



Employee Handbook

January 2024

Whether you're new to SANDAG or are a continuing employee, this Handbook is written to help you develop a satisfying career by outlining the basic elements of the employment relationship between you and the agency. It is important for you to be familiar with the information in this Handbook. Please review it carefully.

As the need arises, the information in this Handbook may be revised without notice. For future reference, the most recent version of this Handbook will be available on the SANDAG Central SharePoint site. In addition, your Director, supervisor, and the Human Resources team can provide assistance with questions about your employment.

Our vision: Pursuing a brighter future for all.

Our mission: We are the regional agency that connects people, places, and innovative ideas by implementing solutions with our unique and diverse communities.

SANDAG

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Introduction

Chapter 1: Introduction

1.1 NATURE OF EMPLOYEE HANDBOOK

This Employee Handbook contains the employment practices and policies of the San Diego Association of Governments (“SANDAG”) in effect at the time of publication. All previously issued versions of this Employee Handbook, and the policies those contained, and any inconsistent policy statements or memoranda, are superseded.

This Employee Handbook and the policies it contains shall be referred to collectively as the “Handbook.” Nothing in this Handbook, or any other document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued or permanent employment for any employee.

All employees, other than Regular employees hired prior to July 1, 2019, who have completed their introductory period, are “at-will” employees.

1.2 PURPOSE OF THE HANDBOOK

The purpose of this Employee Handbook is to provide fair and systematic policies and procedures for administering all matters affecting the status and activities of employees of SANDAG.

This Handbook is adopted in the belief that the policies it contains are in the best interest of all SANDAG employees. The Handbook is provided to assist employees in rendering their most effective service to the organization and to the public, and for their professional development.

1.3 REVISIONS TO THE HANDBOOK

SANDAG reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits referred to in this Handbook or in any other document without notice. Any such changes must be in writing and must be approved by the SANDAG Chief Executive Officer (CEO). Any written change to this Handbook or any other human resources policies will be made available on the SANDAG Central SharePoint site. No oral statements or representations can in any way change or alter the provisions of the Handbook.

1.4 DUTY TO COMPLY

It shall be the duty of all persons working at SANDAG to comply with and assist in carrying out the provisions of this Handbook and other such policies and procedures as the CEO may issue.

1.5 VARIANCES

The CEO is vested with the power to vary or modify the strict application of the provisions of this Handbook to avoid injustice or when it is in the best interest of SANDAG. Any such variance must be granted in writing and signed by the CEO.

1.6 SEVERABILITY

If any portion of this Handbook is held to be invalid, it shall not affect the validity of the remaining portions of the Handbook.

1.7 COVERAGE

This Handbook applies to all SANDAG employees except where exceptions are noted in the Handbook or in employment agreements authorized by the CEO that specifically state that their provisions supersede portions of this Handbook.

This Handbook does not apply to the CEO or the Independent Performance Auditor; both positions serve under contract at the will of the SANDAG Board of Directors.

This Handbook also does not apply to the Board of Directors as they are not SANDAG employees.

1.8 DEFINITIONS

The following terms, as defined below, are used throughout this Handbook.

a. Anniversary Date

The anniversary date for all SANDAG employees is the date of employment.

For employees who transferred to SANDAG due to Consolidation, the employee's anniversary date is the employee's date of employment with the San Diego Metropolitan Transit Development Board (MTDB or MTS) or the San Diego North County Transit District (NCTD).

The anniversary date is the date from which salary and leave benefits are calculated. This term is sometimes used to describe the anniversary date of when an employee was transferred, promoted, or otherwise moved to a new position at SANDAG.

b. Appointing Authority

That authority to hire, promote, transfer, discipline, demote, suspend, terminate, and take such other actions that generally occur within the employment context.

c. At-Will Employees:

All employees, other than Regular employees hired prior to July 1, 2019, who have completed their introductory period, are “at-will” employees. This means that either SANDAG or the employee may terminate the employment relationship with or without cause, with or without notice, and at any time for any reason. Nothing in this Handbook, or in other documents provided or statements made to employees, is intended to conflict with, eliminate, or modify in any way, the at-will employment status of SANDAG employees.

d. Board of Directors or Board

The SANDAG Board of Directors.

e. Bullying

Bullying is abusive conduct that includes threatening, humiliating or intimidating behaviors; verbal abuse, and interference, sabotage, or undermining of a person’s work performance. SANDAG will not tolerate bullying of any form.

f. Class or Classification

A group of positions sufficiently similar in duties, responsibilities, authority, and qualifications for employment to permit combining them under a single title and equitable application of common standards of selection and compensation.

g. Consolidation

Effective January 1, 2003, as a result of Senate Bill 1703 (2003, Peace), SANDAG became a state legislatively created regional government agency and assumed responsibility for long-range transit planning and the development and construction of transit facilities in the San Diego region from the two local transit agencies now known as the San Diego Metropolitan Transit System (MTS) and the San Diego North County Transit District (NCTD).

A number of employees from MTDB and NCTD transferred employment to SANDAG as part of the consolidation.

h. Contracted Staff

An employee of a staffing agency who is hired on an hourly basis for a limited period of time, or any person hired via a contract by SANDAG that works at SANDAG premises but is not a SANDAG employee.

Contracted Staff are not SANDAG employees and are not entitled to any rights or benefits from SANDAG other than those required by state or federal law for contractors.

Nothing in the Handbook, or any document provided, or statement made by SANDAG, is intended to provide Contracted Staff with any of the rights or benefits provided to SANDAG employees. Contracted Staff may be terminated from their assignment at SANDAG without cause.

i. Deputy Chief Executive Officer (CEO)

One of two senior executives, either the Deputy CEO, Business Operations or Deputy CEO, Planning, Projects, and Programs.

j. Director

An employee who holds an executive-level position (Classification 131 or higher).

k. Discrimination

Any unequal treatment or actions that directly or indirectly result in unequal treatment or harassment of persons based upon a person's race (traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status), sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), medical condition (including cancer or a record or history of cancer), reproductive health decision-making, physical disability, mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran status or current or prospective service in the uniformed services, use of cannabis outside of work, or any other category protected under federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category.

l. Domestic Partner

A domestic partner is a person who has legally established a domestic partnership with a SANDAG employee. A domestic partnership shall be established for purposes of this Handbook when both partners file a Declaration of Domestic Partnership, provided all the following prerequisites are met:

- o The domestic partners have registered their domestic partnership with the California Secretary of State.
- o Neither person is married or a member of another domestic partnership.

- o Neither person is related to the other by blood in such a way that would prevent legal marriage in the State of California.
- o Both persons are legally capable of consenting to a domestic partnership.
- o Both persons are at least 18 years of age or otherwise meet the legal requirements for a domestic partnership in the State of California.

m. Equal Opportunity

A condition, situation, or practice that is free from discrimination as defined in this Handbook.

n. Exempt Employee

Certain executive, management, administrative, and professional employees are exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) and, therefore, are not paid for overtime.

o. Grievance

A grievance is initiated by an employee or group of employees who believe they are adversely affected by the misinterpretation or misapplication of a written policy. Certain issues are not subject to a grievance. The grievance exclusions are set forth in Section 11 of this Handbook.

p. Immediate Family Member

Relatives, such as a spouse, domestic partner, children/stepchildren, siblings/step-siblings, parent, parent-in-law, parent of employee's domestic partner, grandparent, and grandchildren. A child includes a biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing *in loco parentis*. A parent includes a biological, foster, or adoptive parent, a step-parent, or a legal guardian, or a person who stood *in loco parentis* when the employee was a minor child.

q. Introductory Period

A working trial period for new Regular employees. During this time, new employees are assessed on their ability to successfully perform the functions of the position for which they were appointed and are provided with constructive feedback.

The introductory period is generally six (6) months and may be extended pursuant to Section 3.27 of this Handbook. Both during the introductory period and afterward, employment remains at-will, subject to termination at any time without notice or cause.

r. Job Relevant Tests

Tests which examine skills and abilities that are required for performance on a specific job.

s. Limited-Term Employee

An individual who is hired for a limited period of time, either on a full-time or part-time basis, to work on a particular project or to supplement existing staff resources due to workload demand.

Refer to Section 3.10 (Limited-Term Employees) of this Handbook for further information.

t. Non-Exempt Employee

Generally, employees paid on an hourly basis who are covered by provisions of the Fair Labor Standards Act (FLSA). These employees receive overtime pay at one- and one-half times their normal hourly rate for hours worked over 40 per work week.

u. Qualified Person

An applicant who demonstrates satisfactory competence to perform the work required and can carry out the essential functions of the position.

v. Regular At-Will Employee

An employee hired on or after July 1, 2019, either on a full-time or part-time basis, into a position that has been designated as a Regular position.

Unless expressly stated otherwise, any reference to "Regular" employees throughout this Handbook is intended to also apply to "Regular At-Will" employees.

Refer to Section 3.8 (Regular Employees) of this Handbook for further information.

w. Retired Annuitant

A person who has retired from the California Public Employees' Retirement System (CalPERS) and is hired by SANDAG as a TIPS employee for a limited duration assignment, consistent with regulations pertaining to CalPERS annuitants.

Refer to Section 3.11 (Retirees or Annuitants) of this Handbook for further information.

x. Sexual Harassment

Sexual harassment is defined as any unwelcome behavior in regard to sexual advances, requests for sexual favors, and/or other verbal, physical, or visual

contact of a sexual or sexist nature, which occurs either explicitly or implicitly as a condition of employment, as a basis for employment decisions affecting an employee, or has the potential to affect the employee's work performance negatively and/or create an intimidating, hostile, or otherwise offensive work environment. Examples of sexual harassment include: sexually-oriented remarks; inappropriate jokes; the display or distribution of offensive photographs, posters, or cartoons; slurs, epithets, threats, or derogatory comments whether on a computer, on paper, or in any other form; and any unwelcome physical touching.

All SANDAG employees are required to attend periodic training regarding the prevention of sexual harassment. New employees must attend training within six (6) months of their date of hire, and at least once every two (2) years thereafter.

*Refer to the **Discrimination and Harassment Prevention Policy** in the Supplemental Policies section of this Handbook for further information.*

y. Spouse

The husband or wife of a legally married employee. A spouse may be the opposite- or same-sex as the employee.

z. Substance Abuse

Use or possession of illegal drugs, alcohol, or controlled substances that could impair an employee's ability to perform the functions of his/her/their job safely, efficiently, and effectively.

*Refer to the **Substance Abuse Policy** in the Supplemental Policies section of this Handbook for further information.*

aa. Supervisor

When this term is used in this Handbook, it refers to the person in the position above the employee's position in the organizational chart who is directly responsible for supervising the work of the employee.

bb. TIPS Employee

A term used to refer collectively to Temporary, Intern, Part-Time, or Seasonal employees hired for a limited duration assignment or an early career development opportunity.

Refer to Section 3.12 (Temporary, Intern, Part-time, Seasonal (TIPS Employees) of this Handbook for further information.



Responsibilities

Chapter 2: Responsibilities

2.1 AUTHORITY OF CHIEF EXECUTIVE OFFICER (CEO)

The CEO is authorized by the Board to carry out any and all of the actions delegated to him or her in the SANDAG Bylaws and Board Policy No. 017: Delegation of Authority. Under this delegation, the CEO shall be responsible for administration of the personnel program and is hereby deemed to be the appointing authority with the power to appoint, promote, transfer, discipline, and terminate all employees of SANDAG subject to the provisions of this Handbook. All references to the CEO in his/her/their role as the appointing authority in this Handbook also refer to the CEO's designee, if any.

2.2 DELEGATION OF AUTHORITY BY CHIEF EXECUTIVE OFFICER (CEO)

The purpose of the Delegation of Authority by CEO policy is to designate the persons authorized by the CEO to carry out some of the functions that have been delegated to the CEO by the Board as set forth in the SANDAG Bylaws and Board policies.

*Refer to the **Delegation of Authority by Chief Executive Officer Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

2.3 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM OFFICER

The CEO is authorized to appoint an Equal Employment Opportunity Program Officer ("EEO Program Officer") who shall be primarily responsible for ensuring equal employment opportunity in accordance with federal and state law, and relevant administrative requirements. The SANDAG Senior Director of Organization Effectiveness is designated as the SANDAG EEO Program Officer.

2.4 EMPLOYEE RESPONSIBILITIES

All employees are required to comply with the applicable mandates and policies described in this Handbook as well as all other SANDAG policies and procedures. Employees are also responsible for awareness of the SANDAG Bylaws; these documents may be viewed at sandag.org/legal or a copy may be requested from Human Resources. Employees shall acknowledge receipt of the Bylaws and Handbook at the time of hire and annually thereafter.

2.5 HUMAN RESOURCES OFFICER

The CEO is authorized to appoint a Human Resources Officer who shall be primarily responsible for ensuring that the mechanics of the human resources program are carried out efficiently and effectively and that accepted standards of human resources management are met. The SANDAG Director of Human Resources is designated as the Human Resources Officer.



Employment Practices

Chapter 3: Employment Practices

3.1 COMMITMENT TO EQUITY

On Friday, February 12, 2021, the Board of Directors approved SANDAG's equity statement:

We hold ourselves accountable to the communities we serve. We acknowledge we have much to learn and much to change; and we firmly uphold equity and inclusion for every person in the San Diego region. This includes historically underserved, systemically marginalized groups impacted by actions and inactions at all levels of our government and society.

We have an obligation to eliminate disparities and ensure that safe, healthy, accessible, and inclusive opportunities are available to everyone. The SANDAG equity action plan will inform how we plan, prioritize, fund, and build projects and programs; frame how we work with our communities; define how we recruit and develop our employees; guide our efforts to conduct unbiased research and interpret data; and set expectations for companies and stakeholders that work with us.

We are committed to creating a San Diego region where every person who visits, works, and lives can thrive.

3.2 DEI COUNCIL AND AFFINITY GROUPS

SANDAG is committed to bringing diversity, equity, and inclusion to the forefront of our culture. The Diversity, Equity, and Inclusion Council (DEI Council) was formed in early 2021 and is an advisor to the Directors, providing insight and suggestions for change and/or improvement of the SANDAG employee experience. Membership is composed of up to 12 employees who represent a wide spectrum of diversity within the agency (e.g., age, gender, race, ethnicity, sexual orientation, religion, ability, position, tenure/seniority, department, and work location) and serve two-year terms.

SANDAG endeavors to provide an environment where all employees can flourish. An important component of that environment is making our workplace one where people can easily connect with each other to both find common ground and share diverse abilities and interests. To facilitate these connections, SANDAG supports the creation of affinity groups. Participation in affinity group meetings and activities, or events hosted by affinity groups, is voluntary and is done so on personal time. Employees may not report hours on their timesheet for time spent coordinating or participating in affinity group meetings, events, and activities; an employee must have pre-approval from their supervisor to take time off to participate in such activities if these occur during regular work hours.

3.3 EQUAL EMPLOYMENT OPPORTUNITY

SANDAG is an equal employment opportunity employer. It is the policy of SANDAG to actively recruit, hire, train, promote, and make all other employment decisions without regard to race (traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status), sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), medical condition (including cancer, or a record or history of cancer), reproductive health decision-making, physical disability, mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran status or current or prospective service in the uniformed services, use of cannabis outside of work, or any other category protected under federal, state, or local law, in accordance with all applicable laws and regulations. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category.

3.4 DISABILITY ACCOMMODATION

To comply with applicable state and federal laws ensuring equal employment opportunities to qualified individuals with a disability, SANDAG will make reasonable accommodations for the known physical or mental limitations of a qualified person with a disability, who is a job applicant or employee, unless undue hardship to SANDAG would result. A job applicant or employee who requires an accommodation in order to perform the essential functions of a job should contact his/her/their supervisor, the Director of Human Resources, or the EEO Officer and request such an accommodation.

An employee requesting an accommodation, or who the Director of Human Resources has good cause to believe may be entitled to an accommodation, may be directed to provide documentation of the need for an accommodation from a health care provider of the employee's choice or from a health care provider of SANDAG's choice at SANDAG's expense.

3.5 RELIGIOUS ACCOMMODATION

SANDAG will make reasonable accommodations for the known religious beliefs and practices of a qualified person, who is a job applicant or employee, unless undue hardship to SANDAG would result. An accommodation may include, but is not limited to, the wearing or carrying of religious clothing, jewelry or artifacts, and hair styles, facial hair, or body hair, which are part of an individual's observance of his or her religious beliefs. An applicant or employee who requires a religious accommodation in order to perform the essential functions of a job should contact his/her/their supervisor, the Director of Human Resources or the EEO Officer, and request such an accommodation.

3.6 SANDAG WORKFORCE

SANDAG relies on the expertise of more than 400 employees, with professional, technical, operational, and administrative expertise in the programs, projects, and services provided by the agency. Most positions are designated as Regular, meaning they are needed on a long-term basis to support ongoing or recurring functions. In order to meet short-term increases in agency workload demands, SANDAG may approve Limited-Term or TIPS positions on a contingent basis for a limited amount of time. A description of position types and employment status information is provided below.

3.7 REGULAR POSITIONS

SANDAG maintains a core group of Regular staff positions. These represent a broad range and level of position classifications and are deemed necessary to support the ongoing programs, projects, and operations of the agency. The CEO, or his/her/their designee, may approve adding Regular positions to augment the existing workforce, pending budget capacity.

Regular positions shall be filled using the standard SANDAG competitive recruitment process as described in Section 3.14. Recommendations for the appointment of an individual to a Regular position will be considered on a case-by-case basis and require written justification by the Director and review and concurrence by the Director of Human Resources.

Regular positions may be filled on either a full-time or part-time basis. The terms and conditions associated with the Regular position will be clearly described in the offer of employment letter.

3.8 REGULAR EMPLOYEES

Individuals who accept the terms and conditions of Regular employment with SANDAG are considered Regular employees and are entitled to the rights and benefits as described in this Handbook.

All employees, including Regular employees, hired after July 1, 2019, are “at-will” employees. This means that either SANDAG or the employee may terminate the employment relationship with or without cause, with or without notice, and at any time for any reason.

- Employees who transitioned from positions previously designated as Tolling Operations Personnel (TOP) or Limited-Term positions on or after July 1, 2019, are Regular At-Will employees.
- Employees hired as “Regular” employees prior to July 1, 2019, who held TOP or Limited-Term positions on a temporary basis, are not considered Regular At-Will employees.

- A Regular employee hired prior to July 1, 2019, who voluntarily accepts a lateral transfer or promotion to a position at the Manager/Principal level or above (Class 24 and above), on or after July 1, 2019, will transition to Regular At-Will status.

Unless expressly stated otherwise, any reference to “Regular” employees throughout this Handbook is intended to also apply to “Regular At-Will” employees.

A part-time Regular employee regularly works less than 40 hours a week, but at least 20 hours or more per week. Benefits provided for part-time Regular employees shall be pro-rated based upon the comparison of the average number of hours worked per week by the part-time employee to 40 hours per week, except for holiday pay, which shall be based on the number of work hours the employee is typically scheduled to work on the day the holiday falls.

3.9 LIMITED-TERM POSITIONS

As part of its contingent workforce, the CEO, or his/her/their designee, may approve adding Limited-Term positions to augment the existing workforce, pending budget capacity. Limited-Term positions may be needed due to workload demands, to obtain specific skills and experience necessary for a special project or study, or during a period of vacancy due to open positions or an extended leave of absence.

Limited-Term positions are intended to be short-term in duration and may be filled by an employee hired by SANDAG, on either a full-time or part-time basis, in a Limited-Term employment status, or on a temporary basis by a Regular employee. The nature of the work to be performed, and the expected duration of the Limited-Term position, will be clearly described in the offer of employment letter.

Limited-Term positions may be filled using the standard SANDAG competitive recruitment process or by appointment by the CEO or his/her/their designee.

3.10 LIMITED-TERM EMPLOYEES

Individuals who accept the terms and conditions of limited duration employment with SANDAG in a Limited-Term position are considered Limited-Term employees and are entitled to the rights and benefits of Regular employees except:

- Those rights they are not entitled to by law;
- Those rights for which they have not yet met a qualifying threshold; and
- Those rights specified in certain sections of this Handbook as not applying to this category of employees.

A part-time Limited-Term employee regularly works less than 40 hours a week, but at least 20 hours or more per week. Benefits provided for part-time Limited-Term employees shall be pro-rated based upon the comparison of the average number of hours worked per week by the part-time employee to 40 hours per week except for

holiday pay, which shall be based on the number of work hours the employee is typically scheduled to work on the day the holiday falls.

Notwithstanding the foregoing, SANDAG may specifically limit the other rights and benefits for which a Limited-Term employee may otherwise be qualified by setting forth those limits in the Limited-Term employee's offer of employment. Limited-Term employees are employed as at-will employees and can be terminated at any time by the CEO or designee without notice or cause.

3.11 RETIREES OR ANNUITANTS

A Retired Annuitant is a person who has retired from the California Public Employees' Retirement System (CalPERS) and employed by SANDAG as a TIPS employee. An annuitant may be hired if they have specialized skills needed to perform work of a limited duration or the employment is needed during an emergency to prevent the stoppage of agency business. An annuitant also may be hired while the recruitment for a vacant Regular position is being conducted.

Retired annuitants are limited to working a cumulative 960 hours per payroll fiscal year for all CalPERS agencies and must meet the requirements established by state law and CalPERS in order to be eligible for employment. It is the responsibility of the retired annuitant to confirm their eligibility to work for SANDAG, and to track their total hours worked in any fiscal year and notify SANDAG if they are approaching the 960-hour maximum.

Retired Annuitants do not have the same rights as Regular, Limited-Term, or other categories of employees and do not receive benefits. Unless otherwise specifically stated in this Handbook, the rights and benefits in this Handbook do not apply to Retired Annuitants unless otherwise required by law. The following rules apply specifically to Retired Annuitants:

- Work performed by a Retired Annuitant for SANDAG is not eligible for service credit with CalPERS;
- Retired Annuitants shall work a part-time schedule of less than 30 hours per week on average (calculated using a 12-month Initial and/or Standard Measurement Period);
- Retired Annuitants are limited to a maximum of 12 months of employment. An exception to this limit may be granted by the Director, in consultation with the Director of Human Resources, if the annuitant has unique skills, knowledge, or experience that are necessary for completion of a special project that is not considered part of the agency's recurring work program;
- Retired Annuitants are prohibited from working in a Regular part-time position on an ongoing basis, even if the position is less than 960 hours in a fiscal year;

- Retired Annuitants do not earn holiday pay, Paid Time Off (PTO), vacation, sick pay, floating holidays, or any other form of paid leave;
- Retired Annuitants do not receive the employee cafeteria plan, or health, dental, vision, life/AD&D, or disability insurance benefits;
- Retired Annuitants are not eligible to contribute to the Deferred Compensation Plan, participate in the Transportation Demand Management (TDM) benefit, have a Flexible Spending Account, be covered by the Employee Assistance Program (EAP), receive reimbursement under the Home Computer Purchase program, or be reimbursed for courses taken;
- Retired Annuitants may qualify for a Flexible Work Schedule;
- Exempt Retired Annuitants employees shall not earn compensatory time; and
- Retired Annuitants are not eligible for reimbursement for licenses, certification, or similar fees related to a profession unless such licensure or certification is required in order for the employee to carry out his or her essential job functions at SANDAG.

Retired Annuitants are employed as at-will employees and can be terminated at any time without notice or cause.

3.12 TEMPORARY, INTERN, PART-TIME, SEASONAL (TIPS) EMPLOYEE

A person hired on a temporary, part-time, or seasonal basis for a limited duration assignment, or offered an intern position with SANDAG, is considered a TIPS employee.

TIPS employees do not have the same rights as Regular, Limited-Term, or other categories of employees and receive minimal benefits. Unless otherwise specifically stated in this Handbook, the rights and benefits in this Handbook do not apply to TIPS employees unless otherwise required by law. The following rules apply specifically to TIPS employees:

- TIPS employees may qualify for participation in the CalPERS pension plan or the Public Agency Retirement Services (PARS) plan depending on their anticipated work schedule at the time of hire. A TIPS employee who is a current CalPERS member at the time of hire, or who acquires eligibility for participation in CalPERS during their term of employment at SANDAG, shall not participate in the PARS retirement plan;
- TIPS employees shall work a part-time schedule of less than 30 hours per week on average (calculated using a 12-month Initial and/or Standard Measurement Period) unless a written waiver of the part-time work schedule requirement has been signed by the employee's Director and is in effect for a specific period of time.

- TIPS employees may be initially hired for a maximum 12-month employment period. Except for Retired Annuitants, a TIPS employee may be extended for a second year of employment with approval by the employee's Director;
- TIPS employees will earn holiday pay on a pro-rated basis based upon their pre-approved part-time work schedule;
- TIPS employees accrue Sick Leave in accordance with Section 8.27;
- TIPS employees do not earn Paid Time Off (PTO), vacation, floating holidays, or any form of paid leave except for Sick Leave as noted above;
- TIPS employees may qualify for the Flexible Work Schedule program;
- TIPS employees are eligible to participate in the Transportation Demand Management (TDM) benefit;
- TIPS employees are covered by the SANDAG Employee Assistance Program (EAP);
- TIPS employees do not receive health insurance benefits unless the employee has accepted an offer of employment defining their regular work schedule as 30 or more hours per week, or has received a signed waiver from the employee's Director allowing the employee to work 30 or more hours per week on average;
- TIPS employees shall not receive the cafeteria plan benefit, or dental, vision, or life/AD&D;
- TIPS employees who work 20 or more hours per week on average, are provided with short-term disability insurance coverage;
- Exempt TIPS employees shall not earn compensatory time;
- TIPS employees are not eligible to contribute to the Deferred Compensation Plan, have a Flexible Spending Account, receive reimbursement under the Home Computer Purchase program, or be reimbursed for courses taken;
- TIPS employees are not eligible for reimbursement for licenses, certification, or similar fees related to a profession unless such licensure or certification is required in order for the employee to carry out his or her essential job functions at SANDAG.

TIPS employees are employed as at-will employees and can be terminated at any time without notice or cause.

3.13 EMPLOYEE SALARY RANGES

As described in Section 12.2 of this Handbook, SANDAG maintains a Classification Salary Range Table which defines the minimum and maximum pay range for all positions each fiscal year. The current Salary Range Table is posted to the SANDAG website. It is also available on the internal staff Intranet site, or a copy may be requested by contacting Human Resources.

Job postings for open positions clearly state the applicable salary range. Offer letters to candidates for employment state the position classification and corresponding salary range number. Similar information is included in correspondence with current employees whose position classification and/or salary range has changed.

3.14 COMPETITIVE RECRUITMENTS

The general policy of SANDAG is to ensure that the recruitment, selection, and hiring of Regular employees is accomplished in an open, competitive, and objective manner, and in a fully documented and timely fashion. Recruitments may be conducted internally, meaning only current SANDAG employees are eligible to apply for the open position, or externally, meaning applications are solicited from interested applicants both within and outside the agency. A recruitment is considered 'active' at the time the vacant position is advertised to potential applicants.

3.15 APPOINTMENT

The CEO, or his/her/their designee, is authorized to fill vacancies with qualified persons.

3.16 EXCEPTIONS TO CONDUCTING COMPETITIVE RECRUITMENTS

Vacancies for Regular employee positions shall be filled via competitive recruitment processes. Exceptions to this requirement include:

- 3.16.1 When the CEO, or his/her/their designee, determines that it is in the best interest of SANDAG to promote an existing SANDAG employee.
- 3.16.2 When the CEO, or his/her/their designee, determines that it is in the best interest of SANDAG to appoint a particular, qualified individual to ensure continuity of work.
- 3.16.3 When a vacancy occurs and a qualified candidate is on one of the SANDAG recruitment lists, the candidate may be selected in accordance with Section 3.18.
- 3.16.4 When an entity provides funding to SANDAG and such funding is conditioned upon, or the continuity of the work is dependent upon, a particular individual continuing to perform the work supported by that funding.
- 3.16.5 When a government entity is downsizing and a particular highly-qualified individual is subject to lay off by that entity, the CEO, or his/her/their designee, may appoint such an individual if the candidate is qualified for an open position at SANDAG.

Exceptions to the competitive recruitment process for filling vacant Regular positions are subject to review and concurrence by the Senior Director of Organization Effectiveness.

3.17 RECRUITMENT/SELECTION TESTS

As a component of the recruitment and selection process, applicants for employment may be requested to perform one or more job-relevant tests. These may include demonstrations of written, oral, technical, or physical abilities, or other forms of testing designed to fairly examine the qualifications of applicants.

No question which elicits information concerning race (traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status), sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), medical condition (including cancer, or a record or history of cancer), reproductive health decision-making, physical disability, mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran status or current or prospective service in the uniformed services, use of cannabis outside of work, or any other category protected under federal, state, or local law will be used as a basis for a decision on an applicant's qualification for employment.

3.18 RECRUITMENT LIST

If within one year of hiring an employee for a position, that position, or a position with similar qualifications, becomes vacant, acceptable and qualified candidates from the previous recruitment may be considered to interview for the available position.

3.19 UNSUCCESSFUL RECRUITMENT

If within one year of an unsuccessful recruitment where all SANDAG procedures were properly followed and documented, a satisfactory candidate who meets the requirements of the available position becomes known, it shall be at the discretion of the Senior Director of Organization Effectiveness, in consultation with the Director and Director of Human Resources, to offer that candidate the position.

3.20 EMPLOYMENT OF FAMILY AND RELATIVES

The employment of members of an employee's immediate family shall be avoided except under extraordinary circumstances. If such employment is in the best interest of SANDAG, it shall be authorized by the CEO, or his/her/their designee.

*Refer to the **Employment of Relatives and Spouses/Domestic Partners Policy** in the Supplemental Policies section of this Handbook for further information.*

3.21 REHIRING TERMINATED EMPLOYEES

It is against SANDAG policy to rehire any person who was formerly employed by SANDAG if that person was terminated for a cause subject to discipline or if the Deputy CEO, CFO, or Senior Director of Organization Effectiveness believe justification existed to terminate the person for a cause subject to discipline at the time of separation.

3.22 OFFER OF EMPLOYMENT

Upon selection of an individual for an open position, the CEO, or his/her/their designee, shall extend a written offer of employment to the candidate. Human Resources is responsible for preparing and communicating all offers of employment, in coordination with the hiring manager and Director. An offer of employment shall be made on a conditional basis when there is a requirement for pre-employment checks (such as background, credit, driving record, etc.) or other such activities.

The offer of employment letter will include details such as the position classification, starting salary or hourly pay rate, full-time or part-time work hours, eligibility for overtime pay, expected start date, and the at-will nature of employment with SANDAG, as well as the terms and conditions associated with the type of position being offered. Offer letters will be signed by the Director; the candidate also shall sign the letter to acknowledge receipt and acceptance of the offer or employment. Any adjustments to the offer of employment letter after initial acceptance must be made in writing and approved by the Director and candidate.

Candidates will be given up to five (5) business days to consider the offer of employment. Extensions may be granted when circumstances warrant. Failure of a candidate to respond within the specified time frame or to request an extension will result in withdrawal of the employment offer.

Although it is a rare occurrence, SANDAG reserves the right to withdraw or rescind an offer of employment prior to the start date should a candidate fail to meet any of the contingencies that are required for the position, or for any other legal reason. SANDAG shall communicate rescission of the offer in writing and to the extent possible, shall provide reasonable notice to the candidate.

3.23 EMPLOYMENT-RELATED CHECKS, SCREENINGS, AND VERIFICATIONS

As a condition of hire and continued employment, SANDAG employees may be required to undergo pre- and/or post-employment tests, checks, or screenings. These may include degree verification, professional credential verification, criminal history/background investigations, credit history checks, driving history record reviews, physical performance tests, medical tests, drug screenings, or other checks relevant to the employee's position. The requirements for these tests, checks, and screenings will be clearly described in job postings and/or job descriptions.

3.24 REFERENCE CHECKS

SANDAG conducts reference checks on potential new employees as part of its recruitment and selection process activities. Reference checks help ensure the most suitable candidates are hired for job openings by clarifying, verifying, and adding to the information already learned about a candidate from the employment application, interviews, and any job-related tests.

SANDAG does not typically provide letters of recommendation or professional references for current and former employees for employment purposes. Human Resources will verify the employment status of an employee and will confirm dates of employment and positions held. Letters of support may be provided to accompany applications for graduate-level education at the discretion of the Director.

3.25 ELIGIBILITY TO WORK IN THE UNITED STATES

The federal Immigration Reform and Control Act of 1986 (IRCA) requires all employers to verify the identity and legal right to work of all employees. In keeping with this obligation, SANDAG requires each employee to provide original documentation for review by Human Resources that shows his/her/their identity and legal authorization to work in the United States.

Each person accepting an offer of employment from SANDAG must attest to their identity and legal authorization to work by fully completing an I-9 Form; this will be supplied by Human Resources with other New Employee forms and must be completed within three work days of the start date. Former employees who are rehired must also complete the I-9 Form if they have not completed an I-9 with SANDAG within the past three years, or if their previous I-9 is no longer retained or valid.

All offers of employment and continued employment are conditional upon an individual being able to furnish SANDAG, without assistance or sponsorship from SANDAG, satisfactory evidence of both his/her/their identity and legal authorization to work on behalf of SANDAG in the United States. SANDAG will not sponsor, assist, or otherwise support employees with obtaining authorization to work in the United States.

Unless traveling for authorized SANDAG business, employees are not permitted to work outside of the United States. An exception is made for exempt employees who may need to respond to intermittent work activities that arise during personal time off. SANDAG will not assist or support employees with obtaining work authorization to work in a foreign country.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Director of Human Resources.

3.26 ONBOARDING AND ORIENTATION

All new employees will be engaged in onboarding and orientation activities, as relevant to the position they hold and the job duties they are expected to perform, upon employment with SANDAG. Information is generally provided both prior to, and in the first few days of hire.

Orientation is a component of the more comprehensive onboarding program. Orientation typically occurs during the first week or two of employment, particularly in the first few days, and includes administrative activities such as the completion of paperwork, enrolling in benefits, submitting timesheets, gaining access to the SANDAG network, as well as meeting the supervisor and immediate team members, learning initial job responsibilities, and gaining general familiarity with the work environment.

In contrast, the purpose of onboarding is to fully assimilate new employees into the organization by providing information about SANDAG's purpose, as well as the mission, vision, and strategic priorities; explaining the core functions of the agency, making introductions to key personnel within and outside the organization, gaining clarification about their role and performance expectations, and learning how to access the resources and services that are available to employees.

While Human Resources, in collaboration with program managers throughout the agency, is responsible for designing and maintaining the onboarding and orientation program, ensuring that new employees are integrated into the organization and have access to the information they need to successfully perform their job duties, is primarily the responsibility of the supervisor, manager, and Director.

3.27 INTRODUCTORY PERIOD

Newly appointed Regular employees are in an introductory status for six months. The Introductory Period is used to determine if a new employee's performance successfully meets the expectations of the role in terms of skill, knowledge, performance, and compatibility, and if continued employment is warranted.

During the introductory period the new employee and the supervisor shall establish clearly defined performance goals. The supervisor will provide the new employee with the support and resources needed to learn and demonstrate the duties and competencies required in the new position, provide feedback regarding the employee's strengths and progress as well as guidance for improving any deficiencies observed; and assess whether the employee's performance meets expectations. An Introductory Period Evaluation Form is used to document performance standards and feedback.

During the introductory period, employment is "at-will" and can be terminated with or without cause, with or without notice. Even after the introductory period, employment is not for any specific period or particular length of time. Both SANDAG and the employee have the ability to terminate the employment relationship, at any

time, for any reason, with or without cause, with or without notice. In addition, SANDAG may change an employee's position, duties, work location, and compensation and benefits from time to time at its discretion.

If satisfactory job performance is not demonstrated by an employee during the initial six-month introductory period, the Director may approve an extension of the introductory period for up to an additional six months. During an extension of the introductory period, the new employee will continue to receive constructive performance feedback, but employment remains at-will and may be terminated at any time by the CEO, or his/her/their designee, without cause or notice. If applicable, written notification of termination of an employee in an introductory status shall be delivered to the employee and a copy filed with the Director of Human Resources.

Employees who are promoted or demoted to another position within SANDAG may be required to undergo an additional introductory period and will be notified if an introductory period applies.

A Director, at his/her/their discretion, may waive the introductory period for a Limited-Term or TIPS employee transitioning to a Regular position if the employee has successfully demonstrated the ability to perform the duties of the Regular position to which they are being appointed for at least six (6) months prior to appointment as a Regular employee. No waiver under this section shall be valid unless it is provided for in writing by the Director.

3.28 PART-TIME WORK SCHEDULE

Regular and Limited-Term employees holding full-time positions may request a temporary part-time work schedule in order to achieve work-life balance needs. Such requests shall be made in writing to the employee's supervisor and Director, and should include a justification and proposed length of time for the temporary part-time work schedule, in addition to a plan for how workload responsibilities will be covered during the temporary part-time schedule period.

Temporary part-time work schedules are approved by the Director and if granted, will be granted for a specific period of time based on SANDAG needs, employee performance, and other factors. Employee benefits and compensation may be reduced, and the employee will be required to sign an agreement. SANDAG has the right to revoke approval of a temporary part-time schedule based on agency needs.

An employee seeking a part-time work schedule as a reasonable accommodation for a disability should contact the Director of Human Resources or the EEO Officer and request such an accommodation.

TIPS employees shall work a part-time schedule of less than 30 hours per week on average (calculated using a 12-month Initial and/or Standard Measurement Period) unless a written waiver of the part-time work schedule requirement has been signed by the employee's Director and is in effect for a specific period of time. Retired Annuitants also shall be limited to working a part-time schedule of less than 30 hours per week on average.



Professional Conduct

Chapter 4: Professional Conduct

4.1 STANDARD OF CONDUCT

In order to assist in fostering the desired SANDAG goals, the staff, together with the local community, has a right to expect the business of SANDAG to be conducted with efficiency, fairness, impartiality, and integrity. Employment at SANDAG carries with it an obligation to the public interest. It requires standards of professional behavior from staff that promote and maintain public confidence and trust. At the same time, staff should not be subject to unnecessary restrictions simply because they work for SANDAG. Staff have all the normal rights of persons under state and federal law. Although no one set of rules can answer all ethical questions, the Standard of Conduct policy provides SANDAG staff with an ethical framework for their decisions, actions, and behavior. In this regard, it explains the principles covering appropriate conduct in a variety of contexts and outlines the minimum standard of behavior expected of staff. Staff are expected to comply with this policy as well as all other state and federal laws regarding employment by public agencies including, but not limited to, conflict of interest laws.

*Refer to the **Standard of Conduct Policy** in the Supplemental Policies section of this Handbook for further information.*

4.2 DISCRIMINATION

It is the policy of SANDAG to provide a work environment free from unlawful discrimination. Discrimination occurs when a person or group of people are treated differently based upon the following: race (traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status), sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), medical condition (including cancer or a record or history of cancer), reproductive health decision-making, physical disability, mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran status or current or prospective service in the uniformed services, use of cannabis outside of work, or any other category protected under federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category. Discrimination can include any unequal treatment or actions that directly or indirectly result in unequal treatment of persons in a class protected by law.

This policy is applicable to job applicants, unpaid interns, and employees with regard to hiring, promotions, assignments, termination, or any term, condition, or privilege of employment. Also, SANDAG will not discriminate against a job applicant or employee because he/she/they possesses a driver's license issued under section 12801.9 of the California Vehicle Code, which issues licenses to non-citizens.

SANDAG is committed to investigating and resolving any complaints of discrimination. Retaliation for making a complaint or participating in the investigatory process is prohibited. Disciplinary action, up to and including termination, will be taken for improper behavior. Employees are expected to adhere to a standard of conduct that is respectful to all people within the work environment. The SANDAG Discrimination and Harassment Prevention Policy contains reporting requirements for all persons subject to the policy. Any concerns or incidents regarding discrimination should be reported immediately by any person with knowledge, either seen or heard, that an incident may have occurred, in accordance with the policy.

Employees in supervisory positions have an affirmative obligation to immediately report all harassment, discrimination, and retaliation of which they are aware to the Director of Human Resources.

*Refer to the **Discrimination and Harassment Prevention Policy** in the Supplemental Policies section of this Handbook for further information.*

4.3 HARASSMENT

Harassment is a type of discrimination. It is the policy of SANDAG to provide a work environment free from harassment based upon the following: race (traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status), sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), medical condition (including cancer, or a record or history of cancer), reproductive health decision-making, physical disability, mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran status or current or prospective service in the uniformed services, use of cannabis outside of work, or any other category protected under federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category. Harassment can include any unwelcome, unsolicited, or unwanted behavior that offends, humiliates, embarrasses, intimidates, or otherwise causes distress, that is based on a person's status in one of the categories above, and that is severe or pervasive in nature.

This policy is applicable to job applicants, unpaid interns, employees, volunteers, and independent contractors.

SANDAG is committed to investigating and resolving any complaints of harassment, which includes sexual harassment. Retaliation for making a complaint or participating in the investigatory process is prohibited. Disciplinary action, up to and including termination, will be taken for improper behavior. SANDAG employees, volunteers, Board members, and contractors are expected to adhere to a standard of conduct that is respectful to all persons within the work environment.

The SANDAG Discrimination and Harassment Prevention Policy contains reporting requirements for all persons subject to the policy. Any concerns or incidents regarding harassment, discrimination, bullying, or abusive conduct should be reported immediately by any person with knowledge, either seen or heard, that an incident may have occurred, in accordance with the Discrimination and Harassment Prevention and Sexual Harassment Policies.

Employees in supervisory positions have an affirmative obligation to immediately report all harassment, discrimination, or retaliation of which they are aware to the Director of Human Resources.

*Refer to the **Discrimination and Harassment Prevention Policy** in the Supplemental Policies section of this Handbook for further information.*

4.4 BULLYING

SANDAG expects all employees to treat others in the workplace – coworkers, supervisors, members of the public, consultants, and vendors - with dignity, respect, and professional courtesy. SANDAG will not tolerate bullying of any form.

SANDAG defines bullying as repeated, malicious, health-harming mistreatment of one or more people by one or more perpetrators that a reasonable person would find hostile, offensive, and unrelated to SANDAG's legitimate business interests. Bullying is abusive conduct that includes threatening, humiliating or intimidating behaviors; verbal abuse, and interference, sabotage, or undermining of a person's work performance.

SANDAG considers the following types of behavior as bullying:

- Verbal bullying. Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying. Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- Gesture bullying. Nonverbal gestures that can convey threatening messages.
- Exclusion. Socially or physically excluding or disregarding a person in work-related activities.

Employees who feel they have experienced bullying should report this to their supervisor, a Director, or to the Director of Human Resources before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any

bullying conduct they experience or witness as soon as possible to allow SANDAG to take appropriate action.

SANDAG is committed to investigating and resolving any complaints of bullying and abusive conduct. Retaliation for making a complaint or participating in the investigatory process is prohibited. Disciplinary action, up to and including termination, will be taken for improper behavior.

Employees in supervisory positions have an affirmative obligation to immediately report all instances of bullying, abusive conduct, or retaliation of which they are aware to the Director of Human Resources.

*Refer to the **Discrimination and Harassment Prevention Policy** in the Supplemental Policies section of this Handbook for further information.*

4.5 CONFLICTS OF INTEREST

SANDAG may not enter into contracts, other than employment contracts, with employees, members of an employee's immediate family, or with entities in which an employee has a financial or other prohibited interest if the contract will cause a conflict of interest prohibited by state or federal law. If an employee is aware that SANDAG is considering entering into such a contract, the employee must notify their Director immediately of the potential conflict of interest. Failure to report such a conflict shall subject an employee to discipline up to and including termination. See Section 4.1 for more information.

4.6 STATEMENT OF ECONOMIC INTERESTS

As a public agency, SANDAG is subject to the Political Reform Act, a California law that ensures governmental ethics. As part of complying with this law, employees who make, contribute to, or influence decisions about agency business are required to file a Financial Disclosure Statement (also known as a Form 700: Statement of Economic Interests).

The Office of the Clerk of the Board shall notify employees of the timing requirements for performing their filing responsibilities. Employees are required to perform their filing responsibilities within the following deadlines:

- Within 30 days of starting employment with SANDAG and annually thereafter prior to March 31;
- Within 30 days after the employee's position is first designated for financial disclosure; and
- Within 30 days of separation of employment from SANDAG.

An employee who fails to submit the required financial disclosures in a complete and timely manner may be subject to discipline.

*Refer to the **Conflict of Interest Code** on the SANDAG website, or the Fair Political Practices Commission website for further information.*

4.7 PRIVATE GAIN

No employee of SANDAG shall use a SANDAG position or its facilities, equipment, supplies, or information developed at public expense for private gain or advantage.

4.8 GIFTS AND GRATUITIES

No employee of SANDAG shall accept any favors, gifts (e.g., meals), or gratuities of significant value from persons, concerns, or corporations who have, or seek to have, contracts with SANDAG. Favors, gifts, or gratuities totaling less than \$50 annually from a person, concern, or corporation shall not be considered significant for purposes of SANDAG policy. Violation of this section may result in immediate termination of an employee.

*Refer to Section 4.1 – Standard of Conduct and the **Standard of Conduct Policy** in the Supplemental Policies section of this Handbook, Board Policy No. 004, and the Guidance on Gifts available on the SANDAG website for further information.*

4.9 CONFIDENTIALITY AND NON-DISCLOSURE EXPECTATIONS

SANDAG employees are expected to respect the sensitive, private, and confidential nature of employee, customer, and business information. All employees are required to sign a Confidentiality Agreement at the time of hire.

Examples of sensitive, private, and confidential information include, but are not limited to, customer information, such as addresses, phone numbers, and credit card holder or other account data; information about employees; Social Security numbers; financial or sales information; information that is prohibited to be disclosed by a statute, regulation, or rule which applies to SANDAG; information that is not general public knowledge and will have, or could reasonably be expected to have, a material financial effect on any source of income, investment, or interest in the real property of SANDAG; information pertaining to a pending contract, labor, or real property negotiations when disclosing the information could reasonably be expected to compromise the bargaining position of SANDAG; information pertaining to pending or anticipated litigation when disclosing the information could reasonably be expected to compromise the ability of SANDAG to successfully defend, prevail in, or resolve the litigation; trade secrets; or advice from SANDAG legal counsel or attorney work product.

Employees should contact their supervisor, Director, or the Office of General Counsel with any questions about what constitutes sensitive, private, or confidential information or its proper method of protection. Employees also should notify their supervisor, Director, or the Director of Human Resources if they witness any improper use or disclosure of confidential information.

Other than authorized SANDAG spokespersons, employees are not to respond to inquiries from the news media, including newspapers, television, radio, magazines, or online publications on behalf of the agency. Such inquiries should always be referred to the Director of Public Affairs.

Failure to comply with these Confidentiality and Nondisclosure Expectations may result in disciplinary action up to and including termination of employment.

4.10 PUBLIC RECORDS

Employees carrying out SANDAG business are required to ensure that all records concerning SANDAG business are created, stored, retained, deleted, used and disclosed in accordance with the California Public Records Act, Board Policy No. 015, Records Management, and SANDAG policies.

*Refer to the **Public Records Management Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

4.11 INTELLECTUAL PROPERTY

In accordance with California law, all intellectual property developed by employees during employment by SANDAG using SANDAG equipment or funds is the property of SANDAG. Title to the intellectual property may belong exclusively to the employee inventor if the employee develops the intellectual property on personal time using non-SANDAG property and the intellectual property is not within the scope of the employee's job description or classification.

4.12 POLITICAL ACTIVITY

No employee of SANDAG shall participate in any political activity prohibited by pertinent provisions of state or federal law.

4.12.1 It is the policy of the Board of Directors that all policy statements regarding SANDAG originate from the Board of Directors. No employee in his/her/their staff role shall engage in political debate or become involved in political issues or lobbying activities which are contrary to, or in conflict with, the Board's stated policy. Where the policy of the Board of Directors is unclear or nonexistent, staff shall use their best judgment to ensure that all statements are in keeping with current Board policy. When such judgment is exercised, staff should so advise their Director at the next most opportune time.

4.12.2 Section 4.12 of these Policies shall not be interpreted as prohibiting staff from engaging in political activity authorized under federal and state law.

4.13 OUTSIDE EMPLOYMENT/ENDEAVOR

SANDAG employees are not permitted to engage in any outside endeavor that may cause a conflict with their employment at SANDAG. Outside endeavors include, but are not limited to, employment with another organization, operation of a self-owned or family business, outside occupation, enterprise, or participation on a board of directors, committee, or similar entity, whether or not any such positions are paid or performed as a volunteer.

The outside employment/endeavor must not trigger any of the following criteria:

- Create a conflict of interest with the employee's SANDAG position
- Interfere with the employee's efficiency and quality of work for SANDAG
- Interfere with the employee's ability perform his/her/their SANDAG job responsibilities during SANDAG core business hours which are 9 a.m. to 4 p.m., Monday through Friday, except on the agency Flex Day

Employees are required to consult with their manager and the Office of General Counsel if there is any possibility that outside employment or an endeavor will cause a financial or organizational conflict of interest for the employee and/or SANDAG.

If an employee is considering an outside endeavor that may conflict with their work schedule or responsibilities at SANDAG, or with an entity having a mission that could conflict with a SANDAG policy position, the employee is required to notify SANDAG in advance. Documented approval will be provided via an Outside Employment/Endeavor Agreement, for a maximum of one year, by the supervisor, Director, and Director of Human Resources. An Outside Employment/Endeavor Agreement may be extended with approval by the supervisor, Director, and Director of Human Resources; each extension will be for a maximum of one year.

Outside endeavors that do not trigger any of the criteria noted in this policy, do not require approval or completion of the Outside Employment/Endeavor Agreement.

An approved Outside Employment/Endeavor Agreement will be subject to review if the employee is transferred or promoted, if there is a significant change in the employee's SANDAG job responsibilities, the employee's direct supervisor changes, or if there are performance issues related to the outside endeavor. An approved Outside Employment/Endeavor Agreement may be revoked at the discretion of the Director and/or if the criteria noted above are triggered.

It is the responsibility of the employee to re-request approval of the Outside Employment/Endeavor Agreement if significant changes to the employee's responsibilities in the outside employment/endeavor occur.

SANDAG employees should carefully consider the demands that additional employment or activities related to an outside endeavor will create. Outside endeavors will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If an outside endeavor causes or contributes to job-related problems at SANDAG the employee will be required to take mitigating measures, which may include discontinuation of the outside employment/endeavor.

4.14 SALES ON SANDAG PROPERTY

The sale, offering for sale, solicitation of sales or orders for vending or peddling of any goods, wares, articles, services, or merchandise of any kind whatsoever for a for-profit business enterprise using SANDAG equipment or its premises is prohibited. This prohibition does not apply to SANDAG employees or agents conducting SANDAG business, transactions that are for charitable non-profit purposes that do not interfere with SANDAG business, or to transactions or activities relating to employee-sponsored causes and events such as, but not limited to, holiday picnics and retirement parties.



Workplace Health and Safety

Chapter 5: Workplace Health and Safety

5.1 ACCIDENT AND INJURY REPORTING

Employees involved in automobile or other accidents or injuries relating to employment at SANDAG shall report such accidents and/or injuries to their immediate supervisor and the Director of Human Resources as soon as possible. The injured employee and supervisor shall fill out a Report of Injury/Incident Form to document details such as time of accident, location where the accident occurred, circumstances of the accident, description of the injury, and any witness(es) to the accident.

Employees requiring medical treatment for a work-related injury must obtain care from the agency's provider (as posted on bulletin boards) unless the employee has pre-designated his/her/their personal health care provider prior to the date of injury/illness.

If an employee requires medical attention on the day of the injury, the employee is paid for a full day's work regardless of the number of hours worked. Further absences due to injury are only permitted with a health care provider's note. Time off for periodic doctor, physical therapy, or other medical appointments related to the treatment of the injury are deducted from the employee's PTO/sick leave balance.

5.2 EMERGENCY NOTIFICATION

Employee safety is of great importance to SANDAG. The agency has implemented an Emergency Notification System (ENS) to facilitate mass communication via text message in the event of an actual or potential threat or emergency that involves the health and safety of employees, whether the threat or emergency occurs at the SANDAG offices, a project site, or at another location. SANDAG will use the ENS to issue messages unless issuing such a notification would worsen or compromise efforts to contain an emergency.

The ENS will be tested on a regular basis, and employees shall be informed prior to such testing. In accordance with Section 6.11 of this Handbook, employees are responsible for providing the Director of Human Resources and Payroll with current personal information that is in part used for administering the ENS.

5.3 PREVENTION OF WORKPLACE VIOLENCE

SANDAG is committed to providing and promoting a positive and productive work environment free from threats, intimidation, harassment, and acts of violence. All persons working at SANDAG are expected to treat others and those they serve with courtesy, dignity, and respect.

SANDAG does not tolerate any type of workplace violence committed by or against employees. The following list of behaviors, while not exhaustive, provides examples of conduct that is prohibited:

- Assault or physical abuse
- Physical or verbal intimidation
- Threats of any kind
- Use of profanity or offensive or abusive language; offensive hand gestures
- Harassment
- Theft
- Vandalism, destruction, or defacement of property
- Misuse of SANDAG property or resources
- Arson
- Sabotage
- Stalking
- Telephone/email or other electronic harassment
- Obscene telephone calls, emails, texts, or other forms of communication
- Use, sale, or possession of firearms or other weapons in the workplace
- Reporting to work under the influence of alcohol or controlled substances
- Acts that management deems inappropriate or disruptive to the workplace
- Offensive jokes or comments regarding participation in violent events
- Domestic violence that crosses over into the workplace
- Any behavior that causes an employee to be fearful of their safety

All persons at SANDAG can help to ensure a safe working environment by taking precautions and reporting inappropriate behavior. It is important for employees to set a professional tone with those they interact with while conducting SANDAG business. Employees are required to report incidents of violence, possession of weapons, or unsafe or hazardous conditions to their supervisor or the Director of Human Resources.

*Refer to the **Workplace Violence Prevention Policy** in the Supplemental Policies section of this Handbook for further information.*

5.4 DRUG- AND ALCOHOL-FREE WORKPLACE

SANDAG is committed to providing a drug- and alcohol-free workplace and preventing substance abuse by employees.

An employee performing SANDAG business shall not be under the influence of a controlled substance (including prescription drugs, alcohol, or marijuana), and employees shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance. An employee shall not sell, offer, or provide an illegal drug to another person while conducting SANDAG business.

Employees shall not possess or consume an open container of alcohol or an illegal drug on SANDAG premises, nor shall employees allow an open container of alcohol or an illegal drug to be placed or carried in a SANDAG vehicle or in any vehicle over which an employee has control while conducting SANDAG business. SANDAG discourages the consumption of alcohol by employees while conducting SANDAG business whether or not such consumption will cause the employee to be considered under the influence of alcohol.

Sealed containers of alcohol, such as those gifted to or between co-workers, or purchased by an employee for consumption during non-work hours away from SANDAG premises, are permitted on a limited basis. In such cases, the sealed container must remain under the control of the employee in their office or workstation, kept out of the immediate view of others, and be removed from SANDAG premises at the end of the business day on which it was received. Employees shall not place the sealed container of alcohol in a public or common area, such as a refrigerator in a break room.

*Refer to the **Substance Abuse Policy** in the Supplemental Policies section of this Handbook for further information.*

5.5 SUBSTANCE ABUSE

It is the policy of SANDAG to establish and maintain a safe and healthy workplace for all SANDAG employees that is free of any adverse effects on job performance caused in any way by the use or presence of drugs or alcohol. The SANDAG Employee Assistance Program offers service toward rehabilitation for any eligible SANDAG employee seeking help in overcoming addiction to, dependence upon, or problems related to the abuse of drugs or alcohol.

*Refer to the **Substance Abuse Policy** in the Supplemental Policies section of this Handbook for further information.*

5.6 TOBACCO/SMOKE-FREE ENVIRONMENT

SANDAG maintains a tobacco- and smoke-free work environment for the benefit of employees, customers, vendors, and other visitors. Smoking and vaping are prohibited within any enclosed SANDAG office space or within 20 feet of an exit, entrance, or window of a building on SANDAG premises.

Smoking is defined as the burning of any type of lighted pipe, cigar, cigarette, or any other smoking equipment, whether filled with tobacco or any other substance or material. Chewing tobacco or any other form of non-smoking tobacco is prohibited because of its hygienic impact on people and facilities. Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.

5.7 INJURY AND ILLNESS PREVENTION

All persons working at SANDAG, including Directors and other management staff, TIPS, temporary staff, contract employees, and volunteers are responsible for complying with safe and healthful work practices. The SANDAG system of ensuring that all employees comply with these practices includes the following:

- Informing employees of the provisions of our Injury and Illness Prevention Program
- Evaluating the safety performance of employees when appropriate
- Providing training to employees regarding prevention and safe work practices
- Disciplining employees for failure to comply with safe work practices

*Refer to the **Injury and Illness Prevention Program Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

5.8 STAY HOME WHEN SICK

Prevention is the primary strategy for avoiding illness in the workplace. Employees are required to practice basic hygiene measures while in the office such as regularly washing hands with soap and water or sanitizer, covering cough and sneezes, and wiping down high-touch surfaces with sanitizing wipes.

Employees also are expected to refrain from coming to work when they are feeling sick, particularly if experiencing signs and symptoms of a cold, the flu, or other respiratory illness. An employee who comes to work when ill may be sent home by their supervisor to ensure others in the work area are not infected. The employee will be required to use accrued sick leave or PTO hours for the time lost from work if they are unable or not approved to work remotely.

The following symptoms are frequently associated with cold, flu, and/or respiratory illness: fever, cough, shortness of breath or difficulty breathing, chills, fatigue, muscle

or body aches, headache, sore throat, congestion, or runny nose. Employees are to follow these guidelines if they are feeling sick:

- Stay home until at least 24 hours after any fever (temperature of 100°F or 37.8°C or higher measured using an oral or infrared thermometer) subsides. Temperature should be measured without the use of fever-reducing medicines (e.g., aspirin, ibuprofen, or acetaminophen).
- If there is no fever, but one or more of the other cold, flu, and/or respiratory illness symptoms, stay home for at least four to five days after the onset of symptoms. (People are most contagious during the first 3 days of illness.)

For other types of illnesses, an employee should follow the guidance of their health care provider and refrain from coming into the office when contagious.

If an employee feels sick prior to the start of their workday:

- The employee must contact their supervisor no later than 30 minutes after the scheduled start of the workday and advise them of their planned absence from work.
- Depending on their position, availability of work, and the extent of the employee's illness, the supervisor may approve the employee to work remotely, consistent with the Telework policy.

If an employee feels sick upon arrival at work or during the workday:

- The employee must let their supervisor know immediately.
- The employee is to avoid contact with coworkers, customers, etc. and must limit their access to any common or public areas of the office.
- The employee should leave the office as soon as possible.
- Depending on their position, availability of work, and the extent of the employee's illness, the supervisor may approve the employee to work remotely, consistent with the Telework policy.

Employees absent from work due to illness, and unable/not approved to work remotely, are required to use accrued Paid Time Off (PTO) or sick leave.

5.9 ERGONOMICS

Ergonomics is the science of arranging the environment to fit the person in it. Applying ergonomic principles can help reduce the risk of injuries in the workplace. The goal of the SANDAG Ergonomics Program is to reduce or eliminate work-related hazards that contribute to the development of Musculo-skeletal disorders (MSDs). SANDAG will take a proactive approach in anticipating ergonomic hazards and correcting them.

If SANDAG determines that an employee's MSD, or MSD signs or symptoms, are connected to that employee's job, SANDAG will provide the employee with an

opportunity to seek medical treatment from a health care professional for guidance on treatment options including possible work restrictions. If an MSD, or MSD sign or symptom, is reported to Human Resources, Human Resources staff will evaluate the job and, if MSD hazards are found, will take steps to reduce those hazards. Employees should contact Human Resources for an ergonomic workspace analysis.

*Refer to the **Ergonomics Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

5.10 HEAT ILLNESS PREVENTION

SANDAG has established procedures that reduce the risk of heat illness for employees who routinely, or from time-to-time, perform their job duties in an outdoor location, whenever environmental or personal risk factors for heat illness are present. For the purposes of this policy, examples of “outdoor work locations” include, but are not limited to, roadways and associated facilities, construction sites, fields and parkland areas, beaches and lagoons, yards, outdoor areas adjacent to buildings, such as loading docks, and sites where outdoor public outreach activities occur. Additional protective measures and caution will be exercised when the risk for heat illness is higher, such as during a heat wave or in other severe working or environmental conditions.

*Refer to the **Heat Illness Prevention Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*



Work Environment

Chapter 6: Work Environment

6.1 FLEXIBLE WORK SCHEDULES

SANDAG offers several schedule options to meet the business needs of the agency and to provide flexibility to employees to establish a work schedule that reflects preferred start and end times for each work day as well as the adoption of a traditional 5/40 or compressed work week (e.g., 9/80 or 4/10 schedules).

SANDAG has defined three work schedule options for eligible full-time employees:

- Agency 9/80 Program – this is considered the ‘standard’ schedule. An employee works 80 hours over 9 days in a pay-period where the second Monday of the pay-period is considered the agency Flex Day.
- 5/40 Work Week - an employee works 5 days per week, 8 hours per day.
- Flexible Work Schedule - an employee works 80 hours in the pay-period over 8 or 9 days but is not requesting the Agency 9/80 Schedule.

Regardless of the schedule option requested, an employee must work the agency’s “core business hours” (9 a.m. to 4 p.m., Monday through Friday (Pacific Time), excluding the agency Flex Day), with the entire work day falling between 6:30 a.m. and 6:30 p.m. Exceptions are considered when the employee works on a part-time basis, is assigned a custom work schedule due to the operational nature of their job duties, or in other special circumstances.

The supervisor shall consider the employee’s job responsibilities, and the potential impact on service levels, quality of work, or disruption to agency operations when reviewing work schedule requests. Offering flexible work schedules is a management option; it is not a benefit to which employees have any vested right.

Once approved, an employee is expected to maintain a regular work schedule. From time to time, a supervisor may grant an employee permission to temporarily adapt their work schedule to support productivity or provide flexibility for work-life balance purposes. Such changes must not cause an hourly (non-exempt) employee to become eligible for overtime pay.

An employee’s flexible work schedule may be combined with the option for up to two days of remote work each week, consistent with the Telework policy (see Section 6.2).

*Refer to the **Flexible Work Schedule Policy** in the Supplemental Policies section in this Handbook for further information.*

6.2 TELEWORK

SANDAG supports teleworking as a work option benefiting both employees and the region. A teleworking program can maximize employee productivity, improve employee morale and motivation, and reduce traffic congestion during peak travel periods.

Teleworking is an opportunity for eligible employees to establish an alternate work arrangement that allows them to work at home or at another location as part of their approved, regular work schedule. Teleworking may not be appropriate for some employees and some jobs.

Teleworking cannot interfere with the accomplishment of SANDAG business nor can teleworking cause a reduction in the levels of service expected to be provided by the employee or their team. Approval is at management's option; it is not a benefit to which employees have any vested right.

An approved Telework Agreement will be subject to review if the employee is transferred or promoted, if there is a significant change in the employee's job responsibilities, the employee's direct supervisor changes, or if there are performance issues. An approved Telework Agreement may be revoked at the discretion of the Director and/or if the criteria noted in the Telework policy are no longer met.

This policy is not applicable to a telework arrangement provided to an employee as a reasonable accommodation. Refer to Section 3.4 for information about Disability Accommodation.

*Refer to the **Telework Policy** in the Supplemental Policies section of this Handbook for further information.*

6.3 DRESS GUIDELINES

SANDAG fosters a workplace that embraces diversity and inclusivity, promoting a professional atmosphere through the attire of employees. This is a crucial component in projecting a positive image of the organization. SANDAG has adopted a "Dress for Your Day" approach in establishing expectations for work attire. Employees have the responsibility to use good judgement and flexibility to choose clothing that is appropriate for the nature of their job duties and the type of work they expect to perform on any given workday.

Directors may set specific expectations for appropriate workplace attire for their program areas. Uniforms, protective clothing, or clothing appropriate for performing physical work, may be required for certain positions and/or for certain projects.

At all times, employees are expected to avoid extreme, unprofessional, or inappropriate styles of attire, jewelry (including facial jewelry), or accessories, that are not considered appropriate or could create a safety hazard. Tattoos are recognized as a valuable expression of the diverse backgrounds and individuality of employees. Tattoos that a reasonable person would find offensive must be covered during work hours.

SANDAG's dress guidelines, nor actions taken to implement and maintain the described standards, are not intended to violate an employee's right to observe religious or cultural practices. SANDAG will accommodate an employee's religious beliefs unless the accommodation creates an undue hardship.

*Refer to the **Dress for your Day Policy**, posted on the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

6.4 PERFORMANCE MANAGEMENT

The SANDAG Performance Management program offers a system of processes and tools that coordinate the efforts of employees in making contributions to the agency's programs, projects, and services. To be most effective, performance management requires effective collaboration and communication between supervisors and employees. Core activities include establishing performance expectations, setting goals and objectives, periodic check-in meetings to assess progress toward meeting goals and resetting priorities if new projects or tasks arise, and feedback discussions that support employee growth and development.

*Refer to the **Performance Management Program Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

6.5 TECHNOLOGY AND DIGITAL RESOURCES

The use of SANDAG technology and digital resources is a privilege that may be revoked at any time. SANDAG will not tolerate misuse of its property. SANDAG technology and digital resources include, but are not limited to: cell phones, communication devices, computer systems, software, hardware, networks, electronic mail, Internet services, Intranet, voicemail system, facsimile machines, and photocopiers. The Technology and Digital Resources Policy applies to all users of SANDAG technology and digital resources, whether or not they are employees or independent contractors; whether or not they are using SANDAG technology or resources during or after work hours; or whether they access the technology or resources from SANDAG premises or some other location. Users should not expect that the information placed on or through SANDAG digital resources is private. By using SANDAG technology and digital resources, users consent to the monitoring discussed in the Technology and Digital Resources Policy without any additional notice.

*Refer to the **Public Records Management Policy** and **Technology and Digital Resources Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

6.6 DIGITAL RESOURCE USE – NO PRIVACY

Persons using SANDAG digital resources, including but not limited to computers, tablets, iPads, phones, servers, networks, copiers, and scanners, should have no expectation of privacy with regard to information owned, retained, used, or transmitted by SANDAG. This lack of privacy applies whether or not a device is password protected and whether or not data is stored on hardware at an employee's workstation or shared drive space. Such information is within SANDAG control and may be searched or made subject to disclosure at any time. SANDAG policy prohibits use of technology and digital resources for certain types of activities.

*Refer to the **Technology and Digital Resources Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

6.7 BUSINESS USE OF PERSONAL CELL PHONES

SANDAG recognizes that cell phones may be a necessary tool for employees who routinely work outside the office, need to be reachable outside of usual business hours, or travel frequently on behalf of the agency. SANDAG does not typically purchase or provide cell phones to employees. Instead, SANDAG believes it is mutually beneficial to provide a monthly service allowance to eligible employees who frequently use their personal cell phone for agency-related business. The annual aggregate amount of the employee service allowance shall be no less than the amount necessary to cover the proportionate value of the phone services utilized by the employee to conduct SANDAG business over a 12-month period. If for some reason the service allowance provided to an employee does not fully reimburse the employee for business usage, he/she/they must immediately contact the Director of Human Resources for an adjustment. Employees who are offered the allowance and choose to reject it are required to sign a waiver concerning reimbursement rights.

*Refer to the **Business Use of Personal Cell Phones Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

6.8 WORKSPACE PRIVACY

Generally, SANDAG employees will be assigned a desk and a workspace to carry out their duties. The desks, electronic equipment, and other office equipment are SANDAG property. From time to time, it may be necessary for SANDAG supervisory staff or their designees to look in files, desk drawers, and office space utilized by other employees. Employees should not expect their desks, file cabinets, or office space to be private. Employees also should not expect privacy with regard to information placed on SANDAG PCs and other electronic resources.

*Refer to the **Technology and Electronic Resources Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

6.9 ACCEPTABLE USE OF SANDAG WORK LOCATIONS

SANDAG maintains two primary office locations at 401 B Street in downtown San Diego and the Toll Operations Center at the south end of the SR 125 in Otay Mesa, as well as satellite project offices throughout San Diego County. Collectively, these are referred to as SANDAG work locations.

By entering a SANDAG work location, employees agree to use the office space, and the resources contained within, as intended and for the purpose of conducting SANDAG business. Employees also agree to follow all health and safety protocols, act and behave in a manner consistent with all SANDAG's policies, and refrain from using SANDAG's premises for personal gain or convenience.

6.10 LANGUAGE USE IN THE WORKPLACE

SANDAG recognizes an employee's knowledge of a language other than English is often an asset to the agency. SANDAG may limit the use of languages other than English when there is a legitimate business necessity for doing so, including the need to support safe or efficient operations. In such instances, employees will be notified of the requirement. Employees shall not be prohibited from using any language in any workplace unless it is justified by business necessity.

6.11 PERSONAL INFORMATION – UPDATING THE AGENCY

It shall be the responsibility of each employee to keep the Director of Human Resources and Payroll current on personal information necessary to administer the SANDAG benefits and emergency notification programs, including the employee's current address and phone number.

6.12 PERSONNEL AND PAYROLL RECORDS

Confidential personnel records, payroll records, and other written documents, including attendance records, performance evaluations, or disciplinary documentation, shall be retained as necessary for human resources administration and to protect the interest of SANDAG and its employees. Employee medical records such as authorizations for medical leave, benefits, and workers' compensation records shall be maintained in files separate from personnel records and shall be kept private to the extent permitted by law.

Employees shall have the right to access their personnel file and payroll records as follows:

- Upon receipt of a completed Request to Inspect/Obtain a Copy of Employee Personnel File, the Director of Human Resources, or designee, shall:
 - Provide an employee with the opportunity to view their personnel file during regular SANDAG business hours, within five (5) working days

when practicable. Files may not be removed from the Human Resources office.

- Provide an employee with a copy of their personnel file, in either hard copy or digital format, within 30 days.
- Upon receipt of an oral or written request, the Director of Accounting and Finance, or designee, shall
 - Provide an employee with the opportunity to view their payroll records, during regular SANDAG business hours, within five (5) working days when practicable. Files may not be removed from the Payroll office.
 - Provide an employee with a copy of their payroll records, in either hard copy or digital format, within 21 days.

6.13 VEHICLE USE AND SAFE DRIVING

Employees who are required to drive a SANDAG vehicle or their own vehicle for SANDAG business are required to maintain a valid California driver's license (or license from their state of residency) and meet the Driver Eligibility Standards defined in the supplemental policy titled "Vehicle Use and Safe Driving." Employees who drive their own vehicle for SANDAG business also must maintain current vehicle registration and auto insurance coverage that meets the minimum requirements of California law. SANDAG is not responsible for any loss or damage to an employee's vehicle. SANDAG reserves the right to periodically request proof of a valid driver's license and insurance and check Department of Motor Vehicle records for all employees who drive as part of their job.

*Refer to the **Vehicle Use and Safe Driving Policy** in the Supplemental Policies section of this Handbook for further information.*

6.14 EMPLOYEE BUSINESS TRAVEL

SANDAG recognizes it may be necessary for employees to travel in the course of conducting agency business. Travel means any trip outside of San Diego County, including trips that do not involve an overnight stay. Employees must comply with the requirements set forth in Board Policy No. 011: Travel Expenses when traveling for SANDAG business.

Employees are responsible for completing a Traveler Intake form and submitting this to an Executive Assistant with as much advance notice as possible. The Executive Assistant will prepare the Travel Request form, and coordinate review by the employee, supervisor, and Director and approval by a Deputy CEO. Requests for travel that do not clearly demonstrate a benefit to the agency will be denied. Employees must obtain advance approval for their trip regardless if it is being paid for by SANDAG or a third party. Steps must be taken to ensure travel paid for by third parties does not constitute a gift or create a conflict of interest for the employee. Travel may

be authorized for activities such as attending meetings, representing SANDAG to Boards, Commissions, or other governing bodies, and participating in technical and professional development events such as conferences, training, and workshops.

All employee travel reservations, including airline, hotel, car rental, conference/workshop registrations, and other such arrangements, will be made by an Executive Assistant. An employee should not initiate their own travel arrangements. If an employee makes and pays for business travel expenses, and the Executive Assistant subsequently finds a more favorable airfare, hotel rate, etc., the employee will be responsible for paying the cost difference. If an employee makes and pays for business travel expenses prior to a trip being approved, and the trip is not approved, the employee will be personally responsible for all expenses incurred.

Upon return from travel, an employee must list all expenses incurred during their trip and submit a Travel Expense Report for approval. Employees shall be reimbursed consistent with Board Policy No. 011.

*Refer to the **Employee Business Travel Guidelines**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

6.15 PARKING AT THE TOLL OPERATIONS CENTER

When parking at the Toll Operations Center (TOC), vehicles must be parked in the appropriate area designated by SANDAG. Employees may not park personal vehicles in spaces designated for customers, visitors, maintenance, or other fleet vehicles. SANDAG is not responsible for any loss or damage to employee personal vehicles or contents while parked in areas designated by SANDAG or elsewhere. Employees should use good judgment and discretion in parking in areas that may be a security risk for personal injury or property damage.

6.16 SOCIAL EVENTS AND VOLUNTEER ACTIVITIES

At various times throughout the year, employees are invited to participate in social events, fundraising activities, or community volunteer opportunities that are outside the scope of SANDAG's work program. These informal activities support a positive culture, strong sense of morale, and team spirit within the organization. The coordination of such activities, as well as participation in the events, is completely voluntary and is done so on personal time and at the employee's own risk.

Any expenses associated with participation are the responsibility of the employee. While SANDAG resources may be used to communicate or host an event or activity, this does not mean the event or activity is work-related.

Employees may not report hours on their timesheet for time spent coordinating or participating in social events and volunteer activities; an employee must have pre-approval from their supervisor to take time off to participate in social events or volunteer activities if these occur during regular work hours.

SANDAG is not responsible for accidents or injuries that may result from participation in activities that are not considered work-related. When social events or volunteer activities are conducted within the community, participants may not actively represent their affiliation with SANDAG.



Employee Benefits

Chapter 7: Employee Benefits

7.1 AVAILABILITY OF BENEFITS

The benefits described in Section 7 and its subparts are generally available to all Regular and Limited-Term employees, except as noted below. Some of the benefits outlined in Section 7 of this Handbook also are available to Retired Annuitants, TIPS, and Contract Staff as specifically stated in other sections of the Handbook.

7.2 BENEFIT PROGRAM CHANGES

SANDAG may add, change, modify, or terminate any benefits offered to employees at any time and will communicate changes in writing to affected employees. Employees are responsible for reading benefit plan documents and/or summary plan descriptions. To the extent there are any inconsistencies between information in this Handbook and the benefit plan documents and/or summary plan descriptions, the benefit plan documents and/or summary plan descriptions will prevail.

7.3 CAFETERIA BENEFITS PLAN

All Regular and Limited-Term employees are eligible to receive a cafeteria benefit to be used toward the payment of employee and dependent medical insurance premiums. The maximum amount of the benefit will be set by SANDAG on an annual basis pending fiscal year budgets.

The amount of benefit received by an employee will be determined by the coverage level elected – either Employee Only, Employee plus one dependent, or Employee plus Family. Employees who decline to elect medical insurance and provide proof of having alternate insurance coverage under a group health plan that meets the minimum essential coverage requirements, as defined by the Affordable Care Act (ACA), may receive an Incentive Waiver. Part-time Regular and Limited-Term employees will receive pro-rated cafeteria benefits based upon the number of hours worked each week.

7.4 CAFETERIA BENEFITS PLAN – GRANDFATHERED

Eligible employees hired on or before June 30, 2003, have the option to continue their previous cafeteria benefits plan where they receive a specified amount of money each month that may be used for payment of employee and dependent medical insurance premiums. Employees who decline to elect medical insurance and attest to having coverage under a group health plan that meets the minimum essential coverage requirements, as defined by ACA, may cash out this benefit. This grandfathered

cafeteria benefit is in lieu of receiving the agency-wide cafeteria benefit described in Section 7.3. Once an employee elects to receive the agency-wide cafeteria benefit, the employee may not switch back to the grandfathered cafeteria benefit plan.

7.5 CONTINUATION OF BENEFITS (COBRA)

COBRA is a statute that provides for the continuation of group health insurance coverage for employees and/or qualified beneficiaries when coverage would end because of the following reasons:

- Loss of coverage of an employee or qualified beneficiary due to a reduction in benefit-eligible employment hours or termination of benefit-eligible employment, excluding termination for gross misconduct;
- Loss of coverage of a qualified beneficiary due to divorce or legal separation;
- Loss of coverage of a qualified beneficiary due to death of an employee;
- Loss of coverage of a qualified beneficiary due to the employee's entitlement to Medicare benefits; and
- No longer meeting the eligibility requirements as an employee's dependent.

Upon separation or termination of employment, the employee will be provided with notification regarding their rights and obligations under COBRA. Otherwise, the employee or qualified beneficiary is responsible for informing Human Resources of any circumstances under which continuing coverage under COBRA would apply.

7.6 DEFERRED COMPENSATION PROGRAM

All Regular and Limited-Term employees are eligible to participate in the SANDAG 457 Deferred Compensation Plan (457 Plan). Eligible employees may enroll in the 457 Plan, change contribution amounts, or stop contributions at any time. The maximum annual contribution amount is established each year by the IRS; the SANDAG 457 Plan includes the Age 50+ Catch-up and the Special Catch-up provisions. Contributions are made by employees via biweekly payroll deductions. SANDAG does not contribute to the 457 Plan except for those employees who are subject to an employment agreement whereby SANDAG is required to contribute the amount specified in the agreement to the employee's 457 Plan account.

7.7 DENTAL INSURANCE

SANDAG provides Regular and Limited-Term employees with dental insurance. Coverage also is available for an employee's dependents and for retirees, to the extent permitted by the SANDAG Dental Plan document. SANDAG pays for dental insurance premiums for employees and any enrolled dependents. Part-time Regular and Limited-Term employees will pay a pro-rated premium for dental insurance benefits based upon the number of hours worked each pay period.

7.8 DEPENDENT ELIGIBILITY FOR BENEFITS

The SANDAG Medical, Dental, and Vision Plan Documents allow for the coverage of eligible dependents. Eligible dependents include:

- Employee's spouse or registered domestic partner
- Employee's children up to age 26 by birth, adoption, or legal guardianship, including children of employee's spouse or registered domestic partner
- Employee's disabled children (of any age), including disabled children of employee's spouse or registered domestic partner

Human Resources requires that employees provide proof of a dependent's eligibility for insurance benefits at the time of enrollment and/or in conjunction with a life status change and may require verification of this information as part of the ongoing administration of the agency's benefits program. Proof of dependent eligibility requires completion of a Dependent Eligibility Verification form and providing copies of documents to Human Resources that are acceptable for establishing eligibility. For a list of acceptable documents contact Human Resources.

7.9 DISABILITY INSURANCE

SANDAG provides short- and long-term disability insurance for all Regular and Limited-Term employees. TIPS employees who work 20 or more hours per week on average are provided with short-term disability insurance coverage. An employee must use any accrued leave balances such as PTO, vacation, floating holidays, sick leave (if available), compensatory time, or catastrophic leave in order to remain in a paid status during the disability waiting period.

An employee whose leave is designated under the Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA) at the time disability benefits begin may choose to use accrued leave balances to supplement his/her/their disability benefits. An employee whose leave is not designated under FMLA and/or CFRA at the time disability benefits begin must use all available accrued leave balances to supplement his/her/their disability benefits. In no event shall an employee be allowed to use accrued leave to receive aggregate pay and benefits in excess of the amount of wages earned by the employee in a typical workweek prior to his/her/their commencement of leave.

If an employee uses accrued leave while waiting for his/her/their disability payments to commence, the agency will make adjustments as appropriate for any leave used that resulted in an overpayment as indicated above. The employee must buy back any leave used that resulted in an overpayment. Leave bought back will be credited to the employee's accrued leave bank.

7.10 DOMESTIC PARTNER BENEFITS

A domestic partner, or child of an employee whose domestic partnership has been established as provided in this Handbook, shall be entitled to be enrolled in the medical, dental, and vision plans offered to eligible SANDAG employees. Premiums for domestic partner benefits coverage are deducted on an after-tax basis for federal income tax purposes. SANDAG will respond to all other requests for insurance benefit coverage for dependents of its employees consistent with applicable laws and insurance policy provisions.

7.11 EMPLOYEE ASSISTANCE PROGRAM

All SANDAG employees, and members of their household, are eligible to obtain confidential counseling as well as other benefits through an Employee Assistance Program. Counseling is provided for problems such as marital issues, family relationships, depression and anxiety, alcohol and drug issues, and/or problems within the workplace. There is no cost to the employee for this benefit.

7.12 EXECUTIVE HEALTH BENEFIT

SANDAG offers executive-level employees (Classifications 131 and higher) access to an Executive Health program to enhance and encourage well-being. The program is a supplement to medical insurance coverage offered to all benefit-eligible employees, and includes access to a comprehensive range of assessments, testing, and other services on an annual basis in consultation with an Executive Health physician.

7.13 FLEXIBLE SPENDING ACCOUNTS

SANDAG offers all Regular and Limited-Term employees the ability to set aside a portion of their income each year to pay for certain qualified health care and child care costs via a Flexible Spending Account (FSA). Funds directed to an FSA are not subject to payroll taxes which may result in tax savings. Contributions to the FSA are made via biweekly paycheck deductions and the account may be used throughout the year to pay for eligible expenses.

7.14 HOME COMPUTER PURCHASE PROGRAM

Regular employees who have completed their introductory period and have not been provided with a laptop computer by SANDAG, are eligible to participate in the Home Computer Purchase Program. Limited-Term, TIPS, and Contract Staff are not eligible for this benefit. In the event an employee voluntarily terminates employment with SANDAG less than one year after SANDAG pays for a portion of an employee's home computer equipment, the employee shall reimburse SANDAG for a pro-rated portion of the benefit provided.

*Refer to the **Home Computer Purchase Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

7.15 LIFE EVENT CHANGE

A Life Event Change allows an employee to add or remove dependents from their current benefit plan elections when family events or unforeseen circumstances occur between Open Enrollment periods. Only specific events qualify as a life event change; these include:

- Marriage
- Divorce/legal separation/annulment
- Birth of a child
- Child reaching maximum coverage age
- Legal adoption/placement of child
- Involuntary loss of outside coverage
- Open Enrollment at spouse's employment
- Beginning/end of Domestic Partner Relationship

In addition to the events noted above, an employee may revoke their election of SANDAG-provided medical insurance outside of Open Enrollment if:

- The employee's hours of service are reduced to fewer than 30 hours per week on average and the employee has enrolled in a health insurance plan offered via a health care reform Exchange.
- The employee has enrolled in a health insurance plan offered via an Exchange and wishes to avoid duplicate coverage due to an overlap in plan years.

If a qualifying event occurs, it must be reported within 31 days, and the life event change must relate to the benefit change requested. As an example, adding or dropping medical plan dependents is common in the case of birth, marriage, or divorce. If a benefit change request is not made within the 31-day period following the life event change, changes cannot be made until the next Open Enrollment period. A life event change does not give an employee the ability to change benefit plans (for example, move from an HMO to a PPO), only to add or remove dependents from their current benefit plan elections.

7.16 LIFE INSURANCE

SANDAG provides term life and accidental death and dismemberment (AD&D) insurance for all Regular and Limited-Term employees in the amount of two times the employee's annual salary or \$100,000, whichever is less. Executive-level employees (Classifications 131 and higher) will receive additional life/AD&D insurance benefits based upon the SANDAG Life Insurance Plan document.

7.17 MANAGEMENT BENEFIT

Executive-level employees (Classifications 131 and higher) shall receive 2.5% of their salary annually to be used toward one or more of the following: health and/or voluntary insurance premiums, additional vacation or PTO, or contributions to their deferred compensation or flexible spending accounts; this is known as the Management Benefit. Executive-level employees also may cash-out this benefit.

The Management Benefit is provided on a calendar year basis and is pro-rated in the event an employee becomes eligible mid-year due to a recent hire or promotion, or if the benefit amount changes mid-year due to promotion. The Management Benefit will be paid in equal installments each pay-period throughout the calendar year in the form elected by the executive-level employee.

Employees who transferred to SANDAG from NCTD due to the Senate Bill 1703 (2003, Peace), who previously received 80 hours per year of management leave, will continue to receive this benefit. The 80 hours will be credited on July 1 of each year and the employee must use management leave within 12 months of it being granted.

7.18 MEDICAL INSURANCE

SANDAG provides Regular and Limited-Term employees with medical insurance; coverage also is available for an employee's dependents, to the extent permitted by the SANDAG Medical Plan documents.

Payment for medical insurance premiums is provided via a Cafeteria Benefit as described in Section 5.3. In the event that the amount of the Cafeteria Benefit does not cover the full cost of the medical insurance premium, the employee is responsible for paying the excess premium amount via biweekly payroll deductions.

Part-time Regular and Limited-Term employees will receive pro-rated medical insurance benefits based upon the number of hours worked each pay period.

7.19 OPEN ENROLLMENT

SANDAG provides an Open Enrollment period once a year, usually in the months of September and October, during which time benefit-eligible employees may review current benefit elections and enroll in or make changes to existing coverage for the following benefit plans: health, dental, vision, flexible spending accounts, and voluntary benefits.

In certain life event change situations, benefit elections may be changed outside of the Open Enrollment period; refer to Section 7.15 for additional information.

7.20 PAID FAMILY LEAVE

Paid Family Leave provides up to eight weeks of partial pay to eligible employees who take time off from work to care for a seriously ill immediate family member (child or step-child, parent, parent-in-law, grandparent, grandchild, sibling or step-sibling, spouse, or registered domestic partner) or to bond with a new child through birth, adoption, or foster care placement.

*Refer to the **Paid Family Leave Policy** in the Supplemental Policies section of this Handbook for further information.*

7.21 PAID PARKING

Executive-level employees (Classifications 131 and higher), and employees assigned a SANDAG vehicle for use when conducting agency business, shall receive paid monthly parking for the garage at the 401 B Street office. Directors may approve paid monthly parking for other employees, on an ongoing or temporary basis, when it is determined to be economically viable for SANDAG when compared to paying the daily parking rate.

7.22 RETIREMENT BENEFITS – CalPERS

SANDAG provides pension benefits to eligible employees through the California Public Employees' Retirement System (CalPERS). Employees participate in one of three tiers, as determined by their date of hire with SANDAG:

- Tier 1 – Employees hired prior to October 27, 2012, will receive the 2.7% at 55 years pension benefit formula.
- Tier 2 – Employees hired after October 27, 2012, including those hired on or after January 1, 2013, who are current members of CalPERS (or a reciprocal agency) and have not had a break in service with a CalPERS agency of greater than six months, will receive the 2% at 60 years pension benefit formula.
- Tier 3 – Employees hired on or after January 1, 2013, who are not members of CalPERS (or a reciprocal system) at the time of hire, or have had a break in service greater than six months from a CalPERS agency, will receive the 2% at 62 years pension benefit formula and are subject to other provisions as described in the Public Employee Pension Reform Act of 2012.

Both SANDAG and the employee (referred to as the member) contribute funds to the pension plan. The amount SANDAG pays varies each year and is determined by CalPERS. The amount the employee (member) pays is calculated as a percentage of salary, based on their tier, as noted below. Member contributions are deducted from biweekly paychecks and transmitted to CalPERS.

- For employees in Tier 1:
 - Employees are responsible for paying the full member contribution (8% of salary) for the CalPERS retirement benefit.
 - The portion of the member's share of the CalPERS retirement benefit paid by Tier 1 employees is subject to change.
- For employees in Tier 2:
 - Employees are responsible for paying the full member contribution (7% of salary) of the CalPERS retirement benefit.
 - The portion of the member's share of the CalPERS retirement benefit paid by Tier 2 employees is subject to change.
- For employees in Tier 3:
 - Employees are responsible for paying half of the normal cost of the CalPERS retirement benefit. The contribution rate is 7.75% in FY 2024.
 - The normal cost of the CalPERS retirement benefit, and therefore the member contribution amount, is subject to change.

SANDAG reserves the right to modify CalPERS benefits and contribution amounts for employees to the maximum extent permitted by law. SANDAG will notify employees in writing and in advance of any changes to member contributions.

SANDAG's administration of pension benefits for employees, and the determination of eligibility for pension benefits at the time of retirement, is subject to the rules set forth by CalPERS.

7.23 RETIREMENT BENEFITS – PARS

TIPS employees who are not members of CalPERS will participate in PARS – Public Agency Retirement Services. TIPS employees are responsible for paying the employee contribution (currently 6.2% of salary) of the PARS retirement benefit. The employee contribution amount under PARS is subject to change.

7.24 SOCIAL SECURITY

SANDAG employees are not subject to Social Security withholding and therefore will not accrue Social Security benefits while employed by SANDAG.

7.25 TRANSPORTATION BENEFITS

Regular, Limited-Term, and TIPS employees based at the 401 B Street office, or other work locations approved by SANDAG, are eligible to receive a PRONTO Card, which allows employees to ride any regular MTS or NCTD transit service (bus, Trolley, COASTER, or SPRINTER) at no cost.

Employees based at the Toll Operations Center are eligible to receive a FasTrak transponder for use in their personal vehicle to pay for toll charges on the South Bay Expressway. Employees based at the Toll Operations Center may request a PRONTO Card in lieu of the FasTrak transponder.

PRONTO Cards and FasTrak transponders assigned to an employee must be used for the employee's benefit only; they are not transferable to anyone else. SANDAG is not responsible for any injury or loss that might occur while an employee is using their PRONTO Card or FasTrak transponder for non-business purposes.

Regular, Limited-Term, and TIPS employees also may participate in the SANDAG transportation incentive program, known as the Transportation Demand Management (TDM) Program. Incentives under the TDM Program are not available to employees whose parking is paid for by the agency.

*Refer to the **Transportation Benefits Policy** in the Supplemental Policies section of this Handbook for further information.*

7.26 VISION INSURANCE

SANDAG provides Regular and Limited-Term employees with vision insurance. Coverage also is available for an employee's dependents, based upon the SANDAG Vision Plan document. SANDAG pays for vision insurance premiums for employees and any enrolled dependents. Part-time Regular and Limited-Term employees will pay a pro-rated premium for vision insurance benefits based upon the number of hours worked each pay period.

7.27 WORKERS' COMPENSATION

SANDAG provides Workers' Compensation insurance as required by the Workers' Compensation Act of the State of California.

An employee whose leave also is designated under the Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA) while on leave for a Workers' Compensation injury may choose to use accrued leave balances such as PTO, vacation, floating holidays, sick leave (if available), compensatory time, or catastrophic leave as a supplementary source of income to ensure payment of normal wages. An employee whose leave is not designated under FMLA and/or CFRA must use accrued leave balances as a supplementary source of income to ensure payment of normal wages. In no event shall an employee be allowed to use accrued leave to receive aggregate pay and benefits in excess of the amount of wages earned by the employee in a typical workweek prior to his/her/their commencement of leave.

If an employee uses accrued leave while waiting for his/her/their Workers' Compensation payments to commence, SANDAG will adjust as appropriate for any leave used that resulted in an overpayment as indicated above. The employee must

buy back any leave used that resulted in an overpayment. Leave bought back will be credited to the employee's accrued leave bank.

While on an approved Worker's Compensation leave, SANDAG will continue to pay the employee's health insurance premiums to the extent those premiums normally were covered by SANDAG, and the employee shall continue to accrue PTO or vacation/sick leave benefits.

Medical charges incurred due to a work-related injury are not to be submitted through the SANDAG health plan. Instead, they must be submitted through the SANDAG Worker's Compensation Insurance Plan.



Time Off

Chapter 8: Time Off

8.1 ADMINISTRATIVE LEAVE

SANDAG may place an employee on Administrative Leave, with pay and benefits, when it is determined that it is in the best interest of the employee and/or the agency that the employee does not remain in the office. Examples of reasons an employee may be placed on Administrative Leave include: 1. To facilitate the investigation of allegations of misconduct, 2. To remove an individual from the workplace who is, or has the potential to, behave in a disruptive manner, or 3. To support maintenance of a safe and healthy work environment. All Administrative Leave requests will be coordinated and approved by the Director of Human Resources.

8.2 BEREAVEMENT LEAVE

Employees who have at least 30 days of service with SANDAG may take up to five (5) days of bereavement leave due to the death of a member of the immediate family as defined.

Immediate family member is defined as a spouse, domestic partner, child, sibling/step-sibling, parent, parent-in-law, grandparent, grandchild, other relative living in the same household, or a designated person (any individual related by blood or whose association with the employee is the equivalent of a family relationship; a limit of one designated person per 12-month period is permitted). A child includes a biological, foster, or adopted child, a step-child, a legal ward, or a child of a domestic partner. A parent includes a biological, foster, or adoptive parent, a step-parent, legal guardian, or a parent of a domestic partner.

Bereavement leave is available for each occurrence of loss. Leave must be completed within three months of the death of the family member however the leave days do not need to be taken consecutively.

Regular and Limited Term employees are eligible for paid bereavement leave as follows:

- Up to three days (24 hours) of paid leave if staying in state
- Up five days (40 hours) of paid leave if traveling out of state or internationally

Regular and Limited-Term employees may choose to use accrued PTO, vacation, floating holidays, or compensatory time, in lieu of, or to supplement, the paid bereavement leave described above. Part-time Regular and Limited-Term employees will receive pro-rated paid bereavement leave benefits based upon their pre-approved standard work schedule.

TIPS employees are not eligible for paid bereavement leave.

Employees must communicate the need to take bereavement leave with their immediate supervisor or with Human Resources.

8.3 CATASTROPHIC LEAVE

SANDAG has a Catastrophic Leave Program that may provide an employee with additional paid time off when all of his/her/their leave balances are exhausted, the employee qualifies for Catastrophic Leave under the policy, and another employee has donated PTO, vacation, floating holidays, sick leave, or compensatory time to the Catastrophic Leave Program. All such donations shall be credited as PTO/Vacation or sick leave time to the employee receiving the benefit.

*Refer to the **Catastrophic Leave Policy**, posted to the Administrative Policies and Guidelines site on SANDAG Central, for further information.*

8.4 CHILD-RELATED ACTIVITIES LEAVE

SANDAG will approve up to 40 hours each year (not to exceed eight hours in any calendar month except in the case of an emergency) for a parent, guardian, stepparent, foster parent, or grandparent of a child, or a person who stands in loco parentis to a child, for protected “child-related activities.” The employee must have custody of the child/children, and the child/children must be attending kindergarten, grades 1 to 12, or a licensed child care provider.

“Child-related activities” include participating in school or licensed child care provider activities; finding, enrolling, or re-enrolling a child in a school or with a licensed child care provider. In addition, an employee may use accrued leave to address school or child care provider emergencies, including a request that the child be picked up from school/child care, behavioral/discipline problems, closure or unexpected unavailability of the school (excluding planned holidays), or a natural disaster.

When taking time off for any type of child-related activities, employees must use accrued leave (PTO, vacation, floating holidays, or compensatory time) and provide reasonable notice to their supervisor of the planned absence.

8.5 COURT APPEARANCES

Unless an employee is appearing on behalf of or at the request of SANDAG, an employee must obtain approval from his/her/their supervisor and use accrued PTO, vacation, or compensatory time, or take leave without pay for appearances in court as a witness or as a party to a lawsuit.

8.6 DISABILITY LEAVE

Employees will be granted disability leave as required by law. Disability benefits will be paid to eligible employees following a one-week waiting period* at a rate of up to two-thirds of regular base pay.

During the one-week waiting period, employees must use any accrued PTO, vacation, sick leave (if available), floating holidays, compensatory time, catastrophic leave, or other available leave balances. Employees on Pregnancy Disability Leave are only required to use sick leave (if available) during the one-week waiting period.

Once payment of disability benefits commence, employees whose leave is designated under the Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA) may choose to use any accrued sick leave (if available) or other accrued leave such as PTO, vacation, floating holidays, or compensatory time, or catastrophic leave in order to remain in a paid status and/or to supplement the employee's disability benefits.

Employees whose leave is not designated under FMLA and/or CFRA must use any accrued sick leave (if available) or other accrued leave such as PTO, vacation, floating holidays, or compensatory time, or catastrophic leave in order to remain in a paid status and/or to supplement the employee's disability benefits. In no event will an employee be allowed to use accrued leave to receive aggregate pay and benefits in excess of the wages earned by the employee in a typical workweek prior to his/her/their commencement of leave.

If an employee uses accrued leave while waiting for his/her/their disability payments to commence, the agency will make adjustments as appropriate for any leave used that resulted in an overpayment as indicated above. The employee must buy back any leave used that resulted in an overpayment. Leave bought back will be credited to the employee's accrued leave bank.

Employees must notify SANDAG immediately upon a health care provider's determination that the employee no longer is disabled and/or is able to return to work. If an employee fails to report to work after a health care provider has determined that the employee is able to return to work and the employee has not obtained approval for a leave of absence, the employee will be considered to have voluntarily resigned, effective three (3) days after the first workday the health care provider designates he/she/they no longer is disabled and/or is able to return to work.

** The one-week waiting period is waived in the event that the disability is caused by an accidental injury. Refer to the SANDAG Group Short-Term Disability Certificate for more details.*

*Refer to the **Family Care and Medical Leave Policy** in the Supplemental Policies section of this Handbook for further information.*

8.7 EMERGENCY SERVICES LEAVE

Employees who perform emergency duty as a volunteer firefighter, reserve peace officer, or as emergency rescue personnel, as defined, may take a leave of absence for emergency duty and up to 14 days per year as a leave of absence for the purpose of engaging in fire, law enforcement, or emergency rescue training.

8.8 EXTENDED LEAVE OF ABSENCE

An extended leave of absence is an absence from work in excess of four weeks, regardless of whether the employee is in a paid or unpaid status, where the leave is not protected under FMLA, CFRA, PDL, ADA, or any other law. Requests for job-protected leave shall be made to the Director of Human Resources. See below for information regarding requests for an extended leave of absence as a form of disability accommodation.

A request for an extended leave of absence shall be made in writing by the employee to their Director with support from his/her/their supervisor. If granted, the approval shall be in writing and a copy kept by the Director of Human Resources. No benefits or reinstatement rights will accrue to an employee, including those based on seniority, during the time an employee is on an extended leave of absence in an unpaid status unless such an accrual is required by law.

A Director, in consultation with the Director of Human Resources, may grant a Regular employee an extended leave of absence for a period not to exceed six (6) months (includes any leave required by law) if either or both of the following is found:

- o The employee's activities during the leave of absence will improve the employee's proficiency, return of the employee is desired and expected, and granting the leave is in the best interest of SANDAG.
- o Circumstances are such that the employee must resign if leave is not granted, the employee's return is desired and expected, and the inconvenience of the employee's absence is justified.

Additional leave beyond six (6) months may be granted to a Regular employee by a Director, in consultation with the Director of Human Resources, for extraordinary reasons such as a job rotation with another government agency, or sabbatical leave that provides opportunities for the employee to pursue studies or career development that will benefit SANDAG.

An extended leave of absence may be requested as a form of disability accommodation by an employee who has been on a medical leave of absence and continues to require time off from work after FMLA, CFRA, or PDL have been exhausted. An employee requesting an extended leave of absence as a form of disability accommodation should contact the Director of Human Resources. All such requests will be considered on a case-by-case basis, using an interactive process, and if approved, are not subject to the time-limits described above.

8.9 FAMILY CARE AND MEDICAL LEAVE

In compliance with the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), the Director of Human Resources will grant job-protected family and medical leave to eligible employees for up to 12 weeks per rolling 12-month period for the reasons shown below.

- Birth of a child and in order to care for the child
- Placement of a child with the employee for adoption or foster care
- When leave is taken under FMLA, an employee may be granted time off to care for a parent (or someone who stands in the place of a parent), spouse, or child due to a serious health condition.
- When leave is taken under CFRA, an employee may be granted time off to care for a parent (or someone who stands in the place of a parent), parent-in-law, spouse, registered domestic partner, child, grandparent, grandchild, sibling (related to another person by blood, adoption, or affinity through common legal or biological parent with a serious health condition), or a designated person (any individual related by blood or whose association with the employee is the equivalent of a family relationship; a limit of one designated person per 12-month period is permitted).
 - Regular, Limited-Term, and TIPS employees who have been employed for at least 30 days may be granted up to 5 days of time off for bereavement leave under CFRA that is separate from the 12 weeks of leave for other eligible purposes. See the Bereavement Leave policy for more information.
- Serious health condition that makes the employee unable to perform the functions of the employee's position
- Caring for an immediate family member who is a member of the National Guard or Reservist

Up to 4 months (defined as one-third of a year, 17¹/₃ weeks, or 693 hours) of Pregnancy Disability Leave (PDL) may be granted to eligible employees who are disabled related to pregnancy or a pregnancy-related medical condition, Pregnancy Disability Leave is coordinated with leave provided under FMLA and/or CFRA. Up to twenty-six (26) weeks of Military Caregiver Leave may be granted to eligible employees for care of an injured service member in the Armed Forces or Reserves who has a qualifying exigency.

Employees must use accrued leave balances (PTO, compensatory time, floating holiday, sick leave, vacation, and catastrophic leave) while on Family Care and Medical Leave and may use accrued leave balances while on Pregnancy Disability Leave. Unpaid leave shall be granted if the employee has exhausted all leave balances.

*Refer to the **Family Care and Medical Leave Policy** in the Supplemental Policies section of this Handbook for further information.*

8.10 AGENCY HOLIDAYS

Regular and Limited-Term employees with an established regular work schedule shall be entitled to be absent from work on designated agency holidays and will receive eight (8) hours of pay per holiday. Part-time Regular, Limited-Term, and TIPS employees on any other type of consistent, reduced work schedule shall be paid for the designated agency holidays based upon their pre-approved part-time work schedule. TIPS employees will not be eligible to receive holiday pay if they do not work any hours during the week in which the holiday falls. Employees who work on an on-call or intermittent basis and do not have a pre-approved work schedule are not eligible to receive holiday pay.

An employee must work his/her/their scheduled day, or use PTO or sick leave, for the work day immediately preceding or the work day immediately following the agency holiday in order to be paid for the holiday.

The following holidays shall be observed:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Cesar Chavez Day
- Memorial Day
- Juneteenth National Independence Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day and the day after
- Christmas Day

Special holidays proclaimed by the President of the United States and the Governor of California may be granted upon approval of the CEO.

When a holiday falls on a Saturday, the prior Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed.

The following provisions apply when an employee works on a scheduled agency holiday:

- Non-exempt employees, other than Toll Operations Specialists discussed below, who are approved to work on a holiday by their supervisor will be paid regular holiday pay in addition to straight time for the hours worked on the holiday. The additional hours of pay for working on the holiday will not be reported to CalPERS and will not be considered in the calculation of pension benefits.
- Due to the 24/7 operational nature of the SR 125 toll road, employees who hold the position Toll Operations Specialist are required to work their usual assigned schedule regardless of agency holidays. If a holiday falls on a day a Toll Operations Specialist is normally required to work, the employee will be paid regular holiday pay in addition to straight time for the hours worked on the holiday. This portion of the Agency Holidays policy has been approved by the Board. Holiday pay duly earned by an employee under the noted conditions shall be reported to CalPERS as special compensation.

- Exempt employees will not receive additional pay or benefits if they work on a holiday unless they have received prior approval to accrue compensatory time.

When a holiday falls on a regularly scheduled Flex Day, full-time employees will be credited with 8 hours of floating holiday.

Holiday pay for employees not working on a holiday will be pro-rated for full-time employees who are not in a fully paid status at the time of the holiday as follows:

- For non-exempt employees – pro-rated holiday pay will be determined by comparing the number of hours the employee is in a paid status during the week in which the holiday falls relative to the number of available work hours during the week in which the holiday falls (40 hours less holiday hours).
- For exempt employees – pro-rated holiday pay will be determined by comparing the number of hours the employee is in a paid status during the pay period in which the holiday falls relative to the number of available work hours in the pay period in which the holiday falls (80 hours less holiday hours).

Holiday pay for employees not working on a holiday will be pro-rated for Part-time Regular, Part-time Limited-Term, and TIPS employees who are not in a fully paid status based upon their pre-approved part-time work schedule at the time of the holiday as follows:

- For non-exempt employees – pro-rated holiday pay will be determined by comparing the number of hours the employee is in a paid status during the week in which the holiday falls relative to the number of available work hours during the week based on their pre-approved part-time work schedule in which the holiday falls (part-time schedule hours less holiday hours).
- For exempt employees – pro-rated holiday pay will be determined by comparing the number of hours the employee is in a paid status during the pay period in which the holiday falls relative to the number of available work hours in the pay period based on their pre-approved part-time work schedule in which the holiday falls (part-time schedule hours less holiday hours).

An employee using PTO, vacation, sick leave, floating holiday, compensatory time, or catastrophic leave is considered to be in paid status.

8.11 FLOATING HOLIDAYS (PERSONAL DAYS)

In addition to the agency holidays observed throughout the year, SANDAG provides eligible Regular and Limited-Term employees with floating holidays, also known as personal days. This benefit provides paid time off and flexibility for employees to honor and recognize holidays, traditions, observances, and commemorations that may fall outside the standard holiday calendar, to volunteer or participate in community activities that occur during business hours, to celebrate days of personal significance (birthdays, anniversaries, etc.), for personal wellness and self-care

activities, or for other work/life balance purposes. Employees are not required to disclose the reason for use of a floating holiday/personal day.

Regular and Limited-Term employees are entitled to two floating holidays (16 hours) per fiscal year (July 1 to June 30 of the following year), with the following exceptions: (1) New employees who begin working after December 31 of any fiscal year will receive one floating holiday (8 hours) during that fiscal year; and (2) New employees who begin working on or after April 1 of any year will not be eligible for any floating holidays for that fiscal year.

When possible, the use of floating holidays must be approved in advance by the employee’s supervisor. Floating holidays must be reported on the employee’s timesheet. Floating holidays not taken by the end of the fiscal year will be converted to paid time off or vacation leave hours. An employee will not be permitted to convert floating holiday hours if the employee’s PTO or vacation hours are at the maximum accrual.

Part-time Regular and Limited-Term employees will receive pro-rated floating holidays based upon their pre-approved part-time schedule in place as of July 1. The allocation of pro-rated floating holiday hours will be based on the sliding scale below. The allocation of pro-rated floating holiday hours will not change during the fiscal year, regardless of the actual number of hours worked by the employee. TIPS employees are not eligible for this benefit.

Hours worked per Pay Period	Floating Holiday Hours Credited on July 1
80	16
75-79	15
70-74	14
65-69	13
60-64	12
55-59	11
50-54	10
45-49	9
40-44	8

8.12 HOLIDAY OFFICE CLOSURE PROGRAM AND UNPAID LEAVE

Subject to annual approval by the CEO, or his/her/their designee, the SANDAG offices at 401 B Street are closed to the public for regular agency business during the week of Thanksgiving and between the Christmas Day and New Year’s Day holidays. Office hours for the Toll Operations Center are determined each year. On the days the offices are closed to the public, employees may work their usual schedule, take time off using accrued PTO/vacation/compensatory time, or take unpaid leave. Supervisor approval is required.

If unpaid leave is requested, employees will continue to accrue leave benefits and the SANDAG and employee contributions to health, dental, and vision insurance premiums will remain the same. Contributions to the CalPERS pension plan will be reduced to match the number of days an employee was in a fully paid status.

Human Resources will announce the availability of the Holiday Office Closure Program and coordinate unpaid leave requests.

8.13 JURY DUTY

All Regular and Limited-Term employees when duly called by a public authority to serve on any jury, shall be entitled to be absent from their duties with SANDAG during the period of such service or while necessarily being present in court as a result of such call. Under these circumstances, the employee shall be paid their normal salary and benefits and any payment received by them for such jury duty. All part-time Regular and Limited-Term employees on any type of consistent, reduced work schedule shall be paid for hours of jury duty based on their pre-approved part-time work schedule. TIPS employees are not eligible for this benefit. SANDAG may request deferment of jury service for an employee during peak periods of work.

The employee should notify his/her/their supervisor of the need to take time off from work for jury duty as soon as the summons is received. The employee shall provide written verification from the court clerk for each day of jury duty, showing the time the employee arrived for duty and left the court for the day. If work time remains after any day of jury selection or jury duty, the employee is expected to make arrangements with their supervisor regarding the appropriateness of returning to work for the day. If it is not appropriate for the employee to return to work, the employee and supervisor may coordinate alternate arrangements to make up the time in the same work week (non-exempt employees) or pay period (exempt employees), or the employee may use PTO, vacation, or other accrued leave hours.

For non-exempt employees, it is important to remember that no more than 40 hours can be recorded in a workweek. Depending upon the number of jury duty hours occurring during a workweek, the manager and employee must discuss reallocating work hours for the remainder of the work week so that, combined with the jury duty hours, total hours equal no more than 40 for the work week. Exempt employees on jury duty will not be eligible for compensatory time unless the employee works more than 80 hours in the pay period and obtains prior approval from his/her/their supervisor.

For those employees with an approved flex schedule, if jury duty falls on the employee's regularly scheduled flex day, the employee will not be entitled to paid time spent on jury duty and will resume their normal flex schedule upon returning to work. An employee may request a temporary variation in his/her/their work schedule from the approved schedule to accommodate jury duty if his/her/their supervisor approves of the change.

8.14 LACK OF AUTHORIZATION FOR LEAVE

It is the employee's responsibility to acquire authorization for leave from his/her/their immediate supervisor. Absence of any employee without authorized leave for three consecutive days of work may constitute a voluntary resignation of the employee and voluntary waiver of all rights afforded by this Handbook. Failure of an employee to report for work or to obtain authorization for continuance of leave within three working days after the expiration of an authorized leave of absence may constitute voluntary resignation of the employee and voluntary waiver of all rights afforded by this Handbook.

8.15 LACTATION ACCOMMODATION

SANDAG will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The requested break time should, if possible, be taken concurrently with other scheduled break periods. Non-exempt employees will be unpaid for any lactation breaks that do not run concurrently with normally scheduled rest periods. SANDAG reserves the right to deny, in writing, an employee's request for a lactation break if the additional break time will seriously disrupt agency business.

SANDAG 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. Such space will include a surface to place a breast pump and personal items, a place to sit, and access to electricity. SANDAG also will provide the employee with access to a sink with running water and a refrigerator for storing breast milk in close proximity to the employee's workspace.

Employees based at the 401 B Street office who wish to express milk may use the Wellness Room on the 10th floor. Alternatively, employees may use the changing room area of the women's 7th floor restroom. The changing room door may be locked while milk is being expressed. Employees who work at other locations will be provided with a suitable location. An employee may request an accommodation for lactation breaks by speaking to her supervisor. Employees should contact Human Resources with any additional accommodation requests.

Employees have the right to file a complaint with the Labor Commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.

8.16 MATERNITY/PATERNITY LEAVE

Maternity/Paternity leave will be provided to eligible employees upon the birth or adoption of a child. To the extent the request for Maternity/Paternity leave falls within the provisions of the Family and Medical Leave Act, the California Family Rights Act, the Pregnancy Disability Leave Act, or other applicable laws, the Director of Human Resources will grant job-protected leave in coordination with the employee's

supervisor and Director and in accordance with the SANDAG Family Care and Medical Leave policy. If the request for Maternity/Paternity leave extends beyond the time period required by law, or the employee is not eligible for job-protected leave, the leave request will be considered an Extended Leave of Absence (refer to Section 8.8) and approval for such leave must be provided by the Director.

*Refer to the **Family Care and Medical Leave Policy** in the Supplemental Policies section of this Handbook for further information.*

8.17 MEAL PERIODS

Each supervisor is responsible for ensuring the availability of a meal break for his/her/their non-exempt employees. All non-exempt employees must take at least a 30-minute meal period during the day if the employee works more than 6 hours. This break must be taken during the day and not “tacked” onto the end of the work day. The agency shall not assign a non-exempt employee any work-related responsibilities during the meal period.

In the event a non-exempt employee believes he/she/they cannot take a meal period, was unable to take a full meal period, or the meal period is interrupted, the employee must notify their supervisor or the Director of Human Resources in writing as soon as possible, preferably the same day, so that proper measures may be taken.

Exempt employees are not legally required to take a meal period, however, for health, productivity, and scheduling reasons, SANDAG encourages all exempt employees to establish a regular work schedule that includes at least a 30-minute meal period in the middle part of the work day. An exempt employee who wishes to work without a break on a regular basis must get approval from his/her/their Director.

8.18 MILITARY LEAVE

Employees who are members of the U.S. Armed Forces (Active or Reserve) shall be granted leave if called to serve in the military in accordance with the provisions of state and federal law. There is no minimum period of employment in order for an employee to be eligible for military leave.

Employees who have been employed by SANDAG for less than 12 continuous months prior to the request for military leave may choose to use accrued leave balances such as vacation, Paid Time Off (PTO), floating holidays, and compensatory time while on military leave or may choose to be in an unpaid status. Employees who have been employed by SANDAG for at least 12 continuous months prior to the request for military leave will receive their normal pay for 30 (thirty) calendar days aggregate per fiscal year. Part-time employees who have worked for at least 12 continuous months prior to the request for military leave will receive pay during the 30-calendar-day period in proportion to the average percentage of full-time hours worked during the three calendar months preceding the leave.

Employees taking military leave in excess of 30 (thirty) calendar days aggregate per fiscal year, whether for reserve duties or active duty, will be placed on unpaid leave beginning on the 31st (thirty-first) day of leave.

For the first 30 (thirty) calendar days an employee is on military leave, regardless of whether the employee is in a paid or unpaid status, SANDAG will continue to pay the employer contribution toward any health insurance premiums, to the extent those premiums normally are covered by SANDAG. The employee will continue to be responsible for payment of their deductions for any of their elected benefits while on military leave. If an employee wishes to continue any of his/her/their benefits while on military leave in excess of 30 (thirty) calendar days, the employee should contact the Director of Human Resources.

While on unpaid military leave, employees will not accrue sick leave, vacation leave, Paid Time Off (PTO), or floating holidays, and will not receive holiday pay. Employees will receive length-of-service credit if they return to their employment with SANDAG at the end of their military leave.

8.19 MILITARY SPOUSE/DOMESTIC PARTNER LEAVE

Pursuant to California Military and Veterans Code Section 395.10, spouses and registered domestic partners of qualified members of the military, as defined by law, may be eligible for up to ten (10) days of unpaid leave when the qualified member is on leave for more than ten (10) days from military deployment. SANDAG will pay the employee's health insurance premiums, to the extent those premiums normally were covered by SANDAG, for a period of up to ten (10) days while on Military Spouse/Domestic Partner Leave. The employee, however, will be responsible for paying any excess health premiums, supplemental life insurance, and Flexible Spending Account amounts that normally are deducted from his/her/their paycheck.

8.20 PAID TIME OFF (PTO)

SANDAG provides a bank of hours, referred to as Paid Time Off (PTO), that allows Regular and Limited-Term employees to take time off work and still get paid. The PTO bank, or another approved source of leave time, must be used when a non-exempt (hourly) employee does not work 40 hours in a work week, or when an exempt (salaried) employee does not work 80 hours in a pay period, to remain in a fully paid status. PTO shall be taken in increments of not less than $\frac{1}{4}$ hour for non-exempt employees.

Regular and Limited-Term employees with an approved reduced work schedule are expected to use PTO hours, or another approved source of leave time, if they work fewer hours than their agreed upon schedule.

8.20.1 Full-time Regular and Limited-Term employees shall earn PTO in accordance with the schedule below. Part-time Regular and Limited-Term employees are entitled to the PTO allowance on a pro-rated basis based upon their approved work schedule:

- Less than 3 years of employment:
144 hours per year, or approximately 1 hour for every 14.44 hours in paid status
- Years 3 through 10 of employment:
184 hours per year, or approximately 1 hour for every 11.30 hours in paid status
- After 10 years of employment:
224 hours per year, or approximately 1 hour for every 9.29 hours in paid status

8.20.2 The accrual of PTO shall commence on the first day of employment, and an employee may request to use PTO as soon as hours have accrued.

8.20.3 PTO shall be taken at reasonable times approved by the employee's supervisor. SANDAG does not permit employees to have a negative PTO balance; supervisors may only approve time off requests if the employee has enough PTO hours accrued. Exceptions may be applicable when PTO is being used for sick leave purposes.

Employees who fail to obtain advanced permission or fail to contact their supervisor while absent for three (3) or more consecutive work days may be considered to have abandoned their employment and may be subject to discipline up to and including termination.

8.20.4 An accrued PTO balance may be carried forward into the following year. Effective July 1, 2020, the maximum amount of PTO an employee can accrue is 480 hours. An employee who accrues 480 hours will stop earning PTO until the balance is brought below 480 hours.

8.20.5 Toward the end of each fiscal year, and subject to budget availability, the CEO, or his/her/their designee, may authorized the payout of up to 80 hours of PTO to employees who meet the following criteria: (a) an equal or greater amount of hours has been used in the preceding 12 months; and (b) a minimum PTO balance of 160 hours will remain after the payout. Requests for PTO payout may be granted on a pro-rated basis due to budget capacity.

8.20.6 Accrued PTO shall be paid out to employees upon separation or termination of employment; it will not be credited as service credit under the SANDAG retirement plan with CalPERS.

8.20.7 PTO shall not accrue during leaves of absence without pay unless required by law. PTO shall be taken in increments of not less than ¼ hour for non-exempt employees.

8.20.8 When PTO is used as sick leave, the sick leave provisions in Sections 8.25, 8.25.1, 8.25.2, 8.25.3, 8.25.4, 8.25.5, 8.25.6, 8.25.7 and 8.25.8 shall apply.

8.21 PAID TIME OFF (PTO) ACCRUAL WAIVER

Regular and Limited-Term employees earn Paid Time Off (PTO) in accordance with Section 8.20.1 of this Handbook. The maximum amount of PTO an employee can accrue is 480 hours. An employee will stop earning PTO until their balance is brought below 480 hours.

An employee may seek approval from their Director and Director of Human Resources to exercise his/her/their discretion and temporarily increase the maximum PTO accrual limit by up to 80 additional hours, for up to six (6) months, for good cause. This practice enables employees to continue earning PTO during peaks in workload and provides time for those employees to use their PTO hours.

As part of their request, the employee is required to provide a written plan to demonstrate how they will reduce their PTO balance to less than 480 hours by the conclusion of the temporary increase period.

If the temporary accrual increase is granted, it must be given in writing and will be effective for up to six (6) months. A copy of the written approval shall be provided to the employee, supervisor, Director, and Director of Human Resources who will coordinate with Payroll. A copy of the employee's request, the approval, and the documented plan for reducing the PTO balance shall be kept in the employee's Personnel and Payroll files.

8.22 RELIGIOUS LEAVE

Upon request to their supervisors, employees may be granted a leave of absence using accrued PTO, vacation time, or compensatory time, or in a time off without pay status, for the required observance of a special religious celebration.

8.23 REPRODUCTIVE LOSS LEAVE

Employees who have at least 30 days of service with SANDAG may take up to five (5) days of job-protected leave for a reproductive loss event, defined as "the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction." To be eligible for the leave, the employee would have been considered the parent if the forementioned events were successful.

Reproductive loss leave is available for each occurrence. Leave must be completed within three months of event however the leave days do not need to be taken consecutively. If an eligible employee suffers more than one loss event within 12 months, a maximum of 20 days of leave shall be provided.

Regular and Limited Term employees are eligible for paid reproductive loss leave consistent with the Bereavement leave policy (see Section 8.2) as follows:

- Up to three (3) days (24 hours) of paid leave if staying in state
- Up five (5) days (40 hours) of paid leave if traveling out of state or internationally

Regular and Limited-Term employees may choose to use accrued PTO, vacation, floating holidays, or compensatory time, in lieu of, or to supplement, the paid bereavement leave described above. Part-time Regular and Limited-Term employees will receive pro-rated paid bereavement leave benefits based upon their pre-approved standard work schedule.

TIPS employees are not eligible for paid leave.

Employees should communicate the need to take reproductive loss leave directly with Human Resources. There is no requirement to provide supporting documentation regarding the need for leave. All requests for reproductive loss leave will be handled in a confidential manner.

8.24 REST PERIODS

Each non-exempt employee shall be entitled to paid rest periods as authorized by the employee's supervisor. Rest periods shall be 10 minutes in length. At least one rest period shall be available to non-exempt employees every four (4) hours.

8.25 SICK LEAVE, GENERAL PROVISIONS

The following provisions are applicable to employees eligible for Grandfathered Sick Leave (described in Section 8.26), TIPS employees eligible for paid sick leave (described in Section 8.27), and Regular and Limited-Term employees using PTO as sick leave.

8.25.1 An employee shall be allowed to use sick leave for any of the following reasons:

- An employee is physically or mentally unable to perform his or her duties due to illness, injury, or a medical condition
- An employee needs time off to obtain professional diagnosis, care, or treatment for an existing medical condition

- An employee needs time off for other medical reasons, such as pregnancy, obtaining a physical examination, or seeking preventative care
- An employee is providing care or assistance to an immediate family member or a designated person (a person identified by the employee at the time the employee requests paid sick days) with an illness, injury, or medical condition, including assisting in obtaining professional diagnosis or treatment of a medical condition or preventative care
- An employee needs time off due to the birth of a child and in order to care for the child, or placement of a child with the employee for adoption or foster care
- An employee needs to use Safe Time due to being a victim of domestic violence, sexual assault, or stalking as described in the *Workplace Violence Prevention Supplemental Policy* to this Handbook
- An employee's worksite is closed by order of a public official due to a public health emergency or the employee is providing care or assistance to a child whose school or child care provider is closed by order of a public official due to a public health emergency,
- An employee is subject to enforced quarantine in accordance with public health regulations
- Any other reason permitted under the Healthy Workplaces, Healthy Families Act of 2014 or local San Diego ordinance

8.25.2 Pay for sick leave for the foregoing reasons shall be to the extent that the compensation is not payable under the terms of the Workers' Compensation Insurance Act of the State of California, by any insurance coverage provided to the employee by SANDAG at its cost, or as may be otherwise allowed by these policies.

8.25.3 Sick leave shall be taken and recorded in increments of not less than ¼ hour.

8.25.4 The pre-approved part-time work schedule will be used to determine the number of hours to be deducted from a part-time employee's sick leave balance when they are absent from work for a whole or partial day for eligible sick leave purposes. The use of sick leave may not result in an employee reporting hours on their timesheet in excess of their pre-approved part-time work schedule.

8.25.5 If the need for sick leave is foreseeable, an employee shall provide reasonable advance notification to his/her/their supervisor; no more than seven (7) days' notice is required. If the need for sick leave is unforeseeable, the employee shall notify his/her/their supervisor no later than 30 minutes

after the scheduled start of the work day on the day sick leave is taken, or as soon as practicable.

- 8.25.6 An employee who fails to obtain advanced permission or fails to contact their supervisor while absent from work, for three (3) or more consecutive work days, may be considered to have abandoned their employment and may be subject to discipline up to and including termination.
- 8.25.7 The CEO or his/her/their designee will require a health care provider's certificate for any sick leave requested if an employee is absent and unable to work due to their own illness for five (5) or more consecutive days. The health care provider's certificate must be given to the Director of Human Resources. The health care provider's certificate includes, but is not limited to: a written prognosis from the treating health care provider as to the expected convalescence period, if any; specific physical restrictions, if any, that bear on the employee's ability to perform his/her/their duties; and/or a second opinion on the employee's conditions from a health care provider of SANDAG's choice (and at SANDAG's expense), based upon independent medical evaluation(s) and/or review of the employee's health care provider report(s).
- 8.25.8 If an employee comes to work when they are ill, they may be sent home to ensure that others in the work area are not infected. To be paid for the time lost from work, the employee must use their accrued sick leave or PTO hours.

8.26 SICK LEAVE, GRANDFATHERED

Certain employees are eligible to accrue Grandfathered Sick Leave. Eligible employees are those employees who were hired on or before June 30, 2003, who have not elected to receive Paid Time Off (PTO) in lieu of sick leave (see Section 8.30). Grandfathered sick leave shall be earned by part-time employees on a pro-rated basis based on the number of hours they work.

- 8.26.1 Grandfathered sick leave accrues at the rate of 1 hour for every 20 hours worked – equivalent to 13 days (104 hours) per year with unlimited accrual. Grandfathered sick leave shall not accrue during leaves of absence without pay unless required by law.
- 8.26.2 Upon separation of employment, an employee may elect to receive a cash payment of up to 25% of all unused grandfathered sick leave at the salary rate current at the date of separation.

Upon retirement, an employee may elect to receive a cash payment of up to 25% of all unused grandfathered sick leave at the salary rate current at the date of retirement. The remaining balance (between 75 to 100% of unused grandfathered sick leave) may be applied toward the employee's CalPERS service credit if the employee meets the requirements established by CalPERS for doing so. If the employee fails to make an

election upon retirement, the accrued sick leave shall automatically be credited as service credit with CalPERS if the employee meets the requirements established by CalPERS for doing so.

8.27 SICK LEAVE, TIPS EMPLOYEES

TIPS employees are eligible to accrue paid sick leave on their starting date of employment and may use accrued paid sick leave beginning on the 90th day of employment. (Retired Annuitants are not eligible for paid sick leave.)

TIPS employees earn paid sick leave at the rate of one hour for every 30 hours worked, and when taken, sick leave is paid at the TIPS employee's current regular rate of pay.

A TIPS employee may use a maximum of 5 days or 40 hours (whichever is greater) of sick leave in each year of employment.

TIPS employees are permitted to carry unused sick leave into the following year of employment and may accrue a maximum of 80 hours of sick leave. If a TIPS employee's total accrual of sick leave reaches 80 hours, the TIPS employee will stop accruing sick leave until such time as the leave balance is reduced below 80 hours.

TIPS employees are not eligible to receive a pay out of accrued paid sick leave upon separation or termination of employment.

If a TIPS employee resumes employment with SANDAG within six months of his/her/their separation date, the previously accrued and unused sick leave hours will be reinstated, and the employee will resume accruing 1 hour of sick leave for every 30 hours worked.

If a TIPS employee transitions to a Regular or Limited-Term position, up to 80 hours of accrued sick leave (the maximum accrual limit) will remain available to the employee to use in accordance with the sick leave policy, and the employee will commence earning Paid Time Off (PTO).

8.28 SPECIAL REPORTING REQUIREMENTS FOR USE OF SICK LEAVE OR PAID TIME OFF

An employee with a serious health condition, or who has an immediate family member with such a condition, may be entitled to leave under the California Family Rights Act (CFRA) or the Family and Medical Leave Act (FMLA).

To ensure employees receive all benefits they are entitled to under the law, a supervisor must inform the Director of Human Resources if an employee calls in sick for more than three (3) consecutive days of work, or when the supervisor knows that the employee will be taking off more than three (3) consecutive days of work due to the illness or medical treatment of the employee or the employee's immediate family member.

*Refer to Section 8.9 and the **Family Care and Medical Leave Policy** in the Supplemental Policies section of this Handbook for further information.*

8.28.1 An employee granted leave of any type for five (5) or more consecutive days due to his/her/their own illness will be required to provide a signed health care provider certificate to the Director of Human Resources before being allowed to return to work.

8.28.2 An employee who uses PTO and chooses not to inform his/her/their supervisor or the Director of Human Resources of their need for leave assumes the risk of losing their protections under the FMLA or the CFRA as SANDAG will not have any reason to know whether the employee's rights under those laws have been triggered. In the event that Human Resources learns an employee's leave is qualified under FMLA or CFRA, Human Resources will contact the employee and take the necessary steps to designate the leave as FMLA and/or CFRA as applicable.

8.29 TIME OFF WITHOUT PAY

Employees may request limited periods of time off without pay when they do not have any PTO, vacation, floating holiday, or compensatory time balances available for use. Such a request must be pre-approved by the Director in coordination with the Director of Human Resources and in accordance with Section 8.8 (Extended Leave of Absence).

Employees may not take time off without pay if they have any PTO, vacation, floating holiday, or compensatory time available unless the days taken off have been designated or approved as unpaid time off by a Director or as required by law. Leave balances automatically will be used by Payroll in the order indicated in the prior sentence in the event an employee takes time off without identifying the type of leave to be used on his/her/their timesheet. During time off without pay, payment of health benefit premiums is the responsibility of the employee.

Employees who fail to obtain advanced permission or fail to contact their supervisor while absent from work, for three or more consecutive work days may be considered to have abandoned their employment and may be subject to discipline up to and including termination.

8.30 VACATION LEAVE

SANDAG provides Vacation leave to a limited group of grandfathered Regular employees who were hired prior to June 30, 2003, and who did not elect to receive Paid Time Off (PTO) benefits in lieu of Vacation leave and Sick leave. Employees hired after June 30, 2003, are not eligible for Vacation leave and instead receive Paid Time Off as set forth in Section 8.20 of this Handbook.

Vacation leave allows employees to take time off work and still get paid. The Vacation leave bank, or another approved source of leave time, must be used when a non-exempt (hourly) employee does not work 40 hours in a work week, or when an exempt (salaried) employee does not work 80 hours in a pay period, to remain in a

fully paid status. Vacation leave shall be taken in increments of not less than ¼ hour for non-exempt employees.

Regular employees with an approved reduced work schedule are expected to use Vacation leave, or another approved source of leave time, if they work fewer hours than their agreed upon schedule.

- 8.30.1 Full-time Regular employees who are eligible to receive Vacation leave shall earn leave hours in accordance with the schedule below. Part-time employees are entitled to Vacation leave on a pro-rated basis based upon their approved work schedule.
- o For the first year of employment at the rate of .03847 hours for each hour of non-overtime hours paid to an employee each year (approximately 80 hours per year).
 - o An additional .00385 hours for each hour of non-overtime hours paid shall accrue for each full year during the second year, and each year thereafter, to a maximum of 20 days (approximately 160 hours per year).
 - c. Vacation leave shall not accrue during leaves of absence without pay unless required by law.

8.30.2 The accrual of Vacation leave shall commence on the first day of employment, and an employee may request to use Vacation leave as soon as hours have accrued.

8.30.3 Vacation leave shall be taken at reasonable times approved by the employee's supervisor. SANDAG does not permit employees to have a negative Vacation leave balance; supervisors may only approve time off requests if the employee has enough Vacation leave hours, or other appropriate leave hours, accrued.

Employees who fail to obtain advanced permission or fail to contact their supervisor while absent for three (3) or more consecutive work days may be considered to have abandoned their employment and may be subject to discipline up to and including termination.

8.30.4 An accrued vacation leave balance may be carried forward into the following year. The maximum amount of vacation leave an employee can accrue is 400 hours. An employee who accrues 400 hours will stop earning vacation leave until the balance is brought below 400 hours.

8.30.5 Toward the end of each fiscal year, and subject to budget availability, the CEO, or his/her/their designee, may authorize the payout of up to 80 hours of Vacation leave to employees who meet the following criteria: (a) an equal or greater amount of Vacation hours has been used in the preceding 12 months; and (b) a minimum Vacation leave balance of 160 hours will

remain after the payout. Requests for Vacation leave payout may be granted on a pro-rated basis due to budget capacity.

8.30.6 Accrued Vacation leave shall be paid out to employees upon separation or termination of employment; it will not be credited as service credit under the SANDAG retirement plan with CalPERS.

8.30.7 Vacation leave shall not accrue during leaves of absence without pay unless required by law.

8.31 VACATION LEAVE ACCRUAL WAIVER

Eligible grandfathered Regular employees earn Vacation leave in accordance with Section 8.30.1 of this Handbook. The maximum amount of Vacation leave an employee can accrue is 400 hours. An employee will stop earning Vacation leave until their balance is brought below 400 hours.

An employee may seek approval from their Director and the Director of Human Resources to exercise his/her/their discretion and temporarily increase the maximum vacation accrual limit by up to 80 additional hours for good cause. This practice enables employees to continue earning vacation leave during peaks in workload and provides time for those employees to use their vacation leave hours.

As part of their request the employee is required to provide a written plan to demonstrate how they will reduce their vacation leave balance to below 400 hours by the conclusion of the temporary increase period.

If the temporary accrual increase is granted, it must be given in writing and will be effective for up to six (6) months. A copy of the written approval shall be provided to the employee, supervisor, Director, and Director of Human Resources who will coordinate with Payroll. A copy of the employee's request, the Director's approval, and the documented plan for reducing the vacation leave balance shall be kept in the employee's Personnel and Payroll files.

8.32 VOTING LEAVE

An employee may be eligible for up to two (2) hours of paid time off for voting during regular office hours if the employee is unable to reach the polls during non-working hours because of their job. Time off will be provided in accordance with the provisions of the Elections Code of the State of California. If an employee is able to vote during non-working hours but chooses to vote during regular office hours, the employee must use any accrued paid time they have available or be unpaid.



Pay Practices

Chapter 9: Pay Practices

9.1 ACTING PAY

An employee may be provided with acting pay, on an interim basis, when temporarily assigned to a higher-level position and performing the responsibilities of the higher-level position without the obligation of the duties of their current role; this is referred to as an Acting Assignment. The need for the acting assignment may be due to a vacant position, another employee's leave of absence, or workload demands driven by agency priorities.

Acting assignments are typically between three (3) and six (6) months in duration and are coordinated by the employee's supervisor, Director, and the Director of Human Resources. The request for the acting assignment must be submitted in writing; it should clearly describe the need for the assignment, the expected duration, and the duties and responsibilities the employee is expected to assume. The request should also outline how the responsibilities of the employee's current position will be performed. Approval, if granted, shall be in writing by the employee's Director.

- When the need for an acting assignment is due to a leave of absence longer than six (6) months, or when a vacancy is prolonged beyond six (6) months because a recruitment did not result in the selection of a candidate, the Director, in consultation with the Director of Human Resources, may extend the acting assignment for up to three (3) additional months.
- When an acting assignment is expected to extend beyond the six (6)- or nine (9)-month limit indicated above, the Director will attempt to rotate the acting assignment among employees who are interested and qualified for the opportunity. Subject to the 960-hour limitation described below, if it is determined there is only one employee both interested and qualified for the acting assignment, the employee may serve in the role beyond the applicable 6- or 9-month limit until the position is filled.
- An employee shall not work more than 960 hours per fiscal year in any single acting assignment to a position that is subject to active recruitment.

The acting pay provided to an employee shall be at a rate appropriate to the classification of the acting assignment, and commensurate with the employee's qualifications and experience. The minimum increase is 5% of the employee's regular rate of pay and up to 25% may be provided; the amount will be determined using a salary analysis prepared by Human Resources and approved by the Director. An acting pay increase shall not cause the employee's pay rate to exceed the maximum of the salary range for the position classification of the acting assignment; an increase may be less than 5 percent to comply with this limitation.

An employee asked to 'act' in an Executive-level role who does not hold an Executive-level position is not eligible for the Management Benefit or any other benefits intended solely for Executive-level positions.

The employee's regular rate of pay will be restored at the end of the acting assignment.

The additional pay provided to an employee in the form of Acting Pay *is reported* to CalPERS as compensation for the purposes of pension calculations.

9.2 COMPENSATORY TIME

Compensatory time is a time-off benefit that may be approved for exempt (salaried) Regular and Limited-Term employees who are required work more than 80 hours in a pay period to ensure that critical deadlines for agency projects are met or to ensure continuation of business operations. (Note: The number of expected work hours is reduced when one or more holidays fall within a pay-period; this is considered when determining eligibility for compensatory time.)

Full-time exempt employees are scheduled to work 80 hours per pay period and may need to work additional hours to perform their job effectively. Compensatory time is not intended to be earned on a regular, recurring basis for completion of core job responsibilities. Rather, the approval of compensatory time should be associated with urgent or unexpected peaks in workload. Executive-level employees who receive the Management Benefit are not eligible for compensatory time.

Compensatory time must be pre-approved, in writing, by an employee's supervisor and Director, and is earned on an hour-for-hour basis. The request by the employee must describe the anticipated number of additional work hours, the body of work expected to be completed, and the impact on SANDAG if the work is not completed in a timely manner.

Requests for compensatory time must be for a minimum of 4 hours in a pay-period. The supervisor and employee must retain a copy of the documented approval for at least two (2) years, and the employee must record the approved compensatory time earned on their timesheet in the pay-period in which it was earned, noting the reason for the additional hours worked. Employees must also record compensatory time taken on their timesheet in the pay-period in which the accrued time is used.

The maximum accrual limit for compensatory time is 40 hours. As soon as the employee uses enough compensatory time to bring his/her/their balance below 40 hours, the employee will again be eligible to accrue compensatory time. Employees must have prior approval from their supervisor before taking compensatory time.

9.2.1 COMPENSATORY TIME ACCRUAL WAIVER

An employee may seek approval from their Director and the Director of Human Resources to exercise his/her/their discretion to temporarily increase the maximum compensatory time accrual limit by up to 40 additional hours, for up to six (6) months, for good cause. This practice enables employees to

continue earning compensatory time during peaks in workload and provides time for those employees to use their compensatory time hours.

As part of their request, the employee is required to provide a written plan to demonstrate how they will reduce their compensatory time balance to less than 40 hours by the conclusion of the temporary increase period.

If the temporary accrual increase is granted, it must be given in writing and will be effective for up to six (6) months. If the additional compensatory time hours are not used within the six (6) month period, they will be forfeited.

A copy of the written approval shall be provided to the employee, supervisor, Director, and Director of Human Resources who will coordinate with Payroll. A copy of the employee's request, the approval, and the documented plan for reducing the compensatory time balance shall be kept in the employee's Human Resources and Payroll files.

9.3 EQUITY PAY ADJUSTMENT

An equity pay adjustment may be granted to an employee under certain circumstances including when a significant lag in salary exists relative to market conditions or between employees with comparable job functions who have similar levels of experience, skills and knowledge, and demonstrated performance; when an employee's assigned functions or work tasks increase the scope of the position but do not warrant reclassification; when salary compression exists between supervisors and their employees; and/or to address retention of employees with highly specialized skills or due to competitive job markets.

Interns and Retired Annuitants are not eligible for equity pay adjustments.

To support the agency's commitment to fair and equitable pay practices, a review of employee salaries is coordinated by Human Resources on a periodic basis. This assessment, conducted in collaboration with Directors, may result in recommendations for equity pay adjustments which must be approved by the Senior Director of Organization Effectiveness, in consultation with the Deputy CEOs, CFO, and Director of Human Resources. The intent of the pay adjustment is to maintain the overall fairness of compensation between similarly situated employees while allowing for variances in pay rates based on demonstrated performance. The employee's current salary range position, as well as their qualifications, experience, and performance, will be reviewed as part of determining whether an equity pay adjustment is warranted.

Employees approved for an equity pay adjustment will be notified in writing and the pay rate change will be processed in accordance with the timing defined by the Director of Human Resources. Equity pay adjustments are typically effective at the beginning of the fiscal year, and/or beginning of the calendar year. Equity pay adjustments are not guaranteed and may not be available due to budget constraints or other business reasons.

9.4 COST OF LIVING ADJUSTMENT (GENERAL SALARY INCREASE)

A Cost-of-Living Adjustment (COLA), also referred to as a General Salary Increase (GSI), may be approved by the Board as part of the Annual Program Budget. COLA's, when authorized, are typically a percentage of an employee's base pay, and effective at the beginning of the fiscal year.

All employees who are in active status on the first day of the fiscal year, except Retired Annuitants, are eligible to receive the COLA. Employees hired after the start of the fiscal year will not receive a COLA.

A COLA increase may not cause an employee's salary to exceed the top of their salary range; a reduced COLA, or no COLA, will be provided in such a situation.

9.5 HOURS OF WORK

All employees shall work such hours as directed by their supervisors. Each employee shall keep, and their supervisor shall certify, regular attendance records and labor charges that shall be reported to Payroll as directed.

9.6 MARKET PAY ADJUSTMENT

A market pay adjustment may be granted to an employee when the salary range for their position is moved (reallocated) to a higher level. These types of changes typically occur as part of implementing recommendations from a salary range study.

A review of an employee's salary will be coordinated by Human Resources upon reallocation of the employee's position. This assessment, conducted in collaboration with Directors, may result in a recommendation for market pay adjustments, which must be approved by the Senior Director of Organization Effectiveness, in consultation with the Deputy CEOs, CFO, and Director of Human Resources. The intent of the pay adjustment is to maintain the market competitiveness of the employee's salary. The employee's current salary range position, as well as their qualifications, experience, and performance, will be reviewed as part of determining whether a market pay adjustment is warranted.

Employees approved for a market pay adjustment will be notified in writing and the adjustment paid, retroactively, to the effective date of the position reallocation. Market pay adjustments are not guaranteed and may not be available due to budget constraints or other business reasons.

Interns and Retired Annuitants are not eligible for market pay adjustments.

9.7 MERIT INCREASES / LUMP-SUM MERIT PAY

SANDAG uses a pay-for-performance compensation model to support the highest levels of organization success. The intent is to recognize and reward employees based on their contributions and positive impact to the agency, and in a manner that differentiates successful versus outstanding levels of performance.

The primary form of a performance reward is a merit increase (an adjustment to annual salary). Merit increases serve two purposes:

- They move an employee through their salary range and support the agency's retention goals by ensuring employee pay remains competitive with similar roles in the market, and
- They are used to provide larger pay increases to employees who achieve significant results and/or demonstrate exemplary performance throughout the year.

As an alternative to a merit increase, an employee may be provided with a lump-sum merit payment as a form of performance reward. Lump-sum merit payments are typically used to supplement a merit increase, or instead of a merit increase, when an employee is at or close to the top of their salary range. When an employee receives lump-sum merit pay, their annual salary will be brought to the top of the salary range; any additional compensation above the top of the salary range will be provided as lump-sum merit pay and is a one-time payment.

Five levels of performance have been defined and are used to evaluate an employee's contributions and impact to the agency. The levels, assigned by the Director based on the employees' documented annual Performance Evaluation, are used to determine merit increases. Employees who meet or exceed their assigned goals and objectives, as evidenced by a Successful, Exceeds Expectations, or Outstanding overall performance rating on their annual Performance Evaluation, are eligible for a merit increase. An employee at the Improvement Expected overall performance level may be considered for a reduced merit increase.

Recommendations for merit increases or lump-sum merit payments are prepared and documented by Directors, using the overall performance level criteria and with input from supervisors and managers. To ensure fair and equitable distribution of merit increases, and to differentiate levels of performance, employees at the same performance level and salary range will receive the same base pay increase or lump-sum merit pay.

The Director of Human Resources shall prepare guidelines regarding the preparation of performance rating recommendations and distribution of merit increases and will coordinate an agencywide review and final approval of recommendations with the Senior Director of Organization Effectiveness, Deputy CEOs and CFO. The Director of Human Resources is responsible for coordinating the preparation and processing of merit increase/lump sum merit pay recommendations and retaining supporting records.

Funding for merit increases is included in the compensation adjustment pool which is identified in the annual program budget and approved by the Board of Directors. Merit increases are not guaranteed and may not be available due to budget constraints or other business reasons.

An employee must be in active status at the time the merit increase is paid in order to receive the pay adjustment.

Lump-sum merit payments awarded to employees are not reported to CalPERS as compensation earned.

9.8 OVERTIME PAY

Non-exempt employees who work in excess of 40 hours per workweek qualify for overtime. All employees must obtain prior approval from their supervisor to work overtime. Overtime can be earned as follows:

- 9.8.1 If a non-exempt employee enters work time in excess of 40 work hours per workweek on his/her/their timesheet, that time will be considered overtime, compensated at the rate of one and one-half hours per hour worked. Overtime must be approved in advance by the employee's supervisor. Vacation, PTO, sick, holiday, jury duty, bereavement, and other non-worked paid time off hours are not included as hours worked when calculating overtime.
- 9.8.2 No employee shall be required to work overtime unless given reasonable notice.
- 9.8.3 The Director of Human Resources will determine the exempt status of all executive, professional, and administrative employees according to regulations defined in the Fair Labor Standards Act (FLSA). A list of exempt positions shall be kept by the Director of Human Resources.
- 9.8.4 For employees working the SANDAG 9/80 Program, the standard workweeks are defined as follows:
 - Week 1 of the pay period:
Starts at 12 a.m. on Monday and ends at 11:59 a.m. on Friday. (The first Friday is split between the first and second weeks in the pay period.)
 - Week 2 of the pay period:
Starts at 12 noon on the first Friday of the pay period and ends at 11:59 p.m. on Sunday the following week.

For employees working a 5/40 schedule, the workweek shall commence on Monday at 12 a.m. and end on the following Sunday at 11:59 p.m.

Additional workweeks may be defined to support the operational needs of the agency under the 9/80 Program or approved Flexible Work Schedules;

these schedules will be communicated to affected employees and their supervisors. The CEO may designate additional or different workweeks when it is deemed to be beneficial to SANDAG.

9.9 PAY PERIODS

Employees shall be paid biweekly. Pay periods normally commence on Monday at 12 a.m. and end on Sunday at 11:59 p.m. (unless modified by an approved alternative work schedule). The CEO may assign a different pay period when it is deemed to be beneficial to SANDAG.

9.10 PAYDAY

Payday shall fall biweekly on the Friday following the end of the pay period. In the event the normal payday falls on a holiday, payday shall occur the last workday before the holiday. The CEO may assign a different payday when it is deemed to be beneficial to SANDAG.

9.11 PAYROLL DEDUCTIONS

Payroll deductions will be made for income tax withholding and other deductions required by law. Employees may authorize additional approved elective deductions. Changes to deductions will go into effect no later than the beginning of the next pay period after the change is submitted.

9.12 REPORTING TIME PAY

If an employee reports for work on a regularly scheduled workday, and no work assignments are available, the employee will be sent home. In such situations, the employee will be paid a minimum of two (2) hours' pay at the employee's regular pay rate.

If, during an employee's scheduled workday, SANDAG experiences a failure of any public utility, a natural disaster, or other circumstance beyond SANDAG control, SANDAG may send an employee home. Employees will be paid for all hours worked with the minimum pay being two (2) hours.

If an employee is sent home and called back to work, or if an employee is called in to work on a day the employee is not normally scheduled to work, the minimum number of hours the employee will be paid for is two (2) hours at the employee's regular pay rate.

9.13 SEPARATION PAY

Payment of a sum equal to accrued, unused PTO, vacation leave, floating holidays, compensatory time, and wages owed shall be made to Regular and Limited-Term employees upon separation from employment or retirement at the rate of pay as of the date of said separation.

Special provisions are applicable to payment of accrued grandfathered sick leave benefits as follows:

- Upon separation of employment, an employee may elect to receive a cash payment of up to 25% of all unused grandfathered sick leave at the salary rate current at the date of separation.
- Upon retirement, an employee may elect to receive a cash payment of up to 25% of all unused grandfathered sick leave at the salary rate current at the date of retirement. The remaining balance (between 75 to 100% of unused sick leave) may be applied toward the employee's CalPERS service credit if the employee meets the requirements established by CalPERS for doing so. If the employee fails to make an election upon retirement, the accrued time shall automatically be credited as service credit with CalPERS if the employee meets the requirements established by CalPERS for doing so.

Payment of wages for hours worked shall be made to TIPS employees upon separation from employment at the rate of pay as of the date of said separation. TIPS employees are not eligible to receive a payout of accrued, unused sick leave.

In the event of the death of the employee, final pay shall be made to the employee's beneficiary or estate.

9.14 SHIFT DIFFERENTIAL PAY

Employees who hold the job title of Toll Operations Specialist or Toll Plaza Attendant, who are routinely and consistently scheduled to work other than a standard daytime shift, will be entitled to shift differential pay in the amount of \$0.50 per hour for hours worked between 6 p.m. and 6 a.m. This Shift Differential Pay policy has been approved by the Board. Shift differential pay duly earned by an employee shall be reported to CalPERS as special compensation.

9.15 SHIFT SCHEDULING

The Toll Operations Center operates on a continuous twenty-four (24) hour basis. Supervisors will assign work schedules to employees that ensure coverage of all roadway and office operations. Employees are expected to be at their desk, workstation, or other designated location at the start of the scheduled shift, ready to perform work. Employees are not permitted to change work schedules with another employee unless approved by the supervisor.

9.16 STANDBY STATUS

Certain non-exempt employees in the Roadway Operations group must be available on an on-call (standby) basis to support operations after their normal working hours. Where possible, such employees will be notified in advance of the on-call schedule, and if called back to work, must respond and be on duty within one and one-half (1.5) hours after being contacted.

Non-exempt employees who are asked to work two (2) shifts in one day will be given a minimum of eight (8) hours off before his/her/their next regularly assigned shift.

9.17 TEMPORARY PAY INCREASE

An employee may be provided with a temporary pay increase when asked to perform additional, more complex/more responsible job duties that are typically performed by an employee at a higher-level classification while also performing the core functions of their position. The need for additional duties may be due to a vacant position, another employee's leave of absence, or excessive workload demands driven by urgent agency priorities. Performance of the additional duties must comprise at least 25% of the employee's usual work schedule and be required for at least four (4) work weeks. Typically, temporary pay increases do not exceed six (6) months.

The temporary pay increase shall be at a rate appropriate to the additional duties the employee has been asked to assume. The minimum increase is 5% of the employee's regular rate of pay and up to 10% may be provided; the amount will be determined using a salary analysis prepared by Human Resources and approved by the Director. The employee's regular rate of pay will be restored at the end of the temporary assignment.

The additional pay provided to an employee in the form of a Temporary Pay Increase is not reported to CalPERS as compensation for the purposes of pension calculations; SANDAG shall report the employee's usual rate of pay to CalPERS.

Requests for a temporary pay increase must be submitted in writing to the Director and Director of Human Resources by the employee's supervisor. The request should clearly describe the reason for the temporary increase, the expected duration, and the additional duties the employee is expected to perform. Approval of the Temporary Pay Increase, if granted, shall be in writing by the employee's Director.

9.18 TIME REPORTING

Employees and supervisors share the responsibility for accurately recording and reporting time worked, paid leaves, and other reportable time on their timesheet or timecard each pay period in a timely manner. Pay periods run for two weeks, beginning on a Monday, and ending on a Sunday. SANDAG has defined different work schedules; an employee's work week is dependent on his/her/their approved and documented work schedule.

Hours worked should be charged to the appropriate project code/s; non-work hours should be charged as PTO, agency holiday, or another form of approved leave.

When completing their timesheet or time card each pay period:

- Non-exempt (hourly) employees must include all hours worked each day in increments rounded to the nearest $\frac{1}{4}$ hour.
 - Approval for overtime (working more than 40 hours in the work week) must be pre-approved by the supervisor.
 - If a full-time non-exempt Regular or Limited-Term employee reports fewer than 40 hours in a work week, a deduction will be made from the employee's PTO balance, or another approved source of leave time, to ensure the employee is in a fully paid status.
 - If a part-time non-exempt Regular or Limited-Term employee reports fewer hours on their timesheet than their agreed upon reduced work schedule, a deduction will be made from the employee's PTO balance, or another approved source of leave time, to ensure the employee has reported the expected number of work hours.
- Full-time exempt (salaried) employees are expected to report 80 hours on their timesheet each pay period. Part-time exempt (salaried) employees with an approved reduced schedule are expected to report the number of hours in their agreed upon work schedule.
 - Because overtime laws do not apply, an exempt employee has flexibility to modify their approved work schedule in a pay period, with pre-approval from their supervisor. This flexibility enables an exempt employee to work longer or shorter days as needed. Exempt employees should accurately reflect the number of hours worked each day on their timesheet for workload management purposes.
 - If a full-time exempt Regular or Limited-Term employee reports fewer than 80 hours in a pay period, a deduction will be made from the employee's PTO balance, or another approved source of leave time, to ensure the employee is in a fully paid status.
 - If a part-time exempt Regular or Limited-Term employee reports fewer hours on their timesheet than their agreed upon reduced work schedule, a deduction will be made from the employee's PTO balance, or another approved source of leave time, to ensure the employee has reported the expected number of work hours.

By signing their timesheet or submitting their time card, an employee attests that the information submitted is complete and accurate to the best of their knowledge.

Supervisors are responsible for ensuring the work and leave time reported by an employee is accurate for the pay period and validating this by approving the employee's timesheet or time card in a timely manner. In the event an employee is

unable to complete his/her/their timesheet, it is the supervisor's responsibility to complete it on the employee's behalf.

Timesheets are due to be submitted and approved by the deadlines posted by Payroll. Changes to the biweekly submission and approval deadline due to holidays or other circumstances will be communicated in a timely manner. Corrections to previously reported time must be submitted as soon as the discovery is made.

Access to the electronic time and attendance system is administered by Payroll. Under no circumstances should a login ID and password be shared. Any falsification or misrepresentation of time and attendance information may result in disciplinary action, up to and including termination.

9.19 TRAVEL TIME

Specific pre-approval is required when an employee wishes to work outside of his/her/their standard work schedule for travel if it will result in the employee earning compensatory time or overtime. The rules for what hours constitute work hours that could result in earning compensatory time or overtime when filling out a timesheet or time card covering a business travel period vary, depending upon whether an employee is an exempt or non-exempt.

*Refer to the **Travel and Timesheet Documentation Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*



Discipline

Chapter 10: Discipline

10.1 CAUSES FOR DISCIPLINE

Employee misconduct shall be cause for disciplinary action. The term “misconduct” means not only any improper action by an employee in the employee’s official capacity or role, but also conduct by an employee which is not connected with the employee’s official duties or roles, but which affects the employee’s ability to perform his/her/their duties, and any improper use of the position for personal advantage. None of the causes below will be applied to the extent the behavior at issue qualifies as legally protected activity consistent with federal or state law. Sufficient cause for discipline shall include, but not be limited to:

- Absence from duty or failure to attend specified employee training without leave or reasonable cause;
- Unexcused or excessive absence or tardiness; three (3) days of unexcused absence or tardiness in a one (1) month period will be considered excessive unless the absences or tardies are protected by local, state, or federal law;
- Working overtime or compensatory time without pre-approval from the employee’s supervisor;
- Failure to observe working schedules, including rest and meal periods, or leaving work during normal working hours (at times other than rest and meal periods) without notice to or consent of the employee’s supervisor;
- Abuse of leave privileges;
- Failure to report for duty after a leave of absence has expired or after a leave of absence has been disapproved;
- Failure to provide a health care provider’s certificate when requested or required to do so;
- Incompetence (i.e., inability to meet the minimum standards or essential functions of an employee’s position for a significant period of time);
- Unwillingness, refusal, or failure to properly perform the normal quality or quantity of assigned work;
- Slowing, restricting, or interfering with another employees’ work or SANDAG business;
- Insubordination, including but not limited to, failure or refusal to obey a reasonable oral or written order or instructions of a supervisor, or the use of abusive or threatening language toward a supervisor or member of management;

- Failure to demonstrate reasonable care and due diligence when using a SANDAG-issued credit card, including frequent misuse or willful disregard for the Purchase Card policy.
- Failure to follow the SANDAG procurement policies and procedures, including processes implemented to effectively manage the micro-purchase program.
- Two or more unexcused or unreasonable absences in a 12-month period from employee training that has been designated as required or mandatory by SANDAG;
- Making or accepting an unreasonable amount of personal telephone calls;
- Poor attitude or conduct that disrupts the working environment at SANDAG by causing disruption in workflow, distress to another person, or disharmony among co-workers;
- Discourteous treatment of the public or other employees;
- Participating in unprofessional conduct, horseplay, or practical jokes on SANDAG time or on SANDAG premises;
- Actions which constitute an unwholesome influence on other employees, such as harassment or discrimination, which includes sexual harassment, or ridiculing a coworker, supervisor, or visitor;
- Failing to cooperate in an investigation as a witness, third party, complainant, or as the accused employee, or make full disclosure of all pertinent information;
- Threatening, or carrying out, acts of violence;
- Use of abusive, profane, or offensive language or hand gestures;
- Provoking, instigating, or participating in a fight or fighting during working hours or on SANDAG property;
- Bringing or possessing a weapon, such as an explosive, firearm, or a knife, that is of no reasonable use to an employee on SANDAG property;
- Conduct constituting bullying and/or abusive conduct as defined in this Handbook;
- Using, possessing, dealing, distributing, or being under the influence of intoxicating beverages, unprescribed narcotics, or unlawful drugs while on duty or at work locations, or reporting to work, or operating SANDAG vehicles or equipment;
- Any willful act or conduct, either during or outside of duty hours, which is of such a nature that it causes discredit to SANDAG;
- Participating in any unlawful or improper conduct that adversely affects an employee's relationship to the job, to co-workers, or to an employee's supervisor, or that in any way discredits SANDAG's reputation or goodwill in the community;

- Engaging in any type of criminal conduct during working hours, while on SANDAG business or while on SANDAG property;
- Conviction of a felony or conviction of a misdemeanor involving moral turpitude;
- Violation of any federal, state, or local law directly impacting the employee's fitness for employment;
- Theft or any improper or unauthorized use, removal, damage, or destruction of SANDAG property, products, or equipment, or property belonging to someone other than the employee;
- Improper use of SANDAG technological property, such as access to inappropriate websites or illegal activities that violate the SANDAG Technology and Electronic Resources Policy;
- Entering a restricted area of SANDAG premises not related to the employee's regular duties without proper authorization;
- Posting or removing official agency notices and materials from SANDAG bulletin boards;
- Deliberate or willful falsification, alteration, destruction, or removal of SANDAG records including, but not limited to, employment applications, personnel records, timesheets, or other confidential records;
- Unauthorized disclosure of confidential or trade secret records or information to third parties, including but not limited to personal social security numbers, medical records, and records relating to a lawsuit, investigation, procurement negotiation, or release of any other records as may be prohibited pursuant to Board Policy No. 015;
- Failure to file a Financial Disclosure Statement (also known as a Form 700: Statement of Economic Interests) per the timelines specified by SANDAG;
- Violation of SANDAG's conflict of interest rules;
- Acceptance, from any source other than SANDAG, of one or more gifts from a particular person or agency (with an aggregate value in excess of \$50 annually), or other form of remuneration (except jury duty pay), in addition to regular compensation to an employee for the performance of his/her/their official duties. Honorariums or other payments received by a SANDAG employee for speaking engagements while acting in his/her/their official capacity as a SANDAG employee must be remitted to SANDAG;
- Outside employment or endeavor, paid or unpaid, not specifically authorized in advance by the employee's Director.
- Soliciting, selling, displaying, promoting, or distributing merchandise, literature, or services, or conducting a similar form of business activity that would result in personal or commercial gain, or soliciting on SANDAG property unless properly authorized;

- Refusing to cooperate with law enforcement authorities while on SANDAG property or on SANDAG business;
- Improper use of a SANDAG-provided PRONTO Card or FasTrak transponder;
- Failure to pay debts owed to SANDAG in a timely manner;
- Failure to pass an employment-related background check, screening, or verification;
- Loss of legal authorization to work in the United States;
- Fraud or dishonesty in securing employment or promotion;
- Dishonesty involving employment;
- Violation of SANDAG ordinances, resolutions, policies, rules, or regulations.

10.2 DISCIPLINARY ACTIONS

Disciplinary actions may range from informal conversations to dismissal. Counseling and oral reprimands are considered informal. Written reprimands are more formal, and the employee is given an opportunity to respond in writing with the comments placed in his/her/their personnel file along with the reprimand. The following list includes some, but not all, of the forms of disciplinary measures SANDAG may impose:

10.2.1 COUNSELING

Disciplinary counseling is an informal discussion with an employee when unacceptable behavior or performance has been identified. Counseling should be used whenever possible before taking more severe action.

Supervisors are responsible for conducting counseling discussions. Counseling alerts the employee that a potential or actual issue exists, for example, a lack of skill or knowledge necessary for successful job performance, concerns regarding the quality, quantity, or timeliness in the performance of job duties, or not following established policies and procedures. Counseling also provides employees with clarity about expectations and explains the changes the employee must demonstrate.

As a follow-up to the counseling discussion, the supervisor should provide a brief written summary to the employee noting the date of the meeting, restating the issue discussed, the corrective action to be taken and by when, and performance expectations. The supervisor should retain a copy of the written summary; the record is not placed in the employee's personnel file.

10.2.2 WRITTEN WARNING

A written warning is an informal notice to an employee when unacceptable behavior or a less egregious form of misconduct has

occurred, or when there are ongoing concerns about the employee meeting performance expectations. The written warning is not placed in the employee's personnel file.

Supervisors, managers, and Directors are responsible for identifying when a written warning may be warranted and for coordinating action with the Director of Human Resources. The Director of Human Resources may also recommend the issuance of a written warning in response to information received about an employee's conduct. The employee's Director, in coordination with the Director of Human Resources, is responsible for approving the issuance of a written warning.

The written warning will document the issue for which discipline is being imposed, for example, inability to reliably produce work of acceptable quantity, quality, and timeliness; failure to follow policies, procedures, or instructions; or behaviors or attitude that is disruptive to the agency. (Note: This is not an exhaustive list of reasons for a written warning; it is provided for illustrative purposes.)

The written warning will identify areas where immediate improvement is required, provide clarity regarding expectations, and inform the employee that failure to improve may result in more serious action. When a written warning is issued due to performance deficiencies, it will define goals, objectives, and performance measures, and identify a timeframe by which improvement must be demonstrated.

The supervisor should meet with the employee to discuss the reasons for the written warning and the corrective action that must occur. The supervisor may provide the written warning during the meeting or immediately thereafter. The supervisor should retain a copy of the written warning, including a record of when it was issued to the employee.

10.2.3 WRITTEN REPRIMAND

A written reprimand is a formal notice to an employee that further disciplinary action will be taken when unacceptable behavior or an egregious form of misconduct has occurred that does not rise to the level of termination, or when there are serious concerns about the employee meeting performance expectations. The written reprimand shall be placed in the employee's personnel file.

Supervisors, managers, and Directors are responsible for identifying when a written reprimand may be warranted and for coordinating action with the Director of Human Resources. The Director of Human Resources also may recommend issuance of a written reprimand in response to information received about an employee's conduct. The employee's Director, in coordination with the Director of Human Resources, is responsible for approving the issuance of a written reprimand.

The written reprimand will clearly reference the policy, rule, or expectation that has been violated, and the reason for which discipline is being imposed, for example, inability to consistently and reliably produce work of acceptable quantity, quality, and timeliness commensurate with current job duties; deficiencies in performance documented in a performance evaluation; disregard for agency policies and procedures; or behavior, conduct, or attitude that is inconsistent with expectations and is disruptive to the agency. (Note: This is not an exhaustive list of reasons for a written reprimand; it is provided for illustrative purposes.) When applicable, information such as the date, time, location, etc. and a summary of the specific incident should be included as part of the written reprimand.

The written reprimand will identify areas where immediate improvement is required, provide clarity regarding expectations, and inform the employee that failure to improve may result in more serious action, up to and including termination of employment. When a written reprimand is issued due to deficiencies in the performance of assigned job duties, it is typically accompanied by a formal Performance Improvement Plan (PIP) that defines specific and measurable goals, objectives, performance metrics, and a timeframe by which significant and sustained improvement must be demonstrated. The PIP is typically embedded within the written reprimand, and consequences for failing the PIP are communicated.

The supervisor should meet with the employee to discuss the reasons for the written reprimand and the corrective action that must occur. If a PIP is to be implemented, the superior shall also review the goals, performance standards, and timeframe for PIP activities. The supervisor may provide the written reprimand during the meeting or immediately thereafter. The employee will be requested to execute the written reprimand as acknowledgement of the discussion. A signed copy will be provided to the employee.

The written reprimand also shall notify the employee of his/her/their right to provide a written response within five working days of receiving the reprimand, and that if provided, the response will be included in the employee's personnel file along with the written reprimand.

10.2.4 SUSPENSION

Suspension is the temporary removal of the employee from the employee's duties without pay. Both exempt and nonexempt employees may be suspended in partial workweek increments for disciplinary purposes. An employee on suspension without pay shall not accrue benefits that normally accrue based upon time worked.

10.2.5 REDUCTION IN PAY

Reduction in pay shall be a decrease in salary to a lower pay within the salary range for disciplinary purposes.

10.2.6 DEMOTION

Demotion is the transfer of an employee to a lower classification, provided they meet the minimum qualifications for the lower-level position and the Director can accommodate the demotion. A demotion also may include a reduction in pay as discussed above.

10.2.7 DISMISSAL

Dismissal is the removal of an employee from the services of SANDAG.

Nothing in these policies requires SANDAG to impose disciplinary action in any progressive fashion, particular order, or in relation to the number of prior disciplinary infractions. Rather, SANDAG reserves the right to impose any form of discipline it deems appropriate in any given circumstance. SANDAG reserves the right to deviate from its disciplinary policies when circumstances warrant such a deviation.

The Senior Director of Organization Effectiveness, in consultation with the Director of Human Resources and Deputy CEO, CFO and/or Director as applicable, is vested with the authority to determine the appropriate course of action. More severe types of discipline, such as suspension, reduction in pay, demotion, or dismissal, will not be taken without prior approval of the CEO.

10.3 DISCIPLINARY PROCEDURES APPLICABLE TO ELIGIBLE REGULAR EMPLOYEES

This section (10.3 and its subparts) applies only to Regular employees hired prior to July 1, 2019. All other employees are employed at-will and can be terminated at any time, with or without cause, and are not entitled to a disciplinary process.

Reductions in pay, demotions, suspensions of three (3) or more work days, and dismissals all are actions for which an eligible Regular employee may request an Employee Response Meeting. The following procedures shall be followed:

10.3.1 NOTICE OF INTENT TO DISCIPLINE

When SANDAG intends to reduce a Regular employee's pay, demote the employee, suspend the employee for three (3) or more work days, or dismiss the employee, a written Notice of Intent to Discipline shall be given to the Regular employee prior to imposing the discipline, which sets forth the following information:

- The type of disciplinary action and intended effective date of action;
- The specific charges upon which the action is based;

- A factual summary of the grounds upon which the charges are based;
- A copy of written materials, reports, or documents upon which the discipline is based, or in the case of extensive documents, a reference to the availability of the documents for review or copying;
- Notice of the employee's right to respond either orally or in writing;
- The date, time, and person to whom the employee should respond within five (5) working days to request an Employee Response Meeting; and
- Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

10.3.2 EMPLOYEE RESPONSE MEETING

Regular employees have the right to respond to the Notice of Intent to Discipline and have a right to be represented at any meeting set to hear the employee's response. The employee may request a meeting, known as an "Employee Response Meeting," to determine if the proposed discipline is justified. The Employee Response Meeting is considered a pre-disciplinary conference where the Regular employee's response is considered before final determination of the discipline is made.

A request for an Employee Response Meeting must be in writing and must be delivered to the Director of Human Resources on or before five (5) working days after the employee's receipt of the Notice of Intent to Discipline.

If the employee does not respond and request an Employee Response Meeting within five (5) working days, the terms of the Notice of Intent to Discipline will be carried out without further delay or any additional notice.

If the employee requests an Employee Response Meeting in writing and within the time limits prescribed herein, the Employee Response Meeting shall be held within thirty (30) days of receipt of the request.

*Refer to the **Guide to Employee Response Meeting Process** document, which is available from Human Resources, for further information.*

10.3.3 FINAL NOTICE IF EMPLOYEE RESPONSE MEETING IS REQUESTED

Within fifteen (15) working days of the Employee Response Meeting, the CEO, or his/her/their designee, will either:

- Withdraw the proposed disciplinary action;
- Administer a modified disciplinary action; or
- Administer the proposed disciplinary action.

If discipline is warranted, the Regular employee shall receive a written Final Notice of Disciplinary Action. The Final Notice shall include the following:

- The disciplinary action taken;
- The effective date of the disciplinary action taken;
- Specific charges upon which the action is based;
- A summary of the facts upon which the charges are based; and
- A reference to the written materials, reports, and documents upon which the disciplinary action is based.

10.3.4 ADMINISTRATIVE LEAVE

The procedure for conducting the Employee Response Meeting shall not preclude placing the employee on Administrative Leave, with pay and benefits, where the continued presence of the employee would present a hazard or disruption to other employees, the public, or SANDAG. Administrative Leave pending the outcome of the Employee Response Meeting requires written approval from the Director of Human Resources and is not subject to appeal. When Administrative Leave is imposed and subsequent disciplinary action follows, the employee shall be assured of all due process rights.

10.3.5 RIGHT TO REPRESENTATION

A Regular employee eligible for an Employee Response Meeting that may result in disciplinary action has the right to be represented by an attorney retained by the employee at the employee's expense, or another representative of his/her/their choice.

10.4 FAILURE OR REFUSAL OF EMPLOYEE TO SIGN WRITTEN FORMS OF DISCIPLINE

When an employee's discipline is documented in written form, whether as a reference in a Performance Evaluation, Performance Improvement Plan, a written reprimand, or any other document, the employee will be asked to acknowledge receipt of the document referencing the discipline by signing or initialing the document. A signed copy will be provided to the employee. If the employee is unavailable or fails or refuses to sign the document acknowledging receipt, the supervisor or other person dispensing the discipline shall document the circumstances of the refusal or inability, and this documentation shall be placed in the employee's personnel file.

10.5 PAYMENT OF DAMAGES BY EMPLOYEE

In the course of disciplinary action, if it is discovered that an employee has harmed or caused damage to SANDAG, the agency has a right to pursue recovery of the cost of these damages from the employee via payroll deduction(s) or other means, as appropriate.



Grievance Procedures

Chapter 11: Grievance Procedures

11.1 GRIEVANCE PROCEDURE

SANDAG recognizes there may be times when the need arises for employees to express concerns or complaints in a formal manner. As such, SANDAG provides a grievance process as a means to resolve internal disputes that cannot be informally resolved. A grievance is generally defined as a claim by an employee that he/she/they are adversely affected by the misinterpretation or misapplication of a written policy.

SANDAG believes all employees are entitled to a prompt, fair review of their work-related issues. Although SANDAG can't guarantee each employee will always be satisfied with its resolution of issues raised, it can guarantee employees will have the grievance resolution methods available when needed.

The CEO or his/her/their designee shall promptly consider employee grievances relating to employment conditions and relationships; however, informal resolution of grievances between supervisors (supervisors can be managers or Directors) and employees is encouraged. These grievance procedures apply only when another more appropriate complaint procedure does not exist. The following steps shall be followed in submitting a grievance:

- *Step 1:* The aggrieved employee or group of employees shall orally present the grievance to the appropriate supervisor within ten (10) calendar days of the date the employee knew or should have known of the incident. The supervisor shall give his/her/their oral or written reply within two (2) working days.
- *Step 2:* If the grievance is not settled in Step 1, then it shall be put in writing, dated, and signed by the employee or group of employees, and shall be presented to a supervisor within two (2) working days after the above oral reply was given. The written grievance shall contain a statement of: (1) specific circumstances complained of, including, but not limited to, any policy violation, the date of the incident, and any relevant documents or witnesses; (2) the inequity or damage suffered by the employee; and (3) the relief sought. The supervisor shall consult with the Director of Human Resources and shall give a reply in writing within five (5) working days of the presentation of the written grievance.
- *Step 3:* If the grievance is not settled in Step 2, then the employee shall present the grievance in writing to the CEO or his/her/their designee within five (5) working days of the supervisor's written reply. The CEO shall, in turn, give a written decision within fifteen (15) calendar days of receipt of the grievance. The CEO's decision shall be final.

11.2 GOOD FAITH REQUIREMENT

Subject to the condition that employees shall submit only grievances that they reasonably and in good faith believe have merit and are subject to this grievance procedure, this grievance procedure may be used by an employee without fear of prejudice, reprisal, or retaliation. Supervisors shall not delay or suppress submission and orderly consideration of a grievance.

11.3 EXCLUSIONS

The following are specifically excluded from the grievance procedure:

- Any disciplinary action, including termination of at-will employment;
- Challenges to performance reviews;
- Layoffs;
- Denial of merit pay increases or incentive awards;
- Reclassifications;
- Denial of a request for leave without pay that is not an entitlement pursuant to state or federal law;
- Issues related to SANDAG's harassment, discrimination, and retaliation prevention policy.

Nothing in this grievance process limits or is intended to discourage an employee from reporting a suspected violation of the law with any federal, state, or local regulatory or law enforcement agency.

11.4 EXTENSION OF DEADLINES

Any or all of the time limitations mentioned above with reference to filing and response may be extended by mutual agreement of the employee and the CEO and/or his/her/their designee.



Classification and Compensation

Chapter 12: Classification and Compensation

12.1 CLASSIFICATION PLAN

SANDAG maintains a Position Classification Plan, a systematic framework for grouping jobs based on similarities in duties, responsibilities, and requirements. The Classification Plan provides an appropriate basis for making a variety of employment-related decisions such as the development of job-related recruitment and selection procedures; clear and objective performance evaluation criteria; development of career paths, training plans, and succession planning; design of an equitable and competitive salary structure; organizational development and change management; and discipline and other employee actions.

The Classification Plan is administered and maintained by the Director of Human Resources. Any decisions related to the addition of new positions or classifications, or the reallocation or reclassification of an existing position, will be approved by the Senior Director of Organization Effectiveness, in consultation with the Deputy CEO or CFO as applicable, and the Director of Human Resources, and will depend on the business needs of the agency and available resources.

The following terms are used when referring to the SANDAG Position classification Plan:

- Position
A position is an assigned group of duties and responsibilities performed by one employee; it also can be referred to as a job.
- Classification or Class
A classification or class may contain only one position or may consist of a number of positions. When several positions are assigned to one class this means the same classification title is appropriate for each position; that the scope, level, duties, and responsibilities of each position assigned to the class are sufficiently similar (but not identical), and that the same core knowledge, skills, and other requirements are appropriate for all positions in the class.
- Position or Job Description
A position or job description defines the duties and responsibilities assigned to a position.
- Duty Statement
A duty statement outlines the main job responsibilities assigned to an incumbent employee in a certain position, including the frequency of the tasks, and provides clarity about the work an employee is expected to perform.

- Classification Specification
A classification specification, or class spec, is typically a broad summary of the general duties, responsibilities, and qualifications that apply to all positions within a particular job title (i.e., Associate Regional Planner). Class specs are not intended to specifically identify every duty performed by an employee in the classification.
- Job Family
A job family consists of positions that are similar with respect to the duties performed but different in terms of the nature and level of responsibility assumed. Job families often include positions at the administrative/technical, professional, and supervisory/management levels.
- Flexibly Staffed Positions
A group of positions within a job family from which employees may be promoted up to the “III” or “Associate” level without a competitive recruitment.
- Salary Range (Pay Grade)
Each classification is assigned to a salary range or pay grade based on external market rates as well as the internal value to the agency. The salary range defines the minimum and maximum rate of pay.

12.2 CLASSIFICATION SALARY RANGE TABLE

SANDAG uses a structured Classification Salary Range table for administration of its compensation program. The Table is organized as a hierarchal series of numbered pay grades (starting at 101 and currently up to 147). Each pay grade has a corresponding salary range representing the minimum and maximum salary that SANDAG will pay for a position within the pay grade. Every classification is assigned to a pay grade; the allocation of a classification to a pay grade reflects the value of a job in the external market (determined by periodic Salary Range Studies) as well as the internal value of the classification to the agency.

The Classification Salary Range Table is presented to the Board of Directors for approval in conjunction with consideration of the final Program Budget; the Board also may approve mid-year changes to the table. The Director of Human Resources is responsible for maintaining and administering the Classification Salary Range table.

12.3 CLASSIFICATION SPECIFICATIONS

Classification specifications, or class specs, are developed and maintained for each classification as part of the Position Classification Plan. Class specs describe, in broad terms, a summary of the general duties, responsibilities, and qualifications that apply to all positions within a particular job title.

Class specs are used as guidelines for determining applicant qualifications for positions and establishing position comparability for the purpose of conducting

classification and compensation surveys. The minimum qualifications for certain positions may be interpreted flexibly by the Senior Director of Organization Effectiveness, in consultation with the Director of Human Resources, in exceptional cases where equivalencies exist between education and experience or where unique circumstances arise.

Classification Specifications are maintained by the Director of Human Resources.

12.4 COMPENSATION PROGRAM

SANDAG maintains and administers a market-competitive compensation program designed to attract, reward, and retain a well-qualified workforce. SANDAG is committed to ensuring employees are treated fairly and equitably, from both internal and external perspectives, with regard to salaries and benefits. Positions with similar duties, responsibilities, and labor market conditions will be paid within comparable salary ranges based on an evaluation of each job and relevant market data. Individuals with comparable backgrounds (experience, skills, ability, and education) will be paid at comparable rates for the same or a similar work.

The Senior Director of Organization Effectiveness, supported by the Director of Human Resources, is responsible for ensuring the Compensation Program is managed, maintained, and administered in a fair, equitable, and defensible manner while supporting the operational needs of the agency. Approval for the various forms of employee compensation are noted throughout this Handbook and may rest with the Senior Director of Organization Effectiveness, Deputy CEO or CFO, and/or Director, in consultation with the Director of Human Resources.

12.5 DEMOTION

A demotion occurs when an employee is moved to a lower-level position or classification with a pay range below that of their current position. As part of this action, the employee's rate of pay may be decreased, at the discretion of the Senior Director of Organization Effectiveness, in consultation with the Deputy CEO or CFO as applicable, and in coordination with the Director of Human Resources, to an amount lower than the former rate of pay.

12.6 DUTY STATEMENTS

Duty statements are developed and maintained for each position within the organization. While Classification Specifications describe examples of primary duties and the general knowledge, skills, and qualifications for similar positions that fall within the classification, duty statements are customized for each employee and for each role. Duty statements clearly and concisely describe the purpose of the position, the primary duties and responsibilities assigned, and the frequency the tasks are performed. Duty statements help establish clear expectations for what work is to be

performed and how, enabling employees to work more effectively while providing a sound basis upon which supervisors can evaluate employee performance.

Human Resources will provide guidance regarding the preparation of a duty statement when an employee is hired, promoted, or when position responsibilities significantly change. Within 90 days of an employee's start date, promotion date, or position change date, the supervisor and employee will jointly develop and approve the duty statement to reflect current work assignments and upload a copy of the final document to the Duty Statement library on the staff Intranet site. Human Resources will coordinate an agencywide review and update of duty statements by supervisors and employees on at least an annual basis to ensure they are accurate and relevant.

12.7 LATERAL TRANSFER

A lateral transfer occurs when an employee moves from one open position or classification to another at the same or substantially similar salary range; the employee may be considered for a salary adjustment if supported by the employee's qualifications for the new position.

12.8 PROMOTION

A promotion occurs when an employee moves from one position or classification to another, typically at a higher salary grade and with increased job responsibilities. There are three types of promotions:

- Flexibly Staffed
Occurs when an employee is promoted to a higher-level position, up to the Associate or III level (journey-level), within their current or significantly similar job family based on demonstrated successful performance of assigned job duties. Promotions to positions higher than the Associate level require competitive selection unless an exception in this Handbook applies. Promotions within flexibly-staffed groups of positions are approved by the employee's Director in consultation with the Director of Human Resources.
- Competitive
Occurs when the recruitment, selection, and hiring of an employee happens in an open, competitive, and objective manner, in a fully documented fashion.
- Appointment
Occurs when the CEO (or designee) fills a vacant position with a qualified person.

When an employee is promoted to a higher-level position, the employee will receive at least the minimum rate of pay for the new classification. If that rate is equivalent to or less than the employee's current pay, the employee's pay rate may be set, at the discretion of the employee's Director, in consultation with the Director of Human Resources, at an amount that is higher than the former pay if supported by the employee's qualifications for the new position.

Employees promoted to higher level classifications may be subject to an introductory period. (See Section 3.27.)

12.9 REALLOCATION

A reallocation occurs when the salary grade assigned to a classification is changed. Reallocation is typically the result of a market salary study; reallocations also may be approved to ensure internal equity of positions in response to changes in the business needs of the agency.

The position title does not typically change as part of a reallocation, but the salary grade moves up or down. A reallocation impacts all positions having the same classification title. Employees are automatically reallocated to the new salary grade as a result of the reallocation process.

When the classification of an incumbent employee is reallocated to a higher-level salary grade, the employee will receive at least the minimum rate of pay for the new salary range, and may be eligible to receive a market pay adjustment. When the classification of an incumbent employee is reallocated to a lower-level salary grade, the employee will continue to receive their current rate of pay. If the current rate of pay exceeds the maximum of the new salary range, the employee's rate of pay shall be frozen at its current level until such time that the incumbent leaves the position, or the maximum of the salary range catches up to or exceeds the employee's current pay rate.

12.10 RECLASSIFICATION

A reclassification occurs when the assigned job duties for an existing Regular or Limited-Term position have significantly changed, or the job duties are anticipated to significantly change in response to the business needs of the agency, such that the position should belong to another, more appropriate job family based on the primary job duties assigned, and/or be considered to be at a different salary grade (either higher or lower) depending on the level of responsibility or complexity associated with the primary job duties assigned.

An incumbent employee, based on performance of their currently assigned job duties, or the anticipated success in performing a different set of job duties, may be "reclassified" as part of the position reclassification process.

When an incumbent employee is reclassified to a higher-level position, the employee will receive at least the minimum rate of pay for the new classification. If that rate is equivalent to or less than the employee's current pay, the employee's pay rate may be set at the discretion of the employee's Director, in consultation with the Director of Human Resources, at an amount that is higher than the former pay if supported by the employee's qualifications for the new position.

When an incumbent employee is reclassified to a lower-level position, the employee will continue to receive their current rate of pay. If the current rate of pay exceeds the maximum of the new salary range, the employee's rate of pay may be frozen at its current level until such time that the incumbent leaves the position, or the maximum of the salary range catches up to or exceeds the employee's current pay rate.

Reclassification is not applicable to TIPS positions or TIPS employees.

12.11 WORKING TITLES

The SANDAG Classification Plan includes titles for all positions used by the agency. However, when a more specific title would serve operational interests, a working title may be used to describe or clarify the function of a position in greater detail or in terms more easily recognized within or outside the organization.

A working title should more clearly or precisely describe the function, responsibilities, or scope of an individual job assignment, and thereby provide a more immediate understanding of the job in business communications. Working titles may help to differentiate similar specialties within a classification. For example, an employee classified as an Associate Regional Planner may request to use the working title Associate Environmental Planner or Associate Transportation Planner. Working titles also may be used in job announcements to advertise open positions.

Working titles may not misrepresent SANDAG or the authority or level of the position in any way. An employee's supervisor, in consultation with Human Resources, may approve a working title. Systems, records, documents, etc. maintained by SANDAG will reference classification titles for all employees. Working titles are appropriate to use in email signature blocks, business cards, etc.



Professional Development

Chapter 13: Professional Development

13.1 PROFESSIONAL EDUCATION

An employee's supervisor may invite Regular or Limited-Term employees to attend, or the employee may directly request to attend, seminars, courses, or workshops, etc. for which SANDAG prepays the associated enrollment fees. The employee may need to attend the seminar or course during the work day or after work hours.

Interns are permitted to attend one fee-based training class every six (6) months. If a class opportunity emerges that would benefit the intern and the agency, the Director may approve attendance by the intern, subject to availability of funding.

Employees are encouraged to participate in professional education opportunities. When assessing opportunities and employee requests for training, supervisors shall consider factors such as job-relatedness, relevance of the program to professional development goals, employee performance, length and time commitment, potential hardship on SANDAG if the employee must miss work to attend the program, cost, and whether the employee's enrollment is required by SANDAG.

Requests for Professional Education shall be prepared and documented using the Professional Development Request form, or via a similar document that incorporates the information noted below, and pre-approved, in writing, by the employee's supervisor. As part of the request form, the employee must provide:

- A clear and concise explanation about how the seminar or course directly relates to an employee's current role, priority area of the agency, whether it is required or necessary to improve the SANDAG operations and/or how SANDAG anticipates deriving benefit from the employee's completion;
- Enrollment/registration information and a summary of anticipated fees and other expenses; and
- The expected funding source for the fees and expenses.

The completed and approved request form shall be provided to Human Resources for record-keeping and to confirm availability of funds in the agency training budget.

Upon receipt of an approved Professional Education request, Human Resources will coordinate the seminar, course, or workshop registration on behalf of the employee and prepay the associated enrollment fee(s) and eligible expenses.

*Refer to the **Employee Education and Training Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

13.2 TUITION REIMBURSEMENT

SANDAG may, subject to budgetary limitations, provide reimbursement of tuition and other eligible expenses related to a course taken in the pursuit of an undergraduate or graduate level degree or the expenses related to non-degree college courses.

Regular and Limited-Term employees who have been in their current role for 6 months or longer, and who meet or exceed the performance expectations for their position, are eligible for reimbursement. This benefit is not available to employees who have been subject to disciplinary action in the past 12-month period, employees who are on an approved Extended Leave of Absence for the purpose of academic study, or TIPS employees.

Effective January 1, 2024, the maximum reimbursement for education-related benefits is \$5,250 per fiscal year.

Requests for Tuition Assistance shall be prepared and documented using the Professional Development Request form, and pre-approved, in writing, by the employee's supervisor and Director. As part of the request form, the employee must provide:

- A clear and concise explanation about how the program or course(s) will directly contribute to their professional growth and development and result in improved job performance and/or preparedness for career opportunities within SANDAG;
- A summary of anticipated tuition, fees, and other expenses; and
- The expected funding source for the fees and expenses.

The completed and approved request form shall be provided to Human Resources for record-keeping and to confirm availability of funds.

Within 60 days of completion of the course/program, the employee shall provide the Director of Human Resources with documentation confirming successful completion as well as receipts for eligible expenses.

The payment shall be conditioned on continued employment with SANDAG for one year following SANDAG's reimbursement of the tuition fees. In the event the employee voluntarily terminates employment with SANDAG less than one year after receiving reimbursement, the employee will be required to re-pay SANDAG a pro-rated portion of the Tuition Reimbursement benefit paid by SANDAG.

*Refer to the **Employee Education and Training Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

13.3 LICENSES, CERTIFICATIONS, AND BONDS

SANDAG may, subject to budgetary limitations, pay for or reimburse employees for licenses, certifications, bonds, or other required fees (in whole or in part) if the

licensing or certification is required or requested by a supervisor. Employees should follow the procedures set forth in the Professional Memberships section of this Handbook regarding pre-approval and submittal of requests for payment of licenses, certifications, and bonds. (Note: SANDAG's payment of fees for licenses, certifications, etc. that an employee is required to hold as a condition of employment (e.g. Public Official's Bond, CPA certification, PE license, Bar Association membership) are not subject to the repayment provision of the Professional Memberships policy.)

SANDAG may also provide Certification and Licensing (C&L) Assistance benefits to employees for job-related certification programs, including the examinations required as part of those programs. Regular and Limited-Term employees who have been in their current role for 6 months or longer, and who meet or exceed the performance expectations for their position, are eligible for reimbursement. This benefit is not available to employees who have been subject to disciplinary action in the past 12-month period, employees who are on an approved Extended Leave of Absence for the purpose of academic study, or TIPS employees.

The maximum reimbursement for education-related benefits is \$5,250 per fiscal year.

Requests for Licensing and Certification programs/courses shall be prepared and documented using the Professional Development Request form, and pre-approved, in writing, by the employee's supervisor and Director. As part of the request form, the employee must provide:

- A clear and concise explanation about how the program or course(s) will directly contribute to their professional growth and development and result in improved job performance and/or preparedness for career opportunities within SANDAG;
- A summary of anticipated fees, and expenses; and
- The expected funding source for the fees and expenses.

The completed and approved request form shall be provided to Human Resources for record-keeping and to confirm availability of funds.

Within 60 days of completion of the course/program, the employee shall provide the Director of Human Resources with documentation confirming successful completion as well as receipts for eligible expenses.

The payment of C&L Assistance benefits shall be conditioned on continued employment with SANDAG for one year following SANDAG's reimbursement of the course fees. In the event the employee voluntarily terminates employment with SANDAG less than one year after receiving reimbursement, the employee will be required to re-pay SANDAG a pro-rated portion of the C&L Assistance benefit paid by SANDAG.

*Refer to the **Employee Education and Training Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

13.4 PROFESSIONAL MEMBERSHIPS

Employees who hold Regular full-time SANDAG positions and have completed the 6-month introductory period are eligible for job-relevant professional organization memberships. SANDAG maintains institutional memberships in various organizations that pertain directly to the work and interests of the agency. SANDAG will not pay membership dues for an individual employee when agency membership of the organization exists. When possible, group or shared memberships are encouraged.

Requests for Professional Memberships shall be prepared and documented using the Request for Professional Membership form, or via a similar document that incorporates the information noted below, and pre-approved, in writing, by the employee's supervisor and Director. As part of the request form, the employee must provide:

- A clear and concise explanation about how the membership will provide direct and tangible benefits to the mission of the agency, and/or assist the employee in the performance of their job duties (Note: It is the responsibility of the supervisor and Director to determine whether the requested membership meets these criteria.);
- Membership sign-up and/or renewal process, and the associated fee; and
- The expected funding source for the membership fee.

The completed request form shall be provided to Business Services for record-keeping and to confirm availability of funds.

The payment of Professional Membership benefits shall be conditioned on continued employment with SANDAG for one year following SANDAG's payment or reimbursement of the membership fee. In the event the employee voluntarily terminates employment with SANDAG less than one year after receiving the Professional Membership benefit, the employee will be required to re-pay SANDAG a pro-rated portion of the Professional Membership benefit paid by SANDAG.

(Note: SANDAG's payment of fees for licenses, certifications, etc. that an employee is required to hold as a condition of employment (e.g. Public Official's Bond, CPA certification, PE license, Bar Association membership) are not subject to the repayment provision of the Professional Memberships policy.)

13.5 ATTENDANCE AT PROFESSIONAL ORGANIZATION MEETINGS/EVENTS

When appropriate and when agency workload priorities permit, employees are encouraged to attend meetings and events hosted by their professional organization. Approval to attend must be given by the employee's supervisor in advance. Directors may limit the number of employees from their department attending any single professional meeting. Criteria for determining which employee(s) may attend a meeting include whether the employee is a speaker at the meeting, an officer of the professional organization, or seniority. Directors will attempt to rotate meeting attendance where possible.

13.6 PERFORMANCE CHECK-INS AND PERFORMANCE EVALUATIONS

Performance Check-Ins and Performance Evaluations may be used as one of many tools to assess an employee's ability to perform the required duties of their current position.

- Performance Check-ins are completed for new Regular employees at their 3-month and 6-month anniversary dates as part of the introductory period.
- Six-month Check-ins are completed for new Limited-Term and TIPS employees (excluding annuitants).

The frequency of check-ins may vary, depending upon the length of service, position held, past performance, changes in job duties, or recurring performance issues.

Employees who have been employed by SANDAG for 6 months or longer will complete a Performance Evaluation on an annual basis. Supervisors and employees will regularly (quarterly is recommended) and jointly develop and document goals and objectives that focus on the projects, programs, and assignments the employee works on that contribute to the agency's overall success. Also, supervisors and employees identify professional development goals that are geared toward enhancing technical skills/knowledge, or opportunities for gaining management or leadership experience.

Annual Performance Evaluation are completed at the end of each fiscal year and include a summary of goal achievements and technical and/or professional growth demonstrated during the prior 12-month period. The results documented as part of the annual Performance Evaluation will be used by Directors in the consideration and distribution of performance rewards, in the form of a merit increase and/or lump sum merit pay, to employees. The annual Evaluation is required to be completed by all Regular, Limited-Term, and TIPS employees (excluding annuitants) who have been in their positions for a minimum of 6 months.

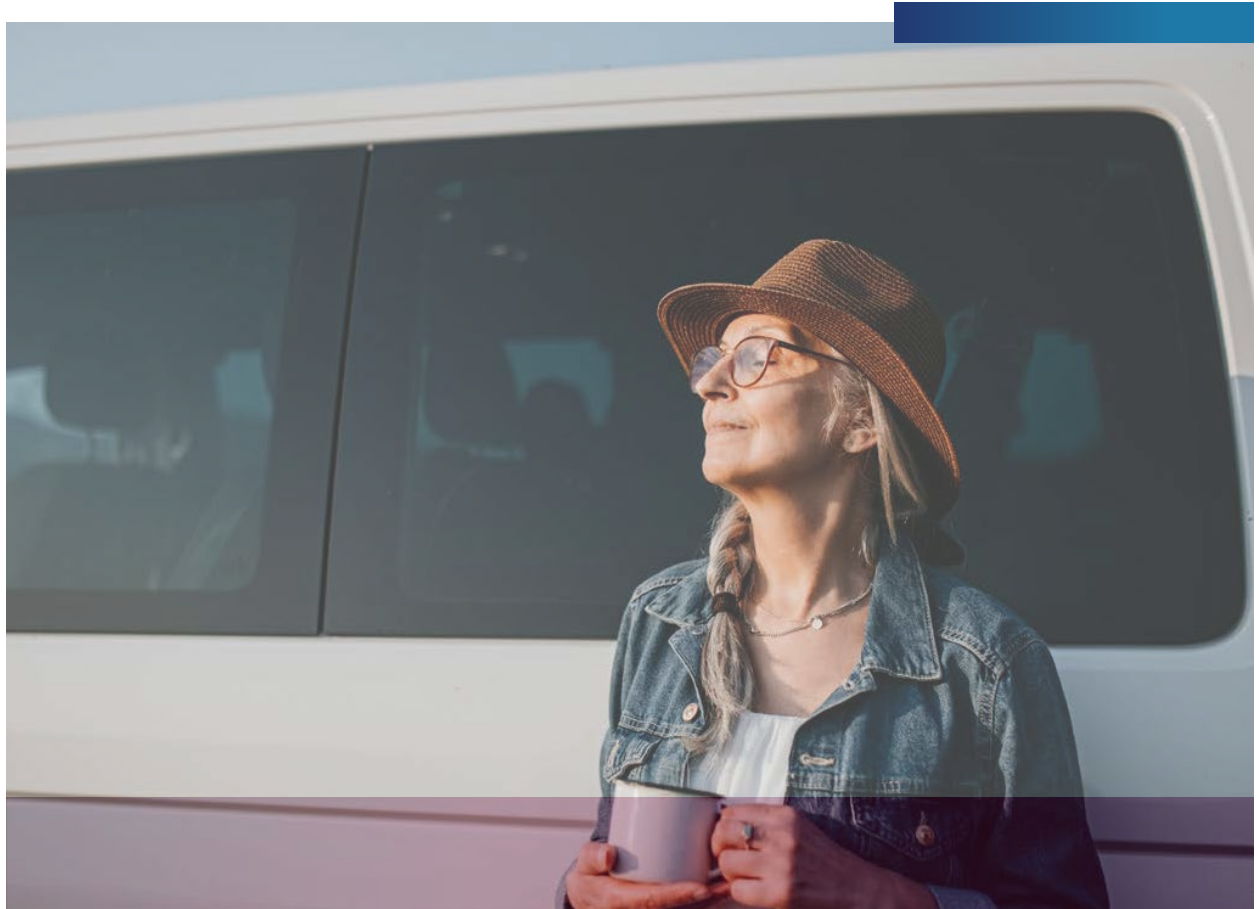
Performance Evaluations are intended to guide supervisors in assisting employees to meet the essential functions of their position and/or to improve their job skills. Evaluations may be one source upon which the determination shall be made as to whether an employee's performance has been fully satisfactory.

Paper-based Performance Evaluations shall be given to the Director of Human Resources for filing in the employee's personnel file. Evaluations completed using the web-based performance management tool will be stored within the system. Performance Evaluations shall be treated in a confidential manner.

*Refer to the **Performance Management Program Policy**, posted to the Administrative Policies and Guidelines page on SANDAG Central, for further information.*

13.7 PERFORMANCE IMPROVEMENT PLAN

A performance improvement plan is designed to identify and correct problems that may affect an employee's work performance. This process provides the employee and his/her/their manager with an opportunity to talk about specific problems, to determine when and how these problems can be corrected, and to agree to set goals and follow-up dates. Each case is considered on an individual basis by the manager, with the advice of the Director of Human Resources and the next manager above. Section 10 of this Handbook describes the process to be followed when work performance problems are not corrected.



Separation of Employment

Chapter 14: Separation of Employment

14.1 NOTICE OF RESIGNATION

An employee wishing to resign in good standing is requested to notify the Director of Human Resources in writing at least ten (10) working days prior to the employee's final day of work.

For an employee that is not on leave, the effective date of a resignation will be the last day the employee performs duties for SANDAG. An employee is not permitted to extend their official last day of employment by using accrued PTO, floating holidays, or other types of leave.

For an employee who is on an approved leave of absence, the effective date of a resignation will be the date the employee notifies SANDAG of his/her/their intent to resign.

An employee who has provided notice of resignation is expected to perform their usual job functions and assist with the transition of projects and responsibilities during the notice period. Requests to use PTO, floating holidays, or other types of leave during the notice period must be approved by the supervisor. A supervisor may deny a leave request to ensure the completion of work assignments prior to the employee's last day of employment.

An exception is permitted for an employee who is retiring. An employee who has submitted a notice of retirement may request to use accrued PTO, floating holidays, or other types of leave between their last scheduled work day and their last day of employment if the retiring employee indicates an intent to return to work and/or to be available for work assignments during the proposed leave period. The proposed leave period shall not exceed 60 days. Such requests must be in writing and be approved in advance by the supervisor and Director in consultation with the Director of Human Resources.

14.2 PAY IN LIEU OF NOTICE

Upon receiving a notice of resignation, SANDAG may elect to provide the employee with pay and benefits for the duration of the notice period, in lieu of the employee performing their usual job duties, when it is determined this action is in the best interest of the agency. A Pay in Lieu of Notice recommendation will be approved by the Senior Director of Organization Effectiveness, in consultation with the Director and Director of Human Resources.

14.3 RESCISSION OF RESIGNATION

In the event an employee wishes to postpone or rescind their notice of resignation or retirement, SANDAG is under no obligation to approve the request. Requests to postpone or rescind a notice of resignation or retirement must be made in writing to the Director and Director of Human Resources at least five (5) working days prior to the employee's final day of work. If granted, approval must be given in writing by the Director and a copy provided to the Director of Human Resources.

14.4 COORDINATION OF SEPARATION ACTIVITIES

Upon receiving a notice of resignation, Human Resources will schedule an exit meeting approximately one week prior to the employee's final day of work. During the exit meeting, the employee will be provided information about the separation process – a list of responsibilities and activities to be completed by the employee during the notice period, an overview of what will be included in the final paycheck and when it will be received, the conclusion and possible extension of benefits, the requirement to return agency-owned property (e.g., laptop and building access card), and the repayment of outstanding debts to the agency. The exit meeting also is an opportunity for the employee to provide feedback regarding his/her/their experience working for SANDAG, offer suggestions, submit concerns, and ask questions.

14.5 FINAL PAYCHECK AND END OF EMPLOYEE BENEFITS

At the time of separation, typically on the last day of employment, an employee will receive a final paycheck which will include payment for all hours worked in the current pay-period through the date of separation. Standard payroll deductions for tax withholding, retirement plan contributions, payments for elected benefits, and other regularly occurring items, will be taken from the final paycheck. Any payments due to SANDAG by the employee, such as a pro-rated share of license, certification, or membership expenses, pro-rated share of education or tuition assistance benefits, or pro-rated share of relocation expenses, also will be taken from the final paycheck.

At separation, an employee also will receive a payout of all accrued time off benefits, which the employee is eligible to receive, such as PTO, floating holidays, compensatory time, vacation leave, etc. in addition to any other vested benefits that are due and payable upon termination.

In situations where an employee has provided SANDAG with less than three (3) days' notice of their intent to resign, the employee shall be provided with their final paycheck within 72 hours of their final day of employment.

Other accrued benefits, such as benefits under retirement will be distributed under the terms of those plans. Severance also may be offered to an employee in accordance with the terms of the employee's contract and/or at the discretion of, and to the extent granted to, the CEO.

After separation, medical, dental, and vision insurance benefits usually may be continued, at the employee's option and expense, and it may be possible to continue other insurance benefits, depending upon the terms of those plans. If eligible, the separating employee will be provided with a COBRA Continuation Coverage notice that outlines the benefits that may be continued and the terms under which this is possible, in addition to other health insurance options.

14.6 CONTINUATION OF BENEFITS AFTER SEPARATION OR LOSS OF COVERAGE

Employees and/or qualified dependents who lose eligibility for SANDAG's group health insurance benefits (medical, dental, and vision benefits) for one of the reasons stated below may elect to continue coverage.

- Loss of coverage of an employee or qualified dependent due to a reduction in benefit eligible employment hours or termination of benefit eligible employment, excluding termination for gross misconduct;
- Loss of coverage of a qualified dependent due to divorce or legal separation;
- Loss of coverage of a qualified dependent due to death of an employee;
- Loss of coverage of a qualified dependent due to the employee's entitlement to Medicare benefits; and
- No longer meeting the eligibility requirements as an employee's dependent.

This right is part of a federal law called the Consolidated Omnibus Budget Reconciliation Act (COBRA).

If COBRA continuation coverage is elected, payment of the monthly premiums is the responsibility of the employee or qualified dependent. SANDAG does not contribute to the cost of COBRA continuation coverage.

Human Resources will provide separating employees with information regarding their rights and obligations under COBRA, including length of coverage, costs and enrollment procedures. The employee or qualified dependent is responsible for informing the Director of Human Resources of any circumstances under which continuing coverage under COBRA would apply.

14.7 LAYOFF

If it becomes necessary to reduce the number of Regular positions due to a lack of funding, material changes to job duties and responsibilities, reorganization, or for any other legitimate economic or business reason, the termination of employment is considered a layoff. SANDAG will attempt to communicate information about pending any layoffs as soon as possible.

SANDAG will use multiple criteria, with an emphasis on transferable skills and performance, when identifying which employees are subject to layoff. Criteria include the following, although not in any particular order:

- Knowledge, skills, abilities, and versatility as applicable to current and future job responsibilities;
- Demonstrated performance with respect to quantity and quality of work and overall goal achievement;
- Education and demonstrated propensity for continued growth and development; and
- Potential for promotion or lateral transfer within the agency.

For layoffs involving ten (10) or fewer positions, the Director must prepare a written recommendation outlining the business justification for elimination of the position/s and documenting the layoff decision. The recommendation is subject to approval by the CEO or his/her/their designee, in coordination with the Senior Director of Organization Effectiveness and the Director of Human Resources, prior to communication with any affected employees. SANDAG will follow an alternate review and approval process for layoffs involving more than 10 employees, ensuring compliance with state and federal notice requirements. Layoffs may not be used as a substitute for disciplinary action that may otherwise be imposed due to the actions or performance of an employee.

An employee subject to layoff will receive written notification from SANDAG at least 60 days prior to the date of termination. During the layoff notice period, the employee continues to receive his/her/their regular salary and benefits until the specified layoff date or until the employee assumes a different position with SANDAG or employment with another entity, whichever comes earlier.

When concerns about security or workplace safety warrant, an employee subject to layoff may be relieved of their job duties and placed on Administrative Leave for the duration of the layoff notice period.

An employee who has been laid off is eligible for future employment with SANDAG and may apply to be considered for any open position, per SANDAG's usual recruitment and selection process.

A position from which an employee has been laid off may not be filled for at least one (1) year, except in unusual or unanticipated circumstances and with the prior approval of the Senior Director of Organization Effectiveness.

14.8 DISMISSAL

The CEO may dismiss an at-will employee at any time, with or without cause, with or without notice, and for any reason. The CEO may dismiss a Regular employee hired prior to July 1, 2019, for causes set forth in Section 10.1.



Supplemental Policies

Chapter 15: Supplemental Policies

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Discrimination and Harassment Prevention Policy

Consistent with the agency's Equal Employment Opportunity (EEO) policy, SANDAG will maintain a work environment free from unlawful discrimination or harassment based upon the following protected classes: race, (traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status), sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), medical condition (including cancer, or a record or history of cancer), reproductive health decision-making, physical disability, mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran status or current or prospective service in the uniformed services, use of cannabis outside of work, or any other category protected under federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category.

Discrimination can include any unequal treatment or action that directly or indirectly results in unequal treatment of persons in a class protected by law. Harassment can include any unwelcome, unsolicited, and unwanted behavior that offends, humiliates, embarrasses, intimidates, or otherwise causes distress.

In addition, harassment that constitutes abusive conduct also is prohibited at SANDAG. "Abusive conduct" means: conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance.

Harassment and discrimination are not only illegal, they also create a negative atmosphere that reduces work productivity and morale, undermines the integrity of the workplace, and destroys professionalism. Examples of prohibited actions include, but are not limited to:

- The use of derogatory verbal comments, slurs, jokes; or derogatory pictures, cartoons or posters.
- Derogatory comments regarding a person's age.

- Refusing to hire or promote an employee because she is pregnant.¹
- Failing to provide a reasonable accommodation for an employee with a known mental or physical disability.

1.0 SEXUAL HARASSMENT

Sexual harassment deserves special mention. Sexual harassment is unwelcome behavior that is deliberate or repeated, not asked for or returned, and which affects the terms and conditions of employment. The two basic elements of sexual harassment are: (1) the behavior is unwelcome; and (2) the behavior is sexual in nature as perceived by an average person on the receiving end of the behavior, **or** it is behavior that ridicules, denigrates, or harasses a person because of his/her/their gender. Unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment (quid pro quo sexual harassment); or
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation of the individual's work or decisions affecting that individual's work or an individual's employment (quid pro quo sexual harassment); or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment (hostile environment sexual harassment).

Sexual harassment can take many forms. Some examples include:

- *Verbal Harassment*: Epithets, derogatory jokes or comments, slurs, or unwanted sexual talk. Verbal abuse of a sexual nature such as graphic verbal commentaries about a person's body; sexually degrading words used to describe an individual; propositioning. Remarks or jokes explicitly or implied stating that a person cannot do a job as well because that person is male or female. Threats or reprisals after a negative response to a sexual advance.
- *Physical Harassment*: Assault, battery, impeding, or blocking normal movement or interfering with work; unwanted touching such as pinching, grabbing, or patting; "elevator eyes" or other inappropriate behavior.
- *Visual Harassment*: Derogatory posters, emails, electronic texts, pornographic or sexual Internet sites, computer screen "wallpaper," notes, cards, calendars, bulletins, cartoons, graffiti, photographs, signs, drawings, suggestive or sexually graphic letters or invitations, protracted staring, or gestures.

¹ See the SANDAG Family Care and Medical Leave Policy for further information related to leave due to pregnancy.

- Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers also may constitute sexual harassment.

Quid pro quo (this in exchange for that) sexual harassment occurs when a person makes any term or condition of employment conditional upon an individual's willingness to engage in sexual behavior. Examples of quid pro quo sexual harassment include: a supervisor offering a choice assignment in exchange for a sexual favor, or a supervisor threatening adverse action against an individual who refuses to submit to sexual advances.

Hostile environment sexual harassment occurs when unwelcome conduct, whether it is sexual, gender, or transgender status-based, and which is severe or pervasive, offends, intimidates, ridicules, or insults an individual sufficiently to alter that individual's ability to carry out his/her/their responsibilities at SANDAG.

Whether an alleged action constitutes sexual harassment will be determined on a case-by-case basis by assessing the totality of the circumstances. Factors such as the nature of the sexual advances and the context in which the alleged incidents occurred will be considered in assessing the allegations and in determining the appropriate resolution.

Persons involved in consensual relationships who work together must exercise caution to prevent actual or perceived sexual harassment or inappropriate use of authority. If a relationship changes, conduct that once was welcomed by both persons may become offensive to one of the persons in the relationship. Sexual harassment claims often occur following an unsuccessful workplace relationship. Therefore, SANDAG highly discourages supervisory-subordinate relationships because of this risk.

2.0 APPLICABILITY

This policy applies to all persons who use SANDAG offices and other places where SANDAG business is conducted, including, but not limited to, employees, temporaries, interns, volunteers, Board members, contractors, vendors, and visitors, and to those persons who are agents of a public or private entity doing business with SANDAG. All of these individuals are required to adhere to a standard of conduct that is respectful to all persons within the SANDAG work environment.

3.0 RESPONSIBILITIES

Every Director and supervisor at SANDAG is required to support the principles of equal opportunity stated in this policy. It is their responsibility to ensure these principles are fully enforced and that every employee is provided a discrimination- and harassment-free work environment. All persons subject to this policy who believe they have been subjected to harassment or discrimination have an obligation under this policy to promptly report their concerns to a supervisor, Director, or the Director of Human Resources.

Directors and supervisors will be held accountable for ensuring that equal opportunity practices are adhered to in their department. Any supervisor who observes or knows of a harassing or discriminatory situation, whether or not it occurred in his/her/their department and/or division, who fails to take corrective action, may be disciplined. Court decisions indicate that supervisors may be held personally liable for failure to take action on equal opportunity violations of which they were or should have been aware.

The Director of Human Resources is responsible for ensuring this policy and the complaint procedures it contains are disseminated and implemented. This policy is referred to in the SANDAG Employee Handbook and is available on the SANDAG Central SharePoint site. All employees and temporary employees from staffing agencies will be informed of this policy and are responsible for reviewing it.

In addition, California law mandates all non-supervisory employees complete one hour of sexual harassment prevention training in a classroom setting, or other effective interactive educational environment, within six months of their assumption of a position. Supervisory employees are required to complete two hours of sexual harassment prevention training in a classroom setting, or other effective interactive educational environment, within six months of their assumption of a position. This training must be completed for both supervisory and non-supervisory employees every two years. Failure to complete this training may result in disciplinary action up to and including termination.

4.0 EMPLOYEE COMPLAINT PROCEDURES

SANDAG is committed to investigating and resolving any complaints of harassment or discrimination, including sexual harassment. Disciplinary action, up to and including termination, will be taken against employees for improper behavior. This non-discrimination policy applies to decisions affecting all aspects of employment, including, but not limited to, recruitment, selection, placement, assignment, training, transfer, promotion, evaluation, discipline, termination, compensation, and benefits.

Any employee who feels that this policy is being violated must inform a supervisor or Director, or the Director of Human Resources immediately. SANDAG cannot resolve discrimination or harassment unless it knows about it. Therefore, it is the responsibility of every employee to bring these situations to the attention of SANDAG so that the necessary steps can be taken to correct the matter. Employees also may file a complaint directly with the California Civil Rights Department (CRD) or the federal Equal Employment Opportunity Commission (EEOC).

Supervisors and Directors are responsible for verbally notifying the Director of Human Resources immediately upon receipt of an allegation. The supervisor or Director shall submit a written incident report to the Director of Human Resources on all harassment and/or discrimination complaints within five days after reporting a complaint.

Once a complaint is made known to the Director of Human Resources, he/she/they shall investigate, conciliate, resolve, and/or make appropriate recommendations to the Senior Director of Organization Effectiveness, Deputy CEO and/or CFO, and Director in order to

ensure the situation is remedied. The Director of Human Resources may seek the services of an outside investigator in situations where the complaint is anticipated to be complex in nature, if the complaint may lead to legal action against SANDAG, if there is an actual or perceived conflict of interest with Human Resources or management, and/or in order to investigate complaints in a timely manner due to competing priorities.

Investigations will be conducted in a timely, thorough, and impartial manner, and all parties in the investigation will be provided with appropriate due process. Investigations shall be kept confidential to the extent possible. SANDAG expects all employees to cooperate in investigations whether as a witness, third party, complainant, or accused. The Director of Human Resources shall follow up with the Director on the progress of the investigation and proposed resolution within two weeks.

All cases shall be evaluated on an individual basis, taking into consideration all the facts and circumstances pertaining thereto. The Senior Director of Organization Effectiveness, Deputy CEO and/or CFO, and Director shall be given a summary of findings, recommendations, and required actions. The complainant and alleged harasser also will be informed of the results of the investigation; however, because of privacy concerns, specific personnel actions taken in response to an investigation may not be shared. The Director of Human Resources shall monitor all actions until completed.

If, after investigation, SANDAG determines that conduct contrary to this policy has occurred, corrective action designed to prevent further discrimination or harassment will be taken and SANDAG will take appropriate remedial action. In the case of a SANDAG employee, the corrective action will include discipline up to and including termination from employment. In the event the discrimination was carried out by a non-employee, corrective action may include, but will not necessarily be limited to counseling, removal from SANDAG premises, or cancellation of an offender's contract. Individuals who engage in unlawful harassment may also be held personally liable for their conduct, including monetary penalties as set by a court.

5.0 PROTECTIONS

SANDAG will not tolerate retaliation against any individual who complains of discrimination or harassment, or makes a complaint. SANDAG will not tolerate retaliation against any person who participates in an investigation covered under this policy.

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- o shunning and avoiding an individual who reports harassment, discrimination, or retaliation;
- o express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; or

- denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.

If retaliation is alleged, it shall be processed as a separate complaint that shall be filed directly with the Director of Human Resources. The law prohibits such acts of retaliation. Any person found to be retaliating against another person shall be subject to disciplinary action up to and including termination.

Employees have the right to file charges of discrimination or harassment in good faith. If, in the course of the investigation, it is found that the charges are intentionally malicious or fraudulent, the Director of Human Resources shall make appropriate recommendations as to the disposition of the case. An individual who makes a false or fraudulent complaint under this policy will be subject to discipline, up to and including termination.

Amended January 2024

Employment of Relatives and Spouses/Domestic Partners Policy

The employment of relatives, including but not limited to spouses, in the same department, division, office, or line of supervisory authority can cause serious problems in the workplace that adversely affect productivity, morale, confidentiality, safety, and security, and can create conflicts of interest. Employment of relatives can cause problems such as real or perceived favoritism; scheduling conflicts; personal conflicts and hostility in the work place; claims of partiality in providing or awarding favorable working conditions, promotions, transfers, or assignments; or the compromise or suspected compromise of confidential or privileged information or records.

SANDAG employees are strictly prohibited from participating in, or influencing or attempting to influence, the selection process or the employment, promotion, or transfer of any relative or their spouse. SANDAG reserves the right to take prompt action to prevent the attempt of any relative or spouse to influence an employment decision involving a relative or spouse. The intent of this policy is that it shall also apply in situations where non-employees of SANDAG carrying out work on SANDAG projects (such as Caltrans, MTS, or NCTD employees, or consultants), and who are relatives of SANDAG employees, also will not work in a direct, supervisory relationship with each other, or be in the same line of authority or supervision.

1.0 EMPLOYMENT OF RELATIVES OTHER THAN SPOUSES AND DOMESTIC PARTNERS

For purposes of this policy, the term “relative” refers to persons other than spouses and domestic partners who are related by blood or marriage, or whose relationship is similar to that of persons who are related by blood or marriage (i.e., an adopted child or step-parent). This policy affects relatives of currently employed SANDAG employees who are candidates for hire by SANDAG as employees, and relatives who are currently employed by SANDAG and who are candidates for promotion or transfer to the same division or line of authority at SANDAG.

Hiring, promotion, and transfer of relatives may occur at SANDAG only if:

- The individuals concerned will not work in a direct, supervisory relationship with each other, or be in the same line of authority or supervision;
- The individuals hired, promoted, or transferred will not work in the same division or under the authority of one supervisor;

- The employment, promotion, or transfer will not cause any potential conflicts or disruption to SANDAG operations; and
- The employment, promotion, or transfer will not pose any potential articulable problems or conflicts involving supervision, security, safety, confidentiality, performance, or morale.

2.0 EMPLOYMENT OF SPOUSES AND DOMESTIC PARTNERS

The employment of spouses and domestic partners in the same department, division, or office can involve potential conflicts of interest that are greater for married persons than for other persons. Additionally, the placement of one spouse under the direct supervision of the other frequently leads to problems involving supervision, confidentiality, or morale. The employment of spouses and domestic partners shall be governed by the rules set forth in this policy.

No employment decision, including but not limited to transfers or promotions, shall be based upon whether an individual has a spouse or domestic partner presently employed by SANDAG, except in accordance with the following criteria:

- For business reasons of supervision, safety, security, or morale, SANDAG may refuse to place one's spouse or domestic partner under the direct supervision of the other spouse or domestic partner.
- For business reasons of supervision, security, or morale, SANDAG may refuse to place a spouse or domestic partner in the same department or division if the work involves potential conflicts of interest or other hazards greater for married or domestic partner couples than for other persons.

For co-employees who marry or establish a domestic partnership, SANDAG shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale.

- Current employees of SANDAG who marry or establish a domestic partnership or who become related by marriage or establish a domestic partnership must immediately notify their supervisors and the Director of Human Resources. If employees who marry or who become related by marriage or domestic partnership do work in a direct supervisory relationship with one another or do cause an actual conflict or difficulty concerning supervision, security, safety, or morale, SANDAG will attempt to reassign one of the employees to another position for which he/she/they is qualified, if such a position is available and no other accommodation is reasonable or practicable. If an actual or potential conflict exists in the opinion of SANDAG, SANDAG may take whatever action appears appropriate according to the circumstances, up to and including transfer or termination. Failure to disclose facts may lead to disciplinary action, up to and including termination.
- Any decision not to employ, promote, or transfer the spouse or domestic partner of an employee shall be made on a case-by-case basis by the Director, in consultation with the Director of Human Resources, taking into account all of the known facts and

circumstances regarding the particular position and the duties and the relationship of the position and duties performed by the employed spouse or domestic partner.

3.0 DATING RELATIONSHIPS

SANDAG desires to avoid misunderstandings, actual or potential conflicts of interest, complaints of favoritism, possible claims of sexual harassment, and the employee morale and dissension problems that can potentially result from romantic relationships involving supervisory or managerial employees. Accordingly, supervisors and managers are discouraged from fraternizing or becoming romantically involved with one another or with any other SANDAG employee. Additionally, all employees, both supervisory/managerial and non-supervisory/managerial, are discouraged from fraternizing or becoming romantically involved with other employees, when their personal relationships may create a conflict of interest, cause disruption, create a negative or unprofessional work environment, or present concerns regarding supervision, safety, security, or morale.

An employee involved with a supervisor, manager, or fellow employee should immediately and fully disclose the relevant circumstances to the Director of Human Resources so that a determination can be made as to whether the relationship presents an actual or potential conflict of interest. If an actual or potential conflict exists in the opinion of SANDAG, SANDAG may take whatever action appears appropriate according to the circumstances, up to and including transfer or termination. Failure to disclose facts may lead to disciplinary action, up to and including termination.

Employees also should remember that SANDAG maintains a strict policy against unlawful harassment of any kind, including sexual harassment. SANDAG will enforce this policy consistent with all applicable federal, state, and local laws.

Amended January 2024

Family Care and Medical Leave Policy

SANDAG provides job-protected leave, as required by state and federal law, to eligible employees who need to take time off for their own medical situation or to care for a family member. This policy describes the types of leave available, employee rights and obligations with respect to such leave, and coordination with other policies.

The types of leaves described in this policy include:

- Pregnancy Disability Leave (PDL)
- California Family Rights Act (CFRA) and Family and Medical Leave Act (FMLA)
- Military Exigency Leave (MEL)
- Military Caregiver Leave (MCL)

1.0 PREGNANCY DISABILITY LEAVE (PDL)

1.1 ELIGIBILITY

An employee is eligible for Pregnancy Disability Leave (PDL) regardless of the length of time she has worked for SANDAG. Further, an employee does not have to work full-time to be eligible.

1.2 DURATION OF LEAVE

SANDAG will provide up to four months (defined as one-third of a year, 17¹/₃ weeks, or 693 hours) of job-protected disability leave to pregnant employees. PDL is required only when a woman is disabled. This includes time off for additional or more frequent breaks, prenatal or postnatal medical appointments, severe morning sickness, doctor-ordered bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, childbirth, recovery from childbirth or loss or end of pregnancy, postpartum depression, and any related medical condition.

Generally, a woman is disabled if she is unable to perform one or more of the essential functions of her job without undue risk to herself or others. The medical opinion of the employee's health care provider will be used to determine whether she is disabled by pregnancy or a related medical condition. SANDAG will require an employee to obtain from her health care provider medical certification of her inability to work due to pregnancy, childbirth, or a related medical condition.

Disability leave does not need to be taken at one time. Leave can be taken before or after the birth. All of the leave taken will be totaled in computing whether an employee has utilized the maximum four months of leave. Periodic absences for pregnancy-related illness of limited duration taken prior to childbirth may be subtracted from the four-month maximum leave allowed by law for pregnancy-related disability.

1.3 NOTICE

If possible, an employee should provide SANDAG with at least 30 days advance notice before PDL commences. The employee must provide the date her leave will commence and the estimated duration of the leave. If 30 days advance notice is impossible due to lack of knowledge, a change in circumstances, or a medical emergency, the employee should give notice to SANDAG within 2 business days of learning of the need to take PDL.

1.4 COMBINING PREGNANCY DISABILITY LEAVE WITH CFRA LEAVE

Employees are entitled to take PDL in addition to their leave entitlement under the California Family Rights Act (CFRA). An employee may take CFRA leave following PDL; CFRA leave is not taken concurrently with PDL. Under the CFRA, an employee is entitled to 12 weeks of CFRA leave to bond with the baby (within 12 months of birth), to bond with an adopted child (within 12 months of adoption), or care for a parent, spouse, or child with a serious health condition. More information regarding CFRA leave is provided in Section 2.0 of this policy.

1.5 COMBINING PREGNANCY DISABILITY LEAVE WITH FMLA LEAVE

The federal counterpart to the CFRA is known as the Family and Medical Leave Act (FMLA). Generally, the FMLA provides up to 12 weeks of leave per year to bond with a baby during the first 12 months after birth, to bond with an adopted child within 12 months after adoption, or care for a parent, spouse, or child with a serious health condition. An employee cannot take four (4) months of PDL, 12 weeks of CFRA leave, and 12 weeks of FMLA leave consecutively, because FMLA leave is used concurrently with PDL and CFRA leave. More information regarding FMLA leave is provided in Section 2.0 of this policy.

1.6 USE OF TIME OFF BENEFITS WHILE ON PREGNANCY DISABILITY LEAVE

While on PDL, an employee is required to use her accrued sick leave (if available) during the waiting period before any paid disability benefits begin and may choose to use her other accrued leave such as PTO, vacation, floating holidays, compensatory time, or catastrophic leave to remain in a paid status.

Once paid disability benefits begin, an employee may choose to use her accrued leave such as PTO, vacation, sick leave (if available), floating holidays,

compensatory time, or catastrophic leave to supplement the employee's paid disability benefits to reach 100% of the employee's usual pay.

An employee also may decline to use accrued leave once paid disability benefits begin; this would not change the employee's eligibility for health insurance benefits (described in Section 6.0 of this policy) or paid disability benefits.

The ability to choose whether to use accrued sick leave time only applies when an employee is receiving paid disability benefits. If an employee remains on leave after her PDL is concluded (for example, CFRA, FMLA, or other approved leave), the employee will be required to use accrued leave to remain in a paid status for the remainder of any leave.

1.7 RETURNING TO WORK

At the end of an employee's authorized leave due to pregnancy, SANDAG will return the employee to her former position, or if that position is unavailable, to a comparable position with no reduction in pay. Employees who do not return to work within three (3) work days after an approved leave or certification has expired may be considered to have abandoned their job if they have not been pre-approved for an extension of leave. Failure to report to work following an approved leave or certification that has expired may lead to discipline of the employee up to and including termination at the agency's discretion.

2.0 CALIFORNIA FAMILY RIGHTS ACT (CFRA) AND FAMILY AND MEDICAL LEAVE ACT (FMLA)

2.1 ELIGIBILITY

To be eligible for family and/or medical leave under the CFRA or FMLA, an employee must have worked for SANDAG for at least 12 months and have worked at least 1,250 hours over the previous 12 months by the first day of their leave (an exception is made for bereavement leave). Each time a new or renewed leave request under CFRA or FMLA is made, SANDAG will determine whether an employee meets these two separate eligibility requirements.

Job-protected unpaid leave is available to eligible employees for up to 12 weeks per 12-month period for the following reasons:

- Family Care Leave
 - Time off to bond with a new child entering the family through birth, adoption or foster care placement within 12 months after the birth or after the child is placed with the employee (applies to both parents);
 - To care for an immediate family member with a serious health condition.

- Medical Leave
 - When a serious health condition renders the employee unable to perform the functions of the employee's position.
- Bereavement Leave
 - Regular, Limited Term, and TIPS employees who have been employed at least 30 days may be granted up to 5 days of time off for bereavement leave under CFRA that is separate from the 12 weeks of leave that may be provided for other reasons.

An immediate family member is defined as follows:

- For the purposes of CFRA: a parent, parent-in-law, spouse, domestic partner, child, grandparent, grandchild, sibling (related to another person by blood, adoption, or affinity through common legal or biological parent), or a designated person (any individual related by blood or whose association with the employee is the equivalent of a family relationship); a limit of one designated person per 12-month period is permitted).
- For the purposes of FMLA: a parent, spouse or child

A serious health condition is an illness, injury (including on-the-job injuries), impairment, or physical or mental condition of the employee, or of the immediate family member of the employee, that involves either:

- in-patient care (i.e., an overnight stay) in a hospital, hospice, or residential care facility
- continuing treatment or supervision by a health care provider; or 3) incapacity, which means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery it requires.

2.2 CERTIFICATION OF SERIOUS HEALTH CONDITION

SANDAG requires written certification from the health care provider of the employee or immediate family member with a serious health condition on a Certification of Health Care Provider form provided by SANDAG. The certification does not require the health care provider to identify the type of serious health condition.

The certification must include:

1. the date that the serious health condition commenced;
2. the probable duration of the condition;
3. an estimate of the amount of time the employee will need to care for himself/herself/themselves or the immediate family member; and

4. a statement that the serious health condition warrants participation of a family member to provide care during the period of treatment or medical supervision, or a statement that the employee, due to the serious health condition, is unable to perform one or more of the essential functions of his/her/their job.

Additionally, if the need for leave is based upon the employee's own serious health condition, the certification must include an assessment by the health care provider, using the employee's job description, of whether the employee is unable to perform work of any kind, or a statement that the employee is unable to perform specific essential functions of his/her/their job.

An employee will have 15 calendar days to obtain the certification once SANDAG requests it. If the employee fails to provide the certification or provides an inadequate certification, SANDAG may deny the request for leave. SANDAG may request that an employee obtain a fitness-for-duty certification from his/her/their health care provider before the employee returns to work.

2.3 NOTICE

The employee must give their Director 30-days' notice in the event of a foreseeable leave, or as soon as practicable if the need for the leave is unforeseeable. The notice may be oral or in writing. The notice must provide enough information to SANDAG so that SANDAG can determine whether the employee is eligible for FMLA and/or CFRA leave.

Once a Director is informed of an event triggering an employee's entitlement to FMLA and/or CFRA leave, the Director must immediately notify the Director of Human Resources. Events that trigger or may trigger an entitlement to FMLA and/or CFRA leave include: pregnancy, an employee's absence for more than three (3) consecutive days or more than ten (10) days in three (3) months due to his/her/their own illness, an employee's request for time off for ongoing medical treatment, and an employee's absence for (3) three or more days to care for a family member.

2.4 INTERMITTENT LEAVE

CFRA and FMLA leave do not need to be taken in one continuous period of time. An employee may take intermittent or reduced family and/or medical leave if the need for intermittent leave is certified by the health care provider treating the serious health condition of the employee or the employee's immediate family member.

Intermittent leave may be taken for the following reasons, with approval from a health care provider:

- o For scheduled treatments, recovery from treatment, or recovery from illness.

- For periods of disability due to a chronic serious health condition such as asthma, diabetes, or epilepsy.
- To provide care for a child, parent, or spouse with a serious health condition.

Under the FMLA and CFRA, leave for the birth or adoption of a child that is not related to a serious health condition may be taken intermittently or on a reduced leave schedule, except that the basic minimum duration of the leave shall be two (2) weeks. However, SANDAG will grant a request for a CFRA leave of less than two weeks' duration on any two occasions and may grant requests for additional occasions of leave lasting less than two (2) weeks with written approval of the Director.

If an employee requests an intermittent or reduced leave schedule, the employee is required to work out a schedule with their supervisor that meets the employee's needs without unduly disrupting SANDAG operations.

2.5 DURATION OF LEAVE

Full-time employees are entitled to 12 workweeks or 60 work days of eight hours a piece per 12-month period. Eligible employees who work less than five days per week or who work a part-time or alternative work schedule are entitled to the number of working days that constitutes 12 workweeks on a pro rata or proportional basis.

There is no minimum duration for FMLA or CFRA leave taken for the serious health condition of the employee or of the employee's immediate family. The basic minimum duration for CFRA leave when the leave is taken for the birth of a child, adoption, or foster care placement is two weeks. The employee may request an exception to this two-week requirement. Leave taken for the birth, adoption, or foster care placement of a child must be completed within one year after the qualifying event.

In the event both parents are employed by SANDAG and eligible for FMLA or CFRA leave for the birth, adoption, or foster care placement of their child, under FMLA SANDAG may limit the parents' leave entitlement to a combined total of 12 weeks in a 12-month period; under CFRA each parent is entitled to the 12 weeks of leave.

2.6 CALCULATION OF THE 12-MONTH LEAVE PERIOD

The 12-month period will be calculated using a rolling 12-month period measured backward from the date an employee uses any leave. For example, if an employee takes four weeks of leave in February and eight weeks between October and November, the employee will be eligible for leave again in February of the following year. The amount of leave available, however, will be only four weeks. The employee will not be eligible for the other eight weeks until the following October.

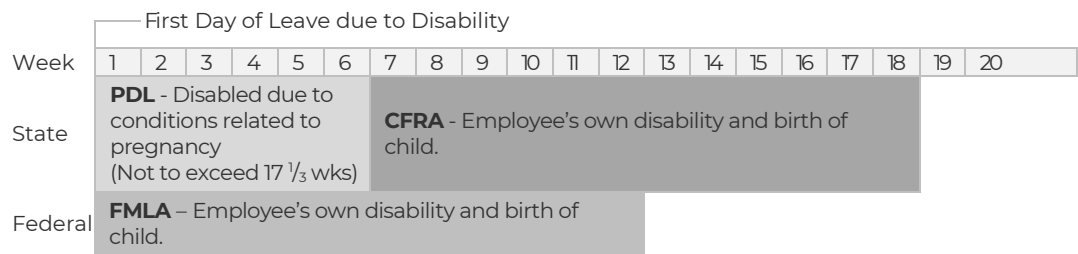
2.7 CONCURRENT USE OF LEAVE ENTITLEMENTS

If an employee requests leave for his/her/their own serious health condition or the serious health condition of an immediate family member, CFRA and FMLA will be used concurrently (that is, at the same time) and SANDAG will designate the employee's leave as both CFRA and FMLA leave.

If an employee takes CFRA leave to care for an immediate family member who is not covered under FMLA, or if an employee takes PDL, CFRA and FMLA may not run concurrently. In this instance, an employee may “stack” CFRA and FMLA and be eligible for more than 12 weeks of leave (that is, take 12 weeks of CFRA separately from 12 weeks of FMLA).

With regard to PDL, FMLA leave will be used concurrently with PDL, but CFRA may not be used with PDL. If an employee takes less than 12 weeks of PDL/FMLA and requests CFRA leave to bond with the baby once PDL has ended, the remainder of FMLA leave will be used concurrently with CFRA leave.

Following is an example of how PDL, FMLA, and CFRA may run concurrently:



2.8 PAID FAMILY LEAVE AND DISABILITY INSURANCE BENEFITS

SANDAG provides Paid Family Leave or disability benefits to eligible employees on family care or medical leave as a form of income replacement during the leave period. Paid Family Leave and disability benefits coordinate with accrued time off benefits such as PTO, vacation, sick leave, floating holidays, compensatory time, and catastrophic leave as described below.

*Refer to the **Paid Family Leave Policy** in the Supplemental Policies section of this Handbook for further information.*

2.9 USE OF TIME OFF BENEFITS WHILE ON CFRA AND FMLA

The requirements for the use of accrued time off benefits while on the CFRA and FMLA vary depending on why the leave was requested. The ability to choose whether to use accrued leave time only applies when an employee is covered by the FMLA and/or CFRA and receiving paid disability benefits or Paid Family Leave benefits. Unpaid leave will be granted if an employee does not have any accrued leave time.

- While on leave for the employee's own serious health condition:
 - During the waiting period before paid disability benefits begin, the employee is required to use any accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave in order to remain in a paid status.
 - Once paid disability benefits begin, an employee may choose to use accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave to supplement the employee's paid disability benefits to reach 100% of the employee's usual pay. An employee also may decline to use accrued leave once paid disability benefits begin; this would not change the employee's eligibility for health insurance benefits (described in Section 6.0 of this policy) or paid disability benefits. The ability to choose whether to use accrued leave time only applies when an employee is receiving paid disability benefits.
- While on leave to care for a family member:
 - During the time the employee is receiving Paid Family Leave benefits, the employee may choose to use accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave as a supplement to the Paid Family Leave benefit in order to reach 100% of the employee's usual pay. An employee also may decline to use accrued leave while receiving Paid Family Leave benefits; this would not change the employee's eligibility for health insurance benefits (described in Section 6.0 of this policy) or Paid Family Leave benefits.
 - If an employee remains on leave after Paid Family Leave benefits are exhausted, the employee will be required to use accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave in order to remain in a paid status for the balance of the leave period.

2.10 RETURNING TO WORK

At the end of an employee's authorized family and/or medical leave, SANDAG will return the employee to his/her/their former position or, if that position is unavailable, to a comparable position with no reduction in pay.

Employees who do not return to work within three (3) work days after an approved leave or certification that has expired may be considered to have abandoned their job if they have not been pre-approved for an extension of leave. Failure to report to work following an approved leave or certification that

has expired may lead to discipline of the employee up to and including termination at the agency's discretion.

3.0 ACCOMMODATION

If an employee's health care provider certifies that the employee needs an accommodation due to a serious health condition, SANDAG will attempt to make a reasonable accommodation for the employee. If an employee believes he/she/they is entitled to an accommodation, he/she/they must request an accommodation from his/her/their supervisor, Director, or the SANDAG EEO Program Officer. SANDAG will act in compliance with all applicable laws, including the Americans with Disabilities Act and Fair Employment and Housing Act.

4.0 MILITARY EXIGENCY LEAVE

4.1 ELIGIBILITY

An otherwise FMLA-eligible or CFRA-eligible employee will qualify for Military Exigency Leave (MEL) if his/her/their spouse, domestic partner (CFRA only), son, daughter, or parent is on active military duty, or has been called to active duty in a "contingency" military operation that requires deployment to a foreign country. MEL is a type of FMLA/CFRA leave. Exigency leave applies only to a federal call to active duty.

MEL is available to family members of the Regular Armed Forces, the National Guard, and Reserves. It may also be available to certain retired members of the Regular Armed Forces and the retired Reserve. A "son or daughter" on active duty or called to active duty includes a child of any age.

4.2 LEAVE ENTITLEMENT

SANDAG will grant job-protected unpaid MEL when an employee's spouse, domestic partner (CFRA only), child, or parent is on active duty (or has been notified of an impending call or order to active duty). Eligible employees are entitled up to 12 workweeks of unpaid leave in a 12-month period to deal with "any qualifying exigency" related to or affected by the family member's call to service or active duty.

Any period of leave taken for MEL is counted against the employee's overall 12-week FMLA/CFRA leave entitlement. As with other types of FMLA/CFRA leave, the 12-month period will be calculated using a rolling 12-month period measured backward from the date an employee uses any MEL. For example, if an employee takes four weeks of MEL, he/she/they will then have eight weeks of MEL/FMLA/CFRA leave left in that same 12-month period to care for a family member or to care for themselves in case of a serious health condition. MEL may be taken intermittently or on a reduced leave schedule.

A military leave will meet the definition of a “contingency” military operation if (1) it has been designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) results in the call or order to, or retention on, active duty members of the National Guard and Reserve under the law during a war or national emergency declared by the President or Congress.

What qualifies as an “exigency?”

- Short Notice Deployment
- Military Events and related activities
- Child Care and School Activities
- Parental Care
- Financial and Legal Arrangements
- Counseling
- Rest and Recuperation (R&R) Leave for a Military Member (maximum of 15 calendar days)
- Post-Deployment Activities
- Additional activities that demand the attention of the employee due to the contingency military operation.

4.3 CERTIFICATION

Employees must provide specific information to the Director of Human Resources, such as a copy of the covered military member’s orders or call to duty and the dates of the military member’s active-duty service, to certify eligibility for MEL. Additionally, an employee will be required to provide a signed statement or description of facts regarding the exigency underlying each leave request.

4.4 USE OF TIME OFF BENEFITS WHILE ON MILITARY EXIGENCY LEAVE

Employees are required to use any accrued leave such as PTO, vacation, floating holidays, compensatory time, or catastrophic leave to remain in a paid status while using MEL. Unpaid leave will be granted if the employee does not have any accrued leave available.

4.5 RETURNING TO WORK

At the end of an employee’s authorized MEL, SANDAG will return the employee to his/her/their former position, or if that position is unavailable, to a comparable position with no reduction in pay. Employees who do not return to work within three work days after an approved leave or certification has expired may be considered to have abandoned their job by SANDAG. Failure to report to work following an approved leave or certification that has expired may lead to discipline of the employee up to and including termination at the agency’s discretion.

5.0 MILITARY CAREGIVER LEAVE

5.1 ELIGIBILITY

An otherwise FMLA-eligible employee will qualify for Military Caregiver Leave (MCL) if the employee is the spouse, son, daughter, parent, or “next of kin” of an injured military member. MCL is a type of FMLA leave.

5.2 LEAVE ENTITLEMENT

SANDAG will grant job-protected unpaid MCL to an eligible employee for up to 26 workweeks in a single 12-month period to provide care for their injured military family member. The 26-week period is applied on a “per-military member, per-injury basis.”

A “Military Member” is any member of the regular Armed Forces, or the National Guard or Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. “Military Member” does not include retired military service members unless they are on the temporary disability retired list, nor does it include discharged military members. Employees also may take Caregiver Leave to care for a veteran service member who is undergoing medical treatment, recuperation, or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment.

A different 12-month period applies to MCL than for other forms of FMLA leave. The 12-month period applicable to MCL begins on the first day the eligible employee takes such leave and ends 12 months after that date, regardless of the separate 12-month period used to determine other FMLA leave.

Leave may be taken intermittently or on a reduced leave schedule when medically necessary.

5.3 NEXT OF KIN

Next of kin is defined as the service member’s nearest blood relative other than the spouse, parent, son, or daughter, in the following order of priority: (1) blood relatives who have been granted legal custody of the service member by court decree or statutory provision; or (2) brothers, sisters, grandparents, aunts, uncles and first cousins, unless the service member has specifically designated, in writing, another blood relative for purposes of this leave.

5.4 CERTIFICATION

To qualify for MCL, an employee must provide the Director of Human Resources either the invitational travel orders, invitational travel authorizations, or a Department of Labor-approved certification form completed by a Department of Defense (DoD) health care provider, a Veterans Affairs

healthcare provider, a DoD TRICARE authorized provider, or a DoD non-network TRICARE authorized provider.

5.5 USE OF TIME OFF BENEFITS WHILE ON MILITARY CAREGIVER LEAVE

Employees are required to use any accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave to remain in a paid status while using MCL. Unpaid leave will be granted if the employee does not have any accrued leave available.

5.6 RETURNING TO WORK

At the end of an employee's authorized MCL, SANDAG will return the employee to his/her/their former position, or if that position is unavailable, to a comparable position with no reduction in pay. Employees who do not return to work within three work days after an approved leave or certification has expired may be considered to have abandoned their job by SANDAG. Failure to report to work following an approved leave or certification that has expired may lead to discipline of the employee up to and including termination at the agency's discretion.

6.0 BENEFITS WHILE ON LEAVE

SANDAG will continue to pay health insurance premiums for an employee, to the extent those premiums normally were covered by SANDAG, for a period of up to four months (over the course of a 12-month period) during a PDL, up to 12 weeks for CFRA, FMLA, and MEL, and up to 26 weeks during a MCL. The time that the agency maintains and pays for health benefits during PDL is in addition to the 12 weeks of health benefits that an employee is eligible for while taking leave under the CFRA after PDL has ended. The employee, however, will be responsible for paying any excess premiums and for health benefits for dependents, supplemental life insurance, and flexible spending account amounts that normally are deducted from his/her/their paycheck.

6.1 WHILE IN A PAID STATUS

- SANDAG will continue to pay health insurance premiums for an employee on an eligible leave while the employee is in paid status.
- All other insurance premiums normally paid by SANDAG, such as vision, dental, and life insurance, will continue to be paid by SANDAG.
- SANDAG also will continue to pay any other benefits the employee has authorized.
- Employees will continue to be responsible for payment of their usual deductions for any of their elected benefits.

- While in paid status, an employee will continue to accrue paid time off or vacation and sick leave hours at their usual accrual rate if in a fully paid status or a pro-rated rate if in a partially paid status.

6.2 WHILE IN AN UNPAID STATUS

- If an employee must take leave in an unpaid status, SANDAG will pay the employee's health insurance premiums, to the extent those premiums normally were covered by SANDAG, for a period of up to four months for PDL or up to 12 weeks for CFRA, FMLA, or MEL, or up to 26 weeks for MCL.
- The employee will be responsible for paying any excess premiums for health benefits for dependents, supplemental life insurance, and flexible spending account amounts that normally are deducted from his/her/their paycheck.
- The employee may forward the funds to SANDAG to pre-pay these amounts each month. The employee also may wait until he/she/they returns from an Unpaid Leave to repay their missed benefit contributions if permitted by SANDAG based on an agreed upon payment schedule. An appropriate schedule of repayment may be approved by the Director of Human Resources.
- An employee cannot continue placing money into a deferred compensation plan while in unpaid status.
- If an employee does not return to work after taking the unpaid leave, the employee will be responsible for reimbursing SANDAG for the amounts paid by SANDAG for the employee's insurance premiums during the employee's unpaid leave unless the reason the employee is not returning is due to circumstances beyond the control of the employee.

Amended January 2024

Flexible Work Schedule Policy

SANDAG offers several schedule options to meet the business needs of the agency and to provide flexibility to employees to establish a work schedule that reflects preferred start and end times for each work day as well as the adoption of a traditional 5/40 or compressed work week (e.g., 9/80 or 4/10 schedules). Policy highlights include:

- An employee is expected to establish and maintain a regular work schedule.
- SANDAG has defined three work schedule options for eligible full-time employees:
 - Agency 9/80 Program – this is considered the ‘standard’ schedule. An employee works 80 hours over 9 days in a pay-period where the second Monday of the pay-period is considered the agency Flex Day.
 - 5/40 Work Week - an employee works 5 days per week, 8 hours per day.
 - Flexible Work Schedule - an employee works 80 hours in the pay-period over 8 or 9 days but is not requesting the Agency 9/80 Schedule.

SANDAG recognizes that certain employees work on a part-time basis or may be assigned a custom work schedule due to the safety, security, or operational nature of their job responsibilities.

- The supervisor shall consider the employee's job responsibilities, and the potential impact on service levels, quality of work, or disruption to agency operations when reviewing work schedule requests. Offering flexible work schedules is a management option; it is not a benefit to which employees have any vested right.
- Regardless of the schedule option requested, an employee must work the agency's “core business hours” (9 a.m. to 4 p.m., Monday through Friday (Pacific Time), excluding the agency Flex Day), with the entire work day falling between 6:30 a.m. and 6:30 p.m. Exceptions are considered when the employee works on a part-time basis, is assigned a custom work schedule due to the operational nature of their job duties, or in other special circumstances.
- Employees shall complete, and their supervisor, manager, and Director shall approve, a Work Schedule Request form to document the employee's regular schedule.
- From time to time, a supervisor may grant an employee permission to temporarily adapt their work schedule to support productivity or provide flexibility for work-life balance purposes. Such changes must not cause an hourly (non-exempt) employee to become eligible for overtime pay.

1.0 STANDARD WORK SCHEDULES – 9/80 PROGRAM OR 5/40 WORK WEEK

As part of its commitment to providing flexible work schedules for employees, SANDAG has established a 9/80 Program as a 'standard' work schedule. Employees work 9 out of 10 days in a pay period; the second Monday of the pay period is considered the agency Flex Day and the SANDAG offices at 401 B Street are closed to the public. The Toll Operations Center is open on all regular business days. The SANDAG 9/80 schedule is outlined below. It is composed of eight 9-hour work days, one 8-hour work day, and one day off every pay period.

SANDAG 9/80 Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1 of pay period	9 hours	9 hours	9 hours	9 hours	8 hours
Week 2 of pay period	Flex Day	9 hours	9 hours	9 hours	9 hours

SANDAG understands certain employees may prefer a traditional 5/40 Work Week (where a full-time employee works 8 hours per day, 5 days per week); this also is offered as a standard schedule option.

Whether requesting the 9/80 Program or 5/40 Work Week, employees coordinate with their supervisor to establish a regular work schedule that starts between 6:30 and 9 a.m. and finishes between 4 and 6:30 p.m. In some cases, supervisors may need to set work schedules for employees to ensure coverage for certain functions or operations. SANDAG also recognizes certain employees work on a part-time basis or may be assigned a custom work schedule due to the safety, security, or operational nature of their job responsibilities.

All employees are required to submit a Work Schedule Request form for approval by their supervisor, manager, and Director.

2.0 FLEXIBLE WORK SCHEDULES

In addition to the agencywide 9/80 Program and the 5/40 Work Week, SANDAG will consider other regular work schedules for eligible employees and positions. Under these arrangements, a full-time employee works 80 hours in the pay period over 8 or 9 days however this is not the agency 9/80 schedule. For nonexempt employees, the schedule cannot result in the employee being scheduled to work more than 40 hours in a workweek.

A flexible work schedule can neither interfere with the accomplishment of SANDAG business, nor can a flexible work schedule cause a reduction in the level of service expected to be provided by the employee or their team. Offering flexible work schedules is a management option; it is not a benefit to which employees have any vested right.

3.0 OCCASIONAL OR INFORMAL FLEXIBLE WORK SCHEDULES

The intent of this policy is to describe expectations and actions to be taken to establish a formal flexible work schedule for an employee, one that will be followed on a regular basis.

Beyond formally approved flexible work schedules, SANDAG recognizes that occasional or short-term changes to work arrangements provide flexibility that can be mutually beneficial to the agency and to an employee. Examples include adjusting work hours during a particular week to meet a deadline on a project, when an employee is asked to work in the evening or on the weekend, or to accommodate travel for agency business.

Other informal, short-term work arrangements may be made for employees on family or medical leave, to the extent practical for the employee and the agency and with the consent of the employee's health care provider, if appropriate.

All informal, short-term flexible work schedule arrangements will be made on a case-by-case basis; these require discussion and agreement between the employee and their supervisor, with a focus on the business needs of the agency. As noted, informal, short-term flexible work arrangements are not the focus of this policy.

4.0 ELIGIBILITY FOR A FLEXIBLE WORK SCHEDULE

Approval for an employee's flexible work schedule request shall be granted by the supervisor, manager, and Director and will be based upon the employee's performance, the employee's specific duties and responsibilities, and the employee's ability to complete their duties and responsibilities efficiently and effectively within the proposed flexible work schedule. A flexible work schedule may not be appropriate for some employees and some positions.

5.0 CRITERIA USED FOR CONSIDERING FLEXIBLE WORK SCHEDULE REQUESTS

The following criteria have been established, and will be used consistently across the organization, to assess employee eligibility for a flexible work schedule and evaluate proposed work schedules. The supervisor, manager, and Director are responsible for considering and approving an employee's regular flexible work schedule. In the event a flexible work schedule request is denied, the supervisor and Director must provide information to the employee explaining the basis for the decision.

5.1 POSITION SUITABILITY

Certain positions may not lend themselves to a flexible work schedule due to the safety, security, or operational nature of their job responsibilities. Examples include roles that provide in-person support to other staff, guests, or customers, and positions that perform site security, facility repairs or maintenance tasks. Other jobs may require onsite supervision of employees.

As part of considering the flexible work schedule request, the supervisor should:

- Review the types of work performed by the employee and consider how these duties could be effectively accomplished on the employee's requested flex day.
- Evaluate whether appropriate levels of customer service and team availability can be maintained based on the proposed schedule. A supervisor may need to consider requests from all team members before providing approval; a supervisor also may ask an employee to reconsider their request to accommodate other team members.
- Ensure the proposed schedule enables the employee to attend certain in-person meetings (regular 1:1s with the supervisor, functional and project team meetings, department meetings, All Hands meetings).

5.2 WORK SCHEDULE

A flexible work schedule must adhere to the following:

- It must include working during core hours, from 9 a.m. to 4 p.m., excluding the meal and rest periods, except as otherwise agreed.
- An employee must not be scheduled to work more than 10 hours per day.
- Non-exempt employees must not be scheduled to work more than 40 hours per workweek.
- Non-exempt employees must schedule at least a 30-minute meal period each day. While a meal period is not required for exempt employees, SANDAG encourages exempt employees to establish a regular work schedule that includes at least a 30-minute meal period in the middle part of the work day.
- Any exceptions to these schedule criteria must be approved by the employee's Director.

6.0 RESPONSIBILITIES AND EXPECTATIONS

The following information describes expectations for employees with approved flexible work schedules. Employees with a flexible work schedule are subject to the SANDAG Employee Handbook and all supplemental policies. Failure to meet the expectations described below, or comply with agency policies, practices, procedures, and instructions may result in revocation of the flexible work schedule or other consequences, up to and including termination of employment.

6.1 WORK HOURS

SANDAG standard business hours are 8 a.m. to 5 p.m., Monday through Friday (Pacific Time), excluding the agency Flex Day. SANDAG considers “core business hours” to be 9 a.m. to 4 p.m., Monday through Friday. Employees, regardless of work location and unless assigned to a part-time or other agency-required schedule due to job responsibilities, are expected to work the core hours. An employee may be granted an exception to working the core hours via approval of a flexible work schedule.

SANDAG recognizes some employees are assigned part-time work schedules, or custom full-time schedules due to the safety, security, or operational nature of their job responsibilities that do not align to the agency’s core business hours. In such situations, the usual work schedule will be coordinated between an employee and their supervisor.

Employees may not propose a flexible work schedule that results in overtime or additional compensable time.

Employees with a flexible work schedule will be treated the same as other employees with regard to compensatory time and overtime if the employee is eligible. In accordance with Section 9.8 of the Employee Handbook, non-exempt employees will not earn overtime unless they work more than 40 paid hours in a workweek. Additional hours must be pre-approved by the appropriate level of management.

6.2 PRODUCTIVITY AND SERVICE LEVELS

In establishing a flexible work schedule, both management and employees recognize that a flexible work schedule cannot prevent or interfere with the accomplishment of SANDAG business, nor can a flexible schedule cause a reduction in the quality of service or productivity expected to be provided by the employee or their team.

Employees with a flexible work schedule must be able to meet all workload requirements and attend all scheduled meetings, required or recommended training, conferences, etc. within the proposed schedule.

To facilitate scheduling meetings and the coordination of work, an employee should establish a consistent schedule. Employees working a schedule that includes hours outside of 8 a.m. to 5 p.m., Monday through Friday, should block the time on their calendars during the normal work hours that they are unavailable to work.

Employees with a flexible work schedule must notify other employees - who will be affected by their presence or absence - of their usual work hours by posting schedules, identifying primary communication methods, notifying a receptionist, or other appropriate means.

7.0 FLEX WORK SCHEDULE OPTION #1: RESCHEDULED 40 HOUR WORK WEEK

One of the arrangements available to employees under the Flexible Work Schedule Program is a rescheduled 40-hour work week. This occurs when an employee requests that the hours for their usual work day fall outside the agency's standard business hours of 8 a.m. to 5 p.m., Monday through Friday (Pacific Time), except for the agency Flex Day. There are three usage levels for this type of arrangement:

7.1 OCCASIONAL USE

A supervisor may approve an informal, short-term flexible work schedule for an employee to adjust work hours during a particular week in order to meet a project deadline for a short-term project, when an employee is asked to work in the evening or on the weekend, to accommodate travel for agency business, or other similar situations.

7.2 REGULAR USE – ALL WORK HOURS INCLUDE THE CORE BUSINESS HOURS

An employee and supervisor may agree to a standing flexible work schedule where the employee's usual work hours include the core business hours of 9 a.m. to 4 p.m., Monday through Friday (except the agency Flex Day).

The employee, supervisor, manager, and Director must agree to the flexible work schedule using the Work Schedule Request form.

Once approved, the employee is responsible for informing their supervisor of any temporary variation in their work schedule from the approved schedule.

An employee may request a change or end their flexible work schedule by notifying their supervisor and completing a new Work Schedule Request form.

In approving such an arrangement, the supervisor must ensure that the flexible work schedule does not prevent or interfere with the accomplishment of SANDAG business, nor can the flexible schedule result in a reduction in the level of service expected to be provided by the employee or their team.

Employees must recognize that a supervisor or Director may change or revoke the approved flexible schedule at any time.

7.3 REGULAR USE – SOME WORK HOURS ARE OUTSIDE CORE BUSINESS HOURS

An employee may request a standing flexible work schedule where some of the employee's usual work hours are outside the core business hours of 9 a.m. to 4 p.m., Monday through Friday (except the agency Flex Day). For example, an employee may request to start their work day at 6:30 a.m. and finish their work day at 3:30 p.m. In this case, the employee's schedule does not cover all of the core business hours.

The employee, supervisor, manager, and Director must agree to the flexible work schedule using the Work Schedule Request form.

Once approved, the employee is responsible for seeking approval from their supervisor for any temporary variation in their work schedule from the approved schedule.

An employee may request a change or end their flexible work schedule by notifying their supervisor and completing a new Work Schedule Request form.

Once a flexible work schedule has been approved, the employee is responsible for informing their supervisor of any temporary variation in their work schedule from the approved schedule.

Section 9.0 below - *Flexible Work Schedule Request Procedures and Approval Process* - provides more information.

8.0 FLEX WORK SCHEDULE OPTION #2: COMPRESSED WORK WEEK (9/80 OR 4/10 SCHEDULE)

The second type of arrangement available to employees under the Flexible Work Schedule Program is referred to as a compressed work week and occurs when an employee requests to work fewer than 10 days in a pay period and make up the full number of hours by working longer hours on certain days. The most common arrangement is a 9/80 schedule (80 hours of work in 9 days that is not the “standard” agency 9/80 Program), however, a 4/10 schedule (typically 40 hours of work completed in four 10-hour days) also may be used. The following information specifically pertains to requests for compressed work week schedules.

8.1 EXEMPT (SALARIED) EMPLOYEES

Federal and state laws permit SANDAG to offer exempt employees a broad range of work schedule options. Therefore, an exempt employee’s request for a compressed work week schedule must meet only the requirement of working the SANDAG core business hours of 9 a.m. to 4 p.m.

Exempt employees are not legally required to take a meal period, however, for health, productivity, and scheduling reasons, SANDAG encourages all exempt employees to establish a regular work schedule that includes at least a 30-minute meal period in the middle part of the work day. An exempt employee who wishes to work without a break on a regular basis must get approval from their Director.

Once a compressed work week schedule has been approved for an exempt employee, the employee is responsible for informing their supervisor of any temporary variation in their work schedule from the approved schedule.

An exempt employee may request a change or end their approved flexible work schedule by notifying their supervisor, manager, Director, and the Director of Human Resources and completing a new Work Schedule Request form.

8.2 Non-Exempt (Hourly) Employees

Federal laws limit the agency's ability to offer non-exempt employees a broad range of compressed work week schedule options because of the requirement to pay employees overtime whenever they work more than 40 hours in a workweek. Therefore, a non-exempt employee's request for a compressed work week schedule must meet all of the scheduling criteria described in Section 9.0 below (*Flexible Work Schedule Request Procedures and Approval Process*).

Non-exempt employees working a 9/80 schedule are restricted to one of the two scheduling options shown below:

Option 1:

Week 1 of pay-period: Monday to Friday 12 Noon;

Week 2: Friday 12:01 p.m. to Sunday

Week 1	MON	TUES	WED	THURS	FRI	SAT	SUN
Number of Hours to be Worked	9	9	9	9	4 / 4		

Week 2	MON	TUES	WED	THURS	FRI	SAT	SUN
Number of Hours to be Worked	9 hours every day, Monday through Friday, except for one day off.						

Option 2:

Week 1 of pay-period: Monday to Monday 12 Noon;

Week 2: Monday 12:01 p.m. to Sunday

Week 1	MON	TUES	WED	THURS	FRI	SAT	SUN
Number of Hours to be Worked	9 hours every day, Monday through Friday, except for one day off.						

Week 2	MON	TUES	WED	THURS	FRI	SAT	SUN
Number of Hours to be Worked	4 / 4	9	9	9	9		

Non-exempt employees who work a 4/10 schedule must work four 10-hour days each workweek unless an exception is approved by the supervisor and Director as part of the Work Schedule Request form.

Based upon the scheduling option selected, the hours of the non-exempt employee's workweek will be modified by Payroll from the SANDAG standard Monday through Sunday workweek. Therefore, once a compressed work week schedule is approved by management, a non-exempt employee may not change their work schedule without at least one full pay period's notice and approval by the employee's Director, with review by the Director of Human Resources, unless otherwise required by law.

8.3 DEFINITION OF WORK WEEKS

Employees who are approved for one of the 9/80 work schedule options will continue to work 80 hours in a two-week pay period but will do so with eight 9-hour days plus one 8-hour day for a total of 80 hours. Under the 9/80 schedule, one calendar week will consist of 44 hours (four 9-hour days and one 8-hour day) and the alternating calendar week will consist of 36 hours (four 9-hour days with one day off).

For non-exempt employees, the calendar week of Sunday through Saturday is different from the workweek as shown in the table above. This distinction between calendar week and workweek is important because overtime will be calculated based upon additional hours worked beyond 40 hours per workweek in the two-week pay period consisting of 80 hours.

8.4 ACCRUAL AND USE OF PAID TIME OFF (PTO)

A compressed workweek schedule will not affect the accrual rates for leave. The number of scheduled work hours that the employee is absent will be deducted from the appropriate leave accumulation (i.e., PTO, sick, vacation, compensatory, etc.). For example, an employee taking a two-week vacation will have 80 hours of leave deducted (eight 9-hour days plus one 8-hour day, or for a 4/10 schedule eight 10-hour days).

An employee taking a single vacation day or one who is absent on a day due to illness will have either 8, 9, or 10 hours deducted from their accrual balance, depending upon the number of hours scheduled to be worked on that particular day.

8.5 HOLIDAY HOURS

For all holidays, including floating holidays, SANDAG will pay for the standard 8 hours of work. In the event a holiday falls on an employee's scheduled day off, SANDAG will provide the employee an additional 8-hour floating holiday to be used within the fiscal year. Floating holidays which are not used by the end of the fiscal year will be converted to PTO or vacation time.

If the holiday falls on a scheduled 9 or 10-hour day, the employee may use one of the following options:

- Use accumulated leave balances to cover the remaining time needed for a 40-hour workweek, or
- Work one or two additional hours during the same workweek in which the holiday falls.

Each employee shall designate on their timecard whether PTO, vacation leave, compensatory time, or floating holiday leave should be used, or show the additional time worked. The time may not be charged to sick leave. If a non-exempt employee has no eligible leave time and does not make up the missed

time, he/she/they will not be entitled to the additional one or two hours of pay for the missed time on the holiday.

8.6 DISCRETION OF DIRECTOR

The Director is responsible for identifying if the aforementioned options are workable within their department. This includes determining if the schedule is appropriate for the employee and department and assessing the impact and outcomes on scheduling and work performance in terms of production, quality, and absenteeism.

9.0 FLEXIBLE WORK SCHEDULE REQUEST PROCEDURES AND APPROVAL PROCESS

An employee requesting consideration for a flexible work schedule may complete the Work Schedule Request form and submit this to their supervisor. As part of considering a flexible work schedule request, the supervisor, manager and Director will evaluate the suitability of the employee and proposed arrangement, consistent with the criteria described in this policy. Decisions regarding flexible work schedule requests shall be made within 30 days of receipt.

An approved flexible work schedule will be subject to review if the employee is transferred or promoted to another position, if there is a significant change in the employee's job responsibilities, the employee's direct supervisor changes, or if there are performance issues. An approved flexible work schedule may be revoked at the discretion of the Director and/or if the criteria used for approval, as noted in this policy, are no longer met.

In the event that a flexible work schedule arrangement is to be discontinued, SANDAG may provide the employee with thirty (30) days' notice of such a change to accommodate commuting, child care, and other problems that may arise from such a change. There may be instances, however, where no notice is possible or granted.

All approved requests will be forwarded to Human Resources for program coordination and recordkeeping. The Director of Human Resources has the general responsibility for overseeing the day-to-day implementation of this policy in accordance with payroll and legal requirements. Should an exception to the policy be desired, the request for exception is to be made in writing for review and approval. Such exceptions may be granted only by a Deputy CEO or CFO as appropriate, in consultation with the employee's Director and Director of Human Resources.

Amended January 2024

Paid Family Leave Policy

Paid Family Leave provides up to eight weeks of partial pay to eligible employees who take time off from work to care for a seriously ill, immediate family member (child or step-child, parent, parent-in-law, grandparent, grandchild, sibling or step-sibling, spouse, or registered domestic partner), or to bond with a new child through birth, adoption, or foster care placement.

1.0 ELIGIBILITY

Paid Family Leave is available to eligible employees for up to eight weeks per 12-month period for the following reasons:

- Time off to bond with a new child entering the family through birth, adoption or foster care placement within 12 months after the birth or after the child is placed with the employee;
 - In the event both parents are employed by SANDAG and eligible for leave for the birth, adoption, or foster care placement of their child, SANDAG may limit the parents' leave entitlement to a combined total of eight weeks in a 12-month period.
- To care for an immediate family member with a serious health condition.
 - A serious health condition means an illness, injury, impairment, or physical or mental condition of a patient that involves any period of incapacity (e.g., inability to work or perform other regular daily activities) or inpatient care in a hospital, hospice, or residential medical care facility and any subsequent treatment in connection with such inpatient care; or continuing treatment by a physician/practitioner. Unless complications arise, cosmetic treatments, the common cold, influenza, earaches, upset stomach, minor ulcers, and headaches other than migraines, are examples of conditions that do not meet the definition of a serious health condition for purposes of Paid Family Leave.

2.0 CERTIFICATIONS

SANDAG requires proof of the employee's relationship to the child for leave requests used to bond with a child (e.g. birth certificate or hospital record, or adoption/foster care paperwork).

SANDAG requires written certification from the health care provider of the immediate family member with a serious health condition. The certification does not require the health care provider to identify the type of serious health condition.

The certification must include:

1. the date that the serious health condition commenced;
2. the probable duration of the condition;
3. an estimate of the amount of time the employee will need to care for the immediate family member; and
4. a statement that the serious health condition warrants participation of a family member to provide care during the period of treatment or medical supervision.

If the employee fails to provide the certification or provides an inadequate certification, SANDAG may deny the request for leave.

3.0 PAID FAMILY LEAVE AND TIME OFF BENEFITS

Full-time employees who are eligible for Paid Family Leave may receive up to eight weeks of pay at two-thirds (66⅔%) of the employee's weekly salary to a maximum of \$2,500 per week. Part-time employees will receive paid leave on a pro-rated basis based on their pre-approved part-time work schedule. Pay received for Paid Family Leave is considered taxable income.

In situations where Paid Family Leave is requested to bond with a new child entering the family through birth, adoption or foster care placement, employees may choose to use accrued leave such as PTO, vacation, floating holidays, compensatory time, or catastrophic leave as a supplement to the Paid Family Leave benefit in order to reach 100% of the employee's usual pay.

In situations where Paid Family Leave is requested to care for a seriously ill family member, employees may choose to use accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave as a supplement to the Paid Family Leave benefit in order to reach 100% of the employee's usual pay.

If an employee continues to be off work under the Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA) after Paid Family Leave is exhausted, the employee will be required to use accrued leave such as PTO, vacation, sick leave (if applicable), floating holidays, compensatory time, or catastrophic leave in order to remain in a paid status for the remainder of any FMLA and/or CFRA leave. Upon exhaustion of the accrued leave balances, any remaining leave will be unpaid leave. Refer to the **Family Care and Medical Leave Policy** in the Supplemental Policies section of this Handbook for further information.

4.0 PAID FAMILY LEAVE AND CONTINUATION OF BENEFITS

For employees on Paid Family Leave who also are on an approved job-protected leave under FMLA and/or CFRA, the continuation of health and other benefits are described in the **Family Care and Medical Leave Policy** in the Supplemental Policies section of this Handbook.

For employees on Paid Family Leave but not on an approved job-protected leave (e.g., FMLA and/or CFRA), the employee will be responsible for paying a pro-rated portion of the

premium amount normally covered by SANDAG for health and other benefits if the employee is not in a fully paid status.

5.0 TIME FRAME AND DURATION

Employees may take Paid Family Leave in one continuous period or intermittently as long as all leave is taken during the twelve-month time frame indicated above and does not exceed eight weeks. For female employees who have given birth, Paid Family Leave, if requested, will begin at the conclusion of any disability leave provided for the employee's own medical recovery following childbirth. In no case will an employee receive more than eight weeks of Paid Family Leave in a rolling 12-month period, regardless of whether more than one birth, adoption, foster care placement, or seriously ill family member event occurs within that 12-month time frame.

6.0 COORDINATION WITH OTHER POLICIES

Leave taken under this policy will run concurrently with leave under the FMLA and/or CFRA (if applicable); thus, any leave taken under this policy will be counted toward the 12 weeks available under the FMLA and/or CFRA leave per a rolling 12-month period. All other requirements and provisions under the FMLA and/or CFRA will apply. Refer to the **Family Care and Medical Leave Policy** in the Supplemental Policies section of this Handbook for further information.

Leave taken under this policy will not run concurrently with Pregnancy Disability Leave (PDL); any leave taken under this policy will begin when PDL is no longer applicable.

7.0 REQUIREMENTS FOR REQUESTING PAID FAMILY LEAVE

An employee must provide their Director with 30-days' notice in the event of a foreseeable leave, or as soon as practicable if the need for the leave is unforeseeable. The notice may be oral or in writing. The notice must provide enough information to SANDAG so that SANDAG can determine whether the employee is eligible for Paid Family Leave.

Amended January 2024

Standard of Conduct Policy

1.0 INTRODUCTION AND APPLICABILITY

The Board of Directors has delegated responsibility and authority for administration of SANDAG to the CEO via **Board Policy No. 017 (Delegation of Authority)**. This policy establishes the standard of conduct applicable to all SANDAG employees and is consistent with Board approved policies, rules, and regulations. Every employee will be informed of this policy. In addition to compliance with this policy, all employees holding positions designated in the Board-adopted **Conflict of Interest Code** must complete a **Statement of Economic Interests** (Form 700) annually while working at SANDAG. As a government agency, SANDAG and its employees have a responsibility to be honest and straightforward with the public.

2.0 DEFINITIONS

The following terms, as defined below, are used in this policy:

- Compensation: The receipt of any monetary or non-monetary payment for the services or time of a person. Compensation includes, but is not limited to, salary, wages, fees, and any discount or economic opportunity not made available in the regular course of business to members of the public.
- Confidential Information:
 - a. At the time of the use or disclosure of the information, the disclosure is prohibited by a statute, regulation, or rule which applies to SANDAG; or
 - b. the information is not general public knowledge and will have, or could reasonably be expected to have, a material financial effect on any source of income, investment, or interest in the real property of SANDAG; or
 - c. the information pertains to pending contract, labor, or real property negotiations and disclosing the information could reasonably be expected to compromise the bargaining position of SANDAG; or
 - d. the information pertains to pending or anticipated litigation and disclosing the information could reasonably be expected to compromise the ability of SANDAG to successfully defend, prevail in, or resolve the litigation.
- Designated Staff: Any SANDAG employee who is required to file a **Statement of Economic Interests** (Form 700), pursuant to the California Political Reform Act of 1974, as amended.

- o Person: Means any individual, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert, whether for profit or not for profit.
- o Public Agency: Means the United States or any of its agencies; the State of California; a city; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.
- o Position of Substantial Responsibility: Means a position in which a person took part personally and substantially by rendering a decision, approval, or disapproval for a department's projects; by making a formal written recommendation; by conducting an investigation; by rendering advice on a significant basis; or by using confidential information.
- o SANDAG Decision:
 - a. The drafting, introduction, consideration, reconsideration, adoption, defeat, or repeal of any ordinance or resolution; and
 - b. the amendment of any ordinance or resolution; and
 - c. a report by SANDAG staff to the Board or a committee; and
 - d. contracts; and
 - e. quasi-judicial decisions, including: (1) any decision on a land development permit, map, or other matter; or (2) any declaration of debarment; and
 - f. any other decision of the Board or a SANDAG committee.

3.0 GOALS AND OBJECTIVES

In order to assist in fostering the desired SANDAG goals, employees, together with the local community, have a right to expect the business of SANDAG to be conducted with efficiency, fairness, impartiality, and integrity. Employment at SANDAG carries with it an obligation to the public interest. It requires standards of professional behavior from employees that promote and maintain public confidence and trust. SANDAG employees are expected to have high standards of honesty and professionalism, as well as a straightforward communication approach in order to promote and maintain public confidence and trust.

At the same time, employees should not be subject to unnecessary restrictions simply because they work for SANDAG. Staff have all the normal rights of persons under state and federal law. Although no one set of rules can answer all ethical questions, this Standard of Conduct policy provides SANDAG employees with an ethical framework for their decisions, actions, and behavior. In this regard, it explains the principles covering appropriate conduct in a variety of contexts and outlines the minimum standard of behavior expected of employees. Employees are expected to comply with this policy as well as all other state and federal laws regarding employment by public agencies including, but not limited to, conflict of interest laws.

4.0 GENERAL PRINCIPLES

Employees must abide by the following principles when doing their work:

- Employees are to implement the policies and decisions of SANDAG in an impartial manner. In particular, employees shall comply with all applicable laws regarding conflicts of interest, including, but not limited to, the California Political Reform Act, and the provisions of the California Government Code regarding Prohibited Interests in Contracts, as these laws may be amended from time to time. Employees are expected to not only comply with laws prohibiting conflicts of interest, but also to meet SANDAG's higher standards set forth in its policies and training materials, including the obligation to avoid even the appearance of impropriety.
- Employees are to communicate in an open and transparent manner with the public. This includes, but is not limited to, being straightforward and open with the public regarding agency business and records.
- Employees are to treat their colleagues and members of the public fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, employees should perform their duties in a professional and responsible manner. They should ensure that their decisions and actions are reasonable, fair, and appropriate to the circumstance, based upon consideration of all the relevant facts, and supported by adequate documentation.
- Employees are to promote confidence in the integrity of SANDAG and always act in the public interest and not in their private interest while conducting SANDAG business. Employees should protect the reputation of SANDAG. They should not engage in activities, at work or outside work, that would bring SANDAG into disrepute.
- Employees are to provide relevant and responsible service to the public and other employees, providing necessary and appropriate assistance. They should provide information promptly and in an appropriate format that is easy for the recipient to understand. The information should be clear, accurate, and complete.
- Employees should keep up to date with advances and changes in their area of expertise and look for ways to improve performance and achieve high standards of work. They should use their authority, available resources, and information only for the work-related purpose intended.

5.0 GUIDE TO ETHICAL DECISION MAKING

To assist in fostering a climate of ethical awareness, conduct, and decision making at SANDAG, employees may find it useful to refer to or consider, either by themselves or if they are uncertain, in conjunction with the Office of General Counsel, the following five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with SANDAG policies and goals?
- What will the outcome be for the employee, other employees, SANDAG, and others?

- o Do these outcomes raise a conflict of interest or lead to private gain by the employee or the employee's family at SANDAG's expense?
- o Can the decision or conduct be justified in terms of public interest and would it withstand public scrutiny?

5.1 RECOGNIZING A CONFLICT OF INTEREST

In addition to the provisions of the Political Reform Act, as enforced by the Fair Political Practices Commission, conflict of interest exists when it is likely that an employee could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their duties of employment. Conflict of interest that leads to biased decision making may constitute corrupt conduct.

No employee shall participate in the selection, or in the award or administration of, a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, any member of his/her/their immediate family, his/her/their partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

Some related interests that may give rise to a conflict of interest include:

- o Personal beliefs or attitudes that influence the impartiality of advice given;
- o Personal relationships with the people SANDAG is dealing with that go beyond the level of a professional working relationship;
- o Secondary employment that compromises the integrity of the employee and SANDAG.

In all purchases for SANDAG, any practices which might result in unlawful activity are prohibited including, but not limited to, rebates, kickbacks, or other unlawful considerations. SANDAG employees are specifically prohibited from participating in the selection process when those employees have a close personal relationship, family relationship, or business relationship with a person or business entity seeking a contract. An individual employee may often be the only person aware of the potential for conflict. It is, therefore, their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties and disclose any potential or actual conflict of interest to the Office of General Counsel.

If an employee is uncertain whether a conflict exists, he/she/they should discuss the related interest matter with the Office of General Counsel and attempt to resolve any conflicts of interest that may exist. To resolve any conflict of interest that occurs, or could occur, a range of options is available, depending upon the significance of the conflict. These options include:

- Recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
- The employee relinquishing the personal interest;
- The employee being removed from the task/activity/situation where the conflict could occur.

Disputes over alleged conflicts of interest should be resolved by the CEO.

5.2 PROHIBITION AGAINST FINANCIAL INTEREST IN A CONTRACT

It is unlawful for any Designated Staff to be financially interested in any contract made by them in their official capacity.

It is unlawful for any contract to be made by the SANDAG Board or any committee established by the SANDAG Board or a committee if any individual member of the body has a financial interest in the contract.

For purposes of the prohibitions set forth in the two subsections above, the term financial interest means any interest, other than a remote interest as prescribed in California Government Code section 1091 or a non-interest prescribed in California Government Code section 1091.5, which would prevent the Designated Staff involved from exercising absolute loyalty and undivided allegiance to the best interests of SANDAG.

Any Designated Staff with a remote interest in a prospective contract of SANDAG must disclose the existence of the remote interest to the committee or other body on which the Designated Staff is a member if that committee has any role in creating, negotiating, reviewing, or approving the contract; and the Designated Staff must abstain from influencing or anticipating in the creation, negotiation, review, or approval of the contract.

5.3 PROHIBITION AGAINST INFLUENCING SANDAG DECISIONS AFFECTING ECONOMIC INTERESTS

It is unlawful for any Designated Staff to knowingly influence a SANDAG decision if it is reasonably foreseeable that the SANDAG decision will have a material financial effect on:

- The Designated Staff or a member of his/her/their immediate family, if the material financial effect is distinguishable from its effect on the public generally; or
- Any of the following economic interests:
 - any business entity in which the Designated Staff or a member of the Designated Staff's immediate family has invested \$2,000 or more; and

- any business entity for which the Designated Staff or a member of the Designated Staff's immediate family is a director, officer, partner, Trustee, employee, or holds any position of management; and
- any real property which the Designated Staff or a member of the Designated Staff's immediate family has invested \$2,000 or more; and
- any person from whom a Designated Staff or a member of the Designated Staff's immediate family has received (or by whom you have been promised) \$500 or more in income within 12 months prior to the municipal decision; and
- any person from whom a Designated Staff or a member of the Designated Staff's immediate family has received gifts which total \$590 or more within 12 months prior to the municipal decision. This gift threshold is subject to adjustment as set forth in Title 2, section 18940.2, of the California Code of Regulations; and
- the personal expenses, income, assets, or liabilities of a Designated Staff or a member of the Designated Staff's immediate family.

For purposes of this section, “material financial effect” has the same meaning as that term is used in Title 2, sections 18705 through 18705.5 of the California Code of Regulations.

5.4 PROSPECTIVE EMPLOYMENT OF DESIGNATED STAFF

It is unlawful for any Designated Staff to make, participate in making, or use his/her/their official position with SANDAG to influence a SANDAG decision involving the interests of a person with whom he/she/they is seeking, negotiating, or securing an agreement concerning future employment.

It is unlawful for any person who has a matter pending before SANDAG to negotiate, directly or indirectly, knowingly or willfully, the possibility of future employment of a Designated Staff who is making, participating in making, or using his/her/their official position to influence, a SANDAG decision concerning that matter.

Negotiation of future employment with a person or entity that does business with SANDAG creates a conflict of interest for the employee. If a SANDAG employee plans to discuss salary or other terms and conditions of employment, or to interview with a person or entity that does business with SANDAG or plans to seek an award of funds from SANDAG, the employee must notify his/her/their supervisor immediately so that the employee can be removed from any decision-making that may involve the potential future employer.

5.5 RESTRICTIONS CONCERNING CONTRACTS AND PROCUREMENTS BY CURRENT AND FORMER EMPLOYEES

Notwithstanding any other section of this policy, SANDAG shall not contract with, and shall reject any bid or proposal submitted by, the persons or entities specified below, unless the CEO finds that special circumstances exist which justify the approval of such contract:

- a. Persons employed by SANDAG;
- b. Profit-making firms or businesses in which SANDAG employees serve as officers, principals, partners, or major shareholders;
- c. Persons who, within the immediately preceding 12 months, were employed by SANDAG and (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; and
- d. Profit-making firms or businesses in which the former employees described in subsection © serve as officers, principals, partners, or major shareholders.

SANDAG shall prohibit all contractors and consultants under contract to provide goods or services to SANDAG from assigning persons to work under such contract who, within the immediately preceding 12 months, were employed by SANDAG and (1) were employed in positions of substantial responsibility in the SANDAG department that awarded or will award the contract, or (2) participated in any way in developing the contract or its specifications.

Persons leaving SANDAG employment who were employed in positions of substantial responsibility or who participated in developing contracts or specifications while at SANDAG should avoid participating in developing a proposal or bid document in response to a SANDAG solicitation or in negotiating contract terms on behalf of anyone other than a Public Sector employer for a period of 12 months after leaving SANDAG employment in order to avoid a conflict of interest if either of the following conditions exist: (a) the solicitation or contract is issued by the person's former SANDAG department, or (b) the former SANDAG employee participated in developing the solicitation or contract specifications. Employees negotiating potential employment with another entity must inform that entity of these prohibitions.

6.0 ACCEPTANCE OF GIFTS, BENEFITS, OR GRATUITIES

In addition to requirements set forth in the Political Reform Act, as enforced by the Fair Political Practices Commission, employees should not accept gifts or benefits that are intended to, likely to, or be perceived to cause employees to act in a partial manner in the course of their duties.

Employee will neither solicit nor accept gifts, gratuities, favors, or anything of monetary value equal to or in excess of \$50 on an annual, aggregate basis from potential or current consultants or contractors, parties to sub-agreements, or other contracting parties.

General guidance regarding these limitations may be found below. More detailed guidance can be found in **Board Policy No. 004** (Rules of Procedure for Board of Directors, Policy Advisory Committees, and Other Legislative Bodies), **Board Policy No. 011** (Travel Expenses) and the **SANDAG Guidance Regarding Gifts**. These documents can all be found on the SANDAG website and all SANDAG employees are required to comply with the requirements in these documents.

- Gifts: Employees are prohibited from accepting gifts from vendors or from representatives of any non-governmental organization that provides, or is desirous of contracting with SANDAG, if the aggregate annual value of the gift or gifts will equal or exceed \$50. This prohibition applies to any gift, gratuity, favor, entertainment, or loan, and includes such items as liquor, lodging, travel, food, and tickets to public functions (sports events, theater, etc.).
- Business Related Functions: Acceptance of an invitation to join a vendor at a function being attended for official agency business may be permitted by a Director Included in this category are luncheon meetings, lunches incidental to a business meeting held before or after the lunch period, and business-related dinners.
- Industry Meetings: At industry meetings, seminars, or other related functions where the employee's attendance is being funded by SANDAG, it is permissible to accept hospitality at activities that are provided for the benefit of all industry people and are commonly accepted as being a part of the group activities. The maximum annual aggregate value of gifts an employee may accept from a particular vendor must be less than \$50.
- Entertainment: SANDAG employees may not be guests of a vendor, purchaser, contractor, or representative of a service organization at a sports event, theater, etc. These activities are not connected with SANDAG business and could be criticized by the public or competitors of the host. The reason a company would act as such a host could be because the vendor, purchaser, contractor, etc. wants to solidify its position, influence the decision of the guest, or show its appreciation. When confronted with doubtful situations, employees should refuse the offer. The possibility of placing oneself, or SANDAG, in a compromising position is thus avoided.

7.0 REPORTING CORRUPT CONDUCT

Employees are urged to report suspected corrupt conduct to the Office of General Counsel, a Deputy CEO, the CFO, or a Director.

Amended January 2024

Substance Abuse Policy

The purpose of this policy is to establish and maintain a safe and healthy environment for all SANDAG employees and others in our workplace that is free of any adverse effects on job performance caused in any way by the use or presence of drugs, including marijuana, alcohol, or other controlled substances. Additionally, this policy is intended to inform employees that assistance toward rehabilitation is available if an employee needs help in overcoming addiction to, dependence upon, or problems related to the abuse of drugs or alcohol.

Involvement with drugs and alcohol, both on and off the job, takes a toll on individual job performance and employee safety. Impacts of substance abuse include higher health benefits usage and workers' compensation claims, increased safety and liability risks, and diminished productivity and quality of work. The SANDAG goal is to prevent or reduce these and other negative effects associated with substance abuse. This policy establishes prohibitions against conducting SANDAG business or representing SANDAG while under the influence of drugs, including marijuana, alcohol, or other controlled substances. Violation of this policy may result in disciplinary action up to and including termination.

1.0 DEFINITIONS

The following terms, as defined below, are used in this policy:

- Alcohol means any alcohol or alcoholic beverage as defined in the California Business and Professional Code Sections 23003 and 23004.
- Controlled substance means alcohol or a drug.
- Conviction means a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal and state criminal drug statutes.
- Drug means any drug, including, but not limited to, an illegal drug, a prescription, or an over-the-counter drug (legal drug), which is listed in any schedule in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code, or marijuana (edible or otherwise).
 - Illegal drug means any drug or immediate precursor that is specified or referenced in any provision of the California Uniform Controlled Substance Act (Division 10 of the Health and Safety Code) or prohibited by federal law, which may subject an individual to criminal penalties, or a legal drug which has not been obtained legally or is being used by an individual for whom it was not

prescribed, or is not being used in a manner, combination, or quantity for which it was manufactured, prescribed, or intended.

- Legal drug means any over-the-counter or prescription drug which has been obtained legally and is being used in a manner, combination, and quantity for which it was manufactured, prescribed, or intended.
- Drug-Free workplace means a site for the performance of work in which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.
- SANDAG business means duties that are performed by an employee for SANDAG, whether on or off SANDAG premises, including, but not limited to, events at which an employee represents SANDAG in his/her/their official capacity and occasions when an employee uses property such as a vehicle owned by SANDAG.
- Substance abuse means the improper use of controlled substances or any other substance that impairs an employee's ability to safely and effectively perform the functions of a particular job.
- Under the influence means an employee's ability to perform SANDAG business with normal effectiveness and efficiency is negatively affected due to the employee's use of a controlled substance.

2.0 POLICY

SANDAG is committed to providing a Drug-Free Workplace and preventing substance abuse by employees. It is the policy of SANDAG that:

- An employee performing SANDAG business shall not be under the influence of a controlled substance.
- An employee's job performance or safety shall not be jeopardized in any way because another employee is conducting SANDAG business under the influence of a controlled substance.
- An employee shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while conducting SANDAG business.
- An employee shall not possess or consume an open container of alcohol or an illegal drug on SANDAG premises.
- An employee shall not allow an open container of alcohol or an illegal drug to be placed or carried in a SANDAG vehicle or in any vehicle over which an employee has control while conducting SANDAG business.
- An employee shall not sell, offer, or provide an illegal drug to another person while conducting SANDAG business.
- Employees are discouraged from consuming alcohol while conducting SANDAG business whether or not such consumption will cause the employee to be considered

under the influence of alcohol. Any consumption of alcohol at events must be responsible, moderate, and limited. Employees are expected to remain professional and sober at all times, and should not, under any circumstances, drive while impaired.

- o An employee convicted of a crime involving a controlled substance while employed by SANDAG must report the conviction to the Director of Human Resources within five (5) days.

Compliance with this policy is a condition of employment. Violation of this policy may result in disciplinary action up to and including termination. Violation of this policy also may result in SANDAG contacting appropriate legal authorities.

3.0 APPLICABILITY

This policy is intended to apply whenever anyone is representing or conducting business for SANDAG. Therefore, this policy applies during all working hours, whenever conducting business or representing the organization, and while on call or in paid standby status. Any individual who conducts business for SANDAG, is applying for a position, or is conducting business on SANDAG property is covered by this policy. This includes, but is not limited to, employees, temporary employees from staffing agencies, interns, volunteers, applicants, members of committees or the Board of Directors, contractors, vendors, and visitors.

4.0 MEDICATION GUIDELINES

Employees are expected to manage any potential impairment to their ability to effectively, efficiently, and safely perform their usual job duties during working hours due to the use of a controlled substance. This includes situations where an employee is using medication legitimately and legally. There are numerous over-the-counter and prescription drugs that may negatively impact safe work performance. Therefore, employees are expected to consult with their personal physician or other health care professional to determine if use of such medication will have any potential negative impact on safe job performance. Use of medication that may pose a threat to workplace safety must be discussed with the employee's supervisor or the Director of Human Resources. If an employee cannot safely work due to prescription medication, SANDAG will consider reasonable accommodations pursuant to its Family and Medical Leave policy to the extent such an accommodation does not create an undue hardship and enables the employee to perform the essential functions of the position.

5.0 RESPONSIBILITIES

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

Employees must not report to work or be subject to duty while under the influence. In addition, employees are encouraged to report dangerous behavior by other people in their workplace to their supervisor.

Supervisor responsibilities include:

- Informing employees of the drug-free workplace policy
- Observing employee performance
- Investigating reports of dangerous practices in the workplace
- Documenting negative changes and problems in employee performance

The CEO is responsible for administering the provisions of this policy. It is the responsibility of the Director of Human Resources to manage and maintain this policy, and to provide information to SANDAG employees on obtaining assistance with substance abuse problems when requested or when appropriate.

Assistance with substance abuse and rehabilitation is the responsibility of the employee. All costs resulting from participation in a rehabilitation or other assistance program which are not paid for by the SANDAG Employee Assistance Program, the employee's medical insurance carrier, or other available community resource are the responsibility of the employee.

6.0 PROCEDURES

Any employee who feels he/she/they has developed an addiction to, dependence upon, or problems with a controlled substance is encouraged to seek assistance. Assistance may be sought initially by contacting an immediate supervisor, the Director of Human Resources, or the SANDAG Employee Assistance Program. All requests for assistance will be handled in confidence to the fullest extent permitted by law.

Any employee who believes another employee is under the influence of a controlled substance while carrying out SANDAG business may report his/her/their suspicion and the reasons for that suspicion to the Director of Human Resources. If the Director of Human Resources believes it is warranted, he/she/they will discuss the matter with the employee who is suspected of substance abuse and refer the employee to the SANDAG Employee Assistance Program or other appropriate resource.

No disciplinary action will be taken against any employee who discloses his/her/their substance abuse problem prior to SANDAG learning of a violation of this policy, provided the employee begins a program of rehabilitation and strictly follows the rules and guidelines of that program. An employee who is not in a rehabilitation program, however, may be subject to discipline if his/her/their performance or attendance is affected negatively or SANDAG business operations or other employees are affected negatively due to the employee's use of a controlled substance or the employee's conviction of a crime involving a controlled substance.

Employees may seek and may be granted rehabilitation leave. Rehabilitation leave will be subject to the leave policies established by SANDAG.

Any employee convicted of a crime related to a controlled substance must notify the Director of Human Resources no later than five days after such conviction. The CEO will determine

whether discipline related to the conviction is appropriate. If discipline as severe as termination from employment is not merited, the employee's continued employment will be conditioned upon the employee's enrollment in a rehabilitation program and satisfactory completion of the program. All situations will be handled in confidence to the fullest extent permitted by law.

Amended January 2024

Telework Policy

SANDAG recognizes there are mutual benefits associated with providing work arrangements that include remote work as an option. Employees have increased opportunities for work/life balance. For SANDAG, flexibility is necessary to adapt to the changing work environment where agency business is no longer conducted in a conventional 8 a.m. to 5 p.m., Monday through Friday, work week. Highlights from the Telework policy are as follows:

- The SANDAG Telework Program provides eligible employees the opportunity to work from home or another location as part of their regular work schedule. The expectation is that employees are working in the office at least three days per week; Tuesdays, Thursdays, and Fridays are considered the onsite work days. Telework is a management option; it is not a benefit to which employees have any vested right.
- The supervisor and manager, in conjunction with the Director, shall consider an employee's request for a regular telework arrangement using criteria that consider the employee's job responsibilities, overall performance, and demonstrated suitability of the remote work location. The potential impact on service levels, quality of work, or disruption to agency operations also shall be considered.
- In addition to approving a recurring telework schedule, a supervisor may grant an employee permission to work remotely on an occasional or short-term basis to support productivity or provide schedule flexibility for work-life balance purposes.
- Teleworkers are expected to behave, complete work tasks, and conduct business with the same level of professionalism, diligence, and courtesy as would be demonstrated on-site, and are subject to the SANDAG Employee Handbook and all supplemental policies. Teleworkers are required to adopt practices that record productivity and demonstrate accountability when working from a remote location.
- An approved telework schedule must include working the agency's "core business hours" (9 a.m. to 4 p.m., Monday through Friday (Pacific Time), excluding the agency Flex Day), with the entire work day falling between 6:30 a.m. and 6:30 p.m.
- The teleworker must be fully accessible during the hours approved in their work schedule for planned and impromptu meetings via telephone, Teams, Zoom, or other technology. "Fully accessible" includes being in a distraction-free environment where a business meeting can be effectively conducted.
- Teleworking is not a substitute for dependent care. Teleworkers must make alternative arrangements for dependent care during designated work hours.
- The teleworker shall establish and maintain, at their expense, an appropriate work environment within their home or other remote location for work purposes.

- A Telework Agreement and Home Office Checklist are required to be approved, in advance, before an employee begins to work from home or at another location on a regular basis.

1.0 SANDAG TELEWORK PROGRAM

Teleworking is considered a voluntary option for eligible employees to establish an arrangement whereby they work from home or another suitable location, as part of their approved, regular work schedule. The expectation is that employees will be working in the office at least three days per week; SANDAG has established Tuesdays, Thursdays, and Fridays as the onsite work days. Teleworking is a management option; it is not a benefit to which employees have any vested right.

In developing the Telework Program, SANDAG understands certain employees may prefer not to participate. SANDAG also acknowledges that some employees may not be eligible to participate due to various business needs, including safety, security, or operational nature of their job responsibilities. The supervisor and manager, in conjunction with the Director, shall consider an employee's request for a regular telework arrangement using the criteria noted in this policy.

Teleworking can neither interfere with the accomplishment of SANDAG business, nor can teleworking cause a reduction in the levels of service expected to be provided by the employee or their team. An employee is expected to focus their attention on the completion of SANDAG work tasks while teleworking. Telework is not a substitute for dependent care or other personal or family responsibilities; an employee must not be responsible for schooling or the primary care of dependents while working remotely.

In limited circumstances, and when it is in the best interest of the agency, an employee may be approved for a regular work schedule that includes working remotely more than one or two days per week. Requests for telework arrangements that exceed the parameters of this policy must be approved in writing by the Director and the Deputy CEO or CFO as applicable, and once implemented, the arrangement will be subject to periodic review, on an annual basis at minimum. The terms of the resulting agreement, including the anticipated length of the arrangement and any special provisions, will be documented.

SANDAG will generally not consider requests for full-time remote work unless there is a necessity for business continuity reasons, or as part of an approved medical or disability accommodation. In the limited situation where an employee is granted a full-time remote work schedule, on a short- or long-term basis that is not associated with an accommodation, the employee shall be responsible for all expenses related to traveling to and from San Diego to participate in in-person meetings, training, and other business activities as may be reasonably and periodically requested by their Director or manager.

Employees are not permitted to work remotely from a location outside of the United States unless traveling for SANDAG on an approved business trip. An exception is provided to employees who live in northern Mexico, regularly commute to the SANDAG offices for work, and are approved for a remote work schedule consistent with the other provisions of this policy.

Exempt employees traveling internationally for personal reasons (vacation, a leave of absence, etc.) may request limited access to the SANDAG network for periodic checking of email messages during their absence. Such requests should be submitted at least one week in advance of the travel date, require written approval from the Director, and are subject to review and approval by the Director of Business and Information Technology Services based on an assessment of cyber risk to the agency.

2.0 TELEWORK AS A FLEXIBLE WORK ARRANGEMENT

The intent of this policy is to describe expectations and actions to be taken to establish a formal telework arrangement for an employee, one that will be followed on a regular basis. Beyond formally approved telework schedules, SANDAG recognizes that occasional or short-term remote work arrangements provide flexibility that can be mutually beneficial to the agency and to an employee. Examples include:

- Working from home more than one or two days per week when additional time, free from office distractions, is needed to complete a project;
- To maximize time efficiency when an employee is scheduled to attend an offsite meeting, event, or training as part of their workday;
- To address workload demands or project schedules by working additional hours from home to meet a deadline; or
- To maintain the health and safety of the workplace by permitting an employee to work from home, if able to do so, when they are experiencing signs and symptoms of cold, flu, or respiratory illness, or otherwise contagious, consistent with SANDAG's Stay Home when Sick policy.

Other informal, short-term arrangements may be made for employees on medical leave, to the extent practical for the employee and the agency and with the consent of the employee's health care provider, if appropriate. All informal, short-term remote work arrangements will be made on a case-by-case basis; these require discussion and agreement between the employee and their supervisor, with a focus on the business needs of the agency.

An excessive number of informal remote work requests may be considered outside the parameters of this policy and is subject to review and action by the Director and/or the Deputy CEO or CFO as applicable. As noted, informal, short-term remote work arrangements are not the focus of this policy.

3.0 ELIGIBILITY FOR A REGULAR TELEWORK SCHEDULE

Approval of an employee's telework schedule request shall be granted by the supervisor and/or manager and Director, and will be based on the employee's performance, specific duties and responsibilities, and ability to complete their duties and responsibilities efficiently and effectively while working remotely. This policy includes criteria for considering an employee's telework request. Teleworking may not be appropriate for some employees and some positions. An employee who is approved to telework on a regular basis is expected to

adopt practices, set forth by their Director, manager, or supervisor, that record productivity and demonstrate accountability when working from a remote location.

New employees may be eligible to begin a regular telework schedule at the time of employment, subject to approval by the Director. During their first six (6) months with SANDAG, new employees are encouraged to maximize the number of in-person interactions with their supervisor, team and department members, project colleagues, and other collaborators as part of their onboarding and orientation experience.

This Telework policy and related procedures do not apply to requests for reasonable accommodation. Such requests may be brought forward to the Director of Human Resources consistent with Section 3.4 of the Employee Handbook.

4.0 CRITERIA USED FOR CONSIDERING REGULAR TELEWORK REQUESTS

The following criteria have been established, and will be used consistently across the organization, to assess employee eligibility to work remotely and evaluate proposed work schedules. The supervisor, manager, and Director are responsible for considering and approving an employee's regular telework schedule.

4.1 EMPLOYEE ELIGIBILITY

- o Job Responsibilities

Certain positions may not lend themselves to teleworking because the daily job functions must be performed onsite. Examples include roles that provide in-person support to other staff, guests, or customers, and positions that involve facility repairs or maintenance tasks. Other jobs may require onsite supervision of employees, or the use of information, materials, or resources that cannot be removed from the workplace.

Tasks that benefit from uninterrupted work time are generally suitable for telework. Examples include writing, editing, reading, analysis, design work, computer programming, word-processing, and data entry.

As part of considering a regular telework schedule, the employee and supervisor should:

- o Review the types of work that can be reasonably and effectively performed remotely, and
- o Confirm there is enough work that can be performed remotely on a regular basis.
- o Employee Suitability

Characteristics of effective teleworkers include being well organized, self-disciplined, digitally literate, good communication skills, reliable, and productive. The level of job knowledge, experience working on current projects, and degree of independence are other factors that may change over time. In general, an employee who received less than a "satisfactory"

performance rating during the prior 12-month period may not be eligible for a regular telework schedule.

As part of considering a regular telework schedule, the supervisor should:

- Reflect on the overall performance demonstrated by the employee, including conscientiousness about work time and productivity, work habits, and ability to be self-motivated, and evaluate whether these will lead to a successful remote work arrangement;
 - Determine whether the employee has the necessary computer skills to perform their job duties effectively in a remote work setting; and
 - Consider current work assignments and whether the employee has sufficient knowledge and experience to telework successfully.
- Equipment Needs and Workspace Considerations

Employees requesting to telework must complete the Home Office Checklist to confirm that the appropriate equipment and resources are available, and that the condition of the proposed work environment is considered safe.

As part of considering a regular telework schedule, the employee and supervisor shall:

- Review and confirm the employee's responses to the Home Office Checklist and discuss potential solutions for any incomplete items.

4.2 WORK SCHEDULE

In addition to contemplating the employee's job functions, their performance attributes, and the proposed telework location, the supervisor shall:

- Determine whether the proposed telework schedule will adversely impact the progress of an individual or team project or disrupt agency operations. For some positions, there may be limitations as to which day(s) may be suitable for telework. For example, production staff who support public meetings need to be in the office on Fridays.
- Evaluate whether appropriate levels of customer service and team availability can be maintained based on the proposed schedule. A supervisor may need to consider requests from all team members before providing approval; a supervisor also may ask an employee to reconsider their request to accommodate other team members.
- Ensure the proposed schedule enables the employee to attend certain in-person meetings (regular 1:1s with the supervisor, functional and project team meetings, department meetings, All Hands meetings).

5.0 RESPONSIBILITIES AND EXPECTATIONS

The following information describes expectations for employees while teleworking. Teleworkers are expected to behave, complete work tasks, and conduct business with the same level of professionalism, diligence, and courtesy as would be demonstrated on-site, and are subject to the SANDAG Employee Handbook and all supplemental policies. Failure to meet the expectations described below, or comply with agency policies, practices, procedures, and instructions may result in revocation of the Telework Agreement or other consequences, up to and including termination of employment.

5.1 WORK HOURS AND TIME REPORTING

- SANDAG standard business hours are 8 a.m. to 5 p.m., Monday through Friday (Pacific Time), excluding the agency Flex Day. SANDAG considers “core business hours” to be 9 a.m. to 4 p.m., Monday through Friday, excluding the meal and rest periods. Employees, regardless of work location and unless assigned to a part-time or other agency-required schedule due to job responsibilities, are expected to work the core hours.
- Employees must coordinate with their supervisor to establish a telework schedule that starts between 6:30 and 9 a.m. and finishes between 4 and 6:30 p.m. In some cases, supervisors may need to set work schedules for employees to ensure coverage for certain functions or operations while teleworking.
- Non-exempt employees who telework must take meal and rest breaks in accordance with SANDAG policy and must accurately record all work time. Working “off-the-clock” is never permitted. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the employee’s supervisor.
- Employees with an approved telework schedule must adopt practices, as set forth by their Director, manager, or supervisor, that record productivity and demonstrate accountability when working from a remote location. The productivity records must be provided to the employee’s supervisor on at least a weekly basis or otherwise be readily available for review by management.
- A telework schedule does not convey flexibility for an employee to take care of personal errands during the work day, other than during scheduled meal and rest breaks. Teleworkers must use accrued leave time, or seek approval from their supervisor to adjust their work schedule, if there is a need to take care of personal business during designated work hours.

5.2 PRODUCTIVITY AND SERVICE LEVELS

- In establishing a telework arrangement, both management and employees recognize that teleworking cannot prevent or interfere with the accomplishment of SANDAG business, nor can an arrangement cause a reduction in the quality of service or productivity expected to be provided by the employee or their team.
- The teleworker must have access to the SANDAG email, calendar, and Teams system, and any related work files via a reliable connection to the Internet. The Internet service must provide adequate bandwidth for efficient completion of work assignments, including onscreen participation in virtual meetings. Teleworking should not reduce the productivity of onsite employees by asking them to find or email information maintained at the office.
- The teleworker must be fully accessible during the hours approved in their work schedule (except for meal and rest periods) for planned and impromptu meetings via telephone, Teams, Zoom, or other technology. “Fully accessible” includes being in a distraction-free environment where a business meeting can be effectively conducted. Participating in scheduled meetings while carrying out personal errands, performing house and garden chores, caring for dependents, etc. is not acceptable.
- Teleworkers are expected to be appropriately dressed in either business or business casual attire, groomed, and presentable for on-camera participation in meetings during their workday.
- Supervisors of non-exempt employees must be available to the employee throughout the workday to answer questions or provide guidance when needed.
- From time to time, meetings, work assignments, or other operational needs may require employees to be physically present in the office on a day that is regularly scheduled for teleworking. On these occasions, it is the employee’s responsibility to come into the office and ensure agency business is not disrupted. The supervisor shall provide reasonable notice whenever possible. However, the employee may be required to report to the office without advance notice.
- If an employee is unable to work on a scheduled telework day due to malfunctioning computer equipment, Internet or network access problems, or other causes that are not the fault of SANDAG, the employee is expected to either come into the office to work or, with approval from their supervisor, may reschedule their work hours to another day, or use accrued time off for the entire day or portion of the day when work could not be performed.

- Teleworking is not a substitute for dependent care. Teleworkers must make alternative arrangements for dependent care during designated work hours.

5.3 REMOTE WORK LOCATION

- The teleworker is expected to establish and maintain, at their expense, an appropriate and consistent work environment conducive to productivity, within their home or other remote location for work purposes. This includes responsibility for the costs of services such as Internet access, phone service, and other home utilities, as well as furniture, equipment, resources, and supplies needed to support the telework arrangement. An exception is made when the remote work arrangement is part of an agreed-upon medical or disability accommodation.
- The designated work area must be maintained in a safe condition, free from hazards and other dangers to employees and equipment. A Home Office Checklist must be completed for any location that will be regularly used for remote work. It is the employee's responsibility to submit a new Home Office Checklist if they begin teleworking from a new location (e.g., a new home address).
- Coverage under the SANDAG worker's compensation insurance policy for job-related accidents will continue to exist during the employee's scheduled telework hours. This liability is limited to injuries resulting directly from work. Teleworking employees are responsible for notifying SANDAG of such injuries in accordance with SANDAG accident and injury reporting procedures. The employee is liable for injuries to third persons and/or members of the employee's family on the employee's premises.
- Teleworkers may not hold in-person meetings with third parties, including meetings with other employees relating to SANDAG business, at the telework location, without exception. All such meetings will occur at the SANDAG offices, the other party's office location, or a suitable public location.

5.4 INFORMATION SECURITY

- Most employees have been issued a SANDAG laptop; it is expected an employee will use their issued laptop to conduct agency business when working remotely. An employee should only use a personal computer for SANDAG business for emergency purposes.
- Storing (saving) SANDAG electronic documents and files on non-SANDAG devices is not permitted. Documents and files accessed while teleworking should be saved on a SANDAG-approved cloud storage medium such as OneDrive or SharePoint. Should connectivity issues or other circumstances necessitate temporarily saving a SANDAG document or file on the

teleworker's computer, the teleworker must save the document or file on a SANDAG accessible storage medium at the earliest opportunity and delete all copies of the document or file from the teleworker's computer. IT can assist the user in setting up a synchronized OneDrive on the local computer, which will automatically update the user's cloud storage.

- Teleworkers who create SANDAG business records, as defined in the Public Records Management policy, are responsible for proper storage and maintenance of records. Teleworkers must provide all equipment used in the course of agency business immediately upon request to allow timely response to public records request or litigation defense and support or where SANDAG is legally required to store or provide access to its records.
- SANDAG business records should not be kept on employee-owned computer systems or devices. All SANDAG business records should be saved in an authorized storage location that is searchable by Information Technology (IT) staff. Teleworkers must follow the procedures and requirements described in the Technology and Digital Resource policy found in the Employee Handbook.
- Only IP addresses that originate within North America will be granted access to the SANDAG network. Employees traveling internationally may seek approval from their Director and the Director of Business Information and Technology Services for limited access to the SANDAG network. Such requests should be submitted at least one week in advance of the travel date.

5.5 SIGNED AGREEMENT

- A Telework Agreement and the Home Office Checklist are required to be approved, in advance, before an employee begins to work from home or at another location on a regular basis.
- A Telework Agreement is not required when an employee wants to work from home or at another location on an occasional basis; such arrangements should be coordinated between an employee and their supervisor.

6.0 TELEWORKING REQUEST PROCEDURES AND APPROVAL PROCESS

An employee requesting consideration for a telework arrangement as part of their regular work schedule may complete the 'Telework Agreement' and 'Home Office Checklist' forms and submit these to their supervisor. As part of considering a telework request, the supervisor/manager and Director will evaluate the suitability of the employee and proposed arrangement, consistent with the criteria described in this policy. Decisions regarding telework requests shall be made within 30 days of receipt.

An approved Telework Agreement will be subject to review if the employee is transferred or promoted to another position, if there is a significant change in the employee's job responsibilities, the employee's direct supervisor changes, or if there are performance issues. An approved Telework Agreement may be revoked at the discretion of the Director, or by a Deputy CEO or the CFO, if the criteria used for approval are changed or no longer met, or if the employee does not meet the responsibilities and expectations for teleworkers, as noted in this policy.

In the event a telework arrangement is to be discontinued, SANDAG may provide the employee with thirty (30) days' notice of such a change to accommodate commuting, childcare, and other problems that may arise from such a change. There may be instances, however, where no notice is possible or granted.

All approved requests will be maintained by Human Resources for program coordination and recordkeeping. The Director of Human Resources has the general responsibility for overseeing the day-to-day implementation of this policy in accordance with payroll and legal requirements. Should an exception to the policy be desired, the request is to be made in writing. Such exceptions may be granted only by a Deputy CEO or CFO as applicable, in consultation with the employee's Director and Director of Human Resources.

Revised: January 2024

Transportation Benefits Policy

SANDAG helps the San Diego region reduce traffic congestion during peak travel periods and air pollution by offering commuters assistance through iCommute, the regional transportation demand management program. By using alternative transportation, employees can reduce stress, save money, and help the environment.

1.0 PRONTO CARD

Regular, Limited-Term, and TIPS employees based at the 401 B Street office, or other work locations approved by SANDAG are eligible to receive a PRONTO Card. This card allows employees to ride any regular MTS or NCTD provided transit service (bus, Trolley, COASTER, or SPRINTER) at no cost and on any day of the week including weekends and holidays.

PRONTO Cards must be used for the employee's benefit only; they are not transferable to anyone else. SANDAG is not responsible for any injury or loss that might occur while an employee is using their PRONTO Card for non-business purposes.

2.0 FASTRAK TRANSPONDER

Employees based at the Toll Operations Center are eligible to receive a FasTrak transponder for use in their personal vehicle to pay for toll charges on the South Bay Expressway. Employees based at the Toll Operations Center who receive a FasTrak transponder are not eligible to receive a PRONTO Card. They may, however, request a PRONTO Card in lieu of the FasTrak transponder.

If issued by SANDAG as part of this program, FasTrak transponder must be used for the employee's benefit only; they are not transferable to anyone else. SANDAG is not responsible for any injury or loss that might occur while an employee is using their FasTrak transponder for non-business purposes.

3.0 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM

As an alternative to using public transit, SANDAG offers a TDM (Transportation Demand Management) program to encourage employees to travel to and from work by means other than driving alone. Options include motorcycle or scooter, walking, biking, carpooling, including on-demand carpool services, and vanpooling. Travel for SANDAG business, Flex Days, and remote work days are not eligible activities for TDM benefits.

TDM participants (excluding Vanpool participants) receive a \$3 per trip incentive. A trip is defined as one-way travel to or from work; \$6 per day may be earned if an eligible trip is

reported for travel both to and from work. A minimum of 8 trips per month is required to be eligible for the program. To receive the benefit, TDM participants must log their trips on a TDM Program: Trip Log and Incentive Request Form available on the SANDAG Central SharePoint site and submit their incentive request to their supervisor no later than the fifth day of the month following the month being reported. Requests must be approved by the supervisor no later than the twelfth day of the month. Once processed, the payment is included with the employee's paycheck.

TDM participants who participate in a vanpool receive a monthly reimbursement for fees paid to the vanpool. To receive this benefit, vanpool participants must log their trips on a separate Vanpool Participation Form and provide copies of receipts from their vanpool to the Payroll Department each month. For "Level 1" participation (all but four days per month), employees receive up to \$105 per month; for "Level 2" participation (at least 10 days per month), employees receive up to \$50 per month. Once processed, the payment is made to the vanpool participant via check.

SANDAG employees are eligible to participate in the TDM program and since employees are issued a PRONTO Card, riding the bus, Trolley, COASTER, SPRINTER, or other transit services does not qualify for reimbursement under the SANDAG TDM program. If an employee's parking is paid for by SANDAG, the employee will not be eligible for the TDM incentive program. In addition, employees who receive a FasTrak transponder are not eligible for the TDM benefit.

If an employee is using more than one mode of transportation to get to or from work, both modes must qualify under the program before a claim can be filed for the trip. (For example, driving alone to downtown then walking the last six blocks does not qualify as a TDM trip.)

Also, to qualify for reimbursement, the qualifying mode of transportation must constitute the majority of the commute (at least 75%). For example, if an employee rides a bicycle to a bus station one mile from their home and then takes the bus to work (unless this bus ride is less than 25% of the total commute) this trip does not qualify for TDM.

Amended January 2024

Vehicle Use and Safe Driving Policy

SANDAG has a strong commitment to providing a safe work environment. The purpose of this policy is to ensure the safety of employees who operate motor vehicles as part of their job duties for SANDAG and to provide guidance on the proper use of vehicles. It is the employee's responsibility to operate the vehicle in a safe manner and to drive defensively to help prevent injuries and property damage. SANDAG endorses all applicable federal and state motor vehicle regulations related to driver responsibility and expects employees to drive in a safe and courteous manner pursuant to this policy.

This policy applies to all employees, whether they conduct SANDAG business using an agency owned, leased, or rented vehicle or drive a personal vehicle for agency business. Individuals who are not SANDAG employees, such as consultants, contractors, vendors, employees from other public agencies, members of the public, etc., are not permitted to operate a SANDAG vehicle unless this has been contractually agreed to. In limited circumstances, a staffing agency temporary may be permitted to drive for SANDAG business.

1.0 DEFINITIONS

The following terms, as defined below, are used in this policy:

- Agency business, official agency business, or SANDAG business for purposes of this policy means any job-related activity undertaken by a SANDAG employee, whether as a mandatory or voluntary activity.
- At-fault incident means any accident involving a vehicle where the employee is the person at fault, or the person whose negligence caused the accident.
- Authorized passenger means an individual responsible for conducting, or associated with, official SANDAG business. Examples of authorized passengers include employees, SANDAG Board or Committee members, consultants, contractors, vendors, temporary employees, volunteers, agents, and authorized observers.
- Class I violations are Two (2) Point Count California Vehicle Code Violations as described in the Department of Motor Vehicles (DMV) Negligent Operator Count Sheet. Examples of Class I violations include driving under the influence of alcohol or drugs; failure to stop or report an incident; reckless, careless, and/or negligent driving; driving while impaired; making a false incident report; homicide, manslaughter or assault arising out of the use of a vehicle; driving with a suspended or revoked license; attempting to evade a police officer; permitting an unlicensed person to drive and using a motor vehicle for the commission of a felony. Refer to the DMV website for information about the Negligent Operator Treatment System -

<https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/negligence/>.

- Class II violations are One (1) Point Count California Vehicle Code Violations as described in the DMV Negligent Operator Count Sheet and include reportable vehicle incidents or any citation for a moving violation other than a Class I violation.
- Defensive driver means a person who strives to avoid all negligent driving errors, makes allowances for the improper driving practices of others, adjusts their driving style to compensate for unusual weather, road, and/or traffic conditions, is alert to incident-inducing situations, recognizes the need for preventative action in advance, and takes the necessary action to prevent an incident.
- Defensive driving means taking actions when operating a vehicle that prevent collisions despite the actions of others or when driving in adverse conditions related to light, weather, road status, traffic, vehicle condition, and the driver's physical and mental state.
- Driving for agency/official/SANDAG business means operating a motor vehicle at the direction of, and for the benefit of, SANDAG. Examples of "driving for agency business" include, but are not limited to, attending off-site meetings, performing project site visits, business travel (including the use of a rental car), attending training classes, workshops, or seminars, attending professional association meetings (if doing so is during the employee's job duties) and performing routine vehicle maintenance. "Driving for agency business" does not include normal commuting to and from work.
- Employee includes a SANDAG officer, employee, or authorized agent, whether that individual is compensated or not.
- GPS tracking device is a portable unit installed in all SANDAG vehicles that allows authorized users to monitor and track the location of trips made using the vehicle.
- Personal use means the use of a SANDAG vehicle by a SANDAG employee to pursue an objective that is not related to SANDAG business.
- Personal vehicle means any vehicle owned, maintained, leased, rented, or otherwise controlled by an employee.
- SANDAG vehicle means any vehicle owned, maintained, leased, rented, or otherwise controlled by SANDAG.
- Scope of employment means actions or activities of an employee that further SANDAG business.
- Unsafe driving practices means actions or behaviors by a driver that are inconsistent with federal and state motor vehicle laws or that are likely to cause an increased risk for accidents or injuries to the driver or other people, or damage to property.
- Vehicle, as used in this policy, includes, but is not limited to, cars, SUVs, pick-up/utility trucks, and bucket trucks.

2.0 RESPONSIBILITIES

The Senior Director of Organization Effectiveness has overall responsibility for ensuring this policy and associated procedures are implemented and the necessary resources for the program are made available to other Directors, managers, supervisors, and employees. The Senior Director of Organization Effectiveness also is responsible for considering, at least annually, if changes to this policy or procedures are needed, or if other corrective action (such as training, equipment changes, etc.), should be implemented to enhance the safe operation of vehicles used for SANDAG business. Below is a non-exhaustive list of other responsibilities:

Directors are responsible for:

- Providing leadership and maintaining authority and responsibility for program implementation and administration within their department.
- Approving requests for overnight use of SANDAG vehicles from department staff.
- Evaluating and determining which staff positions in his/her/their department include driving a motor vehicle as an essential job function. An employee holding a position considered to have driving as an essential job function must, as a condition of employment, meet the *Driver Eligibility Standards* outlined in this policy at all times. For all other jobs, driving is considered an incidental function of the position.
- Reviewing the driving records of employees in his/her/their department who do not meet the *Driver Eligibility Standards* outlined in this policy, and in coordination with the Director of Human Resources, making recommendations for appropriate action.

Managers and supervisors are responsible for:

- Ensuring only those employees who meet the *Driver Eligibility Standards* described in this policy are assigned responsibilities related to driving for SANDAG business.
- Encouraging employees to use a SANDAG vehicle instead of a personal vehicle for agency business.
- Ensuring the timely submittal of mileage reimbursement requests by employees who use their personal vehicle for SANDAG business.
- Ensuring employees complete remedial driver safety training if assigned due to demonstrated unsafe driving habits.
- Assisting with the investigation of vehicle incidents involving injury or property damage.
- Promptly notifying the Director of Human Resources when they become aware of an employee who has received a violation, license suspension, or revocation.
- Maintaining a supportive attitude toward safe driving practices and demonstrating this to the employees they supervise.

Employees who drive for agency business are responsible for:

- Maintaining a valid California driver's license, or license from their state of residency, and meeting the *Driver Eligibility Standards* defined in this policy.

- Complying with the California Vehicle Code, along with all state and federal laws and regulations, and SANDAG policies and procedures.
- Abiding by the *Conditions Applicable to Driving for SANDAG Business* described in this policy when operating either a SANDAG vehicle or personal vehicle for agency business.
- Reporting all collisions and incidents that occur while driving for agency business, regardless of fault or severity, in accordance with the *Accident Reporting Guidelines* contained in this policy.
- Reporting any conviction of a Class I violation, any citation for driving under the influence of drugs or alcohol (DUI), or the suspension or revocation of their driver's license to the Director of Human Resources within 48 hours. Upon receipt of this information, the Director of Human Resources will notify the employee's supervisor or manager.
- Participating in driver safety training, when assigned, to increase awareness and learn safe driving techniques.

The Manager of Business Administration and Operations is responsible for:

- Coordinating the procurement of SANDAG vehicles that are suitable for the driving-related tasks of the organization.
- Ensuring appropriate levels of insurance to protect SANDAG in the event of a driving-related incident.
- General operation and coordination of the agency's vehicle fleet including the vehicle reservation and check-out/check-in process, maintaining vehicle binders (containing vehicle keys, insurance and registration information, gas cards, roadside assistance contact information, accident procedure guidelines and report forms, and general vehicle usage policies), coordinating changes to reservations due to vehicle availability, and general record-keeping.
- Conducting periodic inspections of the fleet vehicles to ensure their safe operating condition; coordinating routine vehicle maintenance activities such as washing, oil changes, brake checks, tire rotations, and other related services; and coordinating vehicle repairs.
- Receiving notification from employees who report concern or defects in any SANDAG vehicle, and upon receiving such notification, determining whether the vehicle is unsafe for continued operation.
- Assisting with the investigation and reporting of accidents and incidents and coordinating insurance claims.
- Overseeing the monthly review of GPS data reports containing information about the use of SANDAG vehicles, as outlined in the *GPS / Geo-tracking and Monitoring for SANDAG Vehicles* policy.

- Maintaining records regarding Director approval for overnight use of a SANDAG vehicle at 401 B Street, and for maintaining records for overnight use of SANDAG vehicles at the Toll Operations Center.

The Director of Human Resources is responsible for:

- Coordinating processes to determine which employees are subject to an annual driving record check and maintaining records.
- Coordinating with a third-party vendor to complete pre-employment driving record checks for new employees, and post-employment driving record checks for existing employees as described in this policy.
- Periodically reviewing confidential information regarding employee driving records and recommending appropriate action regarding employee eligibility to drive for SANDAG business.
- Including information in job descriptions, job announcements, and other documents for designated staff positions where driving is considered an essential job function.
- Maintaining the SANDAG Driver's List and periodically providing updated information to insurance carriers.
- Coordinating periodic driver education programs in addition to any remedial training that may be recommended for employees based on their driving record.

3.0 TYPES OF VEHICLES USED FOR SANDAG BUSINESS

3.1 SANDAG FLEET VEHICLES: GENERAL USE

SANDAG maintains a fleet of "general purpose" vehicles that are available to employees at the discretion of management for the primary purpose of conducting official agency business. The fleet vehicles are equipped with *FasTrak*® transponders for use on local toll roads.

- Employees may refer to the SANDAG Central SharePoint site or contact a member of the Office Support Services team for information about reserving a General Use fleet vehicle.
- Occasional overnight use/home storage of a General Use fleet vehicle may be approved by a Director if the request meets the criteria described in the *Overnight Use of a SANDAG Vehicle* section of this policy.
- The General Use fleet vehicles may be used for agency travel when use of the vehicle for this purpose is the most cost effective and viable option. Changes to existing reservations for the vehicle will be considered in making this assessment. Alternatively, an employee may request a rental car as part of their Travel Request submittal.

- Certain General Use fleet vehicles carry insurance for travel into Mexico. An employee seeking to use a SANDAG vehicle for travel to Mexico should note this as part of their Travel Request submittal.

3.2 SANDAG FLEET VEHICLES: SPECIFIC USE

SANDAG does not assign vehicles to individual employees. Certain fleet vehicles may be dedicated to specific program areas. For example, SANDAG maintains several utility trucks that are used primarily by the Roadway Operations team as part of the ongoing maintenance of the South Bay Expressway. Other fleet vehicles are used primarily by employees with responsibilities related to the agency's construction program. The assignment of a fleet vehicle to a specific program area is considered on a case-by-case basis.

- Specific Use fleet vehicles that are based at the Toll Operations Center are permitted overnight storage for on-call maintenance technicians for the purpose of ensuring prompt and efficient response to maintenance requests when they are on an approved maintenance schedule. The maintenance schedule will be created by the Maintenance & Facilities Supervisor and approved by the Director of Regional Transportation Services. Technicians are on-call once weekly, every 4-weeks, with occasional changes due to PTO, or sickness.
- Occasional overnight use/home storage of a Specific Use fleet vehicle may be approved by a Director if the request meets the criteria described in the *Overnight Use of a SANDAG Vehicle* section of this policy.

3.3 PERSONAL VEHICLES

There are times when the use of an employee's personal vehicle is required because a SANDAG Fleet Vehicle is not available or preferable because the use of a personal vehicle is deemed more efficient or convenient. The use of personal vehicles for agency business is discouraged when a SANDAG Fleet Vehicle is available. SANDAG provides mileage reimbursement to employees who use a personal vehicle for business purposes.

3.4 RENTAL VEHICLES

SANDAG may rent a vehicle on a short-term, limited basis and make such a vehicle available for employee use. Situations when a rental vehicle may be used include, but are not limited to, when one of the SANDAG Fleet Vehicles is undergoing maintenance or repairs, when an employee is traveling on SANDAG business, or when there is a specific type of vehicle needed to support a project, program, or event.

When renting a vehicle for SANDAG business, the vehicle should be rented in the employee's name, and the employee should purchase the rental agency's

liability insurance coverage and can decline the property damage portion. SANDAG will provide reimbursement for the liability coverage, and the agency's insurance policies will cover any property damage.

4.0 CONDITIONS APPLICABLE TO DRIVING FOR SANDAG BUSINESS

The following general provisions are applicable to all employees who operate a vehicle in the performance of their job duties for SANDAG. These provisions are applicable regardless of who owns or controls the vehicle (whether it be SANDAG, the employee, or a third party), or the frequency with which the employee drives in the course of employment. Employees who drive for agency-related business must:

1. Be at least 21 years of age.
2. Maintain an unrestricted, valid California driver's license, or license from their state of residency, and meet the *Driver Eligibility Standards* defined by this policy.
3. Provide driver's license and other requested information for a Motor Vehicle Record check to be conducted as described in the *Driving Record Checks* section of this policy.
4. Carry their driver's license at all times a vehicle is being operated.
5. Report any change in driver's license status to the Director of Human Resources within 48 hours. Notification from an employee regarding the status of their driver's license shall be kept confidential and restricted to a need-to-know basis.
6. Immediately discontinue operation of a vehicle if their license is suspended or revoked.
7. Obey all traffic laws.
8. Operate vehicles in a safe and courteous manner and use defensive driving techniques.
9. Refrain from using a handheld cell phone while operating a vehicle – whether the vehicle is in motion or stopped in traffic. This includes, but is not limited to, answering, or making phone calls, engaging in phone conversations, and reading or responding to emails and text messages. Employees should pull over safely to the side of the road or find another safe location if they need to use their cell phone.
10. Devote their full attention to the task of driving and avoid activities that may lead to distracted driving such as checking navigational or other electronic devices, adjusting mirrors, seat position, or climate controls, eating, grooming, or securing loose items in the vehicle.
11. Only carry authorized passengers, which, as defined in this policy, means passengers who also are conducting authorized SANDAG business. Non-business passengers (i.e., family and friends) are prohibited from riding in or driving a SANDAG vehicle.
12. Wear glasses or contact lenses when driving if needed.

13. Not use or be under the influence of any alcohol or drugs while driving for SANDAG business. (Medications prescribed by a medical provider that do not impair an employee's ability to safely operate a motor vehicle are excepted.) This rule prohibits the use of any alcohol or drugs during breaks or meal periods, or in conjunction with any SANDAG activity, if there is a likelihood the employee will need to drive a vehicle before his/her/their blood alcohol level has returned to zero percent. An employee with "on-call" job responsibilities should refrain from consuming alcohol during off-duty hours if it is anticipated they could be called-in to perform work assignments.
14. Not currently be participating in a drug rehabilitation program or Deferred Entry of Judgment program.
15. Avoid driving if their ability to do so safely has been impaired by illness, fatigue, stress, injury, or prescription medication.
16. Immediately report any injuries sustained while driving for SANDAG business to the Director of Human Resources; work-related injuries shall be covered by workers' compensation insurance.
17. Participate in periodic driver safety training programs and any additional remedial training as deemed necessary based on driving history.
18. Follow the *Safe Driving Principles* described in Appendix A to this policy.

5.0 OVERNIGHT USE OF A SANDAG VEHICLE

Overnight use of a SANDAG fleet vehicle may be approved by a Director if the employee's request meets one or more of the following criteria:

- o The vehicle will be used to transport materials and/or supplies from the SANDAG office, or another pick-up location, to an event that SANDAG is hosting or participating in.
- o The vehicle will be used for SANDAG travel, which has been approved by a Deputy CEO.
- o The vehicle will be used to attend an early morning/evening meeting at an offsite location on behalf of SANDAG, and:
 - o The employee does not have a personal vehicle or other means for traveling to/from the meeting, or
 - o It would be inefficient/impractical for the employee to collect the vehicle from, or return the vehicle to, their primary work location before/after the meeting.
- o The vehicle will be used by an employee assigned overnight on-call roadway maintenance operations.

Employees based at the 401 B Street office must obtain prior written approval from his/her/their Director (email is sufficient), and coordinate with the Manager of Business Administration and Operations before using a vehicle overnight. Employees based at the Toll

Operations Center must obtain prior approval from the Director of Regional Transportation Services, and coordinate with the Facilities Coordinator and Manager of Business Administration and Operations, before using a vehicle overnight.

- All overnight use requests and pre-approvals must be documented and appropriately justified.
- When parking a SANDAG vehicle overnight at an employee's home or other location, the vehicle shall be parked off the street where feasible, or where the hazards of accidental damage, theft, and vandalism are reduced.
- For time reporting purposes, time spent commuting between the employee's residence and workplace, job site, or meeting location, whether at the beginning or end of the day, is not considered "hours worked." This also is true when an employee is granted approval for overnight use of a SANDAG vehicle; commute time will not be considered time worked for SANDAG unless it is an extra, after-hours trip and the employee has advance approval for any overtime or compensatory time that may be earned.

Approval for recurring overnight use of a SANDAG vehicle for more than two nights is not permitted unless the vehicle has been approved for use for agency business travel or is being used for on-call toll road maintenance operations.

6.0 ADDITIONAL PROVISIONS RELATED TO THE USE OF SANDAG VEHICLES

The following additional provisions are applicable to employees who operate a SANDAG vehicle for agency business. Employees who drive a SANDAG vehicle must:

- Limit the use of the vehicle to official SANDAG business that is within his/her/their scope of employment; SANDAG vehicles may not be used for personal business. Unauthorized vehicle use may lead to disciplinary action up to and including termination of employment.
- Promptly report mechanical failures, the need for repairs/maintenance, or potential problems with the vehicle to the Manager of Business Administration and Operations; refrain from operating a vehicle found to be in an unsafe condition.
- Ensure the security of the vehicle when unattended by parking the vehicle in a reasonably secure area, shutting off the engine, setting the parking brake, removing the keys, locking all doors, engaging the vehicle alarm system or other anti-theft devices provided, and other such actions. If there are repeated incidents of break-in, theft, or vandalism while a particular employee is using a SANDAG vehicle, the Senior Director of Organization Effectiveness may require forfeiture of the vehicle use benefit.
- Return the vehicle with at least one quarter of a tank of fuel or notify the Receptionist at the 401 B Street office or the Facilities Coordinator at the Toll Operations Center upon return if the vehicle has less than one quarter of a tank of fuel.
- Remove all trash and personal items from the vehicle upon return.
- Refrain from smoking; all SANDAG vehicles are non-smoking vehicles.

SANDAG maintains insurance coverage for employee use of agency vehicles for official SANDAG business. For SANDAG Fleet Vehicles, insurance information is kept in the specific binder for each vehicle which is provided to the driver at the time of check-out.

Employees misusing SANDAG vehicles or who otherwise violate this policy may be personally liable for injuries or property damage caused to third parties and the legal expenses of defense.

7.0 ADDITIONAL PROVISIONS RELATED TO THE USE OF PERSONAL VEHICLES

The following additional provisions are applicable to employees who operate a personal vehicle for SANDAG business. Employees who drive a personal vehicle must:

- Carry proof of registration while operating the vehicle.
- Carry proof of automobile liability insurance for bodily injury and property damage on the vehicle. (See below for additional information regarding insurance coverage requirements and accident responsibility.)
- Maintain accurate records of the purpose and extent of his/her/their travel using their personal vehicle and make substantiated monthly claims for reimbursement using the SANDAG Mileage Report form. Mileage reimbursement will be paid at the current Internal Revenue Service (IRS) rate and is intended to cover the employee's cost of operating and maintaining the vehicle while used for SANDAG business, including, but not limited to, gasoline, oil, maintenance, wear and tear, depreciation, and insurance.
- Refrain from using radar detectors, laser detectors, or similar devices.

With regards to auto insurance and accidents:

- The employee must maintain auto liability insurance as required by law. In California, the State Department of Insurance website (www.insurance.ca.gov) describes the requirements. If an employee's insurance coverage is cancelled or terminated by their insurance company or has lapsed or is not fully in effect for any reason, the employee's personal vehicle shall not be used for SANDAG business.
- SANDAG is not liable for any damage to an employee's personal vehicle, unless caused by the agency's negligence (employee's negligence excepted).
- It is the responsibility of the employee operating the vehicle to notify his/her/their immediate supervisor, the DMV, and the employee's insurance company in the event of any accident.
- The employee's personal auto insurance is primary in the event of an accident. The employee is responsible for paying any deductibles the insurance company may require and may request reimbursement of paid expenses from SANDAG, provided the employee was using their personal vehicle for SANDAG business.
- If accident expenses exceed the limit of the employee's personal auto policy, coverage will then be provided by the SANDAG insurance policy, but only to the extent the

employee was using their vehicle for SANDAG business and the employee's personal auto policy does not cover damages to personal property.

- o The employee's Director, in consultation with the Senior Director of Organization Effectiveness, has discretion to reimburse the employee for property damage to his/her/their vehicle, or to pay any deductible costs.
- o If an employee is responsible for an accident that occurs while conducting SANDAG business (either while driving a SANDAG-owned vehicle or a personal vehicle), his/her/their own automobile insurance premiums may be increased. SANDAG shall not be responsible for any costs associated with an increase in an employee's insurance premiums.

8.0 GPS TRACKING AND MONITORING OF SANDAG VEHICLE USE

All vehicles owned and/or leased by SANDAG are equipped with GPS-based (Global Positioning System based) geo-tracking and monitoring devices. The devices are used to monitor miles traveled, fuel efficiency, diagnostic data, speed, location, routing, idling, and other utilization data such as overnight storage. Only a limited number of authorized employees have access to the GPS data collected from the SANDAG vehicles; the data is used primarily for administration of SANDAG's Fleet Vehicle program. Because vehicle usage is monitored, employees should have no expectation of privacy while operating or riding as a passenger in a SANDAG vehicle.

On at least a monthly basis, the Manager of Business Administration and Operations will prepare and review a summary report regarding use of the SANDAG fleet vehicles. If a report indicates an employee regularly engages in unsafe driving practices (e.g. excessive speeding) or has otherwise not followed the expectations set forth in this policy, the issue or concern will be raised to the Senior Director of Organization Effectiveness. A determination will be made regarding appropriate corrective action, which may include remedial driver education or loss of driving privileges; SANDAG may determine that termination of employment is warranted for repeated policy violations or more serious offenses.

9.0 DRIVER ELIGIBILITY STANDARDS

All employees whose job duties require the operation of a motor vehicle, as described below in the section *Determining which Employees are Subject to a Driving Record Check*, shall provide SANDAG with permission to obtain a motor vehicle record on their behalf. The motor vehicle record shall meet the criteria described in this policy and must demonstrate an acceptable driving history. In addition, employees must maintain a valid driver's license for all types and classes of vehicles they drive for agency business and shall refrain from driving from SANDAG business if they have a permanent or temporary medical condition that impairs their ability to safely operate a motor vehicle.

An employee's driving record may be reviewed as often as deemed necessary by the Director of Human Resources or a SANDAG auto insurance carrier.

Employees are responsible for any driving infractions (tickets) or fines resulting from driving while performing SANDAG job duties.

10.0 DRIVING RECORD CHECKS

New employees will be subject to a driving record check at the time of hire; the check will be conducted on a pre- or post-employment basis depending on whether driving is considered an essential function for the employee's job.

Candidates for positions for which operating a motor vehicle is considered an essential job function will receive a contingent offer of employment from SANDAG and will undergo a pre-employment driving record verification prior to their start date. If the candidate is found to have a current driving record that does not meet the criteria described in this policy, or demonstrates an unacceptable driving history, SANDAG may revoke the offer of employment.

All employees, regardless of position or job responsibilities, or frequency, distance driven, or type of vehicle used for SANDAG business (fleet vehicles, personal vehicles, and rental cars), will be subject to continuous monitoring of their driving record.

10.1 DRIVING RECORD CHECK PROCEDURES

SANDAG uses the services of a third-party vendor to conduct employee driving record checks. The vendor will access information from the California DMV, or other state DMVs as necessary, to conduct the driving record checks.

Employees are required to sign an "Authorization for Release of Driver Record Information" or similar form that authorizes the DMV to disclose their driving record information to the third-party vendor. The driving record includes incidents that occur while driving for and outside of agency business.

The Director of Human Resources may access employee driving record reports prepared by the third-party vendor. If, upon review of a report it is determined that an employee's driving record triggers any of the criteria described in the *Driver Eligibility Standards* section of this policy, the Director of Human Resources will:

- Notify the employee, followed by his/her/their supervisor or manager, of the violation/s reported.
- In consultation with the supervisor/manager and Director, recommend appropriate action that should be taken based on the employee's driving record.

A driving record that fails to meet the criteria stated in this policy or is in violation of the intent of this policy as determined by the Senior Director of Organization Effectiveness in consultation with the employee's Director, will result in a loss of the privilege of driving for SANDAG business.

An employee's driving record may be reviewed as often as deemed necessary by the Director of Human Resources or a SANDAG auto insurance carrier.

The driving record information provided by the third-party vendor is confidential and cannot be used for any purpose except to determine an employee's eligibility to drive for SANDAG business.

All new employees will be presented with the "Authorization for Release of Driver Record Information" form at the time of hire.

Employees will be dis-enrolled from the driving record check program upon separation of employment.

10.2 UNACCEPTABLE DRIVING RECORD

An employee's driving record will be considered unacceptable if his/her/their record reflects the accumulation of six (6) or more violation points, as valued and enumerated by the DMV's Negligent Operator Program posted online at <https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/negligence>, within the last three (3) years. An employee with an unacceptable driving record will be suspended from driving for agency business and, depending on severity, may be subject to further disciplinary action. When the employee's current driving record reflects fewer than six (6) violation points within the last three (3) year period, the employee's record may be reviewed for possible reinstatement of driving privileges. The Director of Human Resources will initiate the review as part of administering this Vehicle Use and Safe Driving policy.

An employee will be considered to be in a "warning status" if his/her/their driving record reflects the accumulation of four (4) or more violation points, as valued and enumerated by the DMV Negligent Operator Program posted online at <https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines>, within the last 12 months. An employee in a "warning status" will be required to successfully complete remedial driver safety training and/or complete classes, programs, or activities identified by SANDAG designed to improve overall safe driving habits.

The total accumulated violation points will be considered when determining an individual's eligibility to drive for agency business regardless of whether the violations occurred during the course of employment or during an employee's personal time.

The conviction date recorded by the DMV shall be considered the starting date for the 12-month and 3-year periods described in this section of the policy.

The Director of Human Resources will review the driving record of any employee with two (2) or more at-fault incidents within the past twelve (12) months, or an employee who has demonstrated abuse, reckless operation, or negligent actions while operating a vehicle. An employee who has

demonstrated unsafe driving practices may be suspended from driving for agency business and depending on severity, may be evaluated to determine if there are grounds for further disciplinary action. If suspension of driving privileges is deemed appropriate, upon completion of the suspension period, SANDAG may review the employee's driving record for possible reinstatement of driving privileges. The Director of Human Resources will initiate the review as part of administering this Vehicle Use and Safe Driving policy.

10.3 SPECIAL PROVISIONS FOR CLASS I VIOLATIONS

An employee convicted of a Class I violation must report this information to the Director of Human Resources within 48 hours. Upon receipt of this information, the Director of Human Resources will notify the employee's supervisor or manager. Failure to notify SANDAG may result in disciplinary action up to and including termination.

An employee convicted of a Class I violation will be subject to a five (5) year driving record review. An employee with a Class I conviction who has demonstrated unsafe driving practices, as determined by the type, severity, and frequency of driving-related incidents and convictions, may be determined to have an unacceptable driving record, regardless of total violation points accumulated. In this situation, the employee will be suspended from driving for agency business and depending on severity, may be subject to further disciplinary action. If suspension is deemed appropriate, upon completion of the suspension period, SANDAG may review the employee's driving record for possible reinstatement of driving privileges.

An employee convicted of a Class I violation who retains their SANDAG driving privileges will be required to successfully complete remedial driver safety training and/or complete classes, programs, or activities identified by SANDAG designed to improve overall safe driving habits.

10.4 SPECIAL PROVISIONS FOR DUI CITATIONS

An employee shall report any citation for driving under the influence of drugs or alcohol (DUI) (a type of Class I violation) to the Director of Human Resources within 48 hours of receiving the citation. Upon receipt of this information, the Director of Human Resources will notify the employee's supervisor or manager. Any conviction resulting from a DUI or refusal to submit to a lawful roadside sobriety test shall result in disciplinary action up to and including termination, depending on the employee's essential job duties, past performance, and disciplinary record. In addition, SANDAG reserves the right to suspend the driving privileges for an employee currently participating in a drug or alcohol recovery program or Deferred Entry of Judgment Program. An employee participating in such a program must report this information to his/her/their immediate supervisor or the Director of Human Resources within

48 hours of being directed to, or agreeing to, participate in the program if the employee will be driving to conduct SANDAG business.

10.5 CONSEQUENCES OF TEMPORARY OR PERMANENT LOSS OF DRIVING PRIVILEGES

Temporary or permanent suspension of SANDAG driving privileges for an employee whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.

If an employee has his/her/their driving privileges suspended, and driving is not one of the employee's essential job functions, SANDAG may attempt to arrange for the employee to perform the essential functions of the job without driving. If such accommodation is not possible or creates an unreasonable hardship for SANDAG or the employee's co-workers, loss of SANDAG driving privileges shall be considered just cause for reassignment to an available position that does not require operation of a vehicle for which the employee is qualified, and at a pay rate commensurate with that position. If no such position is open, the employee may be terminated.

If driving is one of the employee's essential job functions, loss of SANDAG driving privileges shall be considered just cause for termination or reassignment to an available position, depending upon the severity of the circumstances and the employee's actions. If reassignment is considered, it shall be for a position for which the employee is qualified that does not require operation of a vehicle, and at a pay rate commensurate with that position. If no such position is available, the employee may be terminated.

10.6 REPORTING A CHANGE IN DRIVER'S LICENSE STATUS

An employee who has had their driver's license suspended or revoked must immediately discontinue operating a vehicle for SANDAG business and must report this information to the Director of Human Resources within 48 hours. Upon receipt of this information, the Director of Human Resources will notify the employee's supervisor or manager. Failure of an employee to report license suspensions, revocations, or restrictions may result in disciplinary action up to and including termination. Notification from an employee regarding the status of their driver's license shall be kept confidential and restricted to a need-to-know basis.

10.7 ELIGIBLE DRIVERS LIST

As part of obtaining and maintaining auto liability insurance, SANDAG must provide an Eligible Drivers List to its insurance carrier on at least an annual basis. The Eligible Drivers List is maintained by the Director of Human Resources and includes names of all employees who may drive for SANDAG business regardless of whether or not an employee is subject to an annual driving record check (see *Driving Record Checks* section above).

10.8 STAFFING AGENCY TEMPORARIES

In limited circumstances, the Senior Director of Organization Effectiveness, in consultation with the appropriate Director and the Director of Human Resources, may grant authorization for an individual from a temporary staffing agency to drive a SANDAG vehicle for agency business. The determination will be based on business necessity and whether driving is considered an essential function of the temporary employee's job assignment. Prior to the temporary employee driving for SANDAG, the staffing agency must conduct a driving record check for the temporary employee and provide the results to the Director of Human Resources and provide written authorization that the temporary employee may drive as part of their job duties. Only temporary employees who meet the minimum requirements defined in the *Driver Eligibility Standards* of this policy will be permitted to drive on behalf of the agency. Under no circumstances shall a temporary employee drive a personal or non-SANDAG owned vehicle in the performance of their SANDAG job duties.

11.0 DRIVER SAFETY TRAINING

An employee will be required to successfully take driver safety training, or other remedial driving training programs, when they have accumulated four (4) violation points, as valued and enumerated by the DMV Negligent Operator Program posted online at <https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines> within the last three (3) years, or their driving record reflects an at-fault incident with a claim value of \$2,500 or more. The program shall be completed within thirty (30) days of the incident.

An employee also may be required to complete remedial driver training if they demonstrate a recurring pattern (defined as 3 or more instances in a month, more than 3 times in a 6-month period) of unsafe driving practices. With respect to speed, exceeding the posted speed limit by 7+ miles/hour is considered unsafe driving. The monthly Fleet Vehicle Usage reports prepared by the Manager of Business Administration and Operations, and reviewed by the Senior Director of Organization Effectiveness, may be used to identify employees who are subject to further driver training.* Other issues related to unsafe driving that arise from employee use of agency or personal vehicles when conducting SANDAG business also may result in a requirement for an employee to complete driver training.

* Note: Unless otherwise noted when a fleet vehicle reservation is made, the employee who makes the reservation will be considered the responsible party if the vehicle is determined to have exceeded the posted speed limit.

Records as to who has taken Driver Safety training will be kept by the Director of Human Resources.

12.0 INCIDENT AND ACCIDENT REPORTING GUIDELINES

Employees must report any accident, theft, or damage involving a vehicle that occurs while it is being used for SANDAG business to their supervisor and the Manager of Business Administration and Operations, regardless of the extent of damage or injuries. Such reports must be made as soon as possible and no later than 48 hours after the incident. All accidents and incidents will be reviewed to attempt to determine the cause and whether the accident or incident could have been prevented. Employees are expected to fully cooperate with SANDAG management and law enforcement authorities in the event of an accident.

When a SANDAG employee is involved in any type of vehicular accident while driving for agency business, the employee shall:

- Immediately stop at the scene.
- If anyone is hurt, the employee should call 911 for emergency assistance.
- The employee shall notify appropriate law enforcement agencies.
- The employee should show his or her driver's license, vehicle registration card, evidence of insurance, and current address to the other driver, persons involved in the accident, and/or any officer in attendance. (The registration and insurance information for a SANDAG fleet vehicle should be located in the vehicle's binder, for a specific use vehicle this information can be found in the glove box.)
- If the accident involves another vehicle, the employee should ask to see the other driver's license, vehicle registration card, and evidence of insurance. The employee should record the other vehicle's license plate number, the other driver's license number, vehicle registration information, insurance policy number and coverage dates, the driver's current address, the names and addresses of any passengers, and any other relevant information.
- If, while operating a vehicle for SANDAG business, the employee hits a parked vehicle or other property, the employee should try to locate the vehicle or property owner to notify them of the incident and provide identification. If the owner cannot be located, then the employee shall secure a note containing the employee's name, business address, and business phone number to the damaged vehicle or property.
- The employee should take pictures of damage to the vehicle they were driving, other vehicle(s) or property involved in the accident, and the general accident site. Where possible, the pictures should be taken from close up, at a distance, and from several different angles. A disposable camera has been placed in the glove box of each SANDAG vehicle for this purpose. An employee also may use their own camera to take pictures.
- When the employee returns to SANDAG, the employee must report the details of the accident, and provide copies of all pictures taken at the accident site, to the Manager of Business Administration and Operations.

In response to a reported incident or accident, the Manager Business Administration and Operations will conduct an investigation, and in conjunction with the Director of Human

Resources, may recommend action regarding the employee's driving privileges to SANDAG management. In the event of any bodily injury, a Report of Injury form shall be completed by the employee and their supervisor and submitted to Human Resources.

All vehicular accidents must be reported to the DMV if more than \$1,000 in property damage occurred, or anyone was injured (no matter how slightly) or killed. The report must be made on the California Traffic Accident Report form (Form SR 1) and be made within ten days of the accident. If an employee is involved in an accident while driving for SANDAG business, the report must be completed and filed by the employee, whether the employee caused the accident or not and even if the accident occurred on private property. A copy of the report should be provided to the Manager of Business Administration and Operations. If the report is not filed with the DMV, the employee's driving privilege may be suspended. The police or California Highway Patrol will not file this report.

At-fault accidents are considered unsafe driving practices as defined in this policy and the employee may be subject to appropriate disciplinary action depending on the magnitude of the accident/s. An "at-fault" accident will be determined by either a court of law, if applicable, or by the Senior Director of Organization Effectiveness in conjunction with the employee's Director, and will be based on police reports, accident reports, witness statements, insurance company investigations, and any other factual material available.

13.0 VEHICLE MAINTENANCE AND INSPECTION

Vehicles are maintained in proper working order according to agency policy and manufacturer guidelines. All SANDAG vehicles are on a routine preventative maintenance schedule for servicing and checking of safety-related equipment. Regular maintenance is conducted at specific mileage intervals consistent with the vehicle manufacturer's recommendations. On an annual basis, a mechanic is asked to perform a thorough inspection of each vehicle with documented results placed in the vehicle's file.

If an employee uses his or her personal vehicle on SANDAG business, the owner should maintain the vehicle in a manner consistent with manufacturer's recommendations to provide the employee with maximum safety. Employees should not use a personal vehicle for SANDAG business that is in an unsafe working condition. SANDAG is not liable for accidents, injuries, or citations that may result from an employee driving an unsafe personal vehicle.

14.0 VIOLATION OF THE PROVISIONS OF THIS POLICY

Employees who violate any of the provisions in this policy may be subject to discipline, up to and including termination of employment. SANDAG has the discretion to discipline an employee whose license is suspended or revoked if this affects the employee's ability to do his/her/their job, or who fails to comply with the Vehicle Use and Safe Driving Policy.

SANDAG retains the right to amend or terminate this policy at any time.

Amended January 2024

Appendix A

SAFE DRIVING PRINCIPLES

The following are examples of behaviors and actions that may decrease the chance of incidents or accidents during the operation of a motor vehicle. Employees are encouraged to practice these and other principles, to maximize safe conditions for the driver, passengers, and other parties and property.

- Conduct a pre-use safety check on a vehicle before driving. Ensure that all vehicle safety equipment including headlights, turn signals, brake lights, and windshield wipers are functioning properly.
- Sit only in designated seats and wear the seat belt correctly; ensure all passengers do the same.
- Correctly adjust the head restraint; the top of a head restraint should be no lower than the top of the driver's head.
- Use head lights at all times, unless the vehicle is equipped with daytime running lights.
- Secure any materials, equipment, tools, or hazardous items being transported to prevent unsafe conditions. If possible, tools or hazardous materials should be stored outside the passenger compartment to prevent injury.
- Plan your route in advance. When possible, plan routes and times of operation to minimize your exposure to congested traffic conditions and use the safest roads.
- Obey all traffic signs, speed limits, and other warning devices. Always follow the posted speed limit.
- Keep your eyes alert to what is ahead or in your direction of movement. Check your side and rear-view mirrors often.
- Learn to recognize driving situations that can be hazardous.
- Assume other drivers will make errors and take appropriate precautions.
- Adjust speed, position, direction, and attention to be able to maneuver safely if a hazard develops.
- Be sure other vehicles, equipment, and pedestrians see you.
- Pedestrians and bicyclists will assume that you see them and that you will slow down. Don't assume they will give you the right-of-way.
- Avoid distractions that might divert your attention from driving. Do not engage in any activity involving the use of hands, other than those actions necessary to operate the vehicle. This includes, but is not limited to: eating, drinking, smoking, reaching for items, texting, using a cellular phone, and using the radio.

- Do not wear radio headsets, ear buds, or listen to audio equipment above a minimum volume that would prevent you from hearing normal traffic warning devices or distract you from your driving responsibilities.
- Always use mechanical and/or hand signals to inform other drivers of your intention to change lanes.
- Avoid driving in other driver's blind spots; attempt to make eye contact with other drivers, either directly or through mirrors.
- Use sunglasses and/or the visor to avoid glare.
- Do not get caught up in a road rage incident. Give aggressive drivers plenty of room and do not respond to them.
- Allow extra time in your journey for road work, congestion, and adverse weather conditions.
- When stopping behind another vehicle, leave enough space so you can see the rear tires of the vehicle in front. This allows room to go around the vehicle if necessary and may prevent you from being pushed into the vehicle in front of you if you are rear-ended.
- Follow the “three-second plus” rule. This means a driver should keep a three-second interval between their vehicle and the vehicle immediately ahead during “normal” traffic conditions with speeds below 40 mph. For each condition that exists beyond “normal”; one second should be added to the time. (Example: it is raining and dark – you would add two seconds).
- If your vehicle breaks down on a highway, park on the shoulder with your hazard lights on. Remain in the vehicle until a law enforcement officer or road service provider arrives to aid.
- Never drive while under the influence of alcohol or drugs.
- Never jeopardize safety to conduct SANDAG business. For example, do not answer phone calls, even with a hands-free device, if traffic or weather conditions make it unsafe to do so.

Workplace Violence Prevention Policy

SANDAG attempts to provide a safe work environment, free of violence, threats, or intimidation. All persons at SANDAG can help to ensure a safe working environment by taking precautions and reporting inappropriate behavior. This policy is intended to foster a safe work environment. Violation of this policy is unacceptable and will result in immediate disciplinary action up to and including termination of employment, removal from the SANDAG workplace, and possible criminal prosecution.

The Senior Director of Organization Effectiveness is responsible for periodically assessing the effectiveness of the workplace violence prevention program and revising policies, procedures, and training as necessary. This Workplace Violence Prevention policy shall be reviewed annually.

1.0 PROHIBITED CONDUCT

Violence, threats, and intimidation are prohibited in the SANDAG workplace. SANDAG defines violence, threats, and intimidation to include:

- Physical abuse
- Physical or verbal intimidation
- Threats of any kind
- Vandalism
- Arson
- Sabotage
- Stalking
- Telephone, email, or other electronic harassment
- Obscene telephone calls, emails, texts, etc.
- Use, sale, or possession of weapons at the workplace
- Acts that management deems inappropriate to the workplace
- Offensive jokes or comments regarding participation in violent events
- Domestic violence that crosses over into the workplace
- Any behavior that causes an employee to be fearful of their safety

This list is not meant to be exhaustive.

2.0 PROCEDURES

In an event of IMMEDIATE THREAT or DANGER to an employee or others, a person should proceed as follows:

- 2.1 401 B STREET / WELLS FARGO PLAZA BUILDING (downtown San Diego):
- Retreat immediately to safety. RUN if able to run; HIDE if it is not practicable to run; if unable to barricade or hide, then prepare to FIGHT.
 - If using a SANDAG office phone, dial an outside line by dialing 9, and then dial 9-1-1, to reach local law enforcement authorities (your call will be connected to the closest law enforcement agency). **NOTE:** You must tell law enforcement your exact address (e.g., 401 B Street, 8th floor, western side of the building), as they may not be able to pinpoint your location by your telephone number.
 - Contact the main receptionist at (619) 699-1900.
 - Contact a Director or the Director of Human Resources as soon as possible. DO NOT attempt to take matters into your own hands.
- 2.2 TOLL OPERATIONS CENTER / SOUTH BAY EXPRESSWAY FACILITY (Otay Mesa):
- Retreat immediately to safety. RUN if able to run; HIDE if it is not practicable to run; if unable to barricade or hide, then prepare to FIGHT.
 - If using a SANDAG office phone, dial an outside line by dialing 9, and then dial 9-1-1, to reach local law enforcement authorities (your call will be connected to the closest law enforcement agency). **NOTE:** You must tell law enforcement your exact address (e.g., 1129 La Media Road, 1st floor, Customer Service area), as they may not be able to pinpoint your location by your telephone number.
 - Contact the main receptionist at (619) 661-7070.
 - Contact a Director or the Director of Human Resources as soon as possible. DO NOT attempt to take matters into your own hands.
- 2.3 OTHER SANDAG WORK LOCATIONS:
- Retreat immediately to safety. RUN if able to run; HIDE if it is not practicable to run; if unable to barricade or hide, then prepare to FIGHT.
 - Call 9-1-1 to reach local law enforcement authorities (your call will be connected to the closest law enforcement agency). **NOTE:** You must tell law enforcement your exact address as they may not be able to pinpoint your location by your telephone number.
 - Contact a Director or the Director of Human Resources as soon as possible. DO NOT attempt to take matters into your own hands.

Any person who is victimized, feels victimized, observes, or has knowledge of any violation of this policy shall report the incident immediately to a Director or the Director of Human Resources

Any person who has obtained a restraining order against another person or who believes it is likely that he/she/they will be harassed at work shall notify a Director or the Director of Human Resources. A description of the individual (photograph if available) against whom the restraining order is filed should be provided to a Director or the Director of Human Resources.

If a violation of this policy is suspected, law enforcement representatives may be contacted to conduct searches of persons and property. SANDAG reserves the right to conduct searches and inspections at SANDAG workplaces. This includes, but is not limited to, any person's personal effects, such as: lunch containers, brief cases, purses, backpacks, company-issued computer files, boxes, lockers, desks, and filing cabinets.

Any illegal or unauthorized articles (such as firearms or weapons) or evidence of harassment discovered may be confiscated and turned over to law enforcement representatives.

Any SANDAG employee who refuses to submit to a search in conjunction with a suspected violation of this policy will be subject to disciplinary action up to and including termination.

All complaints will receive immediate attention and the situation will be investigated. Based upon the result of the inquiry, action will be taken which management believes is appropriate. No one acting in good faith who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

3.0 DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

SANDAG is sensitive to the needs of employees who are the victims of domestic violence, sexual assault, or stalking. SANDAG will not discriminate against employees based on their known status as victims of domestic or sexual violence.

SANDAG will provide job-protected time off for victims of domestic violence, sexual assault, or stalking, referred to as Safe Time, 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 themselves or their family members. An employee who is a victim of domestic violence, sexual assault, or stalking also may request time-off to attend to any of the following:

- to seek medical attention to recover from physical or psychological injury or disability caused by domestic violence, sexual assault, or stalking
- to obtain services from a victim services organization such as domestic violence shelter, program, or rape crisis center
- to obtain psychological or other counseling related to an experience of domestic violence, sexual assault, or stalking

- o to participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation
- o to obtain legal services, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic violence, sexual assault, or stalking

An employee who needs to take leave as a result of being a victim of domestic violence, sexual assault, or stalking should notify a Director or the Director of Human Resources. SANDAG will take steps to protect the confidentiality of an employee who takes time off to attend to matters concerning domestic or sexual violence.

SANDAG also will take steps to protect the safety of domestic or sexual violence victims, and other employees in the workplace, and will make reasonable accommodations at the request of victim employees.

4.0 APPLICABILITY

This policy applies to SANDAG employees and all other persons doing business with SANDAG, either on SANDAG premises or another work/business location.

5.0 TRAINING

All employees shall attend periodic training on workplace violence prevention.

Amended January 2024