

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

**RESOLUTION NO. 65-2014
Adopted August 19, 2014**

**AMENDING THE PERSONNEL POLICY TO INCLUDE SEXUAL HARASSMENT
AND WORKPLACE VIOLENCE**

RESOLUTION AUTHORIZING OCII to add the following sections of the Personnel Policy which are hereby revised effective immediately:

WHEREAS, The Office of Community Investment and Infrastructure, as Successor Agency to the Redevelopment Agency of the City and County of San Francisco (“OCII”), proposes to amend its Personnel Policy to confirm its current practices and update written policies covering important work place issues: 1) Workplace Violence & Reporting, 2) Treatment of Co-Workers and Members of the Public, and 3) Harassment. These policies call for OCII to maintain a workplace free from violence, threats of violence, and harassment, and to establish a procedure for handling complaints.

WHEREAS, OCII’s Human Resources Division has reviewed the policies of the City and County of San Francisco (“City”) and proposes that OCII policy should be consistent with the City policies, for which there is substantial administrative experience. The proposed amendment to the OCII Personnel Policy is based on the City’s Department of Human Resources Employee Handbook.

WHEREAS, The proposed amendments address harassment based on civil rights protected categories and sexual harassment. The section on sexual harassment includes several definitions of what constitutes unlawful harassment. The policy provides instruction as to how an employee may file a complaint alleging unlawful harassment, and responsibility for the prompt investigation of such complaints. The policy also assures employees that they will not be subject to any form of retaliation if they participate in the filing of claims of harassment.

WHEREAS, the proposed amendments address violence in the workplace and include a general prohibition against workplace violence, accompanied by a definition of what constitutes prohibited behavior. The policy also includes a procedure for reporting workplace violence and a general commitment and directive to staff committing to respectful behavior toward both co-workers and the public.

WHEREAS, OCII’s Human Resources Division has met with SEIU #1021 and IFPTE #21 to review these proposals. Both unions concurred that these proposed amendments were appropriate; now, therefore, be it

RESOLVED, the OCII hereby adopts the Amended Personnel Policy attached as Exhibit A.

Attachment A: OCII Personnel Policy

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of August 19, 2014.

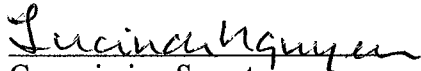

Commission Secretary

Exhibit A

**OFFICE OF COMMUNITY INVESTMENT AND
INFRASTRUCTURE / SUCCESSOR TO THE
REDEVELOPMENT AGENCY OF THE CITY AND
COUNTY OF SAN FRANCISCO**

Personnel Policy

PERSONNEL POLICY

OF THE

OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE / SUCCESSOR TO THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO

GENERAL

The purpose of the Personnel Policy of the Successor Agency to the Redevelopment Agency of the City and County of San Francisco ("Agency"), commonly known as the Office of Community Investment and Infrastructure or "OCII", is to ensure Agency employees of uniform personnel procedures and maintain the efficiency of the Agency through the appointment of competent persons and their retention under conditions that will be conducive to good morale. It generally conforms to the rules of the Civil Service Commission of the City and County of San Francisco.

This Personnel Policy is applicable to all employees of the Agency, however, separate or supplemental provisions included in approved employment agreements, union contracts or memoranda of agreement shall take precedence over conflicting provisions of this Policy for employees covered by such employment agreements or in classifications covered by such union contracts or memoranda of agreement.

The Executive Director shall maintain, or cause to be maintained, adequate records to reflect each personnel transaction.

The Agency, by resolution, may amend, revise or repeal the provisions of this Personnel Policy. Amendments and revisions shall become effective upon adoption or as otherwise provided by the Agency.

Revised August 19, 2014 by Commission Resolution No. _____

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I. POSITION CLASSIFICATION

Position classifications are established for each fiscal year by the Resolution Establishing Classifications of Positions and Compensation Schedules adopted by the Agency Commission and as amended by it from time to time.

A resolution establishing position classifications shall contain, but not be limited to, a determination of: (1) the compensation schedule plan applicable to each such classification and (2) the basis of comparability for each classification with positions in public service, where applicable, in the City and County of San Francisco that are similar in responsibility and required competence.

II. RECRUITMENT AND APPOINTMENT

A. General

1. The Agency shall recruit to obtain the persons best qualified in its judgment to render specific services in the operation of the Agency.
2. Appointment to any position in the Agency, including original appointment, promotion, demotion or reinstatement, shall be made only if funds are available for such position under an approved budget.
3. Appointments will be made on the basis of promotion from within the Agency to the maximum extent possible consistent with the accomplishment of the Agency's objectives.
4. Notice of availability of vacant positions may be circulated and if so circulated, employees shall be given an opportunity to apply for such vacancies.

B. Employment and Tenure - Appointment Authority

1. The Resolution Establishing Classification of Positions and Compensation Schedules shall specify the classifications in which appointment and tenure are the prerogative of the Agency Commission.
2. The Executive Director or his designee is authorized to make appointments to all other positions in classifications authorized by the Commission by original appointment, promotion, demotion or reinstatement and shall vacate such positions as the needs of the Agency require.

C. Types of Appointment - General

Appointment types are created only for the convenience of the Agency, and are not intended to establish tenure, rights or benefits not expressly enumerated in this personnel policy.

1. Permanent

- a. Generally, a permanent appointment shall be on a full-time biweekly salary basis.
- b. If the needs of the Agency require, appointment may be on a full-time hourly rate basis, or a part-time salary or hourly rate basis, provided, however, that such part-time appointment shall be on a regularly scheduled basis for not less than one-half ($\frac{1}{2}$) of the full-time working hours in a week.

Both the method of payment and number of work hours shall be determined prior to appointment. The number of work hours, if less than full-time, and the method of payment shall be incorporated in the papers authorizing the appointment.

- c. Appointees to classifications in which appointment and tenure is the prerogative of the Agency Commissioners, while designated "permanent", serve at the pleasure of the Agency Commissioners and may be terminated by them at any time without cause, notice, or right of appeal.

2. Temporary

All other appointments, including those of casual hourly rate employees, shall be classified as temporary.

D. Citizenship

An employee shall be a citizen of the United States or have the legal right to remain permanently in the United States.

E. Equal Employment Opportunity

This policy shall be consistent with federal and state laws and regulations governing equal opportunity in employment.

1. Non-discrimination

All personnel actions including recruitment, selection, assignment, evaluation, training, compensation benefits, promotion, discipline and discharge will be based upon uniformly applied criteria or relative fitness to perform the duties of the position sought or held, and not upon considerations of race, color, religion, gender, sexual orientation, national origin, age, disability, or political affiliation.

2. Policy Prohibiting Harassment

Harassment of Agency employees on the basis of sex, race, age, religion, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity or other protected category is prohibited and unlawful. Harassment consists of unwelcome visual, verbal or physical conduct engaged in on account of a person's actual or perceived membership in a protected category. Employees who are found to engage in harassment are subject to disciplinary action, up to and including termination. Harassment of employees, applicants or persons providing services by contract, whether by employees or non-employees, is prohibited. This policy applies to all employees and agents of the Agency; including supervisory and non-supervisory employees.

Employees with supervisory responsibilities play a key role in ensuring that the workplace is free of illegal harassment. In accordance with California law, supervisory employees are required to attend a course on preventing workplace harassment every two years, and new supervisors must complete training within six months of appointment. It is the responsibility of each supervisor to comply with this requirement, and the responsibility of each department to ensure such compliance. For questions, please contact the Agency's Human Resources Department.

3. Sexual Harassment

Federal law defines sexual harassment as unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical, visual or written conduct of a sexual nature directed to persons of the same or opposite sex when:

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

State law defines sexual harassment as unwanted sexual advances or verbal, visual or physical conduct of a sexual nature. These are some examples of sexual harassment:

- requests for sexual favors or unwanted sexual advances;
- offering employment benefits in exchange for sexual favors;
- making or threatening reprisals after a negative response to sexual advances;
- verbal harassment (e.g., graphic verbal commentary, derogatory comments, suggestive or obscene letters or telephone calls);
- physical harassment (e.g., assault, impeding or blocking movement, gestures, or any physical interference with normal work or movements); and/or
- visual forms of harassment (e.g., leering, derogatory or sexually explicit posters, letters, poems, graffiti, cartoons, computer screen savers or drawings).

4. How to Get Help

If an employee feels that he or she is being discriminated against or harassed by anyone on the basis of any protected category, or because the employee complained or assisted another

in complaining about discrimination or harassment, the employee should inform, his or her supervisor or other responsible officer immediately. If the employee does not want to tell his or her supervisor, the employee should contact the Agency's Human Resources Division.

The Equal Employment Opportunity Commission ("EEOC") and the California Department of Fair Employment and Housing ("DFEH") also investigate and prosecute complaints of harassment and discrimination in employment. Employees who believe that they have been harassed or discriminated against may file a complaint with either of these agencies. Both the EEOC and the DFEH serve as neutral fact finders and attempt to help the parties voluntarily resolve disputes. The DFEH office may be reached by calling (800) 884-1684. The San Francisco office of the EEOC may be reached by calling (800) 669-4000.

5. Responsibility for Responding to and Reporting Discrimination, Retaliation, and Harassment

All employees are encouraged to report harassing, retaliatory, or discriminatory behavior, whether directed at themselves or co-workers. Supervisory employees are required to take corrective action if employees are subjected to retaliation, discrimination or harassment on the basis of a protected category, and must report any such incidents to the Agency's Human Resources department. Supervisors who fail to report such incidents are subject to discipline.

6. Anti-Retaliation

The law and Agency policy also prohibit retaliation against any employee for opposing discriminatory practices, or for filing a complaint with, or otherwise participating in an investigation, proceeding, or hearing conducted by the EEOC or DFEH. If an employee believes that he or she has been retaliated against, the employee may use any of the procedures under the "How to Get Help" section above. If a complaint of retaliation is substantiated, the Agency will take prompt action to address and remedy it.

F. Application

1. If requested by the Agency, all applicants shall complete the Agency employment application form. Receipt of applications will not guarantee that the applicant or any other person will be hired for the position.
2. An applicant for employment shall be personally interviewed by the applicable supervisory staff whose areas of operation are involved and, as appropriate, by the appointing authority for appraisal of qualifications.
3. Oral and written performance tests may be required of applicants.
4. An applicant traveling to San Francisco for the purpose of a personal interview shall not be reimbursed by the Agency for costs of such travel unless reimbursement is authorized by a resolution of the Agency Commission.

III. PROBATION

- A. An applicant appointed to a permanent position by the Executive Director or his designee whether by original appointment, promotion, demotion or reinstatement shall serve a probationary period during which he or she is required to demonstrate by actual performance his or her fitness for the duties of the position to which appointed.

The Agency shall periodically evaluate performance during an employee's probationary period and may make periodic performance evaluations of any employee at such other times as it deems appropriate.

- B. The probationary period shall be not less than six (6) nor more than twelve (12) full calendar months. However, an employee serving the probationary period following original appointment, or reinstatement following six (6) months or more of separation, whose services are unsatisfactory may be terminated by the appointing authority at any time during the probationary period without right of appeal.

G. Qualifications and Character

The appointing authority shall cause inquiry to be made of former employers or other persons who might possess knowledge of the applicant's qualifications, character and past performance. This inquiry shall be completed and evaluated prior to appointment and information received shall be confidential.

H. Oath of Allegiance

A person appointed to a position with the Agency must complete the form entitled "Oath of Allegiance-Successor Agency to the San Francisco Redevelopment Agency".

I. Nepotism

1. No person shall be employed who is closely related to either an appointing authority or to applicable supervisory staff whose areas of operation are involved. In addition, unless approved in advance by the Executive Director, closely related persons may not be assigned to the same area of operation.
2. Closely related shall mean spouse, child (including adopted, foster or step-child) or his or her child; parent, grandparent or step-parent; brother or sister (including half- or- step-); uncle, aunt, nephew, niece, cousin; relatives by marriage (mother-, father-, brother-, sister-, son- or daughter-in-law); members of the same household.
3. Employment shall mean any compensated personal services to the Agency which include serving as an employee, consultant, independent contractor or owner of a business.

6. Employees laid off by the Agency will receive severance pay according to the following schedule:

<u>Full years of Employment</u>	<u>Weeks of Severance Pay</u>
one	one
two to five	two
six to ten	three
eleven or more	four

An employee recalled and laid off again will be entitled to payment of severance pay an additional time only if he or she works at least a year between layoff periods. The amount of such pay will be determined solely by the length of the most recent Agency employment.

D. Reinstatement

1. An employee who has resigned in good standing or has been laid off may be reinstated if a position becomes available in the classification from which he or she has resigned or been laid off or in another classification for which he or she is qualified.
2. If an employee's reinstatement occurs within six (6) months of the date of resignation or layoff, the following conditions apply:
 - a. The employee shall be entitled to regain accrued sick leave lost at the time of resignation or layoff.
 - b. The period of separation shall not be included in the computation of vacation and sick leave credit or seniority; provided, however, that actual service time will be treated as continuous.

E. Administrative Leave

Administrative leave is the temporary separation of an employee from the service of the Agency for reasons deemed by the appointing authority to be in the best interests of the Agency. Administrative leave is non-punitive in nature and the employee shall not be entitled to prior notice or to any appeal of such action. Administrative leave shall be with pay and shall not exceed thirty (30) days in any calendar year.

F. Suspension

1. Suspension is the temporary separation of an employee from the service of the Agency without pay because of unsatisfactory performance or as a result of disciplinary action. All permanent employees who are suspended, except those whose appointment and

IV. SEPARATIONS

A. Resignation

1. Resignation is the voluntary separation of an employee from the service of the Agency. An employee wishing to resign in good standing shall be required to give at least two (2) weeks' written notice to the Agency.
2. Once a resignation has been submitted to the Agency, it may not be withdrawn on or after the effective date stated therein without the mutual approval of the appointing authority and the employee. No affirmative act of acceptance by the appointing authority is required to render a submitted resignation effective. If no effective date is specified in the resignation, the resignation may be considered to be effective at the close of business on the following work day by the appointing authority.

B. Retirement

Retirement is the separation of an employee from the service of the Agency after he or she has earned a Service Retirement Allowance under the Public Employees' Retirement System. An employee may retire at any time after reaching the age of 50 if he or she has earned a Service Retirement Allowance.

C. Layoff

1. Layoff is the separation of an employee from the service of the Agency by action of the appointing authority because of lack of work or lack of funds.
2. Layoff within each classification shall be based on the following:
 - a. The Agency's need for the individual experience and skills of the employees within such classification.
 - b. Seniority.
3. An employee subject to layoff in a classification to which he or she has been promoted from a lower classification may be offered a position in the classification from which promoted under the conditions cited in Paragraph 2 above.
4. An employee shall be given two (2) weeks' notice prior to layoff.
5. Employees who have received notice of layoff may receive up to 32 hours of paid release time to seek other employment.

tenure are the prerogative of the Agency Commission, shall be entitled to an appeal of the suspension as set forth in Section X, Appeals.

2. Suspension shall be without pay and shall not exceed thirty (30) days in any calendar year.

G. Discharge

1. Discharge is the separation for cause of an employee from the service of the Agency by action of the appointing authority because of unsatisfactory performance or as a result of disciplinary action. All permanent employees who are discharged, except those whose appointment and tenure are the prerogative of the Agency Commission, shall be entitled to an appeal of the discharge as set forth in Section X, Appeals.
2. An employee may be given two (2) weeks' notice prior to discharge.

H. Procedures for Discharge and Suspension

In the case of any discharge or suspension, the employee, except an employee whose appointment and tenure are the prerogative of the Agency Commission, shall be given notice of the proposed action; the reasons therefore, including a copy of the charges and materials upon which it is based; and the right to respond, either orally or in writing, including the right to an appeal of the action as set forth in Section X, Appeals. An employee shall be afforded such rights prior to the effective date of the proposed action unless, in the judgment of the Executive Director or his designee, the circumstances constitute an emergency in which it is necessary to take immediate action. Such emergencies shall include, but not be limited to, situations in which there is risk of harm or violence to persons, damage to property, or destruction of evidence.

V. HOURS OF WORK

A. Regular Work Week

The work week for all permanent full-time employees shall be forty (40) hours, consisting of five (5) eight (8)-hour days, Monday through Friday, exclusive of designated holidays.

B. Hours of Work

1. All Agency offices shall be kept open each day in the work week from 8:00 a.m. to 5:00 p.m.
2. Regular work week hours may be shifted from these hours for all or certain employees if in the judgment of the Executive Director such changes are necessary, provided that an employee is not required to work regularly in excess of a forty (40)-hour work week.

C. Lunch Period

1. An employee shall be allowed a sixty (60)-minute lunch period.
2. The lunch period shall generally be scheduled between 12:00 noon and 1:00 p.m.

D. Rest Periods

An employee is entitled to one (1) fifteen (15)-minute rest period in the morning and one (1) fifteen (15)-minute rest period in the afternoon.

E. Attendance

1. Each supervisor shall keep daily attendance records.
2. An employee who will be tardy shall report to his or her supervisor as promptly as possible after the start of the work day.
3. An employee absent without approved leave who fails to report and is absent for five (5) or more working days may be considered to have resigned in other than good standing. Prior to treating such unexcused absences as a resignation, the Agency shall provide written notice of the facts supporting resignation and an opportunity to respond. Notice shall be given by first class mail, postage prepaid, to the employee's last known address in the Agency's records. An employee who disagrees with the decision of the Agency shall have a right of appeal in accordance with Section X. Any employee who does not

respond within ten (10) calendar days after notice is deposited into the mail shall be deemed to have waived the right of appeal.

F. Overtime

1. Definition

An employee may be requested to perform required work in excess of eight (8) hours per day or forty (40) hours per week. Such time shall be designated as overtime and shall be compensated as set forth in the following sections. Authorization must be given in advance by a supervisory employee designated by the Executive Director and shall not be given for a period of less than thirty (30) minutes.

2. Paid Overtime

An employee in a classification designated by the Commissioners of the Agency in the Resolution Establishing Classification of Positions and Compensation Schedules as eligible for paid overtime shall be compensated for authorized overtime at one and one-half (1-½) times the rate of the employee's regular compensation.

3. Compensatory Time

a. Accrual

An employee who is not eligible for paid overtime may accrue compensatory time at the rate of one and one-half hours for each hour of authorized overtime.

b. Use of Time Off Entitlement

With the prior approval of the supervisor as to scheduling, an employee shall have an entitlement to compensatory time off to a maximum of 120 hours in any calendar year.

G. Holidays

1. Except as indicated below, all Agency offices shall be closed on the following days:

January 1st, the third Monday in January, the third Monday in February, the last Monday in May, July 4th, the first Monday in September, the second Monday in October, November 11th and December 25th.

The Agency offices shall also be closed on Thanksgiving Day, the day after Thanksgiving Day and every day appointed by the President or Governor for a public fast, thanksgiving or holiday.

2. Holidays that fall on a Sunday shall be observed on the subsequent Monday.

3. Holidays that fall on a Saturday shall be observed on the preceding Friday.
4. Each employee shall be entitled to three days off during each calendar year for personal leave, to be taken by agreement with the employee's supervisor as to scheduling. During the calendar years 1995, 1996 and 1997 only, each employee shall be entitled to take one (1) additional day for personal leave._
5. A permanent employee hired on or after May 1 shall be entitled to two personal leave days in that first calendar year of employment. If hired on or after September 1, a permanent employee is entitled to one personal leave day in that first calendar year of employment.

VI. LEAVE

A. Leave With Pay

1. General

- a. A permanent employee shall be entitled to earn leave with pay, which is an authorized absence from work on scheduled working days.
- b. Entitlement to leave with pay of a permanent employee working less than the total number of regularly scheduled hours in a week, but not less than one-half ($\frac{1}{2}$) such hours, shall be based on the following formula:

$$\begin{array}{l} \text{Entitlement for} \\ \text{full-time employee} \end{array} \quad \times \quad \begin{array}{l} \text{Regularly scheduled hours} \\ \text{in week by part-time employee} \end{array}$$

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- c. An employee shall gain credit for a full pay period provided the employee is in pay status not less than one-half ($\frac{1}{2}$) of the regularly scheduled working hours that biweekly pay period. For the purpose of this section, time in pay status shall include that in which combined salary and indemnity pay are made (as provided by Section VII.A.5) in an amount equal to regular compensation for not less than one-half ($\frac{1}{2}$) of the regularly scheduled working hours in any such biweekly pay period.
- d. Holidays falling within approved periods of leave with pay shall not be charged against such leave.

2. Vacation

- a. A permanent full-time employee with less than five (5) years of service shall earn vacation credit at the rate of 3.09 hours per pay period (approximately ten days per year).
- b. Following completion of five (5) years of service, vacation credit shall be earned at the rate of 4.63 hours per pay period (approximately fifteen days per year).
- c. An employee shall earn an additional 40 hours of vacation upon completion of five (5) years of service.
- d. Following completion of fifteen (15) years of service, vacation credit shall be earned at the rate of 6.16 hours per pay period (approximately twenty days per year).
- e. An employee shall earn an additional 40 hours of vacation upon completion of fifteen (15) years of service.

- f. In determining the effective anniversary date of an employee, allowance shall not be made for any pay period in which the employee is on leave without pay or separated from the service of the Agency unless he or she is in pay status not less than one-half (½) of the regularly scheduled work hours in such pay period.
- g. Vacation credit earned may accrue from one year to the next provided, however, that an employee whose total vacation credit exceeds the following limits on January 1 of each calendar year shall earn additional vacation at a reduced rate until the employee's total vacation credit falls below the applicable limit at the conclusion of two (2) consecutive pay periods:

<u>Years of Continuous Service</u>	<u>Limit</u>
1 through 5	320 hours
more than 5 through 15	360 hours
more than 15	400 hours.

The reduced rate shall be 3.09 hours per pay period notwithstanding any of the provisions in paragraphs a. through e. above. The Agency shall provide reasonable advance notice to employees whose vacation credit balances are near these limits. In addition, no employee whose vacation credit exceeds these limits shall be eligible to use compensatory time until the total vacation credit falls below the applicable limit for two (2) consecutive pay periods.

- h. Vacation credit may not be used prior to the completion of six months of service.
- i. After January 1 of each year, an employee who has completed five (5) years of service shall be entitled to use the hours of vacation to be earned in that calendar year.
- j. An employee wishing to use accrued vacation credit shall submit a request for leave to his or her supervisor his or her for approval in advance of the starting date of the leave.
- k. Except in cases of separation from the service of the Agency due to disability retirement, as the result of an industrial injury under workers' compensation laws of the State of California, or because of death, if an employee leaves the employ of the Agency prior to the end of the calendar year, reconciliation of vacation leave earned and taken to date of termination shall be made. If the employee owes the Agency for unearned leave, the actual value of unearned leave shall be deducted from final pay. Leave time earned but unused at the date of termination shall be added to final pay.

3. Sick Leave

a. Definition

Sick leave is an authorized absence from duty granted an employee who is unable to work because of:

- (1) Personal illness or injury, childbirth*, or appointment for dental or medical examination or treatment.
- (2) Required attendance for conditions cited in (1) above involving spouse, child (including adopted and stepchild), parent, brother or sister (including half- or step-), or any person residing in his or her immediate household, except servants, roomers or roommates.
- (3) Exposure to a contagious disease resulting in quarantine, or the advice of a doctor to avoid contact with others until the danger of infection to others has passed.

The term doctor shall include licensed physician, surgeon, dentist, osteopath, chiropractor, podiatrist, or Christian Science Practitioner. The term medical examination or treatment shall include the services of any of the foregoing.

b. Administration

- (1) A permanent employee shall earn sick leave credit at the rate of four (4) hours per biweekly pay period.
- (2) An employee may use sick leave after the end of the pay period in which sick leave credit is first earned.
- (3) An employee may accumulate sick leave credit to a maximum of 1,040 hours. Sick leave credit in excess of this amount shall be accumulated in a non-payable sick leave account which will be creditable as service credit upon retirement pursuant to Section 20862.8 of the Public Employees' Retirement Law.
- (4) An employee must provide a doctor's certificate for absences in excess of five (5) consecutive work-days charged against sick leave and may be required to do so for absences of five (5) work-days or less.
- (5) When an employee uses accrued sick leave credits to supplement disability payments for Worker's Compensation, sick leave with pay credits shall be thereafter earned at a rate of two (2) times the regular rate until the amount of sick leave credits used to supplement disability payments for Worker's Compensation is made up.

* Maternity leave, which is an authorized absence from duty because of childbirth and infant care for a period preceding and/or following the birth, is not granted as such by the Agency. In addition to authorized sick leave as described above, vacation and compensatory time may also be used subject to the prior approval of an employee's supervisor as to scheduling. The Executive Director may also grant leave without pay subject to the conditions of Section VI. B.

4. Bereavement Leave

- (a) Paid Bereavement leave for persons closely related shall not exceed a maximum of three (3) working days, or four (4) working days when travel is required out of state, but such leaves shall not extend beyond two (2) working days after the date of burial.
- (b) Closely related shall mean spouse or domestic partner; child (including adopted or stepchild), child for whom the employee has parenting responsibilities, grandchild, parent, grandparent or step-grandparent, brother or sister (including half- or step-); uncle or aunt; relatives by marriage (mother-, father-, brother-, sister-, son-, or daughter-in-law) or parents of a domestic partner; or any person who is permanently residing in the household of the employee.
- (c) Leave will be granted in the event of the death of other relatives or persons to whom the employee reasonably may be deemed to owe respect, but use of bereavement leave in such cases shall be for not more than one (1) day to permit attendance at the funeral of said person. Two (2) additional working days may be granted if travel outside the State of California is required to attend the funeral of such person. Leave due to the deaths of persons not closely related shall be charged against the employee's accrued sick leave.
- (d) Nothing herein shall preclude the use of other accrued leave or leave without pay to supplement bereavement leave in the event of the death of a closely related person, provided that use of such leave shall be with supervisory approval.

5. Military Leave

Military leave is an approved absence from duty granted to an employee who has completed the probationary period and who is engaged in the performance of ordered United States military or naval service.

The following rules apply:

- a. Military leave shall not exceed thirty (30) calendar days in any calendar year, nor thirty (30) calendar days in any period of continuous military leave.
- b. An application for military leave must, when possible, be made in advance and must be substantiated by a copy of competent orders. Upon return from military training leave, an employee shall, if requested to, submit a certificate of attendance showing the days on which he or she was engaged in military training.

6. Court Leave

Court leave is an approved absence from duty granted to an employee who is required to serve as a juror, to testify as a witness or to have his or her deposition taken. The amount

of leave granted shall not exceed the period reasonably required for such purpose. Any fees paid to an employee in connection with court leave shall be paid to the Agency.

7. Voting Leave

Voting leave is an approved absence from duty granted to an employee who does not have sufficient time to vote at a statewide election outside of regular working hours.

The following rules apply:

- a. The employee may take enough working time which, when added to the voting time available outside of working hours, will enable the employee to vote.
- b. No more than two hours of the time taken off as voting leave shall be with pay.
- c. The time off shall be only at the beginning or end of the regular working hours, whichever allows the most free time for voting and the least time off from the regular working hours, unless mutually agreed otherwise by the supervisor and employee.
- d. The employee shall give at least two working days notice that voting leave is necessary and desired.

B. Leave Without Pay

Leave without pay is an authorized absence from duty in a nonpay status granted to a permanent employee at his or her written request.

1. Permanent Employees with more than one year of continuous service to the Agency are entitled to receive unpaid family leave to the extent provided by the California Family Rights Act of 1991 (California Gov. Code § 12945.2) and federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2601 et seq.) and accompanying regulations, as those laws may be amended from time to time. The terms of such leave shall be the minimum provided by these laws and upon application for such leave the employee will receive a description of the then-current legal requirements.
2. An employee who has completed the probationary period and who leaves his or her position to engage in the performance of ordered military or naval service shall at the termination of leave with pay (pursuant to section VI. A. 5, above) be carried on the payroll in a leave without pay status. Upon application to the Agency within three (3) months after discharge from such service, he or she shall be entitled to return to the same or a comparable position.
3. The Executive Director may grant unpaid leave for other purposes (or for additional family care) to an employee who has completed the probationary period, if in his or her judgment the absence of the employee will not affect the work of the Agency adversely. Total unpaid leave time shall not exceed one (1) year except in the case of an employee's military obligation.

4. An employee on military leave or family leave shall be entitled to return to the same or a comparable position at the termination of the leave. For all other leave, an employee may return to his or her former position providing the Agency has need for his or her services at the termination of such leave.
5. Leave without pay for military service shall be included in the computation of seniority. All other leave without pay shall not be included in the computation of seniority.

C. Sick Leave and Vacation Transfer

1. Employees who have suffered a life-threatening illness or injury may apply to the Executive Director for the voluntary transfer of sick leave and vacation from other employees to assist with their continuation of pay status. All necessary forms and the administration of the transfer policy will be handled by the Personnel/Payroll Departments. Eligible employees may transfer accumulated sick leave and vacation to other employees in the Agency who have been diagnosed with catastrophic illnesses or injuries pursuant to the provisions outlined below.
2. Transfer Policy Regulations:
 - a. Definition of catastrophic illness:
 - (1) The employee has sustained a life-threatening illness or injury, which clinical condition is sufficiently grave and debilitating that common clinical judgment would view the condition as life-threatening; and
 - (2) Such illness or injury prevents the employee from returning to work for at least 30 days, or the illness or injury results in the employee's absence on a recurring basis; and
 - (3) The employee has already exhausted all available paid sick, vacation, and compensatory time.
 - b. Determination of eligibility for transferee status:
 - (1) Any permanent full and part-time employee of the Agency who is eligible to accumulate and use sick leave and vacation credits;
 - (2) The employee has been found by a licensed medical professional to meet the definition of catastrophically ill as outlined above.
 - (3) Eligibility to transfer sick leave and/or vacation credits:
 - (i) The transferring employee must retain a minimum sick leave balance of 64 hours; no minimum vacation time must be maintained;
 - (ii) Transfers shall be made in units of hours, which shall be converted to their dollar equivalent value according to the salary level of the transferring

employee and then converted to hours for the receiving employee at the dollar equivalent value according to the salary level of the receiving employee;

- (iii) All transfers are irrevocable;
- (iv) The transferring employee may transfer a minimum of eight (8) hours in any one transaction and maximum of one hundred and twenty (120) hours of sick leave in any one year. The transferring employee may transfer unlimited vacation in any one year.
- (v) Employees must transfer sick and vacation leave to recipients in a ratio of at least one (1) hour of vacation for each five (5) hours of sick leave donated.

3. Confidentiality:

- a. All medical records submitted by an employee or physician pursuant to this provision are to be kept confidential;
- b. Until a determination is made by the Executive Director, the status of an employee's application is to be kept confidential by the parties processing the application;
- c. Following approval the application will remain confidential unless the employee consents to disclosure;
- d. The names of employees donating hours pursuant to this provision will remain confidential. Any violation of the confidentiality provision of this section shall be grounds for disciplinary action.

4. Abuse or Coercion:

- a. No employee shall directly or indirectly solicit the transfer of sick leave or vacation credits;
- b. No employee shall offer or accept any compensation for the transfer of any sick leave or vacation credits pursuant to this section in full or partial exchange;
- c. No employee shall threaten or in any way attempt to coerce an employee with respect to transfer of sick leave or vacation credits pursuant to this section. Violation of the provisions of this subsection shall be grounds for disciplinary action.

5. Integration of State Disability Insurance Benefit and Appeal Process:

- a. All hours transferred shall be credited as sick leave for the receiving employee. As they are used, they shall be treated as though they were the employee's own sick leave for all purposes, including for continued accrual of vacation credits, sick leave, and retirement service; service for pay increments, and eligibility for holiday pay.

- b. Appeals of the Executive Director's decision to deny the transfer of sick leave or vacation will be referred to a mutually agreed upon arbitrator with appropriate medical expertise provided by the American Arbitration Association.

VII. COMPENSATION

A. Administration

The Executive Director shall determine the compensation of each employee in accordance with the policies set forth in this section.

1. a. An employee shall not be paid a salary that exceeds the maximum salary established for the position classification to which he or she is appointed.

b. A salaried part-time employee working less than the total number of regularly scheduled hours in a week but not less than one-half ($\frac{1}{2}$) such hours shall be paid on the following formula:

$$\text{Authorized biweekly salary} \times \frac{\text{Regularly scheduled hours in week by part-time employee}}{40}$$

40

c. A non salaried employee shall receive an hourly rate which when multiplied by 80 does not exceed the biweekly salary authorized for the position to which appointed.

2. An appointee shall generally enter on duty at the first step of the salary range.

3. Compensation for the previous biweekly pay period shall generally be paid by check on alternate Fridays.

4. Except in an emergency housing situation and subject to Executive Director approval, an employee may not be paid in advance of time worked.

5. An employee who is entitled to temporary disability indemnity benefits payable under the State of California Unemployment Insurance Code may elect to take as much of his or her accumulated sick leave, vacation with pay and compensable overtime, or any combination of this as when monetized and added to his or her disability indemnity payment will result in a payment of not more than the full salary during the period in which the indemnity is paid.

B. Changes in Employment Status

1. An employee, on written recommendation of the supervisor and approval of the Executive Director or his designee, shall be advanced:

a. To the next step above the entrance step after satisfactory completion of the probationary period, or in the case of Commission appointees, after completion of six (6) months of service.

- b. To the second step above the entrance step after completion of an additional six (6) months of service.
 - c. Thereafter to succeeding steps after completion of each twelve (12) months of service to the maximum of the salary schedule plan applicable to his or her position classification.
2. Advances shall be effective the next day following completion of the required service.
3. An employee promoted to a position classification having a higher salary range shall be paid in the new classification the salary step which represents an increase of at least seven and one-half (7-½) percent over that employee's previous salary, to the extent that the new salary range allows such increase. Thereafter, advancement shall be as provided in Paragraph 1 above.
4. In those cases where reclassification results in allocation of a position or classification to a lower salary range, the salary of the incumbent employee shall not be decreased but shall, until termination or other applicable change, remain at its present level by assignment of an off-range rate where necessary.
5. In those cases where reclassification results in allocation of a position or classification to a higher salary range, salary increases shall be made as follows:
 - a. Where the difference in salary ranges is ten percent (two schedule plan numbers) or less, the salary change shall be made on a step-to-step basis and the same salary step progression shall be maintained.
 - b. Where the difference in salary ranges is more than ten percent (two schedule plan numbers), the salary change shall be made as provided in paragraph 3 above.
6. Temporary assignments and appointments to higher classifications will be made as follows:
 - a. Employees may be temporarily assigned to work in classifications higher than their permanent classifications up to thirty (30) calendar days without a change in rate of pay.
 - b. Where a temporary assignment extends beyond thirty (30) calendar days, a temporary appointment to the higher classification shall be made effective on the thirty-first (31st) day, and the employee shall be paid at the rate applicable to the higher classification for the duration of the temporary appointment.
 - c. An exception to the above policy shall be made where permanent appointment to the higher classification requires approval of the Agency Commission. In such cases, a temporary assignment may extend beyond thirty (30) calendar days and employees

assigned to such classifications shall not be entitled to a temporary appointment or change in rate of pay.

C. Terminal Pay

1. An employee separated from the service of the Agency shall be given terminal pay for earned vacation credit and for annual entitlement of compensatory time off (maximum 120 hours) not used through the date of separation.
2. An employee separated from the service of the Agency due to service or disability retirement, as the result of an industrial injury compensable under Workers' Compensation laws of the State of California, or because of his or her death shall receive payment at his or her current salary rate in accordance with the following schedule for credits of sick leave earned prior to June 30, 1980, and unused at time of separation:

<u>Length of Service</u>	<u>Percentage of Cash Payment</u>
15 or more years of service	100%
More than 5 years but less than 15 years of service	50%
Up to and including 5 years	33 1/3%

Such payment shall be payable at the time of separation, or at a later date when so elected by the employee, but within one year of such retirement, separation or death. When this payment is made because of an employee's death, the payment may be made to his or her estate.

3. A separated employee shall lose all other accrued benefits, including sick leave and seniority, except as provided in paragraph 2 above or as otherwise provided under Section IV, Paragraph D (Reinstatement).

VIII. RETIREMENT, INSURANCE AND SAVINGS PROGRAMS

The Agency administers the following employee programs:

A. Retirement

1. Public Employees' Retirement System (PERS) combined with Federal Social Security *
2. Federal Social Security (Old Age Survivors and Disability Insurance (OASDI)) **
3. Deferred Compensation Plan ***

B. Insurance

1. California State Unemployment and Disability Insurance **
2. Group Medical Insurance ***
3. Group Dental Insurance ***
4. Group Life Insurance ***
5. Group Accidental Death and Dismemberment Insurance ***

C. Savings

1. San Francisco Municipal Employees Credit Union ***
2. United States Savings Bonds ***

D. Agency Participation

Subject to the availability of funds, the Agency participates in the cost of all programs except the two savings programs, the Deferred Compensation Plan and the Accidental Death and Dismemberment Insurance.

- * Mandatory for permanent employees. Automatic deductions will be made by the Fiscal Division.

- ** Mandatory for all employees. Automatic deductions will be made by the Fiscal Division.

- *** Optional. An employee wishing to participate must provide the Fiscal Division with signed authorization to make the appropriate deductions.

IX. EMPLOYEE'S RESPONSIBILITY

An employee is responsible for cooperating with the Agency Commissioners, the Executive Director, and other employees of the Agency to fulfill the goals and objectives of the Agency.

An employee shall also be responsible for appropriate conduct in the following situations and activities, and violation of these standards may constitute good cause for discharge or other disciplinary action by the Agency:

A. Industrial Accident

An employee injured on duty shall immediately report the incident to his or her supervisor.

B. Political Activity

1. The Agency operates with Federal funds and is therefore subject to the provisions of the Hatch Political Activity Act, 5 U.S.C. § 1502 (1977) which prohibits certain partisan political activity by persons whose salaries are paid with Federal funds. The Agency is also subject to state law regulating political activities of public employees as set forth in California Government Code Section 3201, et seq.
2. An employee contemplating political activity of any kind is responsible for complying with these state and Federal laws and for discussing his or her proposed activity in advance with the Agency General Counsel to determine whether it comes within the prohibitions of these laws.

C. Publicity

An employee shall obtain the authorization of the Executive Director prior to release of any publicity relating to Agency policies and activities.

D. Expenditure of Agency Funds

An employee shall observe written procedures with respect to the purchase of materials and supplies and the expenditure or encumbrance of Agency funds.

E. Use of Agency Vehicles

An employee shall observe the procedures regarding use of Agency vehicles and shall immediately report any accident involving his or her use of an Agency vehicle to the Administrative Services Officer.

F. Outside Paid Employment

1. An employee shall not accept outside paid employment without first obtaining approval of the Executive Director by means of a written request which shall include the name of the outside employer, type of work proposed to be done and the schedule of hours to be worked in the outside employment.
2. Outside paid employment is defined as compensated personal services which include serving as an employee, consultant, independent contractor or owner of a business.
3. No outside paid employment shall: (a) impair the efficiency or in any way interfere with the full and proper performance of the employee's regular Agency employment; (b) be in any way inconsistent, incompatible or in conflict with assigned Agency duties or responsibilities of the Agency; or (c) be contrary to the interests of the Agency generally and lead to situations which would reflect discredit on the Agency service.

G. Personal Conduct

1. An employee shall at all times conduct himself or herself so as to reflect credit to himself or herself and to the Agency. The conduct of an employee, whether occurring during working hours or otherwise, must not adversely affect the Agency or the employee's ability to perform his or her duties with the Agency.
2. An employee shall so conduct his or her personal financial affairs as to keep the Agency free of involvement.

H. Prohibited Activities of Present and Former Employees, Commissioners and Consultants

1. Unless approved in advance in writing by the Agency, no present or former employee, Commissioner or consultant of the Agency shall knowingly act for anyone other than the Agency in connection with any particular matter in which the Agency is a party, or has a direct and substantial interest, and in which he or she participated personally and substantially as an Agency employee, Commissioner or consultant whether through decisions, recommendations, advice, investigation or otherwise. Violation of this section by a present employee, consultant or Commissioner may, in the case of an employee or consultant, be grounds for discharge or termination of the consultant contract, and in the case of a Commissioner, be considered misconduct in office pursuant to California Health and Safety Code § 33115.
2. No former Agency employee or Commissioner shall within a period of two years after termination of such position appear before the Agency Commission for any purpose except to represent himself, herself or the Agency.

3. Any contract, approval or other action or omission by the Agency substantially influenced by, or obtained in violation of, the standards of conduct set forth in paragraphs 1 and 2 above, shall, at the sole option of the Agency, be voidable and subject to disaffirmance.

I. Reportable Interests

In order that the Agency may have information to permit it to avoid making work assignments which could result in breach of confidentiality, conflict of interest or other adverse effects upon the Agency, an employee shall immediately report to the Executive Director:

1. Any interest in real property, other than real property owned and used exclusively by the employee as his or her personal residence, that meets any of the following criteria:
 - a. is located in San Francisco;
 - b. is owned in conjunction with an individual or business entity doing, or intending to do, business with the Agency; or
 - c. requires more than 40 hours per month of the employee's time in management or maintenance of the property.
2. Any business or financial relationship, or those of the employee's family of which the employee is aware, with developers, contractors or consultants which are doing, or intend to do, business with the Agency.

J. Policy Prohibiting Employee Violence in the Workplace

The Agency is committed to maintaining a workplace free from violence and threats of violence, and will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence in the workplace is strictly prohibited and should be reported immediately.

“Violence” includes both acts and threats of violence. For example, violence includes any conduct verbal or physical, which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends, associates, or property. Employees are also prohibited from possessing, storing or having control of any weapon on the job. Weapons include, but are not limited to, firearms, knives or weapons defined in the California Penal Code Section 12020.

Failure to comply with these policies may result in employee discipline up to and including termination as well as criminal prosecution.

K. Reporting and Responding to Workplace Violence

All employees are responsible for reporting any acts of intimidation, threats of violence or acts of violence to their supervisor, manager or to Human Resources department staff. Supervisors and managers are responsible for documenting and reporting all observed or reported incidents of workplace violence.

L. Policy Regarding the Treatment of Co-Workers and Members of the Public

Agency policy requires employees to treat co-workers and members of the public with courtesy and respect. Agency employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

X. APPEALS

- A. An employee whose appointment and tenure are the prerogative of the Executive Director may appeal from discharge or other disciplinary action of the Agency or from circumstances that he or she alleges deprive him or her of full and equal consideration under the provisions of the Personnel Policy. Such employees shall have the right of appeal to the Executive Director or his designee by submitting a written request for appeal through normal management channels. The decision of the Executive Director or his designee shall be final.

In the case of discharge or suspension, an appeal shall consist of an informal hearing at which the employee is afforded the right to confront and question adverse witnesses and to present favorable evidence on his or her own behalf. This hearing shall be held before the Executive Director or his designee, and a transcript of the proceedings may be maintained by either the employee or the Agency. An employee shall be afforded the right to such a hearing prior to the effective date of the Agency action unless, in the judgment of the Executive Director or his designee, the Agency's need to take immediate action outweighs the employee's right to a pre-removal hearing. In such cases, the hearing shall be held as soon after the effective date of the action as is reasonably possible.

Appeals from all matters other than discharge or suspension shall be submitted through normal management channels and shall consist of a review of the Agency action or decision by the Executive Director or his designee.

- B. An employee whose appointment and tenure are the prerogative of the Agency Commission does not have the right to an appeal; however, an employee in such a position may petition the Agency Commissioners for a hearing. The Commissioners, at their sole discretion, may grant or deny such petition for a hearing, and if granted may specify the nature of the hearing and the manner in which it is to be conducted.