but not limited to genetic characteristics, HIV, AIDS, or cancer or a history of cancer), genetic information, sexual orientation, reproductive health decision-making (including, but not limited to, a decision to use or access a particular drug, device, product, or medical service for reproductive health), military and veteran status, taking or requesting to take protected leave(s), engaging in protected activity outside of work (including, but not limited to, lawful use of cannabis off the job and away from the workplace, except as limited by law, primary language, activities and status as a victim of domestic violence, assault or stalking or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law. Fresno EOC is committed to effective recruitment and hiring of a diverse workforce.

**REFERENCE:** Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. Seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California SB 358, California AB 987, Gender Nondiscrimination Act, California Fair Pay Act (SB 358), Fair Credit Reporting Act, AB1008, CA Pay Transparency Act (SB1162).

### **PROCEDURES:**

#### **I. RECRUITMENT**

A. General: . The Human Resources Office is responsible for maintaining the application tracking system. The Human Resources Office will assist programs with guiding the hiring process.

B. Personnel Requisition: Requests for additions or replacements to the workforce must be generated by the hiring manager in the applicant tracking system and approved by the next level of management, director as required, and the Human Resources Office.

C. Internal/External Recruitment: The Human Resources Office will be responsible for the determination of who meets the minimum requirements per the approved job description. Also, to the extent possible, the Agency's commitment to diversity should be an important factor in determining whether to recruit externally and assessing a candidate's consideration for interview. The Agency deliberately seeks diverse groups of people and promotes a diverse workforce. Fresno EOC will establish outreach programs for applicants experiencing poverty.

1. Fresno EOC supports a policy of making opportunities available for employees to advance within Fresno EOC through the use of an internal job posting system. Fresno EOC will try to fill job openings above entry level by promotion from within when a qualified internal candidate exists (see Policy 1120, Transfers and Promotions). However, when there is not a sufficient pool of qualified internal applicants, Fresno EOC will seek qualified external applicants. In addition, Fresno EOC will give consideration to any known qualified applicant(s) who are on layoff status before recruiting applicants from outside the organization (see Policy 7070, Layoffs). Fresno EOC maintains sole discretion of all personnel decisions. Veterans will be given preference when filling job openings with qualified external applicants. Veterans must provide documents of veteran status at the time of interview to be given preference. If no documents are provided at the time of interview, no preference will be given.
2. Job announcements of open positions will be placed on the Fresno EOC Intranet and/or distributed and posted on Fresno EOC official boards and will include such information as job title, pay grade, job description, qualification requirements. Requisitions will include anticipated pay ranges, which will generally be posted from beginning to mid-range of the pay grade. Job posts will be advertised for at least three days and generally no more than two weeks. Employees who believe they are qualified for the position must apply to be considered. The employee may or may not be interviewed for the position.
3. In addition to seeking job candidates internally, external recruitment may also be required to ensure a strong pool of qualified applicants. Along with the posting to Fresno EOC's website, the following referral sources may be used to obtain new employees: (a) employee referrals, (b) nonprofit and state agencies, (c) government employment services, (d) schools, and (e) other organizations and resources as may be deemed necessary to reach the appropriate labor market and to attract qualified applicants.

4. During the recruitment, interviewing, and hiring process, no statement should be made promising permanent or guaranteed employment; and no document should be called a contract unless, in fact, a written employment contract is to be used and authorized by the Chief Executive Officer.

D. Application Process: When applicants are considered for job openings, the following procedures should be followed:

1. Any applicant for employment must complete an employment application online to be considered for employment. Applications for all open positions will be accepted by the applicant tracking system until the filing deadline.
2. The Human Resources Office will consider requests for reasonable accommodation of disabilities and religious beliefs and will determine what, if any, accommodations will be made for the application process.
3. The Human Resources Office will screen the applications to determine whether applicants meet the minimum requirements as set forth in the job description. All applicants must meet the minimum qualifications with or without reasonable accommodation, for the position to be considered for interview. The Human Resources Office may conduct a phone interview. The Human Resources Office will schedule interviews and may request any supporting documents required for the position at that time.

If the applicant does not provide the required documentation within the time designated, they will not be considered as an applicant and will not be eligible to proceed with an interview.

## **II. SELECTION**

### **A. Interview Process**

1. Panel Interview: Selected applicants who meet the minimum requirements for an open position may be invited to meet with a designated interview panel. Interview panels should contain a minimum of three interviewers. This panel will interview, evaluate, and rank the order of eligible candidates. One or more interviews may be conducted with applicants to determine suitability for employment, depending upon the level of the position. When applicable, subsequent interviews may consist of internal/external content area experts from a variety of fields related to services offered within the program.
2. Rating sheet: The rating sheets are not the sole criteria in determining the best candidate for the position. Other factors as described in items B-D below may contribute to the final decision.
3. Panelists: All interview panel members, internal or external, must attend interview process training prior to participating in interviews. This training is

conducted by the Human Resources Office to inform interviewers of their responsibilities in conducting a fair, equitable, and legal interview process.

### **III. EMPLOYMENT**

A. Offer of Employment: The Human Resources Office will make a verbal job offer based upon final selection from the hiring program. The offer of employment will include the job title, pay rate, employment status (temporary, regular, part-time, etc.), and employment date and any other information required by law. The offer of employment and continued employment may be contingent upon the satisfactory completion of employment requirements including, but not limited to: reference checks, fingerprint clearance, criminal background checks, investigations, verifications, tuberculosis screening, physicals, and drug and alcohol testing. The Human Resources Office is responsible for generating the official written offer of employment following satisfactory completion of employment requirements.

When the offer is made to an internal applicant, the hiring program and the applicant's supervisor are responsible for determining the start date which should align with the Agency's New Hire Orientation schedule

Due to State licensing requirements, certain positions may require individuals offered employment to be fingerprinted and have such records filed with the State Department of Social Services before beginning work with Fresno EOC. Fresno EOC shall bear the cost of filing with the State. The fingerprinting information will be maintained in a confidential manner for use by Fresno EOC and will not be utilized or forwarded to any other individuals, employers, or employment placement agencies.

If the background, medical, or any other subsequent investigation discloses any misrepresentation on the employment application or information indicating that the individual is not suited for employment with Fresno EOC, the applicant will be refused employment, or, if already employed, may be terminated. If the background and/or credit check of the applicant results in a refusal to hire, termination, or other adverse employment action, the applicant will be notified as identified in section II-(d) herein.

### **IV. POST OFFER/PRE-EMPLOYMENT**

A. Reference Checks: All employment is subject to the receipt of two (2) acceptable references. The Reference Check form will serve as a guide to those areas which generally warrant verification and investigation. The following sources of pre-employment reference will be used whenever possible and appropriate: (1) previous employers, (2) business references, (3) personal references, (4) educational institutions attended, and any other references deemed appropriate for the position. A recommendation letter may be accepted in lieu of a reference check. It is important that backgrounds in employment and education, if necessary, be verified. The hiring program will conduct reference checks, unless otherwise designated.

B. Pre-Employment Tests: Employment tests which measure the knowledge, skills, and abilities needed to perform a job may be necessary to evaluate an applicant's qualifications. For example, typing, computer skills, and physical skills tests may be used, provided they are

designed for the purpose of testing the essential job functions. In most cases, these tests will be arranged or conducted by the Human Resources Office.

C. **Background Checks:** Background checks will be conducted on job applicants applying for positions involving security, confidentiality, financial responsibility, or as required by law. Fresno EOC will use a third-party agency to conduct background checks. The type of information that can be collected by this agency includes, but is not limited to an individual's past employment, education, character, criminal records, and credit checks as permitted by law, etc. This process is conducted to verify the accuracy of the information provided by the applicant. Fresno EOC will ensure that all background checks are held in compliance with all federal and state statutes.

Fresno EOC will notify the job applicant, in writing, that it is conducting a background check, provide the name of the third-party agency conducting the background check, identify the purpose of the background check, and identify that the background check may contain information on the applicant's character, general reputation, personal characteristics, and mode of living. Additionally, applicants will be given a pre-disclosure form on which they may check a box indicating a wish to receive a copy of any investigative report prepared regarding them. If the box is checked, the company performing the background check will send a copy of the report to the applicant.

The copy must contain the name, address, and telephone number of the person who issued the report and how to contact that person and, if adverse action is taken based on the report, the name of the investigative consumer reporting agency. In addition, if Fresno EOC conducts a credit check on an applicant and uses the information obtained as the basis for an adverse employment decision (e.g. refusal to hire), Fresno EOC must disclose to the applicant that its action was based on the credit report and the information contained in that report. Fresno EOC will provide notice to the applicant that they have the right to dispute the accuracy or completeness of any of the information in the report.

E. **Final Selection:** A review and analysis of the application form, interview, and reference check should provide sufficient information to assess and make the final selection of the best qualified applicant. If an applicant is rejected on the basis of reference information, the reference source and information provided will be kept confidential.

E. **Email Notification:** The Human Resources Office will make every effort to keep applicants and hiring manager informed of their status throughout the process.

F. **Fairness:** Fresno EOC has a zero-tolerance policy against employees suspected of or showing prejudiced behavior and/or actions contrary to Fresno EOC's Diversity and EEO policies. Such employees will not be able to participate in the recruitment and selection process until they have attended a diversity-related training program. Fresno EOC will under no circumstances tolerate the misrepresentation of its Diversity Policy in the form of prejudiced employee behavior.

Behavior and/or actions by employees that violate Fresno EOC policies and procedures are subject to disciplinary action, up to and including termination.



## **V. NON-COMPETITIVE SELECTION**

In certain circumstances, the CEO may appoint a person to a position so long as they meet the minimum qualifications of the job and followed the application and interview process.

## **VI. PERSONNEL PROCEDURES RELATING TO HEAD START 0 TO 5**

The following personnel procedures relate to the hiring of Head Start 0 to 5 personnel and are meant to supplement the Fresno EOC's Personnel Policies & Procedure Manual. These provisions are based on Federal mandates of the Office of Head Start..

A. Recruitment: The Head Start 0 to 5 County-Wide Personnel Committee (hereafter CWPC) is responsible for reviewing and approving all changes to Head Start 0 to 5 job descriptions initiated by program staff and/or Human Resources.

Head Start 0 to 5 recruits for employees in a variety of ways. Job Fairs are held as needed and individual job positions are posted throughout the year. Recruitment efforts will be designed to reach out to all areas of our community consistent with the agency's commitment to diversity. Initial screening of applicants is completed by Head Start 0 to 5 staff. Those applicants meeting the minimum job requirements are eligible for an interview.

B. Selection: Once all applicants are screened, an interview is scheduled for those that meet the minimum qualifications. More than one interview may be required, when deemed necessary. Interviews are scheduled by the appropriate Head Start 0 to 5 program staff with assistance of the Human Resources Office. The interview panel may consist of parents and staff. The Administrative Assistant/Education Liaison or other designated staff will facilitate the interviews. The interview panel will make a recommendation to the CWPC for hiring once interviews are completed. If a parent cannot be present during the interview, the panel will proceed with the interviews and the recommendation for hire(s) will be presented to the CWPC for approval or as an informational item.

In compliance with the Head Start Act of 2007, the CWPC is to be informed of the employment of program staff. Once hiring recommendations have been approved, all hires must pass fingerprint clearances as outlined in California regulation and a National Sex Offender Registry check. Clearances must be obtained prior to employment. In addition, the CWPC is also responsible for participating in the hiring and termination of key program staff (i.e., Chief Executive Officer, Chief Financial Officer, Chief Program Officer, Chief People and Culture Officer, Chief Administrative Officer and Head Start 0 to 5 Director).

In filling the position of the Head Start 0 to 5 Director, representatives from the CWPC, Fresno EOC Board and other Fresno EOC programs may participate in the interview process. When applicable, subsequent interviews may consist of internal/external content area experts from a variety of fields related to services offered in the Head Start 0 to 5 program. Upon approval of the Chief Executive Officer, the application and recruitment information will be forwarded to the Head Start Regional Office for review and recommendation.

If an acceptable applicant is not selected, the entire process, as outlined above, will start over.

## **POLICY 1100 INTERNSHIP AND VOLUNTEER PROGRAMS**

**PURPOSE:** To describe the procedure for recruiting and selecting interns for programs that utilize internships through local colleges, universities, vocational schools, and other established groups.

**POLICY:** It is the policy of Fresno EOC, as an equal opportunity employer, to select individuals for internships solely upon the basis of their qualifications and ability to perform the internship to be filled. Persons applying for internships with Fresno EOC will be considered without regard to race (including traits historically associated with race including but not limited to hair texture and protective hairstyles), color, sex, religious creed (including all aspects of religious beliefs, observances or practices, including but not limited to religious dress or grooming practices), gender (including but not limited to gender identity and gender expression), marital status, registered domestic partner status, age, national origin or ancestry (including but not limited to language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law), citizenship status, physical or mental disability (except when physical fitness is a valid occupational qualification), medical condition (including but not limited to genetic characteristics, HIV, AIDS, or cancer or a history of cancer), genetic information, sexual orientation, reproductive health decision-making (including, but not limited to, a decision to use or access a particular drug, device, product, or medical service for reproductive health), military and veteran status, taking or requesting to take protected leave(s), engaging in protected activity outside of work (including, but not limited to, lawful use of cannabis off the job and away from the workplace, except as limited by law, primary language, activities and status as a victim of domestic violence, assault or stalking or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law, or for any other reason prohibited by law or regulation and not work related).

**REFERENCE:** Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California SB 358, California AB 987, Gender Nondiscrimination Act, California Fair Pay Act (SB 358), Fair Labor Standards Act.

### **PROCEDURES:**

#### **I. INTERNSHIPS**

Non-Agency Paid Internships: Internships must comply with the Fair Labor Standards Act and California wage and hour laws. The Human Resources Office must be notified in advance of

an unpaid internship. All paperwork must be reviewed for compliance and be maintained in the Human Resources Office. The Agency will work to ensure that underprivileged groups are afforded internship opportunities.

## **II. VOLUNTEERS**

Fresno EOC is committed to involving volunteers directly within the Agency to contribute to the delivery of our services, provide different skills and perspectives, and offer opportunities for participation. A volunteer is a person who freely offers to take part in an enterprise or undertake a task. Volunteering is the practice of a person working on behalf of others to take part in enriching themselves and their communities. Volunteers should have no expectation of compensation or other benefits for their volunteer time to the Agency.

## **III. SELECTION**

A. Interview: Selected students who meet the minimum requirements for an internship may be invited to meet with a Program Director or designee. This individual will interview and evaluate potential intern candidates. One or more interviews may be conducted with intern candidates to determine suitability for internship. The internship supervisor will conduct the interview process and make a recommendation to the next level of management for final selection.

Volunteers should be interviewed by the program manager/director to ensure fit with the needs of the program.

B. Reference Checks: All interns are subject to the receipt of acceptable references. Reference checks must be conducted prior to the final selection. Referrals from the school requesting the internship are acceptable as a reference.

C. Background Checks: Due to State licensing requirements, certain positions may require individuals offered internships or volunteer opportunities to be fingerprinted and have such records filed with the State Department of Social Services before beginning an internship with Fresno EOC. Fresno EOC shall bear the cost of filing with the State. The fingerprinting information will be maintained in a confidential manner for use by Fresno EOC and will not be utilized or forwarded to any other individuals, employers, or employment placement agencies. If the background check indicates that the individual is not suited for an internship, the internship will not be offered.

D. New Hire Orientation: Interns and volunteers attend New Hire Orientation as necessary.

## **POLICY 1110 OUTSIDE EMPLOYMENT**

**PURPOSE:** To define outside employment disclosure requirements

**POLICY:** It is the policy of Fresno EOC to provide guidelines for employees who engage in outside employment.

### **PROCEDURES:**

#### **I. DISCLOSURE REQUIREMENT**

- Employees are required to disclose any outside employment or business activities to their employer. Employees engaging in outside employment must submit a Conflict of Interest form to the Human Resources Office where a mitigation plan will be developed, if necessary.
- Full transparency helps the employer assess if the outside employment conflicts with the employee's responsibilities.

#### **II. CONFLICT OF INTEREST**

- Employees cannot engage in outside work that creates a conflict of interest with their regular duties. This can include:
  - Working for a competitor.
  - Using agency resources, information, or time for outside employment.
  - Engaging in work that compromises the employee's ability to perform their regular job effectively.

#### **III. WORK HOURS AND PERFORMANCE**

- The outside employment must not interfere with the employee's performance or availability for their primary job.
- Employees are expected to prioritize their primary job and maintain the required level of performance and attendance.

#### **IV. USE OF AGENCY RESOURCES**

- Employees are prohibited from using agency property, tools, or information for outside employment. This includes:
  - Intellectual property.
  - Office supplies and equipment.
  - Confidential information related to the employer.

#### **V. LEGAL AND ETHICAL CONSIDERATIONS**

- Outside work should not contradict the agency's mission, vision and values.

#### **VI. APPROVAL PROCESS**

- Fresno EOC requests you inform a supervisor or Human Resources Office before engaging in outside employment.
- The Agency may deny approval if a potential conflict of interest or impact on work performance is identified.

## **VII. DISCIPLINARY ACTIONS**

- The policy should clearly state the potential consequences of violating the outside employment rules. This may include:
  - Warnings.
  - Suspension or termination of employment if the conflict affects the agency's interests.

Employees who engage in outside employment contrary to the above may be asked to terminate their outside employment or may be subject to disciplinary action, up to and including termination.

## **POLICY 1120 TRANSFERS AND PROMOTIONS**

**PURPOSE:** To provide guidelines for employee transfers and promotions.

**POLICY:** It is the policy of Fresno EOC to provide internal employment opportunities to employees through transfers from one job to another within a department, from one department to another, or from one program to another. Fresno EOC endeavors to promote from within and may consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is in Fresno EOC's best interest.

### **PROCEDURES:**

#### **I. DEFINITIONS**

A. Transfers: A request for a voluntary transfer is not automatic and must be consistent with the internal recruitment process (see Policy 1090, Recruitment, Selection, and Employment). A voluntary transfer occurs when an employee requests a transfer from one position to another within the same pay grade, or from a position in one office or program to an equivalent position in another office or program.

Fresno EOC may request that an employee be transferred for the benefit of the Agency pursuant to its at-will employment policy.

A transfer can consist of moving an employee from one work location to another at the same pay, pay grade, and hours, and within the same program.

B. Promotions: A promotion is the advancement from a position in one pay grade to another position in a higher pay grade and involves a change in job duties and a distinct increase in job responsibilities. All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, program manager/director, and/or the Human Resources Office. No candidate shall be advanced solely based on being from an underprivileged or underrepresented group.

C. Temporary Assignments and Transfers: Management reserves the right to make temporary assignments or transfers pursuant to its at-will employment policy. A temporary assignment or transfer may include the following: (1) a short duration assignment or where cross-training is involved, (2) a temporary transfer within an office or small work unit, (3) a transfer where it is necessary to accommodate an employee requesting a temporary transfer to an alternative position due to pregnancy or to allow intermittent or reduced schedule leave allowed under the Family and Medical Leave Act (FMLA) and/or Workers Compensation Restrictions or (4) where necessary to accommodate an employee requesting reasonable accommodation under the Americans with Disabilities Act or California Fair Employment and Housing Act.

#### **II. ELIGIBILITY**

To be eligible for a voluntary transfer or promotion, employees must meet the requirements of the new position, and have a satisfactory performance record.

The hiring manager recruiting to fill the vacancy should communicate with the employee's current supervisor to discuss attendance, performance and conduct of the employee as a part of the reference process. The hiring manager will also coordinate the start date with the current supervisor to establish a transition period prior to the employee leaving their program.

### **III. APPLICATION PROCESS**

A. Job Postings: Job openings within Fresno EOC will be posted on Fresno EOC official boards (see Section I (C) of Policy 1090, Recruitment, Selection, and Employment).

B. Application Request: The employee must complete and submit an online employment application to the Human Resources Office. Applications based on posted job openings must comply with the procedures described (see Section I (C) of Policy 1090, Recruitment, Selection, and Employment). Employees who meet the minimum requirements may apply for the position (see Section II (A) of Policy 1090, Recruitment, Selection and Employment).

## **POLICY 1130 NEW EMPLOYEE ORIENTATION**

**PURPOSE:** To facilitate the new employee's introduction to Fresno EOC and to ensure that all new employees, including interns, are adequately oriented in the organizational mission, vision, and structure; benefits; performance expectations; rules of conduct; job safety; and policies and procedures.

**POLICY:** It is the policy of Fresno EOC to provide orientation to a new employee as the final step in the hiring process. Employees, interns, and volunteers are required to attend new hire orientation on their scheduled first day of employment.

**REFERENCE:** The Immigration Reform and Control Act of 1986 (IRCA) Pub. L. 99-603, Immigration Act of 1990 Pub. L. 101-649, Sec. 535(a), Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) Pub. L. 104-208, Div C, 110 Stat. 3009

### **PROCEDURES:**

During the orientation process, each employee will receive an introduction that covers the history and operation of Fresno EOC, mission, vision, values, personnel policies and procedures, benefits, safety, etc.. Employees, interns, and volunteers (as required) must attend an orientation session. The responsibility for new employee orientation is shared by the Human Resources Office and the individual's supervisor as outlined in section I and II of this policy. The specific items of information to be covered by each are outlined below.

#### **I. HUMAN RESOURCES OFFICE**

New employee orientations are scheduled by the Human Resources Office. New employees are required to attend an orientation on their first day of employment. It is important that orientation be conducted by the Human Resources Office to ensure that employment eligibility requirements are met, paperwork is completed properly and timely, questions answered, and consistency is maintained.

The Human Resources Office will convey information in the following areas:

##### **A. Introduction**

1. Welcome to Fresno EOC
2. Mission, Vision and Values
3. History and overview of Fresno EOC
4. Leadership Team

##### **B. Expectations, Rules & Procedures**

1. Personnel Policies & Procedures
2. Performance Expectations & Evaluations
3. Alcohol/Drug-Free Workplace Policy
4. Diversity Policy and Policy Against Harassment



5. Requirement to Report Suspected Child Abuse
  6. Workplace Violence Prevention, Domestic Violence, Sexual Assault or Stalking Victim Leave
- C. Pay Procedures
1. Pay schedule & distribution of paychecks
  2. Deductions & direct deposit
- D. Safety
1. Reporting work injuries
  2. Injury and Illness Prevention Program & Safety Procedures
  3. Agreement to abide by safety rules
- E. Employee Benefits (based on eligibility)
1. Health and Wellness Benefits
  2. Group Life and Accidental Death & Dismemberment Insurance
  3. Retirement plan summary description
  4. 403(b) retirement information (voluntary)
  5. Holidays/Vacation/Sick time
- F. Required Forms
1. Withholding Allowance Certificate (W-4)
  2. Employment Eligibility Verification - Form I-9
    - a. Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.
    - b. Employees must submit acceptable documentation within three (3) business days from date of hire to establish identity and authorization to work in the United States as required by USCIS.
  3. Personal Information/Employee Orientation Checklist
  4. Auto Insurance Declaration, if applicable
  5. Personal Vehicle Form
  6. Agency Property Agreement, if applicable
  7. Acknowledgement of Policies and Procedures
  8. Acknowledgement of Requirement to Report Suspected Child Abuse (when applicable)
  9. Employee Rights Form
  10. Receipt of Job Description
  11. Anti-Harassment and Anti-Discrimination Acknowledgement Form
  12. Confidentiality Statement Notice to Employee – Labor Code section 2810.5
  13. Branding Guidelines

14. Receipt of Policy 1040 Discrimination/Harassment/Retaliation Complaint and Prevention Policy
15. Disability insurance and Paid Family Leave Information
16. Sexual Harassment Fact Sheet
17. Domestic Violence Leave Notice

Employees may also find this information on the agency's intranet.

## **II. DEPARTMENTAL/PROGRAM ORIENTATION**

It is the supervisor's responsibility to conduct the following general departmental orientation and evaluation activities for a new employee:

### **A. First Day**

1. Review job description with new employee.
2. Provide tour of the department/program
3. Provide instructions pertaining to the job that may be necessary for getting started.
4. Discuss hours of work and attendance requirements.
5. Provide the required safety training and safety equipment.

### **B. First Week**

1. Provide opportunities for regular check-in with the new employee
2. Review performance expectations with new employee.
3. Provide on-the-job training and safety training unique to the area in which the employee is working.

### **C. During First Three Months**

1. Conduct check-ins during the first thirty (30) to sixty (60) days of employment to discuss:
  - a. Hold question-and-answer sessions with employee.
  - b. Discuss the employee's goals for the next evaluation period.
  - c. Attending other training(s) as required.
2. Conduct an introductory period performance review with the employee at three (3) months.

## **POLICY 1140 INTRODUCTORY PERIOD**

**PURPOSE:** To define the initial period of employment and evaluation for employees.

**POLICY:** It is the policy of Fresno EOC for all employees to be subject to an initial introductory period. During this initial period, Fresno EOC will evaluate the employee and job performance.

### **PROCEDURES:**

#### **I. INTRODUCTORY PERIOD**

A. New Hires: The introductory period applies to regular full- and part-time employees, commences on the date of hire, and lasts three (3) months. During this time, supervisors should carefully observe the performance of the employee and provide constructive feedback. Supervisors should have performance conversations with their employees on a regular basis. A formal evaluation will be conducted at the midpoint and end of the introductory period. Nothing in this section changes or augments the at-will status of an employee, including that employees may resign with or without notice or be discharged with or without notice at any time during or after the introductory period.

B. Reinstatement: An employee who separates employment and is reinstated within 30 days will retain their status. An employee in introductory status at time of separation will need to work the remaining time in the original three (3) months introductory period to be eligible for regular status (see Policy 1070, Employment Classifications).

C. Rehire: An employee that separates employment and is rehired after 30 days will be subject to a new introductory period (see Policy 1070, Employment Classifications).

#### **II. WRITTEN PERFORMANCE EVALUATION**

Supervisors are required to complete a written evaluation of the employee's job performance no later than thirty (30) days from the due date. The evaluation will be forwarded to the Human Resources Office with appropriate signatures for recording and placement in the employee's personnel file.

#### **III. TERMINATION**

Failure of an employee to meet acceptable standards of performance and/or conduct during the introductory period may result in termination pursuant to Fresno EOC's At-Will Policy.

A recommendation for termination should be submitted in writing to the program manager/director, and responsible Officer for review. The responsible or designated Officer has discretion and must approve the recommendation prior to termination occurring. The Human Resources Office shall give assurance that all procedures for termination have been followed. Employment with Fresno EOC is a voluntary one and is subject to termination by employees or Fresno EOC at will, with or without cause, and with or without notice, at any time (see Policy 1010, Employment At-Will).

A transferred or promoted employee who is unable to perform satisfactorily in their new job may, at the discretion of management, be returned to their previous position, if a vacancy exists, or may be terminated.

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## POLICY 1150 HOURS OF WORK, REST AND MEAL BREAKS

**PURPOSE:** To establish general working hours, rest and meal breaks for employees.

**POLICY:** It is the policy of the Agency to ensure the Agency provides rest and meal breaks in compliance with applicable laws.

**REFERENCE:** CA Labor Code 233-234, 246.5, 551-552, 556; AB 1522, AB 304, SB 3

### PROCEDURES:

#### I. HOURS OF WORK

The general working hours for Fresno EOC are from 8:30 a.m. to 5:00 p.m., Monday through Friday, except recognized holidays. The general workweek for Fresno EOC employees consists of 37.5/40 hours per week. The workweek begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m.

#### II. MEAL BREAK PERIOD

Employee meal break periods are important to productivity and employee health. Employees who work at least five (5) consecutive hours will be provided an unpaid, uninterrupted net 30-minute meal break period. Employees may not take their meal break period later than the end of the fifth hour of work or take a meal break period of less than 30 minutes without prior authorization from their supervisor. For example, an employee who begins working at 8 a.m. must begin their meal break period by 12:59 p.m. If the employee's shift will be completed in no more than six hours, this meal break period may be waived by written mutual agreement of the employee and the Agency. In such instances, the employee must stop working and clock out by the end of the sixth hour and not resume working that workday. Employees are entitled to a second unpaid net 30-minute meal break period if they work 10 or more hours in one workday. The second meal break period may be waived if the employee's shift will be completed in 12 hours and the employee did not waive the first meal break period. The second meal break period must be taken before the end of the 10th hour of work.

| Duration of Shift in Hours | # of Meal Periods | Comments                                                                                                                                                                                                                                                                                                   |
|----------------------------|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 0 to < 5.0                 | 0                 | Employees who work less than five hours in a workday are not provided with a meal period.                                                                                                                                                                                                                  |
| ≥ 5.0 to < 10.0            | 1                 | Employees who work five or more hours in a workday, but who work less than ten hours in a workday are expected to take at least a 30-minute meal period before the start of the 5th hour of work, unless the employees are working six or fewer hours and elect in writing to waive the first meal period. |
| ≥ 10.00 to < 15.0          | 2                 | Employees who work ten or more hours in a workday, in addition to their first meal period, are expected to take a second meal period of least a 30-minutes before the start of the 10th hour of work, unless the employees                                                                                 |

|  |  |                                                                                                                                   |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------|
|  |  | are working twelve or fewer hours, and did not waive the first meal period, and elect in writing to waive the second meal period. |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------|

Non-Exempt employees are required to clock-out and clock-in for meal break periods. The meal break period will not be included in the total hours of work per day and is not compensable. Non-exempt employees are to be completely relieved of all job duties while on meal break periods. Employees not relieved of all duties during meal break periods; not provided a timely meal break period; or who receive a shortened or missed meal break period will receive a penalty payment of one hour of their regular rate of pay for each workday this occurs. Employees must notify their supervisor of any occasion when meal break periods were not provided in accordance with the above policy.

The normal meal break period will be taken between 11:00 a.m. and 2:00 p.m. or may vary depending upon the start time of the workday. Employees are permitted to leave the premises for their meal break periods or they may remain on premises and take the meal period break in designated areas.

### III. REST BREAK PERIODS

All non-exempt employees are entitled to rest break periods during their workday, unless exempted by applicable Wage Orders. Non-exempt employees will be paid for all such rest break periods and do not clock out. Rest periods are included in the total hours of work per day and are compensable. Unless an employee is otherwise advised by their supervisor, the rest break periods should be taken as close to the middle of each work period as possible. Generally, an employee is entitled to a “net” 15-minute rest break period for every four (4) hours worked or major fraction thereof and employees are expected to return to work promptly at the end of any rest break period. Employees are relieved of all duties during the rest break periods and may leave the premises. If at any time an employee believes they have not been provided with a rest break period or enough time to make a net 15-minute rest break period, they should report this to their supervisor immediately. Rest break periods may not be combined or added to an employee’s meal break period or used to arrive late or leave early. Employees not relieved of all duties during rest break periods; not provided a timely rest break period; or who received a shortened or missed rest break period will receive a penalty payment of one hour of their regular rate of pay for each workday this occurs. Employees must notify their supervisor of any occasion when rest break periods were not provided in accordance with the above policy.

| HOURS OF WORK | 15-MINUTE REST BREAKS |
|---------------|-----------------------|
| Less than 3.5 | 0                     |
| 3.5 – 6.0     | 1                     |
| >6.0 – 10.0   | 2                     |
| >10.0 – 14.0  | 3                     |

Employees are prohibited from taking any rest period that is less than 10 minutes.

Employees are permitted to leave the premises for their rest break periods or they may remain on premises and take the rest break period in designated areas.

Because work schedules may vary for different locations and different classifications of employees, supervisors will be responsible for determining and informing their employees of specific hours, workdays, meal and rest break periods. Additionally, the supervisor may increase or decrease an employee's hours and may require overtime work as it deems necessary or appropriate as permitted by law and as approved by the Director. No off-the-clock or unauthorized work is permitted by Fresno EOC and employees who do so will be compensated for their time but subject to disciplinary action, up to and including termination.

A non-exempt employee who regularly works thirty (30) or more hours per week cannot be required to work seven (7) consecutive days in the defined workweek.

## **POLICY 1160 PUNCTUALITY AND ATTENDANCE**

**PURPOSE:** The purpose of this policy is to set forth the Agency's policy and procedures for handling employee absences and tardiness.

**POLICY:** As part of our responsibility to our clients, the public, and to other employees, Fresno EOC requires employees to be at work as scheduled, to arrange their personal schedules to accommodate established work hours, and to notify their supervisor prior to but no later than the employee's normal reporting time if they expect to be absent or tardy.

**REFERENCE:** CA Labor Code 233-234, 246.5, 551-552, 556; AB 1522, AB 304, SB 3

### **PROCEDURES:**

Punctual and regular attendance is an essential responsibility of each employee of the Agency. Regular attendance is important to workplace morale and the successful operations of the Agency. Absences can create a negative impact in the workplace and place strain on other employees. Employees (Exempt and Non-Exempt) are expected to report to work as scheduled, on time and prepared to start working. Employees are also expected to remain at work for their entire work schedule. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided.

This policy does not apply to absences covered by Paid Sick Leave (PSL), the Family and Medical Leave Act (FMLA) or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA) (see Policy 4010, Family and Medical Leave and California Family Rights Act).

### **I. ABSENCES & PATTERNS OF ABUSE**

An absence is defined as the failure of an employee to report for work when scheduled to work. The two types of absences are defined below:

A. Excused Absence: An excused absence occurs when all the following conditions are met:

- The employee provides their supervisor with sufficient notice two (2) hours before the start of their shift.
- The absence request is approved in advance by the employee's supervisor.

B. Unexcused Absence: An unexcused absence occurs when any of the above conditions are not met. An unexcused absence counts as one occurrence for the purposes of discipline under this policy.

C. Patterns of Abuse: Supervisors should immediately address any patterns of abuse of unprotected sick time and/or unprotected unpaid time. Patterns can be two or more instances. Examples of abuse include, but are not limited to:



- Leaving after lunch on paydays.
- Calling in sick on days when vacation time was previously denied.
- Extending weekends by regularly calling in sick on Fridays and/or Mondays.
- Extending time off for holidays by calling in sick the day before or after a holiday.

Patterns of abuse count as one occurrence for the purpose of discipline under this policy.

## **II. INABILITY TO REPORT TO WORK**

If it is necessary for an employee to be absent or late for work because of an illness or an emergency, the employee must notify their supervisor no later than the employee's scheduled starting time on that same day. If the employee is unable to call, he or she must have someone make the call.

At the discretion of the Program Director, an emergency outside the employee's control, which occurred before the start of the shift, may be considered as an excused absence/tardy. This may include but is not limited to: acts of natural disasters, vehicle accidents, or hospitalization.

## **V. RESPONSIBILITY**

Employees are responsible for working all of their scheduled work hours at the scheduled times. Employees are required to be at their assigned workstation during all work hours, except for scheduled rest and meal break periods. No off-the-clock or unauthorized work is permitted by Fresno EOC.

Employees who are not able to report to work as scheduled, and who do not have prior written authorization to be absent, will be required to contact their supervisor or program manager/director prior to but no later than the normal reporting time or adhere to the location reporting procedure.

Employees who have consecutive days of unscheduled absences must contact their direct supervisors each workday prior to each scheduled shift they are absent unless a provided doctor's note indicates the return-to-work date.

All unscheduled absences and tardies will be considered when evaluating performance.

## **III. RETURN TO WORK**

Employees with five (5) or more consecutive days of absences due to illness or injury must provide a release to return to work. However, if the employee has exhausted the annual allotted PSL time, the employee may be required to provide a medical note after 3 days of absence. If an employee is absent for more than five days the employee may be eligible for protected leave FMLA/CFRA, please contact the Human Resources Office for more information 559-263-1070.

#### **IV. TARDINESS AND EARLY DEPARTURES**

Employees are expected to report to work and return from scheduled breaks on time. If employees cannot report to work as scheduled, they must notify their supervisor no later than their regular starting time. There is a five (5) minute grace period for tardies. This notification does not excuse the tardiness but simply notifies the supervisor that a schedule change may be necessary.

Employees who must leave work before the end of their scheduled shift must notify a supervisor immediately.

Tardiness and early departures are each one-half an occurrence for the purpose of discipline under this policy.

#### **V. EXPECTATIONS FOR EXEMPT EMPLOYEES**

Exempt employees are expected to work the number of hours required to successfully complete their job responsibilities, which generally equates to a full-time work schedule. However, due to the nature of exempt positions, employees may need to work more than the regularly scheduled 37.5 to 40 hours per week, depending on the demands of the role. Exempt employees are required to be available during the program's regular business hours to ensure collaboration and communication with colleagues.

- Attendance & Punctuality: Regular attendance and punctuality are required, with absences or lateness reported to managers in advance.
- Remote Work: Remote work is allowed with prior approval, but attendance and performance standards still apply.
- Absenteeism: Frequent, unapproved absences may result in disciplinary action.
- Leave Reporting: Exempt employees must accurately report any time off, such as vacation or sick time.
- Compliance: Non-compliance may lead to disciplinary action or termination.

#### **DISCIPLINARY ACTION**

One occurrence is defined as:

- An unexcused absence per Section I.B. of this policy, or
- A pattern of abuse per Section I.C. of this policy,
- Two (2) tardies or early departures per Section III of this policy

Three (3) or more occurrences in a rolling three (3) month period will result in disciplinary action. If an employee incurs an additional occurrence during the subsequent 60 days, the employee will proceed to the next step of the progressive disciplinary process.

Ten (10) occurrences in a 12-month period is subject to termination.

## **VI. PROGRAM-SPECIFIC ATTENDANCE**

The Agency recognizes that some programs may require more strict attendance policies based on the needs of serving clients effectively, efficiently and in compliance with funding guidelines. Any program that requires a stricter attendance policy than outlined in Sections I-V above may implement such standards, once meeting the following:

- Reviewing and receiving approval of the plan with the responsible Officer and Human Resources Office; and
- Ensuring training is provided to all staff subject to the policy prior to implementation; or
- Advising new hires of the program attendance policy during their first week of work.

## **VII. TIME OFF FOR ABSENCES**

Employees that accrue paid time must use paid time for every absence unless otherwise allowed by agency policy (e.g., leave of absence).

## **VIII. JOB ABANDONMENT**

Any employee who fails to report to work for a period of three (3) days or more without notifying their supervisor will be considered to have abandoned the job and voluntarily resigned from the Agency.

## **POLICY 1170 – LACTATION POLICY**

**PURPOSE:** To inform employees of Fresno EOC's compliance with lactation regulations.

**POLICY:** It is the policy of Fresno EOC that the Agency will provide sufficient time and space for employees to express breast milk.

**REFERENCE:** Labor Code 1030-1034, SB142, FLSA

### **PROCEDURES:**

#### **I. REQUEST AND APPROVAL**

An employee may request accommodation for lactation breaks for as long as they are continuing to express milk by submitting a verbal or written request to the employee's supervisor. The supervisor or program management will respond to the employee's request. Should the program not have resources to meet the requirements of the law as outlined below, the program will notify the Human Resources Office for assistance in accommodating the request.

#### **II. PERIODS FOR EXPRESSING MILK**

Fresno EOC provides a reasonable amount of time during a rest break period to accommodate an employee's need to express breast milk for the employee's infant child. When an employee is using break time at work to express breast milk, they must be completely relieved from duty or paid for the break time. This time should run concurrently with scheduled rest break periods if possible. Nonexempt employees must clock out for any lactation breaks that do not run concurrently with normally scheduled rest break periods. Any such rest break periods will be unpaid.

#### **III. REST AREA**

Fresno EOC will make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express milk in private, free from intrusion of co-workers or the public. The room or location may include an employee's private office if it otherwise meets the requirements of the lactation space. Multi-purpose rooms may be used as lactation space if they satisfy the requirements for space. This may include the place where the employee normally works if it otherwise meets the requirements. The lactation room or location must be safe, clean, and free from hazardous materials, contain a surface to place a breast pump and personal items, contain a place to sit and have access to electricity or alternative devices, including but not limited to, extension cords or charging stations needed to operate an electric or battery-powered breast pump. Fresno EOC will also provide access to a sink with running water and a refrigerator suitable for storing milk, near the employee's workspace.

Fresno EOC will not tolerate discrimination or retaliation against employees who exercise their rights to lactation accommodation, including those who request time to express milk at work and/or who lodge a complaint related to the right to lactation accommodation. If you believe you have been denied reasonable break time or adequate space to express milk or have been otherwise been denied your rights related to lactation accommodation, you have the right to file a complaint with the Labor Commissioner.

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## **POLICY 1180 PERSONAL PHONE CALLS AND VISITORS**

**PURPOSE:** To limit employee personal phone calls and visitors during working hours to minimize disruptions in the workplace.

**POLICY:** It is the policy of Fresno EOC that all personal calls (telephone or cellular) and text messaging (or similar electronic communications) are required to be limited while employees are on duty. All cellphones and other forms of communication devices are required to be kept in silent mode for personal communications/use while employees are on duty. Visitors are discouraged during working hours.

**REFERENCES:** California Vehicle Code 23123.5

### **PROCEDURE:**

The Agency recognizes that employees will occasionally need to place and receive personal phone calls during the workday. In all cases, personal calls or text messages should be minimal, whether the calls or messages are placed and/or received using an Agency or personal phones unless the employee is receiving a technology stipend and utilizing the phone for business purposes. Long-distance phone calls should not be made from Agency phones. Employees should therefore limit the placing or receiving of personal calls or text messages during working hours to those required only in emergency situations. Receiving and/or placing excessive calls, messages or text messages is disruptive to others. Abuse is subject to discipline following normal Agency procedures. Employees should communicate with their supervisor if there are any extenuating circumstances that may need to be temporarily accommodated.

Employees who operate a vehicle during the workday may not use a cellular telephone while driving, except when using a hands-free device as permitted under California law. Text messaging, blogging, emailing, accessing social media, and/or any use of an electronic communication device is prohibited while driving. Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs. If calls must be made, Fresno EOC encourages employees to pull safely off the road, stop the vehicle and make or receive the call. Safety must come before all other concerns and special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Visitors including, but not limited to family, friends, and non-service animals can be disruptive to the Agency's operations. Fresno EOC strongly discourages such visits during work hours that may create a work distraction. Employees are expected to inform visitors of this policy and will be held accountable for their actions under the Agency's discipline procedure.

## **POLICY 1190 DRESS AND GROOMING STANDARDS**

**PURPOSE:** To establish standards of dress and grooming appropriate for the work setting.

**POLICY:** It is the policy of Fresno EOC that the Agency considers the presentation of its image to the public at large to be extremely important. Employees are always expected to dress in a manner consistent with good hygiene, safety, and good taste. Employees whose jobs require them to come in contact with the public are expected to wear apparel Fresno EOC considers appropriate for interacting with the public.

**REFERENCE:** California Workplace Religious Freedom Act (2012), CA Government Code. §12926(q), CA Government Code §11010, §11031, §11034, CA AB 987

### **PROCEDURES:**

#### **I. STANDARDS**

The personal appearance of employees who have regular contact with the public is governed by the standards described below. Specific offices or programs may have further guidelines.

A. Dress: Employees are expected to dress in a manner that is normally acceptable in similar work environments. The wearing of suggestive, sheer/see-through or offensive attire is prohibited. Athletic clothing, shorts, T-shirts, tank tops, crop tops, or similar items of casual attire are not permitted, as they do not present a business-like appearance. At its discretion, Fresno EOC may allow employees to dress in a more casual fashion than is normally required. On such occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.

An employee is permitted to groom, dress, or present themselves in a manner consistent with an individual's gender identity or gender expression while meeting the dress and grooming guidelines.

Certain employees may be required to meet special dress, grooming, and/or hygiene standards depending on the nature of their jobs.

The personal appearance of employees who do not regularly meet the public is governed by the requirements of safety and comfort but should still be neat and business-like as working conditions permit.

B. Hair: Hair should be clean and neat, following good hygiene practices. Hairstyles that are natural to some individuals or specific cultural practices should be just as well-groomed and tidy as other styles. Facial hair should be kept neatly trimmed. Hair nets and/or beard masks may be required to be worn when handling food

C. Footwear: Adequate footwear is required to reduce the possibility of injury to employees, to ensure protection from workplace hazards... Flip-flops or similar casual footwear are prohibited.

D. Hygiene: Employees should maintain good personal hygiene, presentable clothing specific to their position. Perfume and cologne, if worn, should not be overbearing.

E. Employee ID Badge: All employees are required to wear their designated Identification (ID) badges visibly and prominently while on Agency premises or engaged in Agency-related activities. ID badges should not be shared or transferred to unauthorized individuals. Everyone is responsible for their assigned badge and must report any loss or theft to Human Resources Office. Individuals may temporarily remove their identification badge in situations where it poses a safety concern. Such exceptions may include, but are not limited to, the following:

- Working with machinery or equipment where the badge could pose a risk of entanglement or other physical hazards.
- Engaging in activities that require wearing specialized protective gear, such as high-temperature environments or cleanrooms, where the badge may interfere with safety protocols.
- Participating in activities involving open flames, high-voltage electrical systems, or other hazardous conditions where the badge may increase the risk of injury.
- In areas where food is being prepared and packaged.

After separation of employment with Fresno EOC, employees are required to return their ID badge to the Human Resources Office.

## **II. RESPONSIBILITY**

Each program will be responsible for their staff adhering to this policy. Specific offices or programs may have further guidelines due to the nature of the work involved. Questions concerning these guidelines should be referred to the supervisor/manager to determine the appropriateness of personal appearance in the program. It is the responsibility of the manager or supervisor to communicate such guidelines to the affected employees.

An employee reporting to work dressed inappropriately will be required to comply with the policy. An employee will be sent home without pay for correction of the dress code violation. An employee in violation of this policy may be subject to disciplinary action, up to and including termination.

## **III. ACCOMODATIONS**

Employees requesting accommodations for medical conditions or religious dress and grooming practices should inform their immediate supervisor. Programs should consult with Human Resources to discuss any request. Every effort will be made to accommodate an employee's request in accordance with applicable State and Federal laws (see Policy 1020, Equal Employment Opportunity Policy and Policy 1030, Discrimination/Harassment/Retaliation Complaint and Prevention Policy).



## **POLICY 1200 AUTOMOBILE INSURANCE AND DRIVER'S LICENSE**

**PURPOSE:** To establish guidelines for employees that are required to drive in the course of their employment.

**POLICY:** It is the policy of Fresno EOC that employees required to drive in the course of their employment must maintain a valid California Driver's License and automobile insurance. All traffic violations, DUIs, or work-related vehicle accidents must be reported immediately.

**REFERENCE:** California Insurance Code §11580.1b, California Vehicle Code 16020

### **PROCEDURES:**

#### **I. USE OF VEHICLES**

A. Personal Vehicles for Agency Business: The Agency does not provide liability or physical damage insurance for personal vehicles. If an employee is to use a personal vehicle for Agency business, minimum coverage as required by state law for liability, bodily injury, and property damage must be currently in effect. Fresno EOC will request proof of coverage before operating personal vehicles for work (see Accounting Policies and Procedures Manual Section on Agency Travel Procedures). Mileage reimbursement at the IRS rate covers the cost of operation of personal vehicles for agency business, , and will be reimbursed at the agency approved rate. Employees using their own vehicle for Agency business must submit mileage reimbursement forms by the end of the current quarter.

B. Agency Vehicles: Operators of Agency vehicles must possess a valid California Driver's License applicable to the type of vehicle to be driven. Agency vehicles are to be used for Agency business or activities only, not for personal or non-Agency business. Employees driving for the Agency shall inform the Human Resources Office immediately if their insurance coverage or ability to legally operate a vehicle changes.

C. All individuals operating private vehicles for agency purposes must maintain appropriate insurance coverage as mandated by California state law. This includes, but is not limited to, meeting the minimum liability insurance requirements set forth by the California Department of Motor Vehicles (DMV). Covered by liability insurance for at least the minimum amount prescribed by State Law (e.g., minimum \$15,000 for personal injury to, or death of one person; \$30,000 for injury to, or death of, two or more persons in one accident; \$5,000 property damage). Vehicle Code Section 16020 requires all motorists to carry evidence of current automobile liability insurance in their vehicle.

D. Procedures to Request Use of Agency Vehicles: Employees requesting use of an Agency vehicle must submit a completed and approved "Form" to the Agency's Transit Office in advance of the date of the anticipated activity. This will ensure that the vehicles are available and in good condition. Upon approval, the Agency's Transit Office will issue vehicle keys and provide the driver with a "Driver's Report Sheet", which must be completed and signed by the driver. This information is used to maintain the records as required by the California Highway Patrol.

E.     Seatbelts: Seatbelts are required to be worn at all times while driving or as a passenger while traveling for agency business, regardless of operating a personal or agency vehicle. Seatbelt extenders may be provided upon request.

## **II.     ACCIDENT REPORTING**

All accidents must be reported as outlined in the following procedures regardless of the estimated damage amount. It is important that the operator of the Agency vehicle not make any statements about assuming liability or what the Agency will do in settling the claim.

Procedures for Reporting Accidents Involving an Agency Vehicle:

1.     1.     When an accident in an Agency vehicle occurs involving injuries or major damage, it should be immediately reported to the police agency having jurisdiction in the area of the accident. Accidents should be reported to the supervisor immediately who will obtain and provide necessary information to the Human Resources Office.
2.     If an accident occurs involving minor damages with no injuries, insurance information must be exchanged between vehicle operators and must include the following information:
  - a.     Name
  - b.     Address
  - c.     Telephone Number
  - d.     Driver's License Number and Expiration Date
  - e.     Name of insurance carrier, agent, and policy number, if known
  - f.     Make, Model, and License Number of Vehicle
3.     Upon receipt of information concerning an accident involving an Agency vehicle, the Supervisor will forward all information to the Agency's insurance representative. A vehicle accident report must be completed.

## **III.    VEHICLE/DRIVER RECORDS**

### **A.     Vehicle Roster**

The Agency's Transit Office maintains a current list of Agency vehicles and equipment for the purpose of providing routine maintenance. In addition, the Transit Office uses this roster as an inventory list for the purpose of securing insurance coverage on the vehicles and equipment listed.

### **B.     Driver Roster**

The Agency's Transit Office maintains a current list of drivers authorized to operate Agency vehicles. Programs are requested annually to furnish the Transit Office with an updated list of employees authorized to operate an Agency vehicle. The information must include:

- Name
- Driver's License Number and Expiration Date
- State of Issuance
- Date of Birth

The driver roster is forwarded to the Agency's insurance representative. The Agency's Transit Office is notified if the insurance carrier does not approve a driver's record. Drivers must resolve any problems arising out of the DMV review before clearance is granted to operate Agency vehicles.

#### C. Additional Requirements for Commercial Drivers

Agency drivers must have a Class B (Commercial) driver's license, with the appropriate endorsements, to drive the Agency's 15 passenger vans or buses. The Agency has additional obligations relating to drug/alcohol testing for all Class B drivers, as required by The Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991.

Affected drivers will be notified of specific drug/alcohol testing requirements through the Human Resources Office.

## **POLICY 2010 PAY PRACTICES**

**PURPOSE:** To establish guidelines for the payment of wages, calculation of overtime, and other types of pay.

**POLICY:** It is the policy of Fresno EOC to pay employees for hours worked in accordance with legal requirements and to pay employees by check or direct deposit on a regular basis and in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

**REFERENCE:** California Labor Code §§ 204-204(a). California Labor Code §§ 201, 202 and 227.3. IWC Wage Orders Nos. 4-89, 5-89, 9-90. California Labor Code § 204.3, 510, 1182.12; AB 1513, SB 3

### **PROCEDURES:**

#### **I. PLACE AND TIME FOR PAYMENT OF WAGES**

A. Regular Payday: Employees are paid bi-weekly. If the regular payday occurs on a holiday, employees will be paid on the preceding workday.

Employee time sheets/electronic time records must be completed properly and accurately. The time sheet must reflect all hours worked, overtime hours, vacation or sick time, and any leaves of absence. All punches will be paid to the minute. No rounding is permitted or will occur. The time sheet/electronic time record must be reviewed with and approved by the employee and supervisor before it is sent to the Payroll Office.

On each payday, employees will receive their paycheck, deposit notice if enrolled in direct deposit, or an e-mail announcement to the employee's designated e-mail account. Checks or deposit notices will be distributed by the employee's immediate supervisor at the employee's work location or mailed to the employee's home if the employee submits a written request for the check to be mailed so that payment is received on the designated pay date. If an employee is absent when a paycheck is distributed, the employee may claim the paycheck when the employee returns unless other distribution/delivery arrangement have been made. Employees who discover an error in their paycheck, lose their paycheck, or have it stolen should notify their supervisor immediately. After proper approval, a paycheck will be reissued within two business days.

Employees should discuss any questions or concerns regarding compensation issues with their immediate supervisor or program director.

B. Payment on Resignation or Termination: If an employee resigns, the final paycheck will be available on the final day of work provided the employee has given at least 72 hours' prior notice. If an employee resigns without 72 hours' notice or fails to return to work, the final paycheck will be made available to the employee no later than 72 hours after the date when an employee is considered to have resigned. If an employee is terminated involuntarily, the final paycheck will be available at the time of discharge or layoff. The employee's final

paycheck will include payment for all wages due and not previously paid and for accrued but unused vacation time, if eligible, minus authorized deductions.

## **II. OVERTIME DEFINITION AND RATES OF PAY**

A. Regular Overtime Arrangements: All non-exempt employees who work more than eight (8) hours in a single workday or forty (40) hours in one workweek will receive overtime pay computed in accordance with II-B.

B. Exclusions from Overtime Calculations: Only actual hours worked, along with any nondiscretionary payments, are included when calculating an employee's regular rate of pay for overtime. Absences, whether paid or unpaid, such as holidays, vacations, personal leave, or sick time, do not count as hours worked when determining overtime pay.

1. Overtime at the rate of one and one-half times the employee's regular rate of pay will be paid for all hours worked in excess of eight (8) in a workday or forty (40) in any one workweek.
2. Overtime at the rate of two times the employee's regular rate of pay will be paid for all hours worked in excess of twelve (12) in a single workday and for all hours worked in excess of eight (8) hours on the seventh consecutive day of work in a workweek.
3. Overtime at the rate of one and one-half the employee's regular rate of pay will be paid for the first eight (8) hours worked on the seventh consecutive day in a single workweek.

C. Workweek and Workday: A workday is any consecutive twenty-four hour period beginning at the same time on each calendar day. A workweek is any seven consecutive days starting with the same calendar day and time each week.

Unless otherwise provided:

1. The workweek on which weekly overtime calculations will be based begins each Sunday at 12:01 a.m. and ends on Saturday at 12:00 midnight; and
2. Each workday on which daily overtime calculations will be based begins at 12:01 a.m. and ends at 12:00 midnight.

D. Pre-authorization: Non-exempt employees may not work beyond their daily work schedule and/or overtime without prior approval of their supervisor and the program manager/director. Because unauthorized overtime is contrary to Fresno EOC policy, non-exempt employees who work unauthorized overtime may be subject to discipline.

## **III. SPLIT SHIFT PREMIUM**

A. Definition: A split shift occurs when an employee works two separate shifts in a single workday with a break of more than one hour between the shifts, unless exempted by applicable Wage Orders.

1. Eligibility: Employees are eligible for a split shift premium if they work two separate periods with a break of more than one hour between those periods on the same workday.
2. Premium Rate: Eligible employees will receive a split shift premium of one (1) hour of their normal hourly rate, in addition to their regular wages, for each workday that qualifies as a split shift.
3. Non-Eligibility: Employees are not entitled to split shift premiums if:
  - The break between the shifts is one hour or less.
  - The shifts do not meet the criteria for a split shift as defined above.
  - The workday does not include two separate periods with a break of more than one hour.

B. Reporting and Payment

1. Reporting: Employees must report split shifts to their supervisor or payroll department as soon as the shift structure is known. The report should include the start and end times of each shift and the duration of the break between shifts.
2. Payment: The split shift premium will be reflected in the employee's regular paycheck and will be included in the payroll cycle that covers the split shift work.

## OTHER TYPES OF PAY

A. Reporting Pay: Non-exempt employees who report to work at Fresno EOC's request but are provided with less than half of their usual or scheduled day's work will be paid, without regard to the number of hours actually worked, for one half of the usual or scheduled day's work, but in no event less than two nor more than four hours at the regular rate of pay, unless the reasons for lack of work are beyond Fresno EOC's control. Reporting time hours are not counted as "hours worked" for overtime purposes unless work is performed.

B. Callback Pay: Any non-exempt employee who is called back to work for a second work period in any one workday and is furnished with less than two hours' work will be paid a minimum of two hours pay at the regular straight-time rate for the second work period, without regard to the number of hours actually worked, unless the reasons for lack of work are beyond Fresno EOC's control.

C. Holiday Pay: Employees are paid their regular straight-time wages for Fresno EOC paid holidays (see Policy 3010, Holidays).

To receive holiday pay, an eligible employee must be at work or taking an approved absence on the scheduled workdays immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both days because of an illness or injury, Fresno EOC reserves the right to verify the reason for the absence before approving holiday pay.

Non-exempt employees who are required to work on a designated holiday will be paid their regular rate of pay plus holiday pay or be allowed to observe the holiday by taking off another day approved by the employee's supervisor and program manager/director.

Employees who are working during the Fresno EOC holiday may request a floating holiday based on the approval of the program and needs of scheduling. Taking a vacation day and floating the holiday or being paid for both holiday and vacation on the same day, is not allowed.

Exception to holiday pay is if the employee works the holiday, they may receive the holiday pay, and pay for the actual hours they worked (double the pay). If they float the holiday, the employee's manager must note the date on the employee's timesheet and the employee will be paid for the hours worked on the holiday.

Employees on a leave of absence are not eligible for Holiday Pay.

#### **IV. PAYROLL DEDUCTIONS**

Certain deductions required by law will be made from each employee's wages. These include state and federal income taxes, FICA (for social security and Medicare), and state disability (SDI) payments, and the state paid family leave (PFL) program. Deductions may be required for garnishments received for federal or state levies for taxes, child support orders, or other court-ordered claims for indebtedness. Other deductions may be made from an employee's paycheck with the employee's written permission. These may include voluntary deductions including, but not limited to: health and life insurance premiums, retirement contributions, long-term disability insurance, credit union, health club membership, I EOC meal tickets, and other Agency approved events.

#### **V. DIRECT DEPOSIT**

Fresno EOC offers all employees the option of direct deposit of payroll checks. Employees who are interested in having all or some of their paycheck deposited directly into their bank account through electronic transfer of funds should complete the Direct Deposit Form available in the Payroll Office and attach a copy of a voided check or deposit slip from the appropriate account.

Employees will continue to receive a detailed earnings statement each payday, itemizing wage, tax and deduction information, including direct deposit amounts. Employees can choose to enroll in paperless statements to receive this same information via email after enrolling online.

All bank and account information must be verified prior to implementation of the direct deposit. Direct deposit will be effective approximately one pay period after the employee has submitted the required forms and information to payroll.

Employees are responsible for reporting any changes to their bank account. All changes, including cancellation of direct deposit, must be submitted in writing to the Payroll Office.

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## **POLICY 2020 WAGE AND SALARY ADMINISTRATION**

**PURPOSE:** To establish and maintain a compensation system that will attract, retain, and reward qualified employees at all levels of responsibility, reflect the difficulty and responsibility of jobs, be externally competitive and internally equitable, motivate employees to work toward achievement of Fresno EOC's goals, create an incentive for personal growth and advancement on the basis of demonstrated performance, control direct and indirect personnel costs, and comply with applicable laws.

**POLICY:** It is the policy of Fresno EOC, in regards to compensation, to: (1) create and maintain job descriptions which are reflective of the duties and responsibilities of all jobs in Fresno EOC; (2) establish wage and pay grades that reflect the value to Fresno EOC of the various jobs, as determined by a formal system of continuing job evaluation and review, taking into account the duties and level of responsibility of each job; (3) establish and maintain justifiable differentials between job levels; (4) adjust pay grades when warranted by changing economic and competitive factors, as determined by periodic surveys and available resources; (5) encourage quality performance by adjusting the pay rate of each employee on the basis of individual performance, as determined by a systematic program of performance evaluations and/or based on program budget requirements and guidelines; and (6) ensure that compensation is not in violation of Fresno EOC's Equal Employment Opportunity Policy (see Policy 1020, Equal Employment Opportunity Policy).

### **PROCEDURES:**

#### **I. JOB DESCRIPTIONS**

Job descriptions, in addition to summarizing the essential functions and/or responsibilities associated with a job, also include the skills, abilities, and knowledge required for a position. Job descriptions are used for recruiting and evaluating job candidates, coaching and developing current employees, comparing positions and salaries with other employers, and providing an overview of employee job responsibilities. The Human Resources Office is responsible for maintaining Fresno EOC job descriptions used throughout Fresno EOC, and when necessary, performs job analyses and assists management in the writing of job descriptions. The Human Resources Office is responsible for ensuring that the job descriptions meet the requirements set forth under the Americans with Disabilities Act and any other applicable laws. Job descriptions for Head Start positions will be reviewed and approved by the Head Start Policy Council.

#### **II. JOB EVALUATIONS**

The Human Resources Office is responsible for coordinating the continuing internal review of all compensation and ensuring that each job is evaluated and assigned a pay grade. The Human Resources Office will, when considered appropriate, participate in or conduct compensation surveys covering other employers with similar jobs.

#### **III. WAGE AND PAY GRADES**

All positions are assigned a pay grade and pay range that are documented and managed by the Human Resources Office For each pay grade, a range is assigned which provides for a spread from a minimum to a maximum rate paid for a job..

#### **IV. NEW HIRE PAY**

A new employee will generally be hired at a competitive rate compared to the market at the minimum of the pay range for the pay grade assigned to their position. A candidate may be offered a higher starting rate based on experience, skill level or other competitive considerations. Any change from the normal starting rate must be reviewed and approved by the appropriate program manager, director, and responsible Officer, and must include a letter of justification before a job offer is made.

#### **V. PROMOTIONS**

A promotion is the advancement from a position in one pay grade to another position in a higher pay grade. When promoted, a fully qualified employee should receive the minimum of the pay range assigned to the new position or a 10% increase, whichever is higher.

An employee may be promoted to a higher level of the same position occupied by the employee, such as from Secretary I to Secretary II or from Teacher I to Teacher II, when certain criteria of the job description are met. An employee promoted within a series should be moved to the beginning of the pay grade, or receive 5%, whichever is higher. This may be done by recommendation from the supervisor, not subject to the recruitment process.

#### **VI. COMPENSATION INCREASES AND COST OF LIVING ADJUSTMENT**

Employee compensation within a pay grade is based on various measurable factors including, but not limited to: performance, increased responsibility without a change in job classification, length of service, meeting objective goals established in the last performance review, availability of program funds, and external market factors.

A. **MERIT INCREASE:** An employee may be eligible for a merit increase once a supervisor has conducted a performance evaluation with the employee. A merit increase cannot be paid more than once every 12 months.

The supervisor is responsible for conducting a performance evaluation with each employee. A pay increase decision will follow program and agency guidelines and will be based on a combination of, but not limited to the following: performance, pay grade, length of service, and program budget considerations.

Merit increases are outlined as follows:

|                                  |                           |
|----------------------------------|---------------------------|
| Overall Evaluation Rating:       | Overall Evaluation Score: |
| Exceptional/Exceeds Expectations | 4.0                       |
| Above Expectations               | 3.00-3.99                 |
| Meets Expectations               | 2.00-2.99                 |

|                                   |        |
|-----------------------------------|--------|
| Below Expectations/Unsatisfactory | 0-1.99 |
|-----------------------------------|--------|

An employee may be eligible for an annual merit increase following the above evaluation rating and corresponding score. Merit increase amounts may be implemented at proportional rates based upon program budget for personnel costs and salary increases. Program personnel costs and budget for increases should be analyzed prior to the budget year, starting to ensure equitable and fair notice to all affected staff.

Additionally, an employee subject to formal disciplinary action (written reprimand, final notice, or suspension) is not eligible for a merit increase.

B. Cost of Living Adjustment (COLA): The Agency recognizes that inflation and increased cost of living impacts employees. Cost of Living Adjustments are not automatic or guaranteed. A proposed COLA amount will be determined based upon availability of funds, increases implemented during the same fiscal year and other factors. A COLA will be implemented agency-wide as recommended by the Chief Executive Officer, with consideration from the Chief Financial Officer and Human Resources Office, and with approval of the Board of Commissioners.

C. Other: Recommendations for salary adjustments outside of this policy' must be submitted with a letter of justification to the responsible Officer for approval. Final approval will be issued by the Human Resources Office after being reviewed for equity, impact and overall fairness.

Employees who have reached the maximum of the pay range for their job will not be eligible for further salary increases unless the range is adjusted, except for a Cost-of-Living Adjustment.

Employees covered by a collective bargaining agreement are not eligible for increases outside of the negotiated wages.

## **VII. TEMPORARY INCREASES/INTERIM ASSIGNMENTS**

A. Temporary Increase: An employee who is performing additional work in the same capacity for at least 10 consecutive working days will normally be compensated with a 5% salary increase for the duration of the increased workload. This temporary increase may occur for a variety of reasons including, but not limited to: an employee in the same job title being on vacation, a leave of absence or a vacancy existing. The increased workload should not last for more than four (4) months.

B. Interim Assignment: An employee may be placed on interim assignment to a position that is vacant or created for a temporary need. The employee must meet the qualifications of the position and should be paid the minimum of the new pay grade or receive a 10% increase, whichever is higher.

## **VIII. RECLASSIFICATIONS**

Reclassifications may be made when a major change in the position content occurs, or when the incumbent in the position relinquishes or assumes substantial responsibilities and/or requires a marketplace adjustment. When a position warrants reclassification, the job description will be reviewed, reevaluated, and assigned to the proper pay grade.

If, as a result of reevaluation, a position is changed to a higher or lower pay grade, a change in pay rate should be considered. If the employee's position is evaluated to a higher pay grade, the rate should be increased to reflect the minimum of the new grade. If the employee's position is evaluated to a lower pay grade, the rate will remain the same unless it is above the maximum of the new pay range, in which case it will be adjusted to the maximum of the pay range, subject to program funding.

When an employee is demoted, the rate will be continued, provided it does not exceed the maximum of the salary range of the new classification. If the employee's current rate exceeds the maximum of the new classification, the rate will be adjusted to the new maximum, subject to program funding.

## **IX. TRANSFERS**

Transfers may be from one position to another within the same pay grade or from a position in one program to a position of equal value in another program (see Policy 1120, Transfers and Promotions). An employee transferred to a job within the same pay grade will continue to receive their existing rate of pay.

## **X. DEMOTION**

Demotion is the movement from a position in a higher pay grade to a position in a lower pay grade. An employee may be demoted due to: disciplinary action reasons, lack of work, budgetary reasons, reorganization, or at their own request. The employee will usually be paid at their former rate, unless the former exceeds the maximum rate of the new job in which case the employee will be paid the maximum rate of the new job.

## **XI. APPROVAL OF WAGE AND SALARY ADJUSTMENTS**

A. Forms: A formal procedure has been established for recording employment status and changes to an employee's rate, classification, and/or assignment. The Employee Form and Temporary Payroll Notice are the only official methods by which supervisors can be assured that their recommendations for changes will be recorded on all pertinent records. All requests for pay adjustments must be accompanied by appropriate documentation, which may include performance evaluations to support the request.

B. Approval: The Employee Form or Temporary Payroll Notice requesting any change must be completed and signed by the supervisor, program manager and/or director. The signed form will be submitted to the Human Resources Office for implementation of the change and filing in the employee's personnel file. Proposed changes related to pay shall not be discussed with the employee until final approval has been received.

## **POLICY 2030 GARNISHMENTS**

**PURPOSE:** To establish a procedure for the proper handling of garnishments against employee wages.

**POLICY:** It is the policy of Fresno EOC to comply with garnishment orders. Garnishments are court orders to an employer to withhold a sum of money from an employee's wages or salary. Because both federal and state laws govern garnishments, it is the policy of Fresno EOC to process them within the requirements of state law, Title III of the Consumer Credit Protection Act, and the Child Support Enforcement Program.

**REFERENCE:** Consumer Credit Protection Act 15 U.S.C. §§ 1671 et. seq. Child Support Enforcement Program 42 U.S.C. §§ 654 and 666, Bankruptcy Act of 1978 and the Bankruptcy Act Amendments of 1984 11 U.S.C. § 525(a) and (b).

### **PROCEDURES:**

#### **I. RESPONSIBILITY**

A. Employee: Employees are responsible for managing their personal finances so that they do not adversely impact job performance. The failure of an employee to meet their financial obligations may impose an administrative and financial burden on Fresno EOC in terms of the expense and bookkeeping in responding to and complying with court orders.

B. Payroll: Any writ of garnishment or attachment, notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee served on Fresno EOC is to be referred to the Payroll Office. The Payroll Office will take immediate action and ensure that the employee receives a copy of the order. The employee will be encouraged to take care of the financial obligation, if possible, and obtain a release of the garnishment prior to any deductions being taken from the employee's wages. The Payroll Office will be responsible for receiving the garnishment order and deducting the proper amount each pay period in accordance with federal and state law until the obligation is met.

#### **II. TYPES OF GARNISHMENTS**

Garnishments are legal claims against an employee's wages and may be in the form of federal or state levies for taxes, child support orders, or other court-ordered claims for indebtedness. Each of the forms of garnishments has different preferences and deduction requirements from employee disposable earnings. Disposable earnings are defined as that part of the employee's earnings after deductions required by law. These deductions include federal and state income taxes, social security taxes, state disability payments and state paid family leave.

Fresno EOC will withhold amounts required by the garnishment or wage order from the disposable earnings up to the amounts permitted by law.

#### **III. DISCIPLINARY ACTION**

No employee will be terminated from employment because earnings have been subjected to garnishment for one indebtedness within one year, even if it is for more than one garnishment for the same indebtedness. However, repeated garnishments for more than one indebtedness may result in disciplinary action, up to and including termination, depending on the circumstances of the case and any restrictions under state and federal law.

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## **POLICY 2040 – DISCRETIONARY BONUS INCENTIVE POLICY**

**PURPOSE:** To provide an effective means to motivate and compensate eligible employees through discretionary monetary award bonuses for exceptional performance, significant contributions, and substantial accomplishments well beyond normal or regular work responsibilities. A discretionary bonus does not increase the base salary nor serve as a means to give a larger annual increase. This bonus is given at the discretion of the Program Director with approval from the CEO. Fresno EOC believes that such discretionary compensation can be a highly effective means to enhance the employer-employee relationship. In addition, Fresno EOC hopes that by providing discretionary short-term bonuses, the Agency will motivate and increase the retention rate among its employees, which, in turn, will enhance Fresno EOC's long-term value.

**POLICY:** It is the policy of Fresno EOC to provide, at the sole and total discretion of the Program Director and CEO, a discretionary bonus to employees for the exceptional performance, significant contribution, and substantial accomplishments of employees that go well beyond normal or regular work responsibilities. There is no guarantee or promise, whether express or implied, to pay employees a discretionary bonus. No oral promise to award a discretionary bonus by any officer, director, manager, or supervisor is enforceable. Fresno EOC will only honor written bonuses that have been approved by the Program Director and CEO. This discretionary bonus is only applicable when funds are available and cannot be awarded more than once annually.

### **ELIGIBILITY:**

Employees may be eligible for a discretionary bonus, at the sole discretion of the Program Director and CEO, provided the following performance standards are met:

- 1) Significant and outstanding contribution and effort well beyond normal expectations and day-to-day responsibilities.
- 2) Contribution is regarded as major, key, or vital.
- 3) Extraordinary effort to meet quality and quantity requirements while meeting the essential requirements and performance standards of the regular job.

Employees may receive a discretionary bonus only if they are employed on the date the payment is processed and have not indicated an intent to resign.

Employees may not be rewarded twice for the same performance standards described in 1-3, above. A discretionary bonus must not be used in place of additional job responsibilities that may be assigned or overtime payment in circumstances where the employee is entitled to such premium wage.

Employees should not receive more than one discretionary bonus within a 12-month period.

The establishment of a discretionary bonus does not constitute a contract for continued employment or alter the at-will relationship between the employee and Fresno EOC.

#### **PROCEDURES:**

Appropriate documentation for the discretionary bonus must be in writing and must include the following information:

- Brief and specific description of the bonus plan
- Date or timeframe of contribution or event
- Discretionary bonus amount
- Approval signatures from Program Director and Program Officer.

Programs must ensure that funds are available. If necessary, all formal programmatic recommendations and approvals must be obtained prior to awarding discretionary bonuses. A discretionary bonus must be made as a one-time payment and must not be added to an employee's base salary.

Fresno EOC will deduct any federal, state, or local income tax withholding requirements or other tax requirements or withholdings applicable to the discretionary bonus, and all such determinations shall be final and conclusive.

A discretionary bonus will not be included in employee benefits-related calculations (i.e. retirement and pension benefits) or regular rate of pay. The discretionary bonus is not measured by or dependent upon hours worked, production or efficiency.

Programs must apply extreme care when awarding a discretionary bonus inasmuch as these awards may give rise to perceptions of favoritism and inequality. Programs must consistently and fairly apply the standards for awarding a discretionary bonus.

Fresno EOC reserves the right to dismiss any employee at-will (at any time, with or without prior notice, with or without cause), or otherwise implement other personnel or disciplinary actions to the employee to the same extent as though the discretionary bonus had not been adopted.

Fresno EOC (CEO) may terminate or revoke any discretionary bonus, at its sole discretion, at any time and amend, from time to time the discretionary bonus without the approval of any employee.



## **POLICY 2050 – PAY SCALE INFORMATION**

**PURPOSE:** To comply with pay posting requirements and limitations on the ability to require an applicant to provide or rely on salary history information in determining whether to hire an applicant or what salary to offer the applicant.

**POLICY:** It is the policy of Fresno EOC to comply with pay posting requirements and limitations on its ability to require an applicant to provide or rely on salary history information in determining whether to hire an applicant or what salary to offer the applicant.

**REFERENCE:** CA Labor Code section 432.2

### **PROCEDURES:**

Fresno EOC does not rely on the salary history of a job applicant in deciding whether to extend an offer of employment or what salary to offer unless the applicant voluntarily discloses this information. Fresno EOC also does not seek, either personally or through an agent, salary history information about an applicant. Moreover, upon request, Fresno EOC will provide existing employees the pay scale (defined as “the salary or hourly wage range that the employer reasonably expects to pay for the position”) for the position in which the employee is currently employed. Fresno EOC will maintain records of a job title and wage rate history for each employee for the duration of the employment plus three years after the end of the employment. Pay scales will also be included for a position in any job posting. If Fresno EOC engages a third party to announce, post, publish, or otherwise make known a job posting, it will provide the pay scale to the third party and the third party should include the pay scale in job postings.

## **POLICY 3010 HOLIDAYS**

**PURPOSE:** To observe and allow time off with pay for designated holidays.

**POLICY:** It is the policy of Fresno EOC to designate and observe certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed. The following holidays are observed; however, Fresno EOC reserves the right to amend this policy at its discretion:

New Year's Day  
Martin Luther King Jr. Day  
Lincoln's Birthday  
Washington's Birthday (President's Day)  
Cesar Chavez Day  
Memorial Day  
Juneteenth  
Independence Day  
Labor Day  
Indigenous People's Day  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day through New Years Day

### **PROCEDURES:**

#### **I. ELIGIBILITY**

All regular full-time employees are eligible to receive their regular rate of pay for each observed holiday. Regular part-time employees are eligible to receive holiday pay only for holidays on which they would normally be scheduled to work, and only for their regularly scheduled number of hours.

Temporary and substitute on-call employees are treated the same as full-time or part-time employees for holiday purposes, depending on whether such temporary or substitute employee is working full-time or part-time.

Employees on leaves of absences, seasonal breaks, or on lay-off status are not eligible to receive holiday pay.

To receive holiday pay, an eligible employee must work the day before and after a holiday or taking approved vacation.. An employee **who calls out the work day before or after a holiday is not eligible for holiday pay.**

#### **II. HOLIDAY SCHEDULE**

An approved holiday that occurs on a Saturday or Sunday will be observed on either the preceding Friday or following Monday, respectively.

Holidays that occur during an employee's vacation will not be counted as vacation days taken.

Fresno EOC may schedule work on an observed holiday, as it considers necessary. Normally, work on an observed holiday will be paid as if the day were a regularly scheduled day. The responsible Officer will determine if the employee receives additional pay for the day or take a paid day off at another time. However, Fresno EOC may, at its discretion, require an employee to work on scheduled holidays and provide pay in lieu of time off.

### **III. HOLIDAY PAY**

Non-exempt employees who are required to work on a designated holiday will be paid their regular rate of pay plus holiday pay or be allowed to observe the holiday by taking off another day approved by the employee's supervisor and program manager/director within the same workweek. Holidays that are observed and not worked will not be considered as time worked for the purpose of calculating overtime.

### **IV. OTHER HOLIDAYS**

Fresno EOC recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in Fresno EOC's regular holiday schedule. Accordingly, employees who would like to take a day off for those reasons may do so if it will not impose an undue hardship on the ability of Fresno EOC to conduct business, and the time off is requested and approved in advance by the employee's supervisor. Employees may use accumulated days of paid vacation for these occasions, or they may take the time off as an unpaid, excused absence.

### **V. HOLIDAY PROCEDURES RELATING TO SOUL TEACHERS**

SOUL teachers observe holidays in alignment with Fresno Unified School District holidays.

## POLICY 3020 VACATION

**PURPOSE:** To establish a vacation plan for the benefit of regular full-time and eligible part-time employees.

**POLICY:** It is the policy of Fresno EOC to provide vacation benefits to eligible employees to enable them to take paid time off.

### PROCEDURES:

#### I. ELIGIBILITY

All regular full-time and part-time employees working thirty (30) hours or more per week are eligible to accrue vacation benefits based on their continuous length of service, measured from the date of hire or date from which the employee became eligible for vacation benefits. Continuous length of service is defined as service that is uninterrupted by termination of employment and subsequent rehire by Fresno EOC.

#### II. VACATION ACCRUAL

A. Full-time Employees: Vacation accrues according to the following schedule:

| Years of Continuous Service                                   | Vacation Accrual                                                                   |
|---------------------------------------------------------------|------------------------------------------------------------------------------------|
| Date of hire or eligibility through completion of second year | 1-1/4 working days for each full month worked up to a maximum of 15 days per year. |
| Third year and thereafter                                     | 1-2/3 working days for each full month worked up to a maximum of 20 days per year. |

Vacation accrues on a bi-weekly basis based on the number of hours worked. To receive a full accrual for the month, employees must either work the full bi-weekly period or receive paid time off. Any unpaid time off will affect the vacation accrual.

B. Part-time Employees: Regular part-time employees working a minimum of thirty (30) hours per week accrue vacation benefits on a pro rata basis which relates to the average number of hours worked to a regular full-time work week. Part-time employees who work less than thirty (30) hours per week do not accrue vacation benefits.

C. Temporary and On-Call Employees: Temporary and On-Call employees do not accrue vacation benefits.

D.. Maximum Accrual: Vacation accruals may not exceed twice an employee's current annual entitlement (e.g., 30 days for an employee with less than two years of service or 40 days for an employee with more than two years of service). Once this maximum is reached, all further accruals will cease. Vacation accruals will recommence after the employee has taken vacation and accrued hours have dropped below maximum.

E. Vacation Accrual during Periods of Leaves of Absence: Vacation time does not accrue during a leave of absence. Vacation accruals recommence when the employee returns to work. Vacation accrual will be tracked on employees' itemized wage statements.

### **III. VACATION APPROVAL AND SCHEDULING**

A. Vacation Approval: All vacations must be approved in advance by the employee's immediate supervisor, program manager/director.

B. Vacation Scheduling: Scheduling of vacations is to be done in a manner consistent with Fresno EOC's operational requirements. Vacation requests should be submitted by an employee to their immediate supervisor for approval at least two weeks prior to the commencement of a vacation period or as requested by the program director. Fresno EOC reserves the right to deny the employee's requested date(s) of vacation if granting such vacation time will disrupt Fresno EOC's business. In the event two or more employees have requested vacations covering the same period and may not be absent simultaneously, preference shall be given to the employee with the greater length of service.

C. Vacation Advances: An employee is not permitted to borrow on future accrual of vacation benefits unless otherwise agreed upon by the responsible Officer who must approve any exceptions or as otherwise provided by specific program needs such as mandatory seasonal closures, such as Head Start that close for winter break or as required for program necessities.

### **IV. VACATION USE**

Accrued vacation must be taken in increments of at least 30 minutes.

Employees who request family or medical leave (see Policy 4010, Family and Medical Leave and California Family Rights Act) may apply any available accrued vacation pay to their family or medical leave.

No allowance will be made for sickness or other compensable absence occurring during a scheduled vacation.

### **V. VACATION PAY**

Vacation pay for full-time and part-time employees will consist of the employee's base rate of pay for the vacation period and will be paid on the regularly scheduled payday.

No vacation cash outs are allowed. On termination of employment, the employee will be paid all accrued but unused vacation at the employee's base rate of pay at the time of termination.

Employees may utilize vacation accruals while on protected leave.

### **VI. VACATION PROCEDURES RELATING TO SOUL TEACHERS**

SOUL teachers do not accrue vacation benefits.

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## **POLICY 3030 SICK TIME**

**PURPOSE:** To help prevent loss of earnings that may be caused by personal or family illness or injury. This policy is for the benefit of eligible employees and should be used wisely. This is separate from the Paid Sick Leave Policy.

**POLICY:** It is the policy of Fresno EOC to permit employees to be absent from work for personal illness or injury or the illness or injury of a family member, as defined in Section I (A) of Policy 4010 or registered domestic partner, or the child of a registered domestic partner, which requires immediate attention.

**REFERENCE:** California Labor Code § 233, California Labor Code sections 245-249 and section 2810.5.

### **PROCEDURES:**

#### **I. DEFINITION**

Sick time is time off from work that employees can use during periods of temporary illness to address their health and safety needs or that of a family member as defined in section IV of this policy. Sick time that is longer than five (5) days may be designated as Family and Medical Leave Act if all criteria is met and must be converted to an approved leave of absence for employment rights to be maintained (see Policy 4010, Family and Medical Leave and California Family Rights Act). Fresno EOC reserves the right to amend this policy at its discretion.

#### **II. ELIGIBILITY**

All regular full-time and part-time employees working thirty (30) hours or more per week are eligible to accrue sick time benefits.

Part-time employees working less than thirty (30) hours per week, temporary, and on-call employees are not eligible to participate in this program but may take unpaid absences if approved by their supervisor.

All employees are eligible for Paid Sick Leave (PSL) (see Policy 3040, Paid Sick Leave).

#### **III. ACCRUAL**

All regular full-time employees are eligible to accrue up to a maximum of seven (7) days of sick time per calendar year. Eligible part-time employees are eligible to accrue sick time on a pro rata basis which relates the average number of hours per week worked to a regular full-time workweek. Sick time accrues on a bi-weekly basis. Sick time may not accrue during any unpaid time off. To receive a full accrual for the pay period, employees must either work the full bi-weekly period or receive paid time off.

#### **IV. USE OF SICK TIME**

Sick time may be taken for personal illness or injury, disability, illness of a family member such as a child, spouse or parent, registered domestic partner or the child of a registered domestic partner, or for a family care or medical leave purpose (see Policy 4010, Family and Medical Leave and California Family Rights Act). Hours absent for medical and dental appointments will be treated as sick time. When possible, employees are expected to plan medical appointments in a manner that minimizes a disruption of the workflow.

Employees must use sick time in no less than a minimum of thirty (30) minutes. Employees' sick time will be tracked on their itemized wage statement.

## **V. KIN CARE**

Kin care may be used when an employee needs time to care for themselves or a family member. Kin care runs on a calendar year and resets on January 1. An employee may use up to one-half of their annual sick time accrual, once it has actually accrued. The amount of sick time available for kin care does not carry over from year to year.

A family member means any of the following: a child (biological, adopted, foster, step, legal ward, child to whom the employee stands in loco parentis); parent (biological, adoptive, foster, step, legal guardian of employee or employee's spouse or registered domestic partner or a person who stood in loco parentis when employee was a minor child; spouse; registered domestic partner; grandparent; grandchild; sibling; and designated person. A "designated person" is defined as "a person identified by the employee at the time the employee requests paid sick days." Employees are limited to designating one designated person per 12-month period for sick days. Management retains the right to request verification at any time from a licensed health care provider for any absences related to kin care.

Fresno EOC will not retaliate against an employee for using or attempting to use sick time for kin care.

Sick time used for kin care, up to one half of the employee's annual accrual, will not count towards Fresno EOC Attendance Policy (see Policy 1160 Punctuality and Attendance).

## **VI. MAXIMUM ACCRUAL**

Sick time may be accumulated up to a maximum of sixty (60) working days or 450 hours for use in future years.

## **VII. SICK PAY**

Eligible employees will be compensated for regular base wages lost during certain periods of absence to the extent that they have accumulated days of sick time under this policy. Sick time will be paid at the employee's base rate of pay and paid for regularly scheduled workdays.

Compensation for absences will not be granted before sick time has been accrued. Sick time will not be considered as work time for calculating weekly overtime compensation.



No unused sick time benefits will be paid upon termination of employment or retirement.

#### **VIII. REQUEST/APPROVAL PROCESS**

A timekeeping request must be completed for each absence and approved by the employee's supervisor. After exhaustion of PSL, management retains the right to request verification of absence from a licensed health care provider after three (3) days. Employee must submit verification of absence on the day they return to work to confirm fitness for duty. . Sick pay may be denied if a satisfactory verification is not provided by the employee upon request by the supervisor.

An employee will not be allowed to use more than their accrued sick time balance. In the event an employee is unable to report to work due to personal or family illness or injury, the employee's supervisor or program manager/director must be directly contacted no later than the normal reporting time or adhere to the location reporting procedure. The date of return must be provided. If unknown, the employee's supervisor or program director/manager must be directly contacted each day prior to the normal reporting time, unless a written statement has been provided by a licensed health care provider.

#### **IX. COORDINATION OF SICK TIME BENEFITS WITH WORKERS' COMPENSATION AND NON-OCCUPATIONAL DISABILITY OR MEDICAL LEAVES OF ABSENCE**

An eligible employee may use sick time benefits during the applicable waiting period prior to being paid workers' compensation temporary disability benefits. Similarly, an employee may be paid sick time benefits during the applicable waiting period before becoming eligible for benefits under the state disability or paid family leave insurance plan.

Following the applicable waiting periods, an employee may continue to receive accrued sick pay, less the disability benefits actually received or the disability benefits that would have been received had the employee made timely application to the appropriate agency.

## **POLICY 3040 PAID SICK LEAVE**

**PURPOSE:** To ensure that all Fresno EOC employees can address their own health needs and the health needs of their family by providing paid sick days including time for family care. In addition, Fresno EOC strives to enable its employees to seek early and routine medical care for themselves and their family members and to provide leave for victims of domestic violence, sexual assault, or stalking.

**POLICY:** It is the policy of Fresno EOC to provide State-mandated Paid Sick Leave (PSL) to every employee. PSL is different and separate from Policy 3030 (Sick Time).

**REFERENCE:** California Labor Code sections 245-249 and section 2810.5, SB 616.

### **PROCEDURE:**

#### **I. DEFINITION(S)**

Paid Sick Leave (PSL) is leave used for the diagnosis, care or treatment of an existing condition, or preventive care, for the employee or for a family member. This also includes leave used by employees who are victims of domestic violence, sexual assault, or stalking.

For purposes of sick leave use, employee includes full-time, part-time, and temporary employees, and family member includes child, parent, spouse, registered domestic partner, domestic partner's child, grandparent, grandchild, sibling, and designated person. A "designated person" is defined as "a person identified by the employee at the time the employee requests paid sick days. Employees are limited to designating one designated person per 12-month period for sick days. "Child" is defined as a biological, foster, or adopted child; stepchild; legal ward; or a child for whom you accepted the duties and responsibilities of raising, even if the child is not your legal child. "Parent" is defined as your biological, foster, or adoptive parent; stepparent; legal guardian of the employee or the employee's spouse or registered domestic partner; or a person who accepted the duties and responsibilities of raising the employee, even if parent is not the employee's legal parent, when the employee was a minor child. "Spouse" is defined as your legal spouse according to the laws of the State of California, which does not recognize "common law" spouses (a union which has not been certified by a civil or religious ceremony). "Domestic partner" is defined as another adult with whom you have chosen to reside and with whom you have filed a Declaration of Domestic Partnership with the Secretary of State. A "domestic partner's child" is the biological, foster, or adopted child; stepchild; or legal ward of your domestic partner; or a child for whom your domestic partner has accepted the duties and responsibilities of raising, even if the child is not your domestic partner's legal child.

#### **II. ELIGIBILITY**

All employees who have been employed by Fresno EOC for 30 or more days within a year from the beginning of employment will be entitled to PSL.

#### **III. FRONT LOAD BASIS**

Employees will be provided forty (40) hours, or five (5) days, whichever is greater, which an employee may use on or after the 90<sup>th</sup> day of employment.

For purposes of calculating PSL, employees who are exempt from overtime as an administrator, executive or professional under the appropriate wage order will be deemed to work their regularly scheduled workweek. All other employees must keep a record of hours worked so that Fresno EOC can properly account for accrued sick leave.

#### **IV. MAXIMUM EARNED**

Unused PSL cannot be carried over and will be zeroed out each year at the end of December and a new forty (40) hours, or five (5) days, whichever is greater, will be provided on the first of January.

Unused PSL will not be paid to the employee at the separation of employment. However, if the employee is rehired by Fresno EOC within one year of the date of separation, previously accrued but unused PSL will be reinstated at rehire.

#### **V. USE OF PAID SICK LEAVE**

Employees requesting time off under this policy should provide notice of the need for leave as soon as practicable, and in advance, if foreseeable. A request for time off can be made orally or in writing.

Employees must use PSL in no less than a minimum of one (1) hour.

An employee cannot use more than forty (40) hours, or five (5) days, whichever is greater, of PSL in each calendar year of employment. Fresno EOC will not lend PSL to employees in advance (i.e., employees are not allowed to have a negative balance for this benefit).

Employee must designate if leave used will be PSL (Paid Sick Leave). Designation must be made as soon as reasonable or within the current pay period. If no designation is given by the employee, Fresno EOC may designate the time off according to Sick Time Policy (see Policy 3030, Sick Time). If no designation is given for the time off (even though the employee still has PSL available), and if the employee has exhausted their sick time, the time off shall be taken as unpaid. If PSL has been exhausted for the given year and if there is no sick time available, the time off shall be taken as unpaid.

Leave taken under this policy may run concurrently with leave taken under local, state or Federal law including leave taken pursuant to California Family Rights Act (CFRA) or Family Medical Leave Act (FMLA). Time off for medical and dental appointments will be treated as PSL.

#### **VI. APPROVAL OF PSL**

Fresno EOC will not retaliate against an employee for using or attempting to use PSL.

Time off for PSL will not count towards the Fresno EOC Attendance Policy (see Policy 1160 Punctuality and Attendance).

## **VII. PSL PAY**

PSL will be paid at the employee's hourly rate of pay. PSL benefits may be integrated with benefits provided under State Disability Insurance or Workers' Compensation. In no event shall the combination of disability benefits, plus PSL benefits, exceed regular earnings.

## **VIII. NOTICE TO EMPLOYEES**

A poster describing PSL rights shall be located in the break room or other common area frequented by staff.

Fresno EOC will maintain records documenting hours worked, PSL earned and used, and will make them available within 21 days upon request. Employees may designate paid sick leave as either for the employee's own health condition, for obtaining relief in the case of crimes or abuse, or for care of family members who have serious health conditions as provided.

## **POLICY 3050 INSURANCE BENEFITS**

**PURPOSE:** To summarize the insurance benefits available for employees of Fresno EOC.

**POLICY:** It is the policy Fresno EOC to provide its employees with various insurance benefits. Information and summaries intended to explain the various insurance benefit plans will be furnished to all plan participants. Fresno EOC reserves the right to modify, amend, or terminate its insurance plans as they apply to all current and former employees. The benefits offered to eligible employees include workers' compensation insurance; State Disability Insurance; medical, dental, vision, and prescription drugs insurance; group life, accidental death and dismemberment, and business travel insurance. Eligibility will depend upon the specific requirements of each benefit plan and is described in the summary plan document where applicable.

**REFERENCE:** Consolidated Omnibus Budget Reconciliation Act, California Labor Code Section 3700, Unemployment Insurance Code Section 3300-3306, Health Insurance Portability and Accountability Act.

### **PROCEDURES:**

#### **I. GROUP INSURANCE BENEFITS**

A. Insurance Coverage Information: Eligibility requirements and further information concerning insurance coverage are fully explained in the Group Health Plan Summary Plan Documents available from the Human Resources Office.

B. Group Health Insurance: The group health plan includes medical, vision, dental, and prescription drug coverage.

1. Eligibility: All regular full-time and part-time employees working thirty (30) hours or more per week and their dependents are eligible to participate in the group health plan beginning the first of the month following employment, provided an enrollment form is completed within thirty-one (31) days following employment. Those who are not eligible for the group health plan may be eligible for the sub on call plan based upon requirements as allowed by law. Employees who become eligible after employment may participate beginning the first of the month following eligibility, provided an enrollment form is completed within thirty-one (31) days of becoming eligible. Newly acquired dependents, such as by marriage, birth or by adoption, will become eligible on the effective date of the occurrence, provided an enrollment form is completed within thirty-one (31) days of the occurrence.
2. Open Enrollment: An annual open enrollment period of 30 days will be conducted each year for eligible employees and their dependents. Employees who did not enroll during the time periods mentioned above have an opportunity to enroll during this open enrollment period. The effective date of

coverage will be January 1, following submission and approval of enrollment selections.

3. Termination of Coverage: Insurance coverage terminates on the last day of the month that employment terminates or when an authorized leave of absence exceeds four (4) months unless the employee is on an approved CFRA leave preceded by PDL leave or as otherwise required by law.
4. Conversion/Post-Employment Insurance Options: Pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), eligible employees and their dependents are entitled to continue health insurance coverage after employment with Fresno EOC ceases. The Human Resources Office and/or the third-party administrator must provide employees with information on how they can continue health care coverage under COBRA.

C. Group Life Insurance: All regular full-time and part-time employees working thirty (30) hours or more per week are eligible for life insurance. Coverage begins on the first of the month following employment or eligibility. The maximum amount covered is described in the summary plan document.

D. Accidental Death and Dismemberment: All regular full-time and part-time employees working thirty (30) hours or more per week are eligible for accidental death and dismemberment insurance beginning on the first of the month following employment or eligibility. The maximum amount covered per loss is described in the summary plan document.

E. Premium Payments for Insurance Coverage: Employees who are enrolled in a group health insurance plan are required to participate in the cost of the insurance by having a deduction taken from their paycheck bi-weekly for use towards the premium cost. The employee is responsible for their benefit premiums while on protected leave. Any payments that have been missed even while on leave will be the responsibility of the employee. Failure to pay the employee portion of premiums could result in the loss of health insurance. Payment must be received in the Human Resources Office by the 25th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. Fresno EOC will provide 15 days' notification prior to the employee's loss of coverage.

Group health insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, will continue during an authorized leave of absence for up to the required amount allowed by the leave, in most cases up to four (4) months, provided the employee pays the required contributory amount. Employees returning from an authorized Leave of Absence will be reinstated into health coverage effective the 1st of the following month. After the four (4) month period, employees will be given the option to continue with group health insurance through COBRA.

## **II. OTHER INSURANCE BENEFITS**

A. Paid Family Leave (PFL): To protect employees who miss work due to a serious illness of a family member covered by California law, or to bond with the employee's new child, the new child of the employee's spouse or registered domestic partner or a child in connection with the adoption or foster care placement of the child with the employee's spouse or registered domestic partner, the law requires that a small percentage of each employee's wages, up to the prevailing maximum, be deducted each pay period for disability insurance. PFL provides up to eight (8) weeks of benefits in a twelve (12) month period based on the employee's earnings. Benefits are paid directly to the employee by the state. The program is under the state's disability insurance program and funded through an employee tax (SDI). Employees may receive SDI or PFL while on a protected leave covered under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), and Pregnancy Disability Leave (PDL). Claim forms and an informational brochure are available from the Human Resources Office or online at [www.edd.ca.gov](http://www.edd.ca.gov).

B. State Disability Insurance (SDI): To protect employees who miss work due to a non-work-related accident or illness, the law requires that a small percentage of each employee's wages, up to the prevailing maximum, be deducted each pay period for disability insurance. There is a seven-day waiting period before benefits are payable. Benefits are paid directly to the employee by the state. Disabled employees who are eligible will be paid a percentage of their regular earnings for a maximum period provided by law in any one year. Benefits are based on the wages paid during a specific 12-month base period, depending upon when the claim is filed. Claim forms and an informational brochure are available from the Human Resources Office.

Sick time benefits may be coordinated with SDI (see Policy 3030, Sick Time).

C. Worker's Compensation Insurance: Fresno EOC carries workers' compensation insurance coverage as required by law to protect employees who are injured on the job. In general, this insurance provides medical, surgical, and hospital treatment in addition to payment for loss of earnings that result from work-related injuries. Disability payments for qualified employees begin from the first day of an employee's hospitalization or after the third day following the injury if an employee is not hospitalized. Sick time benefits may be coordinated with workers' compensation benefits (see Policy 3030, Sick Time).

D. Business Travel Accident Insurance: The Group Travel Accident Insurance Plan provides all-risk accident protection against most types of accidents while an employee is traveling on business, including flying as a passenger (but not as a pilot or crew member) in any commercial non-charter aircraft or an aircraft operated by Fresno EOC. All employees are eligible for coverage under this plan when they are traveling on business for Fresno EOC. Business travel means travel for the purpose of furthering the business of the Fresno EOC. Injuries sustained during the course of everyday travel to and from work, leaves of absence or vacations are not, for the purpose of this insurance, regarded as injuries sustained during business travel. The maximum amount payable under this plan is described in the summary plan document. There is no additional cost to the employee for this benefit.

### **III. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT – PRIVACY RULE (HIPAA):**

The HIPAA Privacy Rule regulates the use and disclosure of Protected Health Information (PHI) held by “covered entities” (generally health care clearinghouses, employer-sponsored health plans, health insurers, and medical service providers that engage in certain transactions). PHI is any information held by a covered entity which concerns health status, provision of health care, or payment for health care that can be linked to an individual. This is interpreted broadly and includes any part of an individual’s disclosure of Protected Health Information (PHI) held by covered individual within 30 days upon request. They also must disclose PHI when required to do so by law such as reporting suspected child abuse to state child welfare agencies.

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## **POLICY 3060 RETIREMENT PLANS**

**PURPOSE:** To provide eligible employees with retirement benefits and provide all employees with the opportunity to establish a savings plan to supplement retirement income.

**POLICY:** It is the policy of Fresno EOC to provide a defined contribution retirement plan funded by contributions made by Fresno EOC. Additionally, Fresno EOC has established the opportunity for all employees to save for retirement through a voluntary, self-directed retirement plan. All benefits provided in the plan are described in the plan document which is available for review in the Human Resources Office by any plan participant or beneficiary.

**REFERENCE:** Pension Plan of Fresno EOC as amended; Internal Revenue Code § 415; Employee Retirement Income Security Act of 1974; 1991 Omnibus Bill. Internal Revenue Code § 403(b), (12); DOL Regulation 2510.3-29(f).

### **PROCEDURES:**

#### **I. RETIREMENT PLANNING**

In addition to providing a defined contribution retirement plan and a self-directed retirement savings plan, Fresno EOC provides financial planning services at no cost to employees. Employees can contact the Human Resources Office for contact information for the financial planning advisor.

#### **II. 401(a) RETIREMENT PLAN**

A. Summary: The 401(a) Retirement Plan is provided by the Agency at an equivalent of 5% of an employee's gross pay.

B. Eligibility: To become a participant in the plan, an employee must reach age 21, and complete six months of service. in which the employee worked at least 500 hours.

C. Vestment: An employee will be vested in the plan at two years of continuous service with the agency. Separation before completion of two years of service will result in forfeiture of the 401(a) plan.

D. Enrollment: An employee who becomes eligible will be notified of their eligibility and will automatically be enrolled in the Plan. All employees are required to designate a beneficiary.

E. Benefit Calculation:

1. An employee begins participating and receiving benefits on the first day of the month after meeting eligibility.
2. The agency contribution benefit is equal to 5% of an employee's gross pay each pay period.

F. Distribution of Funds: Employees should refer to the third-party administrator website for distribution and loan information.

### **III. 403(b) TAX SHELTERED PLAN**

A. Summary: The 403(b) plan gives an employee the opportunity to put contributions into a retirement savings plan. Employee participation in the program is voluntary.

B. Eligibility: An employee who normally works at least 20 hours per week is eligible to participate.

C. Enrollment: An employee can enroll in the voluntary contribution plan by registering an account and electing contributions.

D. Contributions:

1. This plan consists of voluntary contributions as elected by the employee. There are no employer contributions to this plan.
2. Contributions may be made as a percentage of pay or a fixed amount. Annual contributions are limited to the amounts allowed under IRC §415(b). Catch-up contributions under IRC §414(v) are allowed for employees over age 50.
3. The plan offers both pre-tax Salary Reduction and after-tax Roth Contributions options. Employees may elect to divide their contributions between these options.

E. Distribution of Funds: Employees should refer to the third-party administrator website for distribution and loan information.

### **IV. 457(b) DEFERRED COMPENSATION PLAN**

A. Eligibility: Employees may participate in the plan immediately if they belong to a select group of management or key highly compensated employees.

B. Enrollment: An eligible employee can enroll in the voluntary contribution plan by registering an account and electing contributions.

C. Contributions:

1. Eligible employees are allowed to make voluntary contributions to the plan up to the limits allowed under IRC §415(b); catch-up contributions are permitted under the 3-Year Special Catch-up rule.
2. Employer contributions that are non-elective and discretionary are allowed but must have appropriate approval.

D. Distribution: Employees should refer to the third-party administrator website for distribution and loan information.

## **V. PLAN REPORTING**

Quarterly financial and investment reports are prepared and reviewed by the assigned Finance Office staff and are approved by the Board of Commissioners or designated committee. Transaction and balance activity is gathered from the monthly statements received from the record-keeper.

Annual 1099-R and IRS Form 945 are processed by record-keeper.

Upon request, a report can be generated reflecting the balances in the plan by participant. Detailed information regarding employer and employee contributions, income, and withdrawals, is included. These reports and others are available through the third-party administrator website.

## **VI. AMENDMENTS/TERMINATION OF THE PLAN**

Fresno EOC reserves the right to amend the Retirement Plans. Plan amendments cannot reduce a participant's interest in the vested account balance, nor divert any portion of Plan assets to any purpose other than the payment of retirement benefits or defraying reasonable trust expenses. The Board of Commissioners of Fresno EOC has the authority to terminate the Plan by appropriate resolution and amendment. In the event of a Plan termination, a participant's interest in the Plan remains one hundred percent (100%) vested and non-forfeitable, and the participant's interest will be distributed as if the participant had terminated employment prior to retirement.

## **POLICY 3070 – VACATION DONATION POLICY**

**PURPOSE:** The purpose of vacation donation program is to provide employees facing medical emergencies themselves or by family members that will require prolonged absences from work and will result in a substantial loss of income to the employee. This policy enables employees to take the necessary time to address their personal or family needs without having to worry about the financial implications of being away from work for an extended period.

**POLICY:** It is the policy of Fresno EOC to endeavor to provide support to our employees when feasible.

### **REFERENCE:**

### **PROCEDURES:**

#### **I. BENEFIT OF VACATION DONATION PROGRAM**

The Vacation Donation Program demonstrates compassion and solidarity among colleagues. It allows employees to support each other during difficult times, fostering a sense of community and mutual care within the agency.

Vacation donation programs contribute to maintaining a healthy work-life balance, as well as allow employees to prioritize their well-being and attend to personal matters without compromising income. Employees who are assisted the vacation donation program to address medical emergencies are likely to return to work with a clearer mind and higher productivity.

#### **II. ELIGIBILITY**

**Donor:** Any employee who has accrued a minimum of one day of vacation time can donate to the program.

**Recipient:** An employee must be employed for at least twelve (12) months to be eligible to apply for and receive donated vacation time.

Employees who experience a qualifying medical emergency personally or with a family member's illness, or similar unforeseen circumstances that necessitate leave of absence and have exhausted all available paid leave options are eligible to receive donated vacation time.

#### **III. DONATION PROCESS**

Donors must submit a Vacation Donation Form to the Human Resources Office indicating the amount of vacation time they wish to donate. Non-exempt staff can donate in increments of

one hour; exempt staff can donate in increments of one day. Donations cannot exceed more than one-half of an employee's annual accrual. Once donated, the vacation time cannot be returned to the donor.

Donors can donate vacation time to the vacation donation bucket. Donated vacation pay will be paid as the receiving employee's base hourly rate of pay. Donor employees may not claim an expense, a tax deduction or a charitable contribution for any of the leave donated under the plan. All paid leave granted to the recipient employee is considered wages and is subject to appropriate tax withholding.

The Human Resources Office will verify the donor's eligibility and process the donation accordingly.

Donated vacation time will be maintained in a bucket until applied accordingly to an eligible recipient employee's balance.

#### **IV. RECIPIENT APPLICATION**

Employees seeking to receive donated vacation time must submit a written request to the Human Resources Office, along with supporting documentation outlining the circumstances necessitating additional leave (some exceptions may apply).

The Human Resources Office will review the application and determine the eligibility of the recipient based on the severity of the circumstances and the availability of donated vacation time.

#### **V. ALLOCATION OF DONATED TIME**

Donated vacation time will be allocated to recipients on a first-come, first-served basis, subject to approval by the Human Resources Office.

The maximum amount of donated vacation time a recipient may receive in a calendar year is twenty-five (25) days. Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act and other leave policies.

All information regarding the donation and recipient of vacation time will be kept confidential by the Human Resources Office and shared only with the relevant parties involved.

This Vacation Donation Policy may be revised as necessary by the Human Resources Office to ensure compliance with applicable laws and regulations and to address any unforeseen circumstances that may arise.

DRAFT

## **POLICY 3080 EMPLOYEE ASSISTANCE PROGRAM**

**PURPOSE:** The Employee Assistance Program is a confidential resource that helps employees deal with life's challenges and the demands that come with balancing home and work. The program provides professional counseling and referrals for a wide array of personal and work-related concerns.

**POLICY:** It is the policy of Fresno EOC to recognize that personal problems may have a negative impact on an employee's attendance, job performance, or behavior at work. Employees may occasionally benefit from professional assistance with personal problems. Accordingly, Fresno EOC provides an Employee Assistance Program (EAP) for all employees.

**REFERENCE:** California Labor Code §§ 1025-1026, Civ. Code § 56 et seq., California Constitution, Article 1, § 1.

### **PROCEDURES:**

#### **I. EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program is administered by an outside employee assistance firm. The EAP provides confidential and professional counseling and when appropriate, referral to other services to address personal problems. The EAP is offered to enhance personal well-being.

Employees who need assistance with a personal life situation should contact EAP. Although employees are encouraged to use the EAP, participation in the program does not relieve an employee of their obligation to perform their work in a satisfactory manner and to comply with other Fresno EOC rules and guidelines including Fresno EOC's Alcohol/Drug-Free Workplace policy.

If a violation of Fresno EOC's Alcohol/Drug-Free Workplace policy occurs, subsequently using the EAP will not necessarily lessen discipline and may, in fact, have no bearing on the determination of appropriate discipline (see Policy 5040, Alcohol/Drug-Free Workplace). The employee's decision to seek assistance from the EAP will not be used as a basis for discipline and will not be used against the employee in any disciplinary proceeding. On the other hand, using the EAP will not be a defense to the imposition of discipline where facts proving a violation of the Alcohol/Drug-Free Workplace policy are obtained outside of the EAP. Accordingly, the purpose and practice of the Alcohol/Drug-Free Workplace policy and an employee's use of the EAP are not in conflict and are distinctly separate in their application.

#### **II. ELIGIBILITY**

The Employee Assistance Program is offered to all employees and all household members.

#### **III. COUNSELING AND REFERRAL SERVICES**

The EAP program provides for up to three (3) free visits per six (6) month period for problem assessment, professional consultation, counseling, information, and/or referral. EAP counseling is typically a three-stage process that includes (1) clarifying the problem, (2) identifying the possible solutions, and (3) developing an action plan. If the action plan calls for treatment by another resource, participating employees will be responsible for paying those fees or some of the costs may be covered under the group health plan. EAP brochures and information for online resources are available from the Human Resources Office.

#### **IV. USE OF THE EAP**

Employees should make every effort to schedule EAP appointments before or after working hours, or during meal periods. EAP appointments scheduled during working hours will be treated the same as medical appointments and may be charged against sick time unless it is employer mandated.

#### **V. SELF-REFERRAL**

Any employee or dependent who desires confidential assistance with a personal problem should call EAP directly. The EAP will arrange for a counselor to see the individual for confidential consultation.

#### **VI. SUPERVISOR REFERRAL**

In collaboration with the Human Resources Office, supervisors may refer an employee to the EAP when the supervisor has reason to believe that an attendance, behavior, or work-performance problem may be the result of a personal problem. Employees may be required to attend the EAP as a condition of employment when deemed necessary. Fresno EOC, however, may take such steps as it deems appropriate in response to the underlying attendance, behavior, or work-performance problem.

#### **VII. CONFIDENTIALITY**

All EAP records and services are treated confidentially. The EAP will not share information concerning an individual's involvement in the program without the individual's written permission unless life, safety, or national security is seriously threatened, or disclosure is otherwise required by law.

If an employee is referred to the EAP by the employee's supervisor because of an attendance, behavior, or work performance problem, the EAP will confidentially inform Human Resources whether the employee attends the EAP session(s) and cooperates with the counseling plan. However, no further information will be shared by EAP without the employee's written permission.

#### **VIII. EMERGENCY RESPONSE TO CRITICAL INCIDENTS**



In the event of a crisis or a critical incident (e.g., suicide or death of a co-worker, critical accident), the EAP's Critical Incident Response Team responds by debriefing the individuals involved in the traumatic event.

#### **IX. QUESTIONS REGARDING EAP PROGRAM**

Questions regarding EAP services should be directed to the Human Resources Office or the EAP provider.

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## **POLICY 4010 FAMILY AND MEDICAL LEAVE AND CALIFORNIA FAMILY RIGHTS ACT**

**PURPOSE:** To define Fresno EOC's policy and procedures to provide (A) family care and medical leave in accordance with California's Family Rights Act and the Federal Family and Medical Leave Act of 1993:

**POLICY:** It is the policy of Fresno EOC to provide family, medical, pregnancy and other disability leaves of absences in accordance with applicable law.

**REFERENCE:** California Family Rights Act, California Labor Code §12945.2, 2 California Code of Regulations § 7291.2 et seq. and § 7297.0 et seq., and the Federal Family and Medical Leave Act of 1993, Genetic Information Nondiscrimination Act, California Labor Code § 132a.

### **PROCEDURES:**

#### **I. FAMILY AND MEDICAL LEAVE**

Fresno EOC recognizes that employees may need to provide care for their dependent children, elder parents and certain other family members as defined in Section I(A). Fresno EOC also recognizes that family care obligations can, at times, require an employee to be absent from the workplace for an extended period. For that reason, Fresno EOC has established the following Family and Medical Leave Policy. The intent of this policy is to enable employees to attend to serious medical conditions of certain family members, including their own serious health condition, when necessary. Fresno EOC follows the regulations set forth in the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). There are times when this leave runs concurrently with other forms of leave of absence.

**Employee Eligibility:** To be eligible for family and medical leave benefits under FMLA, you must: (1) have worked for Fresno EOC for a total of at least 12 months; (2) have worked at least 1,250 hours over the previous 12-month period; and (3) work at a location where at least 50 employees are employed by Fresno EOC within 75 miles. For eligibility under the CFRA, you must: (1) have worked for Fresno EOC for a total of at least 12 months and (2) have worked at least 1,250 hours during the previous 12-month period.

**Leave Available:** Eligible employees may receive up to a total of 12 workweeks of unpaid leave during a 12-month period. A 12-month period begins on the date of the employee's first use of family and medical leave. Successive 12-month periods commence on the date of an employee's first use of family and medical leave after the preceding 12-month period has ended. Leave may be used for one or more of the following reasons:

- a. The birth of the employee's child or placement of a child with the employee for adoption or foster care;
- b. To care for employee's family member who has a serious health condition, including a child (meaning biological, adopted, foster child, legal ward, stepchild, or child of a domestic partner or a person standing in loco parentis;

including adult child under CFRA and adult child under FMLA if incapable of self-care because of mental or physical disability), spouse (including domestic partner under CFRA), parent (including biological or an individual who stood in loco parentis; also including under CFRA foster or adoptive parent, parents-in-law, stepparent, or legal guardian), grandparent (under CFRA), grandchild (under CFRA), sibling (under CFRA), or a designated person (under CFRA; meaning any individual related by blood or whose association with the employee is the equivalent of a family relationship). A “designated person” is defined as “any individual related by blood or whose association with the employee is equivalent of a family relationship.” Employees shall designate a person at the time the employee requests leave and may limit an employee to one designated person per 12-month period for family care and medical leave;

- c. To take medical leave when the employee is unable to work because of a serious health condition; or
- d. For employees who need to take leave due to a “qualifying exigency” (“Qualifying Exigency Leave”) resulting from (See Section IV):
  - 1. Their spouse, son, daughter, and/or parent is a member of the Armed Forces (“Military Member”) being deployed on covered active duty to a foreign country; or
  - 2. Their spouse, son, daughter, and/or parent is a member of the National Guard or Reserves (“Military Member”) being deployed under a call or order to covered active duty to a foreign country.

For purposes of FMLA, a “serious health condition” entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:

a. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom), or any subsequent treatment in connection with such inpatient care: or

b. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(I) A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom) of more than five (5) consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(A) Two visits to a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider within 30 days of the beginning of the period of incapacity and the first visit to the health care provider taking place within seven days of the first day of incapacity, or

(B) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(ii) Any period of incapacity due to pregnancy, or for prenatal care.

(iii) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that involves at least two visits to a health care provider per year. Common ailments do not qualify for FMLA unless complications arise.

Under most circumstances, leave under federal and state law will run at the same time. However, leave because of the employee's disability for pregnancy, childbirth, or related medical condition is not counted as time used under CFRA. Time off because of pregnancy disability, childbirth, or related medical condition does count as family and medical leave under FMLA. Thus, employees who take time off for pregnancy disability and who are eligible for FMLA will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave. If you are pregnant, please review the pregnancy disability leave policy below and notify the Human Resources Office if you need leave due to your pregnancy.

Leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. CFRA/Baby Bonding leave taken for the birth or placement of a child will be granted in a minimum amount of two weeks. However, Fresno EOC will grant a request for a CFRA leave taken for birth/placement of a child for a period of less than two weeks' duration on any two occasions. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hours schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) over a 12-month period. In order for time to be counted toward Intermittent FMLA/CFRA. An employee must record intermittent FMLA/CFRA usage on their time sheet. In addition to the above-referenced family and medical leave, Fresno EOC also provides Military Caregiver Leave, which is a protected leave of absence for employees who are a spouse, son, daughter, parent or next of kin of a covered Military Member who need to take time off to care for:

The Military Member who, while on active duty with the United States Armed Forces, the National Guard, or Reserves, suffered or aggravated a "serious injury or illness" that:

- a. Requires the Military Member to undergo medical treatment, recuperation, or therapy as a result of that serious injury or illness; or

- b. Places the Military Member on the temporary disability retired list.

The Military Member who is a veteran of the Armed Forces, the National Guard, or Reserves (“Veteran Military Member”) who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave who suffered or aggravated a “serious injury or illness” that:

- a. Requires the Veteran Military Member to undergo medical treatment, recuperation, or therapy as a result of that serious injury or illness.

Under those circumstances, an affected employee is entitled to receive up to 26 weeks of unpaid leave in a single 12-month period, which can be taken either in one large block of time or intermittently. An employee who, in the same 12-month period, previously took other family and medical leave is entitled to receive Military Caregiver Leave, but, under those circumstances, the total leave taken will not exceed 26 weeks. For Military Caregiver Leave the 12-month period begins on the date of the employee’s first use of Military Caregiver Leave.

## **II. MILITARY FAMILY LEAVE**

A. Qualifying Exigency Leave - Eligible employees with a spouse, son, daughter, parent or next of kin on active duty, called to active-duty status, having veteran status and has been honorably discharged in the last five (5) years, in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies.

“Qualifying exigencies” include:

- a. Issues arising from a military member’s short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
- b. Military events and related activities (e.g. official ceremonies, programs, or events sponsored by the military or family support or assistance programs, and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross) that are related to the covered active duty or call to covered active duty status of a military member;
- c. Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a military member (e.g. arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the military member);
- d. Caring for a military member’s parent who is incapable of self-care when the care is necessitated by the military member’s covered active duty (e.g. arranging for alternative care, providing care on an immediate need basis,

admitting or transferring the parent to care facility, or attending meetings with staff at a care facility);

- e. Making or updating financial and legal arrangements to address a military member's absence;
- f. Attending counseling provided by someone other than a health care provider for oneself, the military member, or the child of the military member, the need for which arises from the covered active duty or call to covered active duty status of the military member;
- g. Taking up to fifteen days of leave to spend time with a military member who is on short-term, temporary rest and recuperation leave during deployment;
- h. Attending certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status, and addressing issues arising from the death of a military member; and
- i. Any other event that the employee and Fresno EOC agree is a "qualifying exigency" or that qualifies as such under Gov. Code § 12945.2 and Unemployment Insurance Code § 3302.2 where applicable.

B. **Military Caregiver Leave:** Eligible employees with a spouse, child, parent, or next of kin of a covered service member can take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. If a spouse or registered domestic partner both work for Fresno EOC and each wishes to take leave to care for a covered service member, the spouse or registered domestic partner may take a combined total of 26 weeks of leave and must take the leave within the 12-month period.

Certain restrictions on these benefits may apply.

**Notice & Certification:** If you need family and medical leave and/or Military Caregiver Leave, you may be required to provide:

- i. 30-day advance-notice when the need for the leave is foreseeable--where the need for leave is unforeseeable, please inform Fresno EOC as soon as reasonably practical. The employee must submit an electronic request, when able, for approval by the employee's immediate supervisor, program manager/director. If an employee fails to provide the requisite 30-day advance-notice for foreseeable events without any reasonable excuse for the delay, Fresno EOC reserves the right to deny the taking of the leave until at least 30

days after the date the employee provides notice of the need for family care or medical leave. If an employee fails to provide adequate certification the absence will not be covered or protected by FMLA/CFRA and the employee may be subject to discipline, up to and including termination, via the agency's standard attendance policy.

All requests for family care or medical leave should include the anticipated date(s) and duration of the leave.

- ii. Medical certification from a health care provider (both prior to the leave and prior to reinstatement) or, for Qualifying Exigency Leave, a copy of the military member's duty orders or other documentation issued by the military that indicates that the military member has been deployed to covered duty in a foreign country and the dates of the military member's deployment to that foreign country or for Rest and Recuperation leave, a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave. In addition, for Qualifying Exigency Leave, an eligible employee may be required to provide certification of the exigency necessitating leave. In providing this medical certification, Fresno EOC shall comply with the provisions of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits employers from requesting or requiring genetic information of an employee or family member of the employee, except as specifically allowed by law. To comply with GINA, Fresno EOC is asking that employees not provide any genetic information when responding to this request for medical information. Fresno EOC will not discriminate against any employee on the basis of his or her genetic tests, the genetic tests of that employee's family members, or the manifestation of a disease or disorder in family members of the employee.

The medical certification for leave for the employee's own serious health condition shall include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; and (c) a statement that, due to the serious health condition, the employee is unable to perform the functions of the position. In addition, Fresno EOC may require the employee to obtain a second opinion from a doctor of Fresno EOC's choosing at Fresno EOC's expense. If the employee's health care provider and the doctor providing the second opinion do not agree, Fresno EOC may require a third opinion, also at Fresno EOC's expense, performed by a mutually agreeable doctor who will make a final determination. Before permitting the employee to return to work, Fresno EOC requires the employee to provide medical certification that they are able to return to work. An employee may be denied reinstatement until certification is provided. An employee who is denied reinstatement due to a failure to provide medical certification for return to work, may be considered to have voluntarily resigned. An employee who does not provide a medical certification

within 15 days and remains absent from work may be considered to have voluntarily resigned.

Any request for medical leave for an employee's own serious health condition or for family care leave to care for a child, spouse, or parent with a serious health condition must be supported by medical certification from a health care provider. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after Fresno EOC's request for certification. Failure to provide the required medical certification within 15 days of being requested to do so may result in a denial of the employee's continued leave and the employee may be considered to have voluntarily resigned. Any request for an extension of the leave also must be supported by an updated medical certification by a health care provider. If a certification is incomplete or insufficient, Fresno EOC will inform the employee in writing of needed information to complete the medical certification. The employee must furnish the additional information within 7 calendar days or the request for leave may be denied, and the employee may be considered to have voluntarily resigned.

For Qualifying Exigency Leave, a copy of the military member's duty orders or other documentation issued by the military that indicates that the military member has been deployed to covered duty in a foreign country and the dates of the military member's deployment to that foreign country; or for Rest and Recuperation leave, a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave. In addition, for Qualifying Exigency Leave, an eligible employee may be required to provide certification of the exigency necessitating leave.

- iii. Periodic recertification when prior certification expires; and
- iv. Periodic reports during the leave.

When leave is needed to care for an immediate family member or your own serious health condition, and is for planned medical treatment, you must try to schedule treatment so as not to unduly disrupt Fresno EOC's operation. The medical certification for a child, spouse, or parent with a serious health condition shall include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) the health care provider's estimate of the amount of time needed for family care; and (d) the licensed health care provider's assurance that the health care condition requires family care leave.

Upon receiving notice of your need for family and medical leave and/or Military Caregiver Leave and absent any extenuating circumstances, Fresno EOC will notify you whether the leave will be designated as family and medical leave and/or Military Caregiver Leave within five business days of learning that leave is being taken for a qualifying reason.



A “child” includes a biological, adopted or foster child, stepchild, or a legal ward. “Parent” means a biological, foster, or adoptive parent, a stepparent, or a legal guardian. Parent does not include a parent-in-law. “Spouse” means a partner in marriage or a registered domestic partner.

**Compensation During Leave:** Family and medical leave is typically unpaid. However, an employee who is granted a medical leave shall be entitled to use any accrued sick time and/or vested vacation benefits during the period of leave. Sick time benefits may be coordinated with State Disability, Paid Family Leave and/or Workers' Compensation temporary disability benefits payable under such a plan, provided the employee has sick or vacation time and elects to coordinate the two benefits. Except to the extent that other paid time is substituted for family care or medical leave, family care (and medical) leave is unpaid.

If the leave is under FMLA only, the employee is required to use accrued and unused vacation or sick leave during the otherwise unpaid portion of the leave, unless otherwise prohibited by the law.

If the leave is under FMLA and CFRA, or CFRA only, for the employee’s own serious health condition, the employee is required to use accrued and unused vacation or sick leave during the otherwise unpaid portion of the leave, unless otherwise prohibited by the law.

If the leave is under FMLA and CFRA, or FMLA and PDL, or falls under more than one leave, the laws regarding use of vacation or sick leave that are more favorable to the employee will apply.

If the employee is receiving a partial wage benefit during the family and medical leave (during FMLA only, CFRA only, or FMLA and CFRA leave), the employer and employee may agree to use vacation or sick leave to supplement the partial wage replacement benefit, unless otherwise prohibited by the law.

The substitution of paid leave for family care or medical leave does not extend the total duration of family care and medical leave to which an employee is entitled to beyond 12 weeks in a 12-month period. For example, if an employee has accrued four weeks of unused paid vacation time at the time of the request for family care or medical leave; that paid vacation time will be substituted for the first four weeks of family care or medical leave, leaving up to eight additional weeks of unpaid leave.

**Benefits During Leave:** The Agency will maintain, for up to a maximum of 12 workweeks of family and medical leave and 26 weeks for Military Caregiver Leave, any group health insurance coverage that was provided before the leave on the same terms as if the employee had continued to work. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. In some instances, Fresno EOC may recover premiums it paid to maintain health coverage if you do not return to work following family or medical leave.

Employees on family care and medical leave accrue employment benefits, such as vacation benefits, or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual. However, where a CFRA baby bonding leave follows an employee's pregnancy disability leave, Fresno EOC will provide health coverage for the pregnancy disability leave, up to four months, and an additional 12 weeks of CFRA leave.

**Job Reinstatement:** Under most circumstances, upon return from family and medical leave, you will be reinstated to your previous position, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, upon return from a family and medical leave, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not gone on family and medical leave, or if your position has been eliminated during the leave, then you will not be entitled to reinstatement.

Prior to returning to work after taking family and medical leave for your own serious health condition, you will be required to submit a fitness-for-duty certification from your health care professional certifying that you are able to return to work. Failure to provide the fitness-for-duty certification in a timely manner may either delay your reinstatement to your position or result in a denial of your reinstatement request if the certification is never provided.

If you are returning from family and medical leave taken for your own serious health condition, but you are unable to perform the essential functions of your job because of a physical or mental disability, Fresno EOC will engage in the interactive process with you to determine if there is a reasonable accommodation that may be provided to enable you to perform the essential functions of your position to the extent that doing so would not create an undue hardship for Fresno EOC. Your use of family and medical leave will not result in the loss of any employment benefit that you earned or were entitled to before using family and medical leave.

**Unlawful Acts:** It is unlawful for Fresno EOC to interfere with, restrain, or deny the exercise of any right provided by state or federal family and medical leave law. It is also unlawful for Fresno EOC to refuse to hire or to terminate or discriminate against any individual for being involved in any proceedings related to family and medical leave.

Fresno EOC retains the discretion to transfer the employee temporarily to an alternative position with equivalent pay and benefits which better accommodates the leave.

### III.

## PREGNANCY LEAVE IN ACCORDANCE WITH THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

### A. Eligibility and Duration

1. Leave of Absence: Any employee who is disabled due to pregnancy, childbirth, or related conditions may take a pregnancy-related disability leave of up to four months. At the end of the pregnancy disability leave, an employee may request family care or medical leave to which the employee may be entitled under Section I of this policy (Family Care and Medical Leaves).

2. Temporary Transfer before Childbirth: An employee who is disabled due to pregnancy, childbirth, or related conditions may be entitled to transfer temporarily to a less strenuous or hazardous position or to less strenuous or hazardous duties if the transfer is medically necessary and the transfer can be reasonably accommodated. A written statement must be provided from a licensed health care provider stating the necessity of the transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties.

B. Substitution of Paid Leave for Pregnancy Related Disability Leave: An employee taking pregnancy related disability leave may, at her option, substitute accrued vacation time or unused sick time for all or a portion of the leave. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled.

The employee must provide the Agency with a certification from their healthcare provider. The medical certification should include:

1. The date on which the employee became disabled due to pregnancy or the date of the medical advisability for the transfer;

2. The probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and

3. A statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of their position without undue risk to themselves, the successful completion of their pregnancy or to other persons or a statement that, due to the pregnancy, a transfer is medically advisable.

C. Leave's Effect on Benefits: Group health and life insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, will be continued during the period of pregnancy-related disability leave for up to four (4) months provided the employee pays the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. Employees whose pregnancy-related disability leave is in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA. Pregnancy disability leave or a transfer begins when ordered by the employee's health care provider.

D. Other Terms and Conditions of Leave: Upon return from a pregnancy disability leave, the employee is required to provide medical certification from their health care provider that

they are able to return to work. Under most circumstances, upon submission of certification from a health care provider that the employee is able to return to work from a pregnancy disability leave, the employee will be reinstated to their same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if they had been continuously employed.

The provisions of Fresno EOC's Family Care and Medical Leave policy regarding the leave's effect on pay (Section I(C)), notice requirements (Section I(D)(1)), medical Certification requirements (Section I(D)(2)); and reinstatement (Section I(E)) also apply to all pregnancy-related disability leaves. However, for pregnancy-related disabilities, there is no process for obtaining more than one medical opinion. For the purpose of applying those provisions, an employee's pregnancy-related disability is considered to be a serious health condition.

#### **IV. SAFE HARBOR GENETIC INFORMATION NON-DISCRIMINATION ACT (GINA)**

The Genetic Information Notification Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or acquiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, Fresno EOC will not provide any genetic information when responding to a request for medical information. Genetic information, as defined by GINA, including an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual family member sought or received genetic services, and genetic information of a fetus carried by an individual or any individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

## 4020 INTERACTIVE PROCESS/LIGHT DUTY ASSIGNMENTS

**PURPOSE:** To define Fresno EOC'S interactive process for light duty and modified assignments.

**POLICY:** It is the policy of Fresno EOC to engage in the interactive process for light duty and modified assignments. Engaging in this process provides is a benefit to the employee and the agency.

### **PROCEDURES:**

Disability leave is required to reasonably accommodate employees with a qualified disability under the Americans with Disabilities Act (ADA), California Fair Employment and Housing Act, or with a workplace injury.

#### **I. REQUEST**

A. Extended Medical Leave will be granted and used as a reasonable accommodation during the interactive process if requested by the employee. This leave of absence will only be used to extend the period of absence due to an employee's medical disability. An employee, who qualified for FMLA/CFRA and/or PDL has exhausted their leaves and is unable to return to work after the allowable leave described in Section I and/or Section III of this policy, may request an extended medical disability leave in thirty (30) day increments or less. Initial requests for extended medical disability leave must be supported by a medical certification from a health care provider as defined in Section I(D)(2) of this policy. Any request(s) for extensions of this leave must be supported by a note from a health care provider. It is the employee's responsibility to provide the supervisor and/or program manager/director with a status report at least every thirty (30) days. Before returning to work following an extended medical disability leave, an employee must submit a licensed health care provider's verification stating the employee's ability to return to work with or without restrictions and the date the employee is able to return.

B. Status of Employee Benefits during Extended Medical Disability Leave: An employee who is granted an Extended Medical Disability Leave shall be entitled to use any accrued sick time and/or vested vacation benefits during the period of disability. Sick time benefits may be coordinated with State Disability and/or Workers' Compensation temporary disability benefits payable under such a plan, provided the employee has sick time and elects to combine the two benefits. Except to the extent that other paid leave is substituted for medical leave, the extended leave is unpaid.

C. Group health and life insurance benefits ordinarily provided by Fresno EOC and for which the employee is otherwise eligible may be continued during the extended disability leave but for no more than four (4) months total within a 12-month period, including benefits received during the previous 12-week period. The employee must pay the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the

employee's return, reinstatement of health benefits will occur on the 1st of the following month. Employees whose total medical leaves, including the extended leave, are in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA. If a covered person is totally disabled when coverage terminates, benefits will be provided for that totally disabling condition until maximum benefits are paid, the disability ends, or up to twelve (12) months have passed since termination of coverage.

## II. REINSTATEMENT FROM EXTENDED LEAVE

Except as provided by applicable law, Fresno EOC will make every effort to place an employee returning from an approved Extended Medical Disability Leave in the same or comparable position. If such position ceases to exist because of legitimate business reasons or if a position is not available, employment will be terminated, and the employee will be considered for future openings (see Policy 1090 Recruitment, Selection, and Employment). Employees who do not return after the period of the approved leave expires may be considered to have voluntarily resigned, unless unusual circumstances have prevented the return and a reasonable excuse has been offered and accepted within three (3) workdays after the period of the approved leave expired.

Procedures: When feasible, Fresno EOC will locate and assign temporary light duty work to employees who are temporarily unable to perform the essential functions of their job due to injury.

## III. LIMITATIONS

A temporary light duty assignment for an injured or ill employee shall stop when any of the following occurs: a) The employee is medically released to perform the essential functions of their regular position with or without reasonable accommodation; or b) A medical provider deems the employee temporarily unable to perform any work in any capacity; or c) A temporary light duty assignment is no longer available due to operational necessity and/or is otherwise no longer reasonable to provide; or d) The employee's temporary medical limitations and/or restrictions render them unable to continue performing the temporary light duty assignment; or e) The employee is medically determined to have a permanent limitation(s) and/or restriction(s) that prevent them from being able to perform the essential functions of their regular position. When this occurs, Fresno EOC will continue the interactive process by engaging in alternative work search and/or through exhaustion of the interactive process.

On the job injury/Occupational Disabilities: A temporary disability leave of absence to reasonably accommodate a work-related injury will be granted to any employee who sustains a work-related disability.

Disability leave under this section may run concurrently with any medical leave to which the employee is entitled under Section I of this policy. Employees taking disability leave must comply with the Family Care and Medical Leave provisions regarding substitution of paid leaves (Section I(B)), notice (Section I(D)(1)), and medical certification (Section I(D)(2)). An electronic request must be submitted to and approved by the employee's immediate

supervisor, program manager/director, and director. For the purpose of applying these provisions, occupational disability leave will be considered to be medical leave. The employee will be responsible for providing periodic updates to the supervisor and/or program manager/director at least every thirty (30) days during the leave concerning status, expected date of return, and continued intent to return to work upon expiration of the leave.

Subject to any limitations permitted by law, a leave of absence for a work-related disability shall be extended for the duration of the work-related disability until one of the following situations takes place:

- The employee is released with or without restrictions that can be accommodated.
- Fresno EOC receives medical evidence satisfactory to it that the employee will be unable to return to work.
- The employee resigns.
- The position which the employee occupied prior to the leave of absence ceases to exist; the employee requests an indefinite leave of absence; or the leave can no longer be accommodated because of legitimate business reasons.

#### IV STATUS OF EMPLOYEE BENEFITS DURING LEAVE

Accrued sick time benefits or vested vacation benefits may be coordinated with Workers' Compensation temporary disability benefits payable under such a plan, provided the employee has accrued sick time and/or vested vacation benefits and elects to combine the two benefits. Except to the extent that other paid time is substituted for medical leave, the leave is unpaid.

Group health and life insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, will be continued during the period of disability for up to four (4) months, and provided the employee pays the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. Employees whose occupational leave is in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA.

#### V. LEAVE'S EFFECT ON REINSTATEMENT

Before returning to work following a leave of absence for a work-related disability, the employee must provide a medical certification from a licensed health care provider stating the date and ability to return to work. Except as provided by applicable law, Fresno EOC will make every effort to place an employee returning from leave in the same or comparable position for which the individual is qualified unless such position is unavailable or ceases to exist because of legitimate business reasons. In such cases, the employee may be terminated

and may be considered for future openings (see Policy 1090, Recruitment, Selection, and Employment).

An employee who fails to report for work at the end of the approved leave may be considered to have voluntarily resigned unless unusual circumstances have prevented the return and a reasonable excuse has been offered and accepted within three (3) workdays after the employee was released to return to work.

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## **POLICY 4030 LEAVES OF ABSENCE**

**PURPOSE:** To clarify and distinguish the parameters and procedures for authorized leaves for eligible Fresno EOC employees.

**POLICY:** It is the policy of Fresno EOC to provide authorized leaves of absence for specified periods of time to all eligible employees on a non-discriminatory basis. Leaves will be considered for personal reasons, education, bereavement, and legally required absences as set forth below.

**REFERENCE:** California Labor Code § 230. California Election Code § 14350. California Labor Code § 1025. California Labor Code §§ 1040-1044. California Labor Code §§ 230.7-230.8. California Labor Code § 230.3, CA SB 579, CA SB 848.

### **PROCEDURES:**

#### **I. PERSONAL LEAVE**

Regular full-time and part-time employees may request a personal leave of absence without pay for personal compelling reasons for a reasonable period of time, up to thirty (30) days. Extensions may be granted in up to thirty (30) day increments due to special circumstances but may not exceed a total of four (4) months.

Personal leaves due to compelling reasons may involve circumstances such as family emergencies and family or personal disabilities for which the employee is not otherwise eligible for leave (see Policy 4010, Family and Medical Leave and California Family Rights Act).

A. Requests: An employee must submit a request for Personal Leave, accompanied by electronic time off requests, which must include the reason for the request, and approved by the employee's immediate supervisor and program manager/director. Requests for leaves of absences will be considered at the discretion of Fresno EOC and on the totality of circumstances, including, but not limited to the employee's length of service, performance, responsibility level, the reason for the request, the urgency of the situation, whether other individuals are already out on leave, and the expected impact of the leave on the employee's department. It is the employee's responsibility to report to work at the end of the approved leave.

B. Status of Employee Benefits during Personal Leave: During the leave of absence, the employee may use any accrued vacation benefits. However, the use of vacation benefits will not extend the duration of the leave. Group health and life insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, may be continued during the period of the leave, provided the employee pays the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. No vacation, sick time, or seniority will accrue during a leave without pay.

Any leave taken under this provision that qualifies as leave under the state and/or federal family/medical leave acts, will be counted as family/medical leave and charged against the entitlement of twelve (12) work weeks of family/medical leave in a twelve (12) month period.

C. **Leave's Effect on Reinstatement:** An employee who fails to report to work on the day after the leave expires will be considered to have voluntarily resigned, unless unusual circumstances have prevented the employee from returning and a reasonable excuse has been offered and accepted within three (3) workdays after the leave expired.

Every effort will be made to place an employee in the same or comparable position after the end of the leave unless such a position is unavailable or ceases to exist because of legitimate business reasons. If a position is not available, the employee will be laid off, and the employee may be considered for future openings (see Policy 1090 Recruitment, Selection, and Employment).

## **II. EDUCATIONAL LEAVE**

Regular full-time and part-time employees may request an Educational Leave without pay for a reasonable period of time not to exceed four (4) months per rolling calendar year. Educational leave may be granted when the educational program undertaken is likely to enhance Fresno EOC's capabilities to provide service to the public. Consequently, the training should have as its objective either an increase in the effectiveness of an employee in the current job assignment or be designed to enhance the employee's advancement possibilities within Fresno EOC.

An employee may be granted up to six (6) hours of time off during the normal work week per semester to attend an approved educational program, unless it would cause undue hardship to the program.

This time off is unpaid; however, the employee may use existing vacation benefits, if available and approved. Fresno EOC reserves the right to request that the employee furnish written verification from the school as proof that the employee participated in school activities on the specific date at the specific time. Failure to provide written verification is grounds for disciplinary action. See Section I (A), (B), and (C) of this policy for the application process, status of benefits, and reinstatement.

## **III. BEREAVEMENT LEAVE**

Active employees who have experienced a death or terminal illness in the immediate family will be granted an emergency paid leave of up to five (5) working days per fiscal year. Subsequent bereavement leave is unpaid, but the employee can use accrued time. Immediate family is defined as: employee's spouse, domestic partner as defined by law, child, stepchild, parent, stepparent, parent-in-law, child-in-law, sibling, stepsibling, grandparent, grandchild, or an adult who stood in loco parentis to the employee during childhood.

Active employees who have experienced a death or terminal illness in the extended family will be granted an emergency paid leave of up to one (1) working day. Extended family is defined as: brother-in-law, sister-in-law, aunt, uncle, or spouse or domestic partner's grandparent.

The employee will be paid the regular rate for each of the scheduled workdays missed and may be required to furnish satisfactory evidence to support the leave. The employee must request bereavement leave in writing and approved by the employee's supervisor and program manager/director. Employees may be required to provide documentation with regard to their bereavement leave, including but not limited to a death certificate, published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. The employee asked to submit such documentation must do so within 30 days of the first day leave is used.

The leave need not be consecutive but must be taken within one year from the date of loss.

Employees may be allowed up to four hours of bereavement leave to attend the funeral of a fellow regular employee or retiree of the Agency, provided such absence from duty will not interfere with normal operations of the agency.

The Agency will not refuse to provide the leave or discriminate/retaliate against an employee who utilizes leave under this policy.

#### **IV. CIVIC RESPONSIBILITIES**

Employees who do not have sufficient time outside of their regular working hours to vote in an election may request time off to vote. If possible, employees should give at least two working days' notice to their supervisor that time off for voting is desired if the employee knows or has reason to know of the need for the time off. Up to two hours of paid time off will be provided at the beginning or end of the employee's regular shift, whichever will allow the most free time for voting and require the least amount of time off, unless otherwise mutually agreed.

It is Fresno EOC's policy to enable its employees to fulfill their civic obligations. An employee who is called for jury duty or is required by law to appear in court will be provided time off for that purpose and will be paid regular pay less amounts received for jury duty or service as a witness. This does not apply in the case of legal or criminal action brought against an employee. It is the employee's responsibility to notify the supervisor as soon as notice has been received that the employee has been requested for jury duty or required to appear. The employee must provide a copy of the jury summons or subpoena to appear in court. In order to receive pay for days of absence, the employee must submit electronic time off requests and present a certificate or time sheet from the court verifying jury service or testimony for each day of absence to the supervisor. The employee's time sheet shall indicate jury duty for days of absence. The employee will be required at the end of the obligation to provide a copy of the jury or witness check whereby an adjustment will be made on the next paycheck, or the jury or witness check may be endorsed over to Fresno EOC. Any mileage received will be retained by the employee. The employee is expected to return to work each day when they are

not selected as a juror or they are released from service during normal working hours and must return to work at the completion of their obligation.

## **V. ALCOHOL AND DRUG REHABILITATION LEAVE**

Fresno EOC will make reasonable accommodations to employees who have enrolled voluntarily in a drug or alcohol rehabilitation program. Employees who have enrolled in a rehabilitation program will be given unpaid time off to participate in the program unless it would result in undue hardship on Fresno EOC. Fresno EOC will make reasonable efforts to keep confidential the fact that the employee is enrolled in the program.

This time off is unpaid; however, the employee may use any accrued sick time or accrued vacation benefits while on leave. This leave may run concurrently with any other medical leave to which the employee is entitled (see Policy 4010, Family and Medical Leave and California Family Rights Act).

To qualify for a leave, the employee will be required to provide a certification of enrollment within 15 days of the request and successfully complete the program to return to work. An employee who does not provide a certification within 15 days and remains absent from work may be considered to have voluntarily resigned.

## **VI. LITERACY ASSISTANCE**

Any employee who needs time off to attend an adult literacy education program should make the request through the supervisor. Fresno EOC will attempt to make reasonable accommodations for the employee of up to six (6) hours of time off during the normal work week, unless it would cause an undue hardship to do so. This time off is unpaid; however, the employee may use existing accrued vacation benefits, if available and approved. Fresno EOC will also attempt to safeguard the privacy of the fact that an employee is enrolled in an adult literacy education program.

## **VII. OTHER LEGALLY REQUIRED LEAVES**

An employee who has a child enrolled in kindergarten through grade twelve (12), or cared for by a licensed childcare provider, may take time off from work, up to 40 hours each year, not exceeding 8 hours in any calendar month, for certain child-related activities. These activities are: (1) to find, enroll, or reenroll a child in a school or with a licensed childcare provider; (2) to participate in activities of the school or licensed childcare provider; or (3) to address a childcare provider or school emergency.

“Parent” means a parent, guardian, stepparent, foster parent, grandparent, or a person who stands in loco parentis to a child. “Child care provider or school emergency” means that the child cannot remain in school or with the child care provider because: (1) the school or child care provider has requested that the child be picked up; (2) the school or child care provider has an attendance policy (excluding planned holidays) that prohibits the child from attending or requires the child be picked up; (3) behavioral or discipline problems; (4) closure or

unexpected unavailability of the school or child care provider (excluding planned holidays); or (5) a natural disaster including fire, earthquake, or flood.

To take time off under reasons (1) or (2), the employee must give reasonable notice to their supervisor. To take time off under reason (3), the employee must simply give notice to their supervisor as soon as possible. An employee may use vacation time for the visits, if available and approved. A supervisor may request the employee to provide documentation from the school or childcare provider verifying the date and time of the child-related activity.

If both parents of the child work for Fresno EOC, the parent who first gives notice is eligible for the time off. The other parent may be permitted to take time off, under the conditions set forth in this policy, only if a supervisor authorizes the leave of absence. An employee requested to appear at their child's school due to the child's suspension may take an unpaid leave of absence provided that the employee gives Fresno EOC reasonable notice of the request to appear.

#### **VIII. SCHOOL APPEARANCE LEAVE**

An employee that is the parent or legal guardian of a child suspended from school is entitled to take an unpaid leave to comply with the principal's written request of the employee's presence at the school, provided the employee gives reasonable advance notice to the Agency. Check with the Human Resources Office for eligibility and scheduling before taking any leave to attend.

#### **IX. ORGAN AND BONE MARROW DONOR LEAVE**

After completing 90 days of employment with Fresno EOC, an employee undergoing an organ donation procedure or treatment related to organ donation may take up to 30 business days of paid leave in a one-year period related to the donation. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months. Up to 10 days of an employee's accrued but unused vacation or sick time (not PSL) available at the time of leave is to be taken and will be credited against the 30 paid business days of donor leave available for organ donation. An additional unpaid leave of absence, not exceeding 30 business days in a one-year period, will be provided to an employee who is an organ donor, for the purpose of donating the employee's organ to another person.

After completing 90 days of employment with Fresno EOC, any employee undergoing a bone marrow donation procedure or treatment related to bone marrow donation may take up to 5 business days of paid leave in a one-year period related to the donation. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months. Up to 2 days of an employee's accrued but unused vacation or sick time (not PSL) available at the time of leave is to be taken and will be credited against the 5 business days of donor leave available for bone marrow donation.

An employee must provide written verification that they are an organ or bone marrow donor and that there is a medical necessity for the donation. An employee will be restored to the same or equivalent position upon their return. This leave will not be considered as a break in

continuous service for the purposes of accrued benefits, salary adjustments and health care. This leave will not run concurrently with FMLA or CFRA and can be taken in one or more periods. Donor leave taken will also not be counted against an employee's seniority/length of service and will not affect eligibility for pay increases or other benefits. Employees who take donor leave will not be retaliated or otherwise discriminated against for doing so.

#### **X. CIVIL AIR PATROL LEAVE**

Members of the Civil Air Patrol who have been employed at least 90 days are eligible for an unpaid leave of absence of a maximum of ten (10) days per calendar year for the purpose of responding to an emergency operational mission of the California Wing of the Civil Air Patrol. Under normal circumstances, the leave for a single emergency operation mission shall not exceed three days. Employees shall give the Agency as much notice as possible of the intended dates upon which the Civil Air Patrol leave will begin and end. The Agency may require certification to verify the eligibility of the employee for the leave requested or taken. Employees taking Civil Air Patrol leave are not required to exhaust accrued leave time but may do so at their election.

#### **XI. VOLUNTEER CIVIL SERVICE LEAVE**

An employee who is a volunteer firefighter, a reserve peace officer, or emergency rescue personnel who intends to perform emergency duties during work hours, should notify their supervisor that they may have to take time off to perform emergency duty. The employee should also notify their supervisor prior to leaving the premises in the event they need to take time off for emergency duty or training.

An employee who is a volunteer firefighter, reserve peace officer or emergency rescue personnel, will be permitted to take temporary leaves of absence for the purpose of engaging in fire, law enforcement or emergency rescue training. This amount of leave permitted will not exceed an aggregate of 14 days per calendar year.

#### **XII. REPRODUCTIVE LOSS LEAVE**

The Agency will provide up to five (5) days of reproductive loss leave upon a qualifying reproductive loss event, so long as the employee has worked for the agency for at least 30 days prior to the commencement of leave. "Qualifying Reproductive Loss Events" are as follows: failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. Assisted reproduction means a method of achieving pregnancy artificial insemination or an embryo transfer and includes gamete and embryo donation. Reproductive loss leave applies if the employee would have been a parent had the Qualifying Reproductive Loss Event not occurred.

Reproductive loss leave is unpaid, but employees may utilize accrued and available paid time off during such leave, including accrued and available vacation and paid sick leave. If an employee experiences more than one reproductive loss event within a 12-month period, the Agency shall not be obligated to grant reproductive loss leave time in excess of 20 days within a 12-month period.

The five days do not have to be taken in a consecutive manner, but employees must complete leave within three months of the qualifying event. Notwithstanding the three-month limitation, if, prior to or immediately following a reproductive loss event, an employee is on or chooses to go on leave from work pursuant to Pregnancy Disability Leave, the California Family Rights Act, or any other applicable leave entitlement under law, the employee shall complete their reproductive loss leave within three months of the end date of the other leave.

The Agency will not take adverse action against employees for exercising their right to take reproductive loss leave or for giving information or testimony as to their own leave or another employee's leave. The Agency also will not interfere with, retrain, or deny the exercise of, or the attempt to exercise, reproductive loss leave rights.

The Agency will maintain the confidentiality of any employee requesting reproductive loss leave. Any information provided to the Agency will be maintained as confidential and will only be disclosed to internal personnel or counsel, as necessary, or as required by law.

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| <b>POLICY 4040 MILITARY LEAVE- UNIFORMED SERVICES EMPLOYMENT &amp; REEMPLOYMENT RIGHTS ACT</b> |
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**PURPOSE:** The purpose of this policy is to provide guidance and procedures for granting time off for military leave to full- and part-time regular employees.

**POLICY:** It is the policy of Fresno EOC to grant short or long-term leaves for uniformed service in accordance with applicable federal and state law.

**REFERENCE:** Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353) the California Military and Veterans Code § 394, and California Assembly Bill 392.

**PROCEDURES:**

**I. MILITARY SERVICE**

An employee inducted into military service will be granted an approved unpaid leave of absence and will have reinstatement privileges upon return to the Agency. "Service" is defined as duty on a voluntary or involuntary basis, including: active duty; active duty for training; initial active duty for training; inactive duty training; full-time National Guard duty; and absences for examinations to determine fitness for duty.

The term "service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which an employee is absent for the purpose of an examination to determine fitness to perform any such duty.

A. Long-term Tour of Duty: An employee who enters into or is called to uniformed service duty shall notify the supervisor immediately and shall be granted a leave of absence not to exceed five (5) years. A written verification from the appropriate military authority to the employee's supervisor, and program manager/director. No prior notice of leave is required if it is precluded by military necessity or the giving of such notice is impossible or unreasonable.

B. Short-term Leave of Absence: An employee who is a member of the National Guard or of a reserve component of the Armed Forces shall, upon furnishing a copy of the official orders or instructions, be granted military training leave. Training leaves will not, except in emergency or in the event of extenuating circumstances, exceed two weeks a year, plus reasonable travel time. An employee must submit written verification from the appropriate military authority to the employee's supervisor, and program manager/director. The employee will be expected to return to work the first full regularly scheduled work period following completion of the service (with an eight-hour period for safe transportation).

C. Reinstatement from Leave: Fresno EOC will reinstate an employee returning from leave to their same position or one of comparable seniority, status, and pay if they:



1. Have a certificate of satisfactory completion of service;
2. Return the first full regularly scheduled work period (if such first regularly scheduled work period is at least 8 hours after the arrival at the employee's place of residence) following completion of service if service is less than 30 days; apply within fourteen days after release from active duty if active duty was for 30 days but less than 181 days; apply within 90 days if absence was more than 180 days, or within such extended period, if any, as their rights are protected by law; and
3. Are qualified to fill their former position.

Reservists who are ordered to initial active duty for training of not less than twelve consecutive weeks and Selected Reservists on active duty for operational missions are required to apply for reemployment within 31 days of their release from training or service. Fresno EOC is not required to reemploy an employee after military leave if the circumstances have changed as to make such reemployment impossible or unreasonable: if the employment would impose an undue hardship on the employer; or the employment held by the employee was so brief or nonrecurring that there was not reasonable expectation that the employment would continue indefinitely or for a significant period.

D. Leave and Benefits: Employees are permitted, but are not required, to use accrued vacation benefits toward short-term uniformed service time. Any unpaid time off will affect vacation and sick time accrual. Seniority, for the purpose of benefits, will accrue during short-term leaves as defined in Section B of this policy. Eligible employees who take a long-term leave will be paid any accrued vacation on the last day prior to the beginning of the leave. Seniority, for the purpose of benefits, will accrue for no more than five (5) years during long-term tours of duty as defined in Section A of this policy (unless otherwise required by law).

Whenever the uniformed service leave is four (4) months or less, the employee may continue group health and life insurance benefits, if eligible, by paying the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. Employees whose leaves are in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA. The maximum length of required continuation coverage is the lesser of 18 months beginning on the date the employee became eligible or the day after the date on which the employee fails to apply for or return to active employment with Fresno EOC. Employees returning to work are entitled to reinstate health coverage as if they had never left. Exclusions for pre-existing conditions, proof of good health, and waiting periods do not apply. However, exclusions for illnesses or injuries which were service connected are applied.

## **II. MILITARY SPOUSE LEAVE**

Eligible employees may request Military Spouse Leave for up to ten (10) days when a spouse in the Armed Forces, National Guard or Reserves who has been deployed during a period of military conflict is on leave from military deployment. Employees must provide notice of intent to take Military Spouse Leave within two business days of receiving official notice that the

military spouse will be on leave from deployment. An employee must submit supporting documentation certifying that the military member will be on military leave from deployment during the time of the requested leave.

To be eligible for Military Spouse Leave, an employee must work an average of 20 or more hours per week and be the spouse of a qualified member of the military. For Military Spouse Leave purposes only, the term “spouse” includes registered domestic partners. The term “qualified member of the military” is defined as (1) a member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or (2) a member of the Armed Forces Reserve Components or the National Guard who has been deployed during a period of military conflict. Combat zones are designated by the President of the United States. “Military conflict” means a period of war declared by the United States Congress or a period of deployment for which a member of a reserve component is ordered to active duty either by the Governor or the President of the United States. Provided all the conditions of this policy are met, an employee may take a maximum of ten (10) days of Military Spouse Leave. Questions concerning eligibility should be directed to the Human Resources Office.

Leave requested pursuant to this section is unpaid. However, an employee who is granted Military Spouse Leave shall be entitled to use any accrued vacation benefits during the period of leave. Paid sick time during Military Spouse Leave may only be utilized in conformance with Policy 3030 (see Section IV of Policy 3030, Sick Time). The use of paid leave does not extend the total duration of Military Spouse Leave to which an employee is entitled. Employees on Military Spouse Leave accrue employment benefits, such as sick time, vacation benefits, or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Employees who fail to return to work on the first workday after the period of the approved leave expires will be considered to have voluntarily resigned, unless unusual circumstances have prevented the return and a reasonable excuse has been offered and accepted within three (3) workdays after the period of the approved leave expired.

## **POLICY 4050 DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING VICTIM LEAVE**

**PURPOSE:** To define Fresno EOC's policy and procedure on Domestic Violence, Sexual Assault, or Stalking Victim Leave in accordance with California Labor Code.

**POLICY:** It is the policy of Fresno EOC to allow employees to take leave for purposes of domestic violence, sexual assault, or stalking to ensure their health, safety, or welfare, or that of their child.

**REFERENCE:** California Labor Code § 230 and 230.1; Family Code § 6211; Penal Code §§ 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 288, 288a, 288.5, 289, or 311.4; Family Medical Leave Act of 1993; AB2377

### **PROCEDURE:**

#### **I. DEFINITION**

A victim, for the purpose of this leave, is defined as someone who is a victim of stalking, domestic violence, or sexual assault, a victim of a crime that caused physical injury or that caused mental injury, or a person whose immediate family member is deceased as a direct result of a crime.

#### **II. DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING VICTIMS' LEAVE: LEGAL PROCEEDINGS/ REASONABLE ACCOMMODATION**

If an employee is a victim of domestic violence and/or sexual abuse, the employee may use accrued sick leave or may take unpaid time off from work, to help ensure their health, safety or welfare, or that of their child; to seek medical attention for injuries caused by such abuse; obtain services from a domestic violence shelter; obtain psychological counseling related to an experience of domestic violence; obtain a restraining order; seek court assistance; or similar activities.

#### **III. CRIME VICTIMS' LEAVE**

An employee who is the victim of certain crimes (violent felonies, felony thefts and serious felonies as defined by law) or is the immediate family member, registered domestic partner or child of the registered domestic partner of such a victim will be given time off as necessary to attend judicial proceedings in relation to the crime. A "victim" for the purposes of this leave is defined as someone who is a victim of stalking, domestic violence, or sexual assault, a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury, or a person whose immediate family member is deceased as a direct result of a crime.

Fresno EOC will also allow time off for employees to appear in court to be heard at any proceeding in which the right of the victim is at issue. The victim may be the employee, spouse, parent, child, sibling or guardian. The crimes to which this time off applies is extensive. The employee should ask the Human Resources Office about their particular circumstances. As a

condition of taking time off, employees may be required to provide reasonable advanced notice if feasible and documentation establishing the right to such time off. Fresno EOC will make every effort to maintain the confidentiality of any employee requesting crime victim leave. An employee may use accrued paid vacation time that is otherwise available to the employee for this time off.

#### **IV. REQUESTING TIME OFF**

An employee who is a victim of domestic violence, sexual assault, or victims of stalking will not be discriminated or retaliated against when taking time off from work to help ensure their health, safety, or welfare, or that of their child by obtaining:

- A temporary restraining order;
- A restraining order; or
- Other court assistance;
- Medical attention for injuries caused by domestic violence, sexual assault, or stalking;
- Services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault;
- Psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or
- To participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

Employees must give Fresno EOC reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible. A leave request must be submitted and approved by the employee's immediate supervisor, and program manager/director. Should an unscheduled absence occur, the employee is responsible for providing a certification to Fresno EOC. Certification may be in the form of the following:

- A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking; or
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking or other evidence from the court or prosecuting attorney that the employee has appeared in court; or
- Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking.

The certification is only valid for a period of one-year, updated certifications must be submitted to extend the need for leave past a one year period. An employee may use accrued and unused vacation or sick time while on leave. Leave may not exceed the unpaid leave time

allowed under the unpaid leave permitted by the federal Family and Medical Leave Act within a rolling 12-month period.

Employees are required to provide reasonable advance notice of the employee's intention to take time off, unless advance notice is not feasible. When an unscheduled absence occurs, the Agency will not take any action against the employee if the employee, within a reasonable time after the absence, provides certification/documentation establishing the right to such time off. The Agency will make every effort to maintain the confidentiality of any employee requesting such leave.

The Agency will also provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking who requests an accommodation for the safety of the victim while at work, unless it would constitute an undue hardship on the Agency's business operations. Upon receiving an employee's request for accommodation, the Agency shall engage in a timely, good faith interactive process with the employee to determine effective reasonable accommodations.

To the extent allowed by law, Fresno EOC shall maintain the confidentiality of any employee requesting leave.

## **POLICY 5010 WORKPLACE ATMOSPHERE**

**PURPOSE:** The purpose of this policy is to provide a safe, supportive, and respectful environment for all employees, where bullying behavior is not tolerated. Fresno EOC is committed to fostering a workplace that promotes inclusivity, fairness, and respect, ensuring that everyone can perform their duties free from harassment or intimidation.

**POLICY:** It is the policy of Fresno EOC that all employees maintain a working environment that encourages mutual respect; promotes civil and congenial relationships among employee; and is free from all forms of harassment, discrimination, retaliation, and violence. Fresno EOC's respect and reputation in the community will be determined by the work we do, and by the employees who represent us. We are proud of those who work for us, and employees can be proud of the positions of trust they hold.

### **PROCEDURE:**

#### **I. DEFINITION**

Employees are expected to conduct themselves in an appropriate manner in accordance with this policy.

Employees have the right to conduct their work without disorderly interference from other employees and be treated with respect and professionalism. Employees are also expected to maintain their work area in a neat and professional manner so as to not disrupt another employee's work environment or create any safety hazards.

Fresno EOC encourages a congenial work environment of respect and professionalism. Therefore, employees, clients and/or program participants should not:

- verbally abuse others;
- use intimidation tactics and/or make threats;
- sabotage another's work;
- stalk others; or
- make malicious, false and/or harmful statements about others.

#### **II. ANTI-BULLYING POLICY**

This policy applies to all employees, contractors, interns, and visitors, regardless of their position or role, and covers bullying behavior in the workplace, during work-related travel, at off-site work functions, and on digital platforms associated with Fresno EOC.

##### **A. Definition**

Fresno EOC defines bullying as repeated, unreasonable actions directed towards an individual or a group that are intended to intimidate, humiliate, degrade, or undermine, or that create a

risk to health and safety. Bullying can be verbal, physical, or psychological, and can occur in person or via digital communication (e.g., email, social media).

## **B. Employee Responsibility**

All employees share the responsibility to contribute to a positive, respectful, and safe work environment. This includes taking proactive steps to prevent, recognize, and respond to bullying behaviors.

### **Treat Everyone with Respect:**

- Employees are expected to behave professionally and with respect toward their colleagues, supervisors, and subordinates at all times. This includes being mindful of language, tone, and actions in both verbal and written communications.

### **Lead by Example:**

- Employees are responsible for setting a positive example. This includes demonstrating respectful behavior, managing conflicts professionally, and addressing inappropriate conduct immediately.

### **Recognize Bullying Behavior:**

- Employees should familiarize themselves with the agency's definition of bullying and be aware of common forms of bullying, such as verbal abuse, exclusion, or intimidation. By understanding what constitutes bullying, employees are better equipped to recognize and prevent it.

### **Speak Up:**

- If an employee experiences or witnesses bullying behavior, they are encouraged to speak up. This can be done by:
  - Politely addressing the bully, if safe and comfortable to do so, and asking them to stop the inappropriate behavior.
  - Reporting the behavior to a supervisor, manager, or Human Resources.
  - Using the agency's reporting mechanisms if they do not feel comfortable reporting directly.

### **Support Others:**

- Employees should support colleagues who may be experiencing bullying. This can include offering emotional support, encouraging them to report the incident, or witnessing any bullying behavior if needed during an investigation.

### **Cooperate in Investigations:**

- Employees who are involved in or witness a bullying incident have a responsibility to cooperate in any subsequent investigation. This includes providing honest, accurate information and respecting the confidentiality of the process.

### **Avoid Retaliation:**

- Employees are responsible for not retaliating against anyone who reports bullying or participates in an investigation. Retaliation can take the form of exclusion, further intimidation, or other forms of negative treatment.

### **Commit to Self-Improvement:**

- Employees are encouraged to continuously develop their interpersonal and conflict resolution skills. This may involve participating in agency-provided training or seeking feedback on their behavior to ensure they contribute positively to the work environment.

### **Foster a Positive Culture:**

- Everyone has a role in building and maintaining a culture of respect and collaboration. Employees should actively contribute to team-building efforts, encourage open communication, and address minor conflicts before they escalate into bullying.

### C. Management Responsibility

Managers and supervisors play a critical role in maintaining a respectful and safe workplace. In addition to their own behavior, they are responsible for preventing, addressing, and resolving instances of bullying among employees. Their leadership sets the tone for workplace culture and helps ensure the anti-bullying policy is effectively enforced.

#### **Foster a Positive Work Environment:**

- Managers must actively create and maintain a work culture where respect, inclusion, and collaboration are encouraged. This includes promoting open communication, teamwork, and professionalism within their teams.

#### **Lead by Example:**

- Managers and supervisors must model appropriate, respectful behavior at all times. They should demonstrate the agency's values in their interactions with employees, clients, and other stakeholders. As role models, their behavior sets the standard for how others should conduct themselves.

#### **Be Proactive in Identifying Bullying:**

- Managers should be vigilant in identifying any signs of bullying or inappropriate behavior within their teams. This includes monitoring workplace dynamics, listening to employee concerns, and addressing potential issues before they escalate. Early intervention is key in preventing a toxic work environment.

#### **Provide Support to Employees:**

- Managers must provide support to employees who report bullying or exhibit signs of distress due to workplace behavior. They should listen to complaints without judgment, ensure confidentiality, and reassure employees that their concerns will be taken seriously.

#### **Encourage Reporting:**

- Managers should actively encourage employees to report bullying or any behavior that violates the agency's anti-bullying policy. They should ensure that all employees are aware of the reporting channels and feel comfortable using them without fear of retaliation.

#### **Take Immediate Action:**

- Upon receiving a report of bullying, managers are responsible for acting swiftly. This includes:
  - Reporting the matter to Human Resources immediately.
  - Ensuring that the alleged bullying stops during the investigation process.
  - Protecting the privacy of both the complainant and the accused to prevent workplace gossip or unfair treatment.

#### **Cooperate in Investigations:**

- Managers are expected to fully cooperate with Human Resources and any investigating bodies in a bullying investigation. They should provide all relevant information and documentation, including witness reports and any previous complaints that may be connected to the case.



**Enforce Consequences:**

- If an investigation determines that bullying has occurred, managers must ensure that appropriate disciplinary actions are taken promptly and fairly. This may include issuing warnings, suspensions, or even termination, in line with the agency's policy.

**Protect Employees from Retaliation:**

- Managers are responsible for protecting employees from retaliation after they report bullying or participate in an investigation. This includes monitoring the workplace to ensure that the complainant is not treated unfairly or excluded by colleagues, and addressing any signs of retaliatory behavior immediately.

**Provide Training and Education:**

- Managers should ensure that employees receive regular training on anti-bullying, conflict resolution, and workplace behavior. They should also promote awareness of the agency's anti-bullying policy and foster continuous dialogue on creating a respectful work culture.

**Address Workplace Conflict:**

- Managers are responsible for resolving conflicts within their teams before they escalate into bullying situations. This includes holding regular one-on-one meetings with employees to discuss any concerns and providing mediation or conflict resolution support when necessary.

**Monitor Workplace Well-being:**

- Managers must regularly assess the well-being of their teams by conducting employee satisfaction surveys, one-on-one check-ins, and observing team dynamics. Proactive management can help identify potential issues early on and prevent a bullying culture from developing.

Examples of bullying behavior include, but are not limited to:

- Verbal abuse, such as insults, name-calling, offensive nicknames or jokes.
- Physical intimidation or aggression, including inappropriate gestures or threats. .
- Public humiliation or spreading rumors.
- Excluding or isolating individuals from workplace activities; ignoring or interrupting others.
- Excessive and unjustified criticism of work or performance.
- Deliberately overloading someone with work or imposing unreasonable deadlines; manipulating or impeding in an employee's ability to perform their work.
- Cyberbullying, including harmful or intimidating messages through digital platform.
- Refusing reasonable requests for time off for leave or denying requests for reasons not related to work.
- Taking credit for another person's ideas or work product.

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## **POLICY 5020 STANDARDS OF PERFORMANCE AND CONDUCT**

**PURPOSE:** To identify performance and conduct considered improper and unacceptable in the workplace and which may result in disciplinary action.

**POLICY:** It is the policy of Fresno EOC that employees are expected to observe and demonstrate the highest standards of conduct and professionalism. An employee is expected to conduct themselves in a manner benefiting their status as an employee of Fresno EOC and exercise prudence and discretion in regard to all agency business. When performance or conduct does not meet the standards of the Agency, the Agency will endeavor, when it deems appropriate and at its sole discretion, to provide the employee a reasonable opportunity to correct the deficiency unless Fresno EOC determines such conduct is not able to be remedied or warrants immediate termination. An employee who fails to make the necessary changes in order to be in compliance with this policy will be subject to disciplinary action up to and including termination.

### **PROCEDURES:**

#### **I. STANDARDS**

The standards set forth below are intended to provide employees with fair notice of performance and conduct considered improper and unacceptable in the workplace. However, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below but which adversely affects or is otherwise detrimental to the interests of Fresno EOC, other employees, clients and/or program participants, may also result in disciplinary action up to and including termination.

- A. Job Performance: All agency employees shall perform their duties diligently, thoroughly, and properly. An employee may be issued disciplinary action, up to and including termination, for poor job performance, including but not limited to the following:
  - 1. Failure to perform the job duties satisfactorily;
  - 2. Failure to maintain minimum qualifications of the job;
  - 3. Failure to follow established safety regulations;
  - 4. Neglect of duty.
- B. Conduct: All agency employees are expected to observe and demonstrate the highest standards of conduct and professionalism. An employee may be issued disciplinary action, up to and including termination, for misconduct including, but not limited to the following:
  - 1. Using offensive, demeaning, or abusive language towards colleagues, supervisors, or clients.

2. Engaging in behavior that intimidates, harasses, or discriminates against others based on race, gender, religion, sexual orientation, or any other protected characteristic.
3. Refusing to follow reasonable instructions or directions from a supervisor or manager.
4. Engaging in actions that disturb the work environment, such as making excessive noise, interrupting meetings, or arguing with colleagues.
5. Stealing, misuse or unauthorized use of agency property, supplies, or funds, including agency credit cards or expense accounts.
6. Falsifying records, expense reports, or any other agency documents for personal gain.
7. Using agency property such as computers or vehicles, for personal purposes without permission.
8. Falsifying timesheets, clocking in for another employee, or taking extended breaks without approval.
9. Abusing sick leave, vacation time, or other forms of paid time off by providing false reasons for absence.
10. Leaving the job without authorization.
11. Sleeping on the job.
12. Regularly missing work without valid reasons or failing to notify the supervisor in compliance with the attendance policy.
13. Incurring unauthorized meal and rest break period break premiums.
14. Disclosing confidential agency information, trade secrets, or client data with unauthorized individuals or entities.
15. Violating program confidentiality policies concerning information about children, families, and other staff members.
16. Failing to secure sensitive information, leading to data breaches or unauthorized access.
17. Talking about confidential business matters in public places where they could be overheard.
18. Engaging in activities that create a conflict of interest, such as accepting gifts from vendors in exchange for preferential treatment.
19. Providing false information during hiring, performance reviews, or investigations.
20. Claiming another person's work or ideas as your own, especially in reports, presentations, or creative work.
21. Ignoring or violating safety protocols, such as failing to wear required protective gear or not following emergency procedures.
22. Violating vehicle codes and/or agency policies which cause an accident, injury, or property damage.
23. Using, possessing, or being under the influence of alcohol or illegal drugs while on agency premises or during work hours.
24. Consistently ignoring the agency's dress code, wearing inappropriate attire to work or meetings.
25. Making unwanted advances, inappropriate comments, or engaging in any other forms of sexual harassment towards a colleague.

26. Treating someone unfairly based on their race, gender, age, religion, sexual orientation, or any other protected characteristic.
27. Taking adverse actions against an employee who has reported misconduct, such as bullying or harassment, or who has participated in an investigation.
28. Failing to perform job duties with the required level of care, resulting in errors, accidents, or financial loss.
29. Demonstrating a lack of commitment, such as frequently arriving late, procrastinating, or producing low-quality work.
30. Accessing restricted areas, systems, or confidential information without permission.
31. Making decisions or taking actions that exceed the scope of one's job role without proper authorization.
32. Altering, deleting, or falsifying agency records without authorization.
33. Spreading rumors or engaging in harmful gossip about colleagues or the agency.
34. Allowing personal relationships to interfere with professional duties, such as favoritism or conflicts of interest.
35. Gambling on agency premises or while conducting agency business.
36. Possessing a firearm or other dangerous weapon on agency property or while conducting agency business.
37. Failure to report to Fresno EOC within five (5) days any criminal conviction that may impact the employee's: (1) ability to perform their position duties; (2) licensing under the program the employee works; (3) insurability by the agency carrier; or (4) as otherwise required by law to be disclosed.
38. Stereotyping any child or family on any basis, including gender, race, ethnicity, culture, religion, disability, sexual orientation, or family composition.
39. Leaving children or clients alone or unsupervised while under their care.
40. Use corporal punishment.
41. Use isolation to discipline a child.
42. Binding or tying a child to restrict movement or taping a child's mouth.
43. Use or withhold food as a punishment or reward.
44. Use toilet learning/training methods that punish, demean, or humiliate a child.
45. Use any form of emotional abuse, including public or private humiliation, rejecting, terrorizing, extended ignoring, or corrupting a child.
46. Physically abuse a child.
47. Use any form of verbal abuse, including profane, sarcastic language, or derogatory remarks about the child or child's family.
48. Use physical activity or outdoor time as a punishment or reward.
49. Ignoring grantor requirements relating to any program for the Agency.
50. Engaging in actions that reflect adversely upon grantors and/or the families or communities Fresno EOC serve.
51. Acting in a manner deliberately contradicting the Agency's mission, vision or values.
52. Failure to comply with agency policies and procedures.

These examples of conduct violations do not affect the at-will status of all employment whereby an employee can be terminated with or without cause or advance notice.

## **II. DISCIPLINARY ACTION**

The level of discipline used to correct performance and conduct deficiencies will be determined considering the facts and circumstances of each individual case at the sole discretion of Fresno EOC.

The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint in good faith.

## **POLICY 5030 PROGRESSIVE DISCIPLINE**

**PURPOSE:** To establish procedures with respect to coaching and disciplinary action while ensuring disciplinary action procedures are applied uniformly. To give employees who violate agency policies the opportunity to improve by advising what specific actions they should take to meet performance and conduct standards unless the employee's misconduct is determined to warrant immediate termination.

**POLICY:** It is the policy of Fresno EOC that all employees are required to comply with the Agency's standards of performance and conduct and that any noncompliance will be addressed accordingly. Fresno EOC has implemented a disciplinary action system that supports uniformity. Circumstances and employee conduct may warrant eliminating one or more steps in the disciplinary action system, possibly resulting in immediate suspension or termination. Nothing in this policy modifies Policy 1010 which provides that employment with Fresno EOC is at-will and can be terminated at any time with or without notice or cause.

### **PROCEDURES:**

#### **I. DOCUMENTED COACHING**

Supervisors are expected to regularly coach employees and correct performance and/or conduct issues immediately. The goal of coaching is to work with the employee to solve performance problems and to improve the work of the employee and the organization. Employees who fail to respond positively to informal coaching may receive disciplinary action and/or be placed on a Performance Improvement Plan (PIP).

#### **II. PROGRESSIVE DISCIPLINE**

Fresno EOC maintains the right to escalate the progressive discipline process considering the facts and circumstances of each individual case.. Each incident will be considered based on a variety of factors, including but not limited to: (1) the seriousness of the incident and the impact to the Agency; (2) the employee's past conduct; (3) the nature of any previous incidents; and (4) the general practice as it relates to the incident.

All progressive discipline must be formally documented and submitted to the Human Resources Office before for approval being issued to the employee.

There are two paths for progressive discipline: Performance and Conduct. For attendance violations see Policy 1160, Attendance Policy.

Depending on the circumstances and nature of the incident, Fresno EOC may place an employee on paid administrative leave pending the results of an investigation. Paid administrative leave must be approved by the responsible Officer and may not exceed a maximum of four weeks.

A. Verbal Warning: If an employee is not meeting Fresno EOC standards of performance and/or conduct, the employee's supervisor should take the following action:

1. Issue a Verbal Warning to the employee;
2. Inform the employee of the nature of the problem and that continued failure to meet Fresno EOC's standards and expectations for performance and conduct will result in more severe discipline up to and including termination;
3. Require the employee to read and sign the verbal warning. If the employee refuses to sign, the issuer will indicate refused to sign on the employee signature line. An employee has up to five (5) business days to provide a written response;
4. Submit the signed verbal warning to the Human Resources Office to be filed in the employee's personnel file. A copy of the memo will be provided to the employee.

B. Written Warning: If there is a continued breach of performance or conduct standards, or if the severity warrants, the supervisor should hold a meeting with the employee and take the following action:

1. Issue a Written Warning to the employee;
2. Inform the employee that continued failure to meet the Fresno EOC's standards and expectations for performance and/or conduct will result in more severe disciplinary action up to and including termination;
3. Require the employee to read and sign the written warning. If the employee refuses to sign, the issuer will indicate refused to sign on the employee signature line. The employee will have up to five (5) business days to provide a written response; and
4. Submit the signed Written Warning to the Human Resources Office to be filed in the employee's personnel file. A copy of the form will also be provided to the employee.

C. Final Warning or Suspension: If there are additional occurrences, and/or depending on the severity of the performance and/or conduct issues, the supervisor should take the following action:

1. Recommend a Final Warning or Suspension to the Program Director, responsible Officer and Human Resources Office;
2. Meet with the employee and Human Resources Manager/Director/Officer to issue a Final Warning or Suspension, indicating the next breach will warrant termination;
3. A letter of suspension will be issued to the employee indicating it is without pay (for up to five working days).

4. Submit the signed suspension notice form to the Human Resources Office to be filed in the employee's personnel file. A copy of the form will be provided to the employee.

All suspensions, including those that may lead to termination, must be reviewed by and approved by the program manager/director, responsible Officer and Human Resources Office.

D. Termination: An employee may be discharged for poor performance, misconduct, or other violations of Fresno EOC's rules of conduct (see Policy 5020, Standards of Performance and Conduct). Discharges must be approved by the responsible Officer with approval by the Head Start Policy Council when applicable. Prior to discharging an employee under this policy, the Human Resources Office will be consulted to ensure proper documentation and procedures have been followed.

As required by Federal Head Start rules, if the Head Start Policy Council disagrees as to the discharge of a Head Start employee, a committee shall be established with representatives of the Policy Council, Head Start staff and Fresno EOC. The committee shall meet and confer in an attempt to resolve the difficulty and clarify the termination criteria to be utilized.

### **III. DEMOTION**

The program manager, with the approval of the director, may demote an employee for discipline reasons at any point during the process outlined above. A demotion is a change of any employee from a position of one pay grade to a position in a lower pay grade. The employee must meet the qualifications for the position in the lower grade. Demotions must be documented in writing and specify the cause for such action. Approval must be granted by the responsible Officer. Approval by the Head Start Policy Council, where applicable, is also required.

### **IV. SERIOUS MISCONDUCT**

In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a breach of policy or violation of law, the procedures contained above may be accelerated.

The Program Director, with approval from the responsible Officer and Human Resources Office will determine, based on the facts, if the employee will be placed on paid administrative leave or unpaid suspension. The Human Resources Office will conduct an investigation of the allegations or misconduct to determine what further action, if any, should be taken, including termination.

### **V. INCIDENT REVIEW**

An incident review is a process in which minor concerns or incidents will be reviewed by the program before escalation to the Human Resources Office. An incident review will be conducted by program management for the purpose of determining the facts involved in any



suspected violation of Fresno EOC rules and regulations, except for allegations of discrimination, harassment, bullying or retaliation. These allegations will be investigated by the Human Resources Office.

A typical review consists of interviewing the involved employee(s) and any witnesses, finding and assessing any physical evidence, and evaluating the facts. The Human Resources Office may be required to assist with the review. The interviewer should advise the witness as to the nature of the situation requiring investigation. Confidentiality shall be maintained during incident reviews to the extent possible. Only those with a business need-to-know should be told about the allegations and interviews, and participants should be requested not to discuss the situation with others in order to preserve the integrity of the review.

#### **VI. TIME LAPSE BETWEEN PREVIOUS DISCIPLINE**

If an employee completes twelve (12) months without further discipline under this policy, any failure to meet performance or conduct may be treated as a first occurrence under this policy. However, Fresno EOC may still consider all past discipline in the continuation of employment and/or evaluating the performance of an employee (see Policy 7040, Performance Evaluations). Past discipline(s) are relevant when making employment decisions and when evaluating an employee's overall performance.

## **POLICY 5040 ALCOHOL/DRUG FREE WORKPLACE**

**PURPOSE:** It is the intent of Fresno EOC to maintain a workplace that is free of drugs and alcohol.

**POLICY:** It is the policy of Fresno EOC that the Agency has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with the health, safety, efficiency, and success of Fresno EOC. Employees who are under the influence of drug(s) or alcohol on the job compromise Fresno EOC's interests, endanger their own health and safety and the health and safety of others.

Fresno EOC has established this policy to further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for employees, and to protect property, equipment, and operations. Each employee must abide by this policy as a condition of continued employment with Fresno EOC.

**REFERENCE:** Drug-Free Workplace Act of 1988 (DFWA), 41 U.S.C. § 701, et seq.; Drug-Free Workplace Act of 1990 (CDFWA), Gov. Code § 8359 et seq.; Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.; The Rehabilitation Act, 29 U.S.C. § 701 et seq.; Omnibus Transportation Employee Testing Act (OTETA): Gov. Code § 8350 et seq.; California Confidentiality of Medical Information Act, Civ. Code § 56 et seq.; California Labor Code 1026; Federal Controlled Substances Act.

### **PROCEDURES:**

#### **I. PROHIBITED CONDUCT**

Employees are prohibited from using, selling, dispensing, distributing, possessing, or manufacturing illegal drugs, controlled substances, narcotics, legal drugs including marijuana or alcoholic beverages on Fresno EOC premises or work locations, and in Agency vehicles. The exception to this policy is Agency-sponsored events with a special waiver by the Chief Executive Officer for alcoholic beverages, if on agency premise a day liquor license must be obtained by the Alcoholic Beverage Commission Department.

Supervisors, as well as any other employees, should immediately report any action by an employee who demonstrates an unusual or affected behavior to their immediate supervisor and Human Resources Office. Employees believed to be at work under the influence of illegal drugs, controlled substances, narcotics, legal drugs including marijuana or alcoholic beverages will be approached by the supervisor who will initiate the appropriate action. An employee in a designated safety-sensitive position as described in Section VII will be subject to drug and/or alcohol testing as described in Section VII (F) of this policy.

#### **II. DISCIPLINARY ACTION**

A. Criminal Convictions: Employees are required by this policy to notify Fresno EOC within five days of any conviction that may impact the employee's: ability to perform their position duties, licensing under the program the employee works, insurability by the Agency carrier; or

as otherwise required by law to be disclosed. Failure to notify Fresno EOC of the above will result in discipline up to and including termination. When required by federal law, Fresno EOC will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug and/or alcohol statute.

B. Discharge for Violation of Policy: Employees will be subject to discipline, up to and including termination, for violations of this policy. Violations include, but are not limited to: possessing illegal drugs, controlled substances, narcotics, legal drugs including marijuana or alcoholic beverages at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, transporting, or manufacturing or selling them on Fresno EOC premises or work locations, and Agency vehicles. However, the Agency will not discriminate against an employee or applicant, or otherwise penalize an employee or applicant, based on the person's use of cannabis off the job and away from the workplace, or on the basis of an employer-required drug screening that has found the person to have "non-psychoactive cannabis metabolites" in their system unless otherwise prohibited by state or federal law.

C. Discretion Not to Discharge: Fresno EOC may choose not to discharge an employee for a violation of this policy if the employee satisfactorily completes participation in an approved drug or alcohol abuse assistance or rehabilitation program when recommended by Fresno EOC or the employee contacts an Employee Assistance Program (EAP) and follows the recommendations made by the EAP, including satisfactory completion of or participation in an approved drug or alcohol abuse assistance or rehabilitation program.

D. Effect of Criminal Conviction: An employee who is convicted under a criminal drug/alcohol statute for a violation occurring on work duty will be deemed to have violated this policy.

### **III. USE OF OVER-THE-COUNTER (OTC)/PRESCRIBED MEDICATION**

Fresno EOC recognizes that an employee may, from time to time, be prescribed medication that, when taken as prescribed or according to the manufacturer's instructions, may result in their impairment. Employees must report their use of over the counter or prescribed medications to their supervisor if the use might impair their ability to perform their job safely and effectively. Employees may not work while impaired using prescribed medication if the impairment might endanger the employee or someone else, pose a risk of significant damage to Fresno EOC property, or substantially interfere with the employee's job performance. To accommodate the absence, the employee may use accrued sick time or vacation benefits. The employee may also qualify for an unpaid leave of absence, such as family care or medical leave. Nothing in this policy is intended to sanction the use of accrued sick time or vacation benefits to accommodate absences due to the abuse of prescribed medication. Further, nothing in this policy is intended to diminish Fresno EOC's commitment to employ or reasonably accommodate qualified disabled individuals. Fresno EOC will reasonably accommodate any qualified disabled employee who must take prescribed medication because of a disability if, with such reasonable accommodation, the employee can perform the essential functions of the position.

#### **IV. UNREGULATED OR AUTHORIZED CONDUCT**

A. Customary Use of Over-the-Counter Drugs: Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired using such drugs in violation of this policy.

B. Off-the-Job Conduct: This policy is not intended to regulate off-the-job conduct, so long as the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired using alcohol or drugs in violation of this policy while at work. An employee, while not consuming alcohol at work, may be under the influence from off-duty consumption or have a strong smell of alcohol, which affects their ability to professionally perform job duties. An employee in a designated safety-sensitive position, as described in Section VII, will be subject to drug and/or alcohol testing as described in Section VII (B) of this policy.

#### **V. CONFIDENTIALITY**

To safeguard privacy rights, disclosures made by an employee to their supervisor concerning their use of legal drugs will be treated confidentially and will not be disclosed to any other person unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. For the same reason, disclosures made by an employee to their supervisors concerning their participation in a drug and/or alcohol rehabilitation program will be treated as confidentially as possible.

#### **VI. COUNSELING/EMPLOYEE ASSISTANCE**

Fresno EOC maintains an Employee Assistance Program, which provides help to employees who seek assistance for drug and/or alcohol abuse as well as for other personal or emotional problems. An employee who suspects that they may have an alcohol and/or drug problem, even in the early stages, is encouraged to voluntarily seek diagnosis and to follow through with the treatment as prescribed by qualified professionals.

Participation in counseling, including Fresno EOC-sponsored or required counseling, is confidential and should not have any influence on performance evaluations. Job performance, not the fact that an employee seeks counseling, is to be the basis of all performance evaluations.

#### **VII. DRUG AND ALCOHOL TESTING**

A. Reasonable Suspicion Testing for Current Employees: An employee may be referred by a supervisor or other management to the Agency's Occupational Health provider for evaluation when there is reason to believe that an employee is intoxicated or under the influence of drugs, including controlled substances, during work hours. Evidence of such behavior may include, but is not limited to: slurred speech, uneven gait, mood swings, violent temper, excessive absenteeism and tardiness, a reportable work-related accident or injury, or an avoidable accident involving a vehicle or causing property damage.

B. Procedures for Drug and Alcohol Testing: Fresno EOC will refer the applicant or employee to an independent, National Institute on Drug Abuse (NIDA)-certified medical clinic or laboratory, which will administer the test. Fresno EOC will pay the cost of the test. The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or nonprescription drugs that have been taken that may affect the outcome of the test. All drug testing will be performed by urinalysis. Initial screening will be done by EMIT II. All urine specimens will be analyzed for the following drugs: (1) marijuana (THC metabolite); (2) cocaine; (3) amphetamines; (4) opiates (including heroin); and (5) phencyclidine (PCP). Positive results will be confirmed by gas chromatography/mass spectrometry.

Alcohol testing will be conducted using a calibrated evidential breath-testing device (EBT). If the test result is less than .02, the test is negative. If the test result is .02 or greater, a confirmation test will be performed. The clinic or laboratory will inform Fresno EOC as to whether the applicant passed or failed the drug or alcohol test. Failure of the test by the employee will be considered a violation of this policy and the employee will be subject to discipline up to and including termination.

Employees who have engaged in alcohol or drug misuse as indicated by the above testing procedure will not be permitted to return to safety-sensitive duties until they have been evaluated by a substance abuse professional, have complied with recommended treatment and rehabilitation, and had a negative result on a return-to-duty test. Follow-up testing to monitor continued abstinence may be required.

C. Acknowledgment and Consent: Any employee subject to testing under this policy will be asked to sign a form acknowledging the procedures governing testing and consenting to (1) the collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to Fresno EOC of medical information regarding test results. Refusal to sign the agreement and consent form, or to submit to a drug and/or alcohol test, will result in the revocation of an applicant's job offer, or will subject an employee to discipline up to and including termination. Applicants, as a condition of employment, must consent to Fresno EOC obtaining information on their drug and/or alcohol test results for the previous two years. The driver's previous employers will be requested to furnish reports on any positive tests and/or refusals to test.

D. Confidentiality: All drug and/or alcohol testing records will be treated as confidential.

E. Fitness for Duty: To protect the health and well-being of our employees, and to maintain a safe work environment for employees and clients, Fresno EOC reserves the right to request a Fitness for Duty evaluation when:

- There is reasonable cause for serious concern about an employee's ability to perform duties safely:
- An employee's behavior is grossly inappropriate for the workplace:
- There is reasonable concern for workplace safety: or
- Medical clarification is needed to support a reasonable accommodation request.

All matters will be treated as confidential.

The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint.

F. Testing of Applicants or Employees for Designated Safety-Sensitive Positions are subject to the current Transit Systems Drug and Alcohol Testing Policy.

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## **POLICY 5050 MANDATORY REPORTING OF CHILD ABUSE**

**PURPOSE:** The purpose of this policy is to ensure that all employees, contractors, and volunteers understand their legal and ethical responsibilities to report any suspected cases of child abuse or neglect. The safety and well-being of children are of paramount importance, and prompt reporting is essential to protect children from harm.

**POLICY:** Fresno EOC is committed to the protection of children and requires all employees, contractors, and volunteers to report any suspected cases of child abuse or neglect immediately. Failure to report suspected abuse may result in legal consequences and disciplinary action up to and including termination by the Agency.

**REFERENCE:** California Penal Code, §§ 11164-11174.4

### **PROCEDURE:**

#### **I. DEFINITIONS**

- A. Child Abuse: Any act or failure to act that results in physical harm, emotional harm, sexual abuse, exploitation, or neglect of a child under the age of 18. This includes physical abuse, emotional abuse, sexual abuse, and neglect.
- B. Neglect: The failure of a parent, guardian, or other caregivers to provide for a child's basic needs, including food, clothing, shelter, medical care, and supervision, which may result in harm or risk of harm to the child.
- C. Mandatory Reporter: Any employee, contractor, or volunteer who, in the course of their work, interacts with children or has reason to believe that a child has been subjected to abuse or neglect.

#### **II. REPORTING OBLIGATIONS**

- A. Immediate Reporting: Any employee, contractor, or volunteer who suspects or becomes aware of child abuse or neglect must report the situation immediately. Reports should be made as soon as possible and within the same working day that the suspicion arises.
- B. Who to Report To: Reports should be made directly to the designated Child Protection Officer (CPO) within the Agency. If the CPO is unavailable, the report should be made to the employee's immediate supervisor or directly to local child protective services or law enforcement authorities.
- C. How to Report: Reports can be made in person, by phone, or in writing. The report should include all relevant details, such as the child's name, the nature of the suspected abuse, the name of the suspected perpetrator, and any other information that may assist in the investigation.
- D. Confidentiality: The identity of the individual making the report will be kept confidential to the extent possible, consistent with the need to conduct a thorough investigation and comply with legal requirements.

Programs that interact with children including, but not limited to Head Start, WIC, Sanctuary and Support Services, and SOUL, are required to comply with their program-specific regulations that may include other federal/state reporting requirements.

### **III. PROTECTION FROM RETALIATION**

Fresno EOC strictly prohibits retaliation against anyone who, in good faith, reports suspected child abuse or neglect. Employees who engage in retaliatory behavior will be subject to disciplinary action, up to and including termination of employment.

#### **A. Investigation Process**

1. Internal Investigation: Upon receiving a report of suspected child abuse or neglect, the Agency will cooperate fully with law enforcement and child protective services. Fresno EOC may also conduct its own internal investigation, as appropriate, to ensure the safety of the child and compliance with Agency policies.
2. Cooperation with Authorities: The Agency will cooperate with any external investigations conducted by child protective services or law enforcement. This includes providing access to relevant records and personnel as required by law.

#### **B. Legal Compliance**

1. Legal Obligations: All employees, contractors, and volunteers must comply with local, state, and federal laws regarding the mandatory reporting of child abuse and neglect. Failure to comply with these legal obligations may result in criminal and civil penalties, as well as disciplinary action by the Agency.
2. Training: Fresno EOC will provide training to all employees, contractors, and volunteers on recognizing the signs of child abuse and neglect, and on their mandatory reporting obligations. This training will be provided during orientation and periodically thereafter.

#### **C. Disciplinary Action**

1. Failure to Report: Employees who fail to report suspected child abuse or neglect, as required by this policy and applicable law, may face disciplinary action, including termination of employment.
2. False Reporting: Knowingly making a false report of child abuse or neglect is prohibited and may result in disciplinary action, including termination of employment, as well as legal consequences.

#### **D. Support and Resources**

1. Employee Assistance Program (EAP): Fresno EOC will offer support through its Employee Assistance Program (EAP) for employees who are dealing with the emotional impact of reporting child abuse or neglect.
2. Resources for Reporting: The Agency will provide all employees with information on how to contact local child protective services and law enforcement authorities for reporting suspected child abuse.



## **POLICY 5060 EMPLOYMENT OF RELATIVES (NEPOTISM) AND PERSONAL RELATIONSHIPS**

**PURPOSE:** The purpose of this policy is to ensure fair and equitable treatment of all employees, prevent conflicts of interest, and maintain a professional work environment by regulating the employment of relatives and managing personal relationships within the workplace. This policy is applicable to employees, interns and volunteers.

**POLICY:** Fresno EOC is committed to fostering a work environment where decisions related to hiring, promotion, and other employment matters are based on merit and qualifications. To avoid any real or perceived conflicts of interest, the agency restricts the employment of relatives and the involvement of personal relationships within the workplace that could affect impartiality, objectivity, or the work environment.

**REFERENCE:** California Government Code § 12940(a) (3) (A).

### **PROCEDURES:**

#### **I. ASSIGNMENTS**

Fresno EOC endeavors to avoid situations in which actual or an appearance of a conflict of interest may exist in the employment of relatives or employees involved in a personal relationship. To implement this objective, Fresno EOC will attempt to avoid assignments that involve actual or potential conflicts of interest, as well as working relationships involving relatives or individuals with close personal relationships that may potentially lead to complaints of favoritism, lack of objectivity, or employee morale and dissension problems that can result from such relationships.

In keeping with this policy, relatives of employees and the Board of Commissioners and individuals with whom employees reside will not be eligible for employment with Fresno EOC in any situation where potential problems of supervision, safety, security or morale exist or where personal relationships may create an actual or potential conflict of interest, cause disruption, or create a negative or unprofessional work environment. For example, Fresno EOC may refuse to place one relative under the direct supervision of the other relative for the reasons given above. For the same reasons, Fresno EOC may refuse to place relatives or employees involved in a personal relationship in the same program, component, department, division, or facility if the work involves potential conflicts of interest or hazards that are greater for relatives than for other individuals.

#### **II. DEFINITIONS**

**Relative:** For the purposes of this policy, a relative includes, but is not limited to, spouses, domestic partners, parents, children, siblings, grandparents, grandchildren, aunts, uncles, cousins, nieces, nephews, and in-laws.

**Personal Relationship:** A relationship involving close personal connections, including but not limited to romantic or intimate relationships, friendships that extend beyond the workplace, or any relationship that may lead to favoritism or bias.

## Employment of Relatives (Nepotism)

- **Hiring of Relatives:** Relatives of current employees may be considered for employment with the Agency based on their qualifications. However, relatives are not permitted to work in positions where one relative would have direct or indirect supervision or influence over the other's employment conditions, including decisions related to hiring, promotions, salary, performance reviews, and disciplinary actions.
- **Transfers and Promotions:** Employees may not be transferred or promoted into a position that would result in them having direct or indirect supervision or being supervised, directly or indirectly, by a relative. If a situation arises where a supervisory relationship between relatives is created due to restructuring, promotion, or other changes, the Agency will work with the employees to find an appropriate solution, which may include reassignment or transfer.
- **Disclosure:** Employees must disclose the existence of any familial relationship with another employee at the time of hire or when such a relationship is established during employment. This disclosure should be made to the Human Resources Office or the employee's direct supervisor.

## Personal Relationships in the Workplace

- **Disclosure of Personal Relationships:** Employees who enter into a personal relationship that could affect their work or create a conflict of interest must disclose the relationship to the Human Resources Office. This includes romantic or intimate relationships between employees, especially where a power imbalance exists (e.g., between a supervisor and a subordinate).
- **Handling of Personal Relationships:** The Agency may take steps to manage the impact of personal relationships in the workplace. This could include reassigning duties, changing reporting lines, or transferring one of the individuals involved to a different department or location to avoid conflicts of interest or perceptions of favoritism.
- **Professional Conduct:** Employees involved in a personal relationship are expected to maintain professionalism and not allow their relationship to interfere with their work or the work environment. Any inappropriate behavior related to the personal relationship, including public displays of affection, favoritism, or conflicts arising from the relationship, may result in disciplinary action.

## Conflicts of Interest

- **Avoidance of Bias:** Employees must avoid situations where their personal relationships could lead to actual or perceived favoritism, bias, or conflict of interest. Employees must not participate in any employment-related decision-making that could affect the relative or individual with whom they have a personal relationship.
- **Duty to Report:** If an employee becomes aware of a potential conflict of interest involving a personal relationship or the employment of a relative, they must complete a Conflict of Interest form to the Human Resources Office immediately where a mitigation plan can be developed, if necessary.

## Consequences of Policy Violation

- **Disciplinary Action:** Violations of this policy, including failure to disclose a relevant relationship or allowing a relationship to affect workplace decisions or behavior, may result in disciplinary action, up to and including termination of employment.
- **Remedial Measures:** In cases where a violation of this policy has occurred, the Agency may take remedial measures to eliminate conflict of interest. This could include reassignment, transfer, or other actions to ensure compliance with the policy.

## Confidentiality and Non-Retaliation

- **Confidentiality:** All disclosures of relationships and any related actions taken by the Human Resources Office will be handled with sensitivity and confidentiality, to the extent possible while ensuring compliance with this policy.
- **Non-Retaliation:** Employees who report concerns or disclose personal relationships in good faith are protected from retaliation. Retaliatory actions against employees who comply with this policy will not be tolerated and may result in disciplinary action.

## Exceptions

- **Management Discretion:** In certain circumstances, exceptions to this policy may be granted at the discretion of senior management, provided that such exceptions do not compromise the principles of fairness, objectivity, or the integrity of the work environment. Any exceptions must be documented and approved in writing.

## **POLICY 5070 CODE OF ETHICS AND BUSINESS CONDUCT**

**PURPOSE:** Fresno EOC expects employees to adhere to the highest possible standards of ethics and business conduct and to comply with all laws and regulations in relation to the Agency.

**POLICY:** It is the policy of Fresno EOC to preserve and foster the public's trust and confidence. Employees are expected to be knowledgeable about their job, conduct all aspects of their employment in an ethical and legal manner and in accordance with laws and regulations, and to comply with Fresno EOC policies and procedures.

**REFERENCE:** Whistleblower Protection Act, California Labor Code 1102.5 (a-c)

### **PROCEDURES:**

#### **I. CONFLICTS OF INTEREST**

It is the policy of Fresno EOC to prohibit employees from engaging in any activity, practice or conduct which conflicts with, or appears to conflict with, the interests of Fresno EOC. A conflict of interest exists when the employee's conduct and/ actions are divided between Fresno EOC's interest and those of another, such as clients, funding sources, suppliers, personal businesses, or for another employer.

A. Reporting Conflicts of Interest: Employees are expected to use good judgment, to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of Fresno EOC. Both the fact and the appearance of a conflict of interest will be avoided. Employees unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should refer questions and concerns to their supervisor or the Human Resources Office for clarification.

B. Conflicts of Interest: Conflicts of interest prohibited in this policy are not intended to be exhaustive and only include some of the more common examples. Failure to adhere to this policy, including failure to disclose any conflicts, will result in discipline up to and including termination.

Some of the more common conflicts from which employees should refrain include the following:

- engaging in, directly or indirectly either on or off the job, any conduct that is disloyal, disruptive, competitive, or damaging to Fresno EOC;
- accepting personal gifts, meals or entertainment from clients, funding sources, suppliers, or potential suppliers, except those of nominal value;
- engaging in outside activity or accepting work in any outside position that interferes with the ability to devote full and best efforts to Fresno EOC's interests;

- using proprietary or confidential Fresno EOC information for personal gain or to the detriment of Fresno EOC;
- using Fresno EOC assets or labor for personal use;
- developing a relationship with a client or an employee that interferes with the exercise of impartial judgment in decisions affecting Fresno EOC or any employees of Fresno EOC; and
- taking positions on behalf of Fresno EOC of a political nature and/or endorsement of a candidate or issue.

## **II. CONFIDENTIALITY**

Confidentiality is an essential part of our Agency. Fresno EOC's clients provide us private/personal information about themselves and rightfully trust us to keep this information in confidence. Technology has enabled us to keep more information about our clients on computer systems. Agency employees shall not disclose confidential information without proper authorization from their supervisor, manager and/or Human Resources Office. Misuse of information is against the Agency's ethical standards and business practices.

An employee's role in privacy protection is critical. Employees will have access to confidential information about the Agency, its clients, and co-workers. Such information is intended solely for use within the Agency and is limited to those with a business need-to-know. Confidential information acquired by an employee through employment must be held in confidence and, except for a business reason, must never be discussed outside the scope of the employee's position. Information is to be used solely for agency purposes.

Employees must not disclose confidential information obtained in the course of employment to any other employee unless the other employee has a business need-to-know the information for the performance of duties on behalf of the Agency. Except for authorized management personnel, confidential information may not be disclosed to any person outside the Agency except when its disclosure is required by law or has been specifically authorized in writing by the client or employee.

Improper release of confidential information damages trusts in the Agency and can result in loss of business and even legal action. An employee who violates this policy is subject to disciplinary action, up to and including termination.

The Agency will not tolerate retaliation against any employee for cooperating in an investigation regarding the possible violation of this policy.

## **III. WHISTLEBLOWING**

It is the policy of Fresno EOC and public policy of the State of California to encourage employees to notify Fresno EOC or an appropriate government or law enforcement agency when they have reason to believe an employer is violating a state or federal statute, rule, or regulation, or violation of fiduciary responsibility, or violating or not complying with a state or federal rule or regulation. Fresno EOC will not retaliate against any employee for filing a complaint or participating in an investigation related to the complaint. Fresno EOC will not

tolerate or permit retaliation. Any possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility should be directed to the Human Resources Office or the California State Attorney General's Whistleblower Hotline at 1-800-952-5225.

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## **POLICY 5080 SOLICITATION, DISTRIBUTION, AND POSTING**

**PURPOSE:** To establish a policy prohibiting solicitation.

**POLICY:** Fresno EOC prohibits employees from soliciting or distributing literature to other employees, clients, or visitors on Agency premises except for approved work-related activities.

**PROCEDURE:**

Fresno EOC does not allow solicitation, distribution, or posting of materials by employees or non-employees on Agency property, unless explicitly permitted by this policy. Exceptions are limited to charitable or community activities supported by management, or Agency-sponsored programs directly related to Agency services.

Non-employees are not permitted to solicit or distribute materials to employees on Agency premises during work hours.. They may only enter work areas with management approval or if participating in an Agency-sponsored program. Such visits must not disrupt the workflow, and they must always be accompanied by the employee who invited them.

Employees are not allowed to solicit other employees during working hours unless it is part of an Agency-approved or sponsored event.

Employees are prohibited from distributing any literature during work time or in work areas, except in connection with an Agency-sponsored event.

"Work time" refers to the time when an employee is performing job duties and does not include meal periods or rest breaks.

Posting of materials or electronic announcements, including Agency newsletters, Intranet announcements, and other Agency-wide communications, is not permitted unless it is related to an Agency-sponsored event or has been approved by the Agency.

Violations of this policy should be reported to the Human Resources Office. Employees who fail to comply with this policy may face disciplinary action, up to and including termination.

## **POLICY 5090 PRIVACY AND THE USE OF FRESNO EOC RESOURCES**

**PURPOSE:** To establish a policy for privacy and confidentiality in relation to the appropriate use of Fresno EOC resources, particularly the use of computers, electronic devices, telephones, cellular phones, e-mail, the Internet, Wi-Fi, blogging, social media, instant messaging and voice mail.

**POLICY:** It is the policy of Fresno EOC to observe the requirements of all federal and state laws and regulations pertaining to privacy and confidentiality in the workplace.

**REFERENCE:** United States Constitution, Fourth Amendment. California Constitution, Article I, Section I. Title III of the Omnibus Crime Control and Safe Streets Act of 1968, The Electronics Communications Privacy Act of 1986, California Penal Code §§ 630, 631, 632, and 637, California Private Investigators Act, California Business and Professional Code § 7523 (b), IT Policy Procedures 3010

### **PROCEDURES:**

#### **I. DEFINITION**

Agency-owned or administered information technology resources include but are not limited to: computer system hardware and software, network equipment, servers, software and services, email and instant messaging systems, telephone and voicemail equipment and services, video equipment, printers, scanners, and other imaging systems, fax machines, copiers, other electronic equipment, and all electronic files and storage media.

#### **II. AUDIO AND VIDEO RECORDING**

Audio recording or video recording of private conversations and private meetings is prohibited by state law unless all the parties involved grant permission or are notified that they are being recorded. Audio recording or video recording of public events is generally permissible.

#### **III. OTHER TECHNOLOGY RESOURCES**

Resources including, but not limited to accessing E-mail, social media, the Internet, Wi-Fi, voice mail, instant messages, blogging, and text messages, stored on, or transmitted by or through, any of the Agency's equipment including laptops and cell phones, or ITs network(s). These resources, regardless of whether used through a third party, are provided to employees by Fresno EOC solely for the purposes of conducting Fresno EOC business and its related activities. These are the property of the Agency whether or not the communication concerns the Agency's business, or intended to be private, either during or after the end of employment. Except for occasional and infrequent personal needs, such as briefly contacting a family member, employees will not use Fresno EOC resources for any purposes other than the performance of their job duties and responsibilities. Employees are prohibited from using personal service provider accounts to conduct any Agency's business and/or accessing employee accounts on personal or third-party service providers, using Agency resources. Employees are expected to exercise discretion and avoid the use of unnecessary, excessive,



and inappropriate remarks in e-mail and voice mail messages, and refrain from accessing and using the Internet for non-work-related purposes. Employees should have no expectation of privacy and, in fact, do not have privacy rights in the use of these resources.

Fresno EOC reserves the right to inspect such resources to make certain they are being used properly. Fresno EOC may, at its sole discretion, retrieve and examine the contents of e-mail, voice mail, text messages and instant messages, and any other information that is stored on an employee's computer (including desktop, laptops, and tablets) and telephone, as well as the contents of files stored on computer hard drives, cloud storage, portable and removable storage and any media used by employees.

Desks, file cabinets, and similar Fresno EOC resources used by employees in the performance of their duties and responsibilities are subject to search by management personnel or their designees when, in Fresno EOC's sole judgment, it is necessary and reasonable to do so for work-related purposes or for the investigation of suspected employee misconduct.

Employees are advised that e-mail and other stored data deleted by an employee may still be retrieved from the computer network and are subject to subpoena in any legal action in which they are relevant and subject to discovery.

Disclosure: Fresno EOC employees should have no expectations of and have no right to privacy in the use of e-mail, voice mail, cloud storage, and other Fresno EOC resources and will have no right to file a grievance or take any form of legal action against Fresno EOC related to the retrieval, disclosure, and reading of their stored messages and files by Fresno EOC management personnel or other designated agents of Fresno EOC.

#### **IV. INFORMATION TECHNOLOGIES AND OTHER DESIGNEES OF THE AGENCY**

IT and other designated employees who can access messages and information from the computer network or telephone system, or directly from other employees' computers and voice mail, are prohibited from accessing and reading any such messages and information unless it is necessary to do so in the conduct of their duties and responsibilities or unless specifically directed to do so by Fresno EOC management.

Employees are prohibited from using Agency owned and grant funded electronic communication systems and/or equipment to engage in behavior that would violate Fresno EOC policies, including but not limited to sending messages that violate Fresno EOC's EEO and anti-harassment policies, including but not limited to those containing racist material of any kind, sexual innuendoes, or inappropriate content.

The following are examples of prohibited activities:

- Viewing, storing, downloading, or forwarding pornographic images or other perceived obscene, racist, or harassing materials.
- Sending electronic mail that is non-business-related, obscene, racist, harassing, contains jokes, violent or otherwise offensive.
- Hacking, including attempting to gain access to restricted information.

- Knowingly or intentionally accessing Agency information technology resources without authorization or exceeding authorized access, including through the unauthorized use of another user's login ID, account, or password.
- Downloading or forwarding electronic games, music, video, or other non-business-related materials.
- Participating in non-work-related chat rooms or streaming music online.
- Solicitation or distribution of non-work-related information, such as requests for signatures, charitable contributions, support of political or organizational activities, or requests for donations.
- Bidding/purchasing of non-work merchandise or services.
- Downloading or forwarding chain letters.
- Gambling or any other illegal activity.
- Using Agency property, including computers, for personal use.
- Any other activities that violate Fresno EOC policies.

Engaging in any of these or any other non-business activities will result in disciplinary action up to and including termination.

Employees will maintain the confidentiality of any messages and information retrieved and read while performing their duties and responsibilities and will be disclosed to those who need to know.

Employees are provided an opportunity to establish passwords so that access to business messages can be limited to the intended recipients: password protection capability is not intended to be used by employees to protect the privacy of personal messages and files.

Except as noted above, employees who have been granted appropriate proxy rights will not access messages and files for which they are not the intended recipients.

The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint.

## **POLICY 5100 SOCIAL NETWORKING**

**PURPOSE:** To establish a policy for the appropriate use of Fresno EOC resources, particularly the use of social networking. Because online postings are a common means of communication and self-expression, they can conflict with the interests of Fresno EOC and its clients; the Agency has adopted the following policy. Breach of this policy may result in counseling and discipline, up to and including termination.

**POLICY:** It is the policy of Fresno EOC to endeavor to observe the requirements of all federal and state laws and regulations pertaining to social networking in the workplace. Fresno EOC takes no position on employees' decision to start or maintain a blog or participate in other social networking activities on their personal time. However, it is the right and duty of the Agency to protect itself from unauthorized disclosure of information. Fresno EOC's Social Networking Policy includes guidelines for agency-authorized social networking and personal social networking and applies to all executive officers, board members, management, and staff.

Nothing in this policy is intended to or will be applied in a manner that limits employees' rights to engage in protected concerted activity as prescribed by the National Labor Relations Act.

**REFERENCE:** Fair Employment and Housing Council § 11031, National Labor Relations Act

### **PROCEDURES:**

#### **I. DEFINITION**

This policy applies to all forms of social media or technology including, but not limited to: video or wiki postings, sites such as Facebook and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with Fresno EOC.

#### **II. GUIDELINES**

The following guidelines apply to social networking when authorized by Fresno EOC and done on agency time. The guidelines apply to all employer-related social networking entries, including Fresno EOC subsidiaries or affiliates.

Only authorized employees, who have received adequate training, and have been approved by the Communications Department, can prepare and modify content located on Fresno EOC's website or social media channels.

All employees who are authorized to post/interact on behalf of the Agency must be logged into their program page to post comments or responses on the Agency's social networking sites. Employees should not be interacting through their personal page as an agency representative.

Fresno EOC reserves the right to remove, without advance notice or permission, all content considered inaccurate or offensive.

### **III. CONFIDENTIALITY AND PRIVACY**

Employees must not disclose the Agency's confidential or proprietary information including trade secrets, client lists or identifying information, internal reports, policies, procedures, or other internal business related, confidential information in online postings or publications (see Policy 5070, Code of Ethics and Business Conduct). Sharing these types of information, even unintentionally, could result in harm to the Agency and legal action against employees and/or the Agency.

### **IV. EMPLOYEE'S ONLINE IDENTITY**

A. An employee is personally liable for all communications and information they publish online. The Agency may be liable for online activity that uses agency assets, an agency e-mail address or any e-mail address that can be traced back to the Agency's domain, which generally is any internet address affiliated with the Agency. Using an employee's name and an Agency e-mail address may imply that an employee is acting on the Agency's behalf. Due to social media and networking being public activities, Agency e-mail addresses and Agency assets/account should be used only to perform job-related activities, which may include professional networking, but does not include personal social networking.

B. Outside the workplace, employees have a right to participate in social media networks using their personal accounts. Employees may repost or forward Agency sponsored events and information on Fresno EOC social media and websites. Information and communications that are published on personal online sites/accounts should never be attributed to the Agency or appear to be endorsed by, or to have originated from, the Agency.

C. If an employee chooses to disclose their affiliation with the Agency in an online communication, then they must treat all communications associated with the disclosure as professional communications governed by this and other Agency Policies.

### **V. LIMITATIONS ON ONLINE PUBLICATIONS**

A. Employees should never identify a client or co-worker in an online posting without their prior written permission.

B. Employees may not post any information or engage in any online activity that violates applicable local, state or federal laws, or professional rules of conduct (see Policy 5070, Code of Ethics and Business Conduct).

C. Employees must identify all copyrighted or borrowed material with citations and links. When publishing direct or paraphrased quotes, thoughts, ideas, photos or videos, credit must be given to the original publisher or author.

D. Comments employees post about current and former co-workers can have legal consequences, even if the comments are made personally and not on the Agency's behalf.

E. While using Agency equipment, employees must refrain from publishing comments about controversial or potentially inflammatory subjects with a malicious motive, including, but not limited to: politics, sex, religion or any other non-business-related subject in any posts or other online communications involving the Agency.

While using Agency equipment, employees must avoid hostile or harassing communications in any posts or other online communications involving the Agency. Harassment is any offensive conduct based upon a person's race, color, ethnicity, national origin, ancestry, sex, pregnancy, religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, marital status, sexual preference, sexual orientation, gender identity, gender expression, sex stereotype, transgender, transitioning or perceived to be, genetic information, immigration status, veteran's status, primary language or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law, or for any other reason prohibited by law or regulation and not work related (see Policy 1030, Discrimination/Harassment/Retaliation Complaint and Prevention Policy).

## **VI. AUTHORIZED SOCIAL NETWORKING**

The goal of authorized social networking is to become a part of the industry conversation and promote web-based sharing of ideas and exchange of information. Authorized social networking is used to convey information about the agency's services, promote and raise awareness of the agency, communicate with employees and clients or respond to breaking news or negative publicity, and discuss specific activities and events.

When social networking or using other forms of web-based forums, the Agency must ensure that use of these communications is consistent with our brand identity, integrity and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

The Communications Department must create and continue to have access to any Agency or Agency's program website, blog, video-sharing site, bulletin board or other social media. No employee may incorporate the Agency's logo or other intellectual property in a website, blog, chat room, video-sharing site bulletin board or other social media without the Agency's written permission.

An employee that is authorized and maintains an Agency or program account(s) including, but not limited to: website, blog, chat room, video-sharing site, bulletin board or other social media account that promotes the Agency, is responsible for reviewing responses to online posts and resolving any concerns about the propriety of the responses before they are posted.

## **VII. USE OF AGENCY INFORMATION**

Unless specifically instructed, employees are not authorized and are therefore restricted from communicating on behalf of the agency. Employees may not publicly discuss clients, products, employees or any confidential work-related matters, outside agency-authorized communications. Employees are expected to protect the privacy of the Agency and its

employees and clients and are prohibited from disclosing personal employee and non-employee information and any other proprietary and nonpublic information to which employees have access. Such information includes but is not limited to client information, financial information, and strategic business plans.

Employees are cautioned that they should have no expectation of privacy while using the Internet or Wi-Fi. Employee postings can be reviewed by anyone, including Fresno EOC. Fresno EOC reserves the right to monitor comments or discussions about the agency, its employees, clients, and the industry, posted on the Internet by anyone, including employees and non-employees.

Employees are cautioned that they should have no expectation of privacy while using agency equipment or facilities for any purpose, including authorized internet use.

Fresno EOC reserves the right to use content management tools to monitor, review or block content that violates agency policy and procedures, and guidelines.

#### **VIII. REPORTING VIOLATIONS**

Fresno EOC requests and strongly urges employees to report any violations or possible or perceived violations to supervisors, managers, or the Human Resources Office. Violations include unauthorized discussions of the Agency and its employees and clients, any discussion of proprietary information and any unlawful activity related to social networking.

The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint.

#### **IX. DISCIPLINARY ACTION FOR VIOLATIONS**

All reports of violations of this policy and other related policies will be investigated. Any violation may result in discipline up to and including termination.

#### **X. POSTING COMMENTS**

Employees are expected to follow the guidelines and policies set forth to provide a clear distinction between you as the individual and you as the employee.

Fresno EOC does not discriminate against employees who use private social networking accounts for personal interests, personal affiliations and/or other lawful purposes.

All employees and non-employees are personally responsible for their comments which are posted on Fresno EOC's websites and may be held personally liable for any comments that are considered defamatory, obscene, proprietary or libelous by any offended party, not just the agency.

Employees cannot use Agency-owned equipment, including computers, Wi-Fi, agency-licensed software or other electronic equipment, facilities, or agency time to conduct personal blogging or social networking activities.

Employees cannot use the Internet or social networking sites to harass, threaten, or discriminate against employees or anyone associated with or doing business with Fresno EOC.

Employees may be viewed by readers as a spokesperson for Fresno EOC. Because of this possibility, employees must state their views expressed are their own and not those of the Fresno EOC, nor of any person or organization affiliated or doing business with Fresno EOC.

Employees cannot post on personal social networks or other sites the name, logo or any business with a connection to Fresno EOC. Employees cannot post agency-privileged information, including client information or agency-issued documents, photographs of other employees, clients, vendors, or suppliers, nor can employees post photographs of persons engaged in agency business or at agency events.

Other than links to position openings and announcements, employees cannot link from a personal social networking site to Fresno EOC's internal website.

If an employee is contacted by the media or press about their post that relates to the Agency, the employee is not to respond and must inform their supervisor(s) or the Communications Department immediately.

Nothing in this manual prohibits employees from discussing terms and conditions of employment and nothing in this policy is intended to infringe upon employee rights under Section 7 of the National Labor Relations Act ("NLRA").

## **POLICY 5110 REMOTE WORK AND ACCESS GUIDELINES**

**PURPOSE:** To establish guidelines for remote work, or telecommuting, and access.

**POLICY:** In the event work functions are disrupted due to a pandemic or other large-scale business disruption, Fresno EOC may find it necessary for employees to work from home or at another designated location. Fresno EOC can provide a variety of services to connect with our employees, consultants, contractors, vendors, clients, funding sources, community advocates, remotely to continue uninterrupted work. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not an agency-wide benefit, and it in no way changes the terms and conditions of employment with Fresno EOC.

### **PROCEDURES**

Telecommuting can be informal, such as working from home for a short-term project, on the road during business travel or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement. Every effort will be made to provide reasonable advanced notice to accommodate commuting, childcare and other issues that may arise from the implementation and/or conclusion of a telecommuting arrangement. There may be instances, however, when no notice is possible.

#### **I. ELIGIBILITY**

The employee and supervisor or program manager, with the assistance of the Human Resources Office, will evaluate the suitability of such an arrangement, reviewing the following areas:

- A. Employee suitability: The employee and supervisor or program manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- B. Job responsibilities: The employee and supervisor or program manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- C. Equipment needs, workspace design considerations and scheduling issues: The employee and supervisor or program manager will review the physical workspace needs and the appropriate location for remote work.
- D. Tax and other legal implications: The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.



Fresno EOC reserves the right to request a telecommuting agreement that is signed by all parties. Once approved, an appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process. The supervisor and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

## **II. USE OF AGENCY AND PERSONAL PROPERTY**

Fresno EOC will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, wireless hot spots, phone and data lines and other office equipment) for each telecommuting arrangement. The Human Resources and Information Technology Offices will serve as resources in this matter.

Equipment supplied by the employee, if deemed appropriate by the agency, will be maintained by the employee subject to appropriate reimbursement policies and procedures. Fresno EOC accepts no responsibility for damage or repairs to employee-owned equipment. Fresno EOC reserves the right to make determinations as to appropriate equipment, subject to change at any time.

Equipment supplied by the agency will be maintained by the agency and is to be used for business purposes only. The telecommuter must sign an inventory of all agency property received and agree to take appropriate action to protect the items from damage or theft. Upon separation of employment, all agency property will be returned to the agency.

Fresno EOC will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. Fresno EOC will also reimburse the employee shipping costs that are reasonably incurred in carrying out the employee's job.

Fresno EOC will provide a reasonable technology stipend for business-related expenses, such as home internet usage and phone calls. Stipend rates will be determined by a number of factors including job duties and responsibilities. Rates will be paid at following the reimbursement categories: Non-Exempt, Exempt and Executive.

The employee will establish an appropriate work environment within their home for work purposes. The employee should test the following equipment, at home to ensure the item can be used as intended:

- A. Laptop, Tablet, or Desktop Computer: This device should allow the employee to perform and generate work equivalent to the quality and quantity of work that was being generated in the office.
- B. Microphone or Headset: This device may be built into a laptop/desktop/tablet or may be a secondary device that can be connected. The employee should discuss the business need and receive approval from the supervisor prior to purchasing a microphone/headset if one is not available.

- C. Webcam: This device may be built into the laptop/desktop/tablet or may be a secondary device that can be connected. The purpose of the webcam is to provide video conferencing for business needs to help conduct a meeting or discussion that replicates the interactions that would have been obtained in an in-person/office environment. The employee should discuss the business need and receive approval from the supervisor prior to purchasing a webcam if one is not available.
- D. Internet: The employee may utilize their personally obtained internet or an agency provided wireless hotspot.

### **III. TECHNOLOGY SUPPORT**

The employee should contact the Information Technology Office if they have any questions or issues. Information Technology staff can set up remote access support sessions. The employee can also bring in their equipment to get questions answered and trained how to work from home. If the employee does not have access to program equipment that meets these standards, please consult with the Program Director.

During a pandemic or other mandated telecommuting event, the IT Office may require an employee to set up an appointment to ensure meeting social distancing or other implemented protocols. Please contact the IT Office at 263-1300 or [ITSupport@fresnoeoc.org](mailto:ITSupport@fresnoeoc.org) prior to going to the IT Office for support.

### **IV. TECHNOLOGY AND SOFTWARE RESOURCES**

- A. Microsoft Office and Office365: Microsoft Office software and web-based Office365 are the productivity suites of choice for Fresno EOC. Office365 accounts are available for free to all Fresno EOC employees.
  - 1. Microsoft Teams: Microsoft Teams combines modern online meeting technology with real time chat, file storage, collaboration, and remote support. The full functionality of teams is available to Fresno EOC employees with an agency provided Office365 account. To get started, log in to Microsoft Teams from a web browser or download the Microsoft Teams app from the app store. Use of Microsoft Teams while logged in with an agency-provided account is intended for business use only.
  - 2. Microsoft OneDrive and SharePoint: Fresno EOC utilizes OneDrive and SharePoint for Business cloud file storage. Fresno EOC employees working from home are encouraged to save files to the cloud for additional file access. OneDrive is a personal drive in which employees can store files. SharePoint is a shared drive in which employees can store and edit files shared with other staff given access to the drive.
- B. Internet Browsers: Fresno EOC recommends that employees use the Microsoft Edge or Google Chrome browser to ensure compatibility and security regarding access to Fresno EOC resources, including software and hardware.

## **V. ACCESS TO FRESNO EOC PHONE/VOICEMAIL (EXECUTIVE PLAZA ONLY)**

When an employee is out of the office during working hours, there are several options for employees to access their calls and voicemail.

1. The Mobility Extension feature will ring both the employee's desk phone and alternate number (cell/home phone) allowing the employee to receive calls on and off-site. Alternatively, the office phone can be forwarded so it will only ring to the alternate number provided.
2. The voicemail to email feature, once configured, will forward voicemail messages received at an employee's desk phone to the employee's Office365/Outlook email as a sound file attachment. The employee can double-click on the sound file to listen to the voicemail message.
3. Fresno EOC Executive Plaza employees can also check and manage voicemails by calling (559) 263-1399, press \*2, and entering their extension/password to access voicemail off-site.
4. Off-site programs must follow their phone system guidelines to forward calls or retrieve voicemail messages. Please contact Information Technology for phone system options.

## **VI. REMOTE ACCESS SERVICES**

Fresno EOC will utilize Virtual Private Network (VPN), Remote Desktop Protocol services (RDP), and other approved platforms such as Microsoft Teams, Zoom and Adobe Sign, to provide online meetings, webinars, access to computers, remote document signing, and remote technical support. Employees needing to access resources that require connecting remotely should contact the IT Office and set an appointment. Program Manager/Director approval is needed.

## **VII. SECURITY**

Consistent with agency expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection and confidentiality of proprietary agency and customer/client information accessible from their home office.

All work items, including documents, files, laptops, tablets, smartphones, and any other sensitive materials, should not be left unattended in public areas, common spaces, or unsecured locations within the workplace. Employees are responsible for safeguarding these items and should keep them within their direct control or secured in a designated storage area when not in use.

## **VIII. SAFETY**

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by Fresno EOC's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands.

#### **IX. TIME WORKED**

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act or California Industrial Wage Orders will be required to accurately record all hours worked using Fresno EOC's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

## **POLICY 5120 – REMOTE WORK POLICY**

**PURPOSE:** To define remote work expectations of employees and the Agency.

**POLICY:** It is the policy of Fresno EOC to provide remote work arrangements, when possible, that would be of mutual benefit to the Agency and the employee.

### **PROCEDURES:**

#### **I. DEFINITION**

Remote work (also known as telecommuting) is a business arrangement that allows employees to work from a remote location by virtually linking to Fresno Economic Opportunities Commission whether from home, the road, a client's location, or elsewhere.

#### **II. REQUESTING PERMISSION TO WORK REMOTELY**

Employees who would like to explore the option of remote work should communicate with their supervisor and with Human Resources. Fresno Economic Opportunities Commission will consider requests for remote work on a case-by-case basis, taking into account factors including appropriateness of the role for telecommuting, tenure, seniority, employee performance, prior disciplinary action, flexibility, the reason(s) for remote work and the ability to work independently. Employees who are permitted to work remotely must sign a Remote Work Agreement and, if approved to work remotely, will be expected to communicate with the Fresno Economic Opportunities Commission at a level consistent with employees working at the office or in a manner and frequency that seems appropriate for the job and the individuals involved. Fresno EOC reserves the right to modify or retract any remote work arrangements at any time without written or prior notice. This may occur based on operational needs, changes in job requirements, performance concerns, or any other reason deemed appropriate by Fresno EOC management.

Employees must successfully complete their introductory period before requesting remote work.

#### **III. EQUIPMENT AND SUPPLIES**

On a case-by-case basis, and subject to change at any time, Fresno EOC will determine what equipment, if any, to provide to the employee to facilitate the remote working arrangement. The Agency accepts no responsibility for theft, loss, damage or repairs to employee-owned equipment. Any equipment that the Agency provides to an employee as part of a remote working arrangement shall remain the property of the Agency, and the Agency will maintain that equipment. This equipment must be used for business purposes only. Depending on the circumstances, the employee may be responsible for any theft, damage, or loss of property belonging to the Agency. Fresno EOC will supply the employee with appropriate office supplies (e.g., pens, paper, printer ink) for successful completion of job responsibilities. Fresno EOC will also reimburse the employee for certain business-related expenses (e.g., phone plan, shipping costs) that are reasonably incurred in accordance with

job responsibilities. Unless otherwise agreed to in advance in writing, the Agency will not be responsible for any other costs the employee may incur while working remotely.

#### **IV. REMOTE WORK SITE**

An employee approved to work remotely should designate a workspace, at the off-site work area, for installation of any equipment to be used while working remotely. This workspace should be maintained in a safe condition, free from hazards to people and equipment. The employee will immediately report any injury sustained while working remotely immediately to the employee's supervisor. Prior to granting approval to remote work, Fresno EOC reserves the right to require that the employee provide a floor plan of their remote work sites and/or be subject to a visit by a representative of the Fresno EOC to determine the appropriateness and viability of the remote working space from a technical standpoint. Given a minimum of 24 hours advance notice, a representative of Fresno EOC, trained for the purpose of the visit, may make on-site visits to the remote worker's work site, including residence. The purpose of the visit would be to determine that the work site is safe and free from hazards and, where appropriate, to maintain, repair, inspect or retrieve equipment, software, data and supplies owned by the Fresno Economic Opportunities Commission.

#### **V. ALL OTHER POLICIES APPLY**

Fresno EOC's remote employees must continue to abide by all other policies and procedures including those in regard to computer use, social media and confidentiality. As a condition of remote work, all employees who receive permission to work remotely under this Policy must first sign a remote work agreement.

#### **VI. REQUESTS FOR LEAVE**

Unless a flexible schedule is agreed to, employees should not permit non-work-related events and activities to disrupt or interfere with scheduled work time. Requests to use sick leave, vacation or other leave must be approved in the same manner as the employee who does not work remotely. If a non-exempt employee is unable to work at an alternate work location due to illness or other reason, the employee must report the hours actually worked and use accrued time for those hours not worked.

#### **VII. NONEXEMPT EMPLOYEES**

Employees who are non-exempt under the Fair Labor Standards Act or California Industrial Welfare Orders are not exempt from the overtime requirements and therefore must comply with all recordkeeping requirements. Non-exempt remote employees must accurately record and timely report all working time as a condition of continued participation in the remote work program. A supervisor must approve, in advance, any hours worked in excess of those specified per day and per week, in accordance with local, state and federal requirements. Fresno EOC reserves the right to revoke the remote working privileges of any employee failing to comply with this requirement.

#### **VIII. TAX IMPLICATIONS**

Employees who work remotely from another state or work in several states are responsible for determining their taxes correctly. Employees are encouraged to consult a tax professional to determine the correct method for withholding income taxes.

#### **IX. DURATION OF THE REMOTE WORKING ARRANGEMENT**

All remote working arrangements are granted on a revocable basis. Consequently, in its sole discretion, Fresno EOC may discontinue any remote working arrangement at any time, although reasonable advance notice will be provided where practicable. Unless other arrangements have been made, upon termination of the remote working arrangement or employment, whichever is first, the employee must return all agency property to the Fresno EOC in good working order, less any normal wear and tear.

This Policy is not intended to alter the employment at-will relationship in any way. Accordingly, unless an employee has a valid written and signed contract of employment stating otherwise, employment is at-will and can be terminated by the employee or by Fresno EOC at any time.

## **POLICY 5130 – RETENTION POLICY**

**PURPOSE:** To define strategic actions to keep employees motivated and focused so they elect to remain employed and fully productive for the benefit of the organization.

**POLICY:** It is the policy of Fresno EOC to show our employees that we care for them and that we are committed to providing a culture that attracts and retains employees.

### **PROCEDURES:**

#### **I. DEFINITION**

Employee retention is the number of employees that stay with the agency in a given period of time. Typically, these employees only count as retained if they are happy, engaged, productive, and not looking for other work. Employee retention strategies help organizations prevent high turnover, usually through improving employee engagement and providing competitive benefits.

#### **II. VALUING OUR EMPLOYEES**

Fresno EOC understands how internal policies and practices reflect an organization's culture, which in turn can shape turnover. In general, a culture that supports retention employs the following practices:

- employees are treated with dignity and respect;
- there are open lines of communication among organizational levels;
- employees can participate in decisions affecting their jobs;
- policies and rules are applied fairly and consistently;
- there is a shared understanding of how to advance one's career;
- there is work-life balance; and
- employees are treated as organizational assets and not costs.

#### **III. POLICIES TO PROMOTE A HEALTHY WORKPLACE**

Creating psychologically healthy workplaces, coupled with the ability for employees to perform their jobs successfully and thereby receive ample rewards, results in a high-performance work culture. This, in turn, results in an organization that retains top performers and that replaces those employees who cannot meet its ever-increasing standards.

Fresno EOC is proud that the following policies support a high performance and retention culture:

- diversity, equity and inclusion;
- preventing workplace discrimination, harassment and retaliation;
- pay;
- open door;
- professional development
- sick leave;



- physical and emotional wellness;
- flexible work schedules;
- remote work;
- accountability; and
- Employee feedback

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## **POLICY 5140 – EMPLOYEE REFERRAL INCENTIVE PROGRAM**

**PURPOSE:** The purpose of the Employee Referral Incentive Program is to provide an incentive to current employees for referring new talent to Fresno EOC. This policy encourages employees to refer qualified applicants, whom the employee knows personally and/or professionally, will share in Fresno EOC's values and vision, and will demonstrate the competencies for an opportunity to become employed with Fresno EOC.

**POLICY:** It is the policy of Fresno EOC to provide an incentive to employees for referring applicant(s) that result in successful hires within the Agency.

### **PROCEDURES:**

#### **I. DEFINITION(S)**

- A. Referring Employee – the current Fresno EOC employee that completes the referral form (Refer a Friend) providing the name of the applicant referred.
- B. Successful Referral/Hire – an applicant who applied for a position at the recommendation of a referring employee, makes it through the recruitment process and is hired to fill the vacancy. A successful hire/referral cannot be a current or previous employee of the agency.

#### **II. ELIGIBILITY**

- A. All full-time, part-time, and temporary employees and paid interns are eligible to receive a referral incentive with the exception of the following:
  - i. Hiring Managers (including direct reports and anyone with influence in the hiring process) for the position in question
  - ii. Human Resources staff with direct involvement or who have staff involved in the recruitment duties for a vacancy.
  - iii. Executive level staff are not eligible to participate in the Employee Referral Reward Program.
- B. Incentive Eligibility:
  - i. In the event more than one employee completes a referral, the first employee to complete the referral and is listed as the referral source on the successful hire's application will receive the referral incentive.
  - ii. The referral incentive reward will be provided to the referring employee following completion of 1,000 hours of employment by the successful hire. Both the referring employee and successful hire must be in the employment of Fresno EOC at the time the referral incentive is awarded.

#### **III. REFERRAL PROCESS**

- A. Only open positions, which have gone through the approved Fresno EOC recruitment process, will be eligible for the Employee Referral Incentive Program (see Policy 1090, Recruitment and Selection).
- B. The referring employee must complete referral electronically by logging into the ADP entering the applicant's name in the "refer a friend" option in the career center.
- C. The applicant must complete the referral section of the employment application with the name of the current Fresno EOC employee to be eligible to participate in the Employee Referral Incentive Program.

#### **IV. INCENTIVE PROCESS AND REDEMPTION**

- A. Referral incentive rewards are paid out utilizing a gift redemption method. The referring employee will be notified via email or phone once the incentive has been activated and have 90 days to redeem the gift option of their choice (gifts have a cash equivalent up to \$300.00)

#### **V. HUMAN RESOURCES OFFICE ROLE AND RESPONSIBILITY**

The Human Resources Office will ensure that this policy is implemented as equally and fairly as possible, and that all employees eligible for the referral incentive are offered the incentive as outlined in this policy.

Any questions or policy clarifications arising from the application or administration of this program will be reviewed by the Human Resources Office.

## **POLICY 5150 – CHILD SUPPORT REFERRAL**

**PURPOSE:** To provide guidance on Fresno EOC's responsibility to clients regarding Child Support Services in the state of California.

**POLICY:** It is the policy of Fresno EOC to comply with the Community Services Block Grant Act Child Support Services regulations regarding referrals to Child Support Services for custodial parents in single-parent families.

**REFERENCE:** 42 U.S. Code § 9919

### **PROCEDURES:**

If a client is a single parent, who has custody of a child under the age of 18, the client may be eligible for help from CA Child Support Services.

#### **I. ELIGIBILITY DETERMINATION PROCESS FOR STAFF**

If a client indicates that they have custody of their child/children on an intake form and the client does not live with the other parent; the staff providing eligibility/enrollment services must:

1. Offer the client information such as a copy of the application for such services to be submitted to CA Child Support Services, an informational brochure and/or where someone could obtain additional information.
2. Enter applicable tracking codes for the services rendered into Fresno EOC's intake software.

## **POLICY 6010 COMMITMENT TO SAFETY**

**PURPOSE:** To establish Fresno EOC's commitment to safety and to providing a work environment as free as practical from all recognized safety and health hazards.

**POLICY:** It is the policy of Fresno EOC to be committed to providing and maintaining a healthy and safe working environment for all employees. Accordingly, Fresno EOC has instituted a Safety Program designed to protect the health and safety of all personnel. Employees are expected to comply with all safety and health requirements whether established by Fresno EOC or by federal, state, or local laws.

**REFERENCE:** California Labor Code §§ 6401, 6401.7; 8 Cal. Code Reg. § 3203; California Labor Code § 6404.5.

### **PROCEDURES:**

#### **I. RESPONSIBILITIES**

A. All Employees: Every employee should understand the importance of safety in the workplace. By remaining safety conscious, employees can protect their own interests as well as those of their co-workers. Accordingly, Fresno EOC emphasizes "safety first" and expects all employees to take steps to promote safety in the workplace. All employees are encouraged to submit suggestions to their supervisor or the Human Resources Office concerning safety and health matters in the workplace.

Compliance with safety requirements is a condition of employment and will be evaluated, together with other aspects of an employee's performance, as a part of the performance evaluation process. Due to the importance of safety considerations to Fresno EOC, employees who violate safety standards, who cause hazardous or dangerous situations, or who allow such conditions to remain when they could be effectively remedied, may be subject to discipline up to and including termination.

Therefore, it is essential that all employees comply fully with standards and practices established by Fresno EOC that are designed to promote a safe and healthy working environment. Fresno EOC has established a program to train and retrain employees as appropriate to assist them to avoid dangerous and unhealthful conditions and to remedy problems of hazards before they cause accidents or injuries.

B. Supervision: Supervisors are expected to facilitate compliance with all Fresno EOC safety rules, regulations, and procedures. Supervisors' safety responsibilities include: (1) being familiar with all safety and health procedures relevant to their operation; (2) inspecting their work areas periodically; (3) training their employees in safety matters; (4) identifying unsafe conditions; and (5) reporting accidents and injuries to the Safety Specialist immediately; and (6) ensuring that any injured employee is referred to appropriate medical care.

C. Safety Coordinator: The Safety Coordinator is in the Human Resources Office and oversees Fresno EOC's safety policies and procedures. The Safety Coordinators responsibilities include but are not limited to (1) monitoring compliance with safety rules and regulations; (2) developing and implementing written safety plans or programs as needed; (3) investigating and ensuring that safety and health hazards are corrected; (4) conducting periodic safety and health inspections; (5) representing Fresno EOC during investigations conducted by Cal OSHA; (6) organizing safety training; (7) monitoring compliance with various requirements established by law or by the workers' compensation insurance carrier; (8) investigating accidents and hazardous incidents when necessary; (9) ensuring that all required notices are posted; and (10) evaluating the effectiveness of Fresno EOC's safety program.

## **II. REPORTING INJURIES AND UNSAFE CONDITIONS**

Employees are required to immediately report all injuries to their supervisor. If an employee identifies an unsafe condition or an occupational safety and health risk, the matter should be immediately reported to the employee's supervisor. If the supervisor is not readily available, the condition may be reported to the Safety Specialist. Fresno EOC strongly encourages employees to report any situations of this nature.

Fresno EOC will not retaliate, nor will it tolerate retaliation, against any employee who reports any safety issue.

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

## **III. THE INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)**

An Injury and Illness Prevention Program (IIPP) has been developed to comply with state rules and requires safety meetings, training programs, posting safety notices and safety tips, and providing periodic written communications to employees regarding safety matters

## **IV. SMOKING**

In keeping with the commitment to a philosophy of providing a work environment free of safety and health hazards, smoking is not permitted in the workplace. Accordingly, smoking including cigarettes, e-cigarettes, using dip or chew, or other nicotine-delivery devices such as vaporizers, is prohibited inside all Fresno EOC buildings, rented, leased, or owned; transportation vehicles; restrooms; elevators; outside entrances to offices, or any other work areas. Employees who wish to smoke must limit smoking to break and meal periods and only in authorized areas. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers and the public regarding the smoking policy.

Employees who violate this policy will be subject to discipline up to and including termination.

## **V. FIRST AID**

For basic First Aid & Universal Precautions see the Medical Emergency First Aid Program on the Safety Section of the Fresno EOC Intranet or contact the Safety Coordinator.

## **VI. WORKER'S COMPENSATION**

Worker's Compensation is a system whereby an employer must provide insurance to pay the lost wages and medical expenses of an employee who is injured on the job.

## **VII. EMERGENCY CONDITION**

In the event of an "emergency condition," the Agency will not take or threaten adverse action against any employee for (1) refusing to report to, or leaving, a workplace or worksite within the affected area because the employee has a reasonable belief that the workplace or worksite is unsafe; (2) preventing any employee from accessing the employee's mobile device or other communication device from seeking emergency assistance, assessing the safety of the situation, or communicating with a person to verify their safety. When feasible, an employee must notify the employer of the "emergency condition" prior to leaving the workplace or refusing to report and, if not feasible beforehand, then the employee must notify the employer as soon as possible. For these purposes, an "emergency condition" means the existence of either of the following: (1) conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act; and/or (2) an order to evacuate a workplace, a worksite, a worker's home, or the school of a worker's child due to natural disaster or a criminal act." "Emergency condition" explicitly excludes a health pandemic. "A reasonable belief that the workplace or worksite is unsafe" means that a reasonable person, under the circumstances known to the employee at the time, would conclude there is a real danger of death or serious injury if that person enters or remains on the premises.

## **POLICY 6020 WORKPLACE VIOLENCE PREVENTION**

**PURPOSE:** To maintain a safe working environment where employees and non-employees are free from the threat of workplace violence.

**POLICY:** It is the policy of Fresno EOC to be committed to providing a safe, violence-free workplace and strictly prohibits employees, Board of Commissioners, consultants, clients, visitors, or anyone else on Fresno EOC premises engaging in a Fresno EOC-related activity from behaving in a violent, intimidating, or threatening manner. As part of this policy, Fresno EOC seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring.

**REFERENCE:** Cal/OHSA Guidelines for Workplace Security; California Labor Code §§ 6310, 6311; Workplace Violence Safety Act of 1994.

**PROCEDURES:** Fresno EOC believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures for responding to any situation that presents the possibility of violence. The Agency's Workplace Violence Prevention Plan is available for review by employees and/or employee representatives in Human Resources Office and on the intranet.

### **I. WORKPLACE VIOLENCE DEFINED**

Workplace violence includes:

- Threats of any kind.
- Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others.
- Other behavior that suggests a propensity toward violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of Fresno EOC property, or a demonstrated pattern of refusal to follow Fresno EOC policies and procedures.
- Defacing Fresno EOC property or causing physical damage to the facilities; or
- With the exception of public safety personnel, bringing weapons or firearms of any kind on Fresno EOC premises, in Fresno EOC parking lots, or while conducting Fresno EOC business.

### **II. TRAINING**

Employees are required to complete Workplace Violence Prevention training annually.

### **III. REPORTING**

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, commissioner, client, consultant, visitor, or anyone else, the employee's



supervisor must be notified immediately. The supervisor will immediately notify the Director or designee, and Human Resources, who will take the necessary action steps to report a potential violence issue. The following contacts should be used to report critical situations.

- Imminent danger – dial 911
- Facilities – 559-263-1207
- Executive Plaza Site – building security as contracted by Fresno EOC or Fresno Police Department Dispatch 621-7000

AND

- Human Resources – 263-1070

Employees are encouraged to notify their supervisor and the Human Resources Office if any restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace.

### **III. INVESTIGATION**

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly by the Director or appointee. In the appropriate circumstances, Fresno EOC will inform the reporting individual of the results of the investigation. To the extent possible, Fresno EOC will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, in order to protect individual safety. Fresno EOC will not tolerate retaliation against any employee who reports workplace violence. A report will be made to law enforcement if a violent act is suspected to be a criminal act or a violation of a restraining order.

### **IV. DISCIPLINARY ACTION**

If Fresno EOC determines that workplace violence has occurred, the employee will be subject to discipline up to and including termination. Fresno EOC may request that the employee participate in counseling as a condition of continued employment. Any employee who may have a problem that could lead to violent behavior is encouraged to use the Employee Assistance Program.

If the violent behavior is that of a non-employee, Fresno EOC will take appropriate action to ensure that such behavior is not repeated.

## **POLICY 7010 LEARNING AND DEVELOPMENT**

**PURPOSE:** To establish Fresno EOC's commitment to learning and development of employees' career and advancement opportunities.

**POLICY:** It is the policy of Fresno EOC to encourage employees to use the process of learning and development to explore new opportunities in managing career progression. Training will commence with the initial orientation process and may include developmental steps towards a career path and increased responsibilities in a current position. Underrepresented communities will be given opportunities to improve their education and skills to help them compete on level playing grounds with other employees.

### **PROCEDURES:**

The benefits to Fresno EOC of effective and timely employee training and development programs are numerous:

- Confident and satisfied employees who will treat clients and co-workers with care and efficient service,
- Cross-training in other positions,
- Increased competitive advantage and responsibilities in current position,
- Lower employee turnover,
- Employees who follow safe work procedures, and
- Competent, promotable employees.

Training and development opportunities at the Agency may include:

#### **I. EMPLOYEE ORIENTATION**

The Agency employee orientation training program provides new employees with information concerning Agency policies, procedures, safety and employee benefits. Supervisors will conduct an initial orientation and training to give an employee the information needed to conduct business in their new position.

#### **II. STAFF AND MANAGEMENT DEVELOPMENT SEMINARS**

Management and regular employees are provided periodic training opportunities on a variety of subjects, from personal and professional development topics (customer service, multi-cultural awareness, computer courses, etc.) to informational programs (group insurance, retirement plan updates, etc.).

#### **III. SAFETY TRAINING**

Fresno EOC offers training at both the Agency and program level on a variety of safety related topics.

#### **IV. OUTSIDE SEMINARS AND CONFERENCES**

The Agency supports employee attendance and participation in professional seminars and conferences offering general topics or specialized information in the employee's field. Each program establishes an annual budget for staff development seminars/conferences, within the program's financial resources.

#### **V. MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS**

The Agency encourages employee membership in professional organizations. Networking provides a cost-effective opportunity to share knowledge, resources and experiences with professionals.

## **POLICY 7020 PROFESSIONAL CERTIFICATION REIMBURSEMENT**

**PURPOSE:** To provide guidelines for Fresno EOC's approved professional certification and license.

**POLICY:** Fresno EOC supports to employees in furthering their professional skills in their current positions to better prepare employees for their roles within the agency by providing reimbursements for professional certification and licenses to employees in regular status,

### **PROCEDURE:**

#### **I. ELIGIBILITY**

The following eligibility requirements will apply to certification reimbursement:

- a. Employees in a position that have a required or preferred certification requirement in their job or position descriptions, or employees whose manager and program director signs the reimbursement form and validates it is Fresno EOC's best interest for the employee to have/maintain the designated certification.
- b. Regular employees who have completed 90 days of employment with Fresno EOC will receive up to 100% reimbursement for renewing or obtaining a certification within their role.

#### **II. PAYMENT**

Based on the program discretion, reimbursement will cover:

- a. The cost of certification exams only, or
- b. The cost of certification exams and all preparation materials.

#### **III. PAYMENT EXCLUSIONS:**

The following exclusions apply and will not be reimbursed certification reimbursement:

- a. Late fees
- b. Employee who did not pass the requirements to obtain certification

#### **IV. PROCEDURE:**

When an employee requests reimbursement for certification, the employee must:

- a. Ensure that he/she is qualified to sit for the desired certification the accrediting school, association, or organization.
- b. Satisfactorily complete all the requirements for the certification.
- c. Complete the Certification Reimbursement Application, attach documentation that the certification has been awarded and an itemized paid receipt for the certification fee.
- d. Submit the completed application materials to his/her Program Manager Director for review and approval.

- e. Send the completed, signed application and supporting materials to Human Resources for payment as soon as the certification has been received. Incomplete applications will be returned to the employee. The deadline for submitting completed certification reimbursement forms to Human Resources is 30 days following certification notification.

**V. REPAYMENT:**

Employees will be expected to repay Fresno EOC the amount of certification reimbursement if the employee's employment ends within one (1) year following the completion of the certification. The employee must repay the certification reimbursement provided based the amount of passed time from certification/licensing date:

- A. 1 – 3 months worked, 100%
- B. 4 – 6 months worked, 75%
- C. 7 – 9 months worked, 50%
- D. 10 – 12 months worked, 25%

- VI. REIMBURSEMENT PRACTICE:** An issuance of reimbursement by Fresno EOC for a specific certification or license does not guarantee future reimbursement or the rate paid for previous or future similar certifications or licenses.

## **POLICY 7030 SUCCESSION PLANNING**

**PURPOSE:** Recognizing that changes in management are inevitable, Fresno EOC has established a succession plan to provide continuity in leadership and avoid extended and costly vacancies in key positions. Fresno EOC's succession plan is designed to identify and prepare candidates for high-level management positions that become vacant due to retirement, resignation, death, or new business opportunities.

**POLICY:** It is the policy of Fresno EOC to assess the leadership needs of the agency to ensure the selection of qualified leaders that are diverse and a good fit for the organization's mission and goals and have the necessary skills for the organization.

### **PROCEDURES:**

The CEO is responsible for Fresno EOC's succession plan. The CEO chairs the succession planning committee, which also includes the Executive Officers.

#### **A. TIMELINE**

Each January, a succession planning committee meeting will be held. At each meeting, each program director will:

- Present to the committee a review of the program succession plan.
- Identify key positions and incumbents targeted for succession planning. This should include an analysis of planned retirements, potential turnover, etc.
- Identify individuals who show the potential needed for progression into the targeted positions and leadership within the agency.
- Outline the actions taken in the previous six months to prepare identified individuals to assume a greater role of responsibility in the future.

By the end of February each year, the committee will approve targeted candidates.

By the end of March each year, the committee will approve an outline of actions that will be taken in the following six months to prepare individuals to assume a greater role of responsibility in the future.

The CEO will periodically request updates from senior management on the development process for each targeted candidate.

The committee establishes a succession plan that identifies critical executive and management positions, forecasts future vacancies in those positions and identifies potential managers who would fill vacancies. Vacancies will be filled from within or, in the event no viable candidate is available, on an "acting" basis while an external recruitment effort is conducted.

## **POLICY 7040 PERFORMANCE EVALUATIONS**

**PURPOSE:** To motivate employees, assess job performance and progress, communicate expected standards of performance, and discuss future objectives and goals.

**POLICY:** It is the policy of Fresno EOC that the job performance of each employee should be evaluated regularly by their supervisor. Performance evaluations are a management tool and provide an objective and consistent process to measure each employee's performance. The evaluation process should inform employees of their employment standing and communicate expected standards of performance. It is also used to discuss work standards, areas where improvement is needed, corrective plans, development and growth opportunities.

### **PROCEDURES:**

#### **I. EVALUATION SCHEDULE**

A. Introductory Period and Evaluation: The introductory period applies to all employees, commences on the employee's seniority date and lasts three (3) months. During this time, supervisors should carefully observe the performance of the employee. Where appropriate, weaknesses in performance and behavior are to be brought to the employee's attention for correction.

A formal evaluation will be conducted by the supervisor at the midpoint of the introductory period, and a full written performance evaluation will be completed at the end of the three (3) month period. The employee will transition from introductory status when they have received a satisfactory evaluation and recommendation of status change from their supervisor and approval by the Program Manager/Director (see policy 1140, Introductory Period).

B. Annual Evaluation: Performance evaluations will occur on an annual (12 month) basis from the employee's seniority date.

#### **II. PERFORMANCE FACTORS TO BE CONSIDERED IN EVALUATIONS**

When evaluating employees, supervisors should consider factors such as experience and training, commitment to continuing education, job duties and responsibilities, and attainment of previously set objectives and goals. Other factors to be considered include but are not limited to knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.

#### **III. PERFORMANCE EVALUATION PROCESS**

A. Written Evaluation: In conjunction with established timelines, supervisors should prepare a written evaluation of each employee's job performance using the approved performance evaluation template. The evaluation should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.

B. **Evaluation Review with Employee:** The supervisor should review the evaluation with the next level of management prior to meeting with the employee to discuss the evaluation. During the meeting the employee and supervisor should assess the employee's strengths and weaknesses in a constructive manner and set objectives and goals for the period ahead. The employee should be given the opportunity to review the evaluation and make written comments about any aspect of it. The evaluation is signed by the supervisor and employee. A copy of the evaluation will be provided to the employee. The evaluation is forwarded to the Human Resources Office for processing and inclusion in the employee's personnel file. An approved Employee Form should accompany the performance evaluation, if necessary.

An employee who contests the evaluation may file a written response to the performance evaluation within thirty (30) days of receiving the performance evaluation. The response will be attached to the performance evaluation and included in the personnel file.

C. **Effects of Performance Evaluations:** Information derived from the performance evaluation will be considered when making decisions affecting training, pay, promotion, transfer, or continued employment. An employee will not be eligible for a pay increase if the overall evaluation of an employee is unsatisfactory. A Performance Improvement Plan (PIP) will be developed by the employee's supervisor, and the employee will be reviewed again within ninety (90) days. If no improvement is shown, the employee will be subject to discipline up to and including termination in accordance with the disciplinary action procedure (see Policy 5030, Progressive Discipline).

#### **IV. PERFORMANCE IMPROVEMENT PLAN**

The Performance Improvement Plan (PIP) is a formal process wherein the supervisor meets with the employee to provide structured counseling and feedback regarding performance and conduct.

An employee may be placed on a PIP lasting thirty (30), sixty (60) or ninety (90) days. The duration of one Performance Improvement Plan, including extensions, cannot exceed ninety (90) days. The supervisor must schedule weekly meetings with the employee to follow up on areas needing improvement if the PIP is thirty (30) days. If the PIP is more than 30 days, the supervisor must meet at least bi-weekly.

The supervisor will review the outcome of PIP with the employee, and either end or extend the PIP up to a maximum of ninety (90) days. The employee may be terminated at any point during the PIP for failure to demonstrate immediate and sustained improvement in job performance and/or conduct.



## **POLICY 7050 SEPARATION OF EMPLOYMENT**

**PURPOSE:** To define the types of separations of employment from Fresno EOC and the process.

**POLICY:** Employees separate from employment with Fresno EOC by resignation, discharge, a reduction in the work force, reorganization, or retirement. This policy is only a guideline and shall not be construed to act as or create any type of employment contract with any employee of Fresno EOC. Fresno EOC reserves the right to implement its policies and procedures in the best interest of the Agency.

**REFERENCE:** California Labor Code §§ 201 and 201; § 227.3; §§ 221, 224, and 225.5.

### **PROCEDURES:**

#### **I. DEFINITIONS**

A. Voluntary Separation: Fresno EOC will consider an employee to have voluntarily ended their employment if they:

1. Elect to resign or retire; or
2. Fail to return from an approved leave of absence on the date specified by medical certification paperwork and is not otherwise extended as a reasonable accommodation; or
3. Fail to provide the required certification or forms for approval of a leave of absence when such forms are required to be submitted; or
4. Fail to report for work without notice to Fresno EOC for three consecutive days.

B. Involuntary Termination: An employee may be terminated, at-will, with or without cause, with or without notice at any time (see Policy 1010, At-Will Employment).

Notice of termination should be handled carefully and discreetly, preferably in a private meeting including the employee to be terminated, the immediate supervisor, and representative of Human Resources.

C. Layoff Due to Reorganization, Job Elimination, or Lack of Work: From time to time, Fresno EOC may need to separate an employee as a result of reorganization, consolidation, job elimination, lack of work, or when funds are withdrawn or reduced (see Policy 7070, Layoffs).

#### **II. VOLUNTARY SEPARATION PROCESS**

Employees are encouraged to give two weeks' written notice prior to resignation. During this notice period, employees are expected to work their full remaining schedule to ensure a smooth transition and the completion of outstanding tasks. The supervisor or manager will prepare a Personnel Termination Form as the first step in the separation process. The form should be accompanied by supporting documents, such as a letter of resignation and final timesheet. All documents will be forwarded to the Human Resources Office for processing.

### **III. INVOLUNTARY TERMINATION PROCESS**

All involuntary terminations must be approved at the executive management level and by the responsible Officer or designee. The supervisor should contact the Human Resources Office to start the termination process.

The supervisor will be required to complete the Personnel Separation Form accompanied with the timesheet, performance evaluation, discipline or other supporting documentation. All documents will be forwarded to the Human Resources Office for processing. In addition, all terminations of Head Start/Early Head Start employees must be accepted by the Head Start Policy Council. The Human Resources Office should review the termination requests to ensure proper documentation and procedures have been followed and to ensure compliance with any state and/or federal laws.

### **IV. EXIT PROCESS**

Employees must return all Fresno EOC-furnished property, such as uniforms, tools, equipment, I.D. cards, keys, key cards, credit cards, and other Fresno EOC documents. Arrangements for clearing any outstanding debts with Fresno EOC such as travel advances, or petty cash must be made prior to the date of termination.

### **V. BENEFITS**

The Human Resources Office is responsible for notifying employees who are covered by Fresno EOC's group health plan of their right to continue coverage under that plan. Information regarding other benefits such as retirement life insurance conversion, etc. will also be provided. The employee may be eligible for unemployment benefits; determination of benefits will be made by Employment Development Department.

### **VI. PAYMENT ON RESIGNATION OR TERMINATION**

If an employee resigns, a final paycheck will be available on the final day of work, provided the employee has given at least seventy-two (72) hours' prior notice. If an employee resigns without giving seventy-two (72) hours' notice or fails to return to work, a final paycheck will be made available for the employee to pick up no later than seventy-two (72) hours after the date when an employee is considered to have resigned, unless the employee consents to Human Resources that their final paycheck may be mailed.

If an employee is terminated involuntarily, the final paycheck will be available at the time of discharge.

The employee's final paycheck will include payment for all wages due and for unused vacation time, minus authorized deductions. Sick time is not compensable and will not be paid upon separation of employment.

## **VII. REQUESTS FOR REFERENCES**

Requests for employment references or verifications of employment should be directed to the Human Resources Office.

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## **POLICY 7060 LAYOFFS AND FURLOUGHS**

**PURPOSE:** To establish a fair and consistent procedure for determining and notifying employees of pending layoffs or furloughs.

**POLICY:** It is the policy of Fresno EOC to recognize that layoffs or furloughs may become necessary due to (1) job elimination, (2) lack of work, (3) reorganization, (4) consolidation, or (5) when funds are withdrawn or reduced, resulting in the phasing out of positions or programs or (6) budget constraints.

**REFERENCE:** Worker Adjustment and Retraining Notification Act (WARN Act) (U.S.C. § 2101-2109 et seq.), Consolidated Omnibus Budget Reconciliation Act of 1985

### **PROCEDURES:**

#### **I. LAYOFFS**

A. **Factors Used to Determine Order of Layoffs:** If a layoff is determined to be necessary, the Director shall consult the Human Resources Office to develop a layoff plan to be approved by the responsible Officer. This plan shall include the anticipated number and classifications of employees to be laid off and a plan for conducting an orderly layoff plan to minimize adverse effects on the employees to be laid off. Once the scope of the layoff is determined, employees will generally be laid off in the following order:

1. Temporary and on-call employees;
2. Introductory employees;
3. Regular Part-Time employees; and
4. Full-Time employees

Fresno EOC reserves the right to deviate from this order whenever it concludes that circumstances warrant such a deviation.

Within each of the classifications noted above, employees shall be selected for layoff based on a combination of factors, including, but not limited to: the ability to perform the work required, past performance, qualifications, attendance, punctuality, and length of service with the Agency and the program.

B. **Interview Priority:** An employee who has successfully completed their introductory period and who is identified for layoff may apply for any open position for which they are qualified. An application must be submitted no later than ninety (90) days after the date of layoff (see Policy 1090, Recruitment, Selection, and Employment). Affected employees who meet the qualifications for the open positions will be automatically considered a finalist, will be entitled to an interview and will be required to go through the selection process along with other candidates.

C. **Separation Process:** see Policy 7050, Separation of Employment, sections IV – VI.

## **II. FURLOUGHES**

A. Fresno EOC may initiate and approve furlough leaves of absence. Furlough reasons include but are not limited to financial conditions and when the program temporarily stops operations.

A furlough is a temporary period of leave, that places affected employees on a reduced schedule or a leave of absence/non-paid status for a limited and specific period of time. Employee furloughs are subject to the following:

- The employee remains employed with the Agency and maintains their hire/rehire date (see Policy 1070 Employment Classifications).
- The Agency shall continue to pay the full employee share of health premiums for those employees and dependents who are enrolled, during the furlough period and the employee shall continue to be eligible for such benefits, not to exceed four months. The employee can remit the monthly insurance premium amount while on furlough or upon returning to work, the premiums shall be reimbursed by payroll deductions. If the furlough leave extends beyond four months, employees will receive notification to elect to continue coverage through Consolidated Omnibus Budget Reconciliation Act (COBRA).

Furlough leave provisions do not apply to employees on worker's compensation leave due to an industrial illness or injury.

## **POLICY 7070 – SEVERANCE PAY**

**PURPOSE:** The purpose of this policy is to outline discretionary severance pay benefits that may be implemented at the discretion of Fresno EOC.

**POLICY:** This policy, when implemented at the discretion of Fresno EOC, applies to all exempt and non-exempt, full-time and part-time employees. Part-time employees may receive severance pay on a pro-rated basis in accordance with their scheduled hours. Severance pay benefits are also subject to program restrictions and funding.

### **PROCEDURES:**

In the event of an involuntary termination due to a reduction in force/downsizing, change in program or agency direction, job elimination, or as otherwise deemed appropriate by Fresno EOC, the Agency may provide a severance benefit for the affected employees. This does not apply to terminations for cause, refusal to be reassigned, or refusal to be relocated.

**A. SEVERANCE PRACTICE:** An issuance of severance pay by Fresno EOC for a specific event does not guarantee future severance pay or the rate paid for previous or future similar events.

**B. SEVERANCE RATES:** Criteria for the rate of severance pay are:

- 1). Non-exempt staff: severance pay equivalent to two weeks' pay.
- 2). Exempt management staff: severance pay equivalent to one month's pay.
- 3). Exempt director staff: severance pay equivalent to two months' pay.
- 4). Officers: severance pay equivalent to three months' pay.
- 5). Chief Officers: severance pay equivalent to four months' pay.



## BOARD OF COMMISSIONERS MEETING

|                                                                                           |                                           |
|-------------------------------------------------------------------------------------------|-------------------------------------------|
| <b>Date:</b> December 16, 2024                                                            | <b>Program:</b> Head Start 0 to 5         |
| <b>Consent Agenda Item #:</b> 8_8                                                         | <b>Interim Director:</b> Michael Balderas |
| <b>Subject:</b> California State Preschool Program (CSPP) 2025-2026 Refunding Application | <b>Officer:</b> Michelle Tutunjian        |

### Recommended Action

The Executive Committee recommends ratification for full Board consideration of the California State Preschool Program (CSPP) 2025-2026 refunding application to be submitted by December 20, 2024, in the amount of \$1,647,817.00 for a 12-month period starting July 1, 2025.

### Background

This item was presented during the December 9, 2024, Executive Committee Meeting where Committee Members reviewed and approved for full Board consideration.

Fresno EOC was notified by California Department of Education (CDE) that funding is available for existing contractors to request continued funding for Fiscal Year 2025-2026. Under the CSPP contract, Fresno EOC operates childcare services for two (2) full day/full year classrooms at Dakota Circle center and one (1) full day/full year classroom at Sequoia in Fresno, California. All three classrooms operate 240 days per year, five (5) days per week, 11 hours per day.

In addition, there are three (3) part-day/part-year classrooms at the following centers: Cantua in Cantua Creek, Franklin in Fresno, and Wilson in Selma, California. These classrooms operate 175 days per year, five (5) days per week, 7.5 hours per day. All six classrooms are licensed by Community Care Licensing (CCL) serving a maximum of 120 preschool age children.

This item was presented and approved by CWPC on December 3, 2024.

### Fiscal Impact

Head Start federal funds are braided with CSPP state funding and will support personnel and operating expenses for these classrooms.

| <b>REVENUE</b>          | <b>CSPP</b>      |
|-------------------------|------------------|
| Grant Revenue           | 1,647,817        |
| Fee For Service         |                  |
| Donations Contributions |                  |
| Other Revenue           |                  |
| <b>TOTAL REVENUE</b>    | <b>1,647,817</b> |

| <b>EXPENDITURES</b>                     |                  |
|-----------------------------------------|------------------|
| <b>Personnel</b>                        |                  |
| Salaries                                | 963,686          |
| Fringe                                  | 343,072          |
| <b>Personnel Total</b>                  | <b>1,306,758</b> |
| <b>Operating Expense</b>                |                  |
| Administrative Services (Indirect Cost) | 164,782          |
| Contract Services                       | 2,850            |
| Facility Costs                          | 85,649           |
| Travel, Mileage, & Vehicle Costs        | 1,025            |
| Equipment Costs                         | 0                |
| Office Expense                          | 3,396            |
| Insurance Expense                       | 509              |
| Program Supplies & Client Costs         | 33,253           |
| Other Costs                             | 49,595           |
| <b>Operating Expense Total</b>          | <b>341,059</b>   |
| <b>TOTAL EXPENSES</b>                   | <b>1,647,817</b> |
| <b>NET PROFIT/LOSS</b>                  | <b>0</b>         |

## Conclusion

If ratified by the Board, Head Start will continue to operate these classrooms at Dakota Circle and Sequoia. If not ratified, Head Start will not accept funding and will not be able to continue operating these classrooms.





## BOARD OF COMMISSIONERS MEETING

|                                                                                                                 |                                           |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <b>Date:</b> December 16, 2024                                                                                  | <b>Program:</b> Head Start 0 to 5         |
| <b>Consent Agenda Item #:</b> 8_9                                                                               | <b>Interim Director:</b> Michael Balderas |
| <b>Subject:</b> State of California, Department of Social Services CCTR 2025-2026 Continued Funding Application | <b>Officer:</b> Michelle Tutunjian        |

### Recommended Action

The Executive Committee recommends Committee approval for full Board consideration of the State of California, Department of Social Services (CSDD) General Child Care and Development Program (CCTR) 2025-2026 refunding application to be submitted by December 20, 2024, in the amount of \$616,391.00 for a 12-month period starting July 1, 2025.

### Background

This item was presented during the December 9, 2024, Executive Committee Meeting where Committee Members reviewed and approved for full Board consideration.

Fresno EOC was notified by the California Department of Social Services (CSDD) Child Care and Development Division (CCDD) Program Quality Improvement (PQ) contractors to request continued funding for Fiscal Year 2025-2026. Under the CCTR contract, Fresno EOC operates childcare services for 16 children in two classrooms of full day/full year at Eric White located in Selma and 16 children in two classrooms of full day/full year at Franklin located in Fresno, California. All four classrooms are licensed by Community Care Licensing (CCL) serving a maximum of 32 toddler age children.

This item was presented and approved by CWPC on December 3, 2024.

### Fiscal Impact

Head Start federal funds are braided with CCTR state funding and will support personnel and operating expenses for the classrooms.

| <b>REVENUE</b>          | <b>CCTR</b>    |
|-------------------------|----------------|
| Grant Revenue           | 616,391        |
| Fee For Service         |                |
| Donations Contributions |                |
| Other Revenue           |                |
| <b>TOTAL REVENUE</b>    | <b>616,391</b> |

| <b>EXPENDITURES</b>                     |                |
|-----------------------------------------|----------------|
| <b>Personnel</b>                        |                |
| Salaries                                | 395,479        |
| Fringe                                  | 80,717         |
| <b>Personnel Total</b>                  | <b>476,196</b> |
| <b>Operating Expense</b>                |                |
| Administrative Services (Indirect Cost) | 61,639         |
| Contract Services                       | 100            |
| Facility Costs                          | 22,698         |
| Travel, Mileage, & Vehicle Costs        | 844            |
| Equipment Costs                         | 0              |
| Office Expense                          | 620            |
| Insurance Expense                       | 100            |
| Program Supplies & Client Costs         | 38,168         |
| Other Costs                             | 16,026         |
| <b>Operating Expense Total</b>          | <b>140,194</b> |
| <b>TOTAL EXPENSES</b>                   | <b>616,391</b> |
| <b>NET PROFIT/LOSS</b>                  | <b>0</b>       |

## Conclusion

If approved by the Board, Head Start will continue to operate these classrooms at Eric White Center and Franklin. If not approved, Head Start will not accept funding and will not be able to continue operating these classrooms.



## BOARD OF COMMISSIONERS MEETING

|                                                                                                         |                                           |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <b>Date:</b> December 16, 2024                                                                          | <b>Program:</b> Head Start 0 to 5         |
| <b>Consent Agenda Item #:</b> 8_10                                                                      | <b>Interim Director:</b> Michael Balderas |
| <b>Subject:</b> State of California, Department of Social Services CCTR 2024-2025 Expansion Application | <b>Officer:</b> Michelle Tutunjian        |

### Recommended Action

The Executive Committee recommends approval for full Board consideration of the State of California, Department of Social Services (CSDD), General Child Care and Development Program (CCTR) 2024-2025 expansion application to be submitted by December 14, 2024, in the amount of \$243,830.00 to be expended by June 30, 2025.

### Background

This item was presented during the December 9, 2024, Executive Committee Meeting where Committee Members reviewed and approved for full Board consideration.

The California Department of Social Services (CDSS), Child Care and Development Division (CCDD) is administering applications for the General Child Care and Development (CCTR) program funds to provide direct services for California children from birth to age three. Funding is available to provide full-day/full-year services on or after July 1, 2025, through Center Based services. Funding will be allocated by the county and within each county, by the Local Planning Councils priority area. The purpose of this Request for Applications (RFA) is to expand full-day/full-year CCTR services statewide to the greatest extent possible.

This is an expansion request for an application that was originally submitted in November 2023. The funding, if approved, will be used for the AMOR Child Development Center in Mendota, California. Currently the AMOR Child Development Center is waiting for approval of the revised budget from the Office of Head Start for approval of necessary equipment and supplies for the center to receive final approval from Community Care Licensing. The program anticipates opening the center in January 2025.

This item was presented and approved by CWPC on December 3, 2024.

### Fiscal Impact

This expansion funding will support personnel and operating expenses for the AMOR Child Development Center.

| <b>REVENUE</b>          | <b>CCTR Expansion</b> |
|-------------------------|-----------------------|
| Grant Revenue           | 243,830               |
| Fee For Service         |                       |
| Donations Contributions |                       |
| Other Revenue           |                       |
| <b>TOTAL REVENUE</b>    | <b>243,830</b>        |

| <b>EXPENDITURES</b>                     |                |
|-----------------------------------------|----------------|
| <b>Personnel</b>                        |                |
| Salaries                                | 169,318        |
| Fringe                                  | 31,290         |
| <b>Personnel Total</b>                  | <b>200,608</b> |
| <b>Operating Expense</b>                |                |
| Administrative Services (Indirect Cost) | 24,383         |
| Contract Services                       | 0              |
| Facility Costs                          | 8,331          |
| Travel, Mileage, & Vehicle Costs        | 420            |
| Equipment Costs                         | 0              |
| Office Expense                          | 525            |
| Insurance Expense                       | 76             |
| Program Supplies & Client Costs         | 8,390          |
| Other Costs                             | 1,097          |
| <b>Operating Expense Total</b>          | <b>43,222</b>  |
| <b>TOTAL EXPENSES</b>                   | <b>243,830</b> |
| <b>NET PROFIT/LOSS</b>                  | <b>0</b>       |

## Conclusion

If approved by the Board, Head Start will expand funding to support the program. If not approved, Head Start will not accept funding and will not be able to expand funding for the program.



**COUNTY-WIDE POLICY COUNCIL (CWPC)  
MINUTES  
NOVEMBER 5, 2024**

|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CALL TO ORDER                                             | The meeting was called to order at 6:00 p.m. by Aldo Alvarado Rebolledo, CWPC Chairperson.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| ROLL CALL                                                 | <p>Roll Call was called by Aldo Alvarado Rebolledo, CWPC Chairperson. The following Representatives were present: Aldo Alvarado Rebolledo, Maria Garza, Ana Jauregui, Kristy Belmontes, Viridiana Estrada Alvarado, Ashley Prendez, Jalyssa McGill Jenkins, Domenica Goff, Azucena Gutiérrez, Sharon Allen, Nicolas Allen, Megan Esqueda Bonilla, Mariana Herrera, Alma Martinez Guillen, Jacqueline Avila, Shiann Sandoval, Emilio Adame, Angela Diaz, Maria Padilla, Amy Nuno, Maria Cervantez, Mariana Mena, Itzel Godoy, Amelia Rodriguez, Denise Rangel-Ochoa, Matilde Ocegueda, Adrianna Mendoza, Yajaira Medina, Moeneya McCall, Deserae Price, Elizabeth Ortega, Gurpreet Aulak, Karina Padilla, Natasha Goins.</p> <p>At this point Mr. Rebolledo informed the Representatives quorum has not been met and the meeting will continue with Information Items.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| FRESNO EOC PROGRAM<br>REPORT – RURAL<br>TOBACCO EDUCATION | <p>Martha Zarate, Rural Tobacco Education Coordinator informed the representatives of the Fresno EOC Rural Tobacco Education Program, working to protect children and families from the exposure of secondhand smoke in their multi-unit housing and public areas in their community. The program provides information to event organizers, Farmer's Market organizers and merchants on secondhand smoke and education on smoke free policy options for public events. Staff facilitate smoke-free education presentations and smoke free entryway policy options to private and public business owners, and outdoor worksites. They also provide information on new tobacco items that come out and work with volunteers to work with the community. If anyone is interested in a presentation please reach out to her program. She shared Firebaugh, California was the first city to adapt smoke free apartments. There is also no smoking indoor apartments in the City of Fresno and are working with Mendota and Kerman to become smoke free.</p> <p>Mr. Rebolledo asked Ms. Zarate how can they get in contact with her.</p> <p>Ms. Zarate shared her contact information work phone (559) 263-1265, if there is no answer please leave a message, they can also go to the Fresno EOC or email her at <a href="mailto:martha.zarate@fresnoeoc.org">martha.zarate@fresnoeoc.org</a>.</p> <p>Anna asked if this information is offered to high schools as well.</p> <p>Ms. Zarate replied they do not work with school district as they have the Tobacco-Use Prevention Education (TUPE) Program which are funded by Prop 99, but she can provide their information if interested.</p> <p>A Representative shared at her apartment complex they are always smoking how can she go about this.</p> <p>Ms. Zarate shared to report to the apartment manager and if nothing is done, she can go to the City of Fresno website and file a complaint. She informed the parent if she would like to provide the name of the apartments to her she can assist her.</p> |
| IN-KIND MONTHLY STATUS<br>REPORT FOR SEPTEMBER<br>2024    | Jennifer Tillman, Finance Manager informed the Representatives the information provided is intended to keep the County-Wide Policy Council (CWPC) apprised of the Head Start 0 to 5 In-Kind Monthly Status report for the month of September 2024.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

The monthly In-Kind Status Report consists of \$484,251 (HS) which is accumulated by classroom and non-classroom volunteer services, consultants, goods, foster grandparents, PACT Time and space. Early Head Start's In-Kind Status Report is \$524,968 which is accumulated by classroom/non-classroom volunteer services, home activities, literacy/growing readers, consultants, goods and space.

The Fiscal Impact for Head Start 0 to 5 Non-Federal share should be \$11,894,766 annually. Year to Date for Head Start and Early Head Start from January to September 2024 In-Kind is \$8,612,568 (\$5,177,406 – HS; \$3,435,162 – EHS). This indicates that Head Start 0 to 5 has met 73 percent of the \$11,894,766 Non-Federal share goal and we surpassed our monthly goal.

Failing to reach our In-kind goal of \$11,894,766 annually for the 2024 fiscal year may affect funding. However, we have the ability to request a non-federal share waiver for the unmatched funds.

At this point 6:24 pm, Mr. Rebolledo informed the Representatives quorum was met.

#### APPROVAL OF PREVIOUS CWPC MINUTES

Aldo Alvarado Rebolledo, CWPC Chairperson, informed Representatives of the October 1, 2024, CWPC Minutes. This information was sent to Representatives prior to tonight's meeting.

Motion to approve the October 1, 2024, CWPC Minutes as written and read was made by Mariana Mena and seconded by Megan Esqueda Bonilla. Motion carried.

#### COMMUNITY REPRESENTATIVE REPORTS FOR NOVEMBER 2024

No reports at this time.

#### FRESNO EOC COMMISSIONERS' REPORT FOR THE MONTH OF SEPTEMBER 2024

Olga Jalomo-Ramirez, Family/Community Services Manager informed the Representative of the Fresno EOC Commissioners' Report for the month September 2024 and provided the information below:

##### **Transforming and Inspiring**

At the time Rosa M. Pineda, Program Officer/Head Start Director, provided an overview of the Head Start Oto 5 Strategic Program Progress Report Year 1 - 2023. Rosa Pineda introduced clients Aldo Alvarado Rebolledo and Angie Gonzales who shared their experiences in the Head Start program and expressed their gratitude for the services provided to their children. A brief video was presented on how Head Start Oto 5 is advertising and recruiting enrollment.

##### **Fresno EOC Annual Report 2023**

Jose Moreno, Communications Director, provided a brief overview of the 2023 Annual Report, highlighting Fresno EOC achievement, challenges, community impact, and future goals.

##### **Community Needs Assessment**

Michelle Tutunjian, Acting Chief Executive Officer and Andy Arredondo, Evaluation Director, introduced Consultant Andrea Molarius-Abbott from Heartland Grant Solutions who provided a detailed overview of the 2024-2025 Community Needs Assessment.

##### **Head Start 0 to 5: Change of Scope**

At the time Rosa Pineda, provided an overview of the Head Start Oto 5 Change of Scope to reduce the funded enrollment by approximately 20%. The enrollment reduction will result in a decrease of 402 center based Head Start (HS) slots, 20 home-based Head Start (HS) and 48 homebased for Early Head Start (EHS). The recommendation includes the closure of three sites, Area II, Mosqueda, and Reedley Head Start.

##### **Commissioner Reinstatement: Rey Leon**

Chair Baines stated Commissioner Rey Leon requested to be reinstated back as a Board Commissioner. Commissioner Leon shared his statement with the Board. Commissioner Lupe Jaime-Mileham inquired clarification on what is the next step once a commissioner is removed from the Board. Karina Perez, Chief of Staff, stated a special election Page 27 of 313 can be held to fill the vacant seat if it's for a Target Area depending on the time of the year when the position becomes vacant. Commissioner Linda Hayes, Jimi Rodgers, and Amy Arambula left the Board Meeting during this item. Public Comment: None heard.

#### **Commissioners' Comment**

Commissioner Lisa Mitchell congratulated Shawn Riggins, Local Conservation Corps Director, and team for the following two award grants received.

- Congressman Jim Costa Appropriations Community Project Grant in the amount of \$500,000.
- CalRecycle Grant in the amount of \$799,665.00

She informed the Representatives the minutes to the Board of Commissioners were provided in the packet if anyone would like to review.

Motion to approve the Fresno EOC Commissioners Report for September 2024 was made by Mariana Mena and seconded by Viridiana Estrada Alvarado . Motion carried.

#### **MONTHLY FINANCIAL STATUS REPORTS (FSR) FOR THE MONTH OF SEPTEMBER 2024**

Olga Jalomo-Ramirez, Family/Community Services Manager stated staff recommends review and acceptance of the CWPC for Monthly Financial Status Reports for September 2024.

This report shows expenditures for the Head Start/ Early Head Start Program Basic and Trainings & Technical Assistance budgets for the month of September 2024 which also includes credit card expenses for the month of September 2024 as required by the Head Start Act of December 12, 2007, section 642 Powers and Functions of Head Start Agencies (d) Program Governance Administration, (2) Conduct of Responsibilities, (A) through (1) and (3) Training and Technical Assistance

This funding will support personnel and operating expenses totaling \$46,000,843 (\$37,620,149 - Head Start \$8,380,694 - Early Head Start), and the Non-Federal Share match is \$11,894,766 (\$9,515,812.80 - HS; \$2,378,953.20 - EHS) for the Fiscal year.

Motion to approve the Monthly Financial Status Reports (FSR) for the Month of September 2024 was made by Mariana Mena and seconded by Megan Esqueda Bonilla. Motion carried.

#### **AVERAGE DAILY ATTENDANCE (ADA) REPORTS FOR THE MONTH OF SEPTEMBER 2024**

Megan Esqueda Bonilla, CWPC Early Head Start Representative Informed Representatives of the Average Daily Attendance (ADA) Reports for the month of September 2024 for Head Start and Early Head Start. Head Start's monthly ADA for September 2024 for Center Base was 86.71%. Head Start Home Base visits completed were 247. Early Head Start's monthly ADA for August 2024 for Center Base was 86.15% Total Early Head Start Home Base visits completed were 1101.

Motion to approve the ADA Reports for the month of September 2024 was made by Marianna Mena and seconded by Jacqueline Avila. Motion carried.

#### **HEAD START 0 TO 5 PROGRAM UPDATE REPORT (PUR) FOR THE MONTH OF SEPTEMBER 2024**

Michelle Tutunjian, Acting Chief Executive Officer, and Interim HS Director introduced herself and welcome the group to tonight's meeting stated the PUR is provided monthly to keep the CWPC informed of program updates.

Early Head Start continues to recruit children and staff for the 2024-2025 school year. Facilities Department continues to finalize remodeling at the AMOR Center in Mendota, where the program will serve eight Early Head Start center-based toddlers. Early Head Start has a waitlist of 129 children.

Head Start continues to recruit children and staff for the 24/25 program year. Early Childhood Education Specialist completed their first systemic monitoring of centers, using the Classroom Monitoring reports. Center staff started the first assessment of children to ensure classrooms are implementing the curriculum of fidelity. Desired Results

Developmental Profile (DROP) Assessments were completed. Head Start has a waitlist of 262 children.

Motion to approve the Head Start 0 to 5 PUR for the Month of September 2024 was made by Mariana Mena and seconded by Jacqueline Avila. Motion carried.

Mr. Rebolledo thanked Ms. Tutunjian for stepping in as Interim Head Start Director and helping the program continue moving forward.

COUNTY-WIDE POLICY  
COUNCIL APPOINTMENT  
OF NEW CHAIRPERSON  
AND VICE-CHAIRPERSON  
FOR THE 2024-205  
PROGRAM YEAR

Floro Trujillo, Family Engagement/Volunteer Services Coordinator informed the representatives of the appointment of the County-Wide Policy Council (CWPC) Chairperson and Vice-Chairperson for the 2024-2025 Program Year.

On October 3, 2024, Mrs. Fawnda Cole, was informed of her completing three (3) one-year term as a County-Wide Policy Council (CWPC) Officer. Per Head Start Oto 5 County-Wide Policy Council Bylaws, Article III. Membership Section 5. Term of Office: All Head Start Oto 5 CWPC Representatives shall serve a term of one (1) year. In order to maximize opportunities for parent engagement in program governance, Representatives who have completed three (3) one-year terms (any 3 years combined) cannot continue to serve on the CWPC. Hence, the position of CWPC Chairperson has become open. Per the CWPC Bylaws under Article 7, Section 1-Parliamentary Procedure, notes that Robert's Rules of Order-Revised shall be the guide of parliamentary procedures of the CWPC. According to Robert's Rules of Order Revised, If the Chairperson for any reason vacates the chair, the Vice Chairperson automatically becomes the Chairperson, in this case Aldo becomes Chairperson.

Should the current CWPC Vice-Chairperson accepts the appointment as the CWPC Chairperson, this will result in the Office of the CWPC Vice-Chairperson being vacant. Therefore, in accordance with the CWPC Bylaws, if the vacancy be an elected CWPC Executive Board member, the Chairperson will appoint a new officer (Article III, Section 9- CWPC Executive Board Vacancy).

If approved by the CWPC, current CWPC Vice-Chairperson, Aldo Alvarado Rebolledo will assume the office of CWPC Chairperson Effective November 5, 2024. The newly appointed CWPC Vice-Chairperson will assume the office of the Vice-Chairperson effective November 5, 2024.

Mr. Rebolledo appointed Jalyssa McGill Jenkins, she will serve as Vice-Chairperson until she receives confirmation if she will be elected Board of Commissioner at this time the position will become available for anyone who would like to run for the positions.

Ms. McGill Jenkins accepted the position via telephone.

Motion to approve CWPC Appointment of New Chairperson and Vice-Chairperson for the 2024-2025 program year was made by Domenica Goff and seconded by Mariana Mena. Motion carried.

COUNTY-WIDE POLICY  
COUNCIL APPOINTMENT  
OF THE NEW SECRETARY

Floro Trujillo, Family Engagement/Volunteer Services Coordinator informed the Representatives of the appointment of the County-Wide Policy Council (CWPC) Secretary.

Staff recommends the appointment of the County-Wide Policy Council (CWPC) Secretary for the 2024 -2025 Program Year.

On October 11th, 2024 the voted secretary informed the Family Engagement/ Volunteer Service Coordinator, Floro Trujillo, that she is related to a current Head Start Oto 5 employee. Per Head Start Oto 5 County-Wide Policy Council (CWPC) Bylaws Section 3. Conflict of Interest: No Representative or Alternate Representative shall be a paid employee or immediate family member of an employee of Head Start Oto 5 program. Hence, the position of CWPC Secretary has become open. In accordance with the CWPC Bylaws if the vacancy be an elected CWPC Executive Board member, the Chairperson will appoint a new officer (Article III, Section 9, CWPC Executive Board Vacancy).



Mr. Rebolledo shared he does not have anyone in mind to appoint as CWPC Secretary it will be left open to the parents to volunteer.

A Representative shared last year she was Treasurer and no one informed her if she was related to a Head Start employee she could not be part of the CWPC.

Mr. Trujillo stated this is something that was missed or were never informed of them being related to an employee.

The Representative shared this is important for parents to know, they get excited to be part of the Board and are later informed they cannot be part of the Board.

Ms. Jalomo-Ramirez informed the Representatives it is a conflict of interest. They have the program governance training annually and they do inform the parents of the ByLaws. If the Representatives attended the training they would have been informed there.

Elizabeth Ortega, Sanger Representative asked if they could explain to the parents why it is a conflict of interest.

Ms. Jalomo-Ramirez shared they provide a lot of the information for the program and they do not want the information to be communicated until it is approved and shared beforehand.

Ms. Ortega commented we should all know about everything and work together.

Ms. Jalomo-Ramirez shared at this level everything has to be approved through CWPC and the Fresno EOC Board, then the information can be shared. You can share the information at the Local Parent Meetings (LPM) after it is approved here.

A Representative asked if she can still be a Representative if she is related to someone.

Ms. Jalomo-Ramirez shared no she cannot be a part of the CWPC Executive Board but she can still be a Representative.

Mr. Rebolledo for the CWPC secretary position they are in charge of Roll Call and is available if you are the Representative or Alternate for your center and are interested please reach out.

Maria Zarate, Family Engagement/Volunteer Services Specialist shared every Representative that is here can take the information that is provided at these meetings to their center to share.

Ms. Ortega asked if we can share this information at the local level why does it matter for the Executive Board.

Ms. Zarate shared the Executive Board has an additional meeting where they approve items.

An example was provided by one of the Executive Board members, if her sister is a teacher for Head Start 0 to 5 and they go over cutting teachers' pay it can cause conflict. Either by spreading to all the teachers of the potential pay cut or conflict between sisters for not providing the information of the potential pay cuts to the other sister.

Christine Davis, Family/Community Services Coordinator shared the Roberts Rule of Order and bylaws to protect everyone and every program has to follow the rules, we cannot make up our own rules.

A Representative asked before elections for CWPC Board begin to provide the ByLaws moving forward.

Ms. Jalomo-Ramirez replied thank you for sharing they do review the ByLaws and will look into updating.

Motion to approve CWPC Appointment of New Secretary was made by Marianna Mena and seconded by Jacqueline Avila. Motion carried.

#### EARLY HEAD START/HEAD START PROGRAM SCHOOL READINESS GOALS 2024 - 2025

Guadalupe Zuniga, Home Base 0 to 5 Manager and Felicia Amescua, School Readiness Mentor Coach Coordinator informed the Representatives of the Early Head Start and Head Start Program Goals for 2024 -2025.

Ms. Zuniga stated the School Readiness Committee recommends approval of the Early Head Start/Head Start School Readiness Goals for 2024-2025.

Head Start Program Performance Standard Achieving Program Goals, each agency must use the five domains, represented by central domains of the Framework, as the basis for school readiness goals, which consist of:

- Approaches to Learning
- Social and Emotional Development
- Language and Literacy
- Cognition
- Perceptual, Motor and Physical Development

Agencies need to articulate that their goals appropriately reflect the ages of children participating in the program (45 CFR § 1304.11(b)(1)(i)), the curriculum and child assessment(s) address or align with the program's established goals (45 CFR §§ 1302.32, 1302.33, and 1302.35), and demonstrate that parents were involved in the development of the goals (45 CFR §§ 1304.11(b)(1)(iii) and 1304.11(b)(2)).

On September 25, 2024, Head Start 0 to 5 staff, parents and partners used the aggregated data from Child Care Results (CCR) Analytics to review and establish school readiness goals for the 2024-2025 program year.

If approved by the CWPC, Head Start 0 to 5 will implement and use these goals to measure and individualize each child's progress to ensure that they know and can do what is needed to be ready for kindergarten.

Ms. Amescua provided an overview of the School Readiness Goals, within the goals there are also family objectives, and the goals are separated according to age.

Mr. Rebolledo shared he would love to see interactive workshops at the LPMs, last year he presented an activity he learned at the Father Engagement Conference, he shared there are many things we can take back home. People who attend the CWPC meetings get a lot of information but he wants to see it more at the local level.

Ms. Amescua shared she will look into this at planning.

Shiann Sandoval, Sanger/Reedley Representative shared she would like more information on how to integrate items with their children.

Ms. Zuniga shared during the LPM's they can provide information, they go based off the needs of the areas. All the different activities can be done at the local level they need to ask so they can be provided.

Ralph Carrillo, Interim Education Services Manager shared during the LPM there is an opportunity to provide their suggestions for what parents would like to see in the classrooms and voice what they would like to see for studies.

Ms. Sandoval asked if this pertains to Home Base as well.

Ms. Zuniga shared yes, the parents can share things like their child doesn't like to eat vegetable and they will do a presentation on vegetables tie into the parent's needs. They just need to request the workshop.

Floro shared the committee discusses what workshops they would like to attend. If parents are not attending then their voices are not being heard learning Through play and Transition to Kindergarten are two that are for sure provided.

Ana Jauregui from Cantua Head Start shared she has a few issues at her center. She is having issues with napping and if rules and regulations can be provided to parents to see what is allowed or not allowed. Her child's teacher calls her to pick up her child because she is not napping, she asked if this is allowed. She asked if parenting classes can be provided to them since they live so far away.

Ms. Zuniga replied yes, they are currently providing parenting classes and are provided via ZOOM as well.

Mr. Carrillo shared they highly encourage children to nap or stay on their cots, if the child does not they should not be calling to pick up the child. Her concern is very valid, they are having a training for this as a guidance for Center Directors to not call parents to pick up children because they are not napping.

Ms. Jauregui asked if parents could please be provided with things to do with their children at home.

Mr. Carrillo replied yes, we have the Parent Lending Library and parents are able to take items home.

Ms. Jauregui shared another concern as a mother and a Catholic they do not celebrate Halloween. She asked what can be done so these events are not done in the classroom.

Mr. Carrillo replied that we do not incorporate holidays and we do inform teachers to not promote holidays, but some teachers do like to incorporate and we do not want to make anyone uncomfortable. This is where the teachers need to build the bridges and know the families.

Ms. Ortega shared the teachers do ask if they would like to participate or not.

Mr. Carrillo shared some teachers do a hero week or pajama day.

Ms. Ortega commented in regards to Ms. Jauregui concern about sleeping she has had the same issue and she informed the teacher that if the child does not sleep they will act out and the teacher continually reminds her that her child did not listen, but this is due to not sleeping.

Ms. Sandoval asked if there are concerns and they are not being met what can they do.

Mr. Carrillo shared for Center Base they can go to the Center Director and then Early Childhood Educator (ECE) and follow the chain of command.

Ms. Zuniga shared for Home Base they can reach out the Home Base Supervisor.

Ms. Sandoval suggested perhaps for the holidays they can provide a survey.

Ms. Zuniga replied they do provide the SNIP survey and for the holidays our curriculum does not include holidays.

Mr. Carrillo shared in the past they had an Individual Education Folder (IEF) and the holiday piece was a specific question that was asked to honor parents request, as for activities at home the PACT Time is great.

Nicole Johnson, CWPC Historian shared they do not believe in Halloween either but at her center they do the harvest fest.

Mr. Carrillo shared at Franklin Head Start they do a Fall Fest and decorate and every child is allowed to get a pumpkin.

Domenica Goff, CWPC Sgt-at-Arms shared to her a lot of the holidays are traditions. These are kids we are talking about, they do not understand why they are not celebrating and teachers want to incorporate fun for the kids. Not to intervene in anyone's religion but there are parents who do want to celebrate and it is not fair to them either.

Lao Cha, ECE Coordinator shared she taught for 10 years for HS, it is tradition you may not celebrate it we do have to share with the kids. Most of the teachers will talk about family time together and this is what children learn. As teachers they respect the parents but there are parents and children that do celebrate and as a mother she would not like to have her children excluded but to inform her children why it is done or why they do not celebrate.

Mr. Rebolledo shared this is where they need to communicate with the teachers. He understands there will be a time and a place where he will not be there as his daughters first teacher. It is his job for his daughter to understand and be able to make her own decisions, it gives him the opportunity to explain things to his child.

Motion to approve Early Head Start/Head Start Program School Readiness Goals 2024 - 2025 was made by Domencia Goff and seconded by Shiann Sandoval. Motion carried.

#### HEAD START 0 TO 5 RECRUITMENT AND ENROLLMENT POLICY UPDATE

Olga Jalomo-Ramirez, Family/Community Services Manager presented the Head Start 0 to 5 Recruitment and Enrollment Policy Update.

On August 21, 2024, the Office of Head Start (OHS), Administration for Children and Families (ACF), and Department of Health and Human Services (HHS) made regulatory changes to the Head Start Program Performance Standards (HSPPS) to support and stabilize the Head Start workforce and improve the quality of services Head Start programs provide to children and families. Due to this final ruling, our agency reviewed and updated the Head Start 0 to 5 Recruitment and Enrollment Policy to use the new and revised income definition as defined in the Head Start Program Performance Standards 1305, to allow the adjustment of 30% of a family's annual income to account for excessive housing costs when determining eligibility, and to consider the enrollment of eligible children of staff as part of the selection criteria.

They have also included an update in the policy for enrollment of eligible children of Head Start employees.

Ms. Ortega shared she has submitted an application for Early Head Start and they have not contacted her.

Ms. Jalomo-Ramirez shared they can call 263-1200 and be referred to Family/Community Services where they can look up their application or they can go to the center as well.

Motion to approve Head Start 0 to 5 Recruitment and Enrollment Policy Update was made by Marianna Mena and seconded by Alma Martinez Guillen. Motion carried.

#### PROPOSED BUDGET MODIFICATION JANUARY 1, 2024 THROUGH DECEMBER 31, 2024

Jennifer Tillman, Finance Manager informed the Representatives of the Proposed Budget Modification January 1, 2024 through December 31, 2024.

Staff recommends approval of the Proposed Budget Modification for January 1, 2024, through December 31, 2024, in the amount of \$398,393.03 (EHS \$113,066.36 and HS \$285,326.67) to be reallocated from the budget line item of personnel to equipment for the 2024 Basic Grant budget.

As a result, Head Start 0 to 5 is requesting a budget modification to redirect funds from personnel to equipment in the amount of \$398,393.03 (EHS \$113,066.36 and HS

\$285,326.67). These funds will be used for sites in need of equipment to operate and be in full operation for the 24/25 program year (fences, playgrounds, and HVAC units) such as EHS AMOR Center, Firebaugh and Kings Canyon Head Start.

Ms. Tillman informed the Representatives the Fresno EOC Board of Commissioners has already approved the Proposed Budget Modification January 1, 2024 through December 31, 2024 on October 21, 2024, it now pending CWPC approval.

Ms. Sandoval asked if the funds that need to be reallocated will they be transferred over.

Ms. Tillman replied any unobligated funds will be added to a budget revision and then placed on a carryover.

Ms. Estrada shared they have been waiting for improvements for their Citrus Head Start center for years. There is a mud pond that is being created by an irrigation malfunction and she would like to see if they can get a resolution on this item for the safety of the kids. Another item she would like to see resolved is a permanent shade structure for the sandbox, they currently have a canopy, even if it would be used for the upcoming school year.

Ron Cantu, Facilities Coordinator commented they have been out to Citrus Head Start the past 2 weeks and there is over irrigation occurring, they have shut off the water to test if this is the issue. They have changed the programming on the irrigation system to turn on once a week and not 3 times a day. As for the sandbox shade it will be replaced, they are currently waiting on the budget and all of the sandboxes will have a convertible shade.

Adriana Mendoza, Maple Vista Representative shared when the school year first started they were told they would be temporarily housed and bussed to Franklin Head Start, no one has provided them with an update. She asked if parents can be provided with a gas reimbursement for taking the children to the assigned bus stop as it is far for some parents. She shared there are always many unhoused people at the bus stop burning items, making it uncomfortable.

Mr. Cantu replied Maple Vista Head Start is being taken over by the unhoused they continue to break in and create fires and ransacking the place, the center has been shut down and will not be reopened. The center will be vacated as they just had another fire this past weekend. He shared bussing is being provided to children for Franklin Head Start.

Ms. Mendoza shared there is a lack of communication, there is debris everywhere from the unhoused at the bus stop, there is no room to park in the parking lot.

Mr. Cantu replied they will try to see if they can find a different location for dropping of children but for the meantime this is where the bus stop will be.

Ms. Sandoval asked if there are contracts or bids being made for improvements.

Ms. Tillman replied yes, there are always bids.

Ms. Sandoval shared she knows of a company that will be lower.

Mr. Cantu asked to please provide the information to him.

Ms. Ortega, shared there is fecal matter that is left behind from contractors at her Sanger center and a foul smell.

Mr. Cantu replied they have located the smell but have not seen fecal matter.

Ms. Ortega shared she has cautioned other parents and informed the Center Director as well.

Mr. Cantu shared he will address the issue.

Mr. Alvarado shared for his center Sequoia Head Start there are kids who go there from a near high school to use the playground and smoke. He shared this is where we can voice our issues with the other schools, we need to have a voice and address what is going on.

Motion to approve Proposed Budget Modification January 1, 2024 through December 31, 2024 was made by Shiann Sandoval and seconded by Marianna Herrera. Motion carried.

#### FRESNO EOC BOARD OF RESOLUTION

Michelle Tutunjian, Acting Chief Executive Officer and Interim HS Director informed the Representatives of the Fresno EOC Board of Resolution. She shared one of the requirements for Head Start is to make sure we are in compliance with Community Care Licensing, the two who were previously in charge of being in compliance one is no longer with the program and the other is on leave.

Ms. Tutunjian introduced Misty Gattie-Blanco, Sanctuary and Support Services Director, she has a wealth of experience, and would like to ask for authorization for herself and Ms. Gattie-Blanco to be able to speak on behalf of the program.

Motion to approve Fresno EOC Board of Resolution was made by Mariana Mena and seconded by Viridiana Estrada. Motion carried.

#### FULL ENROLLMENT INITIATIVE UPDATES

Olga Jalomo Ramirez, Family/Community Services Manager, stated Head Start 0 to 5 received a letter on March 24, 2023 indicating we were under enrolled from the Office of Head Start Region IX. We were given 12 months to meet 97% enrollment, and in April 2024 full enrollment was not achieved. In May 2024 the program submitted a change of scope. With the approved Change of Scope, we were able to meet full enrollment for the month of May 2024.

With the approval of the Change of Scope, our total funded enrollment is 2120 for Head Start 0 to 5. We currently have the following funded enrollment by program.

- 1690 IN Head Start Center Base (1590 center base and 100 home base)
- 430 in Early Head Start (94 center base and 336 home base)

The recruitment data attached includes our recruitment efforts up to October 03, 2024. Head Start center base has 1200 children enrolled. Head Start home base has 69 children enrolled. Early Head Start center base has 73 children enrolled. Early Head Start home base has 321 children enrolled. This gives us a total of 1663 children for Head Start 0 to 5.

#### PERSONNEL COMMITTEE REPORT FOR SEPTEMBER 2024

Desarae Price, CWPC Sgt-at-Arms stated the Personnel Committee report consists of a list of: Hiring/Personnel Action Positions, Resignations/Separations, Promotion/Status Change, and Job Descriptions for Positions for the month. All promotions, transfers, separations, and new hires are to be presented to the CWPC monthly, as an informational item.

For the month of September 2024, there were 6 Hiring/Personnel Action Positions, 2 promotions/status change, 18 resignations/separations and 1 updated job descriptions.

#### ANNOUNCEMENTS

Aldo Alvarado, CWPC Chairperson, made the following Announcements:

- A. November 2024 – Food Distribution (Information attached)
- B. November 11, 2024 – Veteran’s Day Holiday – No School
- C. November 19, 2024 – Next County-Wide Policy Council Executive Board Meeting in the West Conference Room
- D. November 19-21, 2024 Tri-Annual Self-Assessment
- E. November 21-28, 2024 – Thanksgiving Break – Head Start 0 to 5 – No School
- F. December 3, 2024 – Next County-Wide Policy Council Meeting at 6:00pm – Dinner will be served at 5:30pm

Veronica Galvan, Quality Assurance Manager reminded the group of the Self-Assessment training for parents, she thanked everyone for signing up. There will be magnificent snacks

and it is a great opportunity to understand how the program provides quality services to children. The training is an hour and a half and it is designed for parents, if you have not signed up yet please reach out to Floro.

Mr. Rebolledo shared this an amazing way to gain information and resources for parents and Ms. Galvan is amazing in providing the material, he reminded parents to fill out the mileage and childcare forms.

#### ADJOURNMENT

There being no further business to discuss, motion to adjourn meeting was made by Marinana Mena and seconded by Domenica Goff. Motion carried.

The meeting adjourned at 7:54 p.m.

Submitted By:

Christina Quiros  
Lead Secretary



## BOARD OF COMMISSIONERS MEETING

|                                                                 |                                           |
|-----------------------------------------------------------------|-------------------------------------------|
| <b>Date:</b> December 16, 2024                                  | <b>Program:</b> Head Start 0 to 5         |
| <b>Consent Agenda Item #:</b> 8_12                              | <b>Interim Director:</b> Michael Balderas |
| <b>Subject:</b> Program Update Report (PUR)<br>For October 2024 | <b>Officers:</b> Michelle Tutunjian       |

### Recommended Action

The County-Wide Policy Council (CWPC) recommends acceptance of the Head Start 0 to 5 Program Update Reports (PUR) for the month of October 2024 for full Board acceptance.

### Background

As per mandate, Head Start agencies provide monthly updates to the Board and Policy council, written as required by the Head Start Act of December 12, 2007, Section 642 Powers and Functions of Head Start Agencies (d) Program Governance Administration, (2) Conduct of Responsibilities, (A) through (I).

Below is a reference to the requirement.

*(2) Conduct of Responsibilities – Each Head Start agency shall ensure the sharing of accurate and regular information for use by the governing body and policy council, about program planning, policies, and Head Start agency operations. . .*

The report includes all areas mandated by the Head Start Act, not reported elsewhere: (B) monthly program activity summaries; (C) program enrollment reports; (D) monthly reports of meals and snacks provided through the U.S. Department of Agriculture; (H) communication and guidance from the Secretary of Health and Human Services.

The excluded information reported separately includes: (A) monthly financial reports including credit cards, (E) financial audit report, (F) annual Self-Assessment (G) community-wide strategic planning (Community Assessment) and the (I) Annual Program Information Report (PIR).

The October 2024 Program Update Report is attached for review.

### Fiscal Impact

Action on this agenda item will have no fiscal impact.

### Conclusion

If accepted by the full Board, the October 2024 PUR will be retained for record keeping to verify the County-Wide Policy Council and the Fresno EOC Board of Commissioners had timely and accurate



information to ensure programmatic and fiduciary accountability of Fresno EOC Head Start 0 to 5.  
If not accepted, program staff will review and make recommended changes.



**COUNTY-WIDE POLICY COUNCIL  
PROGRAM UPDATE REPORT  
October 2024**

**I. Head Start 0 to 5**

Program Information Summary:

October 14, 2024- Indigenous People Day. All offices and sites were closed in observance.

October 15, 2024- Senior Management attended First of 12 sessions of Empower leadership Institute by Dr. Suzana Veiss, PH

October 25, 2024- Head Start Compensation Study was completed. Employees that received an increase received new rate of pay. and paid out on the Oct 25<sup>th</sup> paycheck.

October 25, 2024 - Carryover 2023, Budget Revision 2024, Refunding App 2025 after being approved by the Board on 10/21/24 was submitted in HSES for OHS to be approved..

October 30, 2024- Finance Manager presented at DEC Meeting Training on Asset Disposal Process.

**II. Communication and Guidance from the United States Health and Human Services (HHS) Secretary:**

Throughout the month of September 2024, Office of Head Start has been providing support through webinars for grantees to familiarize themselves with the Office of Head Start's (OHS) final rule released on Aug. 21, 2024 such as [Supporting the Head Start Workforce and Consistent Quality Programming](#), was published in the Federal Register. OHS has made significant changes to the Head Start Program Performance Standards (the Performance Standards) to respond to concerns affecting the sustainability of Head Start programs. OHS has introduced the "Nurturing the Promise" campaign to support Head Start staff in addressing these changes to the Performance Standards. In September, OHS leadership and staff hosted two webinars about the changes in the final rule. . OHS/HS Final rule series-ERSEA and Health safety Webinar October 29, 2024. The videos are now available to watch any time on the Early Childhood Learning and Knowledge Center (ECLKC). The announcement webinar, [Supporting the Head Start Workforce and Consistent Quality Programming](#), highlights the updated Performance Standards and how the Head Start community's input was instrumental in the changes. OHS leadership and staff discuss the goals to increase staff wages and benefits, integrate mental health across services, and support quality improvement. In the overview webinar, [Updates to the Performance Standards: Nurturing the Promise](#), OHS takes a deeper dive into the updated Performance Standards and offers resources and implementation strategies.

**III. Early Head Start**

Program Information Summary:

1. Early Head Start continues to recruit children and staff for the 24/25 program year. Recruitment Fair proposed with the date to be determined.
2. Facilities Department continues to finalize remodeling at the AMOR Center in Mendota, where the Program will serve eight Early Head Start Center Based toddlers.

Wait List Total: 116

Early Head Start Meals/Snacks:

Total Children: Breakfasts: 1,141 Lunches: 1,217 Snacks: 1030

**IV. Head Start**

Program Information Summary:

1. Head Start continues to recruit children and staff for the 24/25 program year. Recruitment Fair proposed with the date to be determined.
2. Early Childhood Education Specialist completed their first systemic monitoring of centers, using the Classroom Monitoring reports.
3. Center staff started the first assessment of children to ensure classrooms are implementing the curriculum of fidelity.



Fresno EOC  
Head Start  
0 to 5

Early Care  
&  
Education

**COUNTY-WIDE POLICY COUNCIL  
PROGRAM UPDATE REPORT**

Wait List Total: 276

Head Start Meals/Snacks:

Total Children: Breakfasts: 18,179 Lunches: 19,641 Snacks: 17,576

Submitted by:

Misty Gattie-Blanco, Sanctuary Director/Interim Asst. Director

(SEPTEMBER 2024 CWPC PUR REPORT) cq 10/01/24 ~ CWPC (2024-2025 (PUR (CWPC))) ~



## BOARD OF COMMISSIONERS MEETING

|                                                      |                                           |
|------------------------------------------------------|-------------------------------------------|
| <b>Date:</b> December 16, 2024                       | <b>Program:</b> Head Start 0 to 5         |
| <b>Consent Agenda Item #:</b> 8_13                   | <b>Interim Director:</b> Michael Balderas |
| <b>Subject:</b> Head Start 0 to 5 Selection Criteria | <b>Officer:</b> Michelle Tutunjian        |

### Recommended Action

The County-Wide Policy Council (CWPC) recommends Committee approval for full Board consideration of the revised Selection Criteria for recruitment and enrollment.

### Background

On August 21, 2024, the Office of Head Start (OHS), Administration for Children and Families (ACF), and Department of Health and Human Services (HHS) made regulatory changes to the Head Start Program Performance Standards to support and stabilize the Head Start workforce and improve the quality of services Head Start programs provide to children and families. Due to this final ruling, Fresno EOC reviewed and updated the Recruitment and Enrollment Policy (Item 7\_13) that was approved by Fresno EOC Board of Commissioners on November 18, 2024. Once approved the Selection Criteria was reviewed and updated to consider the enrollment of eligible children by Fresno EOC personnel as part of the selection criteria.

Per Performance Standard 1302.14, a program must annually establish selection criteria that weigh the prioritization of the selected of participants based on the needs identified through the community needs assessment. This includes family income, whether the child is homeless or in foster care, the child's age, whether the child is eligible for special education and related services, or early intervention services, as appropriate, as determined under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.) and other relevant family or child risk factors.

This item was presented and approved by CWPC on December 3, 2024.

### Fiscal Impact

Action on this agenda item will have no fiscal impact.

### Conclusion

If approved by the Board, Head Start will implement the updated Selection Criteria. If not approved, Head Start will not review and present revised criteria to the CWPC and then the Board of Commissioners.



## Selection Criteria

Applicant's Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Site/Area: \_\_\_\_\_

| AGE/PRENATAL STATUS                 | CIRCLE ONE |
|-------------------------------------|------------|
| <del>Prenatal or</del> Infant (EHS) | 100        |
| 1 year (EHS)                        | 80         |
| 2 years (EHS)                       | 20         |
| 4 years (HS)                        | 80         |
| 3 years (HS)                        | 50         |

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| INCOME                                          | CIRCLE ONE |
|-------------------------------------------------|------------|
| Homeless (as defined by McKinney-Vento Act)     | 130        |
| Foster Child                                    | 130        |
| Recipient Public Assistance (TANF/SSI/SNAP)     | 130        |
| Low income below poverty guidelines             | 120        |
| Over Income 100 - 130% above poverty guidelines | 60         |
| Over Income 130%+ above poverty guidelines      | 30         |

| DISABILITY             | CIRCLE ONE |
|------------------------|------------|
| IFSP (EHS) or IEP (HS) | 200        |

| PARENTAL STATUS           | CHECK ALL THAT APPLYCIRCLE ONE |
|---------------------------|--------------------------------|
| <del>Pregnant Woman</del> | 60 <input type="checkbox"/>    |
| Legal Guardian/Caregiver  | 3050 <input type="checkbox"/>  |
| One Parent Household      | 2040 <input type="checkbox"/>  |

| INDIVIDUAL AND FAMILY RISK FACTORS<br>(Must be documented) | CHECK CIRCLE ALL THAT APPLY |
|------------------------------------------------------------|-----------------------------|
| Written Referral from Community Agency/Professional        | 50 <input type="checkbox"/> |
| Teen Parent (17 and younger)                               | 40 <input type="checkbox"/> |
| Disabled Custodial Parent/Guardian (not receiving SSI)     | 20 <input type="checkbox"/> |
| Substance Abuse/Mental Health Issues/Incarceration         | 20 <input type="checkbox"/> |
| Exposure to domestic violence and/or community violence    | 20 <input type="checkbox"/> |
| Death/Loss of primary parent or caregiver                  | 20 <input type="checkbox"/> |

| ADDITIONAL FACTORS                                                           | CHECK CIRCLE ALL THAT APPLY  |
|------------------------------------------------------------------------------|------------------------------|
| <del>Prenatal Applicant</del>                                                | 130                          |
| Transition from EHS                                                          | 100 <input type="checkbox"/> |
| Sibling of a child enrolled in Head Start 0 to 5                             | 50 <input type="checkbox"/>  |
| <del>Child of a Head Start 0 to 5 Employee</del>                             | 100                          |
| Staff Print:<br>Name _____ Title _____<br>Staff Signature: _____ Date: _____ | Total Points:                |

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| Revised/Approved by CWPC                                                                                                                                                 | Approved by P&E Committee/Fresno EOC Board of Commissioners                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| [6/21/06] [10/17/07] [2/20/08] [3/18/09] [1/18/12] [1/14/2015] [7/15/2015] [1/20/16] [2/15/17] [ 3/21/18 ] [2/20/19] [5/20/20] [2/2/22] [07/05/22] [02/06/24] [12/03/24] | [1/25/12] [7/14/2015] [1/27/16] [2/22/17] [ 4/18/18-18 ] [3/9/19] [6/9/20] [2/9/21-P&E] [03/23/22-P&E] [9/29/22] [03/18/24] [08/21/24] [11/8/24] |

(SELECTION CRITERIA HS 0 to 5 2024 FINAL DRAFT) REV. . cql12/06/24 11/15/2408/21/24 - POLICIES & PROCEDURES (ADMIN (2024)) -

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## BOARD OF COMMISSIONERS MEETING

|                                    |                                                |
|------------------------------------|------------------------------------------------|
| <b>Date:</b> December 16, 2024     | <b>Program:</b> Program Planning & Development |
| <b>Consent Agenda Item #:</b> 8_14 | <b>Director:</b> Ana Medina                    |
| <b>Subject:</b> Grant Tracker      | <b>Officer:</b> Michelle Tutunjian             |

### Recommended Action

The information presented in the Grant Tracker is intended to keep the Board apprised of program grant activity.

### Background

This item was presented during the December 9, 2024, Executive Committee Meeting where Committee Members reviewed prior to full Board Review.

| Submitted       |                                                         |                                        |                  |                                                                                                                                                                                        |                |
|-----------------|---------------------------------------------------------|----------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Program         | Name                                                    | Funder                                 | Amount Requested | Summary                                                                                                                                                                                | Date Submitted |
| Food Services   | Community First Fund's: Rapid Response Fund             | Emergent Fund                          | \$50,000         | Provides community-based rapid response efforts to overburdened communities experiencing high rates of food insecurity using the established food distribution calendar and locations. | 11/15/2024     |
| Health Services | Ending California's Tobacco Epidemic in Every Community | California Department of Public Health | \$900,000        | Tobacco prevention for a period of 36 months to accelerate momentum toward ending California's tobacco epidemic                                                                        | 11/08/2024     |

|                     |                                                                              |                |           |                                                                                                                                                                                                                                                                                                                     |            |
|---------------------|------------------------------------------------------------------------------|----------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|                     |                                                                              |                |           | through policy, system, and environmental change strategies by increasing community engagement within populations that have been disproportionately targeted by the tobacco industry.                                                                                                                               |            |
| Health Services/LCC | Community Outreach, Engagement, Education and/or Climate Resilience Services | City of Fresno | \$400,000 | The city is interested in partnering with a diverse range of organizations on this project. The services to be performed by the subgrantee(s) include community outreach, engagement, education, and climate resilience activities designed to involve community members living and/or working in the project area. | 11/04/2024 |

| Not Awarded   |                                                  |                                                  |                  |                                                                                                                                                         |                    |
|---------------|--------------------------------------------------|--------------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Program       | Name                                             | Funder                                           | Amount Requested | Summary                                                                                                                                                 | Not Awarded Reason |
| Food Services | Valley Community Economic Resilience Fund (CERF) | Valley Community Economic Resilience Fund – CVCF | \$2,000,000      | Food Services is requesting funds for planning activities for a USDA inspection kitchen and upgrading current kitchen equipment to electric appliances. | Not Available      |

|                                      |                                                                         |                                                  |             |                                                                                                                                                                     |                                                                                                                                                                                                               |
|--------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Training & Employment                | Valley Community Economic Resilience Fund (CERF)                        | Valley Community Economic Resilience Fund – CVCF | \$300,000   | VAC will partner with Proteus to provide job training in construction trades.                                                                                       | Not Available                                                                                                                                                                                                 |
| Training & Employment                | FY25 Community Projects (Padilla) - Workforce Development               | Senate Appropriations Committee                  | \$1,500,000 | Funds will allow VAC to develop its training program to include energy efficiency technology training.                                                              | While the project was included in the Senate Appropriations Subcommittee's Community Funded Projects List, the Rural Solar VAC Program was omitted in the most recent draft of the final FY 2025 Budget Bill. |
| Sanctuary & Support Services – CVAHT | OVC FY24 Anti-Trafficking Housing Assistance Program                    | Office for Victims of Crime (OVC)                | \$837,900   | Funds will support rapid rehousing for victims of human trafficking.                                                                                                | Not Available                                                                                                                                                                                                 |
| Mendota Navigation Center            | Wonderful Community Grants                                              | The Wonderful Company                            | \$100,000   | Operational Support                                                                                                                                                 | Not Available                                                                                                                                                                                                 |
| Health Services                      | Increasing Vaccine Confidence Among California Communities NO. 24-10180 | California Department of Public Health           | \$306,000   | To establish demonstration projects to allow for evidence-based and/or innovative approaches to improve vaccination rates and vaccine confidence across California. | Not Available                                                                                                                                                                                                 |



Fresno County Economic Opportunities Commission  
Grant Tracker  
Monday, December 9, 2024

| 2024 AWARDED |                                                    |                                                                                                      |                                                                            |                  |                                                                                                                                                                                                           |                   |                |                |
|--------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------|----------------|
| Due Date     | Program                                            | Name                                                                                                 | Funder                                                                     | Amount Requested | Summary                                                                                                                                                                                                   | Board Report Date | Date of Notice | Amount Awarded |
| 10/16/2024   | Food Services - Food Distributions                 | Rural Food Distribution Outreach American Heart Association                                          | American Heart Association                                                 | \$3,000          | AHA funding supplements current outreach activities by providing local and governmental community resource referral sheets to inform community members about available food banks and food distributions. | N/A               | 10/9/2024      | \$3,000        |
| 4/4/2024     | Food Services - Food Services Home Delivery        | RFP No. 2425-ENP Title III C1 and C2-Congregate and Home Delivered Meals (Elderly Nutrition Program) | Fresno-Madera Area Agency on Aging (FMAAA)                                 | \$2,700,000      | Food Services will continue providing Congregate Meals and Home Delivered Meals in Fresno and Madera County through this funding opportunity.                                                             | 4/8/2024          | TBD            | \$2,700,000    |
| 1/9/2024     | Sanctuary and Support Services - Homeless Services | Homeless, Housing, Assistance, and Prevention (HHAP)                                                 | County of Fresno Department of Social Services                             | \$4,368,334      | Funding will support Bridge & Rapid Rehousing services.                                                                                                                                                   | 1/22/2024         | 4/23/2024      | \$4,368,334    |
| 1/29/2024    | Sanctuary and Support Services - CVAHT             | Human Trafficking Victim Assistance                                                                  | Cal OES                                                                    | \$899,999        | This grant will fund trauma-informed, supportive services for victims of human trafficking, including shelter, case management, and emergency assistance.                                                 | 1/22/2024         | TBD            | \$899,999      |
| 3/11/2024    | Foster Grandparent Program                         | FY2024 AmeriCorps Seniors Q4 Foster Grandparent Program Continuation or Renewal                      | AmeriCorps                                                                 | \$495,000        | Funding will support the continuation of Foster Grandparents. Older adults 55+ and over volunteer to mentor and tutor for low-income students in Fresno County.                                           | 2/7/2024          | 6/1/2024       | \$495,000      |
| 4/5/2024     | Advance Peace                                      | Violence Intervention & Prevention Initiative                                                        | City of Fresno                                                             | \$375,000        | Funding will provide case management for 25 Junior Fellows, offering transformative travel opportunities, mentorship, and educational and skill development.                                              | 4/15/2024         | TBD            | \$375,000      |
| 5/15/2024    | Sanctuary and Support Services - Homeless Services | Emergency Assistance Fund                                                                            | SCAN Health Plan                                                           | \$25,000         | Provide one-time financial support to older adults (age 55+) in emergency situations.                                                                                                                     | N/A               | 6/17/2024      | \$25,000       |
| 10/6/2023    | Health Services                                    | Early Childhood Wraparound Services                                                                  | CA Dept of Health Care Services                                            | \$1,500,000      | Funding for childhood wraparound services, could include home visitation or prenatal care.                                                                                                                | 9/25/2023         | 1/31/2024      | \$1,500,000    |
| 3/4/2024     | Food Services - Food Distributions                 | Kaiser Permanente Food & Nutrition Security Grant                                                    | Kaiser Permanente                                                          | \$25,000         | Funding will expand capacity in rural communities to new partners and schools in Riverdale and Five Points providing 3,600 low-income families with nutritious, healthy, and fresh food commodities.      | N/A               | TBD            | \$25,000       |
| 3/20/2024    | Advancing Fresno County Guaranteed Income          | Mayors for a Guaranteed Income Proposal                                                              | Mayors for a Guaranteed Income                                             | \$15,000         | Funds will help the GI program provide gift cards to evaluation survey respondents.                                                                                                                       | N/A               | TBD            | \$15,000       |
| 4/16/2024    | Health Services - Tobacco Education Program        | CG 24-10056 Advancing Tobacco Cessation in Community Clinics Project (ATCP) Cohort 3                 | California Department of Public Health, California Tobacco Control Program | \$81,000         | This grant will reduce tobacco use within the funded clinic populations. Achieving this outcome will decrease tobacco use disparities and reduce the burden of tobacco-related diseases.                  | N/A               | TBD            | \$81,000       |

|            |                                                         |                                                                                                              |                                                                           |             |                                                                                                                                                                                                                                                                                                                                 |           |           |             |
|------------|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|-------------|
| 9/28/2023  | Sanctuary and Support Services - Homeless Services      | FY23 Continuum of Care Competition and Renewal or Replacement of Youth Homeless Demonstration Program Grants | US Department of Housing and Urban Development                            | \$2,350,438 | To quickly re-house homeless individuals, families, persons fleeing domestic violence, and youth while minimizing the trauma and dislocation caused by homelessness; to promote access to and effective utilization of mainstream programs by homeless; and to optimize self-sufficiency among those experiencing homelessness. | 2/21/2024 | 1/29/2024 | \$2,019,622 |
| 1/31/2024  | LCC - Local Conservation Corps (LCC)                    | Local Conservation Corps SB 1013                                                                             | State of California Employment Development Department                     | \$799,665   | Connect participants and applicants of Goods Job Challenge with resources, including high school equivalency programs and vocational plans.                                                                                                                                                                                     | 3/18/2024 | 2/28/2024 | \$799,665   |
| 1/16/2024  | Health Services - AFLP                                  | 2024-25 Title X Family Planning Services                                                                     | Essential Access Health                                                   | \$464,531   | Title X funding is awarded to subrecipients across the nation to provide low-income women and men below 250% of poverty with quality sexual and reproductive health care services.                                                                                                                                              | 1/22/2024 | 2/5/2024  | \$464,531   |
| 2/9/2024   | Sanctuary and Support Services - LGBTQ+ Resource Center | American Rescue Plan Act for Community Based Organizations                                                   | City of Fresno                                                            | \$100,000   | Funding will support general operating costs for the LGBTQ+ Resource Center.                                                                                                                                                                                                                                                    | N/A       | 3/7/2024  | \$100,000   |
| 2/14/2024  | Health Services                                         | 2024 Public Awareness and Community Outreach Campaign Services                                               | The Office of Community Partnerships and Strategic Communications (OCPSC) | \$600,000   | To effectively reach and engage Californians, especially those experiencing the greatest health and social inequities.                                                                                                                                                                                                          | 3/4/2024  | 3/18/2024 | \$600,000   |
| 6/20/2023  | Training and Employment                                 | CERF Economic Development Pilot                                                                              | State of California Employment Development Department                     | \$150,000   | Connect participants and applicants of Goods Job Challenge with resources, including high school equivalency programs and vocational plans.                                                                                                                                                                                     | 3/18/2024 | 2/27/2024 | \$150,000   |
| 11/27/2023 | Health Services - Community Health Center               | Mpox Community-Based Organization Grant                                                                      | The CA Department of Public Health                                        | \$55,000    | Funding will support Mpox vaccine administration, vaccine outreach/education and testing activities to communities at-risk for Mpox.                                                                                                                                                                                            | N/A       | 3/19/2024 | \$55,000    |
| 2/1/2024   | Foster Grandparent Program                              | FY2024 AmeriCorps Foster Grandparents Program Replacement and Expansion Opportunity                          | AmeriCorps                                                                | \$360,000   | Funding will expand capacity to service low-income program participants in rural areas of Fresno County.                                                                                                                                                                                                                        | 2/7/2024  | 4/1/2024  | \$360,000   |
| 1/31/2024  | LCC - Local Conservation Corps (LCC)                    | FY2023 Community Project Funding/Congressionally Directed Spending                                           | Congress Appropriations                                                   | \$500,000   | This will fund vehicle and heavy equipment for in-the-field student learning.                                                                                                                                                                                                                                                   | N/A       | TBD       | \$500,000   |
| 6/13/2023  | Training and Employment                                 | One Fresno Youth Jobs Corps Program Worksites                                                                | City of Fresno                                                            | \$300,000   | Provision of work experience for Fresno youth for a 6-month period.                                                                                                                                                                                                                                                             | 6/26/2023 | 2/1/2024  | \$200,000   |

|                               |                                        |                                                                             |                                     |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                             |     |              |
|-------------------------------|----------------------------------------|-----------------------------------------------------------------------------|-------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----|--------------|
| 7/1/2024                      | Sanctuary and Support Services - CVAHT | Trafficking & Crimes Victims Assistance Program                             | Centro La Familia Advocacy Services | \$10,000 | This Operational Agreement (OA) stands as evidence that Centro La Familia Advocacy Services, Inc. and Fresno Economic Opportunities Commission will work together to implement linkage and outreach for the Fresno County Trafficking and Crime Victims Assistance Program (TCVAP). Activities will be designed to identify non-citizen victims of human trafficking, domestic violence and other serious crimes and provide education in Fresno County. | N/A                         | TBD | \$10,000     |
| TBD                           |                                        | Community Health Worker Application Supervising Provider Certification Tool | Anthem                              | TBD      |                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A                         | TBD | TBD          |
| <b>Total Amount Requested</b> |                                        |                                                                             | \$16,176,967                        |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Total Amount Awarded</b> |     | \$15,746,151 |

| 2023 NOT AWARDED |                                                                   |                                                                         |                                           |                  |                                                                                                                                                                     |                   |                |
|------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------|
| Due Date         | Program                                                           | Name                                                                    | Funder                                    | Amount Requested | Summary                                                                                                                                                             | Board Report Date | Date of Notice |
| 4/30/2024        | Food Services - Kitchen                                           | Valley CERF Catalyst Projects - Food Services Kitchen Expansion         | Valley Community Economic Resilience Fund | \$2,000,000      | Food Services is requesting funds for planning activities for a USDA inspection kitchen and upgrading current kitchen equipment to electric appliances.             | 5/6/2024          | 11/27/2024     |
| 4/30/2024        | Training and Employment                                           | Valley CERF Catalyst Projects - Partnership with Proteus                | Valley Community Economic Resilience Fund | \$300,000        | VAC will partner with Proteus to provide job training in construction trades.                                                                                       | 5/6/2024          | 11/27/2024     |
| 8/8/2023         | Food Services - Food Distributions                                | Costco Charitable Giving Grant                                          | Costco Wholesale                          | \$7,500          | Funding food distributions for 2023.                                                                                                                                | N/A               | TBD            |
| 3/29/2024        | Training and Employment - Valley Apprenticeship Connections (VAC) | FY25 Community Projects (Padilla) - Workforce Development               | Senate Appropriations Committee           | \$1,500,000      | Funds will allow VAC to develop its training program to include energy efficiency technology training                                                               | N/A               | 11/22/2024     |
| 5/20/2024        | Sanctuary and Support Services - CVAHT                            | OVC FY24 Anti-Trafficking Housing Assistance Program                    | Office for Victims of Crime (OVC)         | \$837,900        | Funds will support rapid rehousing for victims of human trafficking.                                                                                                | 5/6/2024          | 11/25/2024     |
| 8/31/2024        | Navigation Center                                                 | Wonderful Community Grants                                              | The Wonderful Company                     | \$100,000        | Grants will support game changing work across all impact areas                                                                                                      | N/A               | 11/20/2024     |
| 9/26/2024        | Health Services - Community Health Center                         | Increasing Vaccine Confidence Among California Communities NO. 24-10180 | California Department of Public Health    | \$306,000        | To establish demonstration projects to allow for evidence-based and/or innovative approaches to improve vaccination rates and vaccine confidence across California. | 10/7/2024         | 11/15/2024     |

|                        |                                                         |                                                                                                                           |                                         |             |                                                                                                                                                                                                                                       |           |            |
|------------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|
| 4/22/2024              | Sanctuary and Support Services - CVAHT                  | OVC FY24 Services for Victims of Human Trafficking                                                                        | Office for Victims of Crime (OVC)       | \$950,000   | The purpose of this program is to develop, expand, or strengthen victim service programs for victims of human trafficking, including those that provide trauma-informed services.                                                     | 4/15/2024 | 10/31/2024 |
| 9/30/2024              | Food Services - Food Distributions                      | Self-Help Enterprise Listos California Subaward Grant                                                                     | Self-Help Enterprise                    | \$100,000   | The funding is intended to support these organizations in offering comprehensive disaster training and resources through peer-to-peer outreach to a variety of diverse populations that are disproportionately impacted by disasters. | N/A       | 10/29/2024 |
| 6/20/2024              | Stop the Violence                                       | BJA FY24 STOP School Violence Program                                                                                     | DOJ BJA                                 | \$1,000,000 | Stop the Violence will provide daily mentoring, anti-violence curriculum, and other violence prevention and intervention strategies in FUSD schools.                                                                                  | N/A       | TBD        |
| 7/12/2024              | Health Services - Community Health Center               | Community-Led Practices for Strengthening Maternal and Child Health and Reducing Disparities in Fresno County, California | The David and Lucile Packard Foundation | \$200,000   | The development, expansion, or enhancement of innovative practices to improve maternal and child health outcomes and reduce racial disparities in Fresno                                                                              | 7/1/2024  | 8/15/2024  |
| 5/1/2024               | Health Services - Dental Care for Kids                  | School-Based and School-Linked Initiatives to Improve Oral Health                                                         | CareQuest Institute                     | \$125,000   | CareQuest Institute is seeking to fund projects that are engaging schools to address systemic barriers to oral health, inclusive of access, for children and their families.                                                          | N/A       | TBD        |
| 3/1/2024               | Food Services - Food Distributions                      | Open Call Grant Application Clif Family Foundation                                                                        | Clif Family Foundation                  | \$50,000    | Funding for operational support with areas of focus: Strengthen our food system, Enhance equitable community health outcomes, Safeguard our environment and natural resources                                                         | N/A       | 6/30/2024  |
| 3/1/2024               | Sanctuary and Support Services - LGBTQ+ Resource Center | 2024 wayOut Grant                                                                                                         | wayOUT                                  | \$112,740   | Funding will support general operating costs for the LGBTQ+ Resource Center, including case management, drop-in services, and mental health workshops.                                                                                | N/A       | 4/1/2024   |
| 11/15/2023             | Health Services                                         | Fresno HOPE                                                                                                               | Fresno HOPE Pathways Community Hub      | \$325,000   | Funding will support care coordination agencies employing community health workers, utilizing the Pathways Community HUB Institute™ Model.                                                                                            | 12/7/2023 | 3/26/2024  |
| 11/1/2023              | Sanctuary and Support Services - CVAHT                  | Slave 2 Nothing Grant                                                                                                     | Slave 2 Nothing Foundation              | \$45,000    | Funding will support low-barrier emergency housing for victims of human trafficking.                                                                                                                                                  | N/A       | 5/3/2024   |
| 8/7/2023               | Food Services - Food Distributions                      | Sierra Grant Program                                                                                                      | Bank of the Sierra                      | \$5,000     | Funding food distributions for 2023.                                                                                                                                                                                                  | N/A       | 3/12/2024  |
| 6/27/2023              | Health Services - Community Health Center               | Community-Based Approaches to Reducing Sexually Transmitted                                                               | CDC                                     | \$325,000   | STI Testing on Community College Campuses, and free transportation to clinic if treatment is needed.                                                                                                                                  | 5/22/2023 | 1/17/2024  |
| Total Amount Requested |                                                         |                                                                                                                           | \$8,289,140.00                          |             |                                                                                                                                                                                                                                       |           |            |

| IN PROGRESS GRANTS |                                                                                                 |                                                            |                    |                  |                                                                                                                                                                                                                  |                   |                |
|--------------------|-------------------------------------------------------------------------------------------------|------------------------------------------------------------|--------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------|
| Due Date           | Program                                                                                         | Name                                                       | Funder             | Amount Requested | Summary                                                                                                                                                                                                          | Board Report Date | Date of Notice |
| 12/31/2024         | Food Services - Food Services Home Delivery, Sanctuary and Support Services - Homeless Services | Community Supports Provider Certification Tool Application | CalAIM + Healthnet | TBD              | Application to become a Healthnet and Anthem Community Supports provider offering Medically Tailored Meals (MTM), Housing Tenancy and Sustaining Services, and Housing Transition Navigation Community Supports. | TBD               | TBD            |

|                               |                                           |                                                                   |                           |           |                                                                                                                       |           |           |
|-------------------------------|-------------------------------------------|-------------------------------------------------------------------|---------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| 6/27/2023                     | Health Services - Community Health Center | Community-Based Approaches to Reducing Sexually Transmitted       | CDC                       | \$325,000 | STI Testing on Community College Campuses, and free transportation to clinic if treatment is needed.                  | 5/22/2023 | 1/17/2024 |
| <b>Total Amount Requested</b> |                                           |                                                                   | \$8,289,140.00            |           |                                                                                                                       |           |           |
| 1/31/2025                     | Health Services - Community Health Center | Enhanced Care Management (ECM) Provider Certification Application | CalAIM - Anthem/HealthNet | TBD       | Application to become a Healthnet and Anthem ECM provider offering comprehensive care management to Medi-Cal members. | TBD       | TBD       |
| <b>Total Amount Requested</b> |                                           |                                                                   | TBD                       |           |                                                                                                                       |           |           |

| SUBMITTED GRANTS |                                                         |                                                                                                                    |                                                                                                                   |                  |                                                                                                                                                                                                                                                                                                                     |                   |                |
|------------------|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------|
| Due Date         | Program                                                 | Name                                                                                                               | Funder                                                                                                            | Amount Requested | Summary                                                                                                                                                                                                                                                                                                             | Board Report Date | Date of Notice |
| 11/15/2024       | Food Services - Food Distributions                      | CFF Rapid Response Fund                                                                                            | Emergent Fund                                                                                                     | \$50,000         | Provides community-based rapid response efforts to overburdened communities experiencing high rates of food insecurity using the established food distribution calendar and locations.                                                                                                                              | N/A               | TBD            |
| 11/8/2024        | Health Services - Community Health Center               | Ending California's Tobacco Epidemic In Every Community RFA 24-10095                                               | California Department of Public Health                                                                            | \$900,000        | Tobacco prevention for a period of 36 months to accelerate momentum toward ending California's tobacco epidemic through policy, system, and environmental change strategies by increasing community engagement within populations that have been disproportionately targeted by the tobacco industry.               | 11/4/2024         | TBD            |
| 11/4/2024        | Health Services/LCC                                     | Community Outreach, Engagement, Education and/or Climate Resilience Service RFP                                    | City of Fresno                                                                                                    | \$400,000        | The city is interested in partnering with a diverse range of organizations on this project. The services to be performed by the subgrantee(s) include community outreach, engagement, education, and climate resilience activities designed to involve community members living and/or working in the project area. | TBD               | TBD            |
| 10/2/2024        | Health Services                                         | HRSA-25-085 New Access Points Department of Health and Human Services Health Resources and Services Administration | Department of Health and Human Services, Health Resources and Services Administration (HRSA)                      | \$650,000        | To support new health center service delivery sites to expand affordable, accessible, and high-quality primary health care for underserved communities and Populations.                                                                                                                                             | 8/5/2024          | 11/20/2024     |
| 9/23/2024        | Sanctuary and Support Services - LGBTQ+ Resource Center | Elevate Youth California Youth Substance Use Disorder Prevention Program Cohort 6                                  | The Center at Sierra Health Foundation and Elevate Youth California a CA Dept. Of Health Care Services Initiative | \$1,000,000      | Investing in youth leadership and civic engagement for youth of color and 2S/LGBTQ+ youth ages 12 to 26 living in communities disproportionately impacted by the war on drugs                                                                                                                                       | 10/7/2024         | TBD            |
| 9/11/2024        | Transit Systems                                         | DOT - Charging and Fueling Infrastructure Discretionary Grant Program                                              | U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA).                                   | \$13,383,046     | To expand or fill gaps in access to publicly accessible EV charging infrastructure, or hydrogen, propane, or natural gas fueling infrastructure                                                                                                                                                                     | TBD               | TBD            |

|                               |                                                                   |                                                                      |                                                              |             |                                                                                                                                                                      |           |           |
|-------------------------------|-------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| 6/27/2023                     | Health Services - Community Health Center                         | Community-Based Approaches to Reducing Sexually Transmitted          | CDC                                                          | \$325,000   | STI Testing on Community College Campuses, and free transportation to clinic if treatment is needed.                                                                 | 5/22/2023 | 1/17/2024 |
| <b>Total Amount Requested</b> |                                                                   |                                                                      | \$8,289,140.00                                               |             |                                                                                                                                                                      |           |           |
| 9/10/2024                     | Transit Systems                                                   | EnergIIZE EV Jump Start Year 3                                       | EnergIIZE Commercial Vehicles (California Energy Commission) | \$750,000   | Funding for commercial fleets, site owners, or others who seek to deploy charging infrastructure for Medium-Duty and Heavy-Duty (MDHD) electric vehicles (EVs)       | 8/5/2024  | TBD       |
| 8/20/2024                     | Sanctuary and Support Services - Homeless Services                | Eviction Protection Grant Program FR-6800-N-79                       | U.S. Department of Housing and Urban Development             | \$224,500   | Fresno EOC is a community partner with CCLS to provide no cost legal assistance to low-income tenants at risk of or subject to eviction.                             | TBD       | TBD       |
| 7/26/2024                     | Sanctuary and Support Services - Homeless Services                | City of Fresno Homeless Youth Services                               | City of Fresno                                               | \$2,134,500 | Funding will support Bridge Housing to young adults.                                                                                                                 | 8/5/2024  | TBD       |
| 6/28/2024                     | Foster Grandparent - Senior Tech Program                          | CA Advanced Services Fund (CASF) Adoption Account - Digital Literacy | CA Public Utilities Commission                               | \$1,176,283 | Funds will allow the Senior Tech Program to continue for two more years, serving approximately 2,500 seniors.                                                        | 10/7/2024 | TBD       |
| 6/3/2024                      | EOC Other                                                         | ICARP Adaptation Planning Grant Program                              | County of Fresno                                             | \$50,000    | Fresno EOC will be a County of Fresno sub-awardee providing outreach and facilitating community input on climate resiliency needs and strategies.                    | N/A       | TBD       |
| 5/31/2024                     | EOC Other                                                         | Brownfields Planning Grant Community Engagement                      | City of Fresno                                               | \$29,000    | Fresno EOC will conduct outreach on behalf of the City of Fresno to gain community and stakeholder support and input for addressing brownfields issues in SW Fresno. | N/A       | TBD       |
| 3/22/2024                     | Stop the Violence                                                 | Gang Intervention Proposal for FUSD                                  | FUSD                                                         | \$73,000    | STV will conduct gang intervention programming and mentoring at FUSD school sites (sites to be determined)                                                           | N/A       | TBD       |
| 2/27/2024                     | Training and Employment - Valley Apprenticeship Connections (VAC) | Career Skills Training                                               | Department of Energy                                         | \$536,626   | Funding for job training to gain industry-recognized certifications in energy efficiency sector.                                                                     | 1/22/2024 | 5/20/2024 |
| <b>Total Amount Requested</b> |                                                                   |                                                                      | \$21,356,955                                                 |             |                                                                                                                                                                      |           |           |

| LETTERS OF INTENT SUBMITTED |               |                                                                                                                                       |                                                                                   |                  |                                                                                                                                                                                                                                                        |                   |                |
|-----------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------|
| Due Date                    | Program       | Name                                                                                                                                  | Funder                                                                            | Amount Requested | Summary                                                                                                                                                                                                                                                | Board Report Date | Date of Notice |
| 11/20/2024                  | Advance Peace | CDC (RO1) Research Grants to Rigorously Evaluate Innovative and Promising Strategies to Prevent Firearm Related Violence and Injuries | CDC                                                                               | \$50,000         | In partnership with MPHI and UC Berkley, funding will be used to demonstrate the effectiveness of the Advance Peace strategy, using a casual research design examining the relationship between stipend reinforcements and long term behavior changes. | N/A               | TBD            |
| 7/15/2024                   | EOC Other     | BID OPPORTUNITY - Community Outreach and Education Services Master Service Agreement (MSA)                                            | State of California, Department of General Services Procurement Division (DGS-PD) | \$0              | CBO specific Master Service Agreements (MSAs) for Community Outreach and Education Services.                                                                                                                                                           | N/A               | TBD            |



## BOARD OF COMMISSIONERS MEETING

|                                                         |                                |
|---------------------------------------------------------|--------------------------------|
| <b>Date:</b> December 16, 2024                          | <b>Program:</b> Finance        |
| <b>Consent Agenda Item #:</b> 8_15                      | <b>Director:</b> Steven Warnes |
| <b>Subject:</b> Workers' Compensation Insurance Renewal | <b>Officer:</b> Hemanta Mungur |

### Recommended Action

Staff recommends Board approval to select Tangram as our Workers' Compensation Insurance carrier for 2025. Tangram is the current carrier of this policy.

### Background

The Agency is required by state law and by our contracts to have workers' compensation coverage. Coverage is obtained annually for the calendar year. Renewal quotes for policies effective January 1 are not issued by insurance carriers until after the Workers' Compensation Insurance Rating Bureau (WCIRB) releases their industry-wide ratings. The carriers must then obtain approval from the State of California for their published rates and experience modifications.

### Fiscal Impact

The Agency's risk management consultant, Heffernan Insurance Brokers, has solicited quotes for the 2025 renewal. Quotations were received from Tangram as well as other carriers. Quotes were reviewed for both cost and service delivery desired. Quotes are affected by a number of factors including our loss history and discounts offered by the carriers. These are the quotes we have received.

|               |             |
|---------------|-------------|
| Tangram       | \$ 975,290  |
| Church Mutual | \$1,400,000 |
| BHHC          | \$1,200,000 |

### Conclusion

If approved by the Board, the workers compensation policy will be bound and effective January 1, 2025, to remain in compliance with California labor law. If not approved our current policy will expire on Jan. 1, 2025 and we will not be in compliance with relevant labor laws and regulations.

**Fresno Economic Opportunities Commission  
2025 Workers Compensation Executive Narrative**

Over the past few months, Heffernan Insurance Brokers has conducted a thorough Workers Compensation market analysis for Fresno Economic Opportunities Commission (Fresno EOC). We negotiated renewal terms with your incumbent carrier, Tangram, but also approached other markets, obtaining quotes & indications from a total of three carriers. This narrative encompasses a summary of changes in the marketplace, your claim performance, your renewal options, and our carrier recommendation for the 2025 policy year.

**State of the Workers Compensation Industry:**

The California workers' compensation system has remained relatively stable in the post-pandemic era, with premium levels increasing by 1% in 2023 and expected to rise modestly in 2024. The decrease in average insurance carrier rates is moderate, with 2024 rates only slightly below those of 2023. Non-COVID-19 indemnity claim frequency changes in 2022 and 2023 are modest and align with pre-pandemic trends. Average indemnity costs continue to increase primarily driven by increasing average wage levels. Average medical costs are also increasing, driven by claims remaining open longer post-pandemic and inflationary updates to medical fee schedules. There has been increased claims litigation across the state, which has driven up the loss adjustment expenses.

Despite some increases in claims and adjustment factors, the overall state of the workers' compensation marketplace is healthy. The market share for insurers in California remains stable, and the coverage continues to be a profitable line of business for them. Although we anticipate changes to rates, especially if costs continue to rise, it may be a couple of years before carriers are forced to increase rates.

As in year's past, the WCIRB continues to tinker with the Expected Loss Rates (ELR) in each class code, adjusting them annually based on the prior year's claims performance in the state. This year, many of the Expected Loss Rates (ELR) decreased slightly, which means employers were "allowed" less claims dollars in their calculations.

**Fresno EOC's Performance:**

So far in 2024, Fresno EOC has 55 workers compensation claims. This number of claims is on par with Fresno EOC's performance at this time last year. Fresno EOC ended 2023 with a total of 69 claims and we anticipate a total claims count in 2024 to be in the same ballpark. As of early November, the total incurred claims amount is \$317,254 (including expenses). This gives Fresno EOC a 32% loss ratio. Fresno EOC's experience mod (ex-mod) for 2025 has been published at 127%, which is a 25-point (or 25%) increase from the 2024 ex-mod (102%). The following factors contributed to the increased ex-mod:

- A lower claims year (2020) fell out of the calculation while a higher claims year (2023) came in. There was also growth in the open claims amounts in the 2021 & 2022 claims years. Resulting in the total Actual Primary Losses growing by \$354,314.
- Although total payroll grew by about \$11.5 Million, the growth was not enough to offset the increase in claims dollars.



- ELRs decreased in several of Fresno EOC's class codes which meant Fresno EOC was expected to have fewer loss amounts in this experience period (2021, 2022 & 2023).

The HIB Claims Consulting team will continue to monitor the claims throughout the year and communicate with adjustors and Fresno EOC to make sure the claims are progressing as efficiently as possible. We will continue with our goal of closing these claims, keeping the incurred costs low, and look to reduce Fresno EOC's experience mod.

#### **Workers Compensation Program Renewal:**

This year, we obtained two premium indications along with the renewal quote from your incumbent carrier, Tangram. The expiring premium with Tangram was \$975,023, inclusive of state taxes & fees. Tangram's renewal quote is \$975,290 with state taxes & fees, which is virtually a flat renewal. We approached several other carriers, including two of Fresno EOC's prior insurers, BHC & Church Mutual. Neither carrier could compete with Tangram's renewal number. BHC gave us an indication at \$1,200,000 while Church Mutual indicated a premium of \$1,400,000. All other carriers that were approached declined to quote.

Fresno EOC's experience modification increased by 25% this year, as previously discussed. However, due to steady claims performance, Tangram was able to mitigate part of this increase by applying additional credits in their renewal quote. Additionally, there is an estimated 10% reduction in total payroll for 2025, which further helped to erase the premium gap between the 2024 policy and 2025 renewal. As is typical, payroll distribution fluctuated, with some lower-rated codes seeing an increase and higher-rated codes seeing a decrease. Base rates also experienced slight changes, with some increasing and others decreasing. We are pleased to report that Tangram applied an additional 10 points in scheduled credits, which helped stabilize these fluctuations in payroll and rate changes. For a detailed breakdown of net rates, which include the carrier's base rates along with all debits and credits, including the ex-mod, please refer to our proposal.

#### **Heffernan Insurance Brokers Commentary:**

After completing our marketing efforts and analysis, Heffernan Insurance Brokers recommends that Fresno EOC renew their coverage with Tangram. Tangram not only offers the most competitive pricing but also provides many of the essential services that Fresno EOC's Human Resources team needs to effectively manage claims and reduce future risks through loss control. Additionally, Heffernan's Claims Consultant, Daniel Nevarez, will continue to oversee claims activity to expedite the closure of open claims and work towards reducing the experience modification. Tangram's commitment to providing consistent rates, fair industry pricing, and the necessary services for a successful workers' compensation program demonstrates their dedication to a long-term partnership with Fresno EOC.

Sincerely,

Brian O'Callaghan  
Senior Vice President  
Heffernan Insurance Brokers

Jordann Coleman  
Senior Vice President  
Heffernan Insurance Brokers

Gabriella Garrick  
Account Manager  
Heffernan Insurance Brokers

# PROPOSAL OF INSURANCE

PREPARED FOR  
FRESNO ECONOMIC OPPORTUNITIES COMMISSION

Workers Compensation Coverage

Renewal Date: January 1, 2025



*Because You're Different*

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**PRESENTED BY**

Brian O'Callaghan  
Senior Vice President  
(925) 942-4606  
BrianOC@heffins.com

**ADDRESS**

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**DATE PREPARED**

12/3/2024

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# PREMIUM SUMMARY

| COVERAGE                 | CARRIER                                  | POLICY TERM                | 2024<br>PREMIUM                                             | 2025<br>PREMIUM                                            |
|--------------------------|------------------------------------------|----------------------------|-------------------------------------------------------------|------------------------------------------------------------|
| Worker's<br>Compensation | Service American<br>Indemnity<br>Company | 1/1/2025<br>to<br>1/1/2026 | \$921,097 – Premium<br>\$53,926 – Fees<br>\$975,023 – Total | \$928,516 - Premium<br>\$46,774 - Fees<br>\$975,290– Total |

## PAYMENT OPTIONS

### Payment Plans:

- 10 Pay - 10% Down + 9 Installments
- Monthly Reporting (10% Deposit)
- Late payment and overdraft fees may apply.
- Premium financing is not accepted.

## QUOTE CONDITIONS

- Required copy of this proposal with coverage options, changes and deletions shown on the proposal along with the Signed Authorization to Bind Coverage is required prior to binding coverage.
- Down payment or full annual premium as stated above is required to bind coverage.
- Volunteers are not covered.

# PREMIUM SUMMARY

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| IMPORTANT INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If the insurance carrier issues a Notice of Cancellation, all open items such as sales/payroll reports, premiums due etc., MUST be sent to the insurance carrier <b>PRIOR to the Cancellation date</b> for the policy to be reinstated. MOST insurance carriers now only send out one notice of cancellation and if all items are not met, no further notice is sent to you AND your policy will have cancelled.                                                                                                                     |
| Should you (the insured) elect to cancel your policy mid-term, you may be charged a short-rate cancellation penalty as determined by the insurance carrier regardless of the reasons to cancel. Please read your policy and endorsements for cancellation provisions.                                                                                                                                                                                                                                                                |
| Please refer to the policy for a complete list of exclusions, warranties, endorsements, and limitations.                                                                                                                                                                                                                                                                                                                                                                                                                             |
| We recommend that you keep a copy of your policy (ies) and endorsements. Heffernan Insurance Brokers' retention policy is five (5) years from the expiration date of the policy as required by The Department of Insurance.                                                                                                                                                                                                                                                                                                          |
| Insurance carriers are rated by AM Best for financial Solvency. AM Best ratings are included in the above as of December 3, 2024. For the most current insurance company rating information, please go to <a href="http://www.ambest.com">www.ambest.com</a>                                                                                                                                                                                                                                                                         |
| <p>It is the policy of the Heffernan Insurance Brokers to discourage the use of carriers whose Best Rating is less than B+. If you are offered a quote with a carrier rated lower than B+, it is typically the only viable option we could obtain.</p> <p>If you are offered a quote for less than B+ rated, then you will be required to sign an authorization to bind with a carrier less than B+ rated except for California State Compensation Insurance Fund for Workers Compensation as they withdrew from AM Best Rating.</p> |

Please be advised that this quote will expire on the expiration date of your current coverage.

# MARKETING ANALYSIS

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| Insurance Carrier   | Response                                        |
|---------------------|-------------------------------------------------|
| Tangram (Incumbent) | Presented                                       |
| BHHC                | Indication \$1.2M                               |
| Church Mutual       | Indication \$1.4M                               |
| Amtrust             | Declined unable to compete.                     |
| Care West           | Declined due to losses.                         |
| Republic Indemnity  | Declined due to ineligible class codes.         |
| Omaha National      | Declined due to ineligible class codes.         |
| Guide One           | Declined due to operations not within appetite. |
| ICW                 | Declined due to operations not within appetite. |
| CopperPoint         | Declined due to operations not within appetite. |

# PREMIUM & LOSS ANALYSIS

| 5 Year Premium and Loss Analysis |               |        |             |             |                |             |            |  |  |
|----------------------------------|---------------|--------|-------------|-------------|----------------|-------------|------------|--|--|
| Total # of Claims                |               |        |             |             |                |             |            |  |  |
|                                  | Carrier       | Claims | Paid        | Outstanding | Total Incurred | Premium     | Loss Ratio |  |  |
| 2024-2025                        | Tangram       | 55     | \$127,944   | \$189,310   | \$317,254      | \$976,821   | 32%        |  |  |
|                                  |               |        |             |             |                |             |            |  |  |
| 2023-2024                        | Church Mutual | 69     | \$533,982   | \$1,463     | \$535,445      | \$1,038,905 | 52%        |  |  |
|                                  |               |        |             |             |                |             |            |  |  |
| 2022-2023                        | Church Mutual | 41     | \$239,807   | \$12,661    | \$252,468      | \$1,435,640 | 18%        |  |  |
|                                  |               |        |             |             |                |             |            |  |  |
| 2021-2022                        | Church Mutual | 19     | \$384,767   | \$0         | \$384,767      | \$1,474,427 | 26%        |  |  |
|                                  |               |        |             |             |                |             |            |  |  |
| 2020-2021                        | BHHC          | 46     | \$271,875   | \$213,835   | \$485,710      | \$1,050,585 | 46%        |  |  |
|                                  |               |        |             |             |                |             |            |  |  |
| Total # of Claims                |               | 230    | \$1,558,375 | \$417,269   | \$1,975,644    | \$5,976,378 | 33%        |  |  |

# WORKERS COMPENSATION COVERAGE

## CLASSIFICATION SCHEDULE

| Class Code                               | Classification Description        | Estimated Annual Payroll | Rate  | Base Premium |
|------------------------------------------|-----------------------------------|--------------------------|-------|--------------|
| 0042                                     | Landscape Gardening               | \$505,000                | 8.90  | \$44,945     |
| 7382                                     | Bus or Limo Operations            | \$1,769,000              | 11.79 | \$208,565    |
| 8017                                     | Stores - Retail - N.O.C.          | \$99,000                 | 4.68  | \$4,633      |
| 8742                                     | Salesperson - Outside             | \$4,693,000              | 0.47  | \$22,057     |
| 8810                                     | Clerical Office Employees         | \$19,033,000             | 0.33  | \$62,809     |
| 8834                                     | Physicians - All Employees        | \$321,000                | 1.58  | \$5,072      |
| 8847                                     | Beverage Container Collect        | \$412,000                | 12.27 | \$50,552     |
| 8875                                     | Public Colleges/Schools           | \$1,038,000              | 1.15  | \$11,937     |
| 9015                                     | Building Operations - N.O.C.      | \$296,000                | 6.48  | \$19,181     |
| 9059                                     | Day Care Centers - Child          | \$13,820,000             | 2.97  | \$410,454    |
| 9080                                     | Restaurants or Taverns            | \$3,502,000              | 4.39  | \$153,738    |
| 8823                                     | Residential Care Facility - Child | \$0                      | 0.00  | \$0          |
| 9420                                     | Other Municipal Employees         | \$459,000                | 14.14 | \$64,903     |
| Base Premium                             |                                   |                          |       | \$1,058,846  |
| Employer Liability Limits                |                                   |                          |       | \$11,647     |
| Waiver of Subrogation Endorsement Charge |                                   |                          |       | \$21,177     |
| Experience Modification Factor 1.27      |                                   |                          |       | \$294,751    |
| Scheduled Credit                         |                                   |                          |       | -\$207,963   |
| Territory Modification                   |                                   |                          |       | -\$117,846   |
| Premium Discount                         |                                   |                          |       | -\$141,486   |
| Terrorism                                |                                   |                          |       | \$4,595      |
| Expense Constant                         |                                   |                          |       | \$200        |
| Catastrophe                              |                                   |                          |       | \$4,595      |
| Premium Before State Fees                |                                   |                          |       | \$928,516    |
| State Fees                               |                                   |                          |       | \$46,774     |
| Net Premium                              |                                   |                          |       | \$975,290    |



## BOARD OF COMMISSIONERS MEETING

|                                                                                        |                                 |
|----------------------------------------------------------------------------------------|---------------------------------|
| <b>Date:</b> December 16, 2024                                                         | <b>Program:</b> Finance         |
| <b>Agenda Item #:</b> 9                                                                | <b>Director:</b> Angela Riofrio |
| <b>Subject:</b> Agency Financial and Head Start Financial Status Report September 2024 | <b>Officer:</b> Hemanta Mungur  |

### Recommended Action

The Executive Committee recommends acceptance for full Board consideration of the interim consolidated Agency Financial Statements as of September 30, 2024, and Head Start 0 to 5.

### CSBG Organizational Standard

The governing board receives financial reports at each regular meeting that include the following per Category 8, Standard 8.7:

1. Organization-wide report on revenue and expenditures that compares budget to actual, categorized by program; and
2. Balance sheet/statement of financial position.

### Background

In accordance with the Agency's bylaws, this item is intended to keep commissioners apprised of the agency's financial situation as of September 30, 2024 (75% of the year) and to provide an opportunity to discuss and review financial statements for each meeting of the Board of Commissioners. Enclosed are the monthly financials for Fresno EOC (consolidated) and for Head Start for review and acceptance.

### Fiscal Impact

(A) Agency Statement of Activities and Statement of Financial Position:

The following are key points of the attached financials for context.

Revenues: \$ 125,430,421 (70% recorded)

- In-kind Contributions \$ 38,596,979 (84% recorded) – Majority of the contributions are the Head Start 0 to 5 parents volunteering in the classroom.

Expenditures: \$ 128,684,057 (71% of budget expensed)

As of September 30, 2024, we have received \$ 56,342 (77% of budget) of the expected donation revenue.



The total net difference between revenues and expenditures is approximately **(\$3,253,637)** deficit of the year-to-date budget. The source of the deficit is primarily due to two programs not being able to renegotiate multi-year agreements to sustain the impact of increases and raising costs of transportation, utilities, and cost of goods/foods that have incurred in the last few years. The two programs include Food Services **(\$1,138,839)** and Local Conservation Corps **(\$394,037)**. As an anti-poverty agency, we stayed committed to our obligations and continued feeding our community by using undesignated funds to cover the deficit. The remaining balance includes Transit **(\$668,465)**, Employment & Training **(\$241,409)**, Facilities **(\$97,454)** and Administration **(\$1,431,203)** below are the explanation and recommendations moving forward.

Programs and Administration are developing strategies to merge and share cost such as staff and overhead. Both the Finance and Program teams are actively working together to identify any potential cost savings and generate any potential funding. These efforts have resulted in a lower rate of increase in the deficit. For instance, during the months of July to August 2024, the deficit increased \$1.1 million. In August to September 2024, the deficit increased only \$458,000.

Supplementary documents containing financial budget deficit overviews and budget projections for 2024 and beyond are included for the following: Administrative department, Food Services, Transit Systems, Local Conservation Corps.

(B) Head Start 0-5 Financial Status Report as of Year-to-Date September 30, 2024

This is also represented in the following percentages.

| Program Area                                        | % of budget | Notes                                 |
|-----------------------------------------------------|-------------|---------------------------------------|
| Head Start – Basic                                  | 69%         |                                       |
| Head Start – Training & Technical Assistance (T&TA) | 56%         | Training planned for later this year. |

| Program Area                                              | % of budget | Notes                                 |
|-----------------------------------------------------------|-------------|---------------------------------------|
| Early Head Start – Basic                                  | 53%         |                                       |
| Early Head Start – Training & Technical Assistance (T&TA) | 38%         | Training planned for later this year. |

## Conclusion

Acceptance of these financials by the Board documents the Board's oversight over the financial operations of Fresno EOC. This is part of the Board's fiduciary duty.

**FRESNO ECONOMIC OPPORTUNITIES COMMISSION**  
**STATEMENT OF ACTIVITIES**  
as of September 30, 2024 (75% Variance)

|                                    | A                           | B                           | A - B                                                                |
|------------------------------------|-----------------------------|-----------------------------|----------------------------------------------------------------------|
|                                    | BUDGET<br>JAN - DEC<br>2024 | ACTUAL<br>September<br>2024 | BUDGET<br>VARIANCE<br>(TARGET 75%)<br>BUDGET<br>BALANCE<br>REMAINING |
| <b>REVENUES AND SUPPORT</b>        |                             |                             |                                                                      |
| GRANT REVENUE                      | \$ 101,971,061              | \$ 64,451,525               | 63%                                                                  |
| FEE FOR SERVICE REVENUE            | 28,362,803                  | 19,613,319                  | 69%                                                                  |
| OTHER REVENUE                      | 3,782,608                   | 2,712,256                   | 72%                                                                  |
| DONATION CONTRIBUTIONS             | 73,562                      | 56,342                      | 77%                                                                  |
| <b>TOTAL CASH REVENUE</b>          | \$ 134,190,033              | \$ 86,833,442               | 65%                                                                  |
| IN KIND REVENUE                    | \$ 46,201,096               | \$ 38,596,979               | 84%                                                                  |
| <b>TOTAL REVENUE &amp; SUPPORT</b> | 180,391,129                 | 125,430,421                 | 70%                                                                  |
| <b>EXPENDITURES</b>                |                             |                             |                                                                      |
| PERSONNEL COSTS                    | \$ 81,933,023               | \$ 55,667,815               | 68%                                                                  |
| ADMIN SERVICES                     | 9,403,111                   | 5,795,044                   | 62%                                                                  |
| CONTRACT SERVICES                  | 14,455,669                  | 8,974,216                   | 62%                                                                  |
| FACILITY COSTS                     | 5,466,499                   | 5,252,642                   | 96%                                                                  |
| TRAVEL, MILEAGE, VEHICLE COSTS     | 3,253,382                   | 2,684,864                   | 83%                                                                  |
| EQUIPMENT COSTS                    | 5,708,457                   | 962,496                     | 17%                                                                  |
| DEPRECIATION - AGENCY FUNDED       | 296,000                     | 215,933                     | 73%                                                                  |
| OFFICE EXPENSE                     | 4,815,894                   | 2,670,862                   | 55%                                                                  |
| INSURANCE                          | 1,283,085                   | 799,453                     | 62%                                                                  |
| PROGRAM SUPPLIES & CLIENT COSTS    | 8,815,262                   | 6,628,861                   | 75%                                                                  |
| OTHER COSTS                        | 470,466                     | 434,894                     | 92%                                                                  |
| <b>TOTAL CASH EXPENDITURES</b>     | \$ 135,900,847              | \$ 90,087,079               | 66%                                                                  |
| IN KIND EXPENSES                   | \$ 46,201,096               | \$ 38,596,979               | 84%                                                                  |
| <b>TOTAL EXPENDITURES</b>          | 182,101,943                 | 128,684,057                 | 71%                                                                  |
| <b>OPERATING SURPLUS (DEFICIT)</b> | \$ (1,710,814)              | \$ (3,253,637)              |                                                                      |
| <b>OTHER INCOME / EXPENSE</b>      |                             |                             |                                                                      |
| TRANSIT GRANT ASSET DEPRECIATION   |                             | 135,597                     | (135,597)                                                            |
| <b>NET SURPLUS (DEFICIT)</b>       | \$ (1,710,814)              | <b>(\$3,389,234)</b>        | 1,678,420                                                            |

**FRESNO ECONOMIC OPPORTUNITIES COMMISSION**  
**STATEMENT OF FINANCIAL POSITION**  
**As of September 30, 2024**

|                                           | <b>2024</b>          | <b>2023</b>          | <b>Differences</b>    |
|-------------------------------------------|----------------------|----------------------|-----------------------|
| <b>ASSETS</b>                             |                      |                      |                       |
| CASH & INVESTMENTS                        | \$ 7,278,015         | \$ 4,049,961         | \$ 3,228,054          |
| ACCOUNTS RECEIVABLE                       | 12,299,926           | 16,853,731           | (4,553,805)           |
| PREPAIDS/DEPOSITS                         | 517,636              | 344,413              | 173,223               |
| INVENTORIES                               | 203,823              | 258,038              | (54,215)              |
| PROPERTY, PLANT & EQUIPMENT               | 12,767,296           | 13,811,989           | (1,044,693)           |
| NOTES RECEIVABLE (net)                    | (16,560)             | 334,523              | (351,083)             |
| <b>TOTAL ASSETS</b>                       | <b>\$ 33,050,136</b> | <b>\$ 35,652,655</b> | <b>\$ (2,602,519)</b> |
| <b>LIABILITIES</b>                        |                      |                      |                       |
| ACCOUNTS PAYABLE                          | \$ 6,319,151         | \$ 4,018,454         | \$ 2,300,697          |
| ACCRUED PAYROLL LIABILITIES               | 6,765,887            | 4,588,651            | 2,177,236             |
| DEFERRED REVENUE                          | 4,239,364            | 3,000,644            | 1,238,720             |
| NOTES PAYABLE                             | 803,055              | 3,360,736            | (2,557,681)           |
| HEALTH INSURANCE RESERVE                  | 6,919,083            | 6,781,944            | 137,138               |
| OTHER LIABILITIES                         | 1,005,026            | 1,103,980            | (98,954)              |
| <b>TOTAL LIABILITIES</b>                  | <b>\$ 26,051,566</b> | <b>\$ 22,854,410</b> | <b>\$ 3,197,155</b>   |
| <b>FUND BALANCE</b>                       |                      |                      |                       |
| CURRENT OPERATING EARNINGS (YTD)          | \$ (3,253,637)       | \$ (1,016,137)       | \$ (2,237,500)        |
| UNRESTRICTED NET ASSETS                   | 164,755              | 2,689,967            | (2,525,212)           |
| REVOLVING LOAN FUND                       | 556,268              | 556,268              | 0                     |
| INVESTMENT IN GENERAL FIXED ASSETS        | 9,533,254            | 10,568,146           | (1,034,892)           |
| <b>TOTAL FUND BALANCE</b>                 | <b>\$ 7,000,641</b>  | <b>\$ 12,798,244</b> | <b>\$ (5,797,604)</b> |
| <b>TOTAL LIABILITIES AND FUND BALANCE</b> | <b>\$ 33,052,206</b> | <b>\$ 35,652,655</b> | <b>\$ (2,600,449)</b> |

Fresno Economic Opportunities Commission  
Head Start/Early Head Start Financial Status  
Monthly Report  
September 30, 2024

| Description                           | Head Start - Basic  |                    |                     |                     | Head Start - T & TA |                  |                 |                   |
|---------------------------------------|---------------------|--------------------|---------------------|---------------------|---------------------|------------------|-----------------|-------------------|
|                                       | Annual Budget       | Current Expenses   | YTD Expenses        | Balance Remaining   | Annual Budget       | Current Expenses | YTD Expenses    | Balance Remaining |
| Personnel                             | \$20,210,662        | \$1,667,594        | \$13,120,302        | \$7,090,360         | \$0                 | \$0              | \$0             | \$0               |
| Fringe Benefits                       | 8,468,009           | \$560,661          | \$4,733,073         | 3,734,936           | -                   | -                | -               | -                 |
| <b>Total Personnel</b>                | <b>\$28,678,671</b> | <b>\$2,228,255</b> | <b>\$17,853,375</b> | <b>\$10,825,296</b> | <b>-</b>            | <b>\$0</b>       | <b>\$0</b>      | <b>\$0</b>        |
| Travel                                | -                   | -                  | -                   | -                   | 50,644              | 1,593            | 47,569          | 3,075             |
| Equipment                             | -                   | -                  | -                   | -                   | -                   | -                | -               | -                 |
| Supplies                              | 665,867             | 58,105             | 507,085             | 158,782             | 14,706              | -                | 183             | 14,523            |
| Contractual                           | 2,929,424           | 159,160            | 2,284,370           | 645,054             | -                   | -                | -               | -                 |
| Facilities /Construction              |                     |                    |                     |                     |                     |                  |                 |                   |
| Other:                                |                     |                    |                     |                     |                     |                  |                 |                   |
| Food Cost                             | 555,870             | 184,408            | 636,481             | (80,611)            |                     |                  |                 |                   |
| Transportation                        | 200,000             | 39,653             | 427,041             | (227,041)           |                     |                  |                 |                   |
| Staff Mileage                         | 85,871              | 15,676             | 106,429             | (20,558)            |                     |                  |                 |                   |
| Field Trips, including Transportation | 6,600               | 273                | 3,568               | 3,032               |                     |                  |                 |                   |
| Space                                 | 642,495             | 38,521             | 403,114             | 239,381             |                     |                  |                 |                   |
| Utilities / Telephone / Internet      | 130,000             | 104,536            | 668,235             | (538,235)           |                     |                  |                 |                   |
| Repair/Maintenance Building           | 245,600             | 23,334             | 181,293             | 64,307              |                     |                  |                 |                   |
| Repair/Maintenance Equipment          | 1,707               | 2,753              | 54,034              | (52,327)            |                     |                  |                 |                   |
| Property & Liability Insurance        | 180,750             | 22,064             | 187,853             | (7,103)             |                     |                  |                 |                   |
| Parent Involvement / CWPC             | 32,377              | 672                | 18,260              | 14,117              |                     |                  |                 |                   |
| Other Costs*                          | 140,422             | 10,133             | 130,667             | 9,755               |                     |                  |                 |                   |
| Staff & Parent Training               | 18,244              | -                  | 5,371               | 12,873              | 231,739             | 494              | 117,894         | 113,845           |
| <b>Total Direct Charges</b>           | <b>\$34,513,898</b> | <b>\$2,887,542</b> | <b>\$23,467,177</b> | <b>\$11,046,721</b> | <b>297,089</b>      | <b>\$2,087</b>   | <b>165,646</b>  | <b>131,443</b>    |
| <b>Total Indirect Charges</b>         | <b>\$3,106,251</b>  | <b>\$288,754</b>   | <b>\$2,346,718</b>  | <b>\$759,533</b>    | <b>\$26,738</b>     | <b>\$209</b>     | <b>\$16,565</b> | <b>\$10,173</b>   |
| <b>Total Federal Expenditures</b>     | <b>\$37,620,149</b> | <b>\$3,176,296</b> | <b>\$25,813,895</b> | <b>\$11,806,254</b> | <b>\$323,827</b>    | <b>2,296</b>     | <b>182,211</b>  | <b>\$141,616</b>  |
| % of Annual Budget Expended to Date   |                     |                    | 69%                 |                     |                     |                  | 56%             |                   |
| <b>Non-Federal Share</b>              | <b>\$8,622,143</b>  | <b>\$472,078</b>   | <b>\$5,013,609</b>  | <b>\$3,608,534</b>  | <b>\$64,765</b>     | <b>\$574</b>     | <b>\$45,553</b> | <b>\$19,213</b>   |

\*Other Costs Include:

PROPERTY TAXES  
DEPRECIATION EXPENSE  
SUBSCRIPTION EXPENSE  
ADVERTISEMENT - OTHER  
DUES - ORGANIZATIONS  
RECRUITMENT  
MEETING COSTS - INTERNAL  
EMPLOYEE APPRECIATION  
TRAINING OTHER  
EMPLOYEE EVENT  
SAFETY  
CONTRACT SERVICES - PHYSICALS  
FINGERPRINTING / BACKGROUND CHECK  
POSTAGE/EXPRESS MAIL  
PRINTING

**Credit Card Expenses: Credit card statement dated 9/1/24-9/30/24**  
**September 2024 expenses:**

|                                         |    |              |                                                        |
|-----------------------------------------|----|--------------|--------------------------------------------------------|
| CWPC Other                              | \$ | 470          | Diciccos - Catering for County Wide Meeting            |
| Program Supplies - Medically Prescribed | \$ | 443          | Manor Drug- Medically Prescribed Formula               |
| Program Supplies - Classroom            | \$ | 342          | Wal-Mart - Classroom Supplies                          |
| Program Supplies - Kitchen              | \$ | 2,141        | Lowes - Refrigerators for HS sites                     |
| Program Supplies - Kitchen              | \$ | 574          | Wal-Mart - Kitchen Supplies for Centers                |
| CWPC Other                              | \$ | 280          | El Toro Tortilleria - Catering for County Wide Meeting |
| Program Supplies - Kitchen              | \$ | 558          | The Webstaurant Store - Kitchen Supplies for Centers   |
| Travel                                  | \$ | 407          | Holiday Inn Express - Hotel for HS Conference          |
| Staff Training                          | \$ | 960          | Emily Juricek - HS Coaching                            |
| Program Supplies - Disposables          | \$ | 691          | Target - Diapers & Wipes                               |
| Telephone                               | \$ | 2,001        | Frontier Communication & Comcast - Telephone Service   |
| Internet                                | \$ | 367          | Frontier Communication & Comcast- Internet Service     |
|                                         | \$ | <b>9,235</b> |                                                        |

Fresno Economic Opportunities Commission  
Head Start/Early Head Start Financial Status  
Monthly Report  
September 30, 2024

| Description                           | Early Head Start - Basic |                  |                    |                     | Early Head Start - T & TA |                  |                 |                   |
|---------------------------------------|--------------------------|------------------|--------------------|---------------------|---------------------------|------------------|-----------------|-------------------|
|                                       | Annual Budget            | Current Expenses | YTD Expenses       | Balance Remaining   | Annual Budget             | Current Expenses | YTD Expenses    | Balance Remaining |
| Personnel                             | \$5,065,542              | \$312,947        | \$2,536,715        | \$2,528,827         | \$0                       | \$0              | \$0             | \$0               |
| Fringe Benefits                       | 1,345,661                | \$87,979         | \$707,169          | 638,492             | -                         | -                | \$0             | -                 |
| <b>Total Personnel</b>                | <b>6,411,203</b>         | <b>\$400,927</b> | <b>\$3,243,884</b> | <b>\$3,167,319</b>  | <b>-</b>                  | <b>\$0</b>       | <b>\$0</b>      | <b>\$0</b>        |
| Travel                                | -                        | -                | -                  | -                   | 44,821                    | 4,223            | 14,314          | 30,507            |
| Equipment                             | -                        | 72,551           | 72,551             | (72,551)            | -                         | -                | -               | -                 |
| Supplies                              | 102,544                  | 12,125           | 107,431            | (4,887)             | 1,289                     | -                | -               | 1,289             |
| Contractual                           | 277,288                  | 24,624           | 227,223            | 50,065              | 11,526                    | -                | -               | 11,526            |
| Facilities / Construction             |                          |                  |                    |                     |                           |                  |                 |                   |
| Other:                                |                          |                  |                    |                     |                           |                  |                 |                   |
| Food Cost                             | 378,940                  | 3,266            | 21,043             | 357,897             |                           |                  |                 |                   |
| Transportation                        | 56,097                   | 1,276            | 6,151              | 49,946              |                           |                  |                 |                   |
| Staff Mileage                         | 34,129                   | 6,202            | 43,376             | (9,247)             |                           |                  |                 |                   |
| Field Trips, including Transportation | 1,000                    | -                | -                  | 1,000               |                           |                  |                 |                   |
| Space                                 | 48,360                   | 10,451           | 84,461             | (36,101)            |                           |                  |                 |                   |
| Utilities / Telephone / Internet      | 140,000                  | 19,196           | 118,521            | 21,479              |                           |                  |                 |                   |
| Repair/Maintenance Building           | 96,087                   | 4,309            | 21,070             | 75,017              |                           |                  |                 |                   |
| Repair/Maintenance Equipment          | 3,983                    | 327              | 12,642             | (8,659)             |                           |                  |                 |                   |
| Property & Liability Insurance        | 60,250                   | 3,020            | 21,064             | 39,186              |                           |                  |                 |                   |
| Parent Involvement / CWPC             | 33,268                   | 124              | 4,981              | 28,287              |                           |                  |                 |                   |
| Other Costs*                          | 35,081                   | 2,598            | 22,440             | 12,641              |                           |                  |                 |                   |
| Staff & Parent Training               | 10,480                   | -                | 831                | 9,649               | 101,420                   | 4,207            | 45,193          | 56,227            |
| <b>Total Direct Charges</b>           | <b>7,688,710</b>         | <b>\$560,997</b> | <b>4,007,669</b>   | <b>3,681,041</b>    | <b>159,056</b>            | <b>8,431</b>     | <b>59,506</b>   | <b>\$99,550</b>   |
| <b>Total Indirect Charges</b>         | <b>\$691,984</b>         | <b>\$48,845</b>  | <b>\$393,512</b>   | <b>\$298,472</b>    | <b>\$14,315</b>           | <b>\$843</b>     | <b>\$5,951</b>  | <b>\$8,364</b>    |
| <b>Total Federal Expenditures</b>     | <b>\$8,380,694</b>       | <b>609,842</b>   | <b>\$4,401,181</b> | <b>\$3,979,513</b>  | <b>\$173,371</b>          | <b>9,274</b>     | <b>\$65,457</b> | <b>\$107,914</b>  |
| % of Annual Budget Expended to Date   |                          |                  | 53%                |                     |                           |                  | 38%             |                   |
| <b>Non-Federal Share</b>              | <b>\$2,103,842</b>       | <b>\$686,706</b> | <b>\$3,598,960</b> | <b>-\$1,495,118</b> | <b>\$34,674</b>           | <b>\$2,318</b>   | <b>\$16,364</b> | <b>\$26,978</b>   |

\*Other Costs Include:

PROPERTY TAXES  
DEPRECIATION EXPENSE  
SUBSCRIPTION EXPENSE  
ADVERTISEMENT - OTHER  
DUES - ORGANIZATIONS  
RECRUITMENT  
MEETING COSTS - INTERNAL  
EMPLOYEE APPRECIATION  
TRAINING OTHER  
EMPLOYEE EVENT  
SAFETY  
CONTRACT SERVICES - PHYSICALS  
FINGERPRINTING / BACKGROUND CHECK  
POSTAGE/EXPRESS MAIL  
PRINTING

**Credit Card Expenses: Credit card statement dated 9/1/24-9/30/24**  
**September 2024 expenses:**

|                                |    |              |                                                        |
|--------------------------------|----|--------------|--------------------------------------------------------|
| CWPC Other                     | \$ | 118          | Diciccos - Catering for County Wide Meeting            |
| Program Supplies - Disposables | \$ | 571          | Walmart/Target - Diapers                               |
| CWPC Other                     | \$ | 70           | El Toro Tortilleria - Catering for County Wide Meeting |
| Program Supplies - Disposables | \$ | 108          | Target- Detergent                                      |
| Program Supplies - Janitorial  | \$ | 152          | Target - Cleaning Supplies                             |
| Travel                         | \$ | 1,221        | Holiday Inn Express - Hotel for HS Conference          |
| Program Supplies - Kitchen     | \$ | 1,130        | Lowes - Refrigerator for EHS                           |
| Program Supplies - Kitchen     | \$ | 2,797        | The Webstaurant Store - Warmer for EHS                 |
| Staff Training                 | \$ | 240          | Emily Juricek - HS Coaching                            |
| Internet                       | \$ | 111          | Frontier Communication & Comcast- Internet Service     |
|                                | \$ | <b>6,517</b> |                                                        |

## **Administration Department**

*The department supports the organization through divisions such as Executive Office, Human Resources, Finance, Information Technology, Planning & Evaluation, Internal Audit Facilities and Communications.*

### **Executive Summary**

#### **Overview**

The Administration department is expected to run a \$2.1M deficit by the end of 2024, primarily due to non-personnel expenses. There is a funding gap due to the following challenges:

- Approved for a 10.3% indirect cost rate but collects an average of 6.5% from programs.
- Projected to collect \$7.1M in indirect revenue for 2024, against a budgeted \$11.9M.
- Shortfall driven by funder restrictions, excluded expenses, unexpended program funds, and stigma around nonprofit overhead funding.

This gap affects the department's ability to fund critical needs like compliance, infrastructure, and scaling for growth.

#### **Quarterly Snapshot of Causes of Deficit through September 2024**

- Utilized a 10% de minimis indirect rate due to lack of Negotiated Indirect Cost Rate Agreement (NICRA), but used a 9% rate for Head Start.
- Significant expenses due to agency events.

#### **Financial Forecast:**

- NICRA approved at 10.3%, potential increase to 11% for 2024.
- Reducing expenses associated with agency events.
- Re-evaluate software platforms and costs.
- Re-evaluate travel needs.

#### **Future Expectations**

For 2025, the department plans to:

- Budget indirect revenue more accurately using historical data.

- Allocate administrative staff to programs they directly support.
- Maintain a hiring freeze and not backfill vacated positions until the deficit is addressed.
- Revise fee-for-service models to generate more unrestricted funds and explore fundraising avenues.

Based on the strategies above, the 2025 budget projection is estimated to be at a deficit of 1.9 million.

## **Program: Food Services**

*Food Services' mission is to provide healthy, nutritious meals to school-aged youth, seniors and organizations requiring catering services, resulting in increased food accessibility and meal services through partnership and collaboration with other Fresno EOC departments and the community.*

### **Executive Summary**

#### **Overview**

Food Services, an enterprise program operating under contracts structured from July 1 to June 30, has faced significant financial and operational obstacles during the 2023/2024 fiscal year. This report provides a comprehensive financial overview and outlines our future strategies, offering an in-depth analysis of the issues we've confronted and the factors contributing to our projected \$1.7 million deficit by December 31, 2024. Additionally, it highlights the strategic initiatives we are implementing to navigate these trying times.

In addition to personnel salary increases, compliance challenges, and the ongoing effects of the COVID-19 pandemic, Food Services has encountered considerable difficulties. This report explores the root causes of our financial strain, including rising labor costs, necessary contract budget adjustments, increased meal delivery charges, and essential facility and equipment repairs that exceeded the budgeted amount.

Despite these obstacles, our commitment to cultivating a supportive and positive work environment remains steadfast. We have proactively addressed employee morale and productivity, even as we work diligently to restore our financial stability.

Through detailed quarterly overviews, we present actual performance data and projections, illuminating the trends and solutions that have influenced our trajectory. As we look forward to 2025, we are optimistic about our strategic initiatives—such as route consolidation, production area restructuring, and seasonal staffing adjustments—which are set to enhance our financial performance.

#### **Financial Overview and Future Strategies**

##### **Deficit Projection**

- Expected deficit by the end of 2024: 1.7 million
- Causes of Deficit: labor costs, contract budget restructuring, increased meal delivery charges, facility and equipment repairs.



## Primary Causes of Deficit

### 1. Personnel Salary Increases

- Significant salary increase of \$60,000 per month January -June, 2024 for 80 staff members, creating a misalignment between projected and actual expenses.

### 2. Contractual Compliance Issues

- Historical billing practices failed to meet contract match requirements, preventing full revenue collection for services provided in the first two quarters of 2024.

### 3. Pandemic-Driven Challenges

- Decline in employee morale due to increased workloads and stress, impacting productivity and program culture.

### 4. Leadership and Strategic Focus

- Shift in priorities towards improving workplace satisfaction diverted attention from financial oversight and strategic planning.

## Quarterly Snapshot of Causes of Deficit Through September 2024

### Quarter 1 (January -March)

- **Revenue Loss:** \$150,000 due to contract budget restructuring.
- **Increased Labor Costs:** \$222,000 due to salary increases.
- **Repairs and Maintenance:** \$34,730 for various facility and equipment repairs.
- **Revenue Shortfall:** \$40,000 due to school closures in January.

### Quarter 2 (April -June)

- **Building Maintenance:** \$62,200 for replacing swamp cooler, adding fire suppression system, and replacing ice machines.
- **Increased Meal Delivery Fees:** \$130,000 due to funding depletion.
- **Lost Revenue:** \$217,000 due to school summer closures without proper staff reduction.
- **Technology Upgrades:** \$15,000 for AV system and computer replacements.

### Quarter 3 (July-September)

- **Lost Revenue:** \$244,000 due to school closures without staff reduction.

- **Facility and Equipment Maintenance:** \$46,200 for various repairs.
- **Staff Salaries:** \$42,000 for food distribution staff.
- **Increased Energy Costs:** \$15,000.
- **Lost Projected Revenue:** \$30,000 due to lost contracts.

#### **Financial Forecast**

In 2025, we expect to improve financial performance through the following initiatives:

- **Route Consolidation:** Optimize delivery routes to reduce labor and delivery fees.
- **Production Area Restructuring:** Tighter control of ordering, inventory, and waste to reduce material and supply costs.
- **Seasonal Staffing Adjustments:** Reevaluate staffing needs during school closures to align labor costs with operational demand.

Based on the strategies above, the 2025 budget projection is \$50,000 surplus.

## **Program: Transit Systems**

*Transit Systems' mission is to provide transportation and support services to individuals with developmental disabilities, resulting in access to health programs throughout the Central Valley, through partnerships and collaboration with other Fresno EOC programs.*

### **Executive Summary**

#### **Overview**

Transit Systems, an enterprise program operating under contracts structured from July 1 to June 30, has encountered notable financial and operational hurdles during the 2023/2024 fiscal year. This report delivers a detailed financial analysis and outlines future strategies, offering insights into the challenges we've faced and the factors driving our projected \$450,000 deficit by December 31, 2024. Additionally, it emphasizes the strategic measures we are adopting to overcome these difficulties.

Restrictions on using Local Transportation Funds (LTF), the termination of the Madera County Transit Services Agreement, and escalating vehicle repair costs, has caused significant difficulties. Additionally, this report examines the challenges underlying causes of our financial stress, including reduced ridership, increased driver absences, and rising operational expenses.

Despite these challenges, we remain dedicated to providing dependable, community-oriented transportation services. We have taken proactive steps to address financial and operational issues while striving to regain our financial footing. Through comprehensive quarterly analyses, we highlight actual performance data and projections, showcasing trends and solutions that have shaped our path. Looking ahead to 2025 and beyond, we are optimistic about our strategic initiatives—such as adopting electric vehicles and utilizing solar energy—which are expected to strengthen our financial outlook.

#### **Financial Overview and Future Strategies**

##### **Deficit Projection**

- Expected deficit by the end of 2024: \$450,000
- Causes of Deficit: limited use of LTF, termination of the Madera County Transit Services Agreement, high vehicle repair expenses, reduced ridership, and frequent driver shortages.

## Primary Causes of Deficit

1. Local Transportation Funds (LTF)
  - FY 23/24 LTF: \$2.175M received, with a \$600K carry-over from FY 22/23. The \$600K carryover could not be utilized in FY 23/24 as it was not allocated to specific programs. This resulted in a budget adjustment, removing \$560,000 of revenues for the January through June 2024 period. The funds have since been assigned to designated programs for FY 24/25.
2. Operational/Personnel Issues
  - Reduced ridership, increased driver shortages, and fewer special trips. Higher overtime costs due to reallocating clients across different routes when drivers are unavailable. Wages have increased to retain and attract additional drivers.
3. Madera Contract
  - The five-year agreement ended in June 2024.
4. Vehicle Maintenance
  - Significant repair expenses due to an aging fleet.

## Quarterly Overview of Deficit Causes Through June 2024

### Quarter 1 (January–March)

- **Revenue Loss:** \$526,000 LTF was backed out of budget and Madera Contract.
- **Increased Labor Cost:** \$180,000 due to driver shortage, low ridership and wage increases.
- **Repairs and Maintenance:** \$88,000 due to repairs and fuel, and air conditioning exceeding budget.

### Quarter 2 (April–June)

- **Revenue Loss:** \$106,000 LTF was backed out of budget and Madera Contract.
- **Increased Labor Cost:** \$91,000 due to driver shortage, and low ridership and overtime.
- **Repairs and Maintenance:** \$563,000 due to vehicle repairs, fuel, vehicle parts, copy machine and yard upkeep.
- **Insurance, Training and Utilities:** \$7,500 due to Insurance, staff training class and energy cost.

### Quarter 3 (July-September)—(SURPLUS \$225,000)

- Revenue Gains: LTF for Urban and Rural approved for \$3.1M, to include carryover of \$600K.

#### Solutions and Future Projections

##### Immediate Actions

- Rate Adjustments: Increased maintenance labor rates from \$125 to \$140 per hour. Special trip rates rose from \$175 to \$200 per hour on weekdays and from \$200 to \$225 per hour on weekends.
- Cost Per Rider Adjustment: of 20% cost-per-ride increase for FY 24/25 of a partner agency.

##### Long-Term Strategies

- Electric Vehicles (EVs): Gradual replacement of over 50 transit and school buses with EVs, acquiring 10-15 buses annually. This transition is expected to save \$132,000 annually in energy costs and \$1M in fuel and maintenance expenses.
- Solar Farm: A 3-acre solar farm at 3110 W. Nielsen Avenue will produce up to 2 MW of renewable energy daily, fulfilling 100% of the fleet's energy needs and generating additional revenue by selling surplus energy to the grid.

##### Financial Forecast

- In 2025, we expect to close with a \$35,000 surplus.
- In 2026, we will introduce the Vehicle-to-Grid (V2G) project, forecasted to significantly lower maintenance and fuel costs, with potential savings of \$1M annually and approximately \$132,000 in electricity costs.

Through these strategic measures, Transit Systems is focused on maintaining reliable transportation services while ensuring financial sustainability.

## **Program: Local Conservation Corps (LCC)**

*LCC's mission is to provide vocational training and access to education for young adults, ages 18-26, resulting in increased employability and their becoming contributing members of their community.*

### **Executive Summary**

#### **Overview**

The Local Conservation Corps (LCC) faces significant financial challenges in 2024, projecting a deficit of \$510,000 by December 31, 2024. The program has run a deficit for the entire year. Significantly, in January a deficit of \$675,000 was due to unreimbursed Transformative Climate Communities (TCC) staff costs and delayed CalRecycle revenue totaling \$348,100 and the program's monthly expenses of \$326,883. LCC also faced increased security costs due to minimum wage increases, vandalism incidents and \$98,000 in disallowed costs. The reallocation of CSBG funding, which historically covered operational and personnel costs, further exacerbated the financial strain.

Despite these challenges, LCC has achieved notable successes. The corpsmember count increased, ensuring the program's certification and access to crucial funding. LCC secured two significant grants totaling \$1.3M for the purchase of forestry equipment and for vehicle replacements. These grants will support future projects and operational efficiency.

#### **Financial Overview and Future Strategies**

##### **Deficit Projection**

- Expected deficit by the end of 2024: \$510,000
- Causes of deficit: disallowed contractual costs, increased cost of security, unexpected facility and equipment repairs that exceeded the budgeted amount.

##### **Primary Causes of the Deficit**

The primary causes of this deficit:

##### **Contractual Compliance Issues**

- LCC failed to meet contractual obligations and incurred one-time charges: \$215,000 for TCC Solar personnel costs and \$98,000 for an unmet Proposition 1 grant retention (FY 2016-2020). The operational phase of the TCC grant was impacted by COVID-19, leading to unmet performance goals and financial losses. LCC did not meet the grant deliverables for the Proposition 1 grant, also leading to a financial loss.

## **Pandemic-Driven Challenges**

- The YouthBuild Charter High School of California's Average Daily Attendance (ADA) declined to 20 students during COVID-19. To be certified by the state of California, the Corps must have at least 50 corpsmembers working 30 hours. LCC's current ADA is 53 with a maximum capacity of serving 70 students at the site. The current ADA rate of reimbursement is \$12,015 per corpsmember.

## **Reallocation of CSBG Funding**

- Historically, CSBG funding (\$90,000 annually) covered operational and personnel costs, including 20-25% of the salaries for key management positions including the LCC Director, Assistant Director and Administrative and Operations Manager.

## **Increased Security Costs**

- Due to minimum wage increases and multiple vandalism incidents, security costs have risen significantly with an annual cost of \$200,000.

## **Financial Forecast**

To address these challenges, LCC has implemented several solutions:

**Grant Applications** - LCC anticipates receiving several large grants in 2025 to support personnel and operational costs:

- Nature Based Solutions Grant: A \$1,785,714 grant to hire a dedicated Public Lands Manager and increase fee-for-service opportunities.
- Climate Bond (Proposition 4): Additional funding of \$1.5 - \$2M for project work, covering personnel and operational expenses.

## **Operational /Cost Savings**

- Security Services: Released a Request for Proposals (RFP) to reduce the current annual security cost below \$200,000.
- Second Buyback Center: LCC plans to open a second buyback center to generate an additional \$100,000 in unrestricted funding annually. The LCC is currently working with CalRecycle on the viability of operating a mobile buyback and/or stationary recycling center.
- Terminated janitorial services to assist in reducing the deficit. Janitorial services are now being handled internally.

- The uncovered portion of the salaries for the three key management positions were reallocated to a different LCC funding source (buyback center) to assist in reducing the deficit.

Based on the strategies above, the 2025 budget projection is estimated to be a deficit of \$154,000. This amount does not include the anticipated Climate Bond (Proposition 4) funding.





## BOARD OF COMMISSIONERS MEETING

|                                  |                                    |
|----------------------------------|------------------------------------|
| <b>Date:</b> December 16, 2024   | <b>Program:</b> N/A                |
| <b>Agenda Item #:</b> 10         | <b>Director:</b> N/A               |
| <b>Subject:</b> Bylaws Revisions | <b>Officer:</b> Michelle Tutunjian |

### Recommended Action

The Bylaws Committee recommends review and approval for full Board consideration of the revised Agency's Bylaws.

### CSBG Organizational Standard

The organization's bylaws have been reviewed by an attorney within the past 5 years per Category 5, Standard 5.3.

### Background

Both CSBG and CAA regulations require the agency's attorney to review its bylaws every five years. It has been the practices of the Bylaws Committee to review the Bylaws each year and to instruct Fresno EOC legal counsel to do the same.

On November 18, 2024, the Bylaws Committee and legal counsel met to review the Bylaws and recommend the following material revisions:

Article IV: Section 2: Composition of the Board. The Head Start Act (sec. 642-C) Program Governance requires the Head Start agency structure to include a member that reflects the community to be served and include parents of children who are currently, or were formerly, enrolled in the Head Start Program. In order to meet this requirement, the Bylaws Committee recommends that this position be identified as a Community sector Commissioner.

Article VIII, Section 5: Quorum – The Bylaws Committee is recommending eliminating the language stating that a quorum of Commissioners must be physically present to conduct a meeting. While the Bylaws Committee strongly prefers having a quorum of Commissioners present in person, there may be instances where that is not possible. Eliminating this requirement gives the Commission flexibility to still have meetings even without an in-person quorum.

Article VIII, Section 8: Electronic Participation – The Bylaws Committee is recommending that the number of meetings a Commissioner may attend via electronic means be increased from two to five meetings annually. This change will make it easier for a Commissioner to attend meetings given their professional or personal circumstances.

Article X, Section 1: Executive Committee – In light of the other revisions in this Article restoring committees, the Executive Committee will be reduced to seven members comprising of the Chair, Vice Chair, Treasurer, and the Chair of each committee specified below. Additionally, the Executive Committee will receive no less than quarterly updates from the agency's independent internal auditor on Head Start operations and compliance.

Article X, Section 2: Finance Committee – This committee and its responsibilities have been restored. It shall consist of five Commissioners and the Chair shall be the Treasurer. The purpose of the Finance Committee is to review the budget, oversee the administration, collections and disbursement of financial resources of the agency.

Article X, Section 3: Audit Committee – This committee and its responsibilities have been restored. It shall consist of five Commissioners but shall not include members of the Finance Committee, other than the Chair.

Article X, Section 4: Program, Planning & Evaluation – This committee and its responsibilities have been restored. It shall consist of five Commissioners with at least one from each Tripartite sector. This committee oversees the implementation of the needs assessment and agency programs.

Article X, Section 5: Human Resources/Pension Committee. This committee and its responsibilities have been restored. It shall consist of five Commissioners with at least one from each Tripartite sector. It also consists of two elected employee representatives and two Pension Plan Trustees. This committee reviews Agency personnel policies, compensation schedules and benefits, and reviews the Agency pension program.

As the Commissioners will recall, these committees that have been restored were delegated to the Executive Committee approximately one year ago. After receiving input from the entire Board, the Bylaws Committee believes that the responsibilities should again be diversified to separate committees for additional Commissioner engagement and better oversight of the Agency.

The agency's legal counsel, Kenneth Price, has reviewed and approved the agency's bylaws for full Board approval.

### **Fiscal Impact**

Action on this agenda item will have no fiscal impact.

### **Conclusion**

If approved by the Board, the agency's Bylaws will become effective January 1, 2025. If not approved, the agency Bylaw's will remain as is.



REDLINE VERSION

FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION

BYLAWS

MODIFIED ~~SEPTEMBER~~DECEMBER 2024

## BYLAWS

### ARTICLE I. NAME

The corporation's name shall be the Fresno County Economic Opportunities Commission. The corporation may be referred to herein as "Corporation" or "Agency."

### ARTICLE II. PURPOSES & LIMITATIONS

1. **Purposes:** This Corporation is a California nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law. This Corporation is organized and operated exclusively for charitable purposes within the meaning of Section 01(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding provision of any future United States Internal Revenue Law. The specific and primary purposes of this Corporation are to undertake various charitable endeavors related to (i) developing, conducting and administering programs as a Community Act Agency formed under the Economic Opportunity Act of 1964, as subsequently amended; (ii) identifying areas of poverty in Fresno County; (iii) encouraging, stimulating and assisting in the development of anti-poverty projects, as well as promote self-sufficiency, by non-profit and public organizations; and (iv) implementing various economic development and service programs in Fresno County in such as areas as transportation, education, job training, nutrition, and related activities. This Corporation is also authorized to receive contributions and grants and to make donations to, and otherwise aid and support, legally permissible undertakings consistent with the above-stated purposes.

2. **Limitations:** Notwithstanding any of the above statements of purposes and powers, this Corporation shall not, except to an insubstantial degree, engage in any activities, or exercise any powers that are not in furtherance of the specific and primary purposes of this Corporation and this Corporation shall not carry on any other activities not permitted to be carried on by (i) a corporation exempt from Federal income tax under Section 501(c)(3) of the Code, or (ii) corporate contributions to which are deductible under Section 170(c)(2) of the Code.

### ARTICLE III. AUTHORITY AND RESPONSIBILITY OF THE BOARD OF COMMISSIONERS

The Corporation's Board of Commissioners (hereafter sometimes referred to as "Board" or "Commission") shall supervise, control and direct the business and affairs of the Corporation. All Commissioners shall participate in the development, planning, implementation and evaluation of the programs offered by the Corporation in its service of low-income individuals and families.

Commissioners shall be focused on the total problem of poverty in the County as well as with the interests of their respective target areas and appointing entities. The Commissioners shall be responsible for reporting back to their appointing entities and target areas as well as informing the Commission as a whole regarding the problems and relevant activities of their areas and appointing entities.

### ARTICLE IV. COMPOSITION OF THE BOARD

**Section 1:** Community Services Block Grant (CSBG) Board Composition Requirements:

The Board shall consist of no more than twenty-four (24) Commissioners, one-third from each sector described in this section below (the "Tripartite"). The number of Commissioners may not be increased or decreased without a resolution of the Board, provided that no decrease shall have the effect of shortening the term of any incumbent Commissioner and the total number of Commissioners is divisible by three.

**Public Sector Commissioners.** One-third of the Tripartite Board shall be elected or public officials, or their appointed representatives;

**Target Area Commissioners.** One-third of the Tripartite Board shall be persons chosen in accordance with democratic selection procedures adequate to assure that these Commissioners are representative of low-income individuals and families in the neighborhood served; reside in

the neighborhood served; and are able to participate actively in the development, planning, implementation, and evaluation of the Corporation's programs; and

**Community Sector Commissioners.** One—third of the Tripartite Board shall be officials or members of business, industry, labor, religious, law enforcement, education, social services, and/or multi-cultural organizations, or other major groups and interests in the community served.

## Section 2: Head Start Board Composition Requirements

In order to meet Head Start requirements, the Board must also include:

- A. At least one Commissioner with a background and expertise in fiscal management or accounting.
- B. At least one Commissioner with a background and expertise in early childhood education and development.
- C. At least one Commissioner who is a licensed attorney familiar with issues that come before the governing body.

However, if a person described in any one of the three preceding sentences is not available to serve as a Commissioner, the Board shall use a consultant, or another individual with relevant expertise, with the required qualifications, who shall work directly with the Board.

- D. One Commissioner shall represent the Head Start Policy Council, which shall be a Community Sector Commissioner.

## ARTICLE V. SELECTION OF COMMISSIONERS

Each prospective Commissioner from each sector shall complete the Corporation's application prior to appointment. For Public Sector Commissioners, the appointing agency shall supply the application to the prospective Commissioner and provide a completed application to the Corporation prior to appointment. After each prospective Commissioner has been selected to serve on the Board through the appropriate selection process described in the policies and procedures for the sector in which he or she proposes to serve, and has been determined by the Board (or a Committee thereof) to meet the qualifications set by the Board from time to time for service as a Commissioner, the Board shall vote to accept the prospective Commissioner on to the Board. Each Commissioner must (i) be a resident of Fresno County; and (ii) have a strong awareness of poverty in the community in which they live and a desire to implement solutions to address poverty.

- A. Public Sector Commissioners.** Public Sector Commissioners appointed from the following shall be considered for election to the Board:

One Commissioner appointed by the Mayor of the City of Fresno;

Two Commissioners appointed by the Fresno County Board of Supervisors;  
One Commissioner appointed by the Fresno County Superior Court Presiding Judge sitting in the Juvenile Department;

One Commissioner appointed by the State Center Community College District Board of Trustees;

One Commissioner appointed by a member of the California Assembly;  
One Commissioner appointed by a member of the California Senate; and  
One Commissioner appointed by a member of the U.S. Congress.

- B. Target Area Commissioners.** Target Area Commissioners shall be elected by members of the respective areas hereinafter "Target Area" in accordance with Policies and Procedures

established by the Commission, under elections that are run by the Internal Audit department and supervised by the Selection Committee appointed by the Board Chair. Emphasis should be given to providing maximum participation of low-income persons in the selection process of Target Area Commissioners, who shall be duly elected from areas within Fresno County that insure equal target area rural and urban representation and adopted by the Commission.

- C. Community Sector Commissioners.** Community Sector Commissioners may consist of representatives of business, industry, labor, religious, law enforcement, youth, education, social services, and/or multicultural organizations (each a "Community Sector Organization") that can contribute or mobilize economic and human resources, ethnic and racial diversity and balance to the Commission as a whole, and is supportive of the mission and objectives of the Agency. The Community Sector Commissioners shall be selected in accordance with the written policies and procedures established from time-to-time by the Commission. The proposed Community Sector Commissioner must be affiliated with the Community Sector Organization recommending that appointment. For the purposes of the appointment of Community Sector Commissioners, "affiliated" shall be limited to individuals who actively participate in the affairs of, or serves as an employee or active volunteer of, the Community Sector Organization recommending the appointment.

## ARTICLE VI. TERMS OF OFFICE

Each Commissioner shall serve a three-year term, or until the Commissioner sooner dies, resigns, is removed, or becomes disqualified. The January meeting of the Commission shall represent the beginning date for the term of office of a Commissioner first elected or appointed, or reelected or reappointed. A public official serving on the Board shall serve as a Public Sector Commissioner only while he or she continues to hold public office. A representative of a public official shall serve as a Public Sector Commissioner only while the public official who designated him or her continues to hold public office. An individual designated by a Community Sector Organization to serve as a Community Sector Commissioner shall so serve only while he or she continues to be affiliated with the organization that designated the Commissioner.

## ARTICLE VII. COMMISSIONERS

### Section 1. Powers

- A. General Corporate Powers.** Subject to the provisions of the California Nonprofit Corporation Law and any limitations in the Articles of Incorporation, the business and affairs of the Corporation shall be managed, and all corporate powers shall be exercised, by or under the direction of the Commission.
- B. Organizational Jurisdiction.** For the purposes of California law, the jurisdiction of the Corporation shall be Fresno County. Notwithstanding the foregoing, the Corporation may conduct business outside of Fresno County.
- C. Specific Powers.** Without prejudice to these general powers, and subject to the same limitations, the Commissioners shall have the power to:
1. Appoint or remove a Chief Executive Officer according to the policies set forth by the Commission.
  2. Prescribe any and all powers and duties in the Chief Executive Officer that are consistent with law, with the Articles of Incorporation, and with these Bylaws, and fix the compensation of the Chief Executive Officer.
  3. Approve all programs and budgets and shall oversee the enforcement of grant conditions. The Commission shall comply with any and all requirements of the applicable Federal and State Law including, but not limited to, those laws requested by its funding sources, and any regulations promulgated thereunder.

4. Change the principal executive office or the principal business office in the State of California from one location to another; cause the Corporation to be qualified to do business in any other state, territory, dependency, or country and conduct business within or outside the State of California; and designate any place within the Corporation's jurisdiction for the holding of any meeting or meetings of the Board, including annual meetings.
5. Adopt, make and use a corporate seal; prescribe the forms of membership certificates, if applicable; and alter the form of the seal and certificates.
6. Borrow money and incur indebtedness on behalf of the Corporation and cause to be executed and delivered for the Corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecation, and other evidence of debt and securities.

## Section 2. Vacancies

Vacancies shall be deemed to exist on the occurrence of the following: death, resignation or removal of any Commissioner. The Board shall take steps to ensure that vacant seats are filled in a timely manner. Each successor shall hold office for the unexpired term of his or her predecessor or until the successor sooner dies, resigns, is removed or becomes disqualified.

**A. Public Sector Commissioners.** When a vacancy occurs in a Public Sector Board seat held by the representative of a public official, the Board shall request that the public official either take the seat himself or herself or put forth another representative to be elected by the Board. If the public official fails to take the seat himself or herself or to name another representative within the period specified by the Board, the Board shall select another public official to serve as a replacement Commissioner or to appoint a representative, and shall be accepted by the Board, to so serve. Each appointed Public Sector Commissioner shall serve for the remaining term of the vacating Public Sector Commissioner.

**B. Target Area Commissioners.** Vacancies in the target area sector shall be filled using the same democratic process originally used to fill the seat of the Target Area Commissioners. Any election to fill a Target Area Commissioner seat shall be for the remainder of the unexpired term of the vacating Target Area Commissioner.

**C. Community Sector Commissioners.** When a vacancy occurs in a seat held by an individual designated by a Community Sector Organization, the Board shall ask the Community Sector Organization that designated that individual to designate another individual, subject to approval by the Board, to fill the vacancy. Should that Community Sector Organization fail, within the period specified by the Board, to designate an individual to fill the vacancy, the Board shall select another Private Sector Organization to designate an individual, and shall be accepted by the Board, to fill the vacancy. After a vacancy, each Community Sector Organization shall have thirty (30) days to provide a name of a proposed Community Sector Commissioner. Each appointed Community Sector Commissioner shall serve for the remaining term of the vacating Community Sector Commissioner.

## Section 3. Resignation

A Commissioner may resign from the Board by delivering his or her written resignation to the Chair, to a meeting of the Commission, or to the Corporation at its principal office. The resignation shall be effective upon receipt unless specified to be effective at some other time. A Commissioner who has ceased to meet the qualifications for service as a Commissioner, as specified in these bylaws and by the Board from time to time, and/or for the Board seat to which he or she was elected, is deemed to have resigned as of the date he or she ceased to meet those qualifications.

## Section 4. Removal

**A. Removal by Appointing Authority.** The appointing authority may remove for any reason and nominate at will a replacement Commissioner, who shall be subject to approval of the Board.

**B. Grounds for Removal by the Board.** The Board may remove a Commissioner from the Board or any Committee and from any office for the following reasons:

**1. Incapacity.** The Board may remove a Commissioner, if in the opinion of the Board, the Commissioner is incapacitated or otherwise unable to carry out the duties of his or her office. The term incapacity shall also include a declaration of unsound mind by a final court order or conviction of a felony.

**2. Cause.** The Board may remove a Commissioner for cause on any of the following grounds:

- i. violation of the Corporation's articles of incorporation, or bylaws, or conflict of interest policy, or Board resolutions or other policies,
- ii. repeated disruptions of Board or Committee meetings,
- iii. false statements on documents completed in connection with service as a Commissioner or Officer of the Corporation,
- iv. fraudulent or dishonest acts or gross abuse of authority or gross abuse of discretion with reference to or negatively reflecting upon the Corporation's programs or mission,
- v. a Target Area Commissioner moving outside of their Target Area, or
- vi. a Community Sector Organization that nominated the Commissioner ceases to exist or operate within Fresno County.

**3. Superior Court judgment.** A Commissioner may be removed by the Superior Court pursuant to Corporations Code section 5223 or final judgment by a court of competent jurisdiction for breach of the duty under Corporations Code sections 5230 et seq.

**4. Negligence of Duties.** The Board may remove a Commissioner for failure to consistently respond to emails or telephone calls requesting input from Board members, lack of follow-through on assignments, including submission of requested reports and/or lack of participation overall in the activities of the Board.

**5. Excessive Absences.** A Commissioner shall be deemed to have vacated that Commissioner's Board seat after three (3) absences of regular meetings during a calendar year. No later than five (5) days before the next Board of Commissioners' meeting after the vacancy, a Commissioner may request in writing to the Chair and Clerk of the Board that the Board to restore the Commissioner's Board seat during the Board meeting immediately following the deemed vacancy so long as the Board takes such action upon a determination, in the Board's sole discretion, that there is good cause to excuse the excessive absences. If the Commissioner fails to timely request restoration or is not present at the Board meeting in which the Board considers such request, the Board will not have the discretion to restore the Commissioner's Board seat. If the Board reinstates a Commissioner under this paragraph, any additional absence during the same calendar year will result in the Commissioner's seat being vacated without the option of Board reinstatement.

**C. Procedure for Removal.** The Commission shall follow the policy established for removal of Commissioners established by the Board from time to time. Any Commissioner removed under this Section 4 shall be ineligible to serve on the Board of Commissioners for one year after the date of removal.



## **Section 5. Conflicts of Interest**

Subject to the articles of incorporation, bylaws and any applicable law, the Board shall adopt and implement a conflict of interest policy covering the Corporation's Commissioners, Officers and such employees and other persons as may be specified in the policy. The conflict of interest policy, which may be revised by the Board of Commissioners from time-to-time, shall comply with Head Start regulations. However, under no circumstances shall the Commissioners have a financial conflict of interest with the organization or its delegate agencies; be employees of the Head Start or Early Head Start programs; or be immediate family members of any employees of the Head Start or Early Head Start programs. For this purpose, the term "immediate family member" means: a spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons-in-law, and adopted and step family members. Commissioners who are federal employees are prohibited from serving in any capacity that would require them to act as an agent of or attorney for the organization in its dealings with any federal government departments or agencies.

Commissioners shall disclose in writing to the Secretary all relationships described in this section, not later than ten (10) days after becoming aware of any relevant conflict of interest.

## **Section 6. Compensation of Commissioners**

Commissioners may not receive compensation for serving on the Board or for providing services to the Corporation. However, they may receive reimbursement (or advances, in the case of low-income sector Commissioners) from the Corporation for reasonable and documented expenses incurred in the course of performing services as Commissioners. To the extent the Corporation makes any such reimbursements or advances, it shall do so only in accordance with financial policies established from time-to-time by the Board.

## **Section 7. Revolving Door Prohibition**

No person who was a Commissioner may contract with the Agency for a period of one year after the term or period of services as a Commissioner has terminated, unless provided by law. However, any individual falling below the California or federal poverty guideline shall be exempt from the above "waiting period" requirement, so long as that individual resigns from the Commission at the time of acceptance of employment and such employment does not violate California or federal conflicts of interest law.

# **ARTICLE VIII. MEETINGS**

## **Section 1. Annual Meeting**

The annual meeting of the Board shall be held during the month of January each year, subject to postponement by the Board. The purposes of the annual meeting are to elect officers and to transact such other business as may come before the meeting. If the annual meeting is postponed, a special meeting may be held in its place, and any business transacted shall have the same force and effect as if transacted at the annual meeting.

## **Section 2. Regular Meetings**

Meetings shall be scheduled for the convenience of Commission members and the public. The regular meeting schedule will be adopted periodically by the Board but not less than once per year. Regular meetings of the Board shall not exceed ten (10) times per year, upon a schedule as approved by the Board. At any regular meeting the agenda shall provide an opportunity for any person to present discussion regarding any matter of public interest that is within the subject matter jurisdiction of the Agency. Nothing shall prevent the Board of Commissioners from meeting via special meeting on a case-by-case basis.

### **Section 3. Open Meetings**

The Public may attend all Board meetings unless the Board of Commissioners meets in Executive Session.

### **Section 4. Notice**

Written notice of the time, date, location and agenda of each meeting of the Board shall be given to each Commissioner and made available to the public at least 72 hours before regular meetings or 24 hours before a special meeting.

### **Section 5. Quorum**

A majority of the number of Commissioners authorized pursuant to these bylaws constitutes a quorum of the Board for the transaction of business. A quorum or its absence shall be determined at the beginning of all meetings. ~~A Commissioner must be physically present at each meeting to be counted towards quorum except as provided in Section 8 below.~~ For Board committee meetings, a quorum shall be 50% of the members of the Committee. The Board Chair's presence shall count towards the establishment of a quorum. Should a meeting not meet quorum requirements or lose the quorum at some point during the meeting, the meeting may proceed with informational items, however no action other than adjournment may be taken.

### **Section 6. Voting and Action by the Board**

Unless a greater number is required by the Corporation's articles of incorporation, these bylaws, Corporation policies and procedures or by law, the act of a majority of the Commissioners at any meeting at which a quorum is present shall be an act of the Board. Each Commissioner shall have one vote (provided that he or she is not prohibited from voting on a particular matter due to a conflict of interest). Votes by proxy are prohibited.

### **Section 7. Parliamentary Procedure**

Where necessary and in matters not covered by these bylaws, Robert's Rules of Order, Newly Revised, shall serve as a guide to proper procedure (but need not be followed strictly for valid action) at meetings of the Board and its Committees.

**Section 8. Electronic Participation in Board Meetings** Board members may participate in Board meetings by means of a conference telephone or similar communications equipment if each Board member participating in the meeting can communicate concurrently with all other Board members, and each Board member is provided the means of participating in all matters before the Board, including the capacity to propose, or to interpose an objection to, a specific action. Board members electronic participation is limited to two-five(5) regular meetings per year. Participation by such means constitutes presence in person at a meeting.

### **Section 9. Action without a Meeting**

No action by the Board may be taken without a meeting.

### **Section 10. Special Meetings**

Special meetings may be called by the Chair or upon the written and signed request of ten (10) or more Commissioners, dated and specifying the items of business. Notice of any special meeting shall be given to each Commissioner and posted to the public at least twenty-four (24) hours in advance of such meeting and shall specify the purpose of the meeting. No other business shall be transacted except the agenda items described in the notification.

## Section 11. Adjourned Meeting

Any Commission meeting, annual or special whether or not a quorum is present, may be adjourned from time to time by the vote of the majority of the Commissioners represented at the meeting; but in the absence of a quorum, no other business may be transacted at that meeting, except as provided in this Article.

## ARTICLE IX. OFFICERS

The officers of the Commission shall consist of a Chair, Vice Chair, Secretary, and Treasurer, all of whom shall be elected from the members of the Commission with the exception that the Chief Executive Officer shall be appointed to serve as Secretary. Such officers shall be elected to serve until the next annual meeting of the Commission or until their successors shall have been elected and qualify. No Commissioner shall hold more than one office at the same time.

### Section 1. Duties of Officers

The duties and powers of the officers shall be as follows or as shall be set hereafter by resolution or policy of the Board of Commissioners:

- A. Chair.** The Chair shall: (1) be the chief volunteer officer of the Corporation, subject to the direction and control of the Board; (2) preside at meetings of the Board of Commissioners; (3) appoint the members of standing and of such special Committees with the approval of the Commission; (4) be ex-officio a member of all Committees; and (5) perform such other duties and have such other powers as the Board of Commissioners may determine from time to time. The Chair may vote on any matter before the Commission. The Chair shall be counted to determine the existence of a quorum.
- B. Vice Chair.** In the absence of the Chair or the Chair's inability or refusal to act, the Vice Chair shall perform the duties of the Chair and shall perform such other duties as the Commission may, from time to time, designate.
- C. Secretary.** The Commission shall appoint the Chief Executive Officer, who shall serve as the Chief Administrative Officer and as Secretary to the Commission. The secretary shall be responsible for the recording and maintenance of records of all proceedings of the Board. This shall include the attendance of Commissioners at meetings, record of votes of all motions of all meetings of the Commission, and all Commission Committees. These records shall be kept in electronic or print files which shall be kept at the principal office of the Commission. The records shall be open at all reasonable times for the inspection of any Commissioner. Such files shall also contain the Commission's articles of incorporation and bylaws (as well as any amendments thereto) and the names of all Commissioners and the address of each. The secretary or his or her delegate shall give all notices that may be required by law or by these bylaws. The secretary shall perform such other duties and have such other powers as the commissioners shall determine from time to time. The Secretary shall not be a voting member of the Board.
- D. Treasurer.** The treasurer shall: (1) oversee the Corporation's financial management practices, subject to the direction and control of the Board; (2) ensure that the Commissioners understand the financial situation of the Corporation (including ensuring that financial statements for each month are available for each meeting of the Board of Commissioners and are kept on file at the Corporation's principal office); (3) serve as Chair of the Finance Committee; (4) serve as an Authorized Check Signatory when the Chair is unavailable; and (5) perform such other duties and have such other powers as the Board of Commissioners may determine from time to time.

### Section 2. Delegation of Duties

An officer may delegate the specific duties set forth above to another individual or receive assistance from another individual in performing such duties, so long as the Officer retains oversight and review of the work of the other individual and the records and documents prepared and distributed by that individual.

### **Section 3. Election**

The Officers shall be elected each year by the Board at the Board's annual meeting. In the event that any or all of the Officers are not elected at the annual meeting, they may be elected at a subsequent Board meeting. Other Officers may be elected from time to time by the Board. The Board may from time-to-time adopt a Board elections policy providing for the procedures and implementation of Board elections.

### **Section 4. Term of Office**

Each Officer shall hold office for two years and until his or her successor is elected and qualified or until the Officer sooner dies, resigns, is removed or becomes disqualified.

### **Section 5. Removal of Officers**

Any Commissioner can bring forth to the Bylaws Committee a recommendation for removal of an Officer to be heard by the Bylaws Committee. Removal of Officers shall follow the procedure in Article VII, Section 4.

### **Section 6. Resignation of Officers**

An Officer may resign by delivering his or her written resignation to the Chair, to a meeting of the Commissioners or to the Secretary. The Board Chair may relinquish their position as Chair by

notifying the Board or Secretary in writing. Such resignation shall be effective upon receipt unless specified to be effective at some other time.

### **Section 7. Vacancies**

The Board should promptly fill vacancies in the Officer positions, either at a regular meeting or at a special meeting called for that purpose. Each successor shall hold office for the unexpired term of his or her predecessor or until the successor sooner dies, resigns, is removed or becomes disqualified.

### **Section 8. Chief Executive Officer**

The Board shall appoint and employ a Chief Executive Officer who, subject to the Board's direction and control, shall: manage the day-to-day affairs of the Corporation; implement goals and policies established by the Board; report on and advise the Board and its Committees concerning the affairs and activities of the Corporation; and prepare an annual administrative budget for the approval of the Commission.

The Chief Executive Officer shall be empowered to hire, supervise and terminate the Corporation's other employees in accordance with personnel policies established by the Board. In addition, the Chief Executive Officer shall perform such other duties and have such other powers as the Board may determine from time to time. The Chief Executive Officer shall attend meetings of the Board and may attend meetings of its Committees.

The Board shall evaluate the Chief Executive Officer and set his/her compensation on an annual basis. The Board may remove the Chief Executive Officer at any time with or without cause. Removal without cause shall be without prejudice to the Chief Executive Officer's contract rights, if any, and the appointment of the Chief Executive Officer shall not itself create contract rights.

## **ARTICLE X. COMMITTEES**

The Board may establish one or more Committees (standing and/or ad hoc) and may delegate to any such Committee or Committees any or all of its powers, except the powers specified in section 5212 of the California Corporations Code. Any Committee to which the powers of the Commissioners are delegated shall consist solely of Commissioners and shall, to the extent possible, reflect the Tripartite composition of the full Board unless expressly provided for herein. Committee members and Chairs shall

be appointed by the Board Chair and be approved by the Board and shall serve at the pleasure of the Board.

Each Committee shall keep a record of its actions and proceedings and, when required by the Board, shall make a report of those actions and proceedings to the Board. Unless the commissioners otherwise designate, Committees shall conduct their affairs in the same manner as is provided in these Bylaws, with such changes in the context of such provisions as are necessary to substitute the Committee and its members for the Board and its members. A quorum for any meeting shall be 50 percent of that Committee. The Board may adopt rules for the governance of any Committee not inconsistent with the provisions of these bylaws. Each standing Committee shall comply with the Brown Act. There shall be the following standing Committees: Executive, Bylaws, and Audit. The Board Chair shall appoint the Chair of each Committee who shall serve until a successor shall have been duly appointed for the term of that person as a member of the Commission shall have ended. The Committee shall determine the frequency and meeting dates for each committee meeting.

## Section 1. Executive Committee

The Executive Committee shall be composed of the ~~nine-seven (79)~~ elected Board members, consisting of the Chair, Vice Chair, Treasurer, and ~~the chair of each Committee described in this Article X, two (2) Public Sector Commissioners, two (2) Target Area Commissioners, and two (2) Community Sector Commissioners. The Executive Committee shall have all the powers and authority of the Board of Commissioners, as allowed by law in the intervals between meetings of the Board, and is subject to the direction and control of the full Board.~~ The Executive Committee shall meet as necessary as determined by the Chair. An Executive Committee meeting may be called by the Chair or upon the written request of two (2) Executive Committee members with 48 hours' notice. The Executive Committee's decision(s) are subject to approval by the Board. The Executive Committee shall make a report of its actions and proceedings to the Board at the next meeting of the Board held after such actions or proceedings. The Executive Committee shall act on interim matters that cannot wait until the next Board meeting. The Executive Committee shall also review the next full Board agenda. Moreover, the Executive Committee shall receive, on a quarterly basis, a report prepared by the Agency's Internal Auditor, or his or her designee, on the Agency's on-going efforts to manage and operate the Head Start program, which shall include, but not be limited to, budgetary and performance metrics as periodically requested by the Executive Committee, as well as other matters pertaining to the Agency's operations as reasonably determined by the Executive Committee and the Agency's Internal Auditor.

~~The Executive Committee shall have the following responsibilities:~~

~~A. ——— Administrative Matters.~~

~~The Executive Committee shall act on interim matters that cannot wait until the next Board meeting. The Executive Committee shall also review the next full Board agenda.~~

~~————— B. ——— Finance Matters.~~

## Section 2. Finance Committee.

~~The Executive Committee shall: (1) advise the Chief Executive Officer in the preparation and administration of the operating budget; (2) oversee the administration, collection, and disbursement of the financial resources of the Corporation; (3) advise the Board with respect to significant financial decisions, including the integrity of the financial statements of the Corporation; (4) establish outcome statements for meeting the agency's infrastructure needs, and periodically monitor performances towards meeting these statements; (5) review, discuss and make recommendations to the Board of Commissioners relative to the agency's plans for real estate acquisitions/development, property maintenance, and technology advancements, and procurement activities; (6) meet the community and agency staff's infrastructure needs; (7) provide employment opportunities for clients, students, and corps members by creating relationships among the agency's education and employment training programs; (8) promote procurement opportunities to small proprietors, women, and minority operated businesses and those certified as a Disadvantaged Business Enterprise (DBE) as it pertains to facilities management/maintenance, IT network, telecommunications, and real estate activities.~~

The Finance Committee shall be composed of the Treasurer, who shall be its Chair, and four (4) other Commissioners, at least one from each Tripartite sector. The Finance Committee shall: (1) advise the Chief Executive Officer in the preparation and administration of the operating budget; (2) oversee the administration, collection, and disbursement of the financial resources of the Corporation; (3) advise the Board with respect to significant financial decisions, including the integrity of the financial statements of the Corporation; (4) have such other powers and perform such other duties as the Board may specify from time to time. Additionally, the Finance Committee (1) establish outcome statements for meeting the agency's infrastructure needs, and periodically monitor performances towards meeting these statements; (2) review, discuss and make recommendations to the Board of Commissioners relative to the agency's plans for real estate acquisitions/development, property maintenance, and technology advancements, and procurement activities; (3) meet the community and agency staff's infrastructure needs; (4) provide employment opportunities for clients, students, and corps members by creating relationships among the agency's education and employment training programs; (5) promote procurement opportunities to small proprietors, women, and minority operated businesses and those certified as a Disadvantaged Business Enterprise (DBE) as it pertains to facilities management/maintenance, IT network, telecommunications, and real estate activities.

### **Section 3. Audit Committee**

The Audit Committee shall be composed of five (5) Commissioners, including the Chair of the Committee, who shall be a voting member of the Audit Committee. No member of the Finance Committee, other than the Chair of the Board of Commissioners, should he or she be a member of the Finance Committee, may be sit on the Audit Committee. The Audit Committee shall assist the Board of Commissioners in fulfilling its oversight responsibilities by monitoring: (1) the overall systems of internal control and risk mitigation; (2) the integrity of the financial statements of the organization; (3) compliance by the organization with legal and regulatory requirements and ethical standards; (4) at the close of each fiscal year shall present to the Commission a financial report for the year audited by a licensed Certified Public Accountant; and (5) the selection, independence and performance of the organization's independent auditors. In addition, the Audit Committee shall oversee the internal audit department and have such other powers and perform such other duties as the Board may specify from time to time.

### **Section 4. The Program, Planning & Evaluation Committee**

#### **C. ——— Program, Planning & Evaluation.**

The Executive Committee shall: (1) oversee implementation of the Agency's community needs assessment and strategic planning processes approved by the Board and conduct periodic reviews to determine to what degree the Corporation is addressing the needs and goals identified through these processes; (2) discuss, review and recommend grant applications; (3) track the progress of the Agency's programs in meeting identified goals and objectives; (4) oversee the Agency's processes for outcome reporting for its programs; (5) review monitoring reports, evaluations, and other feedback on the Agency's programs provided by funding sources and other interested parties; (6) work with the Agency's staff and full Board to ensure that monitoring findings are addressed in a timely way; and (7) oversee the regular evaluation of the Agency's programs by the Agency's Board and staff.

The Program Planning and Evaluation Committee shall be composed of five (5) Commissioners, with at least one from each Tripartite sector. Subject to the direction and control of the full Board, the Program Planning and Evaluation Committee shall: (1) oversee implementation of the Corporation's community needs assessment and strategic planning processes approved by the Board and conduct periodic reviews to determine to what degree the Corporation is addressing the needs and goals identified through these processes; (2) shall discuss, review and recommend grant applications; (3) track the progress of the Corporation's programs in meeting identified goals and objectives; (4) oversee the Corporation's processes for outcome reporting for its programs; (5) review monitoring reports, evaluations, and other feedback on the Corporation's programs provided by funding sources and other interested parties; (6) work with the Corporation's staff and full Board to ensure that monitoring findings are addressed in a timely way; (7) oversee the regular evaluation of the Corporation's programs by the Corporation's Board and staff; and (8) regularly report to the full Board on these matters. In addition, the program planning and evaluation Committee shall have such other powers and perform such other



duties as the Board may specify from time to time.

### **Section 5. Human Resources/Pension Committee.**

The Human Resources/Pension Committee shall be composed of five (5) Commissioners, with at least one from each Tripartite sector, two elected employee representatives, and two Pension Plan Trustees and shall (1) periodically review the Corporation's personnel policies and procedures and implementation thereof, and report findings and recommendations for policy and procedures changes to the full Board; (2) periodically review the Corporation's compensation schedule and implementation thereof, recommend any changes to the Board; (3) review and make recommendations to the Board regarding the Corporation's employee benefits package; (4) receive information from the Corporation's staff and attorneys on legal proceedings involving the Corporation's employees and make recommendations and reports to the Board on those matters; (5) on a quarterly basis, review and approve quarterly financial reports and investment performance reports of the retirement plans; receive an update of the current investment market; and answer any questions of the employees and Board members on the plan; (6) provide employees with a diversified slate of investment options and make changes to the funds offered as needed; and (7) have such other powers and perform such other duties as the Board may specify from time to time

#### ~~D. Human Resources.~~

~~The Executive Committee shall (1) periodically review the Agency's personnel policies and procedures and implementation thereof, and report findings and recommendations for policy and procedures changes to the full Board; (2) periodically review the Agency's compensation schedule and implementation thereof, recommend any changes to the Board; (3) review and make recommendations to the Board regarding the Agency's employee benefits package; (4) receive information from the Agency's staff and attorneys on legal proceedings involving its employees and make recommendations and reports to the Board on those matters; (5) on a quarterly basis, review and approve quarterly financial reports and investment performance reports of the retirement plans; receive an update of the current investment market; and answer any questions of the employees and Board members on the plan; and (6) provide employees with a diversified slate of investment options and make changes to the funds offered as needed.~~

### **Section 2. Audit Committee**

~~The Audit Committee shall be composed of five Board members, including the Chair, who shall be a voting member of the Audit Committee. The Audit Committee shall assist the Board of Commissioners in fulfilling its oversight responsibilities by monitoring: (1) the overall systems of internal control and risk mitigation; (2) the integrity of the financial statements of the organization; (3) compliance by the organization with legal and regulatory requirements and ethical standards; (4) at the close of each fiscal year shall present to the Commission a financial report for the year audited by a licensed Certified Public Accountant; and (5) the selection, independence and performance of the organization's independent auditors. In addition, the Audit Committee shall oversee the internal audit department and have such other powers and perform such other duties as the Board may specify from time to time.~~

### **Section 63. Bylaws Committee**

The Bylaws Committee shall be composed of five (5) Commissioners, with at least one from each Tripartite sector. The Bylaws Committee shall: (1) oversee Board member recruitment (including administering the target area Board member democratic selection process, recommending candidates for Public and Community Sector Board seats, and ensuring that the Board fills vacancies promptly), orientation, and training; (2) coordinate the Board's periodic evaluation process of itself and the organization's governance structure, policies and procedures; (3) coordinate periodic review of the Corporation's articles of incorporation and bylaws; and (4) have such other powers and perform such other duties as the Board may specify from time to time. An ad hoc committee of the Bylaws Committee

shall be appointed by the Chair of the Bylaws Committee to interview all prospective Community Sector Commissioners.

#### **Section 47. SOUL Charter School Committee**

The School of Unlimited Learning ("SOUL") Charter School Committee shall be composed of all Board Members. This Committee shall serve as the managing entity of SOUL and (i) adopt the annual budget for SOUL; (ii) adopt all material policy changes to the management of SOUL, (iii) approve all filings with Fresno Unified School District, Fresno County Superintendent of Schools, the California Department of Education, and any other governmental agency with oversight or regulatory responsibilities for SOUL; and (iv) any other activities that, in the reasonable judgement of the Executive Director, relate to the activities of SOUL. The SOUL Charter School Committee shall in all respects comply with the Ralph M. Brown Act (the "Brown Act"), the California Public Records Act (CPRA), Government Code section 1090 *et seq.*, and the Political Reform Act of 1974. Members of the SOUL Charter School Committee shall annually complete a Statement of Economic Disclosure (Form 700). When needed, but not less than twice per year, the Fresno EOC Board of Commissioners shall adjourn its business and reconvene as the SOUL Charter School Committee and shall comply with all open meeting requirements under the Brown Act. For clarity the SOUL Charter School Committee may meet before or after or completely independently of Fresno EOC Board of Commissioners' meetings. A quorum of SOUL Charter School Committee members must be physically present during a meeting in order to take action. Moreover, the SOUL Charter School Committee shall not replace the advisory SOUL Governing Council.

### **ARTICLE XI. POLICIES AND PROCEDURES**

#### **Section 1. Annual Statement of Certain Transactions and Indemnifications**

No later than the time the Corporation gives its annual report, if any, to the Commissioners, and in any event no later than 120 days after the close of the Corporation's fiscal year, the Corporation shall prepare and mail or deliver to each Commissioner a statement of the amount and circumstances of any transaction or indemnification of any transaction(s) in which the Agency, its parent or its subsidiary was a party, or in which any Commissioner or Officer had a direct or indirect financial interest.

#### **Section 2. Fiscal Year**

The fiscal year of the Corporation shall be fixed by resolution of the Board of Commissioners and may be changed by the Board of Commissioners.

#### **Section 3. Execution of Instruments**

Except as the Board may generally or in particular cases authorize the execution thereof in some other manner, all deeds, leases, transfers, contracts, bonds, notes, checks, drafts, and other obligations made, accepted and endorsed by the Corporation shall be signed by the Chair or the Chief Executive Officer and checks drawn on any account of the Corporation shall be signed by either the Chair, the Treasurer or the Chief Executive Officer (each an "Authorized Check Signatory") and, if in excess of any amount determined by the Board from time to time, countersigned by another Authorized Check Signatory. Unless authorized by the Board, no Officer, employee or agent shall have any power or authority to bind the Corporation by any contract or agreement, or to pledge its credit, or to render it liable for any purpose or for any amount.

#### **Section 4. Agents**

The Board may appoint agents who shall have such authority and shall perform such duties as may be prescribed by the Board. The Board may remove any such agent at any time with or without cause. Removal without cause shall be without prejudice to such person's contract rights, if any, and the appointment of such person shall not itself create contract rights.



## ARTICLE XII. BONDING

The Board shall require all Officers of the Corporation charged with handling of funds, and may require any other Officer, director, employee or agent, to be bonded for performance of their duties in such amount and by such bonding company registered in the state of California as shall be satisfactory to the board at the Corporation's expense.

## ARTICLE XIII. INDEMNIFICATION OF COMMISSIONERS, OFFICERS, EMPLOYEES, AND OTHER AGENTS

### **Section One. Actions Other Than By the Corporation.**

The Board of Commissioners shall have the power to indemnify any person who was or is a party, or is threatened to be made a party, to any proceeding (other than an action by, or in the right of, this Corporation to procure a judgment in its favor, an action brought under Section 5233 of the California Corporations Code, or an action brought by the Attorney General or a person granted relator status by the Attorney General for any breach of duty relating to assets held in charitable trust) by reason of the fact that such person is or was an agent of this Corporation, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding if that person acted in good faith and in a manner that person reasonably believed to be in the best interests of this Corporation and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of that person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of this Corporation or that the person had reasonable cause to believe that the person's conduct was unlawful.

### **Section Two. Actions By the Corporation.**

The Board of Commissioners shall have the power to indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending or completed action by, or in the right of, this Corporation, or brought under Section 5233 of the California Corporations Code, or brought by the Attorney General or a person granted relator status by the Attorney General for breach of duty relating to assets held in charitable trust, to procure a judgment in its favor by reason of the fact that person is or was an agent of this Corporation, against expenses actually and reasonably incurred by that person in connection with the defense or settlement of that action if that person acted in good faith, in a manner that person believed to be in the best interests of this Corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. No indemnification shall be made under this Section 8.02 for any of the following reasons:

In respect of any claim, issue or matter as to which that person shall have been adjudged to be liable to this Corporation in the performance of that person's duty to this Corporation, unless, and only to the extent that, the court in which such proceeding is or was pending shall determine upon application that, in view of all the circumstances of the case, that person is fairly and reasonably entitled to indemnity for the expenses and then only to the extent that the court shall determine;

Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or

Of expenses incurred in defending a threatened or pending action which is settled or otherwise disposed of without court approval unless it is settled with the approval of the Attorney General.

### **Section Three. Successful Defense By Agent.**

To the extent that an agent of this Corporation has been successful on the merits in defense of any proceeding referred to in Sections 8.01 or 8.02, or in defense of any claim, issue, or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

#### **Section Four. Required Approval**

Except as provided in Section 8.03, any indemnification under this Article VIII shall be made by the Board of Commissioners only if authorized in the specific case upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in Section 8.01 or 8.02, by any of the following:

A majority vote of a quorum consisting of Board of Commissioners who are not parties to the proceeding; or

The court in which the proceeding is or was pending, upon application made by this Corporation or the agent or the attorney or other person rendering services in connection with the defense, whether or not such application by the agent, attorney, or other person is opposed by this Corporation.

#### **Section Five. Advance of Expenses.**

Expenses incurred in defending any proceeding may be advanced by this Corporation before the final disposition of the proceeding upon receipt of an undertaking by, or on behalf of, the agent to repay the amount of the advance unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this Article VIII.

#### **Section Six. Other Contractual Rights**

No provision made by the Corporation to indemnify its Commissioners or Officers for the defense of any proceeding, whether contained in the Corporation's Articles of Incorporation or Bylaws, a resolution of the Board, an agreement or otherwise, shall be valid unless consistent with this Article VIII. Nothing contained in this Article VIII shall affect any right to indemnification to which persons other than Commissioners and Officers of this Corporation may be entitled by contract or otherwise.

#### **Section Seven. Limitations.**

No indemnification or advance shall be made under this Article VIII, except as provided in Sections 8.03 or 8.04, in any circumstances where it appears:

That it would be inconsistent with a provision of the Articles of Incorporation, Bylaws, or an agreement in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification; or

That it would be inconsistent with any condition expressly imposed by a court in approving a settlement.

#### **Section Eight. Insurance.**

The Corporation shall have the right to purchase and maintain insurance to the fullest extent permitted by law on behalf of its agents, against any liability asserted against or incurred by any agent in such capacity or arising out of the agent's status as such, regardless of whether the Corporation would have the power to indemnify the agent against the liability under the provisions of this Article VIII; provided, however, that the Corporation shall have no power to purchase and maintain such insurance to indemnify any agent of the Corporation for a violation of Section 5233 of the California Corporations Code.

#### **ARTICLE XIV. EFFECTIVE DATE/AMENDMENT OF BYLAWS**

These bylaws shall be effective as of January 1, ~~2022~~2025. These bylaws may be altered, amended or repealed at any meeting of the Commissioners; provided that notice of the meeting must be provided to the Commissioners at least 14 days before the date of the meeting and must include the text of the proposed alteration, amendment or repeal.

#### **ARTICLE XV. DISSOLUTION**

In the event of dissolution of this Commission by act of the Commission or by operation of law, such dissolution shall be conducted in accordance with the laws of the State of California, in proceedings to which the Attorney General shall be a party.



**FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION**

**BYLAWS**

**MODIFIED DECEMBER 2024**

## BYLAWS

### ARTICLE I. NAME

The corporation's name shall be the Fresno County Economic Opportunities Commission. The corporation may be referred to herein as "Corporation" or "Agency."

### ARTICLE II. PURPOSES & LIMITATIONS

1. **Purposes:** This Corporation is a California nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law. This Corporation is organized and operated exclusively for charitable purposes within the meaning of Section 01(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding provision of any future United States Internal Revenue Law. The specific and primary purposes of this Corporation are to undertake various charitable endeavors related to (i) developing, conducting and administering programs as a Community Act Agency formed under the Economic Opportunity Act of 1964, as subsequently amended; (ii) identifying areas of poverty in Fresno County; (iii) encouraging, stimulating and assisting in the development of anti-poverty projects, as well as promote self-sufficiency, by non-profit and public organizations; and (iv) implementing various economic development and service programs in Fresno County in such as areas as transportation, education, job training, nutrition, and related activities. This Corporation is also authorized to receive contributions and grants and to make donations to, and otherwise aid and support, legally permissible undertakings consistent with the above-stated purposes.

2. **Limitations:** Notwithstanding any of the above statements of purposes and powers, this Corporation shall not, except to an insubstantial degree, engage in any activities, or exercise any powers that are not in furtherance of the specific and primary purposes of this Corporation and this Corporation shall not carry on any other activities not permitted to be carried on by (i) a corporation exempt from Federal income tax under Section 501(c)(3) of the Code, or (ii) corporate contributions to which are deductible under Section 170(c)(2) of the Code.

### ARTICLE III. AUTHORITY AND RESPONSIBILITY OF THE BOARD OF COMMISSIONERS

The Corporation's Board of Commissioners (hereafter sometimes referred to as "Board" or "Commission") shall supervise, control and direct the business and affairs of the Corporation. All Commissioners shall participate in the development, planning, implementation and evaluation of the programs offered by the Corporation in its service of low-income individuals and families.

Commissioners shall be focused on the total problem of poverty in the County as well as with the interests of their respective target areas and appointing entities. The Commissioners shall be responsible for reporting back to their appointing entities and target areas as well as informing the Commission as a whole regarding the problems and relevant activities of their areas and appointing entities.

### ARTICLE IV. COMPOSITION OF THE BOARD

#### **Section 1:** Community Services Block Grant (CSBG) Board Composition Requirements:

The Board shall consist of no more than twenty-four (24) Commissioners, one-third from each sector described in this section below (the "Tripartite"). The number of Commissioners may not be increased or decreased without a resolution of the Board, provided that no decrease shall have the effect of shortening the term of any incumbent Commissioner and the total number of Commissioners is divisible by three.

**Public Sector Commissioners.** One-third of the Tripartite Board shall be elected or public officials, or their appointed representatives;

**Target Area Commissioners.** One-third of the Tripartite Board shall be persons chosen in accordance with democratic selection procedures adequate to assure that these Commissioners are representative of low-income individuals and families in the neighborhood served; reside in the neighborhood served; and are able to participate actively in the development, planning,

implementation, and evaluation of the Corporation's programs; and

**Community Sector Commissioners.** One—third of the Tripartite Board shall be officials or members of business, industry, labor, religious, law enforcement, education, social services, and/or multi-cultural organizations, or other major groups and interests in the community served.

## **Section 2: Head Start Board Composition Requirements**

In order to meet Head Start requirements, the Board must also include:

- A. At least one Commissioner with a background and expertise in fiscal management or accounting.
- B. At least one Commissioner with a background and expertise in early childhood education and development.
- C. At least one Commissioner who is a licensed attorney familiar with issues that come before the governing body.

However, if a person described in any one of the three preceding sentences is not available to serve as a Commissioner, the Board shall use a consultant, or another individual with relevant expertise, with the required qualifications, who shall work directly with the Board.

- D. One Commissioner shall represent the Head Start Policy Council, which shall be a Community Sector Commissioner.

## **ARTICLE V. SELECTION OF COMMISSIONERS**

Each prospective Commissioner from each sector shall complete the Corporation's application prior to appointment. For Public Sector Commissioners, the appointing agency shall supply the application to the prospective Commissioner and provide a completed application to the Corporation prior to appointment. After each prospective Commissioner has been selected to serve on the Board through the appropriate selection process described in the policies and procedures for the sector in which he or she proposes to serve, and has been determined by the Board (or a Committee thereof) to meet the qualifications set by the Board from time to time for service as a Commissioner, the Board shall vote to accept the prospective Commissioner on to the Board. Each Commissioner must (i) be a resident of Fresno County; and (ii) have a strong awareness of poverty in the community in which they live and a desire to implement solutions to address poverty.

- A. Public Sector Commissioners.** Public Sector Commissioners appointed from the following shall be considered for election to the Board:

One Commissioner appointed by the Mayor of the City of Fresno;

Two Commissioners appointed by the Fresno County Board of Supervisors;  
One Commissioner appointed by the Fresno County Superior Court Presiding Judge sitting in the Juvenile Department;

One Commissioner appointed by the State Center Community College District Board of Trustees;

One Commissioner appointed by a member of the California Assembly;  
One Commissioner appointed by a member of the California Senate; and  
One Commissioner appointed by a member of the U.S. Congress.

- B. Target Area Commissioners.** Target Area Commissioners shall be elected by members of the respective areas hereinafter "Target Area" in accordance with Policies and Procedures established by the Commission, under elections that are run by the Internal Audit department

and supervised by the Selection Committee appointed by the Board Chair. Emphasis should be given to providing maximum participation of low-income persons in the selection process of Target Area Commissioners, who shall be duly elected from areas within Fresno County that insure equal target area rural and urban representation and adopted by the Commission.

- C. Community Sector Commissioners.** Community Sector Commissioners may consist of representatives of business, industry, labor, religious, law enforcement, youth, education, social services, and/or multicultural organizations (each a "Community Sector Organization") that can contribute or mobilize economic and human resources, ethnic and racial diversity and balance to the Commission as a whole, and is supportive of the mission and objectives of the Agency. The Community Sector Commissioners shall be selected in accordance with the written policies and procedures established from time-to-time by the Commission. The proposed Community Sector Commissioner must be affiliated with the Community Sector Organization recommending that appointment. For the purposes of the appointment of Community Sector Commissioners, "affiliated" shall be limited to individuals who actively participate in the affairs of, or serves as an employee or active volunteer of, the Community Sector Organization recommending the appointment.

## ARTICLE VI. TERMS OF OFFICE

Each Commissioner shall serve a three-year term, or until the Commissioner sooner dies, resigns, is removed, or becomes disqualified. The January meeting of the Commission shall represent the beginning date for the term of office of a Commissioner first elected or appointed, or reelected or reappointed. A public official serving on the Board shall serve as a Public Sector Commissioner only while he or she continues to hold public office. A representative of a public official shall serve as a Public Sector Commissioner only while the public official who designated him or her continues to hold public office. An individual designated by a Community Sector Organization to serve as a Community Sector Commissioner shall so serve only while he or she continues to be affiliated with the organization that designated the Commissioner.

## ARTICLE VII. COMMISSIONERS

### Section 1. Powers

- A. General Corporate Powers.** Subject to the provisions of the California Nonprofit Corporation Law and any limitations in the Articles of Incorporation, the business and affairs of the Corporation shall be managed, and all corporate powers shall be exercised, by or under the direction of the Commission.
- B. Organizational Jurisdiction.** For the purposes of California law, the jurisdiction of the Corporation shall be Fresno County. Notwithstanding the foregoing, the Corporation may conduct business outside of Fresno County.
- C. Specific Powers.** Without prejudice to these general powers, and subject to the same limitations, the Commissioners shall have the power to:
1. Appoint or remove a Chief Executive Officer according to the policies set forth by the Commission.
  2. Prescribe any and all powers and duties in the Chief Executive Officer that are consistent with law, with the Articles of Incorporation, and with these Bylaws, and fix the compensation of the Chief Executive Officer.
  3. Approve all programs and budgets and shall oversee the enforcement of grant conditions. The Commission shall comply with any and all requirements of the applicable Federal and State Law including, but not limited to, those laws requested by its funding sources, and any regulations promulgated thereunder.

4. Change the principal executive office or the principal business office in the State of California from one location to another; cause the Corporation to be qualified to do business in any other state, territory, dependency, or country and conduct business within or outside the State of California; and designate any place within the Corporation's jurisdiction for the holding of any meeting or meetings of the Board, including annual meetings.
5. Adopt, make and use a corporate seal; prescribe the forms of membership certificates, if applicable; and alter the form of the seal and certificates.
6. Borrow money and incur indebtedness on behalf of the Corporation and cause to be executed and delivered for the Corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecation, and other evidence of debt and securities.

## **Section 2. Vacancies**

Vacancies shall be deemed to exist on the occurrence of the following: death, resignation or removal of any Commissioner. The Board shall take steps to ensure that vacant seats are filled in a timely manner. Each successor shall hold office for the unexpired term of his or her predecessor or until the successor sooner dies, resigns, is removed or becomes disqualified.

- A. Public Sector Commissioners.** When a vacancy occurs in a Public Sector Board seat held by the representative of a public official, the Board shall request that the public official either take the seat himself or herself or put forth another representative to be elected by the Board. If the public official fails to take the seat himself or herself or to name another representative within the period specified by the Board, the Board shall select another public official to serve as a replacement Commissioner or to appoint a representative, and shall be accepted by the Board, to so serve. Each appointed Public Sector Commissioner shall serve for the remaining term of the vacating Public Sector Commissioner.
- B. Target Area Commissioners.** Vacancies in the target area sector shall be filled using the same democratic process originally used to fill the seat of the Target Area Commissioners. Any election to fill a Target Area Commissioner seat shall be for the remainder of the unexpired term of the vacating Target Area Commissioner.
- C. Community Sector Commissioners.** When a vacancy occurs in a seat held by an individual designated by a Community Sector Organization, the Board shall ask the Community Sector Organization that designated that individual to designate another individual, subject to approval by the Board, to fill the vacancy. Should that Community Sector Organization fail, within the period specified by the Board, to designate an individual to fill the vacancy, the Board shall select another Private Sector Organization to designate an individual, and shall be accepted by the Board, to fill the vacancy. After a vacancy, each Community Sector Organization shall have thirty (30) days to provide a name of a proposed Community Sector Commissioner. Each appointed Community Sector Commissioner shall serve for the remaining term of the vacating Community Sector Commissioner.

## **Section 3. Resignation**

A Commissioner may resign from the Board by delivering his or her written resignation to the Chair, to a meeting of the Commission, or to the Corporation at its principal office. The resignation shall be effective upon receipt unless specified to be effective at some other time. A Commissioner who has ceased to meet the qualifications for service as a Commissioner, as specified in these bylaws and by the Board from time to time, and/or for the Board seat to which he or she was elected, is deemed to have resigned as of the date he or she ceased to meet those qualifications.



## Section 4. Removal

- A. Removal by Appointing Authority.** The appointing authority may remove for any reason and nominate at will a replacement Commissioner, who shall be subject to approval of the Board.
- B. Grounds for Removal by the Board.** The Board may remove a Commissioner from the Board or any Committee and from any office for the following reasons:
- 1. Incapacity.** The Board may remove a Commissioner, if in the opinion of the Board, the Commissioner is incapacitated or otherwise unable to carry out the duties of his or her office. The term incapacity shall also include a declaration of unsound mind by a final court order or conviction of a felony.
  - 2. Cause.** The Board may remove a Commissioner for cause on any of the following grounds:
    - i. violation of the Corporation's articles of incorporation, or bylaws, or conflict of interest policy, or Board resolutions or other policies,
    - ii. repeated disruptions of Board or Committee meetings,
    - iii. false statements on documents completed in connection with service as a Commissioner or Officer of the Corporation,
    - iv. fraudulent or dishonest acts or gross abuse of authority or gross abuse of discretion with reference to or negatively reflecting upon the Corporation's programs or mission,
    - v. a Target Area Commissioner moving outside of their Target Area, or
    - vi. a Community Sector Organization that nominated the Commissioner ceases to exist or operate within Fresno County.
  - 3. Superior Court judgment.** A Commissioner may be removed by the Superior Court pursuant to Corporations Code section 5223 or final judgment by a court of competent jurisdiction for breach of the duty under Corporations Code sections 5230 et seq.
  - 4. Negligence of Duties.** The Board may remove a Commissioner for failure to consistently respond to emails or telephone calls requesting input from Board members, lack of follow-through on assignments, including submission of requested reports and/or lack of participation overall in the activities of the Board.
  - 5. Excessive Absences.** A Commissioner shall be deemed to have vacated that Commissioner's Board seat after three (3) absences of regular meetings during a calendar year. No later than five (5) days before the next Board of Commissioners' meeting after the vacancy, a Commissioner may request in writing to the Chair and Clerk of the Board that the Board to restore the Commissioner's Board seat during the Board meeting immediately following the deemed vacancy so long as the Board takes such action upon a determination, in the Board's sole discretion, that there is good cause to excuse the excessive absences. If the Commissioner fails to timely request restoration or is not present at the Board meeting in which the Board considers such request, the Board will not have the discretion to restore the Commissioner's Board seat. If the Board reinstates a Commissioner under this paragraph, any additional absence during the same calendar year will result in the Commissioner's seat being vacated without the option of Board reinstatement.
- C. Procedure for Removal.** The Commission shall follow the policy established for removal of Commissioners established by the Board from time to time. Any Commissioner removed under this Section 4 shall be ineligible to serve on the Board of Commissioners for one year after the date of removal.

## **Section 5. Conflicts of Interest**

Subject to the articles of incorporation, bylaws and any applicable law, the Board shall adopt and implement a conflict of interest policy covering the Corporation's Commissioners, Officers and such employees and other persons as may be specified in the policy. The conflict of interest policy, which may be revised by the Board of Commissioners from time-to-time, shall comply with Head Start regulations. However, under no circumstances shall the Commissioners have a financial conflict of interest with the organization or its delegate agencies; be employees of the Head Start or Early Head Start programs; or be immediate family members of any employees of the Head Start or Early Head Start programs. For this purpose, the term "immediate family member" means: a spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons-in-law, and adopted and step family members. Commissioners who are federal employees are prohibited from serving in any capacity that would require them to act as an agent of or attorney for the organization in its dealings with any federal government departments or agencies.

Commissioners shall disclose in writing to the Secretary all relationships described in this section, not later than ten (10) days after becoming aware of any relevant conflict of interest.

## **Section 6. Compensation of Commissioners**

Commissioners may not receive compensation for serving on the Board or for providing services to the Corporation. However, they may receive reimbursement (or advances, in the case of low-income sector Commissioners) from the Corporation for reasonable and documented expenses incurred in the course of performing services as Commissioners. To the extent the Corporation makes any such reimbursements or advances, it shall do so only in accordance with financial policies established from time-to-time by the Board.

## **Section 7. Revolving Door Prohibition**

No person who was a Commissioner may contract with the Agency for a period of one year after the term or period of services as a Commissioner has terminated, unless provided by law. However, any individual falling below the California or federal poverty guideline shall be exempt from the above "waiting period" requirement, so long as that individual resigns from the Commission at the time of acceptance of employment and such employment does not violate California or federal conflicts of interest law.

# **ARTICLE VIII. MEETINGS**

## **Section 1. Annual Meeting**

The annual meeting of the Board shall be held during the month of January each year, subject to postponement by the Board. The purposes of the annual meeting are to elect officers and to transact such other business as may come before the meeting. If the annual meeting is postponed, a special meeting may be held in its place, and any business transacted shall have the same force and effect as if transacted at the annual meeting.

## **Section 2. Regular Meetings**

Meetings shall be scheduled for the convenience of Commission members and the public. The regular meeting schedule will be adopted periodically by the Board but not less than once per year. Regular meetings of the Board shall not exceed ten (10) times per year, upon a schedule as approved by the Board. At any regular meeting the agenda shall provide an opportunity for any person to present discussion regarding any matter of public interest that is within the subject matter jurisdiction of the Agency. Nothing shall prevent the Board of Commissioners from meeting via special meeting on a case-by-case basis.

### **Section 3. Open Meetings**

The Public may attend all Board meetings unless the Board of Commissioners meets in Executive Session.

### **Section 4. Notice**

Written notice of the time, date, location and agenda of each meeting of the Board shall be given to each Commissioner and made available to the public at least 72 hours before regular meetings or 24 hours before a special meeting.

### **Section 5. Quorum**

A majority of the number of Commissioners authorized pursuant to these bylaws constitutes a quorum of the Board for the transaction of business. A quorum or its absence shall be determined at the beginning of all meetings. For Board committee meetings, a quorum shall be 50% of the members of the Committee. The Board Chair's presence shall count towards the establishment of a quorum. Should a meeting not meet quorum requirements or lose the quorum at some point during the meeting, the meeting may proceed with informational items, however no action other than adjournment may be taken.

### **Section 6. Voting and Action by the Board**

Unless a greater number is required by the Corporation's articles of incorporation, these bylaws, Corporation policies and procedures or by law, the act of a majority of the Commissioners at any meeting at which a quorum is present shall be an act of the Board. Each Commissioner shall have one vote (provided that he or she is not prohibited from voting on a particular matter due to a conflict of interest). Votes by proxy are prohibited.

### **Section 7. Parliamentary Procedure**

Where necessary and in matters not covered by these bylaws, Robert's Rules of Order, Newly Revised, shall serve as a guide to proper procedure (but need not be followed strictly for valid action) at meetings of the Board and its Committees.

**Section 8. Electronic Participation in Board Meetings** Board members may participate in Board meetings by means of a conference telephone or similar communications equipment if each Board member participating in the meeting can communicate concurrently with all other Board members, and each Board member is provided the means of participating in all matters before the Board, including the capacity to propose, or to interpose an objection to, a specific action. Board members electronic participation is limited to five (5) regular meetings per year. Participation by such means constitutes presence in person at a meeting.

### **Section 9. Action without a Meeting**

No action by the Board may be taken without a meeting.

### **Section 10. Special Meetings**

Special meetings may be called by the Chair or upon the written and signed request of ten (10) or more Commissioners, dated and specifying the items of business. Notice of any special meeting shall be given to each Commissioner and posted to the public at least twenty-four (24) hours in advance of such meeting and shall specify the purpose of the meeting. No other business shall be transacted except the agenda items described in the notification.

### **Section 11. Adjourned Meeting**

Any Commission meeting, annual or special whether or not a quorum is present, may be adjourned from time to time by the vote of the majority of the Commissioners represented at the meeting; but in the

absence of a quorum, no other business may be transacted at that meeting, except as provided in this Article.

## **ARTICLE IX. OFFICERS**

The officers of the Commission shall consist of a Chair, Vice Chair, Secretary, and Treasurer, all of whom shall be elected from the members of the Commission with the exception that the Chief Executive Officer shall be appointed to serve as Secretary. Such officers shall be elected to serve until the next annual meeting of the Commission or until their successors shall have been elected and qualify. No Commissioner shall hold more than one office at the same time.

### **Section 1. Duties of Officers**

The duties and powers of the officers shall be as follows or as shall be set hereafter by resolution or policy of the Board of Commissioners:

- A. Chair.** The Chair shall: (1) be the chief volunteer officer of the Corporation, subject to the direction and control of the Board; (2) preside at meetings of the Board of Commissioners; (3) appoint the members of standing and of such special Committees with the approval of the Commission; (4) be ex-officio a member of all Committees; and (5) perform such other duties and have such other powers as the Board of Commissioners may determine from time to time. The Chair may vote on any matter before the Commission. The Chair shall be counted to determine the existence of a quorum.
- B. Vice Chair.** In the absence of the Chair or the Chair's inability or refusal to act, the Vice Chair shall perform the duties of the Chair and shall perform such other duties as the Commission may, from time to time, designate.
- C. Secretary.** The Commission shall appoint the Chief Executive Officer, who shall serve as the Chief Administrative Officer and as Secretary to the Commission. The secretary shall be responsible for the recording and maintenance of records of all proceedings of the Board. This shall include the attendance of Commissioners at meetings, record of votes of all motions of all meetings of the Commission, and all Commission Committees. These records shall be kept in electronic or print files which shall be kept at the principal office of the Commission. The records shall be open at all reasonable times for the inspection of any Commissioner. Such files shall also contain the Commission's articles of incorporation and bylaws (as well as any amendments thereto) and the names of all Commissioners and the address of each. The secretary or his or her delegate shall give all notices that may be required by law or by these bylaws. The secretary shall perform such other duties and have such other powers as the commissioners shall determine from time to time. The Secretary shall not be a voting member of the Board.
- D. Treasurer.** The treasurer shall: (1) oversee the Corporation's financial management practices, subject to the direction and control of the Board; (2) ensure that the Commissioners understand the financial situation of the Corporation (including ensuring that financial statements for each month are available for each meeting of the Board of Commissioners and are kept on file at the Corporation's principal office); (3) serve as Chair of the Finance Committee; (4) serve as an Authorized Check Signatory when the Chair is unavailable; and (5) perform such other duties and have such other powers as the Board of Commissioners may determine from time to time.

### **Section 2. Delegation of Duties**

An officer may delegate the specific duties set forth above to another individual or receive assistance from another individual in performing such duties, so long as the Officer retains oversight and review of the work of the other individual and the records and documents prepared and distributed by that individual.

### **Section 3. Election**

The Officers shall be elected each year by the Board at the Board's annual meeting. In the event that any

or all of the Officers are not elected at the annual meeting, they may be elected at a subsequent Board meeting. Other Officers may be elected from time to time by the Board. The Board may from time-to-time adopt a Board elections policy providing for the procedures and implementation of Board elections.

#### **Section 4. Term of Office**

Each Officer shall hold office for two years and until his or her successor is elected and qualified or until the Officer sooner dies, resigns, is removed or becomes disqualified.

#### **Section 5. Removal of Officers**

Any Commissioner can bring forth to the Bylaws Committee a recommendation for removal of an Officer to be heard by the Bylaws Committee. Removal of Officers shall follow the procedure in Article VII, Section 4.

#### **Section 6. Resignation of Officers**

An Officer may resign by delivering his or her written resignation to the Chair, to a meeting of the Commissioners or to the Secretary. The Board Chair may relinquish their position as Chair by

notifying the Board or Secretary in writing. Such resignation shall be effective upon receipt unless specified to be effective at some other time.

#### **Section 7. Vacancies**

The Board should promptly fill vacancies in the Officer positions, either at a regular meeting or at a special meeting called for that purpose. Each successor shall hold office for the unexpired term of his or her predecessor or until the successor sooner dies, resigns, is removed or becomes disqualified.

#### **Section 8. Chief Executive Officer**

The Board shall appoint and employ a Chief Executive Officer who, subject to the Board's direction and control, shall: manage the day-to-day affairs of the Corporation; implement goals and policies established by the Board; report on and advise the Board and its Committees concerning the affairs and activities of the Corporation; and prepare an annual administrative budget for the approval of the Commission.

The Chief Executive Officer shall be empowered to hire, supervise and terminate the Corporation's other employees in accordance with personnel policies established by the Board. In addition, the Chief Executive Officer shall perform such other duties and have such other powers as the Board may determine from time to time. The Chief Executive Officer shall attend meetings of the Board and may attend meetings of its Committees.

The Board shall evaluate the Chief Executive Officer and set his/her compensation on an annual basis. The Board may remove the Chief Executive Officer at any time with or without cause. Removal without cause shall be without prejudice to the Chief Executive Officer's contract rights, if any, and the appointment of the Chief Executive Officer shall not itself create contract rights.

### **ARTICLE X. COMMITTEES**

The Board may establish one or more Committees (standing and/or ad hoc) and may delegate to any such Committee or Committees any or all of its powers, except the powers specified in section 5212 of the California Corporations Code. Any Committee to which the powers of the Commissioners are delegated shall consist solely of Commissioners and shall, to the extent possible, reflect the Tripartite composition of the full Board unless expressly provided for herein. Committee members and Chairs shall be appointed by the Board Chair and be approved by the Board and shall serve at the pleasure of the Board.

Each Committee shall keep a record of its actions and proceedings and, when required by the Board, shall make a report of those actions and proceedings to the Board. Unless the commissioners otherwise designate, Committees shall conduct their affairs in the same manner as is provided in these Bylaws, with such changes in the context of such provisions as are necessary to substitute the Committee and its members for the Board and its members. A quorum for any meeting shall be 50 percent of that Committee. The Board may adopt rules for the governance of any Committee not inconsistent with the provisions of these bylaws. Each standing Committee shall comply with the Brown Act. There shall be the following standing Committees: Executive, Bylaws, and Audit. The Board Chair shall appoint the Chair of each Committee who shall serve until a successor shall have been duly appointed for the term of that person as a member of the Commission shall have ended. The Committee shall determine the frequency and meeting dates for each committee meeting.

### **Section 1. Executive Committee**

The Executive Committee shall be composed of the seven (7) elected Board members, consisting of the Chair, Vice Chair, Treasurer, and the chair of each Committee described in this Article X. The Executive Committee shall meet as necessary as determined by the Chair. An Executive Committee meeting may be called by the Chair or upon the written request of two (2) Executive Committee members with 48 hours' notice. The Executive Committee's decision(s) are subject to approval by the Board. The Executive Committee shall make a report of its actions and proceedings to the Board at the next meeting of the Board held after such actions or proceedings. The Executive Committee shall act on interim matters that cannot wait until the next Board meeting. The Executive Committee shall also review the next full Board agenda. Moreover, the Executive Committee shall receive, on a quarterly basis, a report prepared by the Agency's Internal Auditor, or his or her designee, on the Agency's on-going efforts to manage and operate the Head Start program, which shall include, but not be limited to, budgetary and performance metrics as periodically requested by the Executive Committee, as well as other matters pertaining to the Agency's operations as reasonably determined by the Executive Committee and the Agency's Internal Auditor.

### **Section 2. Finance Committee.**

The Finance Committee shall be composed of the Treasurer, who shall be its Chair, and four (4) other Commissioners, at least one from each Tripartite sector. The Finance Committee shall: (1) advise the Chief Executive Officer in the preparation and administration of the operating budget; (2) oversee the administration, collection, and disbursement of the financial resources of the Corporation; (3) advise the Board with respect to significant financial decisions, including the integrity of the financial statements of the Corporation; (4) have such other powers and perform such other duties as the Board may specify from time to time. Additionally, the Finance Committee (1) establish outcome statements for meeting the agency's infrastructure needs, and periodically monitor performances towards meeting these statements; (2) review, discuss and make recommendations to the Board of Commissioners relative to the agency's plans for real estate acquisitions/development, property maintenance, and technology advancements, and procurement activities; (3) meet the community and agency staff's infrastructure needs; (4) provide employment opportunities for clients, students, and corps members by creating relationships among the agency's education and employment training programs; (5) promote procurement opportunities to small proprietors, women, and minority operated businesses and those certified as a Disadvantaged Business Enterprise (DBE) as it pertains to facilities management/maintenance, IT network, telecommunications, and real estate activities.

### **Section 3. Audit Committee**

The Audit Committee shall be composed of five (5) Commissioners, including the Chair of the Committee, who shall be a voting member of the Audit Committee. No member of the Finance Committee, other than the Chair of the Board of Commissioners, should he or she be a member of the Finance Committee, may be sit on the Audit Committee. The Audit Committee shall assist the Board of Commissioners in fulfilling its oversight responsibilities by monitoring: (1) the overall systems of internal control and risk mitigation; (2) the integrity of the financial statements of the organization; (3) compliance by the organization with legal and regulatory requirements and ethical standards; (4) at the close of each fiscal year shall present to the Commission a financial report for the year audited by a licensed Certified Public Accountant; and (5) the selection, independence and performance of the organization's independent auditors. In addition, the Audit Committee shall oversee the internal audit department and

have such other powers and perform such other duties as the Board may specify from time to time.

**Section 4. The Program, Planning & Evaluation Committee** The Program Planning and Evaluation Committee shall be composed of five (5) Commissioners, with at least one from each Tripartite sector. Subject to the direction and control of the full Board, the Program Planning and Evaluation Committee shall: (1) oversee implementation of the Corporation's community needs assessment and strategic planning processes approved by the Board and conduct periodic reviews to determine to what degree the Corporation is addressing the needs and goals identified through these processes; (2) shall discuss, review and recommend grant applications; (3) track the progress of the Corporation's programs in meeting identified goals and objectives; (4) oversee the Corporation's processes for outcome reporting for its programs; (5) review monitoring reports, evaluations, and other feedback on the Corporation's programs provided by funding sources and other interested parties; (6) work with the Corporation's staff and full Board to ensure that monitoring findings are addressed in a timely way; (7) oversee the regular evaluation of the Corporation's programs by the Corporation's Board and staff; and (8) regularly report to the full Board on these matters. In addition, the program planning and evaluation Committee shall have such other powers and perform such other duties as the Board may specify from time to time.

#### **Section 5. Human Resources/Pension Committee.**

The Human Resources/Pension Committee shall be composed of five (5) Commissioners, with at least one from each Tripartite sector, two elected employee representatives, and two Pension Plan Trustees and shall (1) periodically review the Corporation's personnel policies and procedures and implementation thereof, and report findings and recommendations for policy and procedures changes to the full Board; (2) periodically review the Corporation's compensation schedule and implementation thereof, recommend any changes to the Board; (3) review and make recommendations to the Board regarding the Corporation's employee benefits package; (4) receive information from the Corporation's staff and attorneys on legal proceedings involving the Corporation's employees and make recommendations and reports to the Board on those matters; (5) on a quarterly basis, review and approve quarterly financial reports and investment performance reports of the retirement plans; receive an update of the current investment market; and answer any questions of the employees and Board members on the plan; (6) provide employees with a diversified slate of investment options and make changes to the funds offered as needed; and (7) have such other powers and perform such other duties as the Board may specify from time to time

#### **Section 6. Bylaws Committee**

The Bylaws Committee shall be composed of five (5) Commissioners, with at least one from each Tripartite sector. The Bylaws Committee shall: (1) oversee Board member recruitment (including administering the target area Board member democratic selection process, recommending candidates for Public and Community Sector Board seats, and ensuring that the Board fills vacancies promptly), orientation, and training; (2) coordinate the Board's periodic evaluation process of itself and the organization's governance structure, policies and procedures; (3) coordinate periodic review of the Corporation's articles of incorporation and bylaws; and (4) have such other powers and perform such other duties as the Board may specify from time to time. An ad hoc committee of the Bylaws Committee shall be appointed by the Chair of the Bylaws Committee to interview all prospective Community Sector Commissioners.

#### **Section 7. SOUL Charter School Committee**

The School of Unlimited Learning ("SOUL") Charter School Committee shall be composed of all Board Members. This Committee shall serve as the managing entity of SOUL and (i) adopt the annual budget for SOUL; (ii) adopt all material policy changes to the management of SOUL, (iii) approve all filings with Fresno Unified School District, Fresno County Superintendent of Schools, the California Department of Education, and any other governmental agency with oversight or regulatory responsibilities for SOUL; and (iv) any other activities that, in the reasonable judgement of the Executive Director, relate to the activities of SOUL. The SOUL Charter School Committee shall in all respects comply with the Ralph M. Brown Act (the "Brown Act"), the California Public Records Act (CPRA), Government Code section 1090 *et seq.*, and the Political Reform Act of 1974. Members of the SOUL Charter School Committee shall annually complete a Statement of Economic Disclosure (Form 700). When needed, but not less than twice per

year, the Fresno EOC Board of Commissioners shall adjourn its business and reconvene as the SOUL Charter School Committee and shall comply with all open meeting requirements under the Brown Act. For clarity the SOUL Charter School Committee may meet before or after or completely independently of Fresno EOC Board of Commissioners' meetings. A quorum of SOUL Charter School Committee members must be physically present during a meeting in order to take action. Moreover, the SOUL Charter School Committee shall not replace the advisory SOUL Governing Council.

## **ARTICLE XI. POLICIES AND PROCEDURES**

### **Section 1. Annual Statement of Certain Transactions and Indemnifications**

No later than the time the Corporation gives its annual report, if any, to the Commissioners, and in any event no later than 120 days after the close of the Corporation's fiscal year, the Corporation shall prepare and mail or deliver to each Commissioner a statement of the amount and circumstances of any transaction or indemnification of any transaction(s) in which the Agency, its parent or its subsidiary was a party, or in which any Commissioner or Officer had a direct or indirect financial interest.

### **Section 2. Fiscal Year**

The fiscal year of the Corporation shall be fixed by resolution of the Board of Commissioners and may be changed by the Board of Commissioners.

### **Section 3. Execution of Instruments**

Except as the Board may generally or in particular cases authorize the execution thereof in some other manner, all deeds, leases, transfers, contracts, bonds, notes, checks, drafts, and other obligations made, accepted and endorsed by the Corporation shall be signed by the Chair or the Chief Executive Officer and checks drawn on any account of the Corporation shall be signed by either the Chair, the Treasurer or the Chief Executive Officer (each an "Authorized Check Signatory") and, if in excess of any amount determined by the Board from time to time, countersigned by another Authorized Check Signatory. Unless authorized by the Board, no Officer, employee or agent shall have any power or authority to bind the Corporation by any contract or agreement, or to pledge its credit, or to render it liable for any purpose or for any amount.

### **Section 4. Agents**

The Board may appoint agents who shall have such authority and shall perform such duties as may be prescribed by the Board. The Board may remove any such agent at any time with or without cause. Removal without cause shall be without prejudice to such person's contract rights, if any, and the appointment of such person shall not itself create contract rights.

## **ARTICLE XII. BONDING**

The Board shall require all Officers of the Corporation charged with handling of funds, and may require any other Officer, director, employee or agent, to be bonded for performance of their duties in such amount and by such bonding company registered in the state of California as shall be satisfactory to the board at the Corporation's expense.

## **ARTICLE XIII. INDEMNIFICATION OF COMMISSIONERS, OFFICERS, EMPLOYEES, AND OTHER AGENTS**

### **Section One. Actions Other Than By the Corporation.**

The Board of Commissioners shall have the power to indemnify any person who was or is a party, or is threatened to be made a party, to any proceeding (other than an action by, or in the right of, this Corporation to procure a judgment in its favor, an action brought under Section 5233 of the California Corporations Code, or an action brought by the Attorney General or a person granted relator status by the Attorney General for any breach of duty relating to assets held in charitable trust) by reason of the fact



that such person is or was an agent of this Corporation, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding if that person acted in good faith and in a manner that person reasonably believed to be in the best interests of this Corporation and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of that person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of this Corporation or that the person had reasonable cause to believe that the person's conduct was unlawful.

## **Section Two. Actions By the Corporation.**

The Board of Commissioners shall have the power to indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending or completed action by, or in the right of, this Corporation, or brought under Section 5233 of the California Corporations Code, or brought by the Attorney General or a person granted relator status by the Attorney General for breach of duty relating to assets held in charitable trust, to procure a judgment in its favor by reason of the fact that person is or was an agent of this Corporation, against expenses actually and reasonably incurred by that person in connection with the defense or settlement of that action if that person acted in good faith, in a manner that person believed to be in the best interests of this Corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. No indemnification shall be made under this Section 8.02 for any of the following reasons:

In respect of any claim, issue or matter as to which that person shall have been adjudged to be liable to this Corporation in the performance of that person's duty to this Corporation, unless, and only to the extent that, the court in which such proceeding is or was pending shall determine upon application that, in view of all the circumstances of the case, that person is fairly and reasonably entitled to indemnity for the expenses and then only to the extent that the court shall determine;

Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or

Of expenses incurred in defending a threatened or pending action which is settled or otherwise disposed of without court approval unless it is settled with the approval of the Attorney General.

## **Section Three. Successful Defense By Agent.**

To the extent that an agent of this Corporation has been successful on the merits in defense of any proceeding referred to in Sections 8.01 or 8.02, or in defense of any claim, issue, or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

## **Section Four. Required Approval**

Except as provided in Section 8.03, any indemnification under this Article VIII shall be made by the Board of Commissioners only if authorized in the specific case upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in Section 8.01 or 8.02, by any of the following:

A majority vote of a quorum consisting of Board of Commissioners who are not parties to the proceeding; or

The court in which the proceeding is or was pending, upon application made by this Corporation or the agent or the attorney or other person rendering services in connection with the defense, whether or not such application by the agent, attorney, or other person is opposed by this Corporation.

#### Section Five. Advance of Expenses.

Expenses incurred in defending any proceeding may be advanced by this Corporation before the final disposition of the proceeding upon receipt of an undertaking by, or on behalf of, the agent to repay the amount of the advance unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this Article VIII.

#### Section Six. Other Contractual Rights

No provision made by the Corporation to indemnify its Commissioners or Officers for the defense of any proceeding, whether contained in the Corporation's Articles of Incorporation or Bylaws, a resolution of the Board, an agreement or otherwise, shall be valid unless consistent with this Article VIII. Nothing contained in this Article VIII shall affect any right to indemnification to which persons other than Commissioners and Officers of this Corporation may be entitled by contract or otherwise.

#### Section Seven. Limitations.

No indemnification or advance shall be made under this Article VIII, except as provided in Sections 8.03 or 8.04, in any circumstances where it appears:

That it would be inconsistent with a provision of the Articles of Incorporation, Bylaws, or an agreement in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification; or

That it would be inconsistent with any condition expressly imposed by a court in approving a settlement.

#### Section Eight. Insurance.

The Corporation shall have the right to purchase and maintain insurance to the fullest extent permitted by law on behalf of its agents, against any liability asserted against or incurred by any agent in such capacity or arising out of the agent's status as such, regardless of whether the Corporation would have the power to indemnify the agent against the liability under the provisions of this Article VIII; provided, however, that the Corporation shall have no power to purchase and maintain such insurance to indemnify any agent of the Corporation for a violation of Section 5233 of the California Corporations Code.

### **ARTICLE XIV. EFFECTIVE DATE/AMENDMENT OF BYLAWS**

These bylaws shall be effective as of January 1, 2025. These bylaws may be altered, amended or repealed at any meeting of the Commissioners; provided that notice of the meeting must be provided to the Commissioners at least 14 days before the date of the meeting and must include the text of the proposed alteration, amendment or repeal.

### **ARTICLE XV. DISSOLUTION**

In the event of dissolution of this Commission by act of the Commission or by operation of law, such dissolution shall be conducted in accordance with the laws of the State of California, in proceedings to which the Attorney General shall be a party.



December 16, 2024

## **ACTING CEO REPORT**

### **Agency Updates**

#### **CalCAPA 2024 Annual Conference**

From November 19-21, 2024, Fresno EOC sent 10 team members to the California Community Action Partnership Association's Annual Conference in Monterey, CA. This year's event celebrated the 60th Anniversary of Community Action, showcasing the impactful work of agencies across California. Fresno EOC staff engaged in valuable learning opportunities, networking, and commemorating this significant milestone. Additionally, Acting Chief Executive Officer, Michelle Tutunjian, Program Planning & Development Director Ana Medina, and Evaluation Director Andy Arredondo led a breakout session titled "Ignite a Strategy for Results." Their presentation focused on creating data-driven strategic plans, implementing ROMA practices, and using visualizations to effectively communicate outcomes.

#### **A Night of Stars: Fresno EOC Employee Appreciation Party**

On December 6th, Fresno EOC hosted the annual Employee Appreciation Party at the Fresno Fairgrounds, with a 1960s Hollywood theme. The event provided an opportunity to recognize and celebrate staff contributions to the agency's mission. The evening saw over 500 staff members and their invited guests in attendance, along with several Fresno EOC commissioners. This event serves as a way to show appreciation for the hard work and dedication of our employees while fostering a sense of community across the organization.

#### **Fresno EOC Winter Closure**

Fresno EOC will provide staff with time off from December 25th to January 2, 2025, as part of a Board-approved initiative to allow employees time to recharge during the holiday season. While the agency will be closed during this period, some programs will remain operational with staff in the office. All programs have posted their winter hours on their respective websites to ensure the public is informed about available services during this time.

#### **Head Start Interim Director**

Michael Balderas, Education Services Director, has been appointed as Interim Director for Head Start 0 to 5. Michael brings over 28 years of Head Start experience, having held roles ranging from Substitute Teacher Assistant in 1996 to Head Start Teacher, Health Manager, School Director, and Assistant Head Start Director. Together with Misty Gattie-Blanco, whose program expertise and

institutional knowledge are invaluable, this interim leadership team is well-equipped to guide Head Start 0 to 5 through this transition effectively.

### **Head Start 0 to 5 Job Fair**

On Saturday, January 18th, from 9 AM to 1 PM, Fresno EOC Human Resources will host a Head Start 0 to 5 Job Fair at Franklin Head Start. The event will include on-the-spot interviews, with conditional offers available for various positions such as Teacher, Teacher Assistant, ECE Specialist, Center Director, and more.

### **Fresno EOC FA2 Monitoring (Head Start 0 to 5)**

Fresno EOC Head Start will undergo the Focus Area Two (FA2) Monitoring Review from January 6 through January 10. This review includes an on-site assessment of the program conducted by a team assigned by the Office of Head Start (OHS). The FA2 review is part of the periodic federal reviews required by the Head Start Act to evaluate program operations and performance. Using Head Start monitoring protocols, OHS gathers data and information during reviews for the Classroom Assessment Scoring System, Focus Area One (FA1), Focus Area Two (FA2), and Risk Assessment Notification (RAN). These reviews help OHS assess grant recipients' approaches to program design and services, evaluate their performance, and support continuous program improvement.

## **Community Engagement**

### **School of Unlimited Learning (SOUL) Fall Graduation**

On Wednesday, December 18, the School of Unlimited Learning (SOUL) Youth Charter High School will celebrate the graduation of nearly 22 students as they receive their high school diplomas. The ceremony will take place in the school's auditorium at 1:00 PM. This graduation will also mark a significant milestone as it will be Susan Lopez's final graduation with SOUL before her retirement at the end of the year. We extend our heartfelt gratitude to Susan for her commitment to shaping education for young people and her dedication to the success of SOUL's students.

### **Fresno EOC Sanctuary and Support Services Candy Cane Lane Xpress**

On Thursday, December 14th, at 10 AM, the Candy Cane Lane Xpress (formerly Making Spirits Bright) will celebrate 30 years of spreading holiday joy by delivering gifts, holiday treats, and Christmas trees to families from a selected Central Unified School. This initiative, coordinated by Fresno EOC Sanctuary and Support Services, is made possible by generous community and retail donations. Over the years, it has reached 845 families and 3,006 children, bringing holiday cheer and making a lasting impact on the community.

### **SOUL Winter Wonderland**

On December 13th, the School of Unlimited Learning (SOUL) hosted its annual Winter Wonderland event for students and their families at the SOUL campus. This walk-through experience provided gifts not only for the students but also for their siblings, reflecting SOUL's commitment to serving the whole family. In addition to gifts, families received groceries to help support their needs during the holiday season. The event also included a special visit from Santa, bringing joy and excitement to the children.

### **Valley Apprenticeship Connection Selma Graduation**

On Friday, December 20th, 12 Valley Apprenticeship Connection (VAC) students in Selma will graduate as the program's final class of the year. The ceremony will take place at the Central Valley Training Center in Selma. VAC will continue its commitment to supporting graduates from Selma, Tulare, and Kings County by assisting them in joining the laborer's union as opportunities arise. This graduation highlights VAC's ongoing partnership with the California High-Speed Rail Authority, strengthening workforce development in the region.

### **Valley Skin Institute Christmas Donation**

For the second consecutive year, Sanctuary and Support Services has partnered with Valley Skin Institute and friends for the Adopt a Family project during the holidays. This year, the initiative is supporting 19 families, including 21 adults and 40 children. Through this partnership, each family member will receive donated gifts, providing support and joy during the holiday season.

### **Foster Grandparents Project Linus Blanket Giveaway**

On Tuesday, December 10, 2024, Fresno EOC Foster Grandparent Program continued its partnership with Project Linus to bring comfort to children in need. Since 2021, blankets have been distributed to children and participants of Fresno EOC Head Start, WIC, and Local Conservation Corps programs, including students and corps members. This year, Estelle Dailey, Pinedale, and Citrus Head Start, WIC, LCC, and Neighbors Helping Neighbors Thrive will receive blankets.

### **Fresno EOC Partners with Toys for Tots for 2024 Campaign**

Fresno Economic Opportunities Commission (Fresno EOC) is excited to partner with Toys for Tots for the 2024 campaign to bring holiday gifts to families and staff in need. Each participating program has designated representatives who have completed the required orientation. The programs involved include Sanctuary and Support Services, Energy Services, Women, Infant, and Children (WIC), Head Start 0 to 5, Training and Employment, Health and Dental Services, and Local Conservation Corps