

**BEFORE THE BOARD OF DIRECTORS
OF THE
APTOS/LA SELVA FIRE PROTECTION DISTRICT**

the following resolution is hereby adopted:

RESOLUTION NO. 2-10

On the motion of Director _____
Duly seconded by Director _____

**A RESOLUTION
OF THE
APTOS/LA SELVA FIRE PROTECTION DISTRICT
PROVIDING FOR THE ESTABLISHMENT OF
PERSONNEL POLICIES FOR SAID DISTRICT**

ARTICLE I PERSONNEL POLICIES

SECTION 1. ADOPTION OF A PERSONNEL POLICY

In order to establish an equitable and uniform policy for dealing with personnel matters; to attract to District Service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness; and to provide a reasonable degree of security for employees. The following is hereby adopted:

SECTION 2. RULE MAKING AUTHORITY

- a. The Board of Directors has sole authority to adopt, amend or repeal this Resolution.
- b. All former Personnel Policies, or parts thereof, are hereby repealed.

SECTION 3. ADMINISTRATION

The Fire Chief is the Chief Administrative Officer of the Fire District and will administer this Resolution. Where Memoranda of Understanding (MOUs) or employment contracts exist, they should be consulted for information on these policies. In the case of conflicts between those documents and these Policies, the MOUs or employment contracts supersede the Personnel Policies.

- a. The Fire Chief is appointed by the Board of Directors following confirmation by a majority vote. The Fire Chief may be terminated or demoted only upon four-fifths (4/5) majority vote of the Board of Directors.

Resolution No. 2-10
Personnel Policies

- b. The Board of Directors or its delegate will have the authority to employ as independent contractors or consultants other individuals or organizations as it deems appropriate and in accordance with law. Such individuals or organizations will be exempt from the provisions of this Resolution.
- c. The Fire Chief may recommend that the District contract for the performance of technical or professional services in connection with the development and administration of any phase of the personnel program, subject to the approval of the Board of Directors.

SECTION 4. PERSONNEL OFFICER

The Fire Chief is to be the Personnel Officer. The Fire Chief may delegate authority for any of the responsibilities and duties conferred upon her/him as Personnel Officer, under this Article, to any other officer or employee as qualified by education and/or experience to perform such duties, or the Fire Chief may recommend to the Board that such responsibilities and duties be performed under contract. The Personnel Officer or designee will perform the duties as set forth in this Resolution.

SECTION 5. RIGHT TO REVISE

These Personnel Policies contain the employment policies and practices of the District in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded, except those policies contained in Memoranda of Understanding between the District and the Firefighters' Union and Chief Officers' Association, and as contained in individual employment contracts.

The District reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this document or in any other document. However, any such changes must be in writing and must be signed by the Board of Directors.

Any written changes to this document will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of these policies.

SECTION 6. APPOINTING AUTHORITY

The appointing authority is the Board of Directors in appointment of the Fire Chief. The Fire Chief is the appointing authority in all other instances.

SECTION 7. VACANT POSITIONS

Vacant positions will be filled or left vacant as provided herein.

SECTION 8. TEMPORARY POSITIONS

Appointments to temporary and emergency positions may, but need not, be made from eligibility lists. Appointments of this type will be limited to temporary employment for the replacement of employees on leave of absence, appointment to meet emergencies which threaten life or property, or for the general welfare of the District.

SECTION 9. EMPLOYEE QUALIFICATIONS

Qualification for positions within the District will be established by the adoption of a Salary and Classification Resolution.

SECTION 10. EXAMINATIONS

It is the policy of the District to recruit the best qualified applicants and conduct examinations that contribute to a sound and efficient organization.

SECTION 11. CONDITIONS OF EMPLOYMENT

The District has the right to require all employees to complete and submit documents pertinent to their employment as required by the Personnel Officer. Employees will comply with the District Policies, Procedures and Directives.

SECTION 12. FITNESS FOR DUTY

If there is reason to believe that an employee may not be able to perform the duties of his or her position, the Fire Chief may require the employee to have a physical and/or psychological examination at District expense.

SECTION 13. PROBATIONARY PERIOD

Original and promotional appointments will include a probationary period as prescribed in the applicable MOU.

SECTION 14. PROMOTION OR TRANSFERS

Refer to the applicable MOU.

SECTION 15. APPEALS

Appeals may be initiated by an employee who believes he/she has been adversely affected by a management decision or procedural application improperly considered and who is not covered under an existing collective bargained agreement.

- a. All appeals must be submitted to the Fire Chief in conformance with District procedure. Appeals must be submitted within three months of the last incident, or as otherwise provided for under federal or state law.

- b. The Fire Chief will provide the appellant with a written response which will be final.

SECTION 16. REDUCTION IN PAY

The provisions of this Resolution will not apply to Board Directives that reduce salaries and wages as an economic measure.

SECTION 17. ESTABLISHMENT AND ABOLISHMENT OF POSITIONS

The Board has sole authority to establish and/or abolish positions.

SECTION 18. POLITICAL ACTIVITY PROHIBITED

Employees will not participate in nor conduct any political activity while on duty, while on District property, nor while in uniform and will not use District property, tools or equipment for such purposes.

SECTION 19. EQUAL EMPLOYMENT OPPORTUNITY

Aptos/La Selva Fire Protection District is an equal opportunity employer and makes employment decisions on the basis of merit. District policy prohibits unlawful discrimination based on race, color, creed, gender, religion, marital status, registered domestic partner status, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful.

The District is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to **all** persons involved in Company operations and prohibits unlawful discrimination by any employee of the District, including supervisors and coworkers.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the Fire Chief and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. The District will identify the barriers that interfere with the equal opportunity of the applicant or employee to perform his or her job. The District will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, the District will make the accommodation.

An employee who believes they have been subjected to any form of unlawful discrimination should submit a written complaint to their supervisor, the Fire Chief, or the Business Manager. The complaint should be specific and should include the names of the individuals involved and the names of any witnesses. If the employee needs assistance with the complaint, or if the employee prefers to make a complaint in person, they should contact the Fire Chief. The District will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If the District determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. The District will not retaliate against an employee for filing a complaint and will not knowingly permit retaliation by management employees or coworkers.

ARTICLE II DEFINITION OF TERMS

ADMINISTRATIVE LEAVE: Time off with pay.

ALLOCATION: The assignment of a position to an appropriate class in accordance with its duties and responsibilities.

ANNIVERSARY DATE: The date a person is employed or promoted to an authorized permanent position.

APPEALS: A request to a higher authority for the review of a case by an employee not covered under a collective bargaining agreement.

APPOINTING AUTHORITY: The Fire Chief has the authority to make appointments to positions within the District.

APPOINTMENT: Filling a vacant position.

APPOINTMENT DATE: The original date of appointment to a permanent position.

BARGAINING UNIT: An organization which includes employees of the District and which has as one of its primary purposes representing those employees in their relations with the District.

BOARD: The governing body of the Aptos/La Selva Fire Protection District, composed of duly elected or appointed individuals.

CLASS OR CLASSES OF POSITIONS: Positions having similar duties and responsibilities.

COMPENSATION: Salary, wage allowance, benefits, and other forms of valuable consideration earned by or paid to any employee.

CONTINUOUS SERVICE: Employment without a break or interruption.

DEMOTION: The movement of an employee from one position to another position having a lower rate of pay.

DISCIPLINARY LEAVE: Time off without pay as the result of formal disciplinary action. With the approval of the supervisor issuing the disciplinary leave, the employee may volunteer to perform mutually agreed upon community service or specific work assignments. Under the community service or specific work assignment option the employee would continue to work scheduled shifts and receive normal pay.

DISCHARGE: To terminate an employee.

EDUCATIONAL INCENTIVE PAY (EIP): Compensation that supports employees' continuing educational pursuits during employment with the District.

ELIGIBLE: Any individual who has successfully passed a competitive examination or interview and whose name has been placed on an eligibility list.

EMPLOYEE:

Acting - An employee temporarily appointed to a higher class or position.

Non-Safety - Personnel classified as non-safety miscellaneous personnel as defined in the Public Employees Retirement System.

Part Time - Any employee working less than 20 hours per week.

Permanent - Any employee who has successfully completed a prescribed probationary period.

Probationary - Any employee appointed to fill a permanent position but who has not completed the trial or probationary period.

Provisional - Any employee appointed on a temporary basis when no appropriate list is available from which to establish a permanent appointment.

Public Safety - Personnel classified as safety employees as defined by the Public Employees Retirement System.

Temporary - A person employed to meet a short term need.

EXAMINATION:

Employment/Promotional - Test(s) given to qualified applicants to establish an employment list.

Assembled - Test(s) conducted at a specified time and place and under the supervision of an examiner(s).

Unassembled - Test(s) consisting of an appraisal of training, experience, work history, and other data that may be relevant in evaluating the relative qualifications of applicants.

EXECUTIVE LEAVE: A non-accruable adjustment made in the work schedule of overtime exempt employees.

FIRE CHIEF: The Chief Administrative Officer of the District.

HOLIDAY PAY: The compensation received by shift employees in lieu of time off.

IMMEDIATE FAMILY: Spouse, children, stepchildren, parents, step-parents, brother, sister, grandfather, grandmother, grandchild, and the employee's mother-in-law and father-in law.

LAYOFF: The termination of employment due to reorganization or lack of funds.

LEAVE: The absence of an employee.

OVERTIME: That time worked in excess of the normal work period.

PERSONNEL OFFICER: The individual authorized to act on personnel matters.

PROBATIONARY PERIOD: A designated period during which an employee is required to demonstrate performance capabilities for the position to which appointed.

PROMOTION: The movement of an employee to a position having a higher rate of pay.

QUALIFICATIONS: Those requirements deemed valid for a position.

REALLOCATION: The allocation of a position to another organizational level.

REINSTATEMENT: The restoration of an employee to a previously held position.

SENIORITY: The length of full time cumulative service in a permanent position.

SUSPENSION: The temporary removal from duty, without pay, for disciplinary reasons.

TERMINATION: The leaving of District service by an employee.

TRADES: An exchange of duty days/hours between two safety employees classified to function in the designated position.

TRANSFER: The reassignment of personnel from one location to another.

ARTICLE III ADMINISTRATION

SECTION 1. PERSONNEL OFFICER

- a. The Fire Chief may delegate all or part of her/his authorities as the Personnel Officer, as provided herein.
- b. The duties and responsibilities of the Personnel Officer may be assumed by the Fire Chief, another employee designated as Personnel Officer, or an individual or agency with which the District contracts for their performance.
- c. The Personnel Officer will:
 1. Attend meetings of the Board and serve as advisor.
 2. Prepare and recommend to the Board revisions and amendments to the District's Personnel Policies.
 3. Present position classifications and salary plans, including position descriptions, revisions of the plan and justifications to the Board. The plan and revisions will become effective upon approval by the Board.

Note: The allocation or reallocation of any position will be considered a revision of the plan.

4. Be responsible for:
 - a) The formulation of job performance standards and qualifications for each class or position.
 - b) The public announcement of examinations and the acceptance of applications.
 - c) The preparation and conducting of examinations and the establishment and use of employment lists.
 - d) The certification and appointments to fill vacancies, temporary and emergency appointments.
 - e) The procedure for the evaluation of employees during the probationary period and periodically thereafter.
 - f) The transfer, promotion, demotion and reinstatement of employees.

Resolution No. 2-10
Personnel Policies

- g) The allocation of positions to classes.
 - h) The standardization of hours of work, attendance and leave regulations, working conditions, and the development of employees' morale, welfare, training and safety.
 - i) The separation of employees from service.
 - j) The maintenance and use of records and forms.
 - k) The establishment and maintenance of suitable methods for effective communications at all levels.
- 5. Maintain a current roster of District officers and employees.
 - 6. Provide an employment folder for each employee.

SECTION 2. CLASSIFICATION PLAN

- a. The Personnel Officer will recommend the establishment and modification of positions to the Board.
- b. The Board may revise the classification plan at any time deemed appropriate.
- c. Authorized positions will include a descriptive title, position description, duties and responsibilities. Placement within a classification will be based on the principle that all positions:
 - 1. Be similar in respect to duties and responsibilities;
 - 2. Substantially have the same qualification requirements;
 - 3. Substantially have the same tests of fitness; and
 - 4. Have the same salary range.
- d. The title of a position will be used in all personnel transactions.
- e. Temporary Employee
 - 1. Extra Help: Whenever it is necessary to employ a person on a temporary basis to meet workload fluctuations, the Board will, by minute order, fix the amount of compensation, determine the minimum qualifications, and designate the period of time the position is authorized.
 - 2. Emergency Help: Whenever it is necessary to employ a person on a temporary basis to meet an emergency situation, the Fire Chief is

authorized to initiate such employment. The Board will, by minute order, fix the amount of compensation and determine the minimum qualifications and the period of time for which the position is authorized.

SECTION 3. AMENDMENT AND MAINTENANCE OF PLAN

Whenever an amendment of the classification plan is required, the Personnel Officer will establish the position's duties, responsibilities, qualifications and relationship to other positions and forward recommendations regarding the position allocation to the Board of Directors for possible action.

SECTION 4. CLASS SPECIFICATIONS

The Personnel Officer will maintain a written description including the title, duties, responsibilities and distinguishing characteristics of each position.

ARTICLE IV COMPENSATION

Refer to the applicable MOU or employment contract.

ARTICLE V RECRUITMENT AND EXAMINATION ANNOUNCEMENTS

Recruitment for full-time permanent positions shall be in accordance with Articles V through IX of these Personnel Policies. Recruitment for part-time "at-will" positions shall be at the discretion of the Fire Chief with the advance approval of the Board of Directors.

SECTION 1. ANNOUNCEMENTS AND APPLICANTS

The District will establish a standard that will provide for the recruitment and employment of the most qualified personnel. Emphasis will be given to advanced education, specialized skills and experience.

- a. The Personnel Officer will prepare an announcement of any proposed examination.
- b. The announcement will be posted on the District's bulletin board and other public places not less than thirty (30) days prior to the announced closing date for receiving applications.
- c. The announcement will contain title, typical duties and responsibilities, current salary, education, training or experience required, manner of making application, and any other information that might be pertinent.
- d. Application forms will be available in the Administrative Offices and at other places deemed appropriate.

SECTION 2. NUMBER OF CANDIDATES

The District reserves the right to limit the number of candidates by establishing parameters that could include:

- a. Minimum qualifications;
- b. Limited filing period(s);
- c. Maximum number of applications to be accepted;
- d. Screening of applications to process the most qualified.

SECTION 3. REJECTION OF APPLICANT

The appointing authority may reject an applicant for any of the following causes:

- a. Lack of minimum qualifications or requirements;
- b. The making of any false statements or omitting any material fact, or practicing any deception or fraud in the application or examination;
- c. Failure to complete the application or process as described in the official announcement;
- d. To limit the number of applications to a manageable size, the appointing authority may select the most qualified applicants.

SECTION 4. NOTICE OF REJECTION

Whenever an application is rejected, the applicant shall be notified of such rejection.

ARTICLE VI EXAMINATIONS

SECTION 1. RESPONSIBILITY TO EXAMINE

The appointing authority is responsible for conducting of the examinations. The Board of Directors, upon recommendation of the appointing authority, may contract to administer the examination.

SECTION 2. SUBJECT AND METHODS OF EXAMINATION

- a. The examination process will be of a practical nature and measure the potential and existing capabilities of the applicants.
- b. The method of examining applicants may consist of one, all, or a combination of the following: assembled, unassembled, written, oral, performance, evaluation of education, experience, skills, any test of manual skills or physical fitness. For entry level firefighter and firefighter-paramedic examinations, an interview before

Resolution No. 2-10
Personnel Policies

a panel consisting of a district firefighter, firefighter-paramedic, fire captain, and division chief is recommended as part of the process.

- c. A physical, medical and/or psychological test may be made a part of the examination, but only after a position with the District has been offered to a candidate. When such testing is required, it shall be made at the District's expense by a duly licensed practitioner designated or approved by the Board.
- d. An extensive background investigation will be conducted on the final applicant(s).

SECTION 3. CONFIDENTIALITY OF EXAMINATION

- a. The identity of persons being tested will not be disclosed until after the examination process has been completed, except to the person(s) designated by the appointing authority.
- b. Applicant's scores will be disclosed only to the applicant and those persons who, as part of their official duties, evaluate the applicant's performance.

SECTION 4. SCORING OF EXAMINATION

Failure on any part of an examination is ground for declaring that the applicant has failed the entire examination, or that the applicant is disqualified for subsequent parts of the examination.

SECTION 5. NOTICE OF RESULTS

Each candidate participating in an examination will be sent notice of results thereof.

ARTICLE VII PLACEMENT LISTS

SECTION 1. CERTIFICATION OF LISTS

Certification of successful examinees will be made by the Fire Chief.

SECTION 2. DURATION OF LISTS

Employment lists will become effective upon the certification by the Fire Chief that the lists were prepared in accordance with District policies and procedures.

- a. Employment lists are effective for a period of two (2) years from the date certified. The lists may be extended by the Fire Chief for a maximum of one (1) year.
- b. Promotional lists are effective for a period of two (2) years from the date certified.

Resolution No. 2-10
Personnel Policies

- c. When a list for a given classification contains fewer than three (3) names, or the number of eligible candidates does not exceed by two (2) the number of vacancies to be filled, the appointing authority may request a new examination and the preparation of a new employment list.
- d. When layoffs occur, resulting re-employment lists will remain in effect for three years. Employees whose names are on re-employment lists and who have maintained their required certifications will be eligible for re-hire without participating in a competitive examination process. They will, however, be required to pass a medical exam and physical ability test.

SECTION 3. REMOVAL OF NAMES FROM LISTS

The Fire Chief may remove any applicant from the employment lists for the following reasons:

- a. Failure of the applicant to respond within five (5) working days to a letter advising consideration for employment.
- b. Upon receipt in writing from the applicant declining appointment and requesting removal from the list.
- c. Failure to meet current minimum qualifications for the position.
- d. Rejection of the applicant.
- e. Waiving offers of employment three times when on a re-employment list.

SECTION 4. AVAILABILITY OF ELIGIBLE APPLICANTS

It is the responsibility of applicants to notify the Fire Chief, in writing, of any change of address, phone number, or availability for appointment.

SECTION 5. ELIGIBILITY LISTS

- a. Priority for employment will be given in the following order:
 - 1. Re-employment Lists: The re-employment list for any position consists of the names of permanent employees who have been laid off or whose positions have been reallocated to other classifications.
 - 2. Employment Lists: The lists consist of the names, in alphabetical order, of those persons who have been successful in an examination for a position under consideration.
 - 3. Temporary employees who have demonstrated the minimum qualifications will be considered as a qualified employee on the eligibility list.

- b. The employment list, ranked in order of placement in the evaluation process, is confidential to the Fire Chief and designated representative(s) and on file in the Administration Office.

ARTICLE VIII APPOINTMENTS

Refer to the applicable MOU.

SECTION 1. VACANCIES

- a. When a vacancy occurs, the appointing authority will make a written request to the Board of Directors to fill the vacancy.
- b. Upon completion of the examination, the names of all candidates standing on the eligibility list shall be certified to the Fire Chief for each vacancy. If there are less than five (5) names available on the list for each vacancy, the Fire Chief may direct that another eligibility list be developed through the examination process. The Fire Chief may interview and appoint any one (1) of the said candidates to fill the vacancy.
- c. Upon the appointment of an applicant, the Fire Chief will inform the Board of Directors at the first opportunity.

SECTION 2. ACTING TEMPORARY APPOINTMENTS TO A VACANT POSITION

- a. Such appointments will not exceed twelve (12) months, unless otherwise authorized by the Board of Directors. Acting appointments will be made from eligibility lists. Should no eligibility list exist, acting appointments will be made at the discretion of the Fire Chief.
- b. Compensation will be in accordance with collective bargained agreements. Upon return of the incumbent, the acting appointment is terminated and the appointee will return to previous position.

SECTION 3. TRANSFER

When transfers are necessary, the Fire Chief may re-assign an employee from one assignment to another in the same class and salary level.

- a. Whenever possible, an employee will be notified in advance of the effective date of contemplated transfer.
- b. Whenever practical, an employee's wishes will be taken into consideration.

SECTION 4. LOYALTY OATH

Resolution No. 2-10
Personnel Policies

Oath of allegiance for public employees is required and will be administered by the designee of the County of Santa Cruz.

SECTION 5. REINSTATEMENT

The Fire Chief may reinstate any person who has terminated employment in good standing and meets the current qualifications for the position.

SECTION 6. FINGERPRINTS

Appointees to any position must consent to a fingerprint clearance.

SECTION 7. PROVISIONAL APPOINTMENTS

It is District Policy that employment/promotional lists be established in advance of need. When a critical vacancy occurs and no list exists, the Fire Chief may execute a provisional appointment. Commensurately, an examination for the position will be initiated and the position filled permanently.

ARTICLE IX PROBATION

Refer to the applicable MOU.

ARTICLE X PERSONNEL RECORDS

District employees have a right to inspect all documents in their personnel file, as provided by law, in the presence of a District representative at a mutually convenient time. Employees may add comments to any disputed item in the file.

Aptos/La Selva Fire Protection District will restrict disclosure of personnel files to authorized individuals within the District. Any request for information contained in personnel files must be directed to the Fire Chief. Only the Fire Chief or his or her designee is authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be limited. However, the District will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required under subpoena. The District will also provide information from personnel files to designated entities with a signed release from the employee.

ARTICLE XI PERFORMANCE EVALUATION REPORTS

SECTION 1. POLICY

It is District Policy that employees receive performance evaluations in writing. The intent is to acknowledge work performance in a positive and constructive manner. It is also

intended that performance standards and jointly set goals are clarified and defined for the succeeding evaluation.

SECTION 2. IMPLEMENTATION

Supervisors will review performance reports with employees. The supervisor and employee will sign the report to acknowledge this review. In the event of a disagreement to the contents of the report, an employee will be entitled to submit a signed statement which will be attached.

SECTION 3. BOARD REVIEW

The Board will periodically review the performance evaluation process to ensure policy compliance.

ARTICLE XII PHYSICAL/MENTAL REQUIREMENTS

Refer to the applicable MOU.

ARTICLE XIII EMPLOYEE RESPONSIBILITIES/CONDUCT/APPEARANCE

In order to optimize the level of public service, the Board of Directors has established basic standards of responsibilities, conduct and appearance. The following policy will be observed.

SECTION 1. GENERAL ORDERS

All employees will:

- a. Attend emergencies and exert the greatest level of effort.
- b. Avoid injury to themselves and others at all times.
- c. Participate in training activities and be thoroughly familiar with all equipment required in the performance of duties.
- d. Accord respect and courtesy to supervisors and complete assignments promptly.
- e. Accept responsibility for the performance of the duties of higher rank when assigned to act in such positions.
- f. Observe the chain of command in the transaction of District business, unless otherwise directed or provided by these Policies.
- g. Consult with supervisor when making recommendations for changes, alterations or improvements.

Resolution No. 2-10
Personnel Policies

- h. Promptly notify supervisors of all matters which could affect the interest or welfare of the District.
- i. Ensure availability (via telephone or otherwise) at place of residence and inform the Administration Office of the current telephone number in case their services are required. Any change of address, telephone or routine availability disruption will be reported to the Department within twenty-four (24 hours).
- j. Report the loss of District property to supervisor in writing, giving details and circumstances. The payment for property will be determined by the Fire Chief.
- k. Remain at the work place or company quarters during their shift unless permission to depart is given by the immediate supervisor.
- l. Become thoroughly conversant with policies, procedures, administrative orders, communications as well as written material pertaining to their respective positions and duties.
- m. Relinquish to their supervisor District property upon termination of employment.
- n. Compile accurate records or reports devoid of any misleading entries or statements. Ensure the protection of District records, books, papers or documents, including computer data.
- o. Maintain a dignified and respectful demeanor in contacts and relationships with co-workers and abstain from using violent, abusive or immoderate language while on duty or on District property.
- p. Exercise caution to avoid damage or loss of District property.
- q. Be prudent in the use of supplies and metered services.
- r. Address supervisors and Board members respectfully and by the proper titles, when appropriate.
- s. Not accept any reward, fee or gift of any value from any person for services incidental to the performance of duty. This excludes donations received by the District that are designated for a specific community use or towards a specific program.
- t. Not smoke on the premises.

SECTION 2. ATTENDANCE AND PUNCTUALITY

District employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized District

Resolution No. 2-10
Personnel Policies

business. Late arrival, early departure, or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided.

Employees who are unable to report for work on any particular day must under all but the most extenuating circumstances call the supervisor before their scheduled work time. An employee who does not arrive in time for their assigned shift will be considered tardy for that day. In all cases of absence or tardiness, employees must provide their supervisor with a valid reason or explanation. Employees also must inform their supervisor of the expected duration of any absence. Excessive absenteeism or tardiness, whether excused or not, will not be tolerated and may be grounds for progressive discipline.

Failure to report for work without any notification for a period of five consecutive shifts shall be considered voluntary termination.

SECTION 3. USE OF ELECTRONIC MEDIA

Voice mail and e-mail are to be used in accordance with established standard operating procedures. The District reserves the right to monitor voice mail messages and e-mail messages to ensure compliance with this rule, without notice to the employee and at any time, not necessarily in the employee's presence.

The District may periodically need to assign and/or change passwords and personal codes for voice mail, e-mail and computers. These communication technologies and related storage media and databases are to be used only in accordance with standard operating procedures and they remain the property of Aptos/La Selva Fire Protection District. The District reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system.

SECTION 4. NON-EXCLUSIONARY MESS

Employees assigned to stations will participate in an organized, non-exclusionary mess, unless excused by the Fire Chief.

SECTION 5. OFF-DUTY/CALL BACK

All employees will:

- a. Report immediately for duty when summoned.
- b. Perform special assignments and extra duty as may be required to cope with emergencies or to represent the District in civic and other functions.

SECTION 6. BOARD INTERACTION

All employees shall use the chain of command to address any issue that could result in a personnel action or grievance. Those issues include operational, program, and personnel matters. The Board of Directors is responsible for the review and appeal of decisions on personnel matters and grievances. For that reason the Board must

maintain objectivity and impartiality on such matters. Employees may contact Board Members directly on matters that are publicly debated by the Board or regarding their personal impression of the actions of the Fire Chief.

SECTION 7. PUBLIC INTERACTION

While on duty, in uniform, or acting as a representative of the District, all employees will:

- a. Be courteous and helpful in their contacts with the public and answer all questions in a business-like manner.
- b. Refrain from publicly expressing disapproval of any of the policies and/or practices of the District.
- c. Abstain from lending their names, badge, insignia or other identification to any commercial or business enterprise, or approving or condoning the use of the name and the prestige of the District for any such purpose or advancing a private interest, in any way.

SECTION 8. APPEARANCE

Employees will present a groomed appearance in conformity with reasonable and prudent safe practices as well as provide an appropriate public image.

SECTION 9. MISCELLANEOUS

- a. Outside Employment: Full time employees may not carry on, concurrently with their public service, any private business or undertaking which affects the time or quality of their work or which casts discredit upon the District. To avoid conflict of interest, outside employment must be cleared by the Fire Chief.
- b. Use of District Owned Equipment: District owned equipment, vehicles, supplies, machines, or any other item will be used for District business and by District employees for the benefit of the residents of the Aptos/La Selva Fire Protections District as directed by the Fire Chief. Tools may be used by the staff of the District for personal repairs on District property in accordance with the policies and procedures of the department.
- c. Use of District Owned Vehicles: It is the policy of the Board that District Vehicles will not be assigned to any employee (for home storage purposes) except for the Fire Chief, Deputy Fire Marshal and Division Chiefs without Board approval. Additionally:

District owned vehicles will be used by employees for official business only. Exception: Non-employees may be transported when participating in District authorized activities or in an emergency.

Vehicles will be stored and maintained in a secure environment.

Vehicles will be returned to District property upon completion of District activity or assignment, except as approved by the Fire Chief.

ARTICLE XIV RESIDENCY

Refer to the applicable MOU.

ARTICLE XV DISCIPLINARY ACTION

SECTION 1. AUTHORITY

It is the policy of the Board that disciplinary action be administered fairly, promptly and in a consistent manner. The Fire Chief is authorized to take disciplinary actions deemed appropriate. The Board recognizes the applicability of AB 220 (The Firefighters Procedural Bill of Rights Act – FFBOR) as incorporated into Sections 3250 – 3262 of the California Government Code. It is the intent of the District to conform to the requirements of the FFBOR.

SECTION 2. DISCIPLINE

Employees will be subject to disciplinary action for just cause. Cause includes, but is not limited to, the following:

- a. Incompetence, inefficiency or inattention to or dereliction of duty.
- b. Conduct which tends to bring discredit to the Fire District.
- c. Violation of District Procedures, Regulations or Administrative Orders.
- d. Dishonesty.
- e. Violation of the Substance Abuse Policy.
- f. Conviction (including by plea of guilty or nolo contendere) of a felony or any crime involving moral turpitude; Conviction of a misdemeanor (including by plea of guilty or nolo contendere) that is of a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his or her position.
- g. Fighting with other employees or promoting disharmony within the District.
- h. Absence without leave or approval from the District.
- i. Insubordination to officers or Board Members.
- j. Violation of the Equal Employment Opportunity Policy.

SECTION 3: INVESTIGATIONS OF MISCONDUCT

Misconduct includes, but is not limited to, a violation of District policies and procedures.

PROCEDURE:

All employees are responsible to help ensure that misconduct is avoided. If it is felt that any employee has engaged in misconduct, the person making the complaint must file a written complaint with the alleged offending employee's supervisor within ten (10) days of the occurrence of the alleged misconduct. The supervisor shall forward a copy to the Personnel Officer/ Fire Chief without delay.

If the Fire Chief is the subject of the complaint, a written complaint is to be submitted to the President of the Board of Directors within ten (10) working days of the occurrence of the alleged misconduct. The time periods within this policy do not supersede those provided for under federal and state law.

The written complaint shall be a signed, written account of the alleged misconduct, what occurred, including date, place, a description of the incident(s) and the name(s) of the person(s) who allegedly committed the violation(s) and the name(s) of all persons who witnessed the alleged misconduct.

The District forbids retaliation against anyone for reporting misconduct, assisting in making a complaint of misconduct or for cooperating in the investigation.

All complaints will be investigated thoroughly and promptly by the Supervisor, Personnel Officer/Fire Chief, the Board of Directors, or an outside independent investigator, as is appropriate. The investigation, as a minimum, will include contacting the person(s) who allegedly engaged in the misconduct, witness(es) informing her/him/them of the basis of the complaint, and providing her/him/them with an opportunity to respond.

If an investigation confirms that misconduct has occurred, the District may take corrective action, including such discipline, up to and including immediate termination of employment, as is appropriate. To the extent criminal conduct is identified, the District may notify the appropriate law enforcement agency.

To the fullest extent possible, the District will keep complaints and the terms of their resolution confidential.

EMPLOYEE RESPONSIBILITIES:

A. Individual Employees

An employee is to:

Resolution No. 2-10
Personnel Policies

Report any alleged misconduct to the alleged offending employee's Supervisor within ten (10) working days of the occurrence. This time period does not superseded those provided for under federal or state law.

1. Forward a copy of the written complaint to the Personnel Officer/ Fire Chief.
2. Be accountable for the accuracy and validity of her/his complaint

B. Management and Supervisory Employees

Management and supervisory personnel are responsible for ensuring that the work environment is free from misconduct by:

1. Informing all employees under their direction of the misconduct policy and complaint procedure.
2. Reporting any instances of misconduct to the appropriate supervisor.
3. Promptly forwarding any written complaint to the Personnel Officer/ Fire Chief.
4. Ensuring that written complaints are promptly and thoroughly investigated.
5. Taking prompt and appropriate disciplinary action, based on the findings of the investigation.

BOARD OF DIRECTORS:

The Board President will be involved and appraised when the Personnel Officer/Fire Chief is investigating a complaint lodged against management or supervisory employee.

SECTION 3. SKELLY PROCESS

Refer to the Standard Operating Procedure regarding employee discipline.

SECTION 4. SUSPENSION

The Fire Chief may invoke a suspension not to exceed thirty (30) days, ten (10) shifts, or one (1) calendar month. Suspension of a greater duration must be authorized by the Board of Directors and will not exceed six (6) months without dismissal.

ARTICLE XVI GRIEVANCE PROCEDURE

Refer to the applicable MOU.

ARTICLE XVII SEPARATION FROM SERVICE

SECTION 1. TERMINATION

- a. Upon termination from the District, all accumulated hours for holiday and vacation time will be reimbursed at the straight hourly rate of pay at the time of termination. Time owed by the employee to the District will be repaid at the time of termination.
- b. An employee absent from duty without prior approval for five shifts will be considered to have automatically terminated employment. Termination will be final unless employee furnishes satisfactory reason(s) for not having obtained prior approval.

SECTION 2. RESIGNATION

In order to ensure continuity of operations, resignations should be submitted in writing to the Fire Chief listing the reason(s) for leaving and the effective date, at least 14 days prior to separation for line personnel and clerical staff and at least 90 days prior to separation for management staff. The time limit of the resignation may be waived at the discretion of the Fire Chief.

SECTION 3. NON-PUNITIVE TERMINATION

Failure to maintain required licenses, credentials, certificates or other conditions for employment as specified in assigned classification may result in non-punitive dismissal.

SECTION 4. LAYOFF/REALLOCATION

Public interest may require elimination or curtailment of a service which may require the layoff of employees. Primary consideration will be given to seniority of service and needs of the District. Employees are entitled to at least two (2) weeks notice before such a layoff takes place.

ARTICLE XVIII LEAVES

Refer to the applicable MOU or employment contract for information regarding holidays, vacations, and executive, sick, personal, bereavement, and military leaves.

SECTION 1. PREGNANCY DISABILITY LEAVE

Pregnancy, childbirth, or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on leave.

Any female employee planning to take pregnancy disability leave should advise the Fire Chief as early as possible. The individual should make an appointment to discuss the following conditions:

Resolution No. 2-10
Personnel Policies

- Employees who need to take pregnancy disability must inform the District when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees must consult with the Fire Chief regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of the employee's health care provider;
- If 30 days' advance notice is not possible, notice must be given as soon as practicable;
- Upon the request of an employee and recommendation of the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and her child;
- Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached;
- Temporary transfers due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons;
- Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide the District with a certification from a health care provider. The certification indicating disability should contain:
 - The date on which the employee became disabled due to pregnancy;
 - The probable duration of the period or periods of disability; and
 - A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- Leave returns will be allowed only when the employee's physician sends a release;
- An employee will be allowed to use any accrued leave time (if otherwise eligible to take the time) during a pregnancy disability leave; and
- Duration of the leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months. Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of one-half hour.

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will

be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

SECTION 2: SCHOOL ACTIVITIES

Employees are encouraged to participate in the school activities of their child(ren). The absence is subject to all of the following conditions:

- Parents, guardians, or grandparents having custody of one or more children in kindergarten or grades one to 12 may take time off for a school activity;
- The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of 40 hours each school year;
- Employees planning to take time off for school visitations must provide as much advance notice as possible to their supervisor;
- If both parents are employed by the District, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her supervisor;
- Employees must use vacation leave in order to receive compensation for this time off;
- Employees who do not have paid time off available will take the time off without pay, and
- Employees must provide their supervisor with documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.

SECTION 3. TIME OFF FOR VOTING

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give his or her supervisor at least two days notice.

SECTION 4. JURY DUTY

An employee who is summoned to serve as a trial juror will be excused from duty during the period of service. Employees on jury duty will continue to receive normal pay, provided:

- a. A copy of summons is presented to immediate supervisor.

Resolution No. 2-10
Personnel Policies

- b. Notification is provided to supervisor, in advance, with adequate time remaining so that a relief may be obtained.
- c. Employee returns to duty immediately after being released.
- d. Any and all payment received for jury services is endorsed to the Fire District.

SECTION 5. DOMESTIC VIOLENCE LEAVE

Employees who are victims of domestic violence are eligible for unpaid leave. You may request leave if you are involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure your health, safety, or welfare, or that of your child.

You should provide notice and certification of your need to take leave under this policy. Certification may be sufficiently provided by any of the following:

- A police report indicating that the employee was a victim of domestic violence;
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health-care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

The District will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

SECTION 6. SUBPOENAS

The District will honor all civil and criminal subpoenas in accordance with legal guidelines and will be processed as per current Standard Operating Procedures. Employees who are required to appear in court as a witness due to actions as an employee will be considered to be on official District business and will be paid at their regular hourly rate while they are in court if appearance occurs on a regularly assigned duty day. Other types of reimbursement, mileage, etc., will be in accordance with current District Policy.

SECTION 7. LEAVES OF ABSENCE WITHOUT PAY

- a. The Fire Chief may grant leaves of absence without pay for periods not to exceed fifteen (15) calendar days. Request for leaves of absence will be submitted in writing.
- b. Leaves of absence of more than fifteen (15) days require the approval of the Board of Directors.

Resolution No. 2-10
Personnel Policies

- c. Leaves of absence without pay granted by the Board of Directors will not constitute a break in service. During these periods, no benefits will accrue. An employee reinstated after leave of absence without pay will receive the same step in the salary range received when leave of absence began. Time spent on leave without pay will not count toward service for increases within the salary range. The employee's salary anniversary date will be adjusted accordingly.
- d. An employee on an approved leave of absence without pay may continue medical, dental, vision and life insurance coverage by paying the full cost to the District, in advance. This is so long as the employee on leave of absence is considered eligible to continue coverage by the insurance carrier.
- e. Failure of the employee to return to employment upon termination of any authorized leave of absence will constitute a separation from service.

SECTION 8. EXCHANGE OF SCHEDULED WORK SHIFTS (TRADES)

Refer to the applicable MOU.

ARTICLE XIX DEPARTMENT RELATED TRAVEL EXPENSE

SECTION 1. GUIDELINES

It is District policy to reimburse travel expenses incurred in the conducting of District business. Reimbursement will be made in accordance with the current Standard Operating Procedure (SOP).

ARTICLE XX SUBSTANCE ABUSE POLICY

It is the policy of the Aptos/ La Selva Fire Protection District to maintain a safe, healthful and productive work environment for all employees. To that end the District will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair a department employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or undermines public confidence in the District's work. All employees are covered by this policy and should be aware that violations of the policy may result in discipline, up to and including termination of employment.

Policy

It is the policy of the Aptos/ La Selva Fire Protection District that employees:

- Shall not report to work under the influence of alcohol or illegal drugs or have the odor of alcohol or drugs on their breath, person or clothing;
- While on duty or paid stand-by shall not use, possess, sell or provide drugs or alcohol;

Resolution No. 2-10
Personnel Policies

- Shall not have their ability to work impaired as the result of the use of alcohol or drugs.

While use of medically prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, when taking medications or drugs which the employee knows or should have known may interfere with the safe and effective performance of duties or operation of District equipment can result in discipline, up to and including termination.

In the event there are questions regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from the employee's physician will be required prior to the employee performing his/her duties.

The District has established services through the Employee Assistance Program (EAP) to assist employees who voluntarily seek help for substance abuse problems. Employees should contact their supervisor or EAP for additional information.

Employees reasonably believed to be under the influence of alcohol and/or drugs while on duty or prior to duty shall be prevented from engaging in further work and shall be instructed to wait until the Duty Chief or equivalent/ higher rank can transport the employee from the work site to home or an appropriate medical facility for testing. Refusal to submit to an alcohol and/or drug analysis when requested by the Duty Chief or higher rank will constitute insubordination which alone will form a basis for discipline.

Violations of this policy shall be grounds for disciplinary action, up to and including dismissal.

Application

Covered Substances

1. Alcohol
2. Illegal drugs; and
3. Prescription drugs and other substances which may impair an employee's ability to effectively perform the functions of their job.

Employee Responsibilities

An employee must:

- A. Not report to work or be on paid stand-by while his/her ability to perform job duties is impaired due to alcohol or drug use.
- B. Not possess or use, or have the odor of alcohol and/or drugs on his/her breath during working hours, on breaks, during meal periods while functioning in an official capacity or while operating any District vehicle;

- C. Not directly or through a third party sell or provide drugs and/or alcohol to any person or to any other department employee while either or both employees are on duty, or paid stand-by.
- D. Submit immediately to requests for alcohol and/or drug analysis in conformance with this policy when requested by the Duty Chief;
- E. Notify her/his supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which the employee knows or should have known may interfere with the safe and effective performance of duties or operation of district equipment, and
- F. Provide to a Medical Review Officer or designated medical doctor within twenty-four (24) hours of request a current valid prescription for any drug or medication identified when a drug screen/ analysis is positive. The prescription must be in the employee's name.

Management Responsibilities and Guidelines

- A. Managers and supervisors are responsible for consistent enforcement of this policy. A manager or supervisor who knowingly permits a violation of this policy by employees under his/her direct supervision shall be subject to disciplinary action.
- B. The Duty Chief (or higher rank) may request that an employee submit to a drug and/or alcohol analysis when reasonable suspicion exists that an employee is intoxicated or under the influence of drugs and/or alcohol. "Reasonable suspicion" is a belief based on objective and articulable facts sufficient to lead a reasonable and prudent individual to suspect that an employee is under the influence of drugs and/or alcohol.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

1. Slurred Speech;
 2. Alcohol on breath;
 3. Behavior which is so unusual that it warrants summoning a supervisor or anyone else with authority;
 4. Possession of alcohol, drugs or drug paraphernalia
 5. Suspicion is not reasonable if it is based solely on third party observation or reports.
- C. Any employee believing another employee to be under the influence of drugs and/or alcohol should immediately notify the Duty Chief to meet her/him to observe the employee's behavior. If an employee of a lower rank believes a peer is under the influence of drugs and/or alcohol, he/she should report his observations to his/her immediate supervisor. If an employee of a lower rank

believes a supervisor or manager is under the influence of drugs and/or alcohol he/she should report his/her observations to the duty chief directly.

ARTICLE XXI WORKPLACE VIOLENCE POLICY

Aptos/La Selva Fire Protection District has adopted the following workplace violence policy to ensure a safe working environment for all employees.

The District has a zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to discipline up to and including termination.

Possession of non-work related weapons on District premises and at District-sponsored events shall constitute a threat of violence.

It is every employee's responsibility to assist in establishing and maintaining a violence-free work environment. Therefore, each employee is expected and encouraged to report any incident which may be threatening to you or your co-workers or any event which you reasonably believe is threatening or violent. You may report an incident to any supervisor or manager.

A threat includes, but is not limited to, any indication of intent to harm a person or damage District property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. The following are examples of threats and acts that shall be considered violent – this list is in no way all-inclusive:

Example	Type of Threat
Saying, "Do you want to see your next birthday?"	Indirect
Writing, "Employees who kill their supervisors have the right idea."	Indirect
Saying, "I'm going to punch your lights out."	Direct
Making a hitting motion or obscene gesture	Nonverbal
Displaying weapons	Extreme
Stalking or otherwise forcing undue attention on someone, whether romantic or hostile	Extreme
Taking actions likely to cause bodily harm or property damage	Acts of violence

ARTICLE XXII SEVERABILITY

SECTION 1. VALIDITY

If any provision of this Resolution, or the application of such provision to any persons or circumstances, be held invalid, the remainder of this Resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, will not be affected thereby.

SECTION 2. EFFECTIVE DATE

This Resolution will take effect upon adoption by the Board of Directors.

Be it resolved that Resolution 5-04 (including Attachments 1 through 4) is hereby rescinded and replaced by this resolution.

ADOPTED AND APPROVED this 11th day of March 2010.

Ayes:
Noes:
Abstain:
Absent:

Board President

ATTEST: _____
Board Secretary