

HUMBOLDT TRANSIT AUTHORITY

PERSONNEL POLICY MANUAL
FOR UNREPRESENTED EMPLOYEES

Adopted ~~December 3, 2025~~October 7, 2026

RESOLUTION ~~25-17~~ 26-15

1. SECTION 1 INTRODUCTION

- 1.1 Humboldt Transit Authority's Personnel Policy Manual for Unrepresented Employees contains an outline of the basic personnel policies, practices and procedures of the organization. Each employee not covered by the AFSCME MOU will receive a copy of the Personnel Policy Manual for Unrepresented Employees upon date of hire and must sign the employment form indicating that it is their responsibility to read and acknowledge the contents. An updated copy of the Personnel Policy Manual will be provided to all employees whenever changes are made and a new employment form must be signed indicating that the employee has read and acknowledged the changes. Similarly, all Union employees will receive a copy of the MOU and relevant procedure manuals.
- 1.2 The Board of Directors Is responsible for the formulation of these practices and procedures and vests authority for their fair and consistent application in the General Manager. The contents of this manual are not intended to be an express or implied contract and therefore do not give rise to any enforceable contractual right relating to continued employment or receipt of benefits between employer and employee, nor does it form an express or implied contract or promise that the policies herein will be applied in all cases.
- 1.3 This manual is not intended to alter the employment-at-will relationship in any way. An at-will relationship is one in which either the employee or Humboldt Transit Authority can terminate at any time for any reason with or without cause.
- 1.4 The policies in this manual apply to all non-union employees of Humboldt Transit Authority (hereinafter referred to as "HTA" or "Authority") and the policies herein supersede all other employee policies. Rare exceptions to the policies herein are only permissible with the express written consent of the General Manager and the approval of the HTA board. Humboldt Transit Authority reserves the right to make any changes to the manual at any time with or without prior notice to its employees.
- 1.5 This Personnel Policy Manual for Unrepresented Employees supersedes all previously issued Salary Manuals and inconsistent verbal or written policy statements.

2. SECTION 2 APPLICABILITY

- 2.1 This manual applies only to employees who do not participate in a recognized employee organization and are not part of the HTA-AFSCME MOU.

3. SECTION 3 EMPLOYMENT

- 3.1 General Conditions

- i) Employment with HTA is at-will, and employees may terminate their employment with or without cause. Likewise, HTA may terminate an employee with or without cause. Only the written agreement of HTA's Board Chair or designee may alter the at-will employment status of an employee.

3.2 Equal Employment Opportunity

- i) HTA is an equal employment opportunity employer and strives to comply with all applicable laws prohibiting discrimination based on race, ethnicity, color, creed, sex, gender, age, national origin or ancestry, physical or mental disability, veteran status, marital status, medical condition, sexual orientation, as well as any other category protected by federal, state, or local laws. All such discrimination is unlawful and all persons involved in the operations of HTA are prohibited from engaging in this type of conduct.
- ii) A positive program of equal employment opportunity will be established and maintained for all employees and applicants for employment. Management personnel will plan and take affirmative action to achieve equal employment opportunity for members of the categories listed above in employment, training, and promotional opportunities. All relations and decisions pertaining to employment, upgrading, demotions, transfers, recruiting, layoff, termination, training, and rates of pay of employees will be executed without regard to race, color, religion, sex, age, marital status, political affiliation, disability, sexual orientation, medical condition or national origin. All job openings are posted so as to provide all employees with an opportunity to apply for positions for which they are qualified. Positions are filled from within where possible; however, HTA will also consider the qualifications of outside applicants and the final selection will be based on overall qualifications pursuant to these guidelines.
- iii) In accordance with applicable federal and state law protecting qualified individuals with known disabilities, HTA will attempt to reasonably accommodate those individuals unless doing so would create an undue hardship on HTA. Any qualified applicant or employee with a disability who requires an accommodation in order to perform the essential functions of the job should contact the General Manager and request an accommodation.
- iv) Employees should report every instance of unlawful discrimination to any Supervisor/Manager, regardless of whether you or someone else is the subject of the discrimination. Detailed reports--including names, descriptions, and actual events or statements made--will greatly enhance HTA's ability to investigate. Any documents supporting the allegations should also be submitted. Based on the report, HTA will conduct an inquiry into the facts. HTA prohibits any and all retaliation for submitting a report of unlawful discrimination and for cooperating in any investigation. Any Manager or Employee who retaliates against the accuser or those involved in the investigation will be disciplined, up to and including

discharge from employment.

- v) If the investigation determines that prohibited discrimination or other conduct that violates HTA policy has occurred, HTA will take disciplinary action, up to and including termination of employment, against those who engaged in the misconduct. HTA will also evaluate whether other employment practices should be added or modified in order to deter and prevent that conduct in the future. Employees submitting reports will be informed of whatever action(s) HTA takes to resolve and remedy the situation, when appropriate and in accordance with confidentiality standards.

3.3 Definitions

- i) Employee: 'Employee' includes all unrepresented persons who work for HTA, except independent contractors and persons temporarily employed to fill the position of an employee who is absent from work or to fill a vacant position.
- ii) Classification: 'Classification' means a set of duties and responsibilities which may be assigned to an employee.
- iii) Unrepresented Employee: 'Unrepresented Employee' means an employee who is not in a classification represented by an employee organization recognized by HTA.
- iv) Allocated Position: 'Allocated Position' means an authorization by the HTA Governing Board to hire a person in a classification. Allocated positions are defined in the Classification Plan and Salary Schedule.
- v) Paid Status: 'Paid Status' means that time during which a regular employee is at work or on authorized vacation, sick leave, holiday, jury duty, release time, or bereavement.

4. SECTION 4 CLASSIFICATION PLAN

- 4.1 The General Manager shall ascertain and record the duties and responsibilities of all positions in service to HTA and shall recommend a Classification Plan for adoption by the Board of Directors. The Classification Plan may be amended from time to time by the Board. Following adoption or changes, the General Manager is responsible for allocating positions according to the Classification Plan.
- 4.2 When a new position is created, before it may be filled, and except as otherwise provided by ordinance or these rules, no person shall be appointed or employed to fill the position until the Classification Plan has been amended to provide for it.
- 4.3 There shall be a written specification for each classification, which shall include the

name and a definition of the classification and its duties or areas of responsibility. The specification shall be descriptive, and not restrictive. All specifications must be approved by the HTA Governing Board.

5. SECTION 5. PERSONNEL FILES

5.1 Personnel Records

- i) It is the policy of HTA to collect, maintain, and use employee personnel information in such a manner as to preserve privacy of the information, satisfy business needs and conform to applicable legal requirements. The personnel record of each employee will be kept in a file under the control of the Human Resources Manager. Each file shall contain application materials, all evaluations, and records of disciplinary action, if any such reports exist. All requests for employee references must be directed to the General Manager or designee. No other manager, supervisor, or employee is authorized to release references for current or former employees.

5.2 Keeping Files Current

- i) Employees should keep their personnel information up-to-date by notifying the Human Resources Manager in writing of any changes in name, address, telephone number, marital status, number of dependents, beneficiaries and persons to be notified for emergency purposes. This information is necessary for personnel administration.

5.3 Access to Records

- i) Employees have the right to review their personnel files, except for reference information that was obtained with the promise of confidentiality and information that would violate the privacy of others. An employee may see their personnel file by appointment in the presence of their supervisor or the Human Resources Manager. Employees may have a copy of anything in their file but are not allowed to remove anything.

5.4 Release of Information

- i) All materials are confidential and made available only to each employee, the General Manager, or the Human Resources Manager, and the employee's immediate supervisor. Information will be released to persons outside HTA only in response to a specific authorized request. When HTA is required by law or the legal process to produce records of private information on employees, every reasonable attempt will be made to protect confidential information not relevant to the inquiry.

- ii) HTA may receive telephone inquiries from financial institutions, credit and collection agencies and landlords requesting employment information about current or former employees. All calls for employment verification from these parties will be referred to the Human Resources Manager. HTA will not release any information over the phone to these parties about current and former employees other than to verify dates of employment and latest job title. Written requests for employee information (i.e. salary verification for a bank loan) or telephone requests for performance information must be accompanied by the employee's signed authorization.
- iii) All other requests for information from employee files received from other departments and inquiries outside HTA, including requests for references of former employees, will be directed to the Human Resources Manager. Supervisors and other employees are prohibited from providing employment references on ex-employees or current employees without the approval of the General Manager. Without a written release from the employee, the Chair of the Board of Directors and/or General Manager will give to prospective employers only the information allowed by law. With a written release from the employee, performance information may also be released.

6. SECTION 6 PERFORMANCE EVALUATIONS

- 6.1 The performance of each employee shall be evaluated in writing and each such evaluation discussed with the employee. Evaluations will become part of each employee's personnel record.
- 6.2 The General Manager will request wage increases from the Governing Board of Directors.

7. SECTION 7 HIRING

- 7.1 An applicant for employment shall submit a written application and take such performance or other tests and physical examinations as are required by HTA. The applicant who, in the appointing authority's opinion, is best qualified to fill the position shall be selected.

8. SECTION 8. WAGE AND SALARY ADMINISTRATION

8.1 Probationary Period

- i) The first six months from the actual date of full-time hire, or after any substantial change in job assignment, shall be considered a probationary period. Probation/progress reports will be completed after the first three months. If the

employee receives an unsatisfactory rating at any time during the first six months, termination may be initiated. Upon successful completion of the probationary period, the employee will be notified in writing (copy to the personnel file) that they have satisfactorily completed probation.

- ii) All employees must satisfactorily complete a probationary period of six months. A probationary employee may be terminated if found unsatisfactory, without right of appeal. All grievance processes and any potential provisions for retroactive pay adjustments outlined in this policy manual do not apply to probationary employees.
- iii) Probationary employees are entitled to the same fringe benefits granted to permanent employees, including, but not limited to, paid holidays, earned leave or earned leave accrual, paid leave for family illness or bereavement, and medical (including medical, dental and vision) insurance coverage. Probationary employees participate in the Public Employees' Retirement System (CalPERS) as provided in the contract between HTA and CalPERS, as it now exists or may hereafter be amended.

8.2 Temporary Employees

- i) Persons temporarily employed to fill the position of an employee who is absent from work or to fill a vacant position shall be paid at the lowest rate of the salary schedule for that position unless payment at a higher step is authorized by the General Manager. Persons temporarily employed shall be granted only such non-monetary compensation and such fringe benefits as are required by law, and not any additional non-monetary compensation or fringe benefits provided by the Personnel Policy Manual. Persons temporarily employed are not probationary or permanent employees, have no vested or other right to continued employment, and may be dismissed without cause or right to a hearing.
- ii) Notwithstanding the provisions of the foregoing paragraph, if a person is temporarily employed in the same unrepresented position for more than 1,000 working hours in a fiscal year, on the first day of the calendar month beginning after completion of 1,000 such hours, such person shall be granted medical, dental, vision, and life insurance, and such person shall be granted holidays and begin to accrue and use vacation and sick leave on the same basis as someone just beginning regular employment, although the person temporarily employed is not a probationary or permanent employee, has no vested or other right to continued employment, and may be dismissed without cause or right to a hearing.
- iii) A person who is temporarily employed for more than 1,000 working hours in a fiscal year in the same unrepresented position shall continue to receive the benefits provided for in the foregoing paragraph as long as they are continuously so employed, even if such employment extends into the next fiscal year beginning after the commencement of such employment.

- iv) A person who does not complete 1,000 hours of temporary employment in the same unrepresented position in one fiscal year, or whose temporary employment in an unrepresented position is terminated and who is temporarily employed thereafter in another fiscal year in the same or another unrepresented position, does not retain credit for hours worked in a previous fiscal year and must be employed for 1,000 working hours in the fiscal year beginning after the fiscal year employment commenced in which the later temporary employment began, respectively, before becoming entitled to fringe benefits as provided in paragraph b. of this section.

8.3 Salary Advancements

- i) An employee shall receive an increase to the next step on the first day of the pay period beginning after completion of the probationary period. The probationary period for employees is six months of work after appointment to a full time position.

- ii) Thereafter an employee shall receive a one-step increase upon completion of each additional full calendar year of service until reaching Step E. Unpaid leaves of absence approved by the HTA beyond those required by Federal or State law will not count towards eligibility for step increases.

- iii) Effective July 1, 2016: Thereafter an employee shall receive a one-step increase upon completion of each additional full calendar year of service until reaching Step E. An employee shall be eligible for Step F longevity incentives, calculated as a percentage of base pay. Unpaid leaves of absence approved by the HTA beyond those required by Federal or State law will not count towards eligibility for longevity increases. —after 10 years of service, G after 15 years of service, and H after 20 years. Unpaid leaves of absence approved by the HTA beyond those required by Federal or State law will not count towards eligibility for step increases.

<u>Years of Service</u>	<u>Longevity</u>
<u>10</u>	<u>5%</u>
<u>15</u>	<u>10.25%</u>
<u>20</u>	<u>15.7625%</u>

- iii)iv) Employees who earn a step increase will be paid as follows: if the step increase date occurs in the first week of a pay period, the employee will be provided the increase for the full pay period. If it occurs in the second week in the pay period, the employee will be provided the increase at the beginning of the following pay period.

- ~~iv)~~v) Promotional employees who are being reclassified to a position in a class having a higher maximum salary will be placed on the step in the salary range of their new class that is at least five percent (5%) higher than their current salary.

8.4 Work Hours and Pay Provisions

- i) Full-time unrepresented employees shall work eight and a half (8.5) hours per day, four (4) days per week. Part-time employees shall work such hours a day and days a week as are set by the General Manager.
- ii) Meal Period: An employee who works five or more continuous hours a day is required to take a 30 minute lunch break, except if the total work period per day of the employee is no more than six hours, the meal period may be waived by mutual consent of both the HTA and the employee. Consent to waive the meal break for a 6 hour work day must be stated in writing and signed by both the employee and their supervisor. A waiver must be completed for each individual occurrence, as per order of the Department of Labor.
- iii) Rest Period: Each employee is required to take a rest period at a rate of fifteen (15) minutes net rest time within every four (4) hours worked. The rest period is considered time worked.
- iv) The pay period for employees is fourteen (14) consecutive calendar days beginning at 12:01 a.m. Sunday and ending at midnight the second Saturday thereafter.
- v) Employees shall receive payroll checks on the first Friday following the end of each pay period. When a payday falls on a holiday, employees shall be paid on the day preceding the normal payday.
- vi) A new employee who starts work in the middle of a pay period shall be paid only for the part of the pay period actually worked.

8.5 Overtime and Holiday Compensation

- i) Non-exempt employees are eligible for overtime pay. Overtime hours must be scheduled and approved in advance by the department manager and the General Manager. Failure to obtain advance approval to work overtime hours may lead to disciplinary action up to and including termination. Non-exempt employees are encouraged to adjust their schedules, with advance approval by the General Manager, in order to avoid unapproved overtime.
- ii) The definitions of non-exempt and exempt are as follows:
 - (1) Non-exempt: This refers to individuals subject to the overtime provision of the Fair Labor Standards Act. Non-exempt employees are generally paid by the

hour and are entitled to overtime pay for working in excess of eight hours per day or more than forty hours in one week.

(a) Overtime shall be paid at time and one-half for all hours worked in excess of forty (40) hours per week. Overtime shall be computed based on actual time worked.

(b) An unrepresented non-exempt employee called in to work on a holiday will be paid two and one-half (2 ½) times their regular straight-time rate for time worked. Such payment shall be the only and entire payment for such time worked.

8.6 Exempt: This refers to positions that are exempt from overtime provisions of the Fair Labor Standards Act. Exempt employees are generally paid on a salaried basis, and their salary is intended to constitute their entire compensation, regardless of the number of hours they work.

9. SECTION 9 NEPOTISM

9.1 It is the policy of HTA to seek for its staff the best possible candidates through appropriate search procedures. There shall be no bars to appointment of individuals who have close relatives in any staff category in the same or different departments so long as the following standard is met:

9.2 No employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter that may directly affect the selection, appointment, promotion, termination, other employment status, or interest of a close relative.

9.3 For the purpose of this policy, "close relative" is defined as husband, wife, mother, father, son, daughter, sister, brother, father-in-law, mother-in-law, sister-in-law and brother-in-law.

9.4 When an individual is considered for appointment in a department in which an immediate family member is already assigned, review of this fact shall be required at all appointing levels. The objective of this review shall be to assure equity to all members of the department.

9.5 When an individual is considered for appointment in a department where a close relative has supervisory responsibility, the appointment shall not be granted.

9.6 When two HTA employees in the same department marry, the employment of one such employee shall be terminated provided, however, that the General Manager using discretion may make a reasonable effort to transfer one of the employees to another department within HTA.

10. SECTION 10 OUTSIDE EMPLOYMENT

10.1 Employees shall not engage in any other employment which is inconsistent, incompatible or in conflict with their HTA duties or might impair the impartial performance of HTA duties.

10.2 An employee who wishes to engage in outside employment shall notify the General Manager of the nature and expected duration thereof at least seven (7) days before beginning such employment, and the General Manager shall determine whether the proposed outside employment is inconsistent, incompatible or in conflict with the employee's HTA duties. The General Manager shall prohibit the proposed outside employment if it:

- i) Involves the use for private gain of HTA time, facilities, equipment or supplies, or the badge, uniform, prestige or influence of HTA; or,
- ii) Involves the receipt or acceptance of any money or other consideration from anyone other than HTA for the performance of any act which the employee would be required or expected to render in the course of HTA employment; or,
- iii) Involves the performance of an act which may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement of another HTA employee; or,
- iv) Involves so much time that the employee would perform HTA duties less efficiently.

10.3 No HTA equipment, autos, trucks, buses, instruments, tools, supplies, machines or other property may be used by an employee while engaged in an outside activity, for compensation or otherwise, except on prior order by the HTA Governing Board, nor shall an employee allow another person to rent, borrow or use HTA property for personal gain.

11. SECTION 11 BENEFITS

11.1 Earned Leave

- i) HTA recognizes the need for employees to have time away from work due to illness, and for personal rest and relaxation. Earned Leave is provided to regular employees for this purpose.
- ii) Leave time accrued will be earned leave.

- iii) Earned leave time may not be taken until after it has been earned as provided in this section, except with permission of the General Manager. An employee earns leave time based on the number of years in a paid status, regardless of the rate at which such hours are compensated (e.g., straight time or time and one-half). Hours worked for salaried employees are calculated at the full-time rate of forty (40) hours per week unless other arrangements are made.
- iv) Earned leave shall accrue at the following rates beginning on the first hour compensated after completion of the training period:

<u>Years Compensated</u>	<u>Rate</u>
Less than 3 Years	.119
3-6 Years	.131
7-9 Years	.140
10-14 Years	.150
15-19 Years	.169
Over 20 Years	.188

- v) The appropriate rate from the table above will be multiplied time the number of hours in a paid status to calculate the number of hours of accrued earned leave time.
- vi) If an employee separates from service with accrued earned leave time their credit, they shall be paid for such time at the employee's rate of pay as of the last day actually worked.
- vii) If an employee dies with accrued earned leave time to their credit, the person designated by the employee pursuant to Government Code Section 53245 or, if none, the executor or administrator of the employee's estate will be paid for such time at the employee's rate of pay as of the last day actually worked.
- viii) Earned leave time may be cashed-out up to three (3) times annually leaving at least one (1) week of earned leave on the books at the time of cash-out.
- ix) Employees are encouraged to use or cash out earned leave. No more than 480 hours of earned leave may be accrued by any employee. Hours earned above the 480 hour cap will be forfeited.
- x) Except as provided in paragraphs d., e. or f. of this section, employees will not be compensated for accrued earned leave time that is not taken.

11.2 Family Care and Medical Leave

- i) As a public agency, the Family & Medical Leave Act (FMLA) and California Family Rights Act (CFRA) apply to HTA. Thus, the following guidelines are

the policy of HTA.

- ii) Federal law requires that to apply for unpaid leave under this policy, an employee must have worked at HTA continuously for at least 12 months and have worked 1,250 hours during the 12 months preceding the leave request. The employee may request unpaid family care and medical leave for up to 12 weeks during the 12 month period for one or more of the following reasons:

- (1) Birth of the employee's child and to care for the child;
- (2) Placement of the child with the employee for adoption or foster care;
- (3) To care for a child, parent or spouse/domestic partner with a serious health condition; or
- (4) A serious health condition which makes the employee unable to perform the functions of their position.

- iii) Covered Conditions:

- (1) A serious health condition is an illness, injury, impairment or physical; or mental condition that involves inpatient care and/or continuing treatment by a health care provider.
- (2) Requests for leave involving a serious health condition will be supported by appropriate certification from a qualified person providing health care to the employee or the family member for whom the employee will care.
- (3) In cases where employees request medical leave for treatment of their own medical conditions, and such treatment is foreseeable, employees should consult with their supervisor and make a reasonable effort to schedule the leave so as not to unduly disrupt HTA's operations, subject to the consent of the employee's health care provider.

- iv) Covered Persons:

- (1) Eligible employees may apply for family or medical leave to care for the following:
- (2) Child - Your biological, step-, foster-, or adopted child, or another person for whom you serve as a parent, under the age of 18, unless the child is physically or mentally incapacitated.
- (3) Parent - Your own biological, adoptive or foster parent or another individual who acted as a parent to you during your childhood.
- (4) Spouse - Your legally married or common-law spouse, or your domestic partner

(5) Self

- v) Leave may, under appropriate circumstances, be taken on an intermittent or part time basis on a schedule that is mutually agreeable.
- vi) With the exception of pregnancy leave, employees must use all accrued unused earned leave before they are eligible to begin using their (unpaid) family or medical leave. During the time they use paid leave, they will continue to accrue benefit time. No benefit time will accrue during the time an employee uses unpaid family or medical leave.

vii) Notice

- (1) An employee requesting leave must provide reasonable advance notice whenever possible. Requests must be submitted in writing to their supervisor indicating the leave start and return dates, the reason for the leave, and, if involving a serious medical condition, certification by a qualified health care provider. At the time the leave is requested, the employee's supervisor will discuss with the employee the applicable rules regarding the duration and scheduling of the requested leave.

viii) Benefits

- (1) The employee's eligibility for group health plan benefits during the family care and medical leave will continue to the same extent and under the same conditions as apply during the employee's regular employment. The employee will not earn vacation, holidays, or health leave during unpaid family care and medical leave. The employee will also be responsible for paying *their portion of costs for health insurance benefits during the period of unpaid leave*.
- ix) Reinstatement : Upon termination of the family care and medical leave, the employee will be reinstated to the same or equivalent position to the extent provided by applicable law.
- x) Verification: HTA may require medical verification of family or employee medical condition.

11.3 California Paid Family Leave

- i) Under California law, employees are also eligible to take up to 6 weeks of paid Family and Medical Leave within a 12 month period. Coverage for the paid leave is paid at a rate of 55% of the employee's normal wage. Leave may be taken all at once or in increments that are mutually agreeable to the employee and their supervisor. There is a 7 day, unpaid waiting period before the employee may use the paid family medical leave. Any period of paid leave through the State will be considered part of the 12 weeks leave described

above, and not an additional leave period.

11.4 Pregnancy Disability Leave

- i) Pregnancy, childbirth, or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on leave.
- ii) Any employee planning to take pregnancy disability leave should advise their Supervisor as soon as possible. The individual should plan to meet with their Supervisor to discuss the following conditions:
 - (1) Employees who need to take pregnancy disability must inform the agency when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees must consult with their Supervisor regarding the scheduling of any planned medical treatment in order to minimize disruption to the operations of HTA.
 - (2) If 30 days notice is not possible, notice must be given as soon as practical.
 - (3) Upon the request of an employee and recommendation of the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and her child.
 - (4) Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached.
 - (5) Temporary transfers due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.
 - (6) Pregnancy disability leave usually begins when ordered by the employee's physician. The employee must provide the agency with a certification from the health care provider. The certification indicating disability should contain:
 - (7) The date on which the employee became disabled due to pregnancy;
 - (8) The probable duration of the period or periods of disability; and

- (9) A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- (10) Pregnancy leave returns will be allowed only when the employee's physician sends a release.
- (11) An employee will be allowed to use accrued earned, vacation, sick or personal leave time, if otherwise eligible to take the time, during a pregnancy disability leave.
- (12) Duration of the leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months. Part time employees are entitled to leave on a pro-rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.
- (13) Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of two weeks.
- (14) Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her 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 the employee had been continuously employed.

11.5 Coordination of Pregnancy Disability Leave with Family/Medical Leave

- i) If an employee takes pregnancy disability leave and is eligible under the federal or state family and medical leave laws, the agency will maintain group health insurance coverage for up to a maximum of 12 work weeks (if such insurance was provided before the leave was taken) on the same terms as if the employee had continued to work. Leave taken under the pregnancy disability policy runs concurrently with family and medical leave under the federal law, but not family and medical leave under California Law. If the employee is ineligible under the federal and state family and medical leave laws, while on pregnancy disability they will receive continuous paid coverage on the same basis as other medical leave that the agency may provide and for which the employee is eligible. In some instances, the agency may recover premiums it paid to maintain health coverage for the employee if the employee fails to return to work following pregnancy disability leave.

- ii) If the employee is on pregnancy disability leave and is not eligible for continued group coverage, or if paid coverage ceases after 12 work weeks, the employee has the option to continue coverage through the agency's health insurance provider, in accordance with their guidelines.

11.6 Lactation Accommodation Law

- i) Under California's Lactation Accommodation Law of January 1, 2002, HTA will provide break time for an employee to express breast milk for the employee's infant child. If possible, the break time will coincide with the employee's paid break time. If not, the break time need not be paid. Employees that prefer to work while expressing breast milk by reading or reviewing work related materials will be allowed to do so, however, if additional time is needed and unpaid, HTA will consider allowing employees to arrive earlier or stay later than their normal work schedule to make up their time.
- ii) HTA will make a reasonable effort to provide an employee with the use of a room or other location for the employee to express milk. This space will be private and in close proximity to the employee's work area. This space might be a vacant office or a room which can be arranged to be used by the lactating employee during specific times of the day. The room will be made private by having a lock on the door, placing a message on the door that the room is in use, drawing blinds or curtains, covering curtain-less windows with paper, if necessary, or setting up a portable partition.

11.7 Organ & Bone Marrow Donor Paid Leave

- i) In accordance with California law, employers with 15 or more employees are required to provide paid leave for any employee who is donating an organ or bone marrow. HTA employees may take up to five (5) days of paid leave for bone marrow donation, and up to thirty (30) days of paid leave for organ donation. Leave under this provision can be taken intermittently. No specific limits on intermittent leave (e.g. minimum increments) have to be specified.
- ii) HTA will maintain the employee's group health coverage during the leave. When the leave ends, HTA will restore the employee to the same position or an equivalent (meaning equivalent salary/benefits /promotional opportunities etc.) position. The leave period is a maximum per year. The leave is in addition to FMLA and CFRA leave and is not to be counted against FMLA or CFRA leave banks. The leave will not be considered as a break in service for purposes of the employee's right to salary adjustments, earned leave, annual leave or seniority.

- iii) If, at the time the employee takes the leave, the employee had any accrued but unused earned leave, HTA can require that this accrued leave be credited against the 5-day bone marrow transplant leave. HTA may also credit a maximum of two weeks of accrued, unused earned leave for any organ donor leave.
- iv) HTA can require the employee to provide written documentation from a medical provider that the employee is donating an organ or bone marrow and that there is a medical necessity for the donation in order to verify the employee's right to the leave. HTA will not discriminate or retaliate against an employee because they utilized this leave. HTA will not interfere with an employee's leave rights.

11.8 School Activities

- i) Employees are encouraged to participate in the school activities of their child(ren). The absence is subject to all of the following conditions:
- ii) Parents, guardians or grandparents having custody of one or more children in kindergarten or grades one to 12, or in a licensed day care facility, may take time off for a school activity;
- iii) The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of 40 hours each school year, and must be approved in advance by the employee's Supervisor;
- iv) Employees planning to take time off for school visitations must provide as much advance notice as possible to their supervisor;
- v) Employees must use accrued Earned leave time in order to receive compensation for this time off;
- vi) Employees who do not have paid time off available will take the time off without pay,
- vii) If both parents are employed by HTA, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by their supervisor, and
- viii) Supervisor may require the employee to provide documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.

11.9 School Suspension Leave

- i) If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert their supervisor as soon as possible before leaving work. No discriminatory action will be taken against an employee who takes time off for this purpose.

11.10 Bereavement Leave

- i) Up to five (5) days, based on the number of hours worked per day, of paid bereavement leave will be granted to employees because of death in the immediate family. Family is defined above in Section 11.2.

11.11 Holidays

- i) Employees are entitled to the paid holidays listed below provided they are in a paid status during any portion of both the normal working day immediately preceding and the normal working day immediately following the scheduled holiday.

- (1) January 1 (New Year's Day)
- (2) Third Monday of January (Martin Luther King Jr. Day)
- (3) Fourth Monday in May (Memorial Day)
- (4) July 4th (Independence Day)
- (5) First Monday in September (Labor Day)
- (6) Eleventh day of November (Veteran's Day)
- (7) Fourth Thursday in November (Thanksgiving Day)
- (8) Fourth Friday in November
- (9) Twenty-fourth of December (Christmas Eve)
- (10) Twenty-fifth day of December (Christmas Day)
- (11) Any holiday declared by the HTA Governing Board

- ii) Employees shall be paid eight (8) hours of straight-time at the holiday pay rate for each such holiday listed above, provided they are not called in to work.
- iii) In addition to the holidays listed in Section 11.4 a. each employee shall be paid eight (8) hours of pay on their birthday at that employee's regular rate of pay.

11.12 Military Duty Leave

- i) HTA will comply with all laws related to employees' veteran and military duty leave rights. Employees who serve in the Military and take Military leave of absence must submit written verification from the appropriate military authority. Such leaves are granted without pay. HTA will reinstate those

employees returning from military leave to their same position or one of the comparable seniority, status, and pay if they:

- (1) obtain and provide a certificate of satisfactory completion of service;
- (2) apply within three (3) months after release from active duty or within such extended period, if any, as their rights are protected by law; and are qualified to fill their former position.

- ii) Exceptions to this policy will occur wherever necessary to comply with applicable laws.

11.13 Leaves of Absence

- i) A leave of absence without pay may be granted to employees when:

- (1) The employee submits to the General Manager a written request for such leave, stating the reasons therefore and the period of absence requested.
- (2) Such reasons and period of absence appear reasonable to the General Manager.
- (3) In the opinion of the General Manager such leave may be granted without impairing HTA's operations.

- ii) A leave of absence with pay shall not be granted under any circumstances.

- iii) No leave of absence shall be granted for a period of more than one calendar year, and no leave of absence which would create a total of more than 365 days in five consecutive years will be granted. Prior to the expiration of the period of leave granted, the employee may, on twenty-four hours' notice to the General Manager, voluntarily return to work. Leave of absence may be terminated when the General Manager determines that the reasons stated for the leave were falsified, have sooner been accomplished, have become incapable of being accomplished, or that the employee has accepted other gainful employment, except as stated in paragraph e. of this section. A leave of absence granted because of physical or mental impairment shall be terminated by the General Manager prior to the expiration of the period of leave granted if a physician determines either that the employee is able to return to work or that the employee will not become able to return to work within the period of the leave. HTA may file an application for disability retirement on behalf of an employee notwithstanding that the employee has been granted a leave of absence.

- iv) HTA will continue to provide medical insurance coverage as stated in Section 23 hereof to an employee on leave of absence for the first ninety (90) days of such leave if the leave is for qualified medical or family medical leave reasons. The employee may continue coverage at their own expense

thereafter. If the leave is for other reasons, benefits will continue only through the month following initiation of the leave. Employees on a leave of absence or administrative leave will not receive health insurance opt out incentive payments.

- v) Leave of absence will be granted only on grounds that appear reasonable to the General Manager. Such grounds include properly supported requests for leave for medical reasons, including reasons related to pregnancy and childbirth. Leave of absence will not be granted for the purpose of seeking or accepting other gainful employment except temporary gainful employment not related to the reasons the leave was granted or working in a family-owned business on an emergency basis. The determination as to the number of employees to be granted leaves of absence at any time is vested solely in HTA. The General Manager may require an employee requesting or taking leave of absence for medical reasons to submit a physician's written statement as to the employee's condition, the need for the leave, and the expected duration of the leave.
- vi) An employee granted a leave of absence for medical reasons, including reasons related to maternity, may use accrued Earned leave before taking the leave of absence.
- vii) Employees failing to report for work on their next scheduled working day after expiration or termination of a leave of absence shall be considered to have voluntarily resigned.
- viii) If a probationary employee is granted a leave of absence, their probationary period shall be extended for the same number of days as were taken in leave of absence.

11.14 Jury Duty

- i) Employees may willingly accept jury duty as one of the obligations of citizenship. The employee shall provide the summons and other relevant documents to their immediate supervisor as soon as possible to allow for adjustment of work schedules. However, the General Manager shall notify jury officials when jury service by an employee would seriously impair the operations of HTA.
- ii) Court-paid reimbursements may be retained by the employee at their option. An employee shall not lose compensation while serving on a jury or as a subpoenaed witness. A voluntary or subpoenaed court appearance as a party or as an expert witness will not be considered paid status, but the employee may keep any fees received.

11.15 Travel Expenses

- i) Employees will be reimbursed for travel per HTA's Procurement Policy.

11.16 Damage to Clothing and Personal Effects

- i) On approval of HTA and in accordance with the provisions of Section 53240 of the Government Code, employees may be paid the cost of replacing or repairing clothing or prostheses, such as eyeglasses, hearing aids, dentures, watches or articles necessarily worn or carried by the employee when such items are damaged or destroyed in the line of duty without fault of the employee.

11.17 Medical and Other Insurance

- i) HTA shall make available medical and dental insurance and vision care reimbursement to all employees and their dependents.
- ii) During the term of this Manual, HTA intends to contract with the California Public Employees' Retirement System (CalPERS) for health insurance.
- iii) For all active unrepresented HTA employees and their dependents, HTA shall pay 100% of the cost of the monthly premium in an amount equal to the least expensive plan offered by CalPERS in Humboldt County. An employee may opt out of medical benefits to the extent allowed by law. An employee opting out of employer sponsored health insurance must provide written proof of coverage in another Patient Protection and Affordable Care Act compliant group health insurance plan and that the employee is not obtaining health coverage as a dependent on another public agency's CalPERS health plan. An employee opting out of employee sponsored health insurance who provides this written proof will receive an opt out incentive equal to 100% of the employee-only premium for the least expensive plan offered by CalPERS in Humboldt County.
- iv) HTA shall contribute towards the dental program the same percentage of premium as the health insurance.
- v) HTA shall contribute towards the vision care program \$300 per employee and \$150 per dependent, per calendar year, annually. In order to be compensated for vision care expenses an employee must submit receipts from a bona fide vision care provider and/or optical dispenser.
- vi) HTA shall pay 100% of the cost of a \$10,000 life insurance policy for each employee under 65, and \$6,500 for those 65 or older.

11.18 Retirement

- i) HTA will make the following contributions to employee retirement and medical benefits in retirement while the retired HTA employee is primary on the insurance. HTA will not owe these benefits to a former employee's survivor or beneficiary. Under no circumstances will an employee who has been terminated from employment with HTA be eligible for retiree medical benefits for themselves and/or their dependents to be reimbursed by HTA in excess of minimum CalPERS requirements.

ii) Employees Hired Prior to June 1, 2016:

- (1) Eligible employees will be enrolled in the Public Employees' Retirement System (CalPERS), including the 1959 Survivors' Benefits. HTA will contribute both the employer's and the employee's shares required by CalPERS for Classic members and the employer's share for PEPRAs members
- (2) Eligible employees are defined and the provisions of the retirement plan are contained in the contract between HTA and CalPERS, as it exists on the effective date of this Manual or as it is amended during the term of this Manual.
- (3) HTA agrees to reimburse the employee directly for the cost of medical insurance benefits in retirement for all eligible and qualifying retired unrepresented HTA employees and their dependents. For all eligible and qualifying retired HTA employees, HTA shall pay 100% of the cost of the least expensive medical insurance plan premium available in Humboldt County. For all eligible and qualifying retired unrepresented HTA employees' dependents, HTA shall pay 95% of the cost of the least expensive insurance plan premium for medical benefits with the retiree paying 5%.

iii) Employees Hired as of June 1, 2016:

- (1) Eligible employees will be enrolled in the Public Employees' Retirement System (CalPERS), including the 1959 Survivors' Benefits. HTA will contribute both the employer's and the employee's shares required by CalPERS for Classic members and the employer's share for PEPRAs members.
- (2) Eligible employees are defined and the provisions of the retirement plan are contained in the contract between HTA and CalPERS, as it exists on

the effective date of this Manual or as it is amended during the term of this Manual.

- (3) HTA shall reimburse the employee directly for 100% of the cost of the least expensive medical insurance premium available in Humboldt County for the retired employee only.

iv) Employees Hired as of August 3, 2023:

- (1) Eligible employees will be enrolled in the Public Employees' Retirement System (CalPERS), including the 1959 Survivors' Benefits. HTA will contribute the employer's share and the employee will contribute the employee share required by CalPERS.
- (2) Eligible employees are defined and the provisions of the retirement plan are contained in the contract between HTA and CalPERS, as it exists on the effective date of this Manual or as it is amended during the term of this Manual.
- (3) HTA shall reimburse the employee directly for 100% of the cost of the least expensive medical insurance premium available in Humboldt County for the retired employee only after fifteen (15) years of service.

11.19 Workers Compensation

- i) Employees are covered by Workers' Compensation in accordance with the Workers' Compensation laws of California.

11.20 Free Transportation on HTA Transit Services

- i) HTA shall issue identification cards to be used by off-duty employees and their spouses, domestic partners, and dependent children living in the employee's home to ride the transit services offered by HTA at no charge. Eligible family members may be required to recertify annually. Cards will be revoked if abuses occur, such as joy riding or vandalism.

12. SECTION 12 RESIGNATION AND LAYOFF

- 12.1 An employee who resigns shall, at least two (2) weeks prior to leaving, present a written resignation to the General Manager, stating the effective date and the reason for resignation. Failure to comply with this requirement or with the notice period will be recorded in the employee's personnel file and may be cause for denying future employment with HTA.

12.2 HTA may lay off employees due to lack of work, lack of funds, a reduction in budget, or administrative reorganization. Unrepresented permanent employees shall be notified in writing at least two (2) weeks prior to the effective date of layoff.

12.3 An employee rehired within six (6) months of layoff will be reinstated to the earned leave accrual rate earned at the time of layoff. No reinstatement of benefits will be made for employees rehired six (6) months or more after layoff. An employee rehired one (1) year or more after layoff must serve a new probationary period.

13. SECTION 13 WORK RULES, DISCIPLINARY ACTION AND DISMISSAL

13.1 HTA seeks to provide a productive and mutually supportive work environment for all employees. HTA in turn expects a productive work effort and the recognition of responsibility on the part of employees. Each of us has the responsibility to our fellow workers to conduct ourselves according to certain rules of good behavior, conduct and performance. To facilitate this environment, work rules are listed below and employees are expected to read, understand, and follow these rules in their day-to-day work.

13.2 Work Rules

- i) Violation of the following work rules shall constitute cause for disciplinary action up to and including dismissal. Violations can result in dismissal without notice.
- ii) This list is illustrative and not necessarily inclusive of all grounds for disciplinary action.
 - (1) Intentional gross misconduct.
 - (2) Threats to the rights and safety of others, including both verbal and physical acts.
 - (3) Stealing, misappropriation, or misuse of HTA funds or property or the property of others, or incurring unauthorized expenditures.
 - (4) Language or actions which are inappropriate to the workplace or which create a harassing environment (see harassment policy).
 - (5) Reporting to work under the influence of alcoholic beverages or illegal drugs; use, sale or possession of illegal drugs or narcotics in the workplace; or any other violation of HTA's alcohol and drug policies.

- (6) Criminal convictions where the conviction casts valid doubt on the employee's ability to perform the job.
 - (7) Unsatisfactory work performance, and failure to respond or improve after an evaluation or corrective action plan has failed to produce a performance improvement.
 - (8) Willful neglect of assigned duties.
 - (9) Insubordination (including, but not limited to, refusal to do assigned work).
 - (10) Falsification of agency records such as time records, employment applications, expense reports, etc.
 - (11) Fraud in securing employment.
 - (12) Violation of client or employee confidentiality.
 - (13) Violation of conflict of interest policies.
 - (14) Violations of safety rules or the gross or intentional endangerment of the safety of self or co-workers.
 - (15) Failure to follow guidelines for appropriate attire.
 - (16) Being a party to misuse of the agency's funds, graft, or receiving fees or gifts for use of vehicles, supplies or equipment.
 - (17) Excessive absences or lateness.
 - (18) Willful mismanagement, misappropriation, lack of due care or other violations contrary to established restrictions on funds under HTA management.
 - (19) Visiting, loitering, loafing, lounging or sleeping during scheduled working hours, or leaving the workplace without notification to one's supervisor.
 - (20) Failure to comply with HTA's policies, as stated in this Personnel Policy Manual for Unrepresented Employees or in other memoranda to employees.
- iii) Incapacity due to mental or permanent physical disability rendering the employee unable to perform job duties.

13.3 Disciplinary Action

- i) A permanent employee may be disciplined by action including, but not limited to, a written reprimand, suspension, demotion, reduction in pay, or dismissal. An employee has no right of appeal from any such disciplinary action.
- ii) Except as set forth in paragraph c. hereof, any proposed disciplinary action which may result in dismissal, suspension without pay, demotion or reduction in compensation shall be set forth in writing to the employee at least five (5) working days before the proposed effective date of the action, stating: 1) a description of the proposed action and its effective date; 2) a clear and concise statement of the acts or omissions upon which the proposed action is based; 3) a statement that a copy of the materials upon which the proposed action is based is attached or available for inspection on request; 4) a statement advising the employee of the right to respond in writing within three working days of the proposed action; 5) a statement that if no timely written request to respond is given by the employee, the General Manager may proceed to order action. Such notice shall be given by personal delivery or by certified mail. If notice is sent by certified mail, it shall be deemed received no later than three (3) calendar days after the day stated on HTA's receipt for the certified mail.
- iii) If an employee's actions clearly indicate that the employee's continued presence at the worksite would constitute a threat to property or to the health or safety of the public or persons employed by HTA, the employee may be suspended without pay prior to giving the notice referred to in paragraph b. hereof. Such notice shall be given as soon as practicable thereafter.
- iv) A response meeting will be scheduled as soon as practicable, but in no event later than five (5) working days after the request for such meeting is made. The time and place of such meeting shall be agreed upon among the employee and the General Manager. If a meeting is scheduled after the effective date of the proposed action, the General Manager shall not take the proposed action until they have rendered a written order after the response meeting.
- v) A final written order of disciplinary action resulting in dismissal, suspension without pay, demotion or reduction in compensation shall state the effective date of such action and the acts or omissions on which the action was based and shall be given to the employee. If the employee requested and participated in a response meeting as provided in paragraph d hereof, the General Manager shall issue and give a copy of such order to the employee within three (3) working days of the conclusion of the response meeting.
- vi) The Board of Directors is responsible for personnel actions (performance

reviews, disciplinary oversight, hiring/firing) related to the General Manager. Any employee who feels the General Manager has violated a work rule, is harassing an employee, is engaging in illegal activities, or is failing to perform job duties should set forth, in writing, their grievances to the Chairperson of the board. The Chairperson is then responsible for bringing the matter to the attention of the full board and implementing the appropriate grievance procedures.

13.4 Dismissal

- i) A regular employee may be dismissed at any time by the General Manager with or without cause. An employee has no right of appeal from any such disciplinary action. A probationary employee may be dismissed at any time during a probationary period without right of appeal or hearing.

14. SECTION 14 POLICY AGAINST HARASSMENT IN THE WORKPLACE

- 14.1 Humboldt Transit Authority has adopted a Zero Tolerance Policy against Harassment in the workplace. In compliance with federal and state law, Humboldt Transit Authority has adopted policies and procedures that not only define and prohibit various forms of harassment, but also outline complaint and investigation procedures, manager and supervisor responsibilities, and anti-retaliation policies. All employees will receive a copy of the harassment policy upon hire and each time there are updates. Compliance with this policy is required for employment at HTA. Any questions regarding harassment and/or complaint procedures should be directed to the General Manager

15. SECTION 15 DRUG AND ALCOHOL POLICIES

- 15.1 As required by United States Department of Transportation regulations, A Procedures for Transportation Workplace Drug and Alcohol testing Programs 49 CFR part 40; United States Department of Transportation, Federal Highway Administration (FHWA) regulations, Controlled Substances and Alcohol Use and Testing 49 CFR part 655, et al.; United States Department of Transportation, Federal Transit Administration (FTA) regulations, Prevention of Alcohol and Prohibited Drug Misuse in Transit Operations 49 CFR part 655; and the Federal Drug-Free Workplace Act of 1988 The Humboldt Transit Authority has adopted a Drug-Free Workplace Policy and Drug and Alcohol Testing Program.
- 15.2 All employees are responsible for understanding and complying with HTA's Drug-Free Workplace and Drug and Alcohol Testing Program policies, as applicable to their position.

15.3 Drug-Free Workplace Policy

- i) In accordance with the Drug-Free Workplace Act of 1990, the Humboldt Transit Authority is committed to providing a drug-free workplace for its employees. The unlawful manufacture, distribution, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees. Employees violating any of these prohibitions will be subject to disciplinary action up to and including dismissal.
- ii) Each HTA employee, as a condition of employment, shall agree to abide by the terms of this policy statement and will be required to sign a statement acknowledging that employment is contingent upon compliance with this policy.

15.4 Drug and Alcohol Testing Policy

- i) Overview of Policy, Intent, and Employee Responsibility
 - (1) To ensure that the workplace remains free from the effects of drugs and alcohol, to promote the health and safety of employees and the general public, to ensure that HTA services are delivered safely, efficiently, and effectively, and in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991, HTA has established policies to maintain a drug and alcohol-free work environment. As part of these policies HTA has established guidelines for testing for substance use.
 - (2) Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
 - (3) All employees are responsible for understanding and complying with the provisions set forth in the Drug and Alcohol Testing Policy.
- ii) Applicability
- iii) This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full or part-time) performing safety sensitive duties. A safety-sensitive function is operation of mass transit service including the operation of a

revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any other transit employee who is required to hold a Commercial Drivers License. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service.

16. SECTION 16 SAFETY

16.1 Safety in the workplace as well as in the operation of our vehicles is of the first importance.

16.2 Vehicle Safety: All operation should be conducted with safety in mind. Every consideration will be given to other motorists, bicyclists, and pedestrians, with whom we share the streets and highways. No act that endangers the well-being of others will be committed intentionally.

16.3 Safety supervision of our fleet operation shall be continuous, and the responsibility for this supervision will be shared by all persons (management and employees). Unsafe equipment, procedures, or working conditions will be reported and corrected immediately.

16.4 Workplace Safety: The personal safety and health of each employee of this agency is of primary importance. Prevention of occupationally-induced injuries and illnesses is of such consequence that it will be given precedence over operating productivity. Unsafe conditions, workplace, equipment, and tools must be reported immediately to your supervisor.

16.5 Employees must report all work-related accidents or illness to their Supervisors regardless of how minor. Upon becoming aware of a work-related accident, Supervisors must contact the General Manager or designee for the appropriate reporting forms. Furthermore, if a work-related injury or illness requires medical attention by our authorized Occupational Health Program, a worker's compensation claim must be made out that same day by the employee's Supervisor and the General Manager or designee must be contacted.

16.6 Perfection in the operation of our business will be our goal so that accidents of all kinds will be reduced to the lowest possible number. Humboldt Transit Authority employees should be guided in their actions by our safety policy and work together as a team to achieve our goal of being the safest bus company in the Country.

17. SECTION 17 OTHER EMPLOYEE RESPONSIBILITIES

17.1 Dress Code

- i) Employees are expected to wear clothing and safety equipment appropriate for the nature of our business and the type of work performed. Clothing should be neat, clean and tasteful. Uniforms, when issued, should be worn on duty and should be neat, clean, and properly worn.

17.2 Client and Community Relations

- i) HTA clients and other community members accessing HTA services are to be treated with courteousness and respect at all times. Employees are expected to respond to all inquiries, whether in person, by telephone or by email, promptly and professionally.

17.3 Confidentiality

- i) Employees are prohibited from revealing or divulging any confidential business information (i.e. funding sources, payroll information, employee information, contracts, etc.) unless it is necessary to do so in the performance of their duties. Access to confidential client information should be on a “need-to-know” basis and must be authorized by their supervisor. All client files are to be considered confidential and should be maintained in a manner that protects the confidentiality of the individual/organization.
- ii) Inquiries regarding an employee’s status, wages, hours of work, work performance or any other type of reference or request shall be directed to the General Manager or designee, without exception. Release of any confidential information about an HTA employee to an outside party without the consent of the General Manager (and in some cases the employee) will be cause for disciplinary action up to and including termination of employment.

17.4 Prohibited Conduct

- i) Conduct that threatens or adversely affects the security, personal safety, employee welfare or HTA’s operations is prohibited and will not be tolerated. Such conduct will subject any employee to disciplinary action up to and including dismissal.

17.5 Off-duty Conduct

- i) Illegal off-duty conduct by an employee that adversely affects HTA’s legitimate business interests or an employee’s ability to perform their job may result in disciplinary action up to and including dismissal.

17.6 Off-duty Use of Facility

- i) Employees are expressly prohibited from using HTA facilities, property or equipment for personal use. Occasional exceptions may be permitted with the prior approval of the General Manager.

17.7 Conflicts of Interest

- i) Employees of HTA are expected to avoid situations involving actual or potential conflicts of interest. Personal, business or romantic involvement with a vendor, client, volunteer, customer or subordinate employee of the agency, which impairs an employee's ability to exercise good judgment on behalf of HTA creates an actual or potential conflict of interest.
- ii) To avoid any perception of HTA's not adhering to its policy of a merit-based criteria for the hiring of staff and the selection of vendors and contractors, HTA requires employees with a personal (close friendship or family/blood relative) relationship with a current or prospective HTA contractor, employee, or candidate for employment to immediately make a full disclosure of this fact to the General Manager. HTA management will then make a determination as to whether a conflict of interest exists and, if so, whether it may be properly mitigated. An employee who is found to have willfully withheld information on a conflict of interest will be subject to disciplinary action, up to and including termination.
- iii) Supervisor-subordinate romantic or personal relationships can also lead to supervisory problems, possible claims of sexual harassment, and morale problems.
- iv) Ownership or significant investment in any of the organization's vendors or customers may create a real or potential conflict of interest.
- v) An employee involved in any of the types of relationships or situations described in this policy should immediately and fully disclose the relevant circumstances to their immediate supervisor, or any other appropriate supervisor, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, HTA may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action.
- vi) HTA must abide by state and federal conflict of interest guidelines. All employees are responsible for understanding and following HTA's Conflict of Interest Code.

17.8 Communications and Media Relations

- i) Employees of HTA who seek to release information about the organization and its services through the newspapers, radio, television and other forms of electronic media as a press release must have the prior approval of the General Manager. Staff is asked to submit the material with as much advance notice as possible to allow for review. The General Manager shall review the material in question and respond in a timely fashion.
- ii) Any information about the agency, its products or services, or other types of information that will appear in the electronic media about HTA must be approved by the General Manager before the information is placed on an electronic information resource that is accessible to others.

17.9 Use of HTA Facilities and Parking Lot

- i) HTA facilities are for official Authority business use only. No personal autos, equipment or any other property may be stored on HTA property, except as provided by employee storage lockers.
- ii) The Humboldt Transit Authority (HTA) Employee Parking Lot was established for the safety and convenience of the HTA employees and their personal property. Establishing parking guidelines is essential to maintain consistency and equity of parking spaces for employees, to enhance safety and to protect the organization from fraud and possible litigation.
- iii) Therefore, upon formal adoption by the HTA Governing Board of Directors the following policies and procedures for parking on or in the HTA Employee Parking Lot will be enforced by the HTA staff:
 - (1) This policy applies to all full-time and part-time HTA employees who park their personal vehicles inside the secured employee parking lot.
 - (2) The HTA Employee Parking Lot is available only to persons in active employment with the HTA organization as well as guests with prior authorization from the HTA management.
 - (3) Employees will enter and exit using the gate closest to their designated parking area. The purpose of this stipulation is to limit the amount of vehicle traffic crossing the path of the bus maintenance bays.
 - (a) Drivers and staff will enter and exit using the V Street gate.
 - (b) Maintenance Department employees will enter and exit using the W Street gate.
 - (4) The speed limit in the HTA Employee Parking Lot is 5 mph and will be

strictly enforced.

- (5) Designated parking spots for the late night runs will be posted with the hours that those spaces must be left available for the late night run drivers.
- (6) Each employee will be allowed to park one (1) vehicle at a time in the HTA Employee Parking Lot.
- (7) Storing of employee's personal vehicles in the HTA Employee Parking Lot is strictly prohibited.
- (8) Personal vehicles which are leaking fluids such as hydraulic, brake fluid, oil or other toxic fluids will not be permitted to park on any HTA property as this is a direct violation of HTA's adopted Storm Water Pollution and Prevention Plan.
- (9) Employees who have been terminated from employment at HTA will not be allowed to park in the HTA Employee Parking Lot past their effective date of termination.
- (10) Under the reasonable accommodation requirements of the Americans with Disabilities Act (ADA) an employee with a disability who requests an accessible parking space will be required to:
 - (a) Validate that they have an ADA qualifying condition that requires an accessible parking space close to the accessible entrance, with an attached physician's directive stating the duration of the condition.
 - (b) Submit their request with the supporting documents to the HTA General Manager for review and approval.
 - (c) Upon approval the employee submitting the request for accessible parking will be notified in writing that they are authorized to use the accessible parking space. Such approval will be issued within a reasonable amount of time.
- (11) HTA is not liable for the cost of any damages to any privately owned vehicles parked in the HTA Employee Parking Lot unless an HTA owned vehicle is involved in the incident/accident and the incident/accident is determined to have been the fault of the person driving the HTA owned vehicle. For damages arising from an incident/accident which does not involve an HTA owned vehicle, employees are advised that their personal car insurance is the primary mechanism for monetary restitution for such damages.
- (12) Employees must submit a copy of the current registration and proof of

insurance for all vehicles which will be parked in the HTA Employee Parking Lot before parking such vehicles inside the HTA Employee Parking Lot.

(13) Violations of this policy will result in loss of parking privileges.

18. SECTION 18 PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

18.1 All individuals who are offered full-time, temporary or part-time employment may be required to submit to a physician's examination and/or controlled substance test at Authority expense. The examining physician will be provided a description of the job involved (including physical requirements of typical tasks) to assist in a determination of the individual's fitness to work.

18.2 Employment will not occur until after a negative controlled-substance test result is certified, and until after a qualified physician has certified the individual as fit to perform the type of work required by the position applied for. The General Manager may authorize the hiring of an individual in advance of these certifications if they believe waiting may jeopardize the Authority's opportunity to secure an appropriately qualified candidate or in emergency situations. However, such pre-certification offers of employment shall clearly specify that they are conditional upon a negative controlled-substance test result and/or the physician's fitness-for-work certification, and that employment will be terminated if controlled-substance test results in a positive outcome or if the physician does not certify the employee as fit to perform the type of work required for the position.

18.3 Employment will not occur if the individual refuses to cooperate in the examination and testing.

18.4 Retesting of an individual who was previously employed on a temporary, part-time or full-time basis will be required if more than three months have elapsed since the individual's last day of work for the Authority.

18.5 All test results shall be kept confidential. The applicant may be told they failed to pass the test, but only the General Manager and their confidential designee shall have access to the actual test results.

18.6 Authority employment application forms shall contain a notice to applicants as follows:

- (1) The Authority has a policy of requiring a physician's physical fitness exam, together with urine drug testing of persons who have been offered employment in safety-sensitive positions. Individuals who are determined by the physician not to be physically fit for duty, or who test positive for

controlled substances, will not be employed. If you have reason to believe that you will not pass a physician's physical examination, or will test positive for the presence of controlled substances, or if you are unwilling to consent to such an examination or test if offered employment, it is recommended that you not submit an application.

19. SECTION 19 "HIPAA" COMPLIANCE

19.1 Authorization as required under the Health Insurance Portability and Accountability Act (HIPAA) for disclosure of protected health information (PHI) will be a condition of employment or continued employment with the Agency to the fullest extent allowed by law. This is applicable to pre-employment physicals, drug testing, leave-of-absence requests, fitness-for-duty physicals, and any other lawful need for medical information. Refusal to authorize release of PHI in any of the above instances will be grounds for discipline up to and including termination.

20. SECTION 20 INTERNET, E-MAIL, AND ELECTRONICS COMMUNICATION ETHICS, USAGE AND SECURITY

20.1 HTA believes that employee access to and use of the Internet, e-mail, and other electronic communications resources benefits the Authority and makes it a more profitable and successful local public agency. However, the misuses of these resources have the potential to harm the Authority's short and long-term success.

20.2 HTA has established this ethics, usage, and security policy to ensure that all Authority employees use the computer resources, which the Authority has provided its employees, such as the Internet and e-mail, in an ethical, legal, and appropriate manner. This policy defines acceptable and unacceptable use of the Internet, e-mail, and other electronic communications.

20.3 This policy also establishes the steps the Authority may take for inappropriate use of the Internet and e-mail. All employees must read and adhere to the guidelines and policies established herein. Failure to follow this policy may lead to discipline, up to and including immediate dismissal.

20.4 Employees shall not use the Internet or e-mail in an inappropriate manner. Inappropriate use of the internet and e-mail includes, but is not limited to:

- i) Accessing internet sites that contain pornography, exploits children, or sites that would generally be regarded in the community as offensive, or for which there is no official business purpose to access.

- ii) Participating in any profane, defamatory, harassing, illegal, discriminatory, or offensive activity or any activity that is inconsistent in any way with the Authority's policies (i.e. policy on sexual harassment).
 - iii) Exploiting security weaknesses of the Authority's computing resources and/or other networks or computers outside the Authority.
- 20.5 Internet access is to be used for Authority business purposes only. Use of the Internet should not interfere with the timely and efficient performance of job duties. Access to the Internet and e-mail is not a benefit of employment with HTA. Personal use of the Internet, e-mail, and other electronic communications is prohibited.
- 20.6 Employees do not have any right to privacy in any HTA computer resources, including e-mail messages produced, sent, or received by HTA computers or transmitted via the Authority's servers and network. Employee access to the Internet and e-mail may be controlled by use of a password. The existence of a password does not mean that employees should have any expectation of privacy. Employees must disclose their passwords to the Authority upon request, and the Authority will maintain a file of all passwords currently in use.
- 20.7 Employee access to and use of the Internet, e-mail, and other electronic communications will be monitored. Failure to follow HTA policies may lead to discipline, up to and including immediate dismissal. Disciplinary action may include the removal of Internet and e-mail access from an employee's computer or termination of employment with the Authority.
- 20.8 The Internet and e-mail provide means by which employees may communicate with its customers. Messages to or from customers through the HTA's e-mail system may be considered part of HTA's business records and should be treated as such. State law defines public records to include electronic communications, which are subject to public disclosure.
- 20.9 Deleting an e-mail message does not necessarily mean the message cannot be retrieved from the Authority's computer system. For a specific period of time, the Authority retains backup copies of all documents, including e-mail messages, produced, sent, and received on the Authority's computer system. If an electronic communication qualifies as a public record, it should be printed prior to deleting and retained in hard copy format in accordance with state records retention requirements. Email should be deleted every Ten (10) days.
- 20.10 E-mail and any attachments are subject to the same ethical and legal concerns and standards of good conduct as memos, letters, and other paper-

- based documents. E-mail can be forwarded to others, printed on paper, and is subject to possible discovery during lawsuits in which the Authority may be involved. Employees are admonished not to send anything in an electronic communication that does not comport fully with the Authority's professional standards.
- 20.11 Currently all Authority e-mail being sent is not encrypted. Unencrypted electronic mail is not a secure way of exchanging information or files. Due to the way Internet data is routed, all messages are subject to "eavesdropping." Messages may be "stolen" as they temporarily reside on host machines waiting to be routed to their destination, or they may be purposefully intercepted from the Internet during transfer to the recipient. It is possible for someone other than the intended recipient to capture, store, read, alter/or re-distribute your message. Do not transmit information in an electronic mail message that should not be written in a letter, memorandum, or document available to the public.
- 20.12 Use of electronic mail or the Internet to distribute copyrighted materials is prohibited.
- 20.13 Each user should take the necessary steps to prevent unauthorized disclosure of confidential or privileged information. State law defined whether a particular public record may be treated as confidential or privileged and therefore not subject to public disclosure.
- 20.14 When Authority employees communicate using electronic mail or other features of the Internet, the employee must be extremely mindful of the image being portrayed of the Authority.
- 20.15 Computer viruses can become attached to executable files and program files. Receiving and/or downloading executable files and programs via electronic mail or the Internet without express permission of the Systems Administrator is prohibited. This includes, but is not limited to, software programs and software upgrades. All downloaded files must be scanned for viruses.
- 20.16 Use of another user's name/account, without express permission of the Systems Administrator, to access the Internet is strictly prohibited.
- 20.17 Personal use of the Authority's computer resources for personal commercial activity or any type of illegal activity is strictly prohibited. The Authority will not be responsible for maintaining or payment of personal Internet accounts or related software.
- 20.18 E-mail that users need to retrieve from their personal Internet account must be retrieved via that User's personal Internet account. Authority users shall

not access such personal e-mail account using the Authority's network system, telephone system, modem pool, or communication server.

- 20.19 Employees will only access the Internet through the Authority's network. Internet access through other methods will not be allowed, unless specifically authorized by the Systems Administrator.
- 20.20 Employees will only access the Internet using the approved Internet browser. Any other browser being used on a workstation will be promptly removed.
- 20.21 Employees will respect all copyright and license agreements regarding software or publication they access or download from the Internet. The Authority will not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the license or copyright infringement. Any software or publication, which is downloaded onto Authority computer resources, becomes the sole property of the Authority.
- 20.22 Employees will only download information and/or publications for official business purposes. Employees are to scan all downloaded materials before using or opening them on their computers to prevent the introduction of computer viruses.
- 20.23 All list subscriptions should be for business purposes only. The employee will make sure List Servers are notified when the employee leaves the Authority.
- 20.24 Under no circumstances are files to be installed or downloaded onto Authority computers that are not necessary for Authority functions. This includes specialty screen savers or drivers that are not necessary for general computer use.
- 20.25 Computer games are not to be played on the Authority computers.
- 20.26 Persons who are not HTA staff are not to use Authority computers.

21. SECTION 21 CELLULAR TELEPHONE USAGE

- 21.1 Personal cellular telephones may be used by employees during hours of work for essential personal calls, or for an occasional personal business call.
 - i) Essential personal calls are defined as calls of minimal duration and frequency that are urgent in nature and cannot be made at another time or from a different telephone.

- ii) To the extent possible, personal cellular telephone usage should be confined to rest and lunch breaks, and in locations such that the conversation is not disrupting to other employees or Authority business.

21.2 Personal and Authority-owned cellular telephone usage will not be permitted by employees who are engaged in a continuous operation, such as a member on a utility crew engaged in the construction or repair of Authority facilities.

21.3 Personal and Authority-owned cellular telephones will be turned off or set to vibration mode during meetings, training sessions or during work hours if the employee's work station is in close proximity to others.

21.4 Employees are expected to operate Authority vehicles and equipment in a safe and prudent manner. Therefore, if use of a cellular telephone is necessary while driving Authority vehicles or operating potentially hazardous equipment, employees will wait until the opportunity arises to fully stop their vehicle or vacate their equipment before placing or taking any cellular telephone call. At no time should employees use a cellular telephone while their vehicle is in motion.

21.5 Camera phones shall not be used in situations where any individual may have an expectation of privacy. This includes but is not limited to restrooms, locker rooms and training rooms.

21.6 Text messaging devices shall not be used by employees to communicate with each other during working hours unless specifically authorized for Authority purposes by a supervisor. Writing, reading, or sending a text message while operating any motorized vehicle is prohibited by California law.

21.7 Authority owned phones are for Authority business only. Personal use is not encouraged and will be billed to the employee assigned the phone.

22. SECTION 22 WHISTLEBLOWER POLICY

22.1 If any employee reasonably believes that some policy, practice, or activity of HTA is in violation of law or regulation, a written complaint may be filed by that employee with the General Manager. If the employee believes that the GM may be involved in the illegal practice, the employee should file the written complaint with the Board of Directors.

22.2 It is the intent of HTA to adhere to all laws and regulations that apply to the organization, and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all employees is necessary to achieving compliance with all applicable laws and regulations. An employee is protected from retaliation if the employee brings the alleged

unlawful activity, policy, or practice to the attention of the General Manager and provides the GM with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

22.3 HTA will not retaliate against an employee who, in good faith, has made a protest or raised a complaint against some practice of HTA, or of another individual or entity with whom HTA had a business relationship, on the basis of a reasonable belief that the practice is in violation of law or regulation.

22.4 HTA will not retaliate against an employee who discloses or threatens to disclose to a supervisor or a public body any activity, policy, or practice of HTA that the employee reasonably believes is in violation of a law, or regulation mandated pursuant to law.

23. SECTION 23 CONFLICT OF INTEREST CODE

23.1 Per Government Code 87302, HTA has adopted a Conflict of Interest Code. All employees are responsible for understanding and abiding by this code. All employees and Board Members in positions which make or participate in the making of governmental decisions must disclose all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions.

24. SECTION 24 RETROACTIVITY

24.1 All benefits herein provided which require administrative changes shall be implemented as soon as practicable and with all deliberate speed. Except as otherwise provided, no provision of this Manual is retroactive.