Employee Handbook

February 2022

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

As the need arises, the information in this Handbook may be revised without notice. For future reference, the most recent version of this Handbook will be available on the SANDAG Central SharePoint site. In addition, your Director, supervisor, and the Human Resources team can provide assistance with questions about your employment.
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Introduction
Chapter 1: Introduction

1.1 This Employee Handbook contains the employment practices and policies of the San Diego Association of Governments ("SANDAG") in effect at the time of publication. All previously issued versions of this Employee Handbook and the policies those contained, and any inconsistent policy statements or memoranda are superseded. This Employee Handbook and the policies it contains shall be referred to collectively as the "Handbook." Nothing in this Handbook, or any other document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued or permanent employment for any employee. All employees, other than Regular employees hired prior to July 1, 2019 who have completed their introductory period, are “at-will” employees.

1.2 The purpose of this Employee Handbook is to provide fair and systematic procedures for administering all matters affecting the status and activities of employees of SANDAG. This Handbook is adopted in the belief that the procedures it contains are in the best interest of all SANDAG employees. The Handbook is provided to assist employees in rendering their most effective service to the organization and to the public, and for their professional development.

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

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

1.5 The CEO is vested with the power to vary or modify the strict application of the provisions of this Handbook to avoid injustice or when it is in the best interest of SANDAG. Any such variance must be granted in writing and signed by the CEO.
1.6 If any portion of this Handbook is held to be invalid, it shall not affect the validity of the remaining portions of the Handbook.

SEVERABILITY

1.7 This Handbook applies to all SANDAG employees except where exceptions are noted in the Handbook or in employment agreements authorized by the CEO that specifically state that their provisions supersede portions of this Handbook. This Handbook does not apply to the CEO or the Independent Performance Auditor; both positions serve under contract at the will of the SANDAG Board of Directors. This Handbook also does not apply to the Board of Directors as they are not SANDAG employees.

COVERAGE

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

DEFINITIONS

a. **Anniversary Date:** The anniversary date for all SANDAG employees is the date of employment. For employees who transferred to SANDAG due to Consolidation, the employee’s anniversary date is the employee’s date of employment with the San Diego Metropolitan Transit Development Board (MTDB or MTS) or the San Diego North County Transit District (NCTD). The anniversary date is the date from which salary and leave benefits are calculated. This term also is sometimes used to describe the anniversary date of when an employee was transferred, promoted, or otherwise moved to a new position at SANDAG.

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

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

d. **Board of Directors or Board:** The SANDAG Board of Directors.

e. **Class or Classification:** A group of positions sufficiently similar in duties, responsibilities, authority, and qualifications for employment to permit combining them under a single title and equitable application of common standards of selection and compensation.
f. **Consolidation:** Effective January 1, 2003, as a result of Senate Bill 1703 (2003, Peace), SANDAG became a state legislatively created regional government agency and assumed responsibility for long-range transit planning and the development and construction of transit facilities in the San Diego region from the two local transit agencies now known as the San Diego Metropolitan Transit System (MTS) and the San Diego North County Transit District (NCTD). A number of employees from MTDB and NCTD transferred employment to SANDAG as part of the consolidation.

g. **Contracted Staff:** An employee of a staffing agency who is hired on an hourly basis for a limited period of time, or any person hired via a contract by SANDAG that works at SANDAG premises but is not a SANDAG employee. Contracted Staff are not SANDAG employees and are not entitled to any rights or benefits from SANDAG other than those required by state or federal law for contractors. Nothing in the Handbook, or any document provided or statement made by SANDAG, is intended to provide Contracted Staff with any of the rights or benefits provided to SANDAG employees. Contracted Staff may be terminated from their assignment at SANDAG without cause.

h. **Deputy Chief Executive Officer (CEO):** One of two senior executives, either the Deputy CEO, Business Operations or Deputy CEO, Planning, Projects, and Programs.

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

j. **Discrimination:** Any unequal treatment or actions that directly or indirectly result in unequal treatment or harassment of persons based upon a person's race (traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status), sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), medical condition (including cancer or a record or history of cancer), physical disability, mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran status or current or prospective service in the uniformed services, or any other category protected under federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual’s association with an actual or perceived member of a protected category.
k. **Domestic Partner:** A domestic partner is a person who has legally established a domestic partnership with a SANDAG employee. A domestic partnership shall be established for purposes of this Handbook when both partners file a Declaration of Domestic Partnership, provided all the following prerequisites are met:

1. The domestic partners have registered their domestic partnership with the California Secretary of State.
2. Neither person is married or a member of another domestic partnership.
3. Neither person is related to the other by blood in such a way that would prevent legal marriage in the State of California.
4. Both persons are legally capable of consenting to a domestic partnership.
5. Both persons are at least 18 years of age or otherwise meet the legal requirements for a domestic partnership in the State of California.

l. **Equal Opportunity:** A condition, situation, or practice that is free from discrimination as defined in this Handbook.

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

n. **Grievance:** A grievance is initiated by an employee or group of employees who believe they are adversely affected by the misinterpretation or misapplication of a written policy. Certain issues are not subject to a grievance. The grievance exclusions are set forth in Section 9 of this Handbook.

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

p. **Introductory Period:** A working trial period for new Regular employees. During this time, new employees are assessed on their ability to successfully perform the functions of the position for which they were appointed and are provided with constructive feedback. The
introductory period is generally six months and may be extended pursuant to Section 3.11 of this Handbook. Both during the introductory period and afterward, employment remains at-will, subject to termination at any time without notice or cause.

q. **Job Relevant Tests:** Tests which examine skills and abilities that are required for performance on a specific job.

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

Limited-Term employees are entitled to the rights and benefits of a Regular employee except:

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

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

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

s. **Non-Exempt Employee:** Generally, employees paid on an hourly basis who are covered by provisions of the Fair Labor Standards Act (FLSA). These employees receive overtime pay at one-and-one-half times their normal hourly rate for hours worked over 40 per work week.
t. **Qualified Person:** An applicant who demonstrates satisfactory competence to perform the work required and can carry out the essential functions of the position.

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

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

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

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

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

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

Refer to Section 3.17 (Retirees or Annuitants) of this Handbook for further information.

w. **Sexual Harassment:** Sexual harassment is defined as any unwelcome behavior in regard to sexual advances, requests for sexual favors, and/or other verbal, physical, or visual contact of a sexual or sexist nature, which occurs either explicitly or implicitly as a condition of employment, as a basis for employment decisions affecting an
employee, or has the potential to affect the employee’s work performance negatively and/or create an intimidating, hostile, or otherwise offensive work environment. Some examples of sexual harassment are: sexually-oriented remarks; inappropriate jokes; the display or distribution of offensive photographs, posters, or cartoons; slurs, epithets, threats, or derogatory comments whether on a computer, on paper, or in any other form; and any unwelcome physical touching. All SANDAG employees are required to attend periodic training regarding the prevention of sexual harassment. New employees must attend training within six months of their date of hire, and at least once every two years thereafter.

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

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

y. **Substance Abuse:** Use or possession of illegal drugs, alcohol, or controlled substances that could impair an employee’s ability to safely, efficiently, and effectively perform the functions of a particular job.

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

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

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

Refer to Section 3.18 (Temporary, Intern, Part-time, Seasonal (TIPS Employees) of this Handbook for further information.
Chapter 2: Responsibilities

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

2.2 The purpose of the Delegation of Authority by CEO policy contained within this Handbook is to designate the persons authorized by the CEO to carry out some of the functions that have been delegated to the CEO by the Board as set forth in the SANDAG Bylaws and Board policies. Refer to the Delegation of Authority by Chief Executive Officer Policy in the Supplemental Policies section of this Handbook for further information.

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

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

2.5 The CEO is authorized to appoint a Human Resources Officer who shall be primarily responsible for ensuring that the mechanics of the human resources program are carried out efficiently and effectively and that accepted standards of human resources management are met. The SANDAG Manager of Human Resources is designated as the Human Resources Officer.
Chapter 3: Employment Practices

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

3.2 The general policy of SANDAG is to ensure that the recruitment, selection, and hiring of Regular employees is accomplished in an open, competitive, and objective manner, and in a fully documented and timely fashion.

Recruitments may be conducted internally, meaning only current SANDAG employees are eligible to apply for the open position, or externally, meaning applications are solicited from interested applicants both within and outside the agency.

A recruitment is considered 'active' at the time the vacant position is advertised to potential applicants.

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

3.3.1 When the CEO, or his/her/their designee, determines that it is in the best interest of SANDAG to promote an existing SANDAG employee.

3.3.2 When the CEO, or his/her/their designee, determines that it is in the best interest of SANDAG to appoint a particular, qualified individual to ensure continuity of work.

3.3.3 When a vacancy occurs and a qualified candidate is on one of the SANDAG recruitment lists, the candidate may be selected in accordance with Section 3.14.

3.3.4 When an entity provides funding to SANDAG and such funding is conditioned upon, or the continuity of the work is dependent upon, a particular individual continuing to perform the work supported by that funding.

3.3.5 When a government entity is downsizing and a particular highly-qualified individual is subject to lay off by that entity, the CEO, or his/her/their designee, may appoint such an individual if the candidate is qualified for an open position at SANDAG.

Exceptions to the competitive recruitment process are subject to review and concurrence by the Senior Director of Organization Effectiveness.
3.4 In order to meet short-term increases in agency workload demands, the CEO, or his/her/their designee, may approve Limited-Term or TIPS positions, in addition to the approved Regular employee positions. The CEO, or his/her/their designee, may fill Limited-Term or TIPS positions without using the standard SANDAG competitive recruitment process.

3.5 In accordance with its duty to provide and maintain a workplace that is free of known hazards, SANDAG requires all employees to be “current and up-to-date” on COVID-19 vaccinations before entering a SANDAG work location unless a reasonable accommodation based on a disability, medical, or religious reason is approved.

- “Current and up-to-date” means an employee is “fully vaccinated” (see below) and, if eligible, has also received a COVID-19 vaccine booster (either 5 months following the second dose of a two-dose vaccine series or 2 months following a single dose vaccine). Accurate documentation confirming receipt of the vaccine booster must be provided to Human Resources.

- “Fully vaccinated” means an employee has provided accurate documentation to SANDAG Human Resources that demonstrates they have, at least 14 days prior, received the second dose of a two-dose COVID-19 vaccine series (following the minimum recommended interval between doses) or a single-dose COVID-19 vaccine.

SANDAG does not recognize “natural immunity” resulting from prior COVID-19 infection in lieu of receiving the COVID-19 vaccine.

Refer to the COVID-19 Vaccination Policy in the Supplemental Policies section of this Handbook for further information.

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

An employee requesting an accommodation, or who the Manager of Human Resources has good cause to believe may be entitled to an accommodation, may be directed to provide documentation of the need for an accommodation from a health care provider of the employee’s choice or from a health care provider of SANDAG’s choice at SANDAG’s expense.
3.7 As a condition of hire and continued employment, SANDAG employees may be required to undergo pre- and/or post-employment tests, checks, or screenings. These may include degree verification, professional credential verification, criminal history/background investigations, credit history checks, driving history record reviews, physical performance tests, medical tests, drug screenings, or other checks relevant to the employee’s position. The requirements for these tests, checks, and screenings will be clearly described in job postings and/or job descriptions.

EMPLOYMENT-RELATED CHECKS, SCREENINGS, AND VERIFICATIONS

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

EMPLOYMENT OF FAMILY AND RELATIVES

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

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

EQUAL EMPLOYMENT OPPORTUNITY

3.10 The federal Immigration Reform and Control Act of 1986 (IRCA) requires all employers to verify the identity and legal right to work of all employees. In keeping with this obligation, SANDAG must inspect original documentation that shows each employee’s identity and legal authorization to work in the United States.

IMMIGRATION LAW COMPLIANCE

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

All offers of employment and continued employment are conditional upon an individual being able to furnish SANDAG with satisfactory evidence of both his/her/their identity and legal authorization to work on behalf of SANDAG in the United States.

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

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

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

During the introductory period, employment is “at-will” and can be terminated with or without cause, with or without notice. Even after the introductory period, employment is not for any specific period or particular length of time. Both SANDAG and the employee have the ability to terminate the employment relationship, at any time, for any reason, with or without cause, with or without notice. In addition, SANDAG may change an employee's position, duties, work location, and compensation and benefits from time to time at its discretion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Work performed by a Retired Annuitant for SANDAG is not eligible for service credit with CalPERS;
2. Retired Annuitants shall work a part-time schedule of less than 30 hours per week on average (calculated using a 12-month Initial and/or Standard Measurement Period);
3. Retired Annuitants are limited to a maximum 12 months of employment. An exception to this limit may be granted by the Director, in consultation with the Manager of Human Resources, if the annuitant has unique skills, knowledge, or experience that are necessary for completion of a special project that is not considered part of the agency’s recurring work program;
4. Retired Annuitants are prohibited from working in a Regular part-time position on an ongoing basis, even if the position is less than 960 hours in a fiscal year;
5. Retired Annuitants do not earn holiday pay, Paid Time Off (PTO), vacation, sick pay, floating holidays, or any other form of paid leave;
6. Retired Annuitants do not receive the employee cafeteria plan, or health, dental, vision, life/AD&D, or disability insurance benefits;
7. Retired Annuitants are not eligible to contribute to the Deferred Compensation Plan, participate in the Transportation Demand Management (TDM) benefit, have a Flexible Spending Account, be covered by the Employee Assistance Program (EAP), receive reimbursement under the Home Computer Purchase program, or be reimbursed for courses taken;
8. Retired Annuitants may qualify for a Flexible Work Schedule;
9. Exempt Retired Annuitants employees shall not earn compensatory time; and
10. Retired Annuitants are not eligible for reimbursement for licenses, certification, or similar fees related to a profession unless such licensure or certification is required in order for the employee to carry out his or her essential job functions at SANDAG.

Retired Annuitants are employed as at-will employees and can be terminated at any time without notice or cause.
3.18 A person hired on a temporary, part-time, or seasonal basis for a limited duration assignment, or offered an intern position with SANDAG, is considered a TIPS employee.

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

1. TIPS employees may qualify for participation in the CalPERS pension plan or the Public Agency Retirement Services (PARS) plan depending on their anticipated work schedule at the time of hire. A TIPS employee who is a current CalPERS member at the time of hire, or who acquires eligibility for participation in CalPERS during their term of employment at SANDAG, shall not participate in the PARS retirement plan;

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

3. TIPS employees may be initially hired for a maximum 12-month employment period. Except for Retired Annuitants, a TIPS employee may be extended for a second year of employment with approval by the employee’s Director;

4. TIPS employees will earn holiday pay on a pro-rated basis based upon their pre-approved part-time work schedule;

5. TIPS employees accrue Sick Leave in accordance with Section 6.24;

6. TIPS employees do not earn Paid Time Off (PTO), vacation, floating holidays, or any form of paid leave except for Sick Leave as noted above;

7. TIPS employees may qualify for the Flexible Work Schedule program;

8. TIPS employees are eligible to participate in the Transportation Demand Management (TDM) benefit;

9. TIPS employees are covered by the SANDAG Employee Assistance Program (EAP);

10. TIPS employees do not receive health insurance benefits unless the employee has accepted an offer of employment defining their regular work schedule as 30 or more hours per week, or has received a signed waiver from the employee’s Director allowing the employee to work 30 or more hours per week on average;

11. TIPS employees shall not receive the cafeteria plan benefit, or dental, vision, or life/AD&D;
12. TIPS employees who work 20 or more hours per week on average, are provided with short-term disability insurance coverage;

13. Exempt TIPS employees shall not earn compensatory time;

14. TIPS employees are not eligible to contribute to the Deferred Compensation Plan, have a Flexible Spending Account, receive reimbursement under the Home Computer Purchase program, or be reimbursed for courses taken;

15. TIPS employees are not eligible for reimbursement for licenses, certification, or similar fees related to a profession unless such licensure or certification is required in order for the employee to carry out his or her essential job functions at SANDAG.

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

3.19 If within one year of an unsuccessful recruitment where all SANDAG procedures were properly followed and documented, a satisfactory candidate who meets the requirements of the available position becomes known, it shall be at the discretion of the Senior Director of Organization Effectiveness, in consultation with the Director and Manager of Human Resources, to offer that candidate the position.
Agency Standards
Chapter 4: Agency Standards

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

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

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

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

Refer to the Business Use of Personal Cell Phones Policy in the Supplemental Policies section of this Handbook for further information.
4.3 SANDAG employees are expected to respect the sensitive, private, and confidential nature of employee, customer, and business information. All employees are required to sign a Confidentiality Agreement at the time of hire.

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

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

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

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

4.4 SANDAG may not enter into contracts, other than employment contracts, with employees, members of an employee’s immediate family, or with entities in which an employee has a financial or other prohibited interest if the contract will cause a conflict of interest prohibited by state or federal law. If an employee is aware that SANDAG is considering entering into such a contract, the employee must notify their Director immediately of the potential conflict of interest. Failure to report such a conflict shall subject an employee to discipline up to and including termination. See Section 4.31 for more information.
4.5 It is the policy of SANDAG to provide a work environment free from unlawful discrimination. Discrimination occurs when a person or group of people are treated differently based upon the following: race (traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status), sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), medical condition (including cancer or a record or history of cancer), physical disability, mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran status or current or prospective service in the uniformed services, or any other category protected under federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category. Discrimination can include any unequal treatment or actions that directly or indirectly result in unequal treatment of persons in a class protected by law.

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

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

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

Refer to the Discrimination and Harassment Prevention Policy in the Supplemental Policies section of this Handbook for further information.
SANDAG employees are expected to present a professional, businesslike image of the organization to public officials, stakeholders, customers, members of the public, vendors, coworkers, and others by dressing in neat, clean attire that is appropriate for the nature and setting of the work being performed.

“Business” and “business-casual” are appropriate dress standards for the majority of SANDAG employees. Uniforms, protective clothing, or clothing appropriate for performing physical work, may be required for certain positions and/or for certain projects. Directors are responsible for determining appropriate workplace attire for their program areas. Supervisors are responsible for communicating workplace dress guidelines to their staff.

The following dress standards are provided for reference:

- “Business” style includes business suits, tailored slacks and jackets, skirts, dresses, business shirts and blouses, and ties.
- “Business-casual” style includes casual slacks, khaki pants, sports jackets, skirts, dresses, blouses, collared/polo shirts, and sweaters.

On designated “casual dress” days, employees are permitted to dress more comfortably for work; this includes wearing jeans. Casual clothing choices should demonstrate good judgment, common sense, and professional taste. Employees should not wear clothing that others may find offensive or might make coworkers uncomfortable.

At all times, employees are expected to avoid extreme, unprofessional, or inappropriate styles of attire, hair, jewelry (including facial jewelry), accessories, or tattoos that are not considered appropriate or could create a safety hazard. Reasonable efforts should be taken to cover visible tattoos during work hours. An employee who does not meet the appropriate dress standards as set by his or her department will be required to take corrective action, which may include leaving work to change clothing. Non-exempt employees will not be compensated for any work time missed because of failure to comply with the agency’s workplace dress standards.

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

Employees provided a uniform by SANDAG are responsible for safeguarding the uniform from loss or damage and for maintaining the uniform in clean and good condition. All serviceable uniforms are to be returned to SANDAG upon separation of employment.
4.7 SANDAG is committed to providing a drug- and alcohol-free workplace and preventing substance abuse by employees.

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

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

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

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

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

Refer to the Technology and Electronic Resources Policy in the Supplemental Policies section of this Handbook for further information.
Employee safety is of great importance to SANDAG. The agency has implemented an Emergency Notification System (ENS) to facilitate timely notification and warning to all employees in the event of an actual or potential threat or emergency that involves the health and safety of employees, whether the threat or emergency occurs at the SANDAG offices, a project site, or at another location. SANDAG will use the ENS to issue messages unless issuing such a notification would worsen or compromise efforts to contain an emergency.

The ENS will be tested on an annual basis, and employees shall be informed prior to such testing. In accordance with Section 4.23 of this Handbook, employees are responsible for providing the Manager of Human Resources and Payroll with current personal information that is in part used for administering the ENS.

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

Employees are responsible for completing a Travel Request form and submitting this to their supervisor and Director for review. A Deputy CEO will approve all travel requests. Requests for travel that do not clearly demonstrate a benefit to the agency will be denied. Employees must obtain advance approval for their trip regardless if it is being paid for by SANDAG or a third party. Steps must be taken to ensure travel paid for by third parties does not constitute a gift or create a conflict of interest for the employee. Travel may be authorized for activities such as attending meetings, representing SANDAG to Boards, Commissions, or other governing bodies, and participating in technical and professional development events such as conferences, training, and workshops.

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

Upon return from travel, an employee must list all expenses incurred during their trip and submit a Travel Expense Report for approval. Employees shall be reimbursed consistent with Board Policy No. 011.
4.11 SANDAG has established a 9/80 Program as the ‘standard’ work schedule where many employees work 9 out of 10 days in a pay period. The second Monday of the pay period is considered the agency Flex Day; this is the day the SANDAG offices are closed to the public. The SANDAG downtown office is open to the public Tuesday through Friday, and every other Monday, from 8 a.m. to 5 p.m. The South Bay Expressway and I-15 Express Lanes Customer Service Center in Otay Mesa is open for walk-ins Monday through Friday.

Under the 9/80 Program, the “standard” schedule for employees is to work five days in the first week of the pay period, and four days in the second week. Every other Monday is designated as the agency Flex Day.

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Employees work with their supervisor to establish a regular work schedule that starts between 6:30 and 9 a.m. and finishes between 4 and 6:30 p.m. In some cases, supervisors may need to set work schedules for employees to ensure coverage for certain functions or operations. A Preferred Work Schedule Request form is to be submitted and approved for each Regular and Limited-Term employee. TIPS employees submit a Part-Time Work Schedule Request form.

Employees may request a flexible work schedule, such as 5/40 (the employee works 40 hours over five days each week) or 4/10 (the employee works 10 hours per day for four days each week) schedule. As part of reviewing flexible work schedule requests, supervisors and Directors will ensure that appropriate supervision will be available for non-exempt employees. See Section 4.12 for more information.

In establishing the 9/80 Program, SANDAG understands certain employees may prefer not to participate in the program for personal reasons. Further, SANDAG recognizes some employees may not be eligible to participate in the 9/80 Program, or may be assigned a custom work schedule, due to the safety, security, or operational nature of their job responsibilities. Employees holding such positions will be notified.

If an agency holiday falls on the same day as an agency flex day, up to 8 hours of floating holiday will be credited to the employee based on an employee’s approved work schedule. Refer to Section 6.10, Holidays, Agency for more information.

Refer to the Flexible Work Schedule Policy in the Supplemental Policies section in this Handbook for further information.
SANDAG supports the concept and use of flexible work schedules as a means of providing work/life balance. A flexible work schedule can maximize employee productivity, improve employee morale, reduce traffic congestion during peak travel periods, provide opportunities for employees to conduct personal business without taking either paid or unpaid time off, allow greater employee participation in family and community activities, and increase flexibility in meeting irregular scheduling needs.

In addition to the agencywide 9/80 schedule described in Section 4.11, SANDAG considers two other work schedule arrangements for eligible employees and positions.

- 5/40 Schedule - an employee works 5 days per week, 8 hours per day.
- Flexible Work Schedule - an employee works 80 hours in the pay period over 8 or 9 days according to a pre-approved schedule.

A Flexible Work Schedule cannot interfere with the accomplishment of SANDAG business, nor can the work schedule cause a reduction in the level of service expected to be provided by the employee or their team. Approval is at management’s option; it is not a benefit to which employees have any vested right.

A Flexible Work Schedule Agreement shall be approved in advance, for a maximum of one year, by the supervisor and Director. A Flexible Work Schedule Agreement may be extended with approval by the supervisor and Director; each extension will be for a maximum of one year.

An approved Flexible Work Schedule Agreement will be subject to review if the employee is transferred or promoted to another position, if there is a significant change in the employee’s job responsibilities, the employee’s direct supervisor changes, or if there are performance issues. An approved Flexible Work Schedule Agreement may be revoked at the discretion of the Director and/or if the criteria used for approval, as noted in the supplemental Flexible Work Schedule policy, are no longer met.

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

As required by law, some SANDAG employees must file a Financial Disclosure Statement entitled Form 700, Statement of Economic Interests. The statement must be filed upon entering employment, and annually thereafter prior to March 31, and/or when an employee's position is first identified as a position designated for financial disclosures, and at termination from employment. Failure to submit the required financial disclosures in a complete and timely manner may be cause for discipline.
4.14 No employee of SANDAG shall accept any favors, gifts (e.g., meals), or gratuities of significant value from persons, concerns, or corporations who have, or seek to have, contracts with SANDAG. Favors, gifts, or gratuities totaling less than $50 annually from a person, concern, or corporation shall not be considered significant for purposes of SANDAG policy. Violation of this section may result in immediate termination of an employee. Refer to Section 4.31 – Standard of Conduct and the Standard of Conduct Policy in the Supplemental Policies section of this Handbook, Board Policy No. 004, and the Guidance on Gifts available on the SANDAG website for further information.

GIFTS AND GRATUITIES

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

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

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

The SANDAG Discrimination and Harassment Prevention Policy contains reporting requirements for all persons subject to the policy. Any concerns or incidents regarding harassment, discrimination, or abusive conduct should be reported immediately by any person with knowledge, either seen or heard, that an incident may have occurred, in accordance with the Discrimination and Harassment Prevention and Sexual Harassment Policies. Employees in supervisory positions have an affirmative obligation to report all harassment, discrimination, abusive conduct, or retaliation of which they are aware to the Manager of Human Resources.

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

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

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

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

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

Refer to the Injury and Illness Prevention Program Policy in the Supplemental Policies section of this Handbook for further information.

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

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

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

The outside employment/endavor must not trigger any of the following criteria:
• Create a conflict of interest with the employee’s SANDAG position
• Interfere with the employee’s efficiency and quality of work for SANDAG
• Interfere with the employee’s ability perform his/her/their SANDAG job responsibilities during SANDAG core business hours which are 9 a.m. to 4 p.m., Monday through Friday, except on the agency Flex Day

Employees are required to consult with their manager and the Office of General Counsel if there is any possibility that outside employment or an endeavor will cause a financial or organizational conflict of interest for the employee and/or SANDAG.
If an employee is considering an outside endeavor that may conflict with their work schedule or responsibilities at SANDAG, or with an entity having a mission that could conflict with a SANDAG policy position, the employee is required to notify SANDAG in advance. Documented approval will be provided via an Outside Employment/Endeavor Agreement, for a maximum of one year, by the supervisor, Director, and Manager of Human Resources. An Outside Endeavor Agreement may be extended with approval by the supervisor, Director, and Manager of Human Resources; each extension will be for a maximum of one year.

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

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

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

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

4.21 When parking at the Toll Operations Center (TOC), vehicles must be parked in the appropriate area designated by SANDAG. Employees may not park personal vehicles in spaces designated for customers, visitors, maintenance, or other fleet vehicles. SANDAG is not responsible for any loss or damage to employee personal vehicles or contents while parked in areas designated by SANDAG or elsewhere. Employees should use good judgment and discretion in parking in areas that may be a security risk for personal injury or property damage.
4.22 The SANDAG Performance Management program offers a system of processes and tools that coordinate the efforts of employees in making contributions to the agency’s programs, projects, and services. To be most effective, performance management requires effective collaboration and communication between supervisors and employees. Core activities include establishing performance expectations, setting goals and objectives, periodic check-in meetings to assess progress toward meeting goals and resetting priorities if new projects or tasks arise, and feedback discussions that support employee growth and development.

Refer to the Performance Management Program Policy in the Supplemental Policies section of this Handbook for further information.

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

4.24 Confidential personnel records and other written documents, including attendance records, performance evaluations, or disciplinary documentation, shall be retained as necessary for human resources administration and to protect the interest of SANDAG and its employees. Employee medical records such as authorizations for medical leave, benefits, and workers’ compensation records shall be maintained in files separate from personnel records and shall be kept private to the extent permitted by law. Employees shall have the right to access their personnel files with prior notice. Files may not be removed from the Human Resources office, but employees shall be allowed copies of documents in their personnel file.

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

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

4.25.2 Section 4.25 of these Policies shall not be interpreted as prohibiting staff from engaging in political activity authorized under federal and state law.
SANDAG is committed to providing and promoting a positive and productive work environment free from threats, intimidation, harassment, and acts of violence. All persons working at SANDAG are expected to treat others and those they serve with courtesy, dignity, and respect.

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

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

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

Refer to the Workplace Violence Prevention Policy in the Supplemental Policies section of this Handbook for further information.
4.27 No employee of SANDAG shall use a SANDAG position or its facilities, equipment, supplies, or information developed at public expense for private gain or advantage.

PRIVATE GAIN

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

PUBLIC RECORDS

Refer to the Public Records Management Policy in the Supplemental Policies section of this Handbook for further information.

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

REFERENCE CHECKS

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

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

SALES ON SANDAG PROPERTY

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

STANDARD OF CONDUCT
minimum standard of behavior expected of staff. Staff are expected to comply with this policy as well as all other state and federal laws regarding employment by public agencies including, but not limited to, conflict of interest laws.

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

4.32 Prevention is the primary strategy for avoiding illness in the workplace. Employees are required to practice basic hygiene measures while in the office such as regularly washing hands with soap and water or sanitizer, covering cough and sneezes, and wiping down high-touch surfaces with sanitizing wipes. Employees also are expected to refrain from coming to work when they are feeling sick, particularly if experiencing signs and symptoms of a cold, the flu, or other respiratory illness. An employee who comes to work when ill may be sent home by their supervisor to ensure others in the work area are not infected. The employee will be required to use accrued sick leave or PTO hours for the time lost from work if they are unable or not approved to work remotely.

The following symptoms are frequently associated with cold, flu, and/or respiratory illness: fever, cough, shortness of breath or difficulty breathing, chills, fatigue, muscle or body aches, headache, sore throat, congestion, or runny nose. Employees are to follow these guidelines if they are feeling sick:

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

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

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

- The employee must contact their supervisor no later than 30 minutes after the scheduled start of the workday and advise them of their planned absence from work.
- Depending on their position, availability of work, and the extent of the employee’s illness, the supervisor may approve the employee to work remotely, consistent with the Flexible Work Schedule policy.
If an employee feels sick upon arrival at work or during the workday:

- The employee must let their supervisor know immediately. The supervisor, in turn, should notify their Director and the Manager of Human Resources if any employee reports feeling sick while at work.
- The employee is to avoid contact with coworkers, customers, etc. and must limit their access to any common or public areas of the office.
- The employee should leave the office as soon as possible.
- Depending on their position, availability of work, and the extent of the employee’s illness, the supervisor may approve the employee to work remotely, consistent with the Flexible Work Schedule policy.

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

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

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

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

Refer to the Public Records Management Policy and Technology and Electronic Resources Policy in the Supplemental Policies section of this Handbook for further information.
4.35 SANDAG maintains a tobacco- and smoke-free work environment for the benefit of employees, customers, vendors, and other visitors. Smoking and vaping is prohibited within any enclosed SANDAG office space or within 20 feet of an exit, entrance, or window of a building on SANDAG premises.

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

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

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

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

Refer to the Technology and Electronic Resources Policy in the Supplemental Policies section of this Handbook for further information.
Chapter 5: Benefit Highlights

5.1 The benefits described in Section 5 and its subparts are generally available to all Regular and Limited-Term employees, except as noted below. Some of the benefits outlined in Section 5 of this Handbook also are available to Retired Annuitants, TIPS, and Contract Staff as specifically stated in other sections of the Handbook.

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

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

5.4 Eligible employees hired on or before June 30, 2003, have the option to continue their previous cafeteria benefits plan where they receive a specified amount of money each month that may be used for payment of employee and dependent medical insurance premiums. Employees who decline to elect medical insurance and attest to having coverage under a group health plan that meets the minimum essential coverage requirements, as defined by ACA, may cash out this benefit. This grandfathered cafeteria benefit is in lieu of receiving the agency-wide cafeteria benefit described in Section 5.3. Once an employee elects to receive the agency-wide cafeteria benefit, the employee may not switch back to the grandfathered cafeteria benefit plan.
5.5 COBRA is a statute that provides for the continuation of group health insurance coverage for employees and/or qualified beneficiaries when coverage would end because of the following reasons:

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

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

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

5.7 SANDAG provides Regular and Limited-Term employees with dental insurance. Coverage also is available for an employee’s dependents and for retirees, to the extent permitted by the SANDAG Dental Plan document. SANDAG pays for dental insurance premiums for employees and any enrolled dependents. Part-time Regular and Limited-Term employees will pay a pro-rated premium for dental insurance benefits based upon the number of hours worked each pay period.
5.8 The SANDAG Medical, Dental, and Vision Plan Documents allow for the coverage of eligible dependents. Eligible dependents include:

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

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

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

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

If an employee uses accrued leave while waiting for his/her/their disability payments to commence, the agency will make adjustments as appropriate for any leave used that resulted in an overpayment as indicated above. The employee must buy back any leave used that resulted in an overpayment. Leave bought back will be credited to the employee’s accrued leave bank.
5.10 A domestic partner, or child of an employee whose domestic partnership has been established as provided in this Handbook, shall be entitled to be enrolled in the medical, dental, and vision plans offered to eligible SANDAG employees. Premiums for domestic partner benefits coverage are deducted on an after-tax basis for federal income tax purposes. SANDAG will respond to all other requests for insurance benefit coverage for dependents of its employees consistent with applicable laws and insurance policy provisions.

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

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

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

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

5.13 SANDAG offers executive-level employees (Classifications 131 and higher) access to an Executive Health program to enhance and encourage well-being. The program is a supplement to medical insurance coverage offered to all benefit-eligible employees, and includes access to a comprehensive range of assessments, testing, and other services on an annual basis in consultation with an Executive Health physician.
5.14 SANDAG offers all Regular and Limited-Term employees the ability to set aside a portion of their income each year to pay for certain qualified health care and child care costs via a Flexible Spending Account (FSA). Funds directed to an FSA are not subject to payroll taxes which may result in tax savings. Contributions to the FSA are made via biweekly paycheck deductions and the account may be used throughout the year to pay for eligible expenses.

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

Refer to the Home Computer Purchase Program Policy in the Supplemental Policies section of this Handbook for further information.

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

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

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

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

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

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

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

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

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

5.19 SANDAG provides Regular and Limited-Term employees with medical insurance; coverage also is available for an employee’s dependents, to the extent permitted by the SANDAG Medical Plan documents. Payment for medical insurance premiums is provided via a Cafeteria Benefit as described in Section 5.3. In the event that the amount of the Cafeteria Benefit does not cover the full cost of the medical insurance premium, the employee is responsible for paying the excess premium amount via biweekly payroll deductions. Part-time Regular and Limited-Term employees will receive pro-rated medical insurance benefits based upon the number of hours worked each pay period.
5.20 SANDAG provides an Open Enrollment period once a year, usually in the months of September and October, during which time benefit-eligible employees may review current benefit elections and enroll in or make changes to existing coverage for the following benefit plans: health, dental, vision, flexible spending accounts, and voluntary benefits. In certain life event change situations, benefit elections may be changed outside of the Open Enrollment period; refer to Section 5.16 for additional information.

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

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

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

5.23 SANDAG provides three tiers of pension benefits through the California Public Employees’ Retirement System (CalPERS) for eligible employees.

- Tier 1 - Employees hired prior to October 27, 2012 will receive the 2.7% at 55 years pension benefit formula.
- Tier 2 - Employees hired after October 27, 2012, including those hired on or after January 1, 2013 who are current members of CalPERS (or a reciprocal agency) and have not had a break in service with a CalPERS agency of greater than six months, will receive the 2% at 60 years pension benefit formula.
- Tier 3 - Employees hired on or after January 1, 2013 who are not members of CalPERS (or a reciprocal system) at the time of hire, or have had a break in service greater than six months from a CalPERS agency, will receive the 2% at 62 years pension benefit formula and are subject to other provisions as described in the Public Employee Pension Reform Act of 2012.
For employees in Tier 1:
- Employees are responsible for paying the full member contribution (8 percent of salary) for the CalPERS retirement benefit.
- The portion of the member's share of the CalPERS retirement benefit paid by Tier 1 employees is subject to change.

For employees in Tier 2:
- Employees are responsible for paying the full member contribution (7 percent of salary) of the CalPERS retirement benefit.
- The portion of the member's share of the CalPERS retirement benefit paid by Tier 2 employees is subject to change.

For employees in Tier 3:
- SANDAG and employees in this tier are each responsible for paying half of the normal costs of the CalPERS retirement benefit. The contribution rate is currently set at 6.75 percent of salary and is subject to change by CalPERS.
- The normal cost for the retirement benefit is subject to change.

SANDAG reserves the right to modify CalPERS benefits and contribution amounts for employees to the maximum extent permitted by law.

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

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

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

Teleworking is an opportunity for eligible employees to establish an alternate work arrangement that allows them to work at home or at another location as part of their approved, regular work schedule. Teleworking may not be appropriate for some employees and some jobs.
Teleworking cannot interfere with the accomplishment of SANDAG business nor can teleworking cause a reduction in the levels of service expected to be provided by the employee or their team. Approval is at management’s option; it is not a benefit to which employees have any vested right.

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

This policy is not applicable to a telework arrangement provided to an employee as a reasonable accommodation. Refer to Section 3.6 for information about Disability and Accommodation.

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

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

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

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

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

Refer to the Transportation Benefits Policy in the Supplemental Policies section of this Handbook for further information.
5.28 SANDAG provides Regular and Limited-Term employees with vision insurance. Coverage also is available for an employee’s dependents, based upon the SANDAG Vision Plan document. SANDAG pays for vision insurance premiums for employees and any enrolled dependents. Part-time Regular and Limited-Term employees will pay a pro-rated premium for vision insurance benefits based upon the number of hours worked each pay period.

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

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

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

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

Medical charges incurred due to a work-related injury are not to be submitted through the SANDAG health plan. Instead, they must be submitted through the SANDAG Worker’s Compensation Insurance Plan.
Chapter 6: Time Off
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6.1 SANDAG may place an employee on Administrative Leave, with pay and benefits, when it is determined that it is in the best interest of the employee and/or the agency that the employee not remain in the office. Examples of reasons an employee may be placed on Administrative Leave include: 1. to facilitate the investigation of allegations of misconduct, or 2. to remove an individual from the workplace who is, or has the potential to, behave in a disruptive manner. All Administrative Leave requests will be coordinated by the Manager of Human Resources and approved by the Senior Director of Organization Effectiveness.

6.2 Regular and Limited-Term employees may take up to three days (24 hours) (if staying in state) or up to five days (40 hours) (if traveling out of state) of bereavement leave per occurrence due to the death of a member of the immediate family. Immediate family member is defined as a spouse, domestic partner, child, sibling/step-sibling, parent, parent-in-law, grandparent, grandchild, or other relative living in the same household. A child includes a biological, foster, or adopted child, a step-child, a legal ward, or a child of a domestic partner. A parent includes a biological, foster, or adoptive parent, a step-parent, legal guardian, or a parent of a domestic partner. Employees are not required to use accrued vacation, floating holidays, compensatory time, or PTO for qualified bereavement leave in accordance with the above stated hours. Part-time Regular and Limited-Term employees will receive pro-rated bereavement leave benefits based upon their pre-approved standard work schedule. TIPS employees are not eligible for this benefit.

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

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

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

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

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

6.6 Employees will be granted disability leave as required by law. Disability benefits will be paid to eligible employees following a two-week waiting period\(^*\) at a rate of up to two-thirds of regular base pay. During the two-week waiting period, employees must use any accrued PTO, vacation, sick leave (if available), floating holidays, compensatory time, catastrophic leave, or other available leave balances. Employees on Pregnancy Disability Leave are only required to use sick leave (if available) during the two-week waiting period.

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

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

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

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

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

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

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

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

A request for an extended leave of absence shall be made in writing by the employee to their Director with support from his/her/their supervisor. If granted, the approval shall be in writing and a copy kept by the Manager of Human Resources. No benefits or reinstatement rights will accrue to an employee, including those based on seniority, during the time an employee is on an extended leave of absence in an unpaid status unless such accrual is required by law.
A Director, in consultation with the Manager of Human Resources, may grant a Regular employee an extended leave of absence for a period not to exceed six (6) months (includes any leave required by law) if either or both of the following is found:

a. The employee’s activities during the leave of absence will improve the employee’s proficiency, return of the employee is desired and expected, and granting the leave is in the best interest of SANDAG.

b. Circumstances are such that the employee must resign if leave is not granted, the employee’s return is desired and expected, and the inconvenience of the employee’s absence is justified.

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

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

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

- Birth of a child and in order to care for the child
- Placement of a child with the employee for adoption or foster care
- When leave is taken under FMLA, an employee may be granted time off to care for a parent (or someone who stands in the place of a parent), spouse, or child due to a serious health condition.
- When leave is taken under CFRA, an employee may be granted time off to care for a parent (or someone who stands in the place of a parent), parent-in-law, spouse, registered domestic partner, child, grandparent, grandchild, or sibling (related to another person by blood, adoption, or affinity through common legal or biological parent with a serious health condition)
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- Serious health condition that makes the employee unable to perform the functions of the employee's position
- Caring for an immediate family member who is a member of the National Guard or Reservist

Up to 4 months (defined as one-third of a year, 17 1/3 weeks, or 693 hours) of Pregnancy Disability Leave (PDL) may be granted to eligible employees who are disabled related to pregnancy or a pregnancy-related medical condition, Pregnancy Disability Leave is coordinated with leave provided under FMLA and/or CFRA. Up to twenty-six (26) weeks of Military Caregiver Leave may be granted to eligible employees for care of an injured service member in the Armed Forces or Reserves who has a qualifying exigency.

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

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

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

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

The following holidays shall be observed:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Cesar Chavez Day
- Memorial Day
- Juneteenth National Independence Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day and the day after
- Christmas Day
Special holidays proclaimed by the President of the United States and the Governor of California may be granted upon approval of the CEO.

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

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

- Non-exempt employees, other than Toll Operations Specialists discussed below, who are approved to work on a holiday by their supervisor will be paid regular holiday pay in addition to straight time for the hours worked on the holiday. The additional hours of pay for working on the holiday will not be reported to CalPERS and will not be considered in the calculation of pension benefits.

- Due to the 24/7 operational nature of the SR 125 toll road, employees who hold the position Toll Operations Specialist are required to work their usual assigned schedule regardless of agency holidays. If a holiday falls on a day a Toll Operations Specialist is normally required to work, the employee will be paid regular holiday pay in addition to straight time for the hours worked on the holiday. This portion of the Agency Holidays policy has been approved by the Board. Holiday pay duly earned by an employee under the noted conditions shall be reported to CalPERS as special compensation.

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

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

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

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

- For exempt employees - pro-rated holiday pay will be determined by comparing the number of hours the employee is in a paid status during the pay period in which the holiday falls relative to the number of available work hours in the pay period in which the holiday falls (80 hours less holiday hours).
Holiday pay for employees not working on a holiday will be pro-rated for Part-time Regular, Part-time Limited-Term, and TIPS employees who are not in a fully paid status based upon their pre-approved part-time work schedule at the time of the holiday as follows:

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

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

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

6.11 In addition to the agency holidays observed throughout the year, SANDAG provides eligible Regular and Limited-Term employees with floating holidays, also known as personal days. This benefit provides paid time off and flexibility for employees to honor and recognize holidays, traditions, observances, and commemorations that may fall outside the standard holiday calendar, to volunteer or participate in community activities that occur during business hours, to celebrate days of personal significance (birthdays, anniversaries, etc.), for personal wellness and self-care activities, or for other work/life balance purposes. Employees are not required to disclose the reason for use of a floating holiday/personal day.

Regular and Limited-Term employees are entitled to two floating holidays (16 hours) per fiscal year (July 1 to June 30 of the following year), with the following exceptions: (1) New employees who begin working after December 31 of any fiscal year will receive one floating holiday (8 hours) during that fiscal year; and (2) New employees who begin working on or after April 1 of any year will not be eligible for any floating holidays for that fiscal year. When possible, the use of floating holidays must be approved in advance by the employee's supervisor. Floating holidays must be reported on the employee’s timesheet. Floating holidays not taken by the end of the fiscal year will be converted to paid time off or vacation leave hours. An employee will not be permitted to convert floating holiday hours if the employee's PTO or vacation hours are at the maximum accrual.
Part-time Regular and Limited-Term employees will receive pro-rated floating holidays based upon their pre-approved part-time schedule in place as of July 1. The allocation of pro-rated floating holiday hours will be based on the sliding scale below. The allocation of pro-rated floating holiday hours will not change during the fiscal year, regardless of the actual number of hours worked by the employee. TIPS employees are not eligible for this benefit.

<table>
<thead>
<tr>
<th>Hours worked per Pay Period</th>
<th>Floating Holiday Hours Credited on July 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>80</td>
<td>16</td>
</tr>
<tr>
<td>75-79</td>
<td>15</td>
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<tr>
<td>70-74</td>
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<td>45-49</td>
<td>9</td>
</tr>
<tr>
<td>40-44</td>
<td>8</td>
</tr>
</tbody>
</table>

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

The employee should notify his/her/their supervisor of the need to take time off from work for jury duty as soon as the summons is received. The employee shall provide written verification from the court clerk for each day of jury duty, showing the time the employee arrived for duty and left the court for the day. If work time remains after any day of jury selection or jury duty, the employee is expected to make arrangements with their supervisor regarding the appropriateness of returning to work for the day. If it is not appropriate for the employee to return to work, the employee and supervisor may coordinate alternate arrangements to make up the time in the same work week (non-exempt employees) or pay period (exempt employees), or the employee may use PTO, vacation, or other accrued leave hours.
For non-exempt employees, it is important to remember that no more than 40 hours can be recorded in a workweek. Depending upon the number of jury duty hours occurring during a workweek, the manager and employee must discuss reallocating work hours for the remainder of the work week so that, combined with the jury duty hours, total hours equal no more than 40 for the work week. Exempt employees on jury duty will not be eligible for compensatory time unless the employee works more than 80 hours in the pay period and obtains prior approval from his/her/their supervisor.

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

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

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

SANDAG will make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express milk in private. Such space will include a surface to place a breast pump and personal items, a place to sit, and access to electricity. SANDAG also will provide the employee with access to a sink with running water and a refrigerator for storing breast milk in close proximity to the employee's workspace.

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

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

6.15 Maternity/Paternity leave will be provided to eligible employees upon the birth or adoption of a child. To the extent the request for Maternity/Paternity leave falls within the provisions of the Family and Medical Leave Act, the California Family Rights Act, the Pregnancy Disability Leave Act, or other applicable laws, the Manager of Human Resources will grant job-protected leave in coordination with the employee’s supervisor and Director and in accordance with the SANDAG Family Care and Medical Leave policy. If the request for Maternity/Paternity leave extends beyond the time period required by law, or the employee is not eligible for job-protected leave, the leave request will be considered an Extended Leave of Absence (refer to Section 6.8) and approval for such leave must be provided by the Director.

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

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

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

Exempt employees are not legally required to take a meal period, however, for health, productivity, and scheduling reasons, SANDAG encourages all exempt employees to establish a regular work schedule that includes at least a 30-minute meal period in the middle part of the work day. An exempt employee who wishes to work without a break on a regular basis must get approval from his/her/their Director.
6.17 Employees who are members of the U.S. Armed Forces (Active or Reserve) shall be granted leave if called to serve in the military in accordance with the provisions of state and federal law. There is no minimum period of employment in order for an employee to be eligible for military leave.

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

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

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

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

6.18 Pursuant to California Military and Veterans Code Section 395.10, spouses and registered domestic partners of qualified members of the military, as defined by law, may be eligible for up to ten (10) days of unpaid leave when the qualified member is on leave for more than ten (10) days from military deployment. SANDAG will pay the employee’s health insurance premiums, to the extent those premiums normally were covered by SANDAG, for a period of up to 10 days while on Military Spouse/Domestic Partner Leave. The employee, however, will be responsible for paying any excess health premiums, supplemental life insurance, and Flexible Spending Account amounts that normally are deducted from his/her/their paycheck.
Regular or Limited-Term employees hired after June 30, 2003, shall earn Paid Time Off (PTO) as set forth in Section 6.19.2 below. The accrual of PTO hours shall commence on the first day of employment, and an employee may request to use PTO hours as soon as they have accrued. PTO shall be taken at reasonable times approved by the employee's supervisor. Employees who fail to obtain advanced permission, or fail to contact their supervisor while absent from work, for three or more consecutive work days may be considered to have abandoned their employment and may be subject to discipline up to and including termination.

Regular and Limited-Term employees hired on or before June 30, 2003, receive vacation and sick leave benefits and may elect to receive PTO in lieu of vacation and sick leave. Employees must convert all vacation balances to PTO upon such election but may keep all or a portion of their sick leave balance without converting it to PTO. The combined total of vacation and sick leave converted to PTO may not exceed 480 hours; the PTO accrual limit. Sick leave no longer accrues, and the existing sick leave balance can be used until exhausted or used toward CalPERS service credit upon retirement. Once an employee elects to receive PTO, the employee may not switch back to earning vacation and sick leave.

For employees who were formerly employees of South Bay Expressway, LLC (SBX) as of June 29, 2012, and who became employees of SANDAG on June 30, 2012, their first day of employment with SBX will be used for purposes of calculating PTO hours. This calculation method shall not apply to hire date or seniority calculations for employees for any purpose other than the PTO calculation.

Full-time Regular and Limited-Term employees are entitled to the full PTO allowance specified in Section 6.19.2 below. Part-time Regular and Limited-Term employees are entitled to the PTO allowance specified in Section 6.19.2 on a pro-rated basis.

PTO shall be earned in accordance with the following schedule:

- Less than 3 years of employment: approximately 1 hour for every 14.44 hours worked - equivalent to 18 days (144 hours) per year
- Years 3 through 10 of employment: approximately 1 hour for every 11.30 hours worked - equivalent to 23 days (184 hours) per year
- After 10 years of employment: approximately 1 hour for every 9.29 hours worked - equivalent to 28 days (224 hours) per year
6.19.3 An accrued PTO balance may be carried forward into the following year. Effective July 1, 2020, the maximum amount of PTO an employee can accrue is 480 hours. An employee who accrues 480 hours will stop earning PTO until the balance is brought below 480 hours. Former MTS employees who were granted a written exception to this limit due to the longevity of their employment with MTS have a PTO accrual limit of 580 hours.

An employee may seek approval from their Director to exercise his/her/their discretion and temporarily increase the maximum PTO accrual limit by up to 80 additional hours for good cause. This practice enables employees to continue earning PTO during peaks in workload and provides time for those employees to use their PTO hours. As part of their request the employee is required to provide a written plan to demonstrate how they will reduce their PTO balance to below the accrual maximum by the conclusion of the temporary increase period. If the Director grants the temporary increase to the accrual limit, it must be given in writing and will be effective for up to six months. A copy of the written approval shall be provided to the employee, supervisor, and Manager of Human Resources who will coordinate with Payroll.

An employee may seek a special exemption from their Director to exceed the 80 additional hours of PTO accrual and/or the six-month effective period in extraordinary circumstances. The request must be made in writing, clearly indicate the underlying reason/s, and state how many additional hours of PTO and/or how much time beyond six months is being sought. The request also must outline the employee's plan for reducing their PTO balance to below the accrual maximum by the end of the exemption period. The Director shall consult with the Manager of Human Resources regarding special exemption requests. If granted by the Director, the approval shall be in writing, and a copy provided to the employee, supervisor, and Manager of Human Resources who will coordinate with Payroll.

A copy of the employee's request, the Director's approval, and the documented plan for reducing the PTO balance shall be kept in the employee's Personnel and Payroll files.

6.19.4 At the discretion of the CEO, or his/her/their designee, and subject to budget availability, up to 80 hours of PTO may be paid out to employees annually who meet the following criteria: (a) an equal or greater amount of hours has been used in the preceding 12 months; and (b) a minimum PTO balance of 160 hours must remain after the payout. Such requests may be granted on a pro-rated basis due to budget capacity.
6.19.5 Accrued PTO shall be paid out to employees upon separation or termination of employment; it will not be credited as service credit under the SANDAG retirement plan with CalPERS.

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

6.19.7 When PTO is used as sick leave, the sick leave provisions in Sections 6.22, 6.22.3, 6.22.4, 6.22.5, 6.22.6, and 6.22.8 shall apply.

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

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

6.22 The following provisions are applicable to employees eligible for Grandfathered Sick Leave (described in Section 6.23), TIPS employees eligible for paid sick leave (described in Section 6.24), and Regular and Limited-Term employees using PTO as sick leave.

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

- An employee is physically or mentally unable to perform his or her duties due to illness, injury, or a medical condition
- An employee needs time off to obtain professional diagnosis, care, or treatment for an existing medical condition
- An employee needs time off for other medical reasons, such as pregnancy, obtaining a physical examination, or seeking preventative care
- An employee is providing care or assistance to an immediate family member with an illness, injury, or medical condition, including assisting in obtaining professional diagnosis or treatment of a medical condition or preventative care
- An employee needs time off due to the birth of a child and in order to care for the child, or placement of a child with the employee for adoption or foster care
• An employee needs to use Safe Time due to being a victim of domestic violence, sexual assault, or stalking as described in the Workplace Violence Prevention Supplemental Policy to this Handbook

• An employee's worksite is closed by order of a public official due to a public health emergency or the employee is providing care or assistance to a child whose school or child care provider is closed by order of a public official due to a public health emergency

• An employee is subject to enforced quarantine in accordance with community health regulations

• Any other reason permitted under the Healthy Workplaces, Healthy Families Act of 2014 or local San Diego ordinance

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

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

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

6.22.5 If the need for sick leave is foreseeable, an employee shall provide reasonable advance notification to his/her/their supervisor; no more than seven (7) days’ notice is required. If the need for sick leave is unforeseeable, the employee shall notify his/her/their supervisor no later than 30 minutes after the scheduled start of the work day on the day sick leave is taken, or as soon as practicable.

6.22.6 An employee who fails to obtain advanced permission, or fails to contact their supervisor while absent from work, for three or more consecutive work days may be considered to have abandoned their employment and may be subject to discipline up to and including termination.
6.22.7 The CEO or his/her/their designee will require a health care provider's certificate for any sick leave requested if an employee is absent and unable to work due to their own illness for five or more consecutive days. The health care provider's certificate must be given to the Manager of Human Resources. The health care provider's certificate includes, but is not limited to: a written prognosis from the treating health care provider as to the expected convalescence period, if any; specific physical restrictions, if any, that bear on the employee's ability to perform his/her/their duties; and/or a second opinion on the employee's conditions from a health care provider of SANDAG's choice (and at SANDAG's expense), based upon independent medical evaluation(s) and/or review of the employee's health care provider report(s).

6.22.8 If an employee comes to work when they are ill, they may be sent home to ensure that others in the work area are not infected. To be paid for the time lost from work, the employee must use their accrued sick leave or PTO hours.

6.23 Certain employees are eligible to accrue Grandfathered Sick Leave. Eligible employees are those employees who were hired on or before June 30, 2003, who have not elected to receive Paid Time Off (PTO) in lieu of sick leave (see Section 6.19). Grandfathered sick leave shall be earned by part-time employees on a pro-rated basis based on the number of hours they work.

6.23.1 Grandfathered sick leave accrues at the rate of 1 hour for every 20 hours worked – equivalent to 13 days (104 hours) per year with unlimited accrual. Grandfathered sick leave shall not accrue during leaves of absence without pay unless required by law.

6.23.2 Upon separation of employment, an employee may elect to receive a cash payment of up to 25 percent of all unused grandfathered sick leave at the salary rate current at the date of separation.

Upon retirement, an employee may elect to receive a cash payment of up to 25 percent of all unused grandfathered sick leave at the salary rate current at the date of retirement. The remaining balance (between 75 to 100 percent of unused grandfathered sick leave) may be applied toward the employee's CalPERS service credit if the employee meets the requirements established by CalPERS for doing so. If the employee fails to make an election upon retirement, the accrued sick leave shall automatically be credited as service credit with CalPERS if the employee meets the requirements established by CalPERS for doing so.
6.24 TIPS employees are eligible to accrue paid sick leave on their starting date of employment and may use accrued paid sick leave beginning on the 90th day of employment. (Retired Annuitants are not eligible for paid sick leave.)

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

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

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

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

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

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

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

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

Refer to Section 6.9 and the Family Care and Medical Leave Policy in the Supplemental Policies section of this Handbook for further information.

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

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

6.26 Employees may request limited periods of time off without pay when they do not have any PTO, vacation, floating holiday, or compensatory time balances available for use. Such a request must be pre-approved by the Director in coordination with the Manager of Human Resources and in accordance with Section 6.8 (Extended Leave of Absence).

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

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

6.27 Persons who were employees of SANDAG prior to June 30, 2003, may elect to continue receiving vacation leave in accordance with this section and its subparts, or they may elect to receive Paid Time Off in lieu of vacation leave and sick leave. Once an employee elects to receive Paid Time Off, the employee may not switch back to earning vacation and sick leave. All employees who begin working at SANDAG after June 30, 2003, will not be eligible for vacation leave or sick leave and shall instead receive Paid Time Off as set forth in Section 6.19. Vacation leave shall be granted at reasonable times approved by the employee’s supervisor.
6.27.1 Vacation leave with pay, to the extent it has been accrued, shall be granted to eligible Regular employees. An employee who terminates employment will be paid for any accrued vacation. Eligible full-time employees are entitled to the full vacation allowance specified in Section 6.27.2 hereof. Eligible part-time employees are entitled to the vacation allowance specified in Section 6.27.2 on a pro-rated basis.

6.27.2 Accrual of Vacation Allowance: Vacation leave allowance shall accrue from the eligible employee's anniversary date as follows:

a. For the first year of employment at the rate of .03847 hours for each hour of non-overtime hours paid to an employee each year (approximately 80 hours per year).

b. An additional .00385 hours for each hour of non-overtime hours paid shall accrue for each full year during the second year, and each year thereafter, to a maximum of 20 days (approximately 160 hours per year).

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

6.27.3 An accrued vacation leave balance may be carried forward into the following year. Maximum accrual amounts apply to vacation leave balances. Effective July 1, 2020, the maximum amount of vacation leave an employee can accrue is 400 hours. An employee who accrues 400 hours will stop earning vacation leave until the balance is brought below 400 hours. The only employees excepted from this limit are employees that transferred from MTS pursuant to Senate Bill 1703 (2003, Peace), whose vacation limit (if transition to PTO has not been elected) is 580 hours.

An employee may seek approval from their Director to exercise his/her/their discretion and temporarily increase the maximum vacation accrual limit by up to 80 additional hours for good cause. This practice enables employees to continue earning vacation leave during peaks in workload and provides time for those employees to use their vacation leave hours. As part of their request the employee is required to provide a written plan to demonstrate how they will reduce their vacation leave balance to below the accrual maximum by the conclusion of the temporary increase period. If the Director grants the temporary increase to the accrual limit, it must be given in writing and will be effective for up to six months. A copy of the written approval shall be provided to the employee, supervisor, and Manager of Human Resources who will coordinate with Payroll.
An employee may seek a special exemption from their Director to exceed the 80 additional hours of vacation leave accrual and/or the six-month effective period in extraordinary circumstances. The request must be made in writing, clearly indicate the underlying reason/s, and state how many additional hours of vacation leave and/or how much time beyond six months is being sought. The request also must outline the employee’s plan for reducing their vacation leave balance to below the accrual maximum by the end of the exemption period. The Director shall consult with the Manager of Human Resources regarding special exemption requests. If granted by the Director, the approval shall be in writing, and a copy provided to the employee, supervisor, and Manager of Human Resources who will coordinate with Payroll.

A copy of the employee’s request, the Director’s approval, and the documented plan for reducing the vacation leave balance shall be kept in the employee’s Personnel and Payroll files.

6.28 Time off for voting shall be provided to any employee during regular office hours if the employee is unable to reach the polls during non-working hours. Time off will be provided in accordance with the provisions of the Elections Code of the State of California.
Pay Practices
Chapter 7: Pay Practices

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

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

- When the need for an acting assignment is due to a leave of absence longer than 6 months, or when a vacancy is prolonged beyond 6 months because a recruitment did not result in the selection of a candidate, the Director, in consultation with the Manager of Human Resources, may extend the acting assignment for up to three (3) additional months.

- When an acting assignment is expected to extend beyond the 6- or 9-month limit indicated above, the Director will attempt to rotate the acting assignment among employees who are interested and qualified for the opportunity. Subject to the 960-hour limitation described below, if it is determined there is only one employee both interested and qualified for the acting assignment, the employee may serve in the role beyond the applicable 6- or 9-month limit until the position is filled.

- An employee shall not work more than 960 hours per fiscal year in any single acting assignment to a position that is subject to active recruitment.

The acting pay provided to an employee shall be at a rate appropriate to the classification of the acting assignment, and commensurate with the employee's qualifications and experience. The minimum increase is 5 percent of the employee's regular rate of pay and up to 20 percent may be provided; the amount will be determined using a salary analysis prepared by Human Resources and approved by the Director. An acting pay increase
shall not cause the employee's salary to exceed the maximum rate of the position classification of the acting assignment; an increase may be less than 5 percent to comply with this limitation. An employee asked to ‘act’ in an Executive-level role who does not hold an Executive-level position is not eligible for the Management Benefit or any other benefits intended solely for Executive-level positions. The employee’s regular rate of pay will be restored at the end of the acting assignment.

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

7.2 Compensatory time is a privilege, not a right, for exempt Regular and Limited-Term employees who work more than 80 hours in a pay period, except those who receive the Management Benefit. The number of expected work hours is reduced when one or more holidays fall within a pay-periods. Compensatory time must be pre-approved by an employee’s supervisor and is earned on an hour-for-hour basis.

An employee shall not be permitted to carry a compensatory time balance in excess of 40 hours. As soon as the employee uses enough compensatory time to bring his/her/their balance below 40 hours, the employee will again be eligible to accrue compensatory time. Employees must have prior approval from their supervisor before taking compensatory time.

An employee may seek approval from their Director to exercise his/her/their discretion and temporarily increase the maximum compensatory time accrual limit by up to 40 additional hours for good cause. This practice enables employees to continue earning compensatory time during peaks in workload and provides time for those employees to use their compensatory time hours. As part of their request, the employee is required to provide a written plan to demonstrate how they will reduce their compensatory time balance to less than 40 hours by the conclusion of the temporary increase period. If the Director grants the temporary accrual increase, it must be given in writing and will be effective for up to six months. A copy of the written approval shall be provided to the employee, supervisor, and Manager of Human Resources who will coordinate with Payroll. A copy of the employee's request, the Director's approval, and the documented plan for reducing the compensatory time balance shall be kept in the employee's Human Resources and Payroll files.

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

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

Employees approved for a general pay adjustment will be notified in writing and adjustment paid, retroactively, to the first pay period of the current fiscal year. General pay adjustments are not guaranteed and may not be available due to budget constraints or other business reasons.

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

7.5 A market pay adjustment may be granted to an employee when the salary range for their position is moved (reallocated) to a higher level. These types of changes typically occur as part of implementing recommendations from a salary range study. A review of an employee's salary will be coordinated by Human Resources upon reallocation of the employee's position. This assessment, conducted in collaboration with Directors, may result in a recommendation for market pay adjustments, which must be approved by the Senior Director of Organization Effectiveness, in consultation with the Deputy CEOs, CFO, and Manager of Human Resources. The intent of the pay adjustment is to maintain the market competitiveness of the employee's salary. The employee's current salary range position, as well as their qualifications, experience, and performance, will be reviewed as part of determining whether a market pay adjustment is warranted.

Employees approved for a market pay adjustment will be notified in writing and the adjustment paid, retroactively, to the effective date of the position reallocation. Market pay adjustments are not guaranteed and may not be available due to budget constraints or other business reasons.
SANDAG uses a pay-for-performance compensation model to support the highest levels of organization success. The intent is to recognize and reward employees based on their contributions and positive impact to the agency, and in a manner that differentiates average versus outstanding levels of performance.

The primary form of a performance reward is a merit increase (a percentage adjustment to annual salary). Merit increases serve two purposes: 1. they move an employee through their salary range and support the agency’s retention goals by ensuring employee pay remains competitive with similar roles in the market, and 2. they are used to provide larger pay increases to employees who achieve significant results and/or demonstrate exemplary performance throughout the year.

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

The results from annual Performance Evaluations are used to make decisions about pay increases. Employees who meet or exceed their assigned goals and objectives, as evidenced by the employee receiving an overall performance rating of 3.0 or higher from their Director, and supported by an average rating of 3.0 (Meets Expectations) or higher on their annual Performance Evaluation, are eligible to be considered for a merit increase. Employees who receive an overall performance rating of 3.75 from their Director are considered “top performers” and may be eligible for a larger merit increase. In limited cases, and with written justification from the supervisor, manager, and Director, an employee with an overall performance rating of less than 3.0, may be considered for a reduced merit increase.

Recommendations for merit increases or lump-sum merit payments, including the identification of top performers in each department, are prepared Directors, with input from supervisors and managers. To ensure merit increases are distributed in a fair and equitable manner, the Senior Director of Organization Effectiveness shall prepare guidelines that set the range of merit increases available to employees, including amounts available for top performers, and will coordinate an agencywide review and approval of recommendations with the Deputy CEOs and CFO. The Manager of Human Resources is responsible for coordinating the preparation and processing of merit increase/lump sum merit pay recommendations and retaining supporting records.
Funding for merit increases is included in the compensation adjustment pool which is identified in the annual program budget and approved by the Board of Directors. Merit increases are not guaranteed and may not be available due to budget constraints or other business reasons. An employee must be in active status at the time the merit increase is paid in order to be eligible to receive the pay adjustment. Lump-sum merit payments awarded to employees are not reported to CalPERS as compensation earned.

Refer to the Performance Management Program Policy in the Supplemental Policies section of this Handbook for further information.

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

7.7.1 If a non-exempt employee enters work time in excess of 40 work hours per workweek on his/her/their timesheet, that time will be considered overtime, compensated at the rate of one and one-half hours per hour worked. Overtime must be approved in advance by the employee’s supervisor. Vacation, PTO, sick, holiday, jury duty, bereavement, and other non-worked paid time off hours are not included as hours worked when calculating overtime.

7.7.2 No employee shall be required to work overtime unless given reasonable notice.

7.7.3 The Manager of Human Resources will determine the exempt status of all executive, professional, and administrative employees according to regulations defined in the Fair Labor Standards Act (FLSA). A list of exempt positions shall be kept by the Manager of Human Resources.

7.7.4 For employees working the SANDAG 9/80 Program, the standard workweeks are defined as follows:

- Week 1 of the pay period:
  Starts at 12 a.m. on Monday and ends at 11:59 a.m. on Friday. (The first Friday is split between the first and second weeks in the pay period.)

- Week 2 of the pay period:
  Starts at 12 noon on the first Friday of the pay period and ends at 11:59 p.m. on Sunday the following week.
For employees working a 5/40 schedule, the workweek shall commence on Monday at 12 a.m. and end on the following Sunday at 11:59 p.m.

Additional workweeks may be defined to support the operational needs of the agency under the 9/80 Program or approved Flexible Work Schedules; these schedules will be communicated to affected employees and their supervisors. The CEO may designate additional or different workweeks when it is deemed to be beneficial to SANDAG.

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

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

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

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

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

If an employee is sent home and called back to work, or if an employee is called in to work on a day the employee is not normally scheduled to work, the minimum number of hours the employee will be paid for is two (2) hours at the employee’s regular pay rate.
7.12 Payment of a sum equal to accrued, unused PTO, vacation leave, floating holidays, compensatory time, and wages owed shall be made to Regular and Limited-Term employees upon separation from employment or retirement at the rate of pay as of the date of said separation.

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

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

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

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

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

7.14 The Toll Operations Center operates on a continuous twenty-four (24) hour basis. Supervisors will assign work schedules to employees that ensure coverage of all roadway and office operations. Employees are expected to be at their desk, workstation, or other designated location at the start of the scheduled shift, ready to perform work. Employees are not permitted to change work schedules with another employee unless approved by the supervisor.
7.15 Certain non-exempt employees in the Roadway Operations group must be available on an on-call (standby) basis to support operations after their normal working hours. Where possible, such employees will be notified in advance of the on-call schedule, and if called back to work, must respond and be on duty within one and one-half (1.5) hours after being contacted.

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

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

The temporary pay increase shall be at a rate appropriate to the additional duties the employee has been asked to assume. The minimum increase is 5 percent of the employee's regular rate of pay and up to 10 percent may be provided; the amount will be determined using a salary analysis prepared by Human Resources and approved by the Director. A temporary pay increase shall not cause the employee's salary to exceed the maximum rate of their position classification; an increase may be less than 5 percent to comply with this limitation. The employee's regular rate of pay will be restored at the end of the temporary assignment.

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

Requests for a temporary pay increase must be submitted in writing to the Director and Manager of Human Resources by the employee's supervisor. The request should clearly describe the reason for the temporary increase, the expected duration, and the additional duties the employee is expected to perform. Approval, if granted, shall be in writing by the employee's Director.
It is the responsibility of each employee to report his/her/their time worked, leave time taken, agency holidays, and other reportable time on their timesheet or time card for each pay period in a timely manner. By signing their timesheet or submitting their time card, an employee attests that the information submitted is complete and accurate to the best of their knowledge. Non-exempt employees are requested to record their time in increments rounded to the nearest ¼ hour.

Supervisors are responsible for ensuring the work and leave time reported by an employee is accurate for the pay period and validating this by approving the employee's timesheet or time card in a timely manner. In the event an employee is unable to complete his/her/their timesheet, it is the supervisor’s responsibility to complete it on the employee’s behalf.

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

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

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

Refer to the Travel and Timesheet Documentation Policy in the Supplemental Policies section of this Handbook for further information.
Discipline
Chapter 8: Discipline

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

- Absence from duty or failure to attend specified employee training without leave or reasonable cause;
- Unexcused or excessive absence or tardiness; three (3) days of unexcused absence or tardiness in a one (1) month period will be considered excessive unless the absences or tardies are protected by local, state, or federal law;
- Working overtime or compensatory time without pre-approval from the employee’s supervisor;
- Failure to observe working schedules, including rest and meal periods, or leaving work during normal working hours (at times other than rest and meal periods) without notice to or consent of the employee’s supervisor;
- Abuse of leave privileges;
- Failure to report for duty after a leave of absence has expired or after a leave of absence has been disapproved;
- Failure to provide a health care provider’s certificate when requested or required to do so;
- Incompetence (i.e., inability to meet the minimum standards or essential functions of an employee’s position for a significant period of time);
- Unwillingness, refusal, or failure to properly perform the normal quality or quantity of assigned work;
- Slowing, restricting, or interfering with another employees’ work or SANDAG business;
• Insubordination, including but not limited to, failure or refusal to obey a reasonable oral or written order or instructions of a supervisor, or the use of abusive or threatening language toward a supervisor or member of management;
• Making or accepting an unreasonable amount of personal telephone calls;
• Poor attitude or conduct that disrupts the working environment at SANDAG by causing disruption in workflow, distress to another person, or disharmony among co-workers;
• Discourteous treatment of the public or other employees;
• Participating in unprofessional conduct, horseplay, or practical jokes on SANDAG time or on SANDAG premises;
• Actions which constitute an unwholesome influence on other employees, such as harassment or discrimination, which includes sexual harassment, or ridiculing a coworker, supervisor, or visitor;
• Failing to cooperate in an investigation as a witness, third party, complainant, or as the accused employee, or make full disclosure of all pertinent information;
• Threatening, or carrying out, acts of violence;
• Use of abusive, profane, or offensive language or hand gestures;
• Provoking, instigating, or participating in a fight or fighting during working hours or on SANDAG property;
• Bringing or possessing a weapon, such as an explosive, firearm, or a knife, that is of no reasonable use to an employee on SANDAG property;
• Conduct constituting abusive conduct as defined in this Handbook;
• Using, possessing, dealing, distributing, or being under the influence of intoxicating beverages, unprescribed narcotics, or unlawful drugs while on duty or at work locations, or reporting to work, or operating SANDAG vehicles or equipment;
• Any willful act or conduct, either during or outside of duty hours, which is of such a nature that it causes discredit to SANDAG;
• Participating in any unlawful or improper conduct that adversely affects an employee's relationship to the job, to co-workers, or to an employee's supervisor, or that in any way discredits SANDAG's reputation or goodwill in the community;
• Engaging in any type of criminal conduct during working hours, while on SANDAG business or while on SANDAG property;
• Conviction of a felony or conviction of a misdemeanor involving moral turpitude;
- Violation of any federal, state, or local law directly impacting the employee's fitness for employment;
- Theft or any improper or unauthorized use, removal, damage, or destruction of SANDAG property, products, or equipment, or property belonging to someone other than the employee;
- Improper use of SANDAG technological property, such as access to inappropriate websites or illegal activities that violate the SANDAG Technology and Electronic Resources Policy;
- Entering a restricted area of SANDAG premises not related to the employee's regular duties without proper authorization;
- Posting or removing official agency notices and materials from SANDAG bulletin boards;
- Deliberate or willful falsification, alteration, destruction, or removal of SANDAG records including, but not limited to, employment applications, personnel records, timesheets, or other confidential records;
- Unauthorized disclosure of confidential or trade secret records or information to third parties, including but not limited to personal social security numbers, medical records, and records relating to a lawsuit, investigation, procurement negotiation, or release of any other records as may be prohibited pursuant to Board Policy No. 015;
- Violation of conflict of interest rules;
- Acceptance, from any source other than SANDAG, of one or more gifts from a particular person or agency (with an aggregate value in excess of $50 annually), or other form of remuneration (except jury duty pay), in addition to regular compensation to an employee for the performance of his/her/their official duties. Honorariums or other payments received by a SANDAG employee for speaking engagements while acting in his/her/their official capacity as a SANDAG employee must be remitted to SANDAG;
- Outside employment or endeavor, paid or unpaid, not specifically authorized in advance by the employee's Director.
- Soliciting, selling, displaying, promoting, or distributing merchandise, literature, or services, or conducting a similar form of business activity that would result in personal or commercial gain, or soliciting on SANDAG property unless properly authorized;
- Refusing to cooperate with law enforcement authorities while on SANDAG property or on SANDAG business;
- Improper use of a SANDAG-provided PRONTO Card or FasTrak transponder;
- Failure to pay debts owed to SANDAG in a timely manner;
Failure to pass an employment-related background check, screening, or verification;

- Loss of legal authorization to work in the United States;
- Fraud or dishonesty in securing employment or promotion;
- Dishonesty involving employment;
- Violation of SANDAG ordinances, resolutions, policies, rules, or regulations.

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

a. **Counseling:** Disciplinary counseling is any informal discussion with an employee designed to help the employee remedy identified problems in skills, abilities, or work performance. Supervisors are responsible to note the date and content of the discussion, but no record need be placed in the employee’s personnel file. Counseling should be used whenever possible before taking more severe action and as a follow-up after formal action.

b. **Oral Reprimand:** Oral reprimand is an informal verbal notice to an employee that his/her/their behavior or performance must be improved. It defines areas where improvement is needed, sets goals, and informs the employee that failure to improve may result in more serious action. Oral reprimands usually are given by supervisors when counseling has failed to produce the desired changes. The supervisor shall note the date and content of the oral reprimand, but no record need be placed in the employee’s personnel file.

c. **Performance Evaluation or Improvement Plan:** Behavior, attitude, and/or performance problems may be noted in a written disciplinary Performance Improvement Plan (PIP) at any time or in an employee’s Performance Evaluation. The PIP or Evaluation should define areas where improvement is needed, set goals, and inform the employee that failure to improve may result in more serious action.

d. **Written Reprimand:** Written reprimand is a formal notice to an employee that further disciplinary action will be taken unless his/her/their behavior or performance improves, a copy of which is placed in the employee’s personnel file. The employee will be requested to execute the written document as acknowledgement of the
discussion. Signed copies will be provided to the employee. The written reprimand should be specific and contain information regarding what occurred; the date and time; which rule, policy, etc., was violated; and what the employee is directed to do to correct the situation. The employee shall be notified of his/her/their right to provide a written response within five working days of receiving the reprimand, which will be included in the personnel file, along with the written reprimand.

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

f. **Reduction In Pay**: Reduction in pay shall be a decrease in salary to a lower pay within the salary range for disciplinary purposes.

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

h. **Dismissal**: Dismissal is the removal of an employee from the services of SANDAG.

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

The Senior Director of Organization Effectiveness, in consultation with the Manager of Human Resources and Deputy CEO, CFO and/or Director as applicable, is vested with the authority to determine the appropriate course of action. The Manager of Human Resources should be informed of the disciplinary problem prior to the issuance of a written warning. More severe types of discipline, such as suspension, reduction in pay, demotion, or dismissal, will not be taken without prior approval of the CEO.
This section (8.3 and its subparts) applies only to Regular employees hired prior to July 1, 2019 who have completed their introductory period (previously referred to as the probationary period). All other employees are employed at-will and can be terminated at any time, with or without cause, and are not entitled to a disciplinary process.

Reductions in pay, demotions, suspensions of three (3) or more work days, and dismissals all are actions for which an eligible Regular employee may request an Employee Response Meeting. If an employee is to be dismissed, the employee may request both an Employee Response Meeting and a Full Evidentiary Hearing. In these cases, the following procedures should be followed:

a. **Notice of Intent to Discipline:** Whenever SANDAG intends to reduce a Regular employee’s pay, demote the employee, suspend the employee for three or more work days, or dismiss the employee, a written Notice of Intent to Discipline shall be given to the Regular employee prior to imposing the discipline, which sets forth the following information concerning the procedures available to the Regular employee:
   - The type of disciplinary action and effective date of disciplinary action intended;
   - The specific charges upon which the action is based;
   - A factual summary of the grounds upon which the charges are based;
   - A copy of all written materials, reports, or documents upon which the discipline is based, or in the case of extensive documents, a reference to the availability of the documents for review or copying;
   - Notice of the employee’s right to respond either orally or in writing;
   - The date, time, and person to whom the employee should respond in five (5) working days to request an Employee Response Meeting;
   - Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

b. **Employee Response Meeting:** Regular employees have the right to respond to the Notice of Intent to Discipline and have a right to be represented at any meeting set to hear the employee’s response. The employee may request a meeting, known as an "Employee Response Meeting," to determine if the proposed discipline is justified. The Employee Response Meeting is not an evidentiary hearing but is considered a pre-disciplinary conference where the Regular employee’s response is considered before final determination of the discipline is made.
A request for an Employee Response Meeting must be in writing and must be delivered to the Manager of Human Resources on or before five (5) working days after the employee’s receipt of the Notice of Intent to Discipline. Within two (2) working days of receipt of the request for an Employee Response Meeting, the Manager of Human Resources shall notify the employee of the time and place for the Employee Response Meeting. The Employee Response Meeting will take place no later than ten (10) working days after receipt of the request. The employee or the employee’s authorized representative, including legal counsel, and the CEO, or his/her/their designee, may agree to a later date for the Employee Response Meeting if necessary under the circumstances. The employee shall be entitled to be present at the Employee Response Meeting, together with an attorney and/or a designated representative.

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

c. Final Notice if Employee Response Meeting is Requested: Within fifteen (15) working days of the Employee Response Meeting, the CEO, or his/her/their designee, will either:

1. Withdraw the proposed disciplinary action;
2. Administer a modified disciplinary action; or
3. Administer the proposed disciplinary action.

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

1. The disciplinary action taken;
2. The effective date of the disciplinary action taken;
3. Specific charges upon which the action is based;
4. A summary of the facts upon which the charges are based;
5. A reference to the written materials, reports, and documents upon which the disciplinary action is based; and
6. Notice of the employee’s right to appeal if the final notice imposes dismissal.
d. **Full Evidentiary Hearing:** Following an Employee Response Meeting, if the Final Notice imposes dismissal, a Regular employee may appeal the decision of the CEO or his/her/their designee to the SANDAG Board of Directors by requesting a Full Evidentiary Hearing. The Notice of Appeal must be in writing and must be delivered to the CEO within five (5) working days of the Final Notice. Upon receipt of a Notice of Appeal, the Board of Directors shall schedule a Full Evidentiary Hearing with the employee within forty (40) calendar days thereafter and shall notify the employee of said date and place in writing. Employees subject to reductions in pay, demotions, or suspensions are not entitled to a Full Evidentiary Hearing.

e. **Full Evidentiary Hearing Rules and Guidelines:** No fewer than ten (10) calendar days prior to the hearing, the employee and SANDAG shall provide each other with a list of witnesses and exhibits. The Chair of the Board of Directors or his/her/their designee shall serve as the hearing officer at the hearing. The parties will be entitled to appear personally, produce evidence, have counsel, and to make the hearing public. Technical rules of evidence will not apply at the hearing except all testimony will be taken under oath. A certified shorthand court reporter or other type of recording system will record the hearing on behalf of SANDAG. No informality in any of the proceedings or the taking of testimony shall invalidate any order or decision made or approved by the Board of Directors at the hearing.

f. **Immediate Removal:** The above procedure shall not preclude the immediate removal of an employee with pay without notice or hearing where the continued presence of the employee would present a hazard or disruption to other employees, the public, or SANDAG. An administrative removal with pay pending an investigation requires written approval from the CEO and is not subject to appeal. When an administrative removal with pay is imposed and subsequent disciplinary action follows, the employee shall be assured of all due process in accordance with this procedure.

g. **Right to Representation:** A Regular employee eligible for an Employee Response Meeting or Full Evidentiary Hearing that may result in disciplinary action has the right to be represented by an attorney retained by the employee at the employee’s expense, or another representative of his/her/their choice.

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

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

PAYMENT OF
DAMAGES BY
EMPLOYEE
Chapter 9: Grievance Procedures

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

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

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

a. Step 1: The aggrieved employee or group of employees shall orally present the grievance to the appropriate supervisor within ten (10) calendar days of date the employee knew or should have known of the incident. The supervisor shall give his/her/their oral or written reply within two working days.

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

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

9.3 **The following are specifically excluded from the grievance procedure:**

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

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

9.4 **Any or all of the time limitations mentioned above with reference to filing and response may be extended by mutual agreement of the employee and the CEO and/or their designees.**
Classification and Compensation
Chapter 10: Classification and Compensation

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

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

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

- **Position**
  
  A position is an assigned group of duties and responsibilities performed by one employee; it also can be referred to as a job.

- **Classification or Class**
  
  A classification or class may contain only one position or may consist of a number of positions. When several positions are assigned to one class this means the same classification title is appropriate for each position; that the scope, level, duties, and responsibilities of each position assigned to the class are sufficiently similar (but not identical), and that the same core knowledge, skills, and other requirements are appropriate for all positions in the class.

- **Position or Job Description**
  
  A position or job description defines the specific duties and responsibilities assigned to an individual position.

- **Classification Specification**
  
  A classification specification, or class spec, is typically a broad summary of the general duties, responsibilities, and qualifications that apply to all positions within a particular job title (i.e., Associate Regional Planner).
Class specs are not intended to specifically identify every duty performed by an employee in the classification.

- **Job Family**
  A job family consists of positions that are similar with respect to the duties performed but different in terms of the nature and level of responsibility assumed. Job families often include positions at the administrative/technical, professional, and supervisory/management levels.

- **Flexibly Staffed Positions**
  A group of positions within a job family from which employees may be promoted up to the “III” or “Associate” level without a competitive recruitment.

- **Salary Range (Pay Grade)**
  Each classification is assigned to a salary range or pay grade based on external market rates as well as the internal value to the agency. The salary range defines the minimum and maximum rate of pay.

10.2 SANDAG maintains a Classification Salary Range Table, a hierarchal group of all classifications and salary ranges used for the administration of the SANDAG compensation program. Each classification is assigned to a pay grade which represents the current salary range for the classification; the salary range reflect the value of a job in the external market as well as the internal value to the agency.

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

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

Class specs are used as guidelines for determining applicant qualifications for positions and establishing position comparability for the purpose of conducting classification and compensation surveys. The minimum qualifications for certain positions may be interpreted flexibly by the Senior Director of Organization Effectiveness, in consultation with the Manager of Human Resources, in exceptional cases where equivalencies exist between education and experience or where unique circumstances arise.

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

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

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

10.6 Job descriptions are developed and maintained for each position within the organization. While Classification Specifications describe examples of primary duties and the general knowledge, skills, and qualifications for similar positions that fall within the classification, job descriptions are customized for each role. Job descriptions clearly and concisely state the purpose of the position, the primary duties and responsibilities assigned, the knowledge and abilities needed to perform the job, working conditions, physical requirements, and key liaisons. Job descriptions help establish clear expectations for what work is to be performed and how, enabling employees to work more effectively while providing a sound basis upon which supervisors can evaluate employee performance.

A draft job description is prepared by Human Resources when the employee is hired, promoted, or when position responsibilities significantly change. Within 90 days of an employee’s start date, promotion date, or position change date, the supervisor and employee will jointly review and modify the draft job description to reflect current work assignments, and provide a copy of the final job description to Human Resources. Supervisors and employees also are expected to review and maintain job descriptions on at least an annual basis to ensure they are accurate and relevant.
10.7 A lateral transfer occurs when an employee moves from one open position or classification to another at the same or substantially similar salary range; the employee may be considered for a salary adjustment if supported by the employee’s qualifications for the new position.

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

- **Flexibly Staffed**
  Occurs when an employee is promoted to a higher-level position, up to the Associate or III level (journey-level), within their current or significantly similar job family based on demonstrated successful performance of assigned job duties. Promotions to positions higher than the Associate level require competitive selection unless an exception in this Handbook applies. Promotions within flexibly-staffed groups of positions are approved by the employee’s Director in consultation with the Manager of Human Resources.

- **Competitive**
  Occurs when the recruitment, selection, and hiring of an employee happens in an open, competitive, and objective manner, in a fully documented fashion.

- **Appointment**
  Occurs when the CEO (or designee) fills a vacant position with a qualified person.

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

Employees promoted to higher level classifications may be subject to an introductory period. (See Section 3.11.)

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

The position title does not typically change as part of a reallocation, but the salary grade moves up or down. A reallocation impacts all positions having the same classification title. Employees are automatically reallocated to the new salary grade as a result of the reallocation process.
When the classification of an incumbent employee is reallocated to a higher-level salary grade, the employee will receive at least the minimum rate of pay for the new salary range, and may be eligible to receive a market pay adjustment. When the classification of an incumbent employee is reallocated to a lower-level salary grade, the employee will continue to receive their current rate of pay. If the current rate of pay exceeds the maximum of the new salary range, the employee's rate of pay shall be frozen at its current level until such time that the incumbent leaves the position or the maximum of the salary range catches up to or exceeds the employee's current pay rate.

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

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

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

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

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

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

Working titles may not misrepresent SANDAG or the authority or level of the position in any way. An employee’s supervisor, in consultation with Human Resources, may approve a working title. Systems, records, documents, etc. maintained by SANDAG will reference classification titles for all employees. Working titles are appropriate to use in email signature blocks, business cards, etc.
Chapter 11: Professional Development

11.1 SANDAG encourages employee self-development by offering financial assistance for certain education-related expenses. This benefit provides employees with access to programs and courses of study that improve their effectiveness in their current position through knowledge and skill acquisition, prepare them for new types of job responsibilities including possible advancement opportunities, and/or increase their adaptability to new ideas and change.

Education Assistance is provided in two forms of benefit to Regular employees who have completed their introductory period:

- **Tuition Assistance** - provides a contribution to the cost of tuition and certain related expenses associated with the pursuit of a degree or the expenses related to non-degree college courses
- **Certification and Licensing (C&L) Assistance** - provides a contribution to costs associated with job-related certification or licensing programs, including the examinations required as part of those programs

The Education Assistance benefits are not available to Limited-Term or TIPS employees.

Requests for reimbursement of Education Assistance-related expenses shall be presented in advance and in writing to an employee’s supervisor and Director. Upon completion of the class/program under the Tuition Assistance program, or upon earning the certification/license under the C&L Assistance program, the employee shall provide the Manager of Human Resources with information confirming successful completion as well as receipts for eligible expenses. Effective January 1, 2020, the maximum Education Assistance benefit is $5,250 per fiscal year.

Refer to the Employee Education and Training Policy in the Supplemental Policies section of this Handbook for further information.

11.2 SANDAG may, subject to budgetary limitations, pay for or reimburse employees for licenses, certifications, bonds, or other required fees (in whole or in part) if the licensing or certification is required or requested by a supervisor. In the event an employee voluntarily terminates employment with SANDAG less than one year after SANDAG pays for a license or
certification, the employee must reimburse SANDAG on a pro-rated basis for the costs it paid. This benefit is not available to TIPS employees.

The Education Assistance benefit provides reimbursement for employees for job-related Certification and Licensing programs, including the examinations required as part of those programs.

Refer to the Employee Education and Training Policy in the Supplemental Policies section of this Handbook for further information.

11.3 Performance Check-Ins and Performance Evaluations may be used as one of many tools to assess an employee’s ability to perform the required duties of their current position. Performance Check-ins are completed for new Regular employees at their 3-month and 6-month anniversary dates as part of the introductory period. Six-month Check-ins are completed for new Limited-Term and TIPS employees (excluding annuitants). The frequency of check-ins may vary, depending upon the length of service, position held, past performance, changes in job duties, or recurring performance issues.

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

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

Performance Evaluations are intended to guide supervisors in assisting employees to meet the essential functions of their position and/or to improve their job skills. Evaluations may be one source upon which the determination shall be made as to whether an employee’s performance has been fully satisfactory.
Paper-based Performance Evaluations shall be given to the Manager of Human Resources for filing in the employee’s personnel file. Evaluations completed using the web-based performance management tool will be stored within the system. Performance Evaluations shall be treated in a confidential manner.

Refer to the Performance Management Program Policy in the Supplemental Policies section of this Handbook for further information.

11.4 A performance improvement plan is designed to identify and correct problems that may affect an employee’s work performance. This process provides the employee and his/her/their manager with an opportunity to talk about specific problems, to determine when and how these problems can be corrected, and to agree to set goals and follow-up dates. Each case is considered on an individual basis by the manager, with the advice of the Manager of Human Resources and next manager above. Section 8 of this Handbook describes the process to be followed when work performance problems are not corrected.

11.5 An employee’s supervisor, at the discretion of the Director, may invite Regular or Limited-Term employees to attend, or the employee may directly request to attend, seminars, courses, or workshops, etc. for which SANDAG prepays the associated enrollment fees.

Requests for Professional Education shall be presented in writing, and in advance of the date of the program, to the employee’s supervisor. Requests should explain how the seminar or course directly relates to an employee’s current role, priority area of the agency, whether it is required or necessary to improve the SANDAG operations and/or how SANDAG anticipates deriving benefit from the employee’s completion of it. The employee may need to attend the seminar or course during the work day or after work hours.

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

Interns are permitted to attend one fee-based training class every 6 months. If a class opportunity emerges that would benefit the intern and the agency, the Director may approve attendance by the intern, subject to availability of funding.
Upon receipt of an approved Professional Education request, Human Resources will coordinate the seminar, course, or workshop registration on behalf of the employee and prepay the associated enrollment fee(s) and eligible expenses.

Refer to the Employee Education and Training Policy in the Supplemental Policies section of this Handbook for further information.

11.6 Employees who hold Regular full-time SANDAG positions and have completed the introductory period are eligible for job-relevant professional organization memberships. The membership request must be pre-approved by the employee's supervisor and Director. SANDAG maintains institutional memberships in various organizations that pertain directly to the work and interests of the agency. SANDAG will not pay membership dues for an individual employee when agency membership of the organization exists. When possible, group or shared memberships are encouraged.

An employee may request payment/reimbursement of professional membership fees if he/she/they is a member in good standing and can demonstrate that the membership will result in direct and tangible benefits to the mission of the agency. It is the responsibility of the supervisor and Director to determine whether the requested membership meets the above criteria.

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

11.7 As part of the Employee Education and Training policy, SANDAG may, subject to budgetary limitations, provide reimbursement of tuition and other eligible expenses related to a course taken in the pursuit of an undergraduate or graduate level degree or the expenses related to non-degree college courses. Regular employees who have completed their introductory period and who meet or exceed the performance expectations for their current position are eligible for reimbursement. This benefit is not available to Limited-Term or TIPS employees.

Requests for reimbursement of tuition expenses shall be presented in advance and in writing to an employee's supervisor and Director. Upon completion of the class/program, the employee shall provide the Manager of
Human Resources with information confirming successful completion as well as receipts for eligible expenses. Effective January 1, 2020, the maximum education assistance benefit is $5,250 per fiscal year.

Compensation shall be conditioned on continued employment with SANDAG for one year following completion of the program for which the employee is compensated. In the event that the employee voluntarily terminates employment with SANDAG less than one year after completing a course, reimbursement by the employee to SANDAG of the costs paid by SANDAG for the course will be required on a pro-rated basis.

Refer to the Employee Education and Training Policy in the Supplemental Policies section of this Handbook for further information.
Chapter 12: Separation of Employment
Chapter 12: Separation of Employment

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

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

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

12.2 The CEO may dismiss an at-will employee at any time, with or without cause, with or without notice, and for any reason. The CEO may dismiss a Regular employee hired prior to July 1, 2019, for causes set forth in Section 8.1.

12.3 If it becomes necessary through lack of work, lack of funds, or for any other legitimate economic or business reason to reduce the number of employees, SANDAG will attempt to notify Regular employees so affected 60 calendar days prior to the date of termination, or as soon as possible under the circumstances.

12.4 An employee wishing to resign in good standing is requested to notify the Manager of Human Resources in writing at least ten (10) working days prior to the employee's final day of work.
For an employee that is not on leave, the effective date of a resignation will be the last day the employee performs duties for SANDAG. An employee is not permitted to extend their official last day of employment by using accrued PTO, floating holidays, or other types of leave.

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

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

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

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

12.6 Upon separation of employment, an employee will receive their final pay in accordance with applicable law. All accrued time off benefits, which the employee is eligible to receive, such as PTO, floating holidays, compensatory time, vacation leave, etc. will be paid out as part of the final paycheck in addition to any other vested benefits that are due and payable upon termination. Other accrued benefits, such as benefits under retirement or savings plans, will be distributed under the terms of those plans. Severance also may be offered to an employee in accordance with the terms of the employee’s contract and/or at the discretion of, and to the extent granted to, the CEO.
After separation, health insurance benefits usually may be continued, at the employee's option and expense, and it may be possible to continue certain other insurance benefits, depending upon the terms of those plans. If eligible, the separating employee will be provided with a COBRA Continuation Coverage notice that outlines the benefits that may be continued and of the terms under which this is possible, in addition to other health insurance options.

Human Resources will schedule an exit meeting prior to the employee's final day of work. During the exit meeting, the employee will be provided information about the separation process – activities to be completed during the notice period, final paycheck, benefits, return of agency-owned property, repayment of outstanding debts to the agency, etc. The exit meeting also is an opportunity for the employee to provide feedback regarding his or her experience working for SANDAG, offer suggestions, submit concerns, and ask questions.

12.7 In the event an employee wishes to postpone or rescind their notice of resignation or retirement, SANDAG is under no obligation to approve the request. Requests to postpone or rescind a notice of resignation or retirement must be made in writing to the Director and Manager of Human Resources at least five (5) working days prior to the employee's final day of work. If granted, approval must be given in writing and a copy provided to the Manager of Human Resources.
Chapter 13: Supplemental Policies

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SANDAG recognizes that cell phones, in particular smart phones (mobile phones that combine digital voice service with advanced features and connectivity that allow e-mail capability, Internet access, data storage, etc.), are a helpful tool for employees who routinely work outside the office, need to be reachable outside of usual business hours, or travel frequently on behalf of the agency. SANDAG does not typically purchase or provide cell phones to employees.* Instead, SANDAG believes it is mutually beneficial to provide a monthly service allowance to eligible employees who frequently use their personal cell phone for agency-related business. The annual aggregate amount of the employee service allowance shall be no less than the amount necessary to cover the proportionate value of the phone services utilized by the employee to conduct SANDAG business over a 12-month period. Employees who are offered the allowance and choose to reject it are required to sign a waiver concerning reimbursement rights.

* There are program areas within the organization where a Director may determine it is more practical or beneficial to provide an employee with a SANDAG-issued cell phone. Examples include when there is a high risk of damage to a personal cell phone given the employee’s job duties or when a specific device is required to support program operations.

Eligibility

SANDAG has identified Tier 1 and Tier 2 positions with respect to this policy. Employees holding such positions are automatically eligible for a monthly voice and data service allowance. Eligibility for other employees (the Tier 3 and Tier 4 categories) will be determined on a case-by-case basis, taking into consideration the nature of the work the employee performs and the need to maintain contact using a personal cell phone during work and non-work hours. Eligibility for an additional data service allowance, required to support smartphone functions, also will be considered based on the need for the employee to send and receive SANDAG email and texts, access calendars and schedules, connect to the Internet, and store and/or retrieve electronic data while away from the office.

Tier Definitions

- Tier 1: Chief Executive Officer
- Tier 2: Directors
- Tier 3: Principals; Project Managers
- Tier 4: All other employees expected to conduct SANDAG business using a personal cell phone
Responsibilities

Eligible employees are responsible for purchasing their own cell phone. Cell phones are the property of the employee, not SANDAG.

Eligible employees are responsible for establishing and maintaining a service plan with a service provider and paying all fees and charges associated with the plan, including costs associated with insurance and extended warranties. Employees must maintain an active cell phone service plan while receiving a monthly allowance.

Employees are responsible for reporting lost or stolen cell phones, as well as problems with the service or equipment, to the service provider. Employees will not be reimbursed for the cost to replace a lost, stolen, or damaged cell phone.

If SANDAG determines an employee no longer needs a cell phone for business and as a result, the employee wants to cancel the service, SANDAG will be responsible to bear the cost of any fees associated with early cancellation or service plan changes. If a personal decision by the employee results in early cancellation of the contract, the employee will bear the cost of any fees associated with the cancellation, and the employee shall notify SANDAG within three business days so that reimbursement is to be halted.

If approved for the additional data service allowance, the employee’s personal cell phone (smart phone) is expected to have appropriate capabilities that allow for connection to the SANDAG Exchange server for access to email, calendars, and other electronic information necessary for the performance of the employee’s job duties. The Information Systems division should be contacted if assistance is needed to determine if a cell phone being considered for purchase meets this requirement.

SANDAG assumes no responsibility or liability for the cell phone purchased or any damage or loss use of the cell phone for the employee or anyone else.

Employees approved for a cell phone allowance are required to provide their cell phone number to their supervisor/manager, to Human Resources, and any other individuals (such as other employees or project partners) as identified by their supervisor/manager.

Employees approved for an allowance should be familiar with the SANDAG Technology and Electronic Resources and Public Records Management policies (part of the Employee Handbook) and their applicability to the use of cell phones. A summary of some of those provisions follows:

- Employees should be aware that if they use their personal cell phone to access SANDAG technology and electronic resources to conduct SANDAG business – the email system, shared network, etc. – the cell phone is potentially subject to inspection by Information Systems, Human Resources, or the Office of General Counsel in order to respond to a public records request, subpoena, or as part of an internal investigation or employee relations matter. Data stored on SANDAG servers is subject to disclosure even if a personal device was used. Any information found that is pertinent to a search would be copied from the employee’s device. An employee’s personal information from the device may be reviewed as part of the search process, however, this
information would not be divulged if it was not responsive to a legal request for SANDAG records or was exempt by law from disclosure.

- SANDAG policies that forbid discrimination and harassment apply to an employee’s use of their cell phone, if the cell phone/cell phone service is or has been financed in whole or in part by SANDAG. Employees may not use their cell phone in any unlawful manner.
- Employees are expected to use their cell phone in a manner that protects their personal safety and the safety of co-workers and the general public. Employees are prohibited from using a cell phone without proper hands-free equipment while operating a vehicle to conduct SANDAG business. Employees also are prohibited from sending text messages or emails while operating a vehicle if they are using the vehicle to conduct SANDAG business.

The monthly service allowance for Tier 3 and Tier 4 employees will be approved for a defined period of time. The employee’s supervisor/manager is responsible for reviewing and determining the continued business need for a cell phone allowance prior to the end of each approval period.

Special Considerations for Non-Exempt Employees

Certain non-exempt (hourly) employees may be approved to receive a monthly allowance for use of their personal cell phone for agency business. Such approval strictly grants permission for the non-exempt employee to use their cell phone during their scheduled work hours.

Regardless of whether a non-exempt employee is approved for a monthly cell phone allowance, non-exempt employees should not check for, read, send, or respond to work-related e-mails, text messages, or other forms of electronic communication outside their normal work schedule, including designated breaks and/or meal periods, unless specifically authorized by their supervisor to do so.

Time spent by non-exempt employees using their cell phone for agency business outside of their scheduled work hours, with or without supervisor approval, will be considered hours worked and must be accurately reported on the employee’s biweekly timesheet.

Supervisors are responsible for clarifying this requirement and ensuring unauthorized work is not being performed by non-exempt employees outside of their scheduled work hours. Supervisors also are responsible for ensuring the accuracy of biweekly timesheets.

Security for Personal Cell Phones

Employees using their personal cell phone for SANDAG business may need to send or receive SANDAG-related data that is confidential in nature. In order to protect against unauthorized access of such data, an employee should take the following precautions whether or not the employee accepts reimbursement from SANDAG.

- Cell phone operating system software updates with enhanced security functionality should be downloaded without delay
• Security settings such as screen locks for failed password attempts and inactivity time-outs should be used.

• Strong passwords should be used on the cell phone

• Cell phones should not be used to send or open confidential information on cell phones being used on unsecured networks such as those available in public places (restaurants, airports, etc.).

**Cell Phone Service Allowance**

Monthly allowances, for both voice and data services, have been established and shall cover all costs related to the service plan including insurance, fees, taxes, and other applicable charges. The monthly allowances are set at four levels:

<table>
<thead>
<tr>
<th>Level</th>
<th>Required Availability</th>
<th>Voice Service</th>
<th>Data Service</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1: Chief Executive Officer</td>
<td>24/7</td>
<td>$20</td>
<td>$140</td>
<td>$160</td>
</tr>
<tr>
<td>Tier 2: Directors</td>
<td>24/7</td>
<td>$20</td>
<td>$90</td>
<td>$110</td>
</tr>
<tr>
<td>Tier 3: Principals; Project Managers</td>
<td>12/7</td>
<td>$20</td>
<td>$70</td>
<td>$90</td>
</tr>
<tr>
<td>Tier 4: All other employees expected to use a personal cell phone to conduct SANDAG business</td>
<td>8/5</td>
<td>$10</td>
<td>$35</td>
<td>$45</td>
</tr>
</tbody>
</table>

Employees in Tiers 1 and 2 are automatically eligible for the voice and data service allowances identified in this policy.

For employees in Tiers 3 and 4, the Director will determine if the employee will receive an allowance based on business need and usage; approval will be given for a defined period of time. The following criteria are used in making this determination:

• The job function of the employee (during the employee’s normal working hours) requires considerable time outside of their assigned office or work area and it is important to SANDAG that the employee be accessible during this time.

• The job function of the employee requires them to be accessible outside of scheduled or normal working hours (while at home, out of town, etc.).

In addition to the criteria noted above, consideration also shall be given to fluctuations in usage that the employee may regularly experience due to emergencies, shutdowns, and travel. If the employee’s job is such that these fluctuations occur on a regular basis, the employee may be assigned an allowance amount that would cover these costs. For exceptional cases, as determined by the Director, an employee may be
eligible for additional reimbursement beyond the established allowance for costs incurred as a result of infrequent, unanticipated increases in business usage. Reimbursement for such additional costs will only be permitted when the employee's supervisor/manager or Director directed the employee to carry out the work that led to the additional costs. SANDAG reimburses employees in full for all necessarily-incurred business expenses. If at any time an employee believes that actual business costs exceed the reimbursement rate above, the employee must contact the Manager of Human Resources as soon as possible to discuss an adjustment.

Funds for this program are subject to approval in the final Program Budget each year.

Payment and Taxation of a Service Allowance

An approved allowance for cell phone service will be added to the employee's biweekly paycheck. This allowance does not increase the employee's base salary and will not be included in the calculation of any agency benefits. The allowance will show as a separate line item on the employee's pay statement.

Since the allowance is approved as a monthly amount, and employees are paid every two weeks, a formula is used to calculate the allowance paid each pay period, as demonstrated by the following example:

- Approved service allowance: $90 per month
- To determine biweekly amount: $90 per month x 12 months = $1,080 per year, divided by 26 pay periods = $41.54 per pay period

SANDAG treats the service allowance as a taxable benefit. The allowance amount will be treated as wages and subject to income tax withholdings. Because the allowance is taxable, the actual amount that the employee receives may be less than the allowance amount approved. The total annual allowance paid will be reported as taxable wages on the employee's Form W-2 at the end of each year.

Approval Process

Employees requesting consideration for a cell phone service allowance should complete the ‘Business Use of Personal Cell Phones’ agreement/approval form. The employee's supervisor/manager and Director will review the request and approve if determined appropriate. All approved requests will be forwarded to Human Resources for coordination with Payroll and for recordkeeping.

Amended February 2022
Catastrophic Leave Policy

The Catastrophic Leave Program permits SANDAG employees with accrued Paid Time Off (PTO), vacation, floating holidays, sick leave, or compensatory time to voluntarily donate 4 to 160 hours of those leave credits per fiscal year (in whole hour increments) to other employees who qualify for Catastrophic Leave so long as the donation does not cause the donor employee’s PTO, vacation, or sick leave balance to fall below 40 hours. To receive donations, an employee must hold a benefit-eligible position and meet one of the eligibility requirements below.

Eligibility

Leave
Employees who qualify for leave under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), Pregnancy Disability Leave (PDL), Military Exigency Leave (MEL), Military Caregiver Leave (MCL), or Paid Family Leave (PFL), qualify for consideration for the Catastrophic Leave Program if the leave results in the employee exhausting all his/her/their own accrued leave including all PTO, vacation, floating holidays, sick leave, compensatory time, and other leave.

Medical
Employees who are not eligible for a leave of absence listed above but are being treated by a health care provider for a medical condition, or are caring for an immediate family member (child or step-child, parent, parent-in-law, grandparent, grandchild, sibling or step-sibling, spouse, or registered domestic partner) that is being treated by a health care provider for a medical condition, may qualify for consideration for the Catastrophic Leave Program if the circumstances result in the employee exhausting all his/her/their own accrued leave including all PTO, vacation, floating holidays, sick leave, compensatory time, and other leave.

Unforeseen Emergencies
Employees experiencing an unforeseeable, emergency situation or family hardship, such as the death of an immediate family member or a natural disaster, also may qualify for consideration for the Catastrophic Leave Program if the circumstances result in the employee exhausting all his/her/their own accrued leave including all PTO, vacation, floating holidays, sick leave, compensatory time, and other leave.
Catastrophic Leave Requests

An employee may solicit leave donations by filling out a Catastrophic Leave Request form; all Catastrophic Leave requests require approval by the Manager of Human Resources. Employees who fail to complete and submit the required documentation will not be authorized to receive Catastrophic Leave donations. Employees do not earn additional PTO, vacation, or sick leave while receiving donated time unless the cause of the absence is related to an industrial injury or accident. Employees receiving disability insurance, Paid Family Leave, or worker’s compensation benefits may use donated leave only to supplement their benefits. Supplementation allows recipient employees to use donated leave credits to ensure continuance of their regular rate of compensation.

Catastrophic Leave Donations

Upon approval of a Catastrophic Leave Request, the Manager of Human Resources, or delegate, may request Catastrophic Leave donations via email. Human Resources will project the approximate number of hours needed beyond the requesting employee’s own leave credits for the duration of the catastrophic leave period, and that projection will be used as the basis for the solicitation.

Employees who wish to donate leave are requested to complete the Catastrophic Leave Donation Form and submit it to the Manager of Human Resources. The donation forms will be given to Payroll for verification of available leave credits and transferring of hours. Donated leave shall be used in the order donation forms are received and as needed by the recipient. Payroll will notify the donors of the amount of time used and the pay period against which it was charged. Once an employee has donated leave, and the leave has been used by the recipient employee, the donation is irrevocable.

Donated time will be transferred from employee to employee on a dollar-for-dollar basis and converted to PTO or sick leave for the recipient employee. Recipients are required to exhaust ALL available leave prior to receiving donated leave.

Leave donations pledged, but not used by the recipient employee, will be retained up to 6 months and may be used in response to future employee Catastrophic Leave requests, if needed. If an employee does not receive enough donations to cover the request, the Manager of Human Resources will determine if other paid resources are available.

Case-by-case basis

This policy will be implemented on a case-by-case basis and will be treated in the most confidential manner possible unless otherwise requested by the employee seeking donations. The purpose of this summary is to provide a general orientation to the Catastrophic Leave Program.

Amended February 2022
COVID-19 Vaccination Policy

In accordance with its duty to provide and maintain a workplace that is free of known hazards, SANDAG has adopted this policy to safeguard the health and well-being of employees and their families; guests, customers, and members of the public who visit the SANDAG offices; and the community at large from COVID-19. This policy will comply with all applicable laws and regulations and is based on guidance from the Centers for Disease Control and Prevention (CDC), Cal/OSHA, and state and local health authorities, as applicable.

This policy applies to all SANDAG employees as well as employees from temporary staffing agencies. It does not apply to Board or Policy Advisory Committee members, guests, customers, or members of the public. A SANDAG work location is defined as any destination where an employee is directed to work. This includes, but is not limited to, offices that SANDAG owns or leases where agency operations are regularly conducted, or other locations that SANDAG designates for the performance of an employee's job duties on a permanent or temporary basis; a SANDAG work location does not include an employee's home office or other destinations used by the employee when working remotely.

Requirement for COVID-19 Vaccination

To minimize potential exposure in its offices and work locations, SANDAG requires all employees to be “current and up-to-date” on COVID-19 vaccines before entering a SANDAG work location unless a reasonable accommodation based on a disability, medical, or religious reason, as described in this policy, is approved. An employee who fails to comply with these requirements will be prohibited from entering a SANDAG work location and will be subject to discipline, up to and including termination of employment unless a reasonable and good faith effort to achieve compliance has been demonstrated. This policy shall remain in effect until further notice.

The following definitions apply to this policy:

- “Current and up-to-date” means an employee is “fully vaccinated” (see below) and, if eligible, has also received a COVID-19 vaccine booster (either 5 months following the second dose of a two-dose vaccine series or 2 months following a single dose vaccine). Accurate documentation confirming receipt of the vaccine booster must be provided to Human Resources.

- “Fully vaccinated” means an employee has provided accurate documentation to SANDAG Human Resources that demonstrates they have, at least 14 days prior, received the second dose of a two-dose COVID-19 vaccine series (following the minimum recommended interval between doses) or a single-dose COVID-19 vaccine.
Effective January 14, 2022, all employees must be “current and up-to-date” within 30 days of this policy change, or 30 days after becoming eligible for a COVID-19 vaccine booster, whichever is sooner, unless a reasonable accommodation based on a disability, medical, or religious reason, as described in this policy, is approved.

New employees are required to be “fully vaccinated” against COVID-19 within 45 days of hire or, if eligible for a vaccine booster, “current and up-to-date” within 30 days of hire, unless a reasonable accommodation based on a disability, medical, or religious reason, as described in this policy, is approved.

Employees on an approved leave of absence as of January 14, 2022, and who are eligible for a vaccine booster, will be required to be “current and up to date” within 30 days of their return from leave unless a reasonable accommodation based on a disability, medical, or religious reason, as described in this policy, is approved.

SANDAG does not recognize “natural immunity” resulting from prior COVID-19 infection in lieu of receiving the COVID-19 vaccine or the vaccine booster.

Proof of Vaccination Status

All employees, unless granted an exemption from this policy, must demonstrate they are “fully vaccinated” or “current and up-to-date” by providing accurate documentation that demonstrates they have received the second dose in a two-dose COVID-19 vaccine series or a single-dose COVID-19 vaccine or, if eligible, have received a COVID-19 vaccine booster. Employees must fully complete the COVID-19 Vaccination Status form and submit a copy of their vaccination record/card, either in hard copy or electronically to Human Resources (covid19@sandag.org).

Acceptable Vaccines

The following vaccines, whether fully approved by the FDA, or available under Emergency Use Authorization (EUA), are acceptable for complying with this policy:

- Pfizer-BioNTech, a two-dose regimen (this may be available under the brand name Comirnaty)
- Moderna, a two-dose regimen
- Johnson & Johnson/Janssen, a one-dose regimen
- Any vaccine approved for emergency use by the World Health Organization (WHO)
- A vaccine administered as part of an approved clinical trial in the United States if the employee is documented to have primary vaccination with the active (not placebo) COVID-19 vaccine

Obtaining COVID-19 Vaccinations

SANDAG will pay for COVID-19 vaccinations (including vaccine boosters) for employees who receive vaccinations after this policy is effective.

- Benefit-eligible employees must obtain vaccinations from a health care provider or clinic covered by their health insurance, or from one of the free vaccination sites available throughout San Diego
Non-benefit eligible employees may obtain their vaccination from any location of their choice; SANDAG will provide employees with a list of locations. Reimbursement will be provided for the cost of the vaccination, if any.

Employees will be paid for time taken to receive vaccinations (up to two hours of paid leave may be provided) and for any time off from work due to side effects following the vaccinations. SANDAG shall provide employees with administrative leave or another paid leave option. Employees should work with their supervisors to schedule appropriate vaccination appointment times to comply with this policy.

To maintain confidentiality, employees may submit requests for reimbursement of COVID-19 vaccine-related expenses to Human Resources (covid19@sandag.org).

Other COVID-19 Safety Protocols

In addition to vaccination, employees are expected to follow all requirements set forth by state or local health officials as well as SANDAG policies and protocols that are intended to keep employees safe and healthy. These include face coverings, testing when symptomatic, social distancing, frequent handwashing, and staying home when ill. The COVID-19 Procedures for Workplace Prevention and Management contains information about the policies, processes, and guidelines that have been implemented for the SANDAG work locations. This document is posted to the SANDAG Central SharePoint site and a copy may be obtained by contacting Human Resources.

Face Coverings

- Employees, regardless of vaccination status, may wear a face covering at work without fear of retaliation. SANDAG shall provide face coverings, at no cost, to any employee upon request.

- SANDAG encourages employees who are not fully vaccinated to consider voluntarily wearing a well-fitted face covering or respirator with good filtration while indoors at a SANDAG work location and when traveling in a vehicle with others for SANDAG business.

- Respirators, such as N95s, KN95s, KF94s, protect users from airborne disease while face coverings primarily protect people around the user.

- SANDAG has N95s available for employees upon request, including instructions for proper use and fit.

COVID-19 Testing

Employees, regardless of vaccination and symptom status, will be required to obtain testing for COVID-19 in the event of exposure, also referred to as close contact, at a SANDAG work location. If testing is required, employees will be notified by the Manager of Human Resources and information shall be provided about testing options, the availability of paid time to seek testing, and any requirements for isolation or quarantine per the County of San Diego health orders.

In the event of an outbreak, or major outbreak, of COVID-19 at a SANDAG work location, all employees will be provided with access to testing. Unvaccinated employees will be required to get tested for COVID-19...
immediately upon notification of an outbreak or major outbreak, and additional testing shall be required on at least a weekly basis until the outbreak period is concluded. The availability and/or requirement for testing shall be communicated by the Manager of Human Resources. If testing is required, it shall be at SANDAG’s expense and during paid time.

**Reasonable Accommodation**

To comply with applicable state and federal laws, employees seeking an exemption from the mandatory vaccination requirement due to a disability or medical reason, or because of a sincerely held religious belief, must submit a completed Request for Accommodation form to Human Resources. New employees seeking an exemption from the policy must submit their accommodation request within 14 calendar days of their start date of employment. The Request for Medical Exemption from Vaccination and Request for Religious Accommodation forms are available from Human Resources.

Human Resources will engage in an interactive dialogue with an employee who requests an accommodation to determine the limitations of their ability to comply with this policy and explore potential reasonable accommodations that could overcome those limitations. Accommodations will be granted where they do not cause SANDAG undue hardship or pose a direct threat to the health and safety of others.

**Locations Not Owned or Operated by SANDAG**

SANDAG is working with its partners to ensure a safe and healthy work environment for all individuals. However, some employees who perform on-site work at locations other than those owned or operated by SANDAG may encounter conditions beyond SANDAG’s knowledge and/or control. Employees must immediately report any health and safety concerns to their supervisor, Director, or Human Resources so they may be addressed promptly. Remember, the health and safety of employees comes first. If an employee ever feels unsafe at work, they may immediately leave the location and contact their supervisor or Human Resources for further instructions.

**Policy Modification**

Government and public health guidelines and restrictions and business and industry best practices regarding COVID-19 and COVID-19 vaccines are changing rapidly as new information becomes available, further research is conducted, and additional vaccines are approved and distributed. SANDAG reserves the right to modify this policy at any time in its sole discretion to adapt to changing circumstances and business needs, consistent with its commitment to maintaining a safe and healthy workplace.
Enforcement and Non-Retaliation

Failure to comply with this policy or, in the case of supervisory employees, failure to comply with and enforce this policy, may result in discipline, up to and including termination of employment. SANDAG prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting a violation of this policy or any other health and safety concern. Employees have the right to report work-related injuries and illnesses, and SANDAG will not discharge, discriminate, or otherwise retaliate against employees for reporting work-related injuries or illnesses or good faith health and safety concerns. Employees may contact their supervisor, Director, or Human Resources with any questions or concerns.

Effective: July 20, 2021
Revised: August 24, 2021; September 7, 2021; October 8, 2021; January 14, 2022, March 8, 2022
Delegation of Authority by Chief Executive Officer Policy

The purpose of this policy is to designate the persons authorized by the Chief Executive Officer (CEO) to carry out some of the functions that have been delegated to the CEO by the SANDAG Board of Directors. The CEO must be authorized by the Board, pursuant to Board Policy, to carry out any and all of the delegated actions set forth in this policy.

Definitions

The following terms, as defined below, are used in this policy:

- **Architectural and Engineering (A&E) Work Authorization** refers to the written authorization issued to the A&E firm under contract to SANDAG to provide support on Job Order Contract construction projects.

- **Agreement** shall be interpreted to include contracts, memoranda of understanding, memoranda of agreement, on-call agreements, settlement agreements, cooperative agreements, grant agreements, rental agreements, grants, agreement amendments, task orders, task order amendments, job orders and job order amendments, purchase orders and purchase order amendments, invoices, money transfers, leases, easements, consignments, assignments, or any other document that could be enforced against SANDAG in a court of law. This term applies whether the agreement is an expenditure or revenue agreement.

- **Budget** shall be interpreted to include the annual SANDAG Program Budget, revisions and amendments thereto, including the Overall Work Program (OWP), Regional Operations and Services, the Administration and Board budgets, and the Capital Improvement Program (CIP).

- **Budgeted** shall mean the item in question is listed in the annual SANDAG Program Budget and has been approved by the SANDAG Board of Directors.

- **CMS** shall mean Contract Management System. Approval via CMS shall refer to electronic approval of the agreement or procurement by all applicable employees in the chain of delegation.

- **Cumulative** shall mean the aggregate total authorized for a particular contractor/consultant/vendor within a project, or for a project itself.

- **Director** shall include all employees who hold executive-level positions (Classification 131 or higher).

- **Director Delegated Procurements** shall mean procurements (of goods, products, and/or services), which have not been Red Flagged by a Deputy CEO or CFO.
• **Job Order Contract (JOC)** means a firm fixed price, competitively bid, indefinite quantity procurement process under which Job Orders are issued to a contractor primarily for repair and alterations projects.

• **On-Call Agreement** shall mean a procurement of goods and/or services that is solicited, competed, and awarded to one or more vendors, which calls for the issuance of orders for a period of time or maximum aggregate dollar amount, as defined in the solicitation.

• **Procurement** shall mean the purchase of a good or services by any means, including but not limited to, a Request for Proposals, Invitation for Bids, Request for Offers, or credit card, and whether or not a written agreement is used.

• **Project** shall refer to the projects listed in the annual SANDAG Program Budget, at the Corridor level where applicable.

• **Ratification** shall refer to a situation in which an action was originally taken by someone without delegated authority, which action then requires approval after the fact by a person with applicable authority to ensure the action taken is legally valid.

• **Red Flagged** shall mean the projects or procurements identified by a Deputy CEO or CFO, that require Deputy CEO, CFO, or higher approval to execute Agreement transactions.

• **Retroactive Effect** shall refer to an Agreement that must be backdated to cover a period of time during which a vendor provided goods or services, prior to the formal written Agreement or amendment thereto, being executed. Agreements or amendments thereto with retroactive effect are disfavored.

• **Senior Contracts Officers** shall mean the persons in Contracts and Procurement Services with a Senior job title and with responsibility for certain procurement approvals in their job description.

• **Sole Source Procurements** are those that do not provide for a full and open competition and for a dollar amount in excess of the micro purchase threshold in Board Policy Nos. 016, 023, or 024. Sole source procurements must be approved by a Director.

**Section I: Procedures for Agreement Transactions**

1. **Delegation Methodology**

Signature and/or approval authority for Agreement transactions should be delegated to a level commensurate with job responsibility. Signature approval levels are based upon employee job function.

Directors may delegate additional responsibilities for certain positions or transactions within their department; such delegations must be commensurate with the scope and level of responsibility of the incumbent employee's primary job duties. These situations shall be reported to the Director of Accounting and Finance, the Senior Director of Organization Effectiveness, the Manager of Contracts and Procurement Services, and the Office of General Counsel. References to limits refer to cumulative purchase of the same goods or services under the same Agreement within a fiscal year. The cumulative dollar limits on delegated authority will not be refreshed until a new budget has been approved by the Board. The approval level must be commensurate with the maximum amount of the procurement document.
2. **Delegations to Contracts and Procurement Services**

In addition to those delegations that are applicable in Table I below, the Senior Contracts Officers, the Manager of Contracts and Procurement Services, and the Senior Director of Organization Effectiveness shall have authority to take the following actions:

- **a.** When an existing Agreement will expire within 30 days and the applicable Director determines the work must continue, issue an amendment with a 30-day time-only extension without additional review or approval to allow work to continue while a longer-term solution is implemented.

- **b.** When an existing Agreement is expected to expire prior to an amendment being processed, issue a notification to the consultant/contractor/vendor to stop work in order to place the work on hold until a new contract document or other action can be processed.

Notwithstanding the other delegations in Section I of this policy, Directors hereby delegate authority to the Senior Contracts Officers to approve Agreement transactions that meet the following conditions:

- All final reviews and signatures on Agreements being extended for time only when permitted by the scope of a prior competitive procurement and when everyone in the delegation chain has already approved all substantive terms in a prior route at the solicitation stage or draft contract/task order routing stage.

- All final reviews and signatures on Agreements in the form of purchase orders that have been previously approved by everyone in the delegation chain and use SANDAG standard boilerplate, are not red flagged, retroactive, or sole sourced, and are deemed by the Senior Director of Organization Effectiveness, Manager of Contracts and Procurement Services, or a Senior Contracts Officer to be low risk to SANDAG, therefore rendering a tailored or detailed agreement unduly burdensome.

- All final reviews and signatures on Agreement amendments under $100,000 that do not change substantively after the first electronic review route by a Director, or a Director’s delegate, as long as they are not retroactive.

3. **Review by Office of General Counsel**

Documents and transactions listed in Table I are required to have Office of General Counsel review and concurrence, except: (1) purchase orders using SANDAG standard boilerplate that are not red flagged or sole sourced and are deemed by the Senior Director of Organization Effectiveness, the Manager of Contracts and Procurement Services, or a Senior Contracts Officer to be low risk to SANDAG, therefore rendering a tailored or detailed agreement unduly burdensome; (2) amendments for time only to Task Orders; and (3) Task Orders, Task Order amendments, or Agreement amendments that have been reviewed and approved by a Senior Contracts Officer for regulatory compliance, sufficiency, and completeness, and which do not involve any of these issues:

- **a.** Sole source procurement
- **b.** Red Flagged procurement
- **c.** Potential cardinal change in goods or services to be provided to SANDAG as compared to solicitation
d. Non-Brooks Act services included in a Brooks Act-covered procurement exceeding an amount that would be considered incidental in nature under applicable funding agency requirements or guidance

e. Terms and conditions language added to boilerplate previously approved by Office of General Counsel

f. Lower limits of insurance than those included in the procurement boilerplate or recommended by the Risk Program Manager

g. Other issues of special risk identified by a Director

4. Review by Finance Department

The Accounting and Finance department must review and confirm budget availability for the transactions listed in Table I, with the exception of transactions that do not have a budget impact or require a change in cost or revenue. The higher levels of authorization in the table include the same authority as the levels below them, i.e., Level 1 has all the authority contained in Levels 2 and 3; and Level 2 has all the authority listed under Level 3.

If a procurement has been RedFlagged but falls within an Exception (see list below), the procurement should be treated as though it was Director Delegated. Table I below sets forth the delegations of authority through the CEO by the Board for functions other than those set forth for construction-related transactions.

**Table I - Agreement Transactions**

<table>
<thead>
<tr>
<th>Document/Transaction</th>
<th>Level 3: Principals/Managers ¹</th>
<th>Level 2: Directors</th>
<th>Level 1: Deputy CEO or CFO</th>
<th>CEO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procurements and Agreements that are part of the Budget approved by the Board, approved via CMS, and that are <strong>not</strong> Red Flagged²</td>
<td>Up to amount of applicable Simplified Acquisition Threshold in Board Policy</td>
<td>Up to budgeted amount/advertised amount</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procurements and Agreements with project descriptions and funding that are equal to or less than $100,000, part of the Budget approved by the Board, and that are Red Flagged</td>
<td>No authority</td>
<td>$100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procurements and Agreements with project descriptions and funding that are greater than $100,000, part of the Budget approved by the Board, and that are Red Flagged</td>
<td>No authority</td>
<td>No authority</td>
<td>Full authority</td>
<td></td>
</tr>
<tr>
<td>Document/Transaction</td>
<td>Level 3: Principals/Managers</td>
<td>Level 2: Directors</td>
<td>Level 1: Deputy CEO or CFO</td>
<td>CEO</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>------------------------------</td>
<td>--------------------</td>
<td>---------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Sole Source procurements of any dollar value</td>
<td>No authority</td>
<td>Up to budgeted amount unless ratification also is required</td>
<td>Up to budgeted amount when ratification is required</td>
<td></td>
</tr>
<tr>
<td>Procurements and Agreements for dollar amounts that are not in the Budget or exceed the budgeted amount</td>
<td>No authority</td>
<td>No authority</td>
<td>No authority</td>
<td>Up to $300,000</td>
</tr>
<tr>
<td>MOUs, MOAs, Cooperative Agreements or other Agreements that do not involve a money transaction</td>
<td>No authority</td>
<td>Final approval if agreed to by Office of General Counsel</td>
<td>Final approval if agreed to by Office of General Counsel</td>
<td></td>
</tr>
<tr>
<td>Approval of Progress Payments and Invoices</td>
<td>All except final invoice or final progress payment</td>
<td>Final Invoice or final progress payment up to Agreement limit</td>
<td>Final approval if agreed to by Office of General Counsel</td>
<td></td>
</tr>
<tr>
<td>Acceptance of Funding and Revenue Agreements that are part of the Board-approved budget</td>
<td>$100,000</td>
<td>Full amount unless higher approval level required by grantor</td>
<td>If required by grantor</td>
<td></td>
</tr>
<tr>
<td>Acceptance of Funding and Revenue Agreements that are not part of the Board-approved budget</td>
<td>No authority</td>
<td>Up to $300,000</td>
<td>Up to $300,000</td>
<td>Up to $300,000</td>
</tr>
<tr>
<td>Settlement Agreements</td>
<td>No authority</td>
<td>$50,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspend or Cancel Competitive Procurement</td>
<td>Up to applicable simplified acquisition threshold in Procurement Manual</td>
<td>All procurements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Real Property Transfer Documents (including deeds, easements, leases, rights of entry, temporary easements, escrow instructions, certificates of acceptance)</td>
<td>$25,000, if agreed to by Office of General Counsel</td>
<td>$50,000, if agreed to by Office of General Counsel</td>
<td>Final approval if agreed to by Office of General Counsel</td>
<td></td>
</tr>
<tr>
<td>Document/Transaction</td>
<td>Level 3: Principals/Managers</td>
<td>Level 2: Directors</td>
<td>Level 1: Deputy CEO or CFO</td>
<td>CEO</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-------------------</td>
<td>---------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Master contracts for on-call agreements</td>
<td>Up to budgeted amount/advertised amount</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Task orders</td>
<td>Up to budgeted amount/advertised amount</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A&amp;E Work Authorizations issued under an executed task order, that are part of the Budget approved by the Board</td>
<td>$100,000</td>
<td>Up to budgeted amount/advertised amount</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1  Level 3 includes principals and managers of major functional units or projects, if delegation is approved by the Director.
2  The Senior Director of Organization Effectiveness and the Manager of Contracts and Procurement Services also are authorized to approve purchase orders at this level.
3  Unlimited for routine Service Bureau projects as described in the OWP and for advertising revenue, with the expenditure of the advertising revenue to be subject to a future budget action.
4  Subject to additional requirements set forth in Board Policy No. 017 (Delegation of Authority).
5  The value of the work shall not be split up in order to circumvent SANDAG’s approval limits.

Even if a project has been Red Flagged, the following procurement types do not require approval by a Deputy CEO or the CFO for purposes of Table I:

- Flagging services from another government agency
- Permit and plan check fees paid to another government agency
- Fees paid to a regulated utility
- Task Orders issued under a project-specific Agreement that do not extend time or budget authorized in an Agreement that already received Red Flag review
- Agreements with Community Based Organizations for community outreach efforts
- Sole source, sole brand, and/or retroactive procurement that was not otherwise Red Flagged
- Procurements under $50,000 aggregate
- Federal Transit Administration (FTA) Section 5310, TDA, and TransNet grant program agreements when award has been approved by the Board of Directors
- No cost amendments to extend time on an Agreement document for less than six months aggregate
● Hardware or software procurement that was approved following a business review
● Legal services procurement not flagged by Office of General Counsel for review by a Deputy CEO or the CFO

Section II: Procedures for Construction Transactions

Table II sets forth the construction-related documents and transactions that are hereby delegated by the CEO to those employees with responsibilities related to capital project delivery and SR 125 toll-road operations. This delegation of authority applies only to budgeted amounts approved by the Board at a prior time unless otherwise noted. All higher levels have the authority of the minimum signature level. Note: this delegation applies only to the construction portion of capital projects.

Table II - Construction Transactions

<table>
<thead>
<tr>
<th>Construction Document or Transaction</th>
<th>Level 4 ¹</th>
<th>Level 3 ²</th>
<th>Level 2 ³</th>
<th>Level 1 ⁴</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval to Issue Notice to Proceed for Construction Contracts or Job Order Contracts</td>
<td>No Authority</td>
<td>No Authority</td>
<td>Up to budgeted amount</td>
<td></td>
</tr>
<tr>
<td>Approval to Issue Notice to Proceed for Job Orders</td>
<td>$25,000</td>
<td>Up to amount approved in CMS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change Orders or Job Orders issued under a JOC or Prior Approval thereof (cannot be used on a serial basis to avoid limit)</td>
<td>$5,000</td>
<td>$25,000</td>
<td>$200,000</td>
<td></td>
</tr>
<tr>
<td>Relief from Maintenance and Responsibility and Acceptance of Work</td>
<td>No authority</td>
<td>Recommend</td>
<td>Approve</td>
<td></td>
</tr>
<tr>
<td>Record Construction Drawings</td>
<td>Approve</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approval of plans, specifications, and estimates (PS&amp;E) for capital improvement projects</td>
<td>No authority</td>
<td>No authority</td>
<td>Approve</td>
<td></td>
</tr>
<tr>
<td>Approval to procure construction firm without federalization of contract</td>
<td>Recommend</td>
<td>Recommend</td>
<td>Approve</td>
<td></td>
</tr>
</tbody>
</table>

¹ Level 4 includes Senior Engineer, Senior Systems Engineer, Capital Development Program/Project Manager, Senior Technology Program Analyst, and Maintenance and Facilities Supervisor
² Level 3 includes Principal Engineer and Manager of Roadway, Facility, and Business Operations
³ Level 2 includes Director of Engineering and Construction and Director of Regional Transportation Services
⁴ Level 1 includes the Deputy CEOs and CFO
# Section III: Procedures for Employment-related Transactions

## Table III - Employment and Benefits Items

<table>
<thead>
<tr>
<th>Document/Transaction</th>
<th>Minimum Signature Authorization Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Add New Position, including conversion of a TIPS position to a Regular or Limited-Term position</td>
<td>Director, with confirmation from the CFO regarding funding availability</td>
</tr>
<tr>
<td>Administrative Leave</td>
<td>Senior Director of Organization Effectiveness</td>
</tr>
<tr>
<td>Catastrophic Leave Requests</td>
<td>Manager of Human Resources</td>
</tr>
<tr>
<td>Cell Phone Allowance Requests</td>
<td>Director</td>
</tr>
<tr>
<td>Change in Employment Status (converting from Limited-Term to Regular)</td>
<td>Director, Senior Director of Organization Effectiveness for exceptions to the competitive recruitment process</td>
</tr>
<tr>
<td>Classification Plan, including the addition or deletion of job families and/or classifications</td>
<td>Senior Director of Organization Effectiveness</td>
</tr>
<tr>
<td>Classification Specifications (Class Specs), including new or revised Class Specs</td>
<td>Deputy CEO or CFO for Director positions, Director/s for positions up to Manager/Principal level</td>
</tr>
<tr>
<td>Compensation – acting pay and temporary pay increases</td>
<td>Deputy CEO or CFO for Director positions, Director/s for positions up to Manager/Principal level</td>
</tr>
<tr>
<td>Compensation - salary adjustments (including general pay/equity adjustments, market pay adjustments, merit increases)</td>
<td>Senior Director of Organization Effectiveness in consultation with Deputy CEOs and CFO</td>
</tr>
<tr>
<td>Compensation - salary offers and promotional increases</td>
<td>Deputy CEO or CFO for Director positions, Director/s for positions up to Manager/Principal level</td>
</tr>
<tr>
<td>Compensatory Time</td>
<td>Supervisor</td>
</tr>
</tbody>
</table>
| Employee Discipline (not including termination of employment)                         | CEO, in coordination with Deputy CEO or CFO, Senior Director of Organization Effectiveness, and the Manager of Human Resources, for Reduction in Pay, Demotion, or Suspension for Regular employees hired prior to July 1, 2019  
Director, in coordination with the Senior Director of Organization Effectiveness and the Manager of Human Resources, for At-will employees and/or for all other types of discipline |
<p>| Employment Extensions for Limited-Term and TIPS employees                              | Director                                                                                                |</p>
<table>
<thead>
<tr>
<th>Document/Transaction</th>
<th>Minimum Signature Authorization Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment of Family or Relatives</td>
<td>Director, in consultation with the Manager of Human Resources</td>
</tr>
</tbody>
</table>
| Extended Leave of Absence                                                            | Director in coordination with the Manager of Human Resources  
Manager of Human Resources, in coordination with the Director, for requests made as part of a reasonable accommodation of a disability |
| Family Care and Medical Leave, Military Leave, Paid Family Leave, and Pregnancy Disability Leave | Manager of Human Resources, in coordination with the Director                                                                iona                                                  |
| Flexible Work Schedule or Telework Schedule Requests                                 | Director  
Deputy CEO or CFO for policy exceptions                                                                                                                                                                                             |
| Home Computer Purchase Request                                                       | Supervisor, Information Systems Manager, and Finance Manager (co-payment option); eligibility must be verified by the Manager of Human Resources                                                                                       |
| Introductory Period, Extension or Waiver                                             | Director                                                                                                                                                                                                                             |
| Job Description                                                                      | Supervisor, in consultation with Manager of Human Resources                                                                                                                        |
| Outside Endeavor/Employment                                                          | Director                                                                                                                                                                                                                             |
| Overtime                                                                            | Supervisor                                                                                                                                                                                                                            |
| Part-time Schedule Requests for Regular and Limited-Term Employees                   | Director, in coordination with the supervisor  
Manager of Human Resources for requests made as part of a reasonable accommodation of a disability                                                                               |
| Pay in Lieu of Notice                                                                 | Senior Director of Organization Effectiveness, in coordination with the Director and Manager of Human Resources                                                                                 |
| Performance Evaluations/Check-Ins (final approval)                                    | Deputy CEO or CFO for Director positions  
Director for all other employees                                                                                                                                                                                                            |
| Position Reclassification                                                             | Senior Director of Organization Effectiveness                                                                                                                                                                                          |
| Promotions/Employee Reclassifications                                                 | Director, in consultation with the Manager of Human Resources  
Senior Director of Organization Effectiveness for exceptions to the competitive recruitment process                                                                                                                         |
<table>
<thead>
<tr>
<th>Document/Transaction</th>
<th>Minimum Signature Authorization Level</th>
</tr>
</thead>
</table>
| Recruit and Hire for Vacant Positions that were included in the approved | Deputy CEO or CFO for Director positions  
| Budget                                                                   | Director, in coordination with the Manager of Human Resources, for all other positions  
|                                                                           | Senior Director of Organization Effectiveness for exceptions to the competitive recruitment process                                                       |
| Rescission of Resignation                                                | Director, in consultation with the Manager of Human Resources                                                                                                                                 |
| Temporary Staff Timesheets and Invoices                                  | Supervisor                                                                                                                                                           |
| Termination of Employment                                               | CEO, in coordination with Deputy CEO or CFO, Senior Director or Organization Effectiveness, and the Manager of Human Resources, for Regular employees hired prior to July 1, 2019  
|                                                                           | Director, in coordination with the Senior Director of Organization Effectiveness and the Manager of Human Resources, for At-will employees |
| Termination of Temporary Staff                                         | Director                                                                                                                                                           |
| Time Off Requests (PTO, Vacation, Sick Leave, Floating Holiday, and     | Supervisor                                                                                                                                                           |
| Compensatory Time)                                                      |                                                                                                                                                                      |
| Time Off Without Pay Request                                            | Director, in coordination with the Manager of Human Resources, for requests up to three weeks  
|                                                                           | Director, in coordination with the Manager of Human Resources                                                                                                       |
| Timesheets                                                               | Authorized supervisor at least one level above the employee                                                                                                                                                                  |
| Training Expenses                                                       | Supervisor                                                                                                                                                           |
| Transportation Demand Management (TDM) Reimbursement Requests           | Supervisor                                                                                                                                                           |
| Tuition Reimbursement                                                   | Director                                                                                                                                                           |
| Waiver for part-time work schedule for TIPS employee                   | Director                                                                                                                                                           |
| Waivers for PTO, Vacation Leave, and Compensatory Time Accrual limits   | Director                                                                                                                                                           |
### Section IV: Procedures for Miscellaneous Transactions

#### Table IV.1 - Board and Policy Advisory Committee Items

<table>
<thead>
<tr>
<th>Document/Transaction</th>
<th>Minimum Approval Authorization Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board Agenda and Reports</td>
<td>Deputy CEO for agendas, except for closed session items which are approved by the Office of General Counsel</td>
</tr>
<tr>
<td>Company</td>
<td>Director for reports</td>
</tr>
</tbody>
</table>
| Policy Advisory Committee Agendas and Reports (includes Executive, Regional Planning, Transportation, Borders, and Public Safety Committees) | Deputy CEO for agendas  
|                                                                                       | Director for reports                                                                                   |
|                                                                                       | Office of General Counsel for closed session reports                                                   |
| Audit Committee Agendas and Reports                                                   | Independent Performance Auditor for agendas  
|                                                                                       | Independent Performance Auditor or Director for reports (depending on report topic)                        |
|                                                                                       | Office of General Counsel for closed session reports                                                   |

#### Table IV.2 - Budget Transfer Items

<table>
<thead>
<tr>
<th>Document/Transaction</th>
<th>Minimum Signature Authorization Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration and Board of Directors Budget Transfers (between line items and with approval of the Chief Financial Officer)</td>
<td>Senior Director of Organization Effectiveness</td>
</tr>
</tbody>
</table>
| Project Budget Transfers (within project and with approval from the Chief Financial Officer and after going through the necessary approvals/reviews with the programming staff to ascertain that the source of funds allows transfer to a different phase of the project) | Director with no budgetary impact (no budgetary impact is defined as the transfer does not cause significant project delay, funding shortfall, or impact different fiscal years for annual projects).  
|                                                                                       | Chief Financial Officer with budgetary impact  
|                                                                                       | Director of Financial Planning, Budgets, and Grants for transfers among subprojects within a Corridor (as shown in the approved budget); the Senior Director of Regional Planning may approve transfers among subprojects within the Environmental Mitigation program and the Comprehensive Multimodal Corridor Plan. |
**Document/Transaction** | **Minimum Signature Authorization Level**
--- | ---
Project Budget Amendments or Transfers (between projects with approval from the Chief Financial Officer and after going through the necessary approvals/reviews with the programming staff to ascertain that the source of funds allows transfer to a different project) Transfers for MTS/NCTD CIP projects will need prior approval by the operating agency | Director up to $50,000 if no other budgetary impact (no budgetary impact is defined as the transfer does not cause significant project delay, funding shortfall, or impact different fiscal years for annual projects); otherwise, Deputy CEO up to $300,000. Approval limits are cumulative per fiscal year. Deputy CEO for transfers of funds in the SANDAG budget for CIPs following approval by the affected transit operator’s board of directors or designated governing body.

Finalize annual appropriations based on actual grant agreements/funding contracts executed, transfer of funds from MTS and NCTD, actual sales tax revenues, sales tax-backed commercial paper proceeds, and interest earnings received pursuant to budgetary authority, and actual end-of-year carryover funds status as determined by the Chief Financial Officer | Chief Financial Officer

**Table IV.3 – Other Items**

<table>
<thead>
<tr>
<th>Document/Transaction</th>
<th>Minimum Signature Authorization Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Validation</td>
<td>Director</td>
</tr>
<tr>
<td>Petty Cash Vouchers</td>
<td>Director</td>
</tr>
<tr>
<td>Procurement Card Payment Authorization</td>
<td>Director</td>
</tr>
<tr>
<td>SANDAG Vehicle Title and Registration documents</td>
<td>Director</td>
</tr>
<tr>
<td>Travel Authorization</td>
<td>Deputy CEO</td>
</tr>
<tr>
<td>Travel Expense Reports - with appropriate prior approval</td>
<td>CFO for CEO or Deputy CEO travel, Deputy CEO or CFO for Director travel, Director for department employees</td>
</tr>
</tbody>
</table>
Section V. Procedures related to Credit Cards

SANDAG has authorized specific employees to make purchases on behalf of SANDAG using a credit card, in their name, supplied by SANDAG.

Effective January 1, 2018, an employee may not be issued a SANDAG credit card unless the employee has passed a credit history check and other background investigation as is necessary to ensure the SANDAG credit card is not misused. The Finance Manager shall annually prepare a list of those members of SANDAG staff authorized to be issued with a SANDAG credit card and obtain written approval from the Chief Financial Officer. The approved list shall be provided to the Manager of Human Resources who is responsible for coordinating the credit history and background investigation consistent with the Pre- and Post-Employment Checks for Employees with Fiscal Management Responsibilities policy, and for maintaining appropriate records and documentation. The Finance Manager also is responsible for coordinating any mid-year additions to the list of employees authorized to be issued with a SANDAG credit card, obtain written approval from the Chief Financial Officer, and provide information to the Manager of Human Resources within 30 days.

Section VI. Approval Procedures for Checks and Wire Transfers

Employees holding the following positions have authority to execute checks and wire transfers on behalf of SANDAG: CEO, Chief Financial Officer, Deputy CEO, Planning, Projects, and Programs, Deputy CEO, Business Operations, Senior Director for Organization Effectiveness, Director of Accounting and Finance, and Director of Financial Programming, Budgets, and Grants.

Effective January 1, 2018, an employee may not be given authority to execute checks and make wire transfers on behalf of SANDAG unless the employee has passed a credit history check and other background investigation as is necessary to ensure SANDAG assets will not be misused. The Finance Manager shall annually prepare a list of those members of SANDAG staff authorized to execute checks or make wire transfers and obtain written approval from the Chief Financial Officer. The approved list shall be provided to the Manager of Human Resources who is responsible for coordinating the credit history and background investigation consistent with the Pre- and Post-Employment Checks for Employees with Fiscal Management Responsibilities policy, and for maintaining appropriate records and documentation. The Finance Manager also is responsible for coordinating any mid-year additions to the list of employees authorized to sign checks or make wire transfers, obtain written approval from the Chief Financial Officer, and provide information to the Manager of Human Resources within 30 days.

The requirement for signatures on checks or wire transfers shall be as follows:

6.1 If the amount is under $5,000 - one signature is required; this may be from any member of the Executive Team with check-signing authority; typically, the Chief Financial Officer approves transactions for this amount. Checks must be counter-signed if issued to the signer.

6.2 If the amount is $5,000 or more – two signatures are required; these may be from any member of the Executive Team with check-signing authority.
Section VII. Procedures for Grant-Related Transactions

<table>
<thead>
<tr>
<th>Document/Transaction</th>
<th>Minimum Signature Authorization Level</th>
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</thead>
</table>
| Authorization to submit an expression of interest or other commitment for SANDAG to apply for a funding opportunity as a direct recipient, or for SANDAG to participate in another entity’s application for funding where SANDAG will be a subrecipient or partner on the project | Director when the project or program already is in the Budget adopted by the Board.  
Deputy CEO, CFO, or Director when some portion of expected funding is not included in the Budget adopted by the Board, and the amount not included is $300,000 or less.  
Board of Directors or applicable Policy Advisory Committee when some portion of the expected funding is not included in the Budget adopted by the Board, and the amount not included is more than $300,000. |
| Application or other form of commitment for funding or project participation once authorization is granted | Director                                                                                                                                                                                                                                                                                                                                                                      |
| Funding Agreement                                                                   | See Table I                                                                                                                                                                                                                                                                                                                                                                     |
| Letter of Support for another entity’s funding application                            | Deputy CEO                                                                                                                                                                                                                                                                                                                 |
| Letter of consistency or other certification with the SANDAG Regional Transportation Plan or other document for another entity’s funding application | Director                                                                                                                                                                                                                                                                                                                                 |

Section VIII. Delegation of Authority when the Authorized Employee is Absent

Whenever an employee authorized by this Policy will be out of the office, he/she/they may authorize another employee to carry out business on his/her/their behalf during the absence, except check-signing and wire transfer signing, by sending an email to %SANDAG_employees documenting the delegation.

Amended February 2022
Discrimination and Harassment Prevention Policy

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

Discrimination can include any unequal treatment or action that directly or indirectly results in unequal treatment of persons in a class protected by law. Harassment can include any unwelcome, unsolicited, and unwanted behavior that offends, humiliates, embarrasses, intimidates, or otherwise causes distress. In addition, harassment that constitutes abusive conduct also is prohibited at SANDAG. “Abusive conduct” means: conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance.

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

- The use of derogatory verbal comments, slurs, jokes; or derogatory pictures, cartoons or posters.
- Refusing to hire or promote an employee because she is pregnant.¹
- Derogatory comments regarding a person’s age.
- Failing to provide a reasonable accommodation to an employee with a known mental or physical disability.

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

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

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

Sexual harassment can take many forms. Some examples include:

- **Verbal Harassment**: Epithets, derogatory jokes or comments, slurs, or unwanted sexual talk. Verbal abuse of a sexual nature such as graphic verbal commentaries about a person's body; sexually degrading words used to describe an individual; propositioning. Remarks or jokes explicitly or implied stating that a person cannot do a job as well because that person is male or female. Threats or reprisals after a negative response to a sexual advance.

- **Physical Harassment**: Assault, battery, impeding, or blocking normal movement or interfering with work; unwanted touching such as pinching, grabbing, or patting; "elevator eyes" or other inappropriate behavior.

- **Visual Harassment**: Derogatory posters, emails, electronic texts, pornographic or sexual Internet sites, computer screen “wallpaper,” notes, cards, calendars, bulletins, cartoons, graffiti, photographs, signs, drawings, suggestive or sexually graphic letters or invitations, protracted staring, or gestures.

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

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

**Hostile environment** sexual harassment occurs when unwelcome conduct, whether it is sexual, gender, or transgender status-based, and which is severe or pervasive, offends, intimidates, ridicules, or insults an individual sufficiently to alter that individual's ability to carry out his/her/their responsibilities at SANDAG.
Whether an alleged action constitutes sexual harassment will be determined on a case-by-case basis by assessing the totality of the circumstances. Factors such as the nature of the sexual advances and the context in which the alleged incidents occurred will be considered in assessing the allegations and in determining the appropriate resolution.

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

**Applicability**

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

**Responsibilities**

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

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

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

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

**Employee Complaint Procedures**

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

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

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

Once a complaint is made known to the Manager of Human Resources, he/she/they shall investigate, conciliate, resolve, and/or make appropriate recommendations to the Senior Director of Organization Effectiveness, Deputy CEO and/or CFO, and Director in order to ensure the situation is remedied. The Manager of Human Resources may seek the services of an outside investigator in situations where the complaint is anticipated to be complex in nature, if the complaint may lead to legal action against SANDAG, if there is an actual or perceived conflict of interest with Human Resources or management, and/or in order to investigate complaints in a timely manner due to competing priorities.

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

All cases shall be evaluated on an individual basis, taking into consideration all the facts and circumstances pertaining thereto. The Senior Director of Organization Effectiveness, Deputy CEO and/or CFO, and Director shall be given a summary of findings, recommendations, and required actions. The complainant and alleged harasser also will be informed of the results of the investigation; however, because of privacy concerns, specific personnel actions taken in response to an investigation may not be shared. The Manager of Human Resources shall monitor all actions until completed.
If, after investigation, SANDAG determines that conduct contrary to this policy has occurred, corrective action designed to prevent further discrimination or harassment will be taken and SANDAG will take appropriate remedial action. In the case of a SANDAG employee, the corrective action will include discipline up to and including termination from employment. In the event the discrimination was carried out by a non-employee, corrective action may include, but will not necessarily be limited to counseling, removal from SANDAG premises, or cancellation of an offender’s contract. Individuals who engage in unlawful harassment may also be held personally liable for their conduct, including monetary penalties as set by a court.

**Protections**

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

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

- shunning and avoiding an individual who reports harassment, discrimination, or retaliation;
- express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; or
- denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.

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

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

Amended February 2022
Employee Education and Training Policy

SANDAG has a broad span of complex and important responsibilities that impact communities throughout the San Diego region. The wisdom, creativity, technical expertise, and dedication of our employees is called to action on a daily basis as the agency plans and implements the region's future, explores solutions and adapts to challenges, and provides outstanding levels of care and service to our internal and external customers. Employees who thrive in this dynamic environment are learning-oriented, innovative, and proactively seek opportunities to contribute to the agency's success.

SANDAG encourages employee development by financially supporting certain education-related expenses. This benefit aligns to SANDAG's values of professionalism and continual learning and provides employees with access to programs and courses that improve their effectiveness in their current position through knowledge and skill acquisition, prepare them for new types of job responsibilities including possible advancement opportunities, and/or increase their adaptability to new ideas and change.

To be most effective, education and training programs should align to growth and development goals identified by an employee and their supervisor. In order to derive the greatest benefit from classes, seminars, and other programs, employees and supervisors also should identify opportunities to apply the concepts and practice the skills learned, and couple this with conversations that further reinforce knowledge and skills.

Resources for Employee Development

As part of fostering a robust culture of growth and development, SANDAG invests in the careers of employees, and the long-term vitality of the agency, by allocating resources for training and educational opportunities each year. Recognizing the diverse needs, interests, and occupations of employees, SANDAG supports ongoing development through professional education, tuition assistance, and certification and licensing assistance.

The Professional Education benefit includes prepayment of enrollment or registration fees for eligible seminars or courses; the Tuition Assistance benefit provides reimbursement for the cost of tuition and certain related expenses associated with the pursuit of a degree or the expenses related to non-degree college courses; and reimbursement for job-related certification or licensing programs, including the examinations required as part of those programs falls under the C&L Assistance benefit.
Professional Education

An employee’s supervisor, at the discretion of the Director, may invite employees to attend, or the employee may directly request to attend, seminars, courses, workshops, etc. (collectively referred to as programs) for which SANDAG prepays the associated enrollment or registration fees and/or other required expenses.

Employee Eligibility

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

Due to training budget limitations, interns are generally permitted to attend one fee-based training class every six months. If a class opportunity emerges that would benefit the intern and the agency, the Director may approve an exception, and possibly identify another source of funds to pay for the class.

Program Criteria

The following criteria will be considered when determining if a requested program qualifies as Professional Education:

- The program is applicable and relevant to the employee’s current job responsibilities and is consistent with agreed upon professional development goals established by the employee and their supervisor.
- The program relates to a priority area at SANDAG, is required in order for the employee to maintain licensing, certification, or accreditation, and/or is recommended by the employee’s manager or Director because it is necessary to improve SANDAG operations.
- The program is in a field of interest and importance to SANDAG and SANDAG anticipates deriving significant benefit from the employee’s completion of the program.

If a program does not meet the criteria for Professional Education, it may be considered under the Tuition Assistance or Certification and Licensing Assistance benefit.

Employee Work Hours and Time Reporting

Time spent attending programs approved as part of the Professional Education benefit is considered work time. SANDAG recognizes program sessions may be scheduled during or outside of regular business hours. The participating employee and supervisor should discuss work assignments, work schedule, and other related items in advance to minimize any disruption resulting from attendance at the program.

Non-exempt employees must report all hours spent in training, or on self-directed activities that are a required element of the program curriculum, on their biweekly timesheet. For exempt employees, the employee and supervisor should determine in advance if all or a portion of hours spent in training are to be
reported on the biweekly timesheet. Attendance at a training program should not result in an exempt employee earning compensatory time. When reporting time spent in training, the employee should charge their hours to one or more of the project budgets (those that will benefit most from the training) to which they are allocated for the fiscal year.

**Covered Expenses**

The following types of expenses are intended to be covered as part of the Professional Education benefit. If needed, Directors may consult with the Manager of Human Resources to determine the prepayment eligibility of identified expenses.

- Enrollment or registration fees charged by an accredited college, university, or education institution for an eligible program such as a formal college-credit courses, online courses, adult education non-credit and/or non-degree courses, including professional certificate program courses, and certain private, business, or technical school courses.
- Enrollment or registration fees charged by an accredited education institution or professional organization for an approved program.
- Other required expenses, such as textbooks, supplies or other fees assessed by the education institution or professional organization which are required for enrollment in and completion of an approved program and are not refundable after completion of the program.

Programs that require an employee to travel outside of San Diego County will be considered business travel. Requests for such programs are subject to the provisions of Board Policy No. 011: Travel Expenses.

**Tuition Assistance**

Tuition Assistance provides reimbursement of tuition and other expenses related to a course taken in the pursuit of an undergraduate or graduate level degree or the expenses related to non-degree college courses. Tuition Assistance is not intended for general professional development and training purposes.

**Eligibility**

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

**Program and Course Eligibility**

The following criteria will be considered when determining if a degree program or college courses identified by an employee are eligible for tuition assistance benefits:

- The degree or courses are consistent with the employee’s ability, potential, and scholastic background.
The courses help the employee to obtain or improve the skills needed to develop in their career, they are not required or necessary to be taken for an employee's current role.

The degree or courses may increase the capabilities of job duties currently assigned to the employee or anticipated to be assigned to the employee based on job performance.

The degree or courses are in a field of interest to SANDAG and SANDAG anticipates deriving some benefit from the employee's completion of the program.

Employee Work Hours

Unless an exception is agreed to by the supervisor and/or Director, employees approved to participate in classes for tuition assistance are expected to complete the coursework during their personal time. Course schedules should not conflict with the employee's work schedule. Special situations which might require time off from work, or an alternate work schedule, may be considered and are subject to approval by the employee's supervisor and/or Director.

Covered Expenses

The following expenses may be eligible for reimbursement:

- Tuition
  The fees charged by an accredited college, university, or education institution for an eligible course. Eligible courses include
  - Formal college-credit courses
  - Online courses
  - Adult education non-credit and/or non-degree courses
  - Certain private, business, or technical school courses
  - Required courses within a curriculum that lead to a degree, diploma, or certificate, in a field of interest to SANDAG, even though the courses are not specifically job-related (i.e., religion or art courses)

- Textbooks
  The costs for printed or electronic format books, including shipping charges if purchased online by the employee, as well as newspaper, magazine, or other such subscriptions, provided the materials are required for the enrolled course(s). The maximum reimbursement for textbooks is $150 per course.

- Supplies
  The costs for supplies may be reimbursable if they are a required part of a course(s). The maximum reimbursement for supplies is $50 per course.

- Fees
  Fees assessed by the institution which are required for enrollment in and completion of an approved course or degree and are not refundable after completion of a course or course of study. Examples of eligible fees include
  - Registration, enrollment, and application fees
  - Required student fees or charges assessed to all students (when unable to opt out)
  - Student ID card fees
  - Required lab fees
  - Exam fees
Ineligible Expenses and Fees

Certain fees and expenses are not eligible for reimbursement under the Tuition Assistance program. These include, but are not limited to:

- Parking fees; transportation costs or mileage
- Meals
- Late fees, service charges, or fines
- Fees for dropped or added classes, or repeating a course
- Healthcare related expenses
- Tutoring fees
- Fees for field trips
- Graduation fees, including fees for cap and gown
- Computer hardware or software, including system upgrades, internet access fees or, connectivity charges related to an online course

Certification and Licensing Assistance

The Certification and Licensing (“C&L”) Assistance benefit provides financial assistance to employees seeking to obtain a professional license or certification that results from passing a uniform examination, such as a CPA, PE, PHR. The C&L benefit covers expenses related to the preparation for and taking of an exam required to obtain an agency-approved certification or license.

Eligibility

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

Program Criteria

The following criteria will be considered when determining if a license or certification identified by an employee is eligible for C&L assistance benefits:

- The certification or license is related to the employee’s current job function or career.
- The employee must directly incur expenses related to completing the program to obtain the certification or license and must not be reimbursed for these expenses in any other manner.

Employee Work Hours

Unless an exception is agreed to by the supervisor and/or Director, employees approved to participate in classes required or recommended related to certification or licensing, and any exams, are expected to complete these activities during their personal time. Course schedules should not conflict with the employee’s work schedule. Special situations which might require time off from work, or an alternate work schedule, may be considered and are subject to approval by the employee’s supervisor and/or Director.
Covered Expenses

The following types of expenses related to obtaining a certification or license are eligible under this program. Expenses associated with maintaining the certification or license, or for professional membership fees, will be provided for under the agency’s Membership budget.

- **Examination Fees**
  Employees will be reimbursed the cost of sitting for an exam related to a specific certification or license. No more than two sittings of the exam are eligible. If a second sitting is necessary, it is recommended that an approved review course be completed prior to the second exam sitting.
  - If a series of exams is required to obtain a certification or license, two sittings are permitted for each exam in the series.
  - Other expenses associated with sitting for an exam also may be eligible for reimbursement. Examples include fees for a background check, an application fee, or an exam sitting fee.

- **Travel Expenses**
  In the event an employee needs to travel outside of San Diego County to take an exam related to obtaining a certification or license, they will be reimbursed for reasonable expenses. The provisions Board Policy No. 011: Travel Expenses are applicable in this situation.

- **Preparation and/or Review Course Expenses**
  Employees may be reimbursed for the cost of one exam preparation or review course provided they qualify for and sit for the exam.
  - The preparation or review course is at the choice of the employee; it must be specific to the certification or licensing exam being taken and participation must be pre-approved by the employee’s supervisor and Director.
  - Books, materials, and fees required as a part of the preparation or review course, including online courses or materials, also are eligible for reimbursement.

Expenses related to the review course cannot be submitted until the employee passes the exam, unless the employee is prevented from completing the course or taking the exam because of a change in job duties or work schedule, or due to a significant increase in workload. In that case, the expenses may still be eligible as determined by the employee’s supervisor and Director.

Approval Process

Requests for Professional Education shall be presented in writing, and in advance of the date of the program, to the employee’s supervisor. Requests should explain how the seminar or course directly relates to an employee’s current role, priority area of the agency, whether it is required or necessary to improve the SANDAG operations and/or how SANDAG anticipates deriving benefit from the employee’s completion of it. The request also should include enrollment information and a summary of anticipated fees and other expenses. If approved, the request is forwarded to the Manager of Human Resources.

Requests for Tuition Assistance shall be presented in writing, and in advance of the first date of the class/program, to the employee’s supervisor and Director. Requests should explain how the program or
course(s) will directly contribute to the professional growth and development of the employee and result in improved job performance and/or preparedness for career opportunities within SANDAG. The request also should include a summary of anticipated tuition, fees, and other expenses. If approved, the request is forwarded to the Manager of Human Resources.

Requests for Certification and Licensing Assistance, including requests for preparation or review classes, shall be presented in advance and in writing to the employee’s supervisor and Director. Requests should explain how the certification or license will directly contribute to the professional growth and development of the employee and result in improved job performance and/or preparedness for career opportunities within SANDAG. The request also should include a summary of anticipated fees and expenses. If approved, the request is forwarded to the Manager of Human Resources.

Prepayment/Reimbursement of Expenses and Fees

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

For reimbursement of expenses associated with an approved Tuition Assistance request: Within 60 days of completion of an approved course, the employee shall provide the Manager of Human Resources with information confirming successful completion of the class/program with a grade of “B” or higher or a “P” if taken Pass/Fail, as well as receipts for all eligible expenses and fees.

For reimbursement of expenses associated with an approved C&L Assistance request: Within 60 days of sitting for the exam for an approved certification or license, the employee shall provide the Manager of Human Resources with information confirming completion of the preparation or review class (if applicable), evidence of the earned certificate or license, as well as receipts for all eligible expenses and fees.

SANDAG will reimburse for actual costs, up to a maximum of $5,250 per fiscal year, subject to budget availability. The maximum reimbursement represents the combined total of expenses related to Tuition Assistance or Certification and Licensing Assistance benefits. Reimbursement shall be issued through Payroll.

The employee must be employed by SANDAG upon completion of the course and at the time he/she/they applies for reimbursement. Reimbursement shall be conditioned upon continued employment with SANDAG for one year following completion of the program for which the employee is compensated. In the event the employee voluntarily terminates employment with SANDAG less than one year after completing a course or obtaining certification/license, the employee shall be required to reimburse SANDAG a pro-rated portion of the compensation received.

Amended January 2021
Employment of Relatives and Spouses/Domestic Partners Policy

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

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

Employment of Relatives Other than Spouses and Domestic partners

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

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

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

The employment, promotion, or transfer will not cause any potential conflicts or disruption to SANDAG operations; and

The employment, promotion, or transfer will not pose any potential articulable problems or conflicts involving supervision, security, safety, confidentiality, performance, or morale.

Employment of Spouses and Domestic Partners

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

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

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

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

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

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

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

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

Amended February 2022
Ergonomics Policy

Ergonomics is defined as the science of fitting a workplace to the user’s needs. Applying ergonomic principles can help reduce the risk of injuries in the workplace. The goal of the SANDAG Ergonomics Policy is to reduce or eliminate work-related hazards that contribute to the development of musculo-skeletal disorders (MSDs). This policy applies to all persons working for SANDAG who are under SANDAG control. SANDAG will take a proactive approach in anticipating ergonomic hazards and correcting them.

It is the policy of SANDAG to provide all employees working at a SANDAG work location with a safe and healthy workplace. It is also the policy of SANDAG to provide employees teleworking out of the office with information to establish a safe and healthy workplace within their home or other remote work location. A proactive ergonomics program is integrated into the agency’s injury and illness prevention program. Records documenting the identification, prevention, and control of employee exposure to ergonomic risk factors will be maintained pursuant to all regulations.

This program is a collaborative effort that includes managers, supervisors, and employees. The Manager of Human Resources is responsible for the program’s implementation, management, and recordkeeping requirements.

Ergonomics Program

The purpose of an ergonomics program is to apply ergonomic principles to the workplace in an effort to reduce the number and severity of injuries, thus decreasing workers’ compensation claims and, where possible, increase productivity, quality, and efficiency. An ergonomically sound work environment maximizes employee comfort while minimizing the risk of undue physical stress. Requests for workstation assessments whether at a SANDAG office or at an employee’s remote work location are coordinated by the Manager of Human Resources.

Injuries and Exposures Associated with Repetitive Motion Injuries

Musculo-skeletal disorders (MSDs), are injuries and illnesses that affect muscles, nerves, tendons, ligaments, joints, or spinal discs. Some common MSDs include: carpal tunnel syndrome, rotator cuff syndrome, trigger finger, sciatica, tendonitis, low back injury, and tense neck syndrome.
Workplace MSDs are caused by exposure to the following risk factors:

- **Repetition**: Doing the same motions over and over again places stress on the muscles and tendons. The severity of risk depends upon how often the action is repeated, the speed of the movement, the number of muscles involved, and the required force.

- **Forceful Exertions**: Force is the amount of physical effort required to perform a task (such as heavy lifting) or to maintain control of equipment or tools. The amount of force depends upon the type of grip, the weight of an object, body posture, the type of activity, and the duration of the task.

- **Awkward Postures**: Posture is the position your body is in and affects muscle groups that are involved in physical activity. Awkward postures include repeated or prolonged reaching, twisting, bending, kneeling, squatting, working overhead with your hands or arms, or holding a fixed position.

- **Contact Stress**: Pressing the body against a hard or sharp edge can result in placing too much pressure on nerves, tendons, and blood vessels. For example, using the palm of your hand as a hammer can increase your risk of suffering an MSD.

**Symptoms and Consequences of Repetitive Motion Injuries**

Employees suffering from MSDs may experience less strength for gripping, less range of motion, loss of muscle function, or ability to do everyday tasks. Common symptoms include:

- Painful joints
- Pain, tingling, or numbness in hands or feet
- Shooting or stabbing pains in arms or legs
- Swelling or inflammation
- Burning sensations
- Pain in wrists, shoulders, forearms, or knees
- Back or neck pain
- Stiffness
- Fingers or toes turning white

**Importance of Reporting Musculo-skeletal Disorders (MSDs)**

If MSD signs and symptoms are not reported early, permanent injury may result. Employees are responsible for reporting MSD signs and symptoms to the Manager of Human Resources right away to avoid long-lasting problems. SANDAG will respond within 72 business hours to those reports and take the necessary next steps as needed. Employees also may talk to their supervisor or Director about their suggestions on how to fix MSD hazards. SANDAG will not discriminate against employees for reporting MSDs, MSD signs or symptoms, or MSD hazards. It is the policy of SANDAG to encourage such reporting.
Methods for Reducing Musculo-skeletal Disorders (MSDs)

If SANDAG determines that an employee's MSD, or MSD signs or symptoms, are connected to that employee's job, SANDAG will provide the employee the opportunity to seek medical treatment from a health care professional and also may coordinate an ergonomic consultant to assess the employee's SANDAG work location. The health care professional and/or ergonomic consultant may provide the employee and SANDAG with guidance regarding possible workstation, furniture, or equipment modifications/adjustments and other preventive strategies, injury treatment and management options, and if more severe, possible work modifications or restrictions. If an MSD, or MSD sign or symptom, is reported to the Manager of Human Resources, the Manager of Human Resources will evaluate the job and, if MSD hazards are found, will take steps to reduce those hazards.

Management is responsible for:
- Promoting a safe and healthy work environment;
- Maintaining an awareness of MSD risks;
- Having the work environment appropriately evaluated for proper ergonomic practices and conditions if an employee reports an MSD symptom; and
- Promptly reporting all employee injuries and/or employee complaints regarding MSD symptoms to the Manager of Human Resources.

Employees are responsible for:
- Adjusting and using their workstation and equipment as outlined in the Ergonomic Guidelines contained in this Ergonomics Policy;
- Following safe work practices;
- Performing simple exercises and stretches as necessary;
- Following ergonomic recommendations from SANDAG; and
- Promptly reporting ergonomic problems to a supervisor, Director, or the Manager of Human Resources.

Ergonomic Guidelines

A proactive approach focuses on making changes when risks have already been identified, as well as incorporating ergonomics into the design phase of a new facility or process, into purchasing new equipment or tools, and into the contemplation of scheduling changes. SANDAG has developed a program which includes the following components.

Set Up of Office Workstations

Some methods that can be used to minimize discomfort and/or injury are provided below. Additional resources may be obtained from the Human Resources team.
• **Chair:** Use a chair that allows you to adjust chair height. Select a chair height that permits your feet to rest flat on the ground with the upper legs parallel to the floor. A footrest may be needed by some people to achieve this position. When seated, your seat pan should not hit the back of your knees.

• **Work Surface:** Your work surfaces should be large enough to accommodate all of your computer equipment, including a wrist rest in front of the keyboard and adequate viewing distance between the monitor and your eyes. A keyboard tray can be used to increase depth and to provide proper keying level. There also should be enough room under the work surface to allow free leg movement. The height of the work surface should allow the forearms to be parallel with the floor when working at the computer, while not forcing the shoulders to be elevated. A footrest can assist in supporting the feet as well, allowing you to sit back in your chair. Select an arrangement for your work surfaces that does not require you to hold an awkward posture. Awkward postures include repeated or prolonged reaching, twisting, bending, kneeling, squatting, working overhead with your hands or arms, or holding a fixed position.

• **Keyboard/Input Device:** The keyboard and input device (mouse or trackball) should be at the same level and placed in front of you. The height of the keyboard and input device should allow you to position your forearms and hands parallel to the floor. Achieve this by adjusting the height of the chair and/or table, or by using an adjustable tray. A padded wrist rest for the keyboard and input device should be used to prevent your wrists from coming in contact with the work surface when the arms are at rest. Avoid overreaching by keeping the input device close to your body.

• **Monitor:** Position the monitor directly in front of you with the screen approximately at eye level. You should not have to tilt or bend your neck to comfortably view the screen. Your eyes should be in line with a point on the screen that is about 2 to 3 inches below the top of the monitor casing. You should sit a comfortable distance from the screen for viewing – this is usually about arm’s length (sit back in your chair and raise your arm and your fingers should touch the screen). One exception is bifocal wearers who may prefer a slightly lower monitor level. Monitors should have good contrast, sharp focus, and be free from flickering and glare to minimize eye strain.

• **Document Holder:** If one is used, position the document holder at eye level, close to the monitor.

• **Head Sets and Speakerphones:** Headsets and speakerphones reduce awkward neck and shoulder postures, notably by eliminating the habit of cradling the phone between the shoulder and chin. Headsets and speakerphones are beneficial for people who work on the phone for a substantial portion of the day or who talk on the phone and work on a computer simultaneously for a significant period of time.

• **Carpet Mat:** A carpet mat is helpful when you move around often at the workstation so that your chair does not drag on the carpet.

• **Lighting:** Excessive overhead lighting can cause glare and eye discomfort. Dimming overhead lights and use of a task lamp can reduce eye fatigue. Monitor shades and glare screens also reduce glare. Adjust your monitor contrast and brightness for maximum personal comfort.

• **Posture:** Good posture is the best way to avoid computer-related injury. To ensure good posture, take the following steps: Make sure that you can reach the keyboard keys with your wrists as flat as possible (not bent up or down) and straight (not bent left or right). Make sure that your elbow angle (the angle between the inner surface of the upper arm and the forearm) is at or greater than 90 degrees to avoid nerve compression at the elbow. Make sure that the upper arm and elbow are as close to the body and as relaxed as possible for mouse use - avoid overreaching.
Also make sure that the wrist is as straight as possible when the mouse is being used. Make sure you sit back in the chair and that it has good back support. Place your feet flat on the floor or on a footrest. Make sure your head and neck are as straight as possible. Make sure your posture feels relaxed.

**Safe Lifting and Good Body Mechanics**

Generally, employees are not permitted to move furniture or other objects weighing more than 20 pounds. If an employee needs to move such an object, the employee must request assistance. The employee should make his/her/their request to the Manager of Human Resources. A few SANDAG employees are required to lift objects weighing over 20 pounds as part of their job duties. These employees should follow these guidelines:

- Allow the object you are trying to lift to be handled close to the body.
- Use devices such as handles, grips, etc., to provide better control of the object being lifted or moved.
- Balance the contents of containers before attempting to lift them.
- Use rigid containers for increased control of the object.
- Avoid lifting excessively wide objects from floor level.
- Use good body mechanics; bend your legs, not your back, when lifting.
- Pivot with your feet instead of twisting your back when lifting.

Amended January 2021
Family Care and Medical Leave Policy

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

The types of leaves described in this policy include:

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

I. Pregnancy Disability Leave (PDL)

Eligibility

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

Duration of Leave

SANDAG will provide up to four months (defined as one-third of a year, $17\frac{1}{3}$ weeks, or 693 hours) of job-protected disability leave to pregnant employees. PDL is required only when a woman is disabled. This includes time off for additional or more frequent breaks, prenatal or postnatal medical appointments, severe morning sickness, doctor-ordered bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, childbirth, recovery from childbirth or loss or end of pregnancy, postpartum depression, and any related medical condition. Generally, a woman is disabled if she is unable to perform one or more of the essential functions of her job without undue risk to herself or others. The medical opinion of the employee’s health care provider will be used to determine whether she is disabled by pregnancy or a related medical condition. SANDAG will require an employee to obtain from her health care provider medical certification of her inability to work due to pregnancy, childbirth, or a related medical condition.

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

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

Combining Pregnancy Disability Leave with CFRA Leave

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

Combining Pregnancy Disability Leave with FMLA Leave

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

Use of Time Off Benefits While on Pregnancy Disability Leave

While on PDL, an employee is required to use her accrued sick leave (if available) during the waiting period before any paid disability benefits begin and may choose to use her other accrued leave such as PTO, vacation, floating holidays, compensatory time, or catastrophic leave to remain in a paid status. Once paid disability benefits begin, an employee may choose to use her accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave to supplement the employee’s paid disability benefits to reach 100% of the employee’s usual pay. An employee also may decline to use accrued leave once paid disability benefits begin; this would not change the employee’s eligibility for health insurance benefits (described in Section VI of this policy) or paid disability benefits. The ability to choose whether to use accrued sick leave time only applies when an employee is receiving paid disability benefits. If an employee remains on leave after her PDL is concluded (for example, CFRA, FMLA, or other approved leave), the employee will be required to use accrued leave to remain in a paid status for the remainder of any leave.

Returning to Work

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

Eligibility

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

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

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

- **Medical Leave**
  - When a serious health condition renders the employee unable to perform the functions of the employee’s position.

An immediate family member is defined as follows:

- For the purposes of CFRA: a parent, parent-in-law, spouse, domestic partner, child, grandparent, grandchild, or sibling (related to another person by blood, adoption, or affinity through common legal or biological parent)
- For the purposes of FMLA: a parent, spouse or child

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

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

Certification of Serious Health Condition

SANDAG requires written certification from the health care provider of the employee or immediate family member with a serious health condition on a Certification of Health Care Provider form provided by SANDAG. The certification does not require the health care provider to identify the type of serious health condition. The certification must include: 1) the date that the serious health condition commenced; 2) the probable duration of the condition; 3) an estimate of the amount of time the employee will need to care for himself/herself/themself or the immediate family member; and 4) a statement that the serious health condition warrants participation of a family member to provide care during the period of treatment or medical supervision, or a statement that the employee, due to the serious health condition, is unable to
perform one or more of the essential functions of his/her/their job. Additionally, if the need for leave is based upon the employee’s own serious health condition, the certification must include an assessment by the health care provider, using the employee’s job description, of whether the employee is unable to perform work of any kind, or a statement that the employee is unable to perform specific essential functions of his/her/their job.

An employee will have 15 calendar days to obtain the certification once SANDAG requests it. If the employee fails to provide the certification or provides an inadequate certification, SANDAG may deny the request for leave. SANDAG may request that an employee obtain a fitness-for-duty certification from his/her/their health care provider before the employee returns to work.

Notice

The employee must give their Director 30-days’ notice in the event of a foreseeable leave, or as soon as practicable if the need for the leave is unforeseeable. The notice may be oral or in writing. The notice must provide enough information to SANDAG so that SANDAG can determine whether the employee is eligible for FMLA and/or CFRA leave.

Once a Director is informed of an event triggering an employee’s entitlement to FMLA and/or CFRA leave, the Director must immediately notify the Manager of Human Resources. Events that trigger or may trigger an entitlement to FMLA and/or CFRA leave include: pregnancy, an employee’s absence for more than three consecutive days or more than ten days in three months due to his/her/their own illness, an employee’s request for time off for ongoing medical treatment, and an employee’s absence for three or more days to care for a family member.

Intermittent Leave

CFRA and FMLA leave do not need to be taken in one continuous period of time. An employee may take intermittent or reduced family and/or medical leave if the need for intermittent leave is certified by the health care provider treating the serious health condition of the employee or the employee’s immediate family member.

Intermittent leave may be taken for the following reasons, with approval from a health care provider:

- For scheduled treatments, recovery from treatment, or recovery from illness.
- For periods of disability due to a chronic serious health condition such as asthma, diabetes, or epilepsy.
- To provide care for a child, parent, or spouse with a serious health condition.

Under the FMLA and CFRA, leave for the birth or adoption of a child that is not related to a serious health condition may be taken intermittently or on a reduced leave schedule, except that the basic minimum duration of the leave shall be two weeks. However, SANDAG will grant a request for a CFRA leave of less than two weeks’ duration on any two occasions and may grant requests for additional occasions of leave lasting less than two weeks with written approval of the Director.
If an employee requests an intermittent or reduced leave schedule, the employee is required to work out a schedule with their supervisor that meets the employee’s needs without unduly disrupting SANDAG operations.

**Duration of Leave**

Full-time employees are entitled to 12 workweeks or 60 work days of eight hours a piece per 12-month period. Eligible employees who work less than five days per week or who work a part-time or alternative work schedule are entitled to the number of working days that constitutes 12 workweeks on a pro rata or proportional basis.

There is no minimum duration for FMLA or CFRA leave taken for the serious health condition of the employee or of the employee’s immediate family. The basic minimum duration for CFRA leave when the leave is taken for the birth of a child, adoption, or foster care placement is two weeks. The employee may request an exception to this two-week requirement. Leave taken for the birth, adoption, or foster care placement of a child must be completed within one year after the qualifying event.

In the event both parents are employed by SANDAG and eligible for FMLA or CFRA leave for the birth, adoption, or foster care placement of their child, under FMLA SANDAG may limit the parents’ leave entitlement to a combined total of 12 weeks in a 12-month period; under CFRA each parent is entitled to the 12 weeks of leave.

**Calculation of the 12-month Leave Period**

The 12-month period will be calculated using a rolling 12-month period measured backward from the date an employee uses any leave. For example, if an employee takes four weeks of leave in February and eight weeks between October and November, the employee will be eligible for leave again in February of the following year. The amount of leave available, however, will be only four weeks. The employee will not be eligible for the other eight weeks until the following October.

**Concurrent Use of Leave Entitlements**

If an employee requests leave for his/her/their own serious health condition or the serious health condition of an immediate family member, CFRA and FMLA will be used concurrently (that is, at the same time) and SANDAG will designate the employee’s leave as both CFRA and FMLA leave.

If an employee takes CFRA leave to care for an immediate family member who is not covered under FMLA, or if an employee takes PDL, CFRA and FMLA may not run concurrently. In this instance, an employee may “stack” CFRA and FMLA and be eligible for more than 12 weeks of leave (that is, take 12 weeks of CFRA separately from 12 weeks of FMLA).

With regard to PDL, FMLA leave will be used concurrently with PDL but CFRA may not be used with PDL. If an employee takes less than 12 weeks of PDL/FMLA and requests CFRA leave to bond with the baby once PDL has ended, the remainder of FMLA leave will be used concurrently with CFRA leave.
Following is an example of how PDL, FMLA, and CFRA may run concurrently:

<table>
<thead>
<tr>
<th>Week</th>
<th>First Day of Leave due to Disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-10</td>
<td>PDL - Disabled due to conditions related to pregnancy (Not to exceed 17 1/3 wks)</td>
</tr>
<tr>
<td>11-20</td>
<td>CFRA - Employee's own disability and birth of her child.</td>
</tr>
</tbody>
</table>

**Paid Family Leave and Disability Insurance Benefits**

SANDAG provides Paid Family Leave or disability benefits to eligible employees on family care or medical leave as a form of income replacement during the leave period. Paid Family Leave and disability benefits coordinate with accrued time off benefits such as PTO, vacation, sick leave, floating holidays, compensatory time, and catastrophic leave as described below. Refer to the Paid Family Leave Policy in the Supplemental Policies section of this Handbook for further information.

**Use of Time Off Benefits While on CFRA and FMLA**

The requirements for the use of accrued time off benefits while on the CFRA and FMLA vary depending on why the leave was requested. The ability to choose whether to use accrued leave time only applies when an employee is covered by the FMLA and/or CFRA and receiving paid disability benefits or Paid Family Leave benefits. Unpaid leave will be granted if an employee does not have any accrued leave time.

- **While on leave for the employee’s own serious health condition:**
  - During the waiting period before paid disability benefits begin, the employee is required to use any accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave in order to remain in a paid status.
  - Once paid disability benefits begin, an employee may choose to use accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave to supplement the employee’s paid disability benefits to reach 100 percent of the employee’s usual pay. An employee also may decline to use accrued leave once paid disability benefits begin; this would not change the employee’s eligibility for health insurance benefits (described in Section VI of this policy) or paid disability benefits. The ability to choose whether to use accrued leave time only applies when an employee is receiving paid disability benefits.

- **While on leave to care for a family member:**
  - During the time the employee is receiving Paid Family Leave benefits, the employee may choose to use accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave as a supplement to the Paid Family Leave benefit in order to reach 100 percent of the employee’s usual pay. An employee also
may decline to use accrued leave while receiving Paid Family Leave benefits; this would not change the employee’s eligibility for health insurance benefits (described in Section VI of this policy) or Paid Family Leave benefits.

- If an employee remains on leave after Paid Family Leave benefits are exhausted, the employee will be required to use accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave in order to remain in a paid status for the balance of the leave period.

Returning to Work

At the end of an employee’s authorized family and/or medical leave, SANDAG will return the employee to his/her/their former position or, if that position is unavailable, to a comparable position with no reduction in pay.

Employees who do not return to work within three work days after an approved leave or certification has expired may be considered to have abandoned their job by SANDAG if they have not been pre-approved for an extension of leave. Failure to report to work following an approved leave or certification has expired may lead to discipline of the employee up to and including termination at the agency’s discretion.

III. Accommodation

If an employee’s health care provider certifies that the employee is in need of an accommodation due to a serious health condition, SANDAG will attempt to make a reasonable accommodation for the employee. If an employee believes he/she/they is entitled to an accommodation, he/she/they must request an accommodation from his/her/their supervisor, Director, or the SANDAG EEO Officer. SANDAG will act in compliance with all applicable laws, including the Americans with Disabilities Act and Fair Employment and Housing Act.

IV. Military Exigency Leave

Eligibility

An otherwise FMLA-eligible or CFRA-eligible employee will qualify for Military Exigency Leave (MEL) if his/her/their spouse, domestic partner (CFRA only), son, daughter, or parent is on active military duty, or has been called to active duty in a “contingency” military operation that requires deployment to a foreign country. MEL is a type of FMLA/CFRA leave. Exigency leave applies only to a federal call to active duty.

MEL is available to family members of the Regular Armed Forces, the National Guard, and Reserves. It may also be available to certain retired members of the Regular Armed Forces and the retired Reserve. A “son or daughter” on active duty or called to active duty includes a child of any age.

Leave Entitlement

SANDAG will grant job-protected unpaid MEL when an employee’s spouse, domestic partner (CFRA only), child, or parent is on active duty (or has been notified of an impending call or order to active duty). Eligible
employees are entitled up to 12 workweeks of unpaid leave in a 12-month period to deal with “any qualifying exigency” related to or affected by the family member’s call to service or active duty. Any period of leave taken for MEL is counted against the employee’s overall 12-week FMLA/CFRA leave entitlement. As with other types of FMLA/CFRA leave, the 12-month period will be calculated using a rolling 12-month period measured backward from the date an employee uses any MEL. For example, if an employee takes four weeks of MEL, he/she/they will then have eight weeks of MEL/FMLA/CFRA leave left in that same 12-month period to care for a family member or to care for themselves in case of a serious health condition. MEL may be taken intermittently or on a reduced leave schedule.

A military leave will meet the definition of a “contingency” military operation if (1) it has been designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) results in the call or order to, or retention on, active duty members of the National Guard and Reserve under the law during a war or national emergency declared by the President or Congress.

What qualifies as an “exigency?”

- Short Notice Deployment
- Military Events and related activities
- Child Care and School Activities
- Parental Care
- Financial and Legal Arrangements
- Counseling
- Rest and Recuperation (R&R) Leave for a Military Member (maximum of 15 calendar days)
- Post-Deployment Activities
- Additional activities that demand the attention of the employee due to the contingency military operation.

Certification

Employees must provide specific information to the Manager of Human Resources, such as a copy of the covered military member’s orders or call to duty and the dates of the military member’s active duty service, to certify eligibility for MEL. Additionally, an employee will be required to provide a signed statement or description of facts regarding the exigency underlying each leave request.

Use of Time Off Benefits While on Military Exigency Leave

Employees are required to use any accrued leave such as PTO, vacation, floating holidays, compensatory time, or catastrophic leave to remain in a paid status while using MEL. Unpaid leave will be granted if the employee does not have any accrued leave available.

Returning to Work

At the end of an employee’s authorized MEL, SANDAG will return the employee to his/her/their former position, or if that position is unavailable, to a comparable position with no reduction in pay. Employees who do not return to work within three work days after an approved leave or certification has expired may be considered to have abandoned their job by SANDAG. Failure to report to work following an approved
leave or certification has expired may lead to discipline of the employee up to and including termination at
the agency’s discretion.

V. Military Caregiver Leave

Eligibility
An otherwise FMLA-eligible employee will qualify for Military Caregiver Leave (MCL) if the employee is the
spouse, son, daughter, parent, or “next of kin” of an injured military member. MCL is a type of FMLA leave.

Leave Entitlement
SANDAG will grant job-protected unpaid MCL to an eligible employee for up to 26 workweeks in a single
12-month period to provide care for their injured military family member. The 26-week period is applied on
a “per-military member, per-injury basis.”

A “Military Member” is any member of the regular Armed Forces, or the National Guard or Reserve, who is
undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise
on the temporary disability retired list for a serious injury or illness. “Military Member” does not include
retired military service members unless they are on the temporary disability retired list, nor does it include
discharged military members. Employees also may take Caregiver Leave to care for a veteran service
member who is undergoing medical treatment, recuperation, or therapy for serious injury or illness that
occurred any time during the five years preceding the date of treatment.

A different 12-month period applies to MCL than for other forms of FMLA leave. The 12-month period
applicable to MCL begins on the first day the eligible employee takes such leave and ends 12 months after
that date, regardless of the separate 12-month period used to determine other FMLA leave.

Leave may be taken intermittently or on a reduced leave schedule when medically necessary.

Next of Kin
Next of kin is defined as the service member’s nearest blood relative other than the spouse, parent, son, or
daughter, in the following order of priority: (1) blood relatives who have been granted legal custody of the
service member by court decree or statutory provision; or (2) brothers, sisters, grandparents, aunts, uncles,
and first cousins, unless the service member has specifically designated, in writing, another blood relative
for purposes of this leave.

Certification
To qualify for MCL, an employee must provide the Manager of Human Resources either the invitational
travel orders, invitational travel authorizations, or a Department of Labor-approved certification form
completed by a Department of Defense (DoD) health care provider, a Veterans Affairs healthcare provider,
a DoD TRICARE authorized provider, or a DoD non-network TRICARE authorized provider.
Use of Time Off Benefits While on Military Caregiver Leave

Employees are required to use any accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave to remain in a paid status while using MCL. Unpaid leave will be granted if the employee does not have any accrued leave available.

Returning to Work

At the end of an employee’s authorized MCL, SANDAG will return the employee to his/her/their former position, or if that position is unavailable, to a comparable position with no reduction in pay. Employees who do not return to work within three work days after an approved leave or certification has expired may be considered to have abandoned their job by SANDAG. Failure to report to work following an approved leave or certification has expired may lead to discipline of the employee up to and including termination at the agency’s discretion.

VI. Benefits While on Leave

SANDAG will continue to pay health insurance premiums for an employee, to the extent those premiums normally were covered by SANDAG, for a period of up to four months (over the course of a 12-month period) during a PDL, up to 12 weeks for CFRA, FMLA, and MEL, and up to 26 weeks during a MCL. The time that the agency maintains and pays for health benefits during PDL is in addition to the 12 weeks of health benefits that an employee is eligible for while taking leave under the CFRA after PDL has ended. The employee, however, will be responsible for paying any excess premiums and for health benefits for dependents, supplemental life insurance, and flexible spending account amounts that normally are deducted from his/her/their paycheck.

While in a Paid Status

- SANDAG will continue to pay health insurance premiums for an employee on an eligible leave while the employee is in paid status.
- All other insurance premiums normally paid by SANDAG, such as vision, dental, and life insurance, will continue to be paid by SANDAG.
- SANDAG also will continue to pay any other benefits the employee has authorized.
- Employees will continue to be responsible for payment of their usual deductions for any of their elected benefits.
- While in paid status, an employee will continue to accrue paid time off or vacation and sick leave hours at their usual accrual rate if in a fully paid status or a pro-rated rate if in a partially paid status.

While in an Unpaid Status

- If an employee must take leave in an unpaid status, SANDAG will pay the employee's health insurance premiums, to the extent those premiums normally were covered by SANDAG, for a period of up to four months for PDL or up to 12 weeks for CFRA, FMLA, or MEL, or up to 26 weeks for MCL.
- The employee will be responsible for paying any excess premiums for health benefits for dependents, supplemental life insurance, and flexible spending account amounts that normally are deducted from his/her/their paycheck.

- The employee may forward the funds to SANDAG to pre-pay these amounts each month. The employee also may wait until he/she/they returns from an Unpaid Leave to repay their missed benefit contributions if permitted by SANDAG based on an agreed upon payment schedule. An appropriate schedule of repayment may be approved by the Manager of Human Resources.

- An employee cannot continue placing money into a deferred compensation plan while in unpaid status.

- If an employee does not return to work after taking the unpaid leave, the employee will be responsible for reimbursing SANDAG for the amounts paid by SANDAG for the employee’s insurance premiums during the employee’s unpaid leave unless the reason the employee is not returning is due to circumstances beyond the control of the employee.

Amended February 2022
Flexible Work Schedule Policy

Policy Highlights

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

Highlights from the Flexible Work Schedule policy are as follows:

- An employee is expected to establish and maintain a regular work schedule.
- SANDAG has defined three work schedule options for eligible full-time employees:
  - Agency 9/80 Program – this is considered the ‘standard’ schedule. An employee works 80 hours over 9 days in a pay-period where the second Monday of the pay-period is considered the agency Flex Day.
  - 5/40 Work Week - an employee works 5 days per week, 8 hours per day.
  - Flexible Work Schedule - an employee works 80 hours in the pay-period over 8 or 9 days but is not requesting the Agency 9/80 Schedule.
- SANDAG recognizes that certain employees work on a part-time basis or may be assigned a custom work schedule due to the safety, security, or operational nature of their job responsibilities.
- The supervisor shall consider the employee’s job responsibilities, and the potential impact to service levels, quality of work, or disruption to agency operations when reviewing work schedule requests. Offering flexible work schedules is a management option; it is not a benefit to which employees have any vested right.
- Regardless of the schedule option requested, an employee must work the agency’s “core business hours” (9 a.m. to 4 p.m., Monday through Friday (Pacific Time), excluding the agency Flex Day), with the entire work day falling between 6:30 a.m. and 6:30 p.m. Exceptions are considered when the employee works on a part-time basis, is assigned a custom work schedule due to the operational nature of their job duties, or in other special circumstances.
- Employees shall complete, and a supervisor shall approve, either a Preferred Work Schedule form or Flexible Work Schedule Agreement to document the employee’s regular schedule.
- From time to time, a supervisor may grant an employee permission to temporarily adapt their work schedule to support productivity or provide flexibility for work-life balance purposes. Such changes must not cause an hourly (non-exempt) employee to become eligible for overtime pay.
Standard Work Schedules – the SANDAG 9/80 Program or 5/40 Work Week

As part of its commitment to providing flexible work schedules for employees, SANDAG has established a 9/80 Program as a ‘standard’ work schedule. Employees work 9 out of 10 days in a pay period; the second Monday of the pay period is considered the agency Flex Day and the SANDAG offices at 401 B Street are closed to the public. The Toll Operations Center is open on all regular business days. The SANDAG 9/80 schedule is outlined below. It is composed of eight 9-hour work days, one 8-hour work day, and one day off every pay period.

<table>
<thead>
<tr>
<th>SANDAG 9/80 Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
</tr>
<tr>
<td>Week 1 of pay period</td>
</tr>
<tr>
<td>Week 2 of pay period</td>
</tr>
</tbody>
</table>

SANDAG understands certain employees may prefer a traditional 5/40 Work Week (where a full-time employee works 8 hours per day, 5 days per week); this also is offered as a standard schedule option.

Whether requesting the 9/80 Program or 5/40 Work Week, employees coordinate with their supervisor to establish a regular work schedule that starts between 6:30 and 9 a.m. and finishes between 4 and 6:30 p.m. In some cases, supervisors may need to set work schedules for employees to ensure coverage for certain functions or operations. SANDAG also recognizes certain employees work on a part-time basis or may be assigned a custom work schedule due to the safety, security, or operational nature of their job responsibilities.

Unless they are seeking a formal Flexible Work Schedule (see section below), all employees are required to submit a Preferred Work Schedule Request form for approval by their supervisor.

Flexible Work Schedules

In addition to the agencywide 9/80 Program and the 5/40 Work Week, SANDAG will consider other regular work schedules for eligible employees and positions. Under these arrangements, a full-time employee works 80 hours in the pay period over 8 or 9 days however this is not the agency 9/80 schedule. For nonexempt employees, the schedule cannot result the employee being scheduled to work more than 40 hours in a workweek.

A flexible work schedule can neither interfere with the accomplishment of SANDAG business, nor can a flexible work schedule cause a reduction in the level of service expected to be provided by the employee or their team. Offering flexible work schedules is a management option; it is not a benefit to which employees have any vested right.
Occasional or Informal Flexible Work Schedules

The intent of this policy is to describe expectations and actions to be taken to establish a formal flexible work schedule for an employee, one that will be followed on a regular basis.

Beyond formally approved flexible work schedules, SANDAG recognizes that occasional or short-term changes to work arrangements provide flexibility that can be mutually beneficial to the agency and to an employee. Examples include adjusting work hours during a particular week to meet a deadline on a project, when an employee is asked to work in the evening or on the weekend, or to accommodate travel for agency business. Other informal, short-term work arrangements may be made for employees on family or medical leave, to the extent practical for the employee and the agency and with the consent of the employee’s health care provider, if appropriate. All informal, short-term flexible work schedule arrangements will be made on a case-by-case basis; these require discussion and agreement between the employee and their supervisor, with a focus on the business needs of the agency. As noted, informal, short-term flexible work arrangements are not the focus of this policy.

Eligibility for a Flexible Work Schedule

Approval for an employee’s flexible work schedule request shall be granted by the supervisor, manager, and Director and will be based upon the employee’s performance, the employee’s specific duties and responsibilities, and the employee’s ability to complete their duties and responsibilities efficiently and effectively within the proposed flexible work schedule. A flexible work schedule may not be appropriate for some employees and some positions.

Criteria used for Considering Flexible Work Schedule Requests

The following criteria have been established, and will be used consistently across the organization, to assess employee eligibility for a flexible work schedule and evaluate proposed work schedules. The supervisor, manager, and Director are responsible for considering and approving an employee’s regular flexible work schedule. In the event a flexible work schedule request is denied, the supervisor and Director must provide information to the employee explaining the basis for the decision.

Position Suitability

Certain positions may not lend themselves to a flexible work schedule due to the safety, security, or operational nature of their job responsibilities. Examples include roles that provide in-person support to other staff, guests, or customers, and positions that perform site security, facility repairs or maintenance tasks. Other jobs may require onsite supervision of employees.

As part of considering the flexible work schedule request, the supervisor should:

- Review the types of work performed by the employee and consider how these duties could be effectively accomplished on the employee’s requested flex day.
Flexible Work Schedule Policy

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[101x638]Evaluate whether appropriate levels of customer service and team availability can be maintained based on the proposed schedule. A supervisor may need to consider requests from all team members before providing approval; a supervisor also may ask an employee to reconsider their request to accommodate other team members.

[101x651]Ensure the proposed schedule enables the employee to attend certain in-person meetings (regular 1:1s with the supervisor, functional and project team meetings, department meetings, All Hands meetings).

Work Schedule

A flexible work schedule must adhere to the following:

- It must include working during core hours, from 9 a.m. to 4 p.m., excluding the meal and rest periods, except as otherwise agreed.
- An employee must not be scheduled to work more than 10 hours per day.
- Non-exempt employees must not be scheduled to work more than 40 hours per workweek.
- Non-exempt employees must schedule at least a 30-minute meal period each day. While a meal period is not required for exempt employees, SANDAG encourages exempt employees to establish a regular work schedule that includes at least a 30-minute meal period in the middle part of the work day.
- Any exceptions to these schedule criteria must be approved by the employee's Director.

Responsibilities and Expectations

The following information describes expectations for employees with approved flexible work schedules. Employees with a flexible work schedule are subject to the SANDAG Employee Handbook and all supplemental policies. Failure to meet the expectations described below, or comply with agency policies, practices, procedures, and instructions may result in revocation of the Flexible Work Schedule Agreement or other consequences, up to and including termination of employment.

Work Hours

- SANDAG standard business hours are 8 a.m. to 5 p.m., Monday through Friday (Pacific Time), excluding the agency Flex Day. SANDAG considers “core business hours” to be 9 a.m. to 4 p.m., Monday through Friday. Employees, regardless of work location and unless assigned to a part-time or other agency-required schedule due to job responsibilities, are expected to work the core hours. An employee may be granted an exception to working the core hours via approval of a formal Flexible Work Schedule Agreement.
- SANDAG recognizes some employees are assigned part-time work schedules, or custom full-time schedules due to the safety, security, or operational nature of their job responsibilities that do not align to the agency’s core business hours. In such situations, the usual work schedule will be coordinated between an employee and their supervisor.
- Employees may not propose a flexible work schedule that results in overtime or additional compensable time.
Employees with a flexible work schedule will be treated the same as other employees with regard to compensatory time and overtime if the employee is eligible. In accordance with Section 7.7 of the Employee Handbook, non-exempt employees will not earn overtime unless they work more than 40 paid hours in a workweek. Additional hours must be pre-approved by the appropriate level of management.

Productivity and Service Levels

- In establishing a flexible work schedule, both management and employees recognize that a flexible work schedule cannot prevent or interfere with the accomplishment of SANDAG business, nor can a flexible schedule cause a reduction in the quality of service or productivity expected to be provided by the employee or their team.
- Employees with a flexible work schedule must be able to meet all workload requirements and attend all scheduled meetings, required or recommended training, conferences, etc. within the proposed schedule.
- To facilitate scheduling meetings and the coordination of work, an employee should establish a consistent schedule. Employees working a schedule that includes hours outside of 8 a.m. to 5 p.m., Monday through Friday, should block the time on their calendars during the normal work hours that they are unavailable to work.
- Employees with a flexible work schedule must notify other employees - who will be affected by their presence or absence - of their usual work hours by posting schedules, identifying primary communication methods, notifying a receptionist, or other appropriate means.

Signed Agreement

- A Flexible Work Schedule Agreement is required to be approved, in advance, before an employee begins to work non-standard hours on a regular basis.
- A Flexible Work Schedule Agreement is not required for short-term or occasional flexible schedule requests; such arrangements should be coordinated between an employee and their supervisor.

Flex Work Schedule Option #1: Rescheduled 40 Hour Work Week

One of the arrangements available to employees under the Flexible Work Schedule Program is a rescheduled 40-hour work week. This occurs when an employee requests that the hours for their usual work day fall outside the agency's standard business hours of 8 a.m. to 5 p.m., Monday through Friday (Pacific Time), except the agency Flex Day. There are three usage levels for this type of arrangement:

Occasional Use

- A supervisor may approve an informal, short-term flexible work schedule for an employee to adjust work hours during a particular week in order to meet a project deadline for a short-term project, when an employee is asked to work in the evening or on the weekend, to accommodate travel for agency business, or other similar situations.
Regular Use – All Work Hours include the Core Business Hours

- An employee and supervisor may agree to a standing flexible work schedule where the employee’s usual work hours include the core business hours of 9 a.m. to 4 p.m., Monday through Friday (except the agency Flex Day).
- It is recommended that the employee and supervisor agree to the usual work schedule in writing. A Flexible Work Schedule Agreement is not required for this type of arrangement.
- Once approved, the employee is responsible for informing their supervisor of any temporary variation in their work schedule from the approved schedule.
- An employee may request a change or end their flexible work schedule by notifying their supervisor in writing.
- In approving such an arrangement, the supervisor must ensure that the flexible work schedule does not prevent or interfere with the accomplishment of SANDAG business, nor can the flexible schedule result in a reduction in the level of service expected to be provided by the employee or their team.
- Employees must recognize that a supervisor or Director may change or revoke the approved flexible schedule at any time.

Regular Use – Some Work Hours are Outside the Core Business Hours

- An employee may request a standing flexible work schedule where some of the employee’s usual work hours are outside the core business hours of 9 a.m. to 4 p.m., Monday through Friday (except the agency Flex Day). For example, an employee may request to start their work day at 6:30 a.m. and finish their work day at 3:30 p.m. In this case, the employee’s schedule does not cover all of the core business hours.
- A formal Flexible Work Schedule Agreement is required for this type of arrangement and should be approved, in advance, before the employee begins to work non-standard hours on a recurring basis.
- Once a Flexible Work Schedule Agreement has been approved, the employee is responsible for informing their supervisor of any temporary variation in their work schedule from the approved schedule.
- An employee may request an ongoing change or end their approved Flexible Work Schedule Agreement by notifying their supervisor, Director, and the Manager of Human Resources in writing.
- The Flexible Work Schedule Request Procedures and Approval Process section below provides more information.

Flex Work Schedule Option #2: Compressed Work Week (9/80 or 4/10 Schedule)

The second type of arrangement available to employees under the Flexible Work Schedule Program is referred to as a compressed work week and occurs when an employee requests to work fewer than 10 days in a pay period and make up the full number of hours by working longer hours on certain days. The most common arrangement is a 9/80 schedule (80 hours of work in 9 days that is not the “standard” agency
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9/80 Program), however, a 4/10 schedule (typically 40 hours of work completed in four 10-hour days) also may be used. The following information specifically pertains to requests for compressed work week schedules.

Exempt (Salaried) Employees

- Federal and state laws permit SANDAG to offer exempt employees a broad range of work schedule options. Therefore, an exempt employee’s request for a compressed work week schedule must meet only the requirement of working the SANDAG core business hours of 9 a.m. to 4 p.m.
- Exempt employees are not legally required to take a meal period, however, for health, productivity, and scheduling reasons, SANDAG encourages all exempt employees to establish a regular work schedule that includes at least a 30-minute meal period in the middle part of the work day. An exempt employee who wishes to work without a break on a regular basis must get approval from their Director.
- Once a compressed work week schedule has been approved for an exempt employee, the employee is responsible for informing their supervisor of any temporary variation in their work schedule from the approved schedule.
- An exempt employee may request a change or end their approved flexible work schedule by notifying their supervisor, Director, and the Manager of Human Resources in writing.

Non-Exempt (Hourly) Employees

- Federal laws limit the agency’s ability to offer non-exempt employees a broad range of compressed work week schedule options because of the requirement to pay employees overtime whenever they work more than 40 hours in a workweek. Therefore, a non-exempt employee’s request for a compressed work week schedule must meet all of the scheduling criteria described below in the Flexible Work Schedule Request Procedures and Approval Process section of this policy.
- Non-exempt employees working a 9/80 schedule are restricted to one of the two scheduling options shown below:

<table>
<thead>
<tr>
<th>Week 1 of Pay Period</th>
<th>MON</th>
<th>TUES</th>
<th>WED</th>
<th>THURS</th>
<th>FRI</th>
<th>SAT</th>
<th>SUN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Hours to be Worked</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>4 / 4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Week 2</th>
<th>MON</th>
<th>TUES</th>
<th>WED</th>
<th>THURS</th>
<th>FRI</th>
<th>SAT</th>
<th>SUN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Hours to be Worked</td>
<td>9 hours every day, Monday through Friday, except for one day off.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
Option 2:
Week 1 of pay-period: Monday to Monday 12 Noon; Week 2: Monday 12:01 p.m. to Sunday

<table>
<thead>
<tr>
<th>Week 1 of Pay Period</th>
<th>MON</th>
<th>TUES</th>
<th>WED</th>
<th>THURS</th>
<th>FRI</th>
<th>SAT</th>
<th>SUN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Hours to be Worked</td>
<td>9 hours every day, Monday through Friday, except for one day off.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Week 2</th>
<th>MON</th>
<th>TUES</th>
<th>WED</th>
<th>THURS</th>
<th>FRI</th>
<th>SAT</th>
<th>SUN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Hours to be Worked</td>
<td>4 / 4</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Non-exempt employees who work a 4/10 schedule must work four 10-hour days each workweek unless an exception is approved by the supervisor and Director as part of the Flexible Work Schedule Agreement.

- Based upon the scheduling option selected, the hours of the non-exempt employee’s workweek will be modified by Payroll from the SANDAG standard Monday through Sunday workweek. Therefore, once a compressed work week schedule is approved by management, a non-exempt employee may not change their work schedule without at least one full pay period’s notice and approval by the employee’s Director, with review by the Manager of Human Resources, unless otherwise required by law.

Definition of Work Weeks

- Employees who are approved for one of the 9/80 work schedule options will continue to work 80 hours in a two-week pay period but will do so with eight 9-hour days plus one 8-hour day for a total of 80 hours. Under the 9/80 schedule, one calendar week will consist of 44 hours (four 9-hour days and one 8-hour day) and the alternating calendar week will consist of 36 hours (four 9-hour days with one day off).

- For non-exempt employees, the calendar week of Sunday through Saturday, is different from the workweek as shown in the table above. This distinction between calendar week and workweek is important because overtime will be calculated based upon additional hours worked beyond 40 hours per workweek in the two-week pay period consisting of 80 hours.

Accrual and Use of Paid Time Off (PTO)

- A compressed workweek schedule will not affect the accrual rates for leave. The number of scheduled work hours that the employee is absent will be deducted from the appropriate leave accumulation (i.e., PTO, sick, vacation, compensatory, etc.). For example, an employee taking a two-week vacation will have 80 hours of leave deducted (eight 9-hour days plus one 8-hour day, or for a 4/10 schedule eight 10-hour days).

- An employee taking a single vacation day or one who is absent on a day due to illness will have either 8, 9, or 10 hours deducted from their accrual balance, depending upon the number of hours scheduled to be worked on that particular day.
Holiday Hours

- For all holidays, including floating holidays, SANDAG will pay for the standard 8 hours of work. In the event a holiday falls on an employee’s scheduled day off, SANDAG will provide the employee an additional 8-hour floating holiday to be used within the fiscal year. Floating holidays which are not used by the end of the fiscal year will be converted to PTO or vacation time.

- If the holiday falls on a scheduled 9 or 10-hour day, the employee may use one of the following options:
  - Use accumulated leave balances to cover the remaining time needed for a 40-hour workweek, or
  - Work one or two additional hours during the same workweek in which the holiday falls.

Each employee shall designate on their timecard whether PTO, vacation leave, compensatory time, or floating holiday leave should be used, or show the additional time worked. The time may not be charged to sick leave. If a non-exempt employee has no eligible leave time and does not make up the missed time, he/she/they will not be entitled to the additional one or two hours of pay for the missed time on the holiday.

Discretion of Director

- The Director is responsible for identifying if the aforementioned options are workable within their department. This includes determining if the schedule is appropriate for the employee and department and assessing the impact and outcomes on scheduling and work performance in terms of production, quality, and absenteeism.

Flexible Work Schedule Request Procedures and Approval Process

An employee requesting consideration for a flexible work schedule may complete the ‘Flexible Work Schedule Agreement/Approval’ form and submit this to their supervisor. As part of considering a flexible work schedule request, the supervisor/manager and Director will evaluate the suitability of the employee and proposed arrangement, consistent with the criteria described in this policy. Decisions regarding flexible work schedule requests shall be made within 30 days of receipt.

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

In the event that a flexible work schedule arrangement is to be discontinued, SANDAG may provide the employee with thirty (30) days’ notice of such a change to accommodate commuting, child care, and other problems that may arise from such a change. There may be instances, however, where no notice is possible or granted.
All approved requests will be forwarded to Human Resources for program coordination and recordkeeping. The Manager of Human Resources has the general responsibility for overseeing the day-to-day implementation of this policy in accordance with payroll and legal requirements. Should an exception to the policy be desired, the request for exception is to be made in writing for review and approval. Such exceptions may be granted only by a Deputy CEO or CFO as appropriate, in consultation with the employee's Director and Manager of Human Resources.

Amended February 2022
Heat Illness Prevention Policy

It is the policy of SANDAG to provide a safe working environment that reduces the risk of heat illness for employees who routinely, or from time-to-time, perform their job duties in an outdoor location, whenever environmental or personal risk factors for heat illness are present. For the purposes of this policy, examples of “outdoor work locations” include, but are not limited to, roadways and associated facilities, construction sites, fields and parkland areas, beaches and lagoons, yards, outdoor areas adjacent to buildings, such as loading docks, and sites where outdoor public outreach activities occur.

Typically, temperatures above 80° Fahrenheit (F), when heavy physical work activities are being performed, represent conditions where there is a risk of heat illness. Other factors, such as high humidity or work activities that restrict the body’s ability to cool itself, such as protective clothing, could result in a risk of heat illness at lower temperatures.

SANDAG will establish, implement, and maintain an effective heat illness prevention plan for employees working in outdoor settings designed to reduce the incidence of heat-related illnesses. Additional protective measures and caution will be exercised when the risk for heat illness is higher, such as during a heat wave or in other severe working or environmental conditions.

Definitions

The following terms, as defined below, are used in this policy:

- **Acclimatization** means temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it. Acclimatization peaks in most people within four to fourteen days of regular work for at least two hours per day in the heat.

- **Environmental risk factors for heat illness** means working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground and nearby equipment, air movement, workload severity and duration, and protective clothing and personal protective equipment worn by employees.

- **Heat illness** means a serious medical condition resulting from the body’s inability to cope with a particular heat load, and includes heat cramps, heat exhaustion, heat syncope, and heat stroke.

- **Heat wave** means any day in which the predicted high temperature for the day will be at least 80 degrees Fahrenheit and at least ten degrees Fahrenheit higher than the average high daily temperature in the preceding five days.
- **Personal risk factors for heat illness** means factors that affect the body’s water retention or other physiological responses to heat such as an individual’s age, degree of acclimatization, overall health, and water consumption. Caffeine, certain drugs, and alcohol also can have an effect on the body’s ability to respond to heat.

- **Preventative recovery period** means a period of time to recover from the heat in order to prevent heat illness.

- **Shade** means blockage of direct sunlight. Canopies, umbrellas and other temporary structures or devices may be used to provide shade. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning. Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use.

**Responsibilities**

Directors are responsible for ensuring that this policy and associated procedures are implemented and that the necessary resources for the program are made available to managers, supervisors, and employees.

Managers and supervisors, are responsible for:

- identifying all employees who are required to work outdoors or in other environments where potential heat illness could occur as well as the supervisors of these employees;
- ensuring that adequate water, shade, and necessary rest breaks are available when the environmental risk factors for heat stress are present and encouraging employees to drink a sufficient amount of water; in the case where a supervisor or manager is not on-site with employees, the Lead is responsible for these activities.
- evaluating work conditions before sending employees to perform outdoor work in hot conditions (Cal/OSHA defines a trigger temperature and “shade up” provisions when temperatures reach 80°F, and “high heat” procedures at 95°F); and
- ensuring that all affected employees are trained on heat illness prevention procedures for both hot and high heat conditions.

Affected employees are responsible for:

- complying with the provisions of the Heat Illness Prevention Policy, as described in this document and in the training sessions they attend; and
- requesting the appropriate amount of drinking water available at all times when the environmental risk factors for heat illness are present;
- requesting access to a shaded area to prevent or recover from heat related symptoms; and
- promptly reporting heat related illness symptoms to their supervisor.
Employee and Supervisor Training

SANDAG will provide training to employees who hold positions where their job duties are routinely performed in an outdoor location or other work environment that has an elevated risk for heat illness. This training will occur prior to the time the employee commences their outdoor job duties, and at other times as deemed necessary, and will include:

- the environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment
- the agency’s responsibility to provide water, shade, cool-down rest periods, and access to first aid
- educating employees on how to exercise their rights without retaliation
- the different types of heat illness, including common signs and symptoms, and appropriate first aid and emergency responses to the different types of heat illness, and the potential for heat illness to progress quickly from mild symptoms and signs to serious and life-threatening illness
- the concept, importance, and methods of acclimatization, how it is developed, and how SANDAG procedures address it
- the importance of frequent consumption of small quantities of water
- the importance of immediately reporting signs or symptoms of heat illness in themselves, or in coworkers, to a supervisor
- procedures for responding to signs or symptoms of possible heat illness, including contacting emergency medical services and transporting employees if necessary
- the SANDAG Heat Illness Prevention Policy and related procedures

SANDAG will provide training to supervisors responsible for overseeing the work of employees who hold positions where there is an elevated risk for heat illness. This training will occur prior to the time the supervisor commences job duties involving supervision of outdoor work, and at other times as deemed necessary, and will include:

- the SANDAG Heat Illness Prevention Policy and related procedures, as well as Cal/OSHA’s Heat Illness Prevention Standard T8 CCR 3395 procedures
- procedures to be followed to implement the applicable Heat Illness Prevention Policy requirements
- procedures to be followed when an employee exhibits signs or reports symptoms consistent with possible heat illness, including emergency response procedures and first aid
- how to monitor weather reports and respond to hot weather advisories
Procedures

SANDAG heat illness prevention procedures include:

Access to Drinking Water and Water Replenishment

- SANDAG will provide at no cost to employees, readily accessible, fresh, pure, and suitably cool drinking water at all times when they are working in outdoor work locations, and will locate the water as close as possible to where employees are working. In high heat conditions, ice also will be provided to cool the drinking water.

- Where unlimited drinking water is not immediately available through plumbing or another source, it shall be provided in sufficient quantity at the beginning of the work shift to provide the equivalent of one quart, or four 8-ounce cups, per hour per employee for drinking for the entire shift. When there are effective procedures for the replenishment of water, a work shift may begin with a smaller quantity of water so long as these procedures allow employees to drink one quart or more of water per hour. If containers are used:
  - The supervisor will ensure that water containers are located as close as practicable to employees. If employees move from one area to another, the water container will be moved with the employees.
  - If water containers cannot easily be located close to the employee’s work area, an alternate supply of water will be available via bottled water, personal water containers, or similar.
  - Single-use drinking cups will be provided for use with the water container if the water is not provided in personal water bottles.
  - The water level in the containers will be checked by the supervisor at least every two hours.
  - The water in the container will be replenished with cool water when the level drops below 50 percent.
  - All water containers will be filled and refilled directly from a potable water supply and care will be taken to prevent contamination.

- Employees will be reminded about the available sources of water and encouraged to frequently drink small quantities of water throughout the day, especially during periods of high heat.

- Employees will be provided with sufficient rest breaks to drink water.

Employee Access to Shade

- When the outdoor temperature at the work location exceeds 80°F, SANDAG will maintain one or more areas with shade while employees are present.

- The shaded area will be open to the air or ventilated and cooled, will be large enough to accommodate the number of employees on recovery periods, rest periods, and meal periods, and will allow employees to sit comfortably and fully in the shade in a normal posture without having physical contact with another employee.

- The shaded area will be located as close as possible to the area where employees are working and access will be permitted at all times.
Employees who may be suffering from a heat related illness, or feel the need to protect themselves from overheating, will be allowed and encouraged to take a preventative cool-down rest in the shade. Access to shade will be provided at all times. Employees who take a preventative cool-down rest will:

- be monitored and asked if he/she/they is experiencing symptoms of heat illness
- be encouraged to remain in the shade
- not be ordered back to work until all of the signs and/or symptoms of heat illness have been abated, for at least five minutes in addition to the time needed to access the shade

If an employee exhibits signs or reports symptoms of heat illness while taking, or during a preventative cool-down rest period, SANDAG will provide appropriate first aid or emergency response in accordance with the emergency response criteria described within this document.

If it is unsafe or infeasible to provide shade at an outdoor work location, equivalent protection will be identified and provided to employees.

**Personal Protective Equipment/Clothing**

- Employees will be encouraged to wear clothing that is lightweight, loose fitting, and made of “breathable” fabric to allow airflow and air movement aiding in cooling the body. Employees will be restricted from wearing loose fitting clothes when working near moving machinery because of the danger of entanglement.
- Employees will be encouraged to wear light-colored clothing that reflects heat better than dark-colored clothes which absorb heat.
- Employees will be encouraged to wear shirts with long sleeves to cover the body and avoid sunburn. Sunburn affects the body’s ability to cool itself and increases the loss of body fluids.

**Weather Monitoring and Acclimatization**

- The supervisor will monitor weather conditions, particularly for approaching heat waves, and will use a thermometer to keep track of the temperature at outdoor work locations.
- The supervisor will pay particular attention to signs and symptoms of heat illness due to inadequate acclimatization for current and new employees.

**High Heat and Heat Wave Protocols**

In addition to the above requirements, the following procedures will be followed when the outdoor temperature at the work location is at or above 95°F:

- The supervisor will hold short, frequent meetings (before and during work) with employees to review the heat illness prevention procedures, the weather forecast, emergency response procedures, and additional safety measures. The supervisor also will encourage employees to drink plenty of water and remind them of their right to take a cool-down rest when necessary.
- The supervisor will maintain effective communication with employees by voice, observation, or reliable electronic means (e.g., cell phone); employees at the work site will be able to contact the supervisor when necessary.
• The supervisor, or his/her/their designee, will observe employees for alertness and signs or symptoms of heat illness when there are 20 or fewer employees at the outdoor work location. A buddy system will be used when there are more than 20 employees at the outdoor work location.

• The supervisor will designate one or more employees at each worksite as authorized to call for emergency medical services, and allow other employees to call for emergency services when no designated employee is available.

• The supervisor will actively remind employees to drink water frequently throughout the work day.

• An employee who has been newly assigned to a high heat area will be closely observed by their supervisor for the first 14 days of the employee's employment.

• When temperatures reach 95 degrees or above, the supervisor will ensure employees take a minimum ten-minute net preventative cool-down rest period every two hours. If in an eight-hour work day the preventative cool-down rest period coincides with a required meal or rest period, no additional preventative cool-down rest period will be required. However, if the workday will extend beyond eight hours, then an additional preventative cool-down rest period will be required at the conclusion of the eighth hour of work; and if the workday extends beyond ten hours, then another preventative cool-down rest period will be required at the conclusion of the tenth hour and so on.

Emergency Response

• All supervisors will carry cell phones or other means of communication during outdoor work, to ensure that emergency medical services can be called. Checks will be made to ensure that these electronic devices are functional prior to each shift. If the cell phone or other means of communication become unreliable in the outdoor work area, the supervisor will provide an alternative means of contacting emergency medical services.

• When a supervisor observes, or is alerted to any signs or symptoms of heat illness in any employee, the supervisor will take immediate action appropriate to the severity of the illness.

• When an employee is showing symptoms of possible heat illness, steps will be taken immediately to keep the stricken employee cool and comfortable once emergency service responders have been called (to reduce the progression to more serious illness).

• During a heat wave or hot temperatures, workers will be reminded and encouraged to immediately report to their supervisor any signs or symptoms of heat illness they are experiencing.

• Training for both employees and supervisors will include information about emergency procedures.

Procedures for Handling a Sick Employee

• Emergency service providers will be called immediately if an employee displays signs or symptoms of heat illness (loss of consciousness, staggering, vomiting, disorientation, irrational behavior, incoherent speech, convulsions, or red and hot face). The supervisor will be prepared to provide clear directions to the work site as needed to emergency responders.

• If an employee exhibits signs or symptoms of heat illness, the employee will be monitored, and will not be left alone or sent home without being offered onsite first aid and/or emergency medical services. The supervisor will ensure the employee will be accessible and able to be reached by emergency medical provider/services.
While the ambulance is in route, first aid will be initiated (cool the worker: place the worker in the shade, remove excess layers of clothing, place ice pack in the armpits and groin area, and fan the victim).

**Written Procedures**

In addition to being included in the SANDAG Employee Handbook, this policy and related procedures will be maintained on site and will be made available to employees upon request.

**Complaint Procedures**

Employees who have questions, concerns, or suggestions regarding workplace health and safety, must contact their supervisor/manager, Director, or Human Resources. Complaints will be investigated within 72 business hours after being reported.

Updated January 2021
SANDAG recognizes the value of employees having access to technology resources while away from the office and provides cash incentives to Regular employees purchasing personal home computers, laptops, or tablets (collectively referred to as ‘computers’). Cash incentives are in the form of a co-payment or a reimbursement loan.

The maximum reimbursement/co-payment amount is $500 per employee per incentive period. If the total cost of the computer is less than $500, the full purchase amount will be reimbursed. Reimbursement/copayment incentives are considered taxable income. Alternatively, employees may receive up to $2,500 in an interest-free, non-taxable loan. This loan would be repaid over a maximum two-year period through payroll deductions.

Funds for this program are subject to approval in the final Program Budget each year.

**Conditions**

Only Regular employees who have completed the introductory period and who have not been issued a SANDAG laptop are eligible for the program. An employee must be eligible at the time the computer was purchased in order to receive the benefit.

Under this program, employees agree to purchase a computer for personal use that may, in part, be used to perform official SANDAG business or develop job-related computer skills, and further agree that the computer will not be used for the benefit of private sector companies or business enterprises.

For desktop computer purchases, the cost of the main CPU, monitor, keyboard, and mouse are considered eligible expenses. For laptop purchases, a mouse is considered an eligible expense. Separate accessory items, for example but not limited to, printers, speakers, headphones, routers, etc., are generally not eligible under this program.

SANDAG assumes no responsibility or liability for the computer purchased or any damage or loss use of the computer may cause for the employee or anyone else.

Consistent with the Public Records Management policy, documents, prepared, used, or retained by employees because they contain information related to SANDAG business are considered to be public. 

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**Home Computer Purchase Program Policy**

SANDAG Employee Handbook, February 2022
records. This includes documents that are viewed or developed by an employee on his/her/their personal computer, whether or not the computer was purchased as part of the SANDAG Home Computer Purchase Program.

Employees are not expected to use their personal computer exclusively for performing official SANDAG business. However, when an employee uses a personal computer to conduct official SANDAG business, as defined in the Public Records Management policy, the employee is hereby put on notice that if SANDAG receives a public records request, subpoena, or other court-sanctioned discovery request for the information on the employee’s personal computer, the employee may be obligated by law to disclose information on their personal computer to SANDAG personnel and/or other persons and will be required to comply with the procedures in the Public Records Management policy. This includes records prepared by an employee using their personal account, on a personal device for which the employee receives no public reimbursement, or during off-duty hours.

Employees are put on notice that SANDAG policies that forbid discrimination and harassment apply to their use of a computer financed in whole or in part by SANDAG. Furthermore, employees shall not use such computers in any unlawful manner, such as for fraud, copyright infringement, or hacking.

Employees may use the Home Computer Purchase Program once every three years.

Approval Process

Reimbursement requests made under the Home Computer Purchase Program will be reviewed and approved by the Information Systems Manager, the Finance Manager (for the co-payment option), and the Manager of Human Resources. Collectively, this group is responsible for administering the Home Computer Purchase Program, determining which computers qualify for the program, and approving reimbursement requests from employees.

Approval will be based upon employee eligibility, the computer to be purchased, and availability of funds. First-time applications will be given priority over re-applications. Employees may obtain pre-approval to participate in the program.

Reimbursement

Employees may request reimbursement by submitting a completed Home Computer Purchase Agreement form, along with a copy of the computer receipt(s) verifying proof of purchase.

Reimbursement will be either a co-payment up to a maximum of $500, which is considered taxable income, or a loan equal to the total cost of the computer, up to a maximum of $2,500. Repayment of a reimbursement loan shall be through payroll deduction, with a maximum repayment schedule of two years. A Promissory Note is part of the Home Computer Purchase Agreement form and must be completed by employees opting for the reimbursement loan.
Repayment of Benefit

Employees who receive the co-payment under this program and leave SANDAG within one year from the date the co-payment was received are responsible for repaying a pro-rated share of the co-payment to SANDAG. Employees who receive a loan under this program and leave SANDAG, whether or not it is a voluntary separation, shall be required to reimburse SANDAG in full for any remaining balance at the time of separation of employment.

Amended January 2021
Injury and Illness Prevention Program Policy

The purpose of this program is to prevent workplace injuries and illnesses at SANDAG. SANDAG is required by Title 8 of the California Code of Regulations, Section 3203, to institute this program and this has been drafted as the primary source of agency processes and procedures. The services provided by SANDAG vary in nature and location and employees are encouraged to review site specific guidance as indicated in the program when appropriate.

For information regarding procedures SANDAG has implemented to maintain a safe workplace and reducing the risk of the spread of COVID-19, please refer to the SANDAG Workplace Safety Plan and the SANDAG COVID-19 Procedures for Workplace Prevention and Management located on the COVID-19 Resources page of the SANDAG Central SharePoint site.

Responsibilities

The Injury and Illness Prevention (IIP) program administrator is the Senior Director of Organization Effectiveness. The Senior Director of Organization Effectiveness has the authority and the responsibility for implementing and maintaining this IIP Program for SANDAG. Persons with questions about the IIP Program should contact the Senior Director of Organization Effectiveness or Risk Program Manager. Below is a non-exhaustive list of other responsibilities:

Managers and Supervisors are responsible for:
- Communicating processes and procedures for prevention of injury and illness affecting operations/services that they manage.
- Providing appropriate personal protective equipment to employees.
- Providing training as appropriate for operations/services to prevent injury and illness.
- Coordinating the mitigation of unsafe conditions with Senior Director of Organization Effectiveness, the Risk Program Manager, and/or Director of Regional Transportation Services.
- Supporting any investigation activities related to a workplace injury or illness.

Employees are responsible for:
- Immediately reporting all work-related injuries, illnesses, or accidents, and any unsafe conditions, equipment, or materials to their supervisor, manager, Director or Human Resources.
- Using appropriate personal protective equipment necessary for the safe performance of their job duties.
- Complying with this IIP Program.
- Following the emergency procedures created by building management for Wells Fargo Plaza, by SANDAG for the Toll Operations Center, and any landlords/property managers at other work locations regularly occupied by employees.
- Following site-specific safety processes and procedures for employees working at the Toll Operations Center (this information is available from Human Resources).
- Immediately reporting hazards and accidents and seeking medical care if necessary.
- Preventing Repetitive Motion Injuries (RMIs) by following the Ergonomics Policy.
- Ensuring that work areas at the employee's SANDAG workplace or a remote workplace are kept sufficiently neat and orderly so as not to pose a risk to employees or others. For example, office clutter can lead to injuries from tripping over or slipping on material left on office floors.
- Keeping stairways, hallways, doorways, and aisles clear.
- Promptly reporting and/or cleaning up spills in the break room areas, bathrooms, or elsewhere.
- Abstaining from horseplay, running in hallways, or other acts that tend to adversely affect safety.
- Properly storing items. For example, employees are prohibited from stacking goods in an unstable manner or storing goods against doors, exits, fire extinguishing equipment, and electrical panels.
- Reporting anyone known to be under the influence of drugs or alcohol while on the job.
- Always using proper lifting techniques. Unless it is part of your job description, never push or lift heavy objects. Contact your supervisor if you need to move a heavy object.
- Exercising caution when carrying material. Watch for and avoid obstructions and loose material.
- Reporting exposed wiring and cords and ensuring that electrical equipment is plugged into appropriate wall receptacles, with only one cord per outlet.
- Taping down or otherwise securing cords running into walking areas.
- Using defensive driving techniques, wearing a seatbelt, and exercising other safety precautions when operating a vehicle.
- Properly storing cleaning supplies and other toxic materials.
- Having all pieces of furniture adjusted, positioned, and arranged to minimize strain on all parts of the body.
- Never opening more than one upper drawer in a file cabinet at a time or leaving lower desk or cabinet drawers open that present a tripping hazard.
- Exercising care when opening and closing doors and drawers to avoid pinching fingers.
- Keeping space heaters clear of combustible materials and placing them on a stable surface to prevent tipping.
- Never using equipment such as scissors and staplers for anything other than their intended purpose. Misusing these objects as hammers, pry bar, screwdrivers, etc., poses a risk of injury.
The Risk Program Manager and Health & Safety Advisory Council is responsible for:

- Assisting management in education, implementation and communication of processes and procedures to prevent or mitigate injury or illness.
- Performing risk assessments for workplaces on an annual or as needed basis.
- Providing management with recommendations for additional measures to mitigate injury and illness in the workplace.

Human Resources is responsible for:

- Maintaining the OSHA Form 300, Log and Summary of Occupational Injuries and Illnesses.
- Reporting all injuries or illnesses to Workers’ Compensation Insurance Carrier.
- Monitoring any open Workers’ Compensation Claims.
- Monitoring employee modified work programs.
- Maintaining and coordinating appropriate training with all employees and/or specific Directors or managers.
- Coordinating any investigations with management and Health & Safety Advisory Council.
- Maintaining records related to training, inspections, and corrective measures.

**Communication**

All Directors, managers, and supervisors are responsible for communicating with employees about occupational safety and health. SANDAG encourages employees to inform their Directors, managers, and supervisors about workplace hazards without fear of reprisal.

The SANDAG communication system includes the following items:

- New employee orientation, including information regarding safety and health policies and procedures.
- Review of the IIP Program by the Risk Program Manager as often as necessary, but no less than once per year.
- Training programs as deemed necessary by the SANDAG management staff.
- Posted or distributed safety information as deemed necessary by the SANDAG management staff.
- A Suggestion Box in break rooms and other locations to allow employees to anonymously inform management staff about workplace hazards and safety suggestions for SANDAG work locations.

**Training and Instruction**

All employees, including management staff, shall have training on general and job-specific safety and health practices by an employee trained in the area of safety and/or a safety professional, as necessary, and training will be given within the timeframe required based upon the severity of the safety or health risk.
This IIP Program and the SANDAG Ergonomics Policy are intended to provide SANDAG employees with training and instruction on reduction and elimination of workplace injuries and illnesses.

Examples of training provided include, but are not limited to:

- When the IIP Program is first established and as needed, as determined by the Manager of Human Resources;
- To all new employees working at a SANDAG workplace within the first two weeks of employment;
- To all employees given new job assignments for which necessary training was not provided previously;
- Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard;
- Whenever SANDAG is made aware of a new or previously unrecognized hazard;
- To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed; and
- To an individual employee if the employee is subject to special hazards specific to the employee's job assignment.

Compliance

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

- Informing employees of the provisions of our IIP Program.
- Evaluating the safety performance of employees, when appropriate.
- Providing training to employees regarding safe work practices.
- Disciplining employees for failure to comply with safe work practices.

Hazard Assessment

Periodic inspections to identify and evaluate workplace hazards shall be performed by the Risk Program Manager, with the assistance of the Directors and/or a member of the Health & Safety Advisory Council, on an ongoing, as-needed basis. Periodic inspections will be performed according to the following schedule:

- At the time the IIP Program is established initially, and thereafter on a regular basis but no less than once per year;
- When new substances, processes, procedures, or equipment which present potential new hazards are introduced into the workplace;
- When new, previously unidentified hazards are recognized;
- When occupational injuries and illnesses occur; and
- Whenever workplace conditions warrant an inspection.
**Accident Investigations**

In the event of an accident that results in an employee injury, the following actions should be taken immediately:

- Provide first aid
- If further medical treatment is necessary, contact the designated clinic noted on the employee information poster in the breakroom
- If the incident/injury is life threatening, call 911 immediately
- Contact Human Resources for further direction after the employee has been transported as appropriate or been stabilized/provided first aid

After an incident has occurred that resulted in or could have resulted in an injury to an employee, the Manager of Human Resources will carry out an investigation within 24 business hours of notification or as soon as practical. First aid only incidents will be investigated at the discretion of the Manager of Human Resources. The goal for investigations is to determine the cause of the accident and prevent further occurrences. The procedures for investigating workplace accidents include but are not limited to:

- Obtaining a written report of the accident from the affected employee(s), supervisor, or Director on the Report of Injury/Incident form and the Wells Fargo Plaza building management’s accident investigation form, if applicable;
- Interviewing injured employees and witnesses;
- Examining the workplace for factors associated with the accident;
- Determining the cause of the accident;
- Taking corrective action to prevent the accident from recurring;
- Recording the findings and actions taken on the Report of Injury/Incident form; and
- Maintaining documentation of the accident investigation in Human Resources.

**Hazard Correction**

Unsafe or unhealthy work conditions, practices, or procedures shall be corrected as soon as possible, based upon the severity of the hazards. Hazards shall be corrected when observed or discovered.

**Recordkeeping**

SANDAG is a local governmental entity and, therefore, is not required to keep written records of the steps taken to implement and maintain its IIP Program. SANDAG will, however, maintain investigation and inspection records until an identified hazard is corrected. In the event of an incident that resulted in or could have resulted in an injury to an employee, Human Resources will maintain a Report of Injury/Incident form.
Site Specific Guidance

The provisions related to site specific work locations are in addition to those specified for All Employees when staff are assigned to construction sites or operational areas such as the Toll Operations Center, which are referred to as “field operations.”

Construction Sites and Toll Operations Center

For employees that work at, or visit, active construction sites, it is expected that employees participate in all safety meetings, rules and procedures, and trainings specific to that site as necessary or appropriate. The health and safety person in charge may or may not be a SANDAG employee. As each construction site may have different conditions, specific policies and procedures that may be required should be directed to the SANDAG Project Manager for the specific construction site.

Staff working at the Toll Operations Center may perform duties that need or require additional site specific actions or training to prevent injury or illness. The actions or training required will be provided during the initial orientation, or shortly thereafter, but before the employee begins responsible activities. In addition, there may be periodic training required for certain activities. Policies and procedures specific to activities performed at the Toll Operations Center should be directed to the Roadway Operations Manager.

Some examples of site specific activities include, but are not limited to, the following:

- Safety meetings
- Site specific hazard assessment
- Training or instruction

List of Training Subjects

SANDAG will train all of its field-based employees about the following training subjects when applicable to the employees’ assignments.

- Good housekeeping, fire prevention, safe practices for operating any construction equipment
- Safe procedures for cleaning, repairing, servicing, and adjusting equipment and machinery
- Safe access to working areas
- Lock-out/tag-out procedures
- Materials handling (Safety Data Sheets)
- Chainsaw and other power tool operation
- Driver safety
- Slips, falls, and back injuries
- Ergonomic hazards, including proper lifting techniques and working on ladders or in a stooped posture for prolonged periods at one time
- Personal protective equipment
▪ Respiratory Equipment  
▪ Hazardous chemical exposures  
▪ Hazard communication  
▪ Physical hazards, such as heat/cold stress, noise, and ionizing and non-ionizing radiation  
▪ Confined spaces  
▪ Safe practices for operating any agricultural or landscaping equipment  
▪ Protection from falls  
▪ Electrical hazards, including working around high voltage lines and tolling equipment  
▪ Crane operations  
▪ Trenching and excavation work  
▪ Proper use of powered tools  
▪ Guarding of belts and pulleys, gears and sprockets, and conveyor nip points  
▪ Machine, machine parts, and prime movers guarding  
▪ Tree falling/bucking procedures and precautions, including procedures for recognizing and working with hazard trees, snags, lodged trees, and unsafe weather conditions  
▪ Yarding operations, including skidding, running lines, unstable logs, rigging and communication  
▪ Landing and loading areas, including release of rigging, landing layout, moving vehicles and equipment, and log truck locating, loading, and wrapping  
▪ Fall protection from elevated locations  
▪ Use of elevated platforms, including condors and scissor lifts  
▪ Safe use of explosives  
▪ Working on or around Railroad / Trolley lines  
▪ Other job-specific hazards, as they are identified  

**Hazard Assessment Checklists**

When applicable, SANDAG will utilize hazard assessment checklists in the subject areas listed below. The checklists shall be updated and distributed by the Director of Engineering and Construction or his/her/their designee.

▪ General Work Environment  
▪ Personal Protective Equipment and Clothing  
▪ Walkways  
▪ Floor and Wall Openings  
▪ Stairs and Stairways  
▪ Elevated Surfaces  
▪ Exiting or Egress  
▪ Exit Doors  
▪ Portable Ladders  
▪ Hand Tools and Equipment  
▪ Portable (Power Operated) Tools and Equipment  
▪ Abrasive Wheel Equipment Grinders
• Powder Actuated Tools
• Machine Guarding
• Lockout Blockout Procedures
• Welding, Cutting, and Brazing
• Compressors and Compressed Air
• Compressed Air Receivers
• Compressed Gas and Cylinders
• Hoist and Auxiliary Equipment
• Industrial Trucks – Forklifts
• Spraying Operations
• Entering Confined Spaces
• Environmental Controls
• Flammable and Combustible Materials
• Fire Protection
• Hazardous Chemical Exposures
• Hazardous Substances Communication
• Electrical
• Noise
• Fueling
• Identification of Piping Systems
• Material Handling
• Transporting Employees and Materials
• Control of Harmful Substances by Ventilation
• Sanitizing Equipment and Clothing
• Tire Inflation
• Emergency Action Plan
• Ergonomics
• Ventilation for Indoor Air Quality
• Crane Checklist
• Toll Operations Equipment

Amended February 2022
Paid Family Leave Policy

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

Eligibility

Paid Family Leave is available to eligible employees for up to eight weeks per 12-month period for the following reasons:

- Time off to bond with a new child entering the family through birth, adoption or foster care placement within 12 months after the birth or after the child is placed with the employee;
  - In the event both parents are employed by SANDAG and eligible for leave for the birth, adoption, or foster care placement of their child, SANDAG may limit the parents' leave entitlement to a combined total of eight weeks in a 12-month period.

- To care for an immediate family member with a serious health condition.
  - A serious health condition means an illness, injury, impairment, or physical or mental condition of a patient that involves any period of incapacity (e.g., inability to work or perform other regular daily activities) or inpatient care in a hospital, hospice, or residential medical care facility and any subsequent treatment in connection with such inpatient care; or continuing treatment by a physician/practitioner. Unless complications arise, cosmetic treatments, the common cold, influenza, earaches, upset stomach, minor ulcers, and headaches other than migraines, are examples of conditions that do not meet the definition of a serious health condition for purposes of Paid Family Leave.

Certifications

SANDAG requires proof of the employee's relationship to the child for leave requests used to bond with a child (e.g. birth certificate or hospital record, or adoption/foster care paperwork).

SANDAG requires written certification from the health care provider of the immediate family member with a serious health condition. The certification does not require the health care provider to identify the type of serious health condition. The certification must include: 1) the date that the serious health condition
commenced; 2) the probable duration of the condition; 3) an estimate of the amount of time the employee will need to care for the immediate family member; and 4) a statement that the serious health condition warrants participation of a family member to provide care during the period of treatment or medical supervision.

If the employee fails to provide the certification or provides an inadequate certification, SANDAG may deny the request for leave.

**Paid Family Leave and Time Off Benefits**

Full-time employees who are eligible for Paid Family Leave may receive up to eight weeks of pay at two-thirds (66⅔ percent) of the employee’s weekly salary to a maximum of $2,500 per week. Part-time employees will receive paid leave on a pro-rated basis based on their pre-approved part-time work schedule. Pay received for Paid Family Leave is considered taxable income.

In situations where Paid Family Leave is requested to bond with a new child entering the family through birth, adoption or foster care placement, employees may choose to use accrued leave such as PTO, vacation, floating holidays, compensatory time, or catastrophic leave as a supplement to the Paid Family Leave benefit in order to reach 100 percent of the employee’s usual pay.

In situations where Paid Family Leave is requested to care for a seriously ill family member, employees may choose to use accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave as a supplement to the Paid Family Leave benefit in order to reach 100 percent of the employee's usual pay.

If an employee continues to be off work under the Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA) after Paid Family Leave is exhausted, the employee will be required to use accrued leave such as PTO, vacation, sick leave (if applicable), floating holidays, compensatory time, or catastrophic leave in order to remain in a paid status for the remainder of any FMLA and/or CFRA leave. Upon exhaustion of the accrued leave balances, any remaining leave will be unpaid leave. Refer to the Family Care and Medical Leave Policy in the Supplemental Policies section of this Handbook for further information.

**Paid Family Leave and Continuation of Benefits**

For employees on Paid Family Leave who also are on an approved job-protected leave under FMLA and/or CFRA, the continuation of health and other benefits are described in the SANDAG Family Care and Medical Leave Policy in the Supplemental Policies section of this Handbook.

For employees on Paid Family Leave but not on an approved job-protected leave (e.g., FMLA and/or CFRA), the employee will be responsible for paying a pro-rated portion of the premium amount normally covered by SANDAG for health and other benefits if the employee is not in a fully paid status.
Time Frame and Duration

Employees may take Paid Family Leave in one continuous period or intermittently as long as all leave is taken during the twelve-month time frame indicated above and does not exceed eight weeks. For female employees who have given birth, Paid Family Leave, if requested, will begin at the conclusion of any disability leave provided for the employee’s own medical recovery following childbirth. In no case will an employee receive more than eight weeks of Paid Family Leave in a rolling 12-month period, regardless of whether more than one birth, adoption, foster care placement, or seriously ill family member event occurs within that 12-month time frame.

Coordination with Other Policies

Leave taken under this policy will run concurrently with leave under the FMLA and/or CFRA (if applicable); thus, any leave taken under this policy will be counted toward the 12 weeks available under the FMLA and/or CFRA leave per a rolling 12-month period. All other requirements and provisions under the FMLA and/or CFRA will apply. Refer to the Family Care and Medical Leave Policy in the Supplemental Policies section of this Handbook for further information.

Leave taken under this policy will not run concurrently with Pregnancy Disability Leave (PDL); any leave taken under this policy will begin when PDL is no longer applicable.

Requirements for Requesting Paid Family Leave

An employee must give their Director 30-day notice in the event of a foreseeable leave, or as soon as practicable if the need for the leave is unforeseeable. The notice may be oral or in writing. The notice must provide enough information to SANDAG so that SANDAG can determine whether the employee is eligible for Paid Family Leave.

Amended January 2020
Performance Management Program Policy

Performance management is about transforming goals into results. SANDAG strives to provide an environment where all employees understand the impact their contributions have on the achievement of agency goals and objectives and are provided opportunities for ongoing growth and development. This is accomplished through a strong performance-based management program.

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

There are four key elements to the SANDAG Performance Management program: Defining Performance Expectations, Providing Feedback and Measuring Performance, Growth and Development, and Rewarding Performance. As noted, the Performance Management Program has a connection to the agency's Compensation Program in that the outcomes of an employee's performance throughout the year are considered in decisions related to merit increases; performance results also are considered in decisions related to promotions.

This policy is intended to describe the overall framework of the SANDAG Performance Management program and is applicable to all employees. The agency also has established forms, tools, and training, as well as a comprehensive Performance Evaluation Program Resource, to support employees, supervisors, and Directors with performance management activities.

*Note: SANDAG intends to implement a new framework to support continuous performance management in FY 2023. New systems and processes will be introduced, training and resources will be developed and provided to clarify new and ongoing expectations.*
Responsibilities

The Senior Director of Organization Effectiveness has overall responsibility for ensuring this policy and associated procedures are implemented and the necessary resources for the program are made available to Directors, supervisors, and employees. Below is a non-exhaustive list of other responsibilities.

Directors are responsible for:

- Clarifying and communicating organizational priorities and objectives.
- Assigning goals and objectives to employees that are consistent with agency needs.
- Providing timely and actionable feedback to employees, and immediately addressing and documenting any performance deficiencies that are identified.
- Ensuring employees complete annual Performance Evaluations in a timely manner.
- Preparing recommendations for merit increases that are fair and equitable based on an employee's performance and contributions.

Supervisors are responsible for:

- Ensuring goals and objectives are 1. discussed and agreed upon with each employee they supervise, 2. reviewed and updated, if needed, and 3. documented. Due to the agency’s dynamic work environment, it is highly recommended that employee goals be reconsidered on at least a quarterly basis.
- Providing honest and constructive feedback to employees on a regular basis and engaging in coaching conversations that support growth and development.
- Ensuring employees have the knowledge, skills, and abilities necessary to perform their job functions, and immediately addressing and documenting any performance deficiencies that are identified.
- Completing Performance Evaluations with employees at the end of each fiscal year to discuss and document goal achievement and performance highlights, and to hold feedback and development planning conversations to support professional and/or technical growth of the employee.

Employees are responsible for:

- Actively participating in performance management activities, including developing goals and objectives, preparing for and contributing to regular discussions with their supervisor, and identifying career development opportunities that are of interest.
- Monitoring personal performance against goals and objectives and informing their supervisor of achievements or issues as they arise.
- Proactively notifying their supervisor of any potential impacts to their ability to perform their job duties including any training or other support required.

Human Resources is responsible for:

- Coordinating and communicating the overall Performance Management program.
- Preparing, updating, and distributing forms, resources, and other program materials.
• Providing training for supervisors and employees.
• Supporting supervisors and employees with growth and development-related activities and providing guidance for addressing performance deficiencies.

**Element 1: Defining Performance Expectations**

Clarity around "what needs to be accomplished, by when, and by whom" is the foundation of effective performance management. Each Director, program manager, and/or supervisor is responsible for communicating and clarifying priorities and significant upcoming activities to their team or work group and describing the role each employee has in achieving the stated goals.

Supervisors and employees jointly develop and document goals and objectives that focus on the projects, programs, and assignments the employee works on that contribute to the agency's overall success; it is highly recommended that goals and objectives be reviewed and updated on a quarterly basis. Also, supervisors and employees identify professional development goals that are geared toward enhancing technical skills/knowledge, or opportunities for gaining management or leadership experience. This collection of goals and objectives is referred to as a Performance Plan.

Goals and objectives are intended to be challenging and ambitious with measurable key results.

- **Objective:** Describes what is to be achieved; objectives are significant, concrete, and action-oriented.
- **Key Results:** Describes the measurable progress or outcomes of an objective (i.e., are you on track?); key results are specific and time-bound, aggressive yet realistic.

**Element 2: Providing Feedback and Measuring Performance**

Supervisors and employees are expected to hold frequent (weekly or biweekly) conversations about progress toward meeting objectives described in the Performance Plan, to assess whether work performed is meeting expectations, and to ensure employees have the knowledge, skills, and resources to perform their job functions effectively. At the end of each quarter, the supervisor and employee identify/refine goals and objectives for the upcoming 3-month period.

**Annual Performance Evaluation**

The annual Performance Evaluation, which coincides with the end of fiscal year, includes a summary of goal achievements and technical and/or professional growth demonstrated during the prior 12-month period. The results documented as part of the annual Performance Evaluation will be used by Directors to recommend merit increases for employees.

Completion of annual Performance Evaluations requires collaboration between employees, supervisors, and Directors. The core activities that make up this effort include the preparation of brief written summaries of performance, by both the employee and supervisor, conversations that provide feedback
about the accomplishments throughout the year, and discussions about project/task goals and development goals that will be part of the upcoming Performance Plan. As part of the Performance Evaluation process, supervisors assess employee skill levels as they relate to current and future work assignments and prepare training and development goals to either address gaps between actual and expected performance or identify potential development opportunities.

**Tools for Measuring and Documenting Performance**

- **Performance Evaluation Forms**
  
  SANDAG has established standardized Performance Evaluations forms. These allow the employee to self-evaluate on their achievement of goals and objectives, including progress toward technical and/or professional growth and development, supervisors to evaluate and provide feedback, and Directors to provide comments. All Performance Evaluation forms are signed by the employee, supervisor, and approved by the Director.

- **Rating Scales for Goal Achievement**

  SANDAG has established a 4-point rating scale for evaluating an employee’s achievement of each assigned goal and objective; this is outlined in Table 1 below. As part of each Performance Evaluation, the result (rating) from each goal, combined with the relative weighting of each goal, is used to calculate a goal rating score.

- **Overall Performance Rating**

  Upon completion of an employee’s annual Performance Evaluation, the Director shall assign and document an overall performing rating which is then used as the basis for performance reward recommendations. The rating categories and criteria are outlined in Table 2 below. This process provides each Director an opportunity to normalize any discrepancies or inconsistencies in goal rating scores derived from the Performance Evaluations and ensures employees are rewarded commensurate with their successes and contributions to the agency.

**Performance Management for New Employees**

- **Initial Goals and Objectives**

  During the first four weeks of employment, the supervisor and employee discuss and agree upon job-related and professional development goals for the first six months. These goals often focus on learning the technical aspects of the role as well as practices and procedures for accomplishing various tasks and functions.

- **Performance Evaluations**

  - **Three-month and Six-month Evaluations (Regular Employees)**
    New Regular employees participate in a three-month Introductory Period Check with their supervisor to review progress toward meeting the initial goals and objectives established for the position. New Regular employees are evaluated again at their six-month anniversary date to determine if they can successfully perform the core responsibilities of the position for which they were hired.

  - **Six-month Performance Evaluation (Limited-Term and TIPS employees)**
    New Limited-Term and TIPS employees participate in a six-month Performance Evaluation with their supervisor to review progress toward meeting the initial goals and objectives established for the position.
Element 3: Growth and Development

The agency’s continued success rests on sustaining and developing employees so they have the skills necessary for accomplishment of today’s goals and objectives as well as those needed for the future. The diversity and complexity of agency responsibilities provides a rich environment from which employees and supervisors can identify and cultivate ongoing learning opportunities.

Development goals relate to competencies and technical skills/knowledge specific to a particular function or role. Goals and objectives are established at levels that are achievable and attainable by employees in their current position. There may be components of goals that stretch an employee’s development and bridge them to a higher-level position within their job family.

Employees and supervisors identify and incorporate a variety of skill-building opportunities into every day experiences at work, and the agency supplements these efforts by supporting coaching and mentoring and providing access to a broad range of training opportunities.

Element 4: Performance Rewards

SANDAG uses a pay-for-performance compensation model to support the highest levels of organization success. The intent is to recognize and reward employees based on their contributions and positive impact to the agency, and in a manner that differentiates average versus outstanding levels of performance. SANDAG provides annual performance rewards to eligible employees; the results of annual Performance Evaluations are used by Directors to prepare recommendations for pay increases, which are considered and approved on an agencywide basis to ensure that rewards are distributed fairly and equitably among eligible and deserving employees.

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

Types of Performance Rewards

The primary form of a performance reward is a merit increase (a percentage adjustment to annual salary). Merit increases serve two purposes: 1. they move an employee through their salary range and support the agency’s retention goals by ensuring employee pay remains competitive with similar roles in the market, and 2. they are used to provide larger pay increases to employees who achieve significant results and/or demonstrate exemplary performance throughout the year.

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

Merit increases or lump sum merit pay is considered on an individual basis and the amount awarded is determined as a percentage of the employee’s base pay. The primary factors affecting the percentage amount awarded to an employee include availability of funds in the compensation adjustment pool and overall performance relative to other employees. A typical compensation adjustment pool is 3 to 5 percent of the annual salary budget. A merit increase or lump sum merit award shall not exceed 10 percent of an employee’s base pay.

### Eligibility Criteria

Employees must meet the following eligibility criteria before being considered for a performance reward:

- **Employment classification**: Must be hired as a Regular, Limited-Term, or TIPS employee; annuitants, temporary employees from staffing agency, and contractors are not eligible.
- **Tenure**: Must have continuous employment with SANDAG in the 6-months prior to when annual Performance Evaluations are completed.
- **Employment status**: Must be an active employee at the time performance rewards are processed by Payroll.
- **Work schedule**: Merit increases shall be pro-rated for employees who work less than full-time.
- **Performance Evaluations**:
  - For employees - must have completed their portion of the annual Performance Evaluation, consistent with the timelines communicated by Human Resources, unless an exception has been granted by a Deputy CEO or the CFO, as applicable.
  - For supervisors, managers, and Directors – must have completed their portion of the annual Performance Evaluations for team and/or department members.
  - Leaves of Absence - a custom timeline shall be developed for an employee who is on a leave of absence at the time annual Performance Evaluations are due for completion.
- **Performance**: Must receive an overall performance rating of 3.0 or higher. (See Table 2 below.)
  - In limited cases, and with written justification from the supervisor, manager, and Director, an employee with an overall performance rating of less than 3.0 may be considered for a reduced performance reward, commensurate with performance results, if there has been demonstrated and sustained effort and attitude by the employee toward improvement. Approval must be granted by a Deputy CEO or the CFO, as applicable.
- **Top Performers**: An employee who receives an overall performance rating of 3.75 may be considered for an enhanced performance reward. (See Table 2 below.)
Approval of Performance Rewards

Recommendations for merit increases or lump-sum merit payments, including the identification of top performers in each department, are prepared and fully documented by the Directors using the overall performance rating criteria. To ensure merit increases are distributed in a fair and equitable manner, the Senior Director of Organization Effectiveness shall prepare guidelines that set the distribution of overall ratings as well as the range of merit increases available to employees based on demonstrated performance, including amounts available for top performers. The Senior Director of Organization Effectiveness Director will compile Director recommendations and coordinate an agencywide review and approval of recommendations with the Deputy CEOs and CFO. The Manager of Human Resources is responsible for coordinating the preparation and processing of merit increases/lump sum merit pay and retaining supporting records.

Merit increases and/or lump sum merit pay is typically considered, approved, and processed in September/October and increases provided retroactively to the first pay period of the current fiscal year. Merit increase will not be provided to employees, including supervisors, managers, and Directors, who fail to complete their portion of the annual Performance Evaluation in a timely manner unless an exception to the due date is approved by a Deputy CEO or the CFO, as applicable. Even if an exception is granted, the merit increase shall not be processed until the Evaluation is fully completed.

Other Types of Pay Adjustments

Promotions for employee progression through a flexibly-staffed position series, as well as general or marked-based pay adjustments, if available and applicable, also are considered and approved on an annual basis, typically in conjunction with the consideration of performance rewards. These types of base pay increases do not impact the amount of the performance reward an employee may receive.

Amended February 2022
**Table 1: Rating Scale used for Evaluating Goal Achievement**

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4</strong></td>
<td><strong>EXCEEDS EXPECTATIONS</strong>&lt;br&gt;Performance consistently exceeds expectations in all primary areas of responsibility.</td>
</tr>
<tr>
<td>-</td>
<td>Overall quality of work is consistently excellent and is completed on schedule with a high degree of accuracy and independence; the employee demonstrates the skills and ability to complete major goals and projects.</td>
</tr>
<tr>
<td>-</td>
<td>Significant contributions to agency goals, processes, and procedures are made on a regular basis; the employee can apply a superb level of skill and knowledge.</td>
</tr>
<tr>
<td>-</td>
<td>Performance goes above and beyond work expectations and is characterized by high levels of accomplishment; the employee consistently demonstrates a drive for achievement and rarely makes or repeats errors in judgment.</td>
</tr>
<tr>
<td>-</td>
<td>Work is consistently completed in a manner that models excellent performance.</td>
</tr>
<tr>
<td><strong>3</strong></td>
<td><strong>MEETS EXPECTATIONS</strong>&lt;br&gt;Performance meets expectations in primary areas of responsibility.</td>
</tr>
<tr>
<td>-</td>
<td>Completed work meets expectations in all or almost all areas and requires minimal oversight or supervision for routine tasks and projects; the employee is capable and knowledgeable in most aspects of their work and can be relied on to achieve results in a timely and efficient manner.</td>
</tr>
<tr>
<td>-</td>
<td>Contributions to the overall success of the department, section, or team are made through the consistent performance of core job duties; the employee demonstrates initiative and work products are generally good.</td>
</tr>
<tr>
<td>-</td>
<td>Performance is at the level expected and is characterized by meeting goals and objectives; the employee demonstrates skills and behaviors that result in the effective performance of current position requirements.</td>
</tr>
<tr>
<td>-</td>
<td>Work is usually completed in a manner that represents acceptable levels of performance.</td>
</tr>
<tr>
<td><strong>2</strong></td>
<td><strong>NEEDS IMPROVEMENT</strong>&lt;br&gt;Performance does not consistently meet expectations in all primary areas of responsibility.</td>
</tr>
<tr>
<td>-</td>
<td>Work results are not consistent and assigned duties are not satisfactorily completed; the employee possesses many of the fundamental skills required for the position and may demonstrate success at times; significant guidance, direction, and monitoring is required to achieve consistent results for core responsibilities.</td>
</tr>
<tr>
<td>-</td>
<td>Contributions to the overall success of the department, section, or team are minimal and the lack of performance may in fact be detrimental; the employee may demonstrate initiative for some duties but not for all assignments.</td>
</tr>
<tr>
<td>-</td>
<td>Performance is often below the level expected relative to the employee’s knowledge and experience; the employee has demonstrated limited ability to perform the requirements of the position but does not do so on a routine basis.</td>
</tr>
<tr>
<td>-</td>
<td>Work habits could be improved to increase efficiency, technical competence, and professionalism.</td>
</tr>
<tr>
<td><strong>1</strong></td>
<td><strong>UNACCEPTABLE</strong>&lt;br&gt;Performance consistently fails to meet minimum position requirements.</td>
</tr>
<tr>
<td>-</td>
<td>Work results are consistently poor even with excessive direction, follow-up, or intervention by the supervisor; the employee does not demonstrate the knowledge or ability to perform the fundamental duties of the position and is unwilling or unable to make efforts to improve.</td>
</tr>
<tr>
<td>-</td>
<td>Poor performance is having a negative impact on the team, department, and agency overall; the employee’s contributions are generally minimal if they occur at all.</td>
</tr>
<tr>
<td>-</td>
<td>Performance is well below the level expected; the employee fails to use the skills necessary for success or demonstrate any effort toward improvement.</td>
</tr>
<tr>
<td>-</td>
<td>Work habits must be substantially improved through a corrective performance plan in order to meet minimum job requirements.</td>
</tr>
</tbody>
</table>
Table 2: Overall Performance Ratings (Categories and Criteria)

3.75 EXCEPTIONAL CONTRIBUTOR
The employee is easily recognized as a top performer compared to peers, highly regarded for mastery in all facets of their work, and is considered a role model for exemplary performance.
During the performance period, the employee:
- Achieved outstanding results in almost all of their work efforts, well beyond what was expected when goals and objectives were initially defined.
- Made notable contributions in several critical areas that have positively impacted and brought substantial value to the organization overall.
- Demonstrated high level capabilities and excellent judgment; proactively assumed higher levels of responsibility with excellent results.
- Consistently demonstrated highly effective workplace behaviors that support a culture of innovation, collaboration, and teamwork.

3.5 EXCELLENT CONTRIBUTOR
The employee is recognized as a strong, consistent, and highly reliable performer, well regarded for their expertise, experience and ability to achieve results, and is considered a role model within the department and/or organization.
During the performance period, the employee:
- Achieved excellent results in their primary work efforts, beyond what was expected when goals and objectives were initially defined.
- Made significant contributions that have brought value and improvements to the department and/or organization.
- Demonstrated high level capabilities and independently assumed higher levels of responsibility with successful results.
- Consistently demonstrated effective workplace behaviors that promote innovation, collaboration, and teamwork.

3.25 HIGHLY EFFECTIVE CONTRIBUTOR
The employee is recognized as a consistent and reliable performer, known for their subject-matter expertise and ability to contribute to a variety of projects and assignments.
During the performance period, the employee:
- Achieved admirable results in their primary work efforts, including examples of going above-and-beyond what was expected when goals and objectives were initially defined.
- Made meaningful contributions that have resulted in improvements to the team and/or department.
- Demonstrated initiative and could be counted on to deliver sustained results without extra supervision or reminders.
- Regularly demonstrated workplace behaviors aligned to innovation, collaboration, and teamwork.

3.0 VALUED CONTRIBUTOR
The employee is recognized as a solid, dependable performer, a ‘team player’ who does their part to ensure their team and department are successful.
During the performance period, the employee:
- Reliably and consistently achieved all goals and objectives assigned.
- Contributed to projects or completed assignments that have resulted in improvements to the team and/or department, or learned new skills that improved their overall performance.
- Assumed additional responsibilities when requested and/or assisted with extra project work.
- Regularly demonstrated workplace behaviors aligned to innovation, collaboration, and teamwork.
<3.0 INCONSISTENT CONTRIBUTOR

The employee is recognized as someone who must immediately improve their performance; a Performance Improvement Plan (PIP) or alternate corrective action is recommended.

During the performance period, the employee:

- Was inconsistent in achieving assigned goals and objectives.
- Was not reliable in accomplishing goals with respect to quality, quantity, and timeliness.
- Required more supervision and guidance than typically necessary for the role.
- Was inconsistent in demonstrating workplace behaviors aligned to innovation, collaboration, and teamwork.

<2.0 UNSATISFACTORY CONTRIBUTOR

The employee is recognized as someone who must immediately and significantly improve their performance; a Performance Improvement Plan (PIP) or alternate corrective action is required.

During the performance period, the employee:

- Consistently underperformed; was unable to complete assigned goals and objectives at a satisfactory level.
- Was frequently unable to accomplish goals with respect to quality, quantity, and timeliness.
- Required more supervision and guidance than typically necessary for the role, including frequent redirection and/or reinstruction.
- Seldom demonstrated workplace behaviors aligned to innovation, collaboration, and teamwork.
Public Records Management Policy

As a public agency, SANDAG is committed to efficient and transparent business practices, and expects employees to perform their job duties with the highest levels of integrity and professionalism. While performing their job duties, employees may create and receive numerous records; these can take many forms and contain a variety of content. This policy has been developed to clarify which records are considered SANDAG business records and provide guidance to employees regarding the retention and disposal of business records. The policy also describes the agency’s practices for responding to requests made under the California Public Records Act, litigation, or other purposes. It should be noted this policy is a companion to SANDAG Board Policy No. 015 (Records Management); in the event of any inconsistencies between the two policies, employees should rely on Board Policy No. 015.

Definitions

The following terms, as defined below, are used in this policy:

- **Authorized storage location** means an approved location that is an appropriately safe, secure, and stable environment.
  - Physical records should be kept in a clean, dry area that is protected from the elements. Examples include individual or centralized file cabinets or storage units.
  - Electronic records should be stored on SANDAG enterprise locations such as One Drive for Business, Office 365, the sandag.org mailbox, and shared network drives approved for active use by the Information Systems Manager. Sensitive electronic records containing information such as credit card or social security numbers shall be encrypted.

- **California Public Records Act (CPRA)** is a law passed by the California State Legislature requiring inspection or disclosure of government records upon request, unless the record is exempt from consideration. The CPRA states that “access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.” (Gov. Code, § 6250 et seq.)

- **Computing resources** includes all SANDAG owned, licensed, or managed hardware and software, and use of the SANDAG network via a physical or wireless connection regardless of ownership of the computer or device connected to the network.

- **Communication device** includes, but is not limited to, computers, telephones, mobile devices such as cell phones, smart phones, or tablets, and other similar devices. Communication devices may be owned by SANDAG or may be the personal property of an employee.
• **Public record**, as defined by the CPRA, means “any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” (see definition of **Writing** below for more information.)

• **Records Retention Schedule** refers to the list of records produced or maintained by the agency and the length of time for which those records are kept.

• **SANDAG business record** means a writing that is prepared, owned, used, or retained by the agency because it contains information related to SANDAG business.

• **SANDAG technology or electronic resource** includes, but is not limited to, computing resources, cloud storage services, file and print services, portable electronic storage devices, communication devices, Internet services, Intranet, voicemail system, facsimile machines, and photocopiers. Communication devices paid for, in whole or in part (including reimbursement of expenses), by SANDAG are considered SANDAG resources as they are used to prepare and transmit SANDAG business records. (See definitions of **Computing Resources** and **Communication Device** above for more information)

• **Writing** includes, but is not limited to, handwriting, printing, photographing, photocopying, scanning, transmitting by electronic mail or text message (including symbols and emoticons), and every other means of recording information. It also includes any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record created, regardless of the manner in which the record has been stored.

**SANDAG Business Records are Public Records**

Records prepared, used, or retained by employees because they contain information related to SANDAG business are public records.

SANDAG business records may take many forms. These include, but are not limited to, correspondence through email, text message, voicemail, memoranda, audio or video recordings, contracts, project files, reports, digital imagery data, prints, charts, maps, and drawings.

A record prepared by an employee in the course of their job duties has been “prepared by SANDAG” within the meaning of the CPRA. This includes records prepared by an employee using their personal account, on a personal device for which the employee receives no public reimbursement, or during off-duty hours.

Typically, personal communications (email, texts, instant messages, or voice messages) that do not include any information related to SANDAG business are not considered public records under the CPRA. Personal communications that include content related to SANDAG business may be considered SANDAG business records.

Communications on Facebook, Twitter, and other electronic platforms such as Facebook Messenger and Snapchat used to conduct/discuss SANDAG business, may be considered business records. For more information regarding employee use of social media please refer to the Technology and Electronic Resources Supplemental Policy in the Employee Handbook.
Creation, Storage, and Retention of SANDAG Business Records

Records created and maintained on SANDAG technology and electronic resources should pertain to agency business and contain information necessary for the accomplishment of business-related tasks.

- Incidental use of agency resources for personal matters is permitted; this incidental use shall be limited and must not interfere with an employee's productivity or the provision of SANDAG services. (See the SANDAG Technology and Electronic Resources Supplemental Policy in the Employee Handbook for more information.)

Employees should use their SANDAG email account for sending and receiving emails regarding agency business.

- The use of personal email accounts to transmit documents and information regarding SANDAG business should be avoided.
- If messages regarding SANDAG business are received by an employee through his or her personal email account, the employee is requested to promptly forward copies of these emails to his or her SANDAG email account for storage.

SANDAG business records should be kept in an authorized storage location, not on employee-owned computer systems.

- When working from home or another off-site location using a device or system not owned by SANDAG, employees should save agency business records on a SANDAG-owned device or system, or to an authorized storage location, at the earliest opportunity. Employees are encouraged to remotely access their SANDAG computer when working away from the office.
- Employees are encouraged to download electronic SANDAG business records (emails, texts, instant messages, voicemails, or documents) that need to be retained or may be important or useful at a later time from their personal communication device to an authorized file storage location at least once every 60 days.

SANDAG business records must be kept in accordance with the Records Retention Schedule (Schedule) until their retention period expires, after which the records should be disposed of promptly and appropriately.

- The periods shown in the Schedule are minimum time periods that do not start until the document and/or project is complete.
- Records can be maintained for time periods in excess of the retention period in the Schedule if the records are still needed for reference but should be disposed of as soon as possible to conserve storage space.

Employees are responsible for determining if records they have created, used, or retained are SANDAG business records that must be kept in accordance with the Schedule.

- Employees should consider the content of a record when determining if it is a SANDAG business record and may seek guidance from a supervisor or Director if needed.
- All SANDAG business records should be maintained in an organized manner in a location that is searchable in the event of a CPRA request.
Employees may determine that certain records are not needed for future use or reference. Examples may include email, preliminary draft documents, notes, and interagency and intra-agency memoranda.

- Records that are not needed for future use or reference, and are not required to be kept in accordance with the Schedule, may be disposed of if they have been retained for less than 60 days.
- Records that are kept for use or reference for more than 60 days must be kept for a minimum of two years.

Records that pertain to general “housekeeping” matters (for example, an email confirming attendance at a meeting or an invitation to the annual Wellness Fair) that are not needed for future use or reference are not SANDAG business records and may be disposed of immediately, and at any time, even if they have been kept for longer than 60 days. Further examples of housekeeping records are provided in the FAQs related to this policy.

**Storage and Retention of email Records**

- Employees are responsible for managing their email mailboxes. This includes:
  - Determining which emails contain information regarding SANDAG business that need to be retained according to the Schedule, or may be important or useful at a later time for carrying out agency business, and organizing and storing these messages within their SANDAG email account.
  - Determining which emails do not need to be retained, and deleting these messages from their email accounts on a regular basis, preferably daily or weekly. Examples of messages that generally do not need to be retained are emails coordinating or confirming logistics, personal emails from family or friends, advertisements/announcements sent to mass distribution lists, or newsletters from other public agencies.
  - Emails, including any attachments, that are considered SANDAG business records should be preserved in their original format within the sandag.org mailbox. An exception is made for employees in the ARJIS Division who shall preserve business records within the arjis.org mailbox.
  - If an email that is considered a SANDAG business record is sent to multiple recipients, only one recipient is required to keep a copy of the message
    - Employees may coordinate to determine who is the most appropriate to keep the email.
    - If an employee is unsure whether another person is retaining a copy of the email, it is recommended the employee retain the message.
  - Attachments to email messages should be retained or disposed of according to the content of the attachment itself, not according to the email transmitting the attachment.
  - If an employee sends or receives a SANDAG business related email outside the sandag.org mailbox, the employee should forward the email to their sandag.org account.
Preserving Records in the Event of Claims, Litigation, Controversy, or CPRA Requests

In the event of litigation, a program audit or review, an environmental review, or CPRA request, the usual retention period for SANDAG business records is suspended. Any records pertaining to the matter must be maintained in their original condition and format. Employees shall use reasonable means to preserve applicable records until they are notified by Office of General Counsel or a Director that the matter has been resolved.

Confidential Records

Under the CPRA, several categories of records may be exempt from disclosure, including, but not limited to the following four categories of confidential information:

- **Personally Identifiable Information (PII):**
  Information that can be used to identify a specific individual, either alone or when combined with other private or public information that can be linked in some way to a specific individual. Examples include names, social security numbers, and home addresses.

- **Sensitive Security Information:**
  Includes, but is not limited to, information obtained or developed in the conduct of security activities, including research and development, the disclosure of which the Secretary of the United States Department of Transportation (DOT) has determined would endanger security under the Homeland Security Act or be detrimental to transportation safety. Examples include engineering drawings of transportation infrastructure.

- **Trade Secret:**
  A formula, practice, process, design, instrument, pattern, commercial method, or compilation of information not generally known or reasonably ascertainable by others by which a business can obtain an economic advantage over competitors or customers. Trade secrets may be marked as confidential only to the extent they meet the requirements of California Civil Code section 3426.1(d). Examples include work SANDAG is doing related to autonomous vehicles.

- **Attorney-Client Privilege:**
  A legal privilege that works to keep communications between an attorney and his or her client confidential. To preserve attorney-client privilege, communications, documents, and other materials shared between employees and SANDAG legal counsel, whether the Office of General Counsel or with outside counsel, for the purpose of seeking or obtaining legal advice, must be treated as confidential at all times. Such SANDAG business records should only be shared with non-SANDAG personnel with legal counsel’s concurrence and should only be shared with employees who are required to know the information.

A greater degree of caution should be exercised when sending confidential information electronically because there is an increased risk the information may be copied and/or retransmitted. Employees should refrain from using email, text messaging, or voicemail when communicating confidential information.
Maintaining Confidential Information

When records contain confidential information such as legal advice, PII, Sensitive Security Information, or trade secrets, employees should take the following precautions:

- Store hard copies in locked file cabinets in folders clearly marked as confidential.
- Store electronic copies in password-protected or restricted-access locations; Information Systems staff can provide assistance.
- Only forward emails or attachments with confidential information to others if they are authorized to see the confidential information.
- Only share or work on documents containing confidential information in locations where access is restricted.

How SANDAG Responds to Requests for Business Records

SANDAG receives numerous requests for records and information. In some instances, requests fall under the CPRA, regardless of how the request was made (formally/informally, written/oral) or to whom the request was made.

The Office of General Counsel should be consulted regarding requests for SANDAG business records.

In the case of “routine” requests for agency information or documents, the Office of General Counsel, in consultation with the Director and Principal or Program Manager, may identify certain types of records that can be provided to a requestor without referral to the Office of General Counsel. As a general rule, documents specifically prepared for distribution to the public and documents available on the SANDAG website may be provided to requestors without consulting the Office of General Counsel.

Requests for SANDAG business records that are not “routine” in nature should be forwarded to the Office of General Counsel immediately to determine whether the request is to be considered a CPRA request. The Office of General Counsel maintains a log of CPRA requests and must determine within 10 calendar days from receipt of the request if the request, in whole or in part, seeks disclosable records that are in the possession of SANDAG.

If it is determined that SANDAG has records that are responsive to the request, the Office of General Counsel will coordinate the gathering of records.

- The Office of General Counsel will notify an employee if assistance is needed regarding the search for records.
- If needed, the employee may be provided with a Public Records Search Verification form that includes guidance for conducting a reasonable and timely search for records; the completed and signed form is returned to the Office of General Counsel, along with any responsive records at the conclusion of the search.
If in doubt, employees should consult with the Office of General Counsel regarding any requests for data, information, documents, or records they may receive. Additional information regarding CPRA requests can be found in the FAQs related to this policy or by contacting the Office of General Counsel.

SANDAG uses a similar process for responding to subpoenas, audits, discovery, or other types of litigation-related activities where document production is required.

**Public Records Requests and Personal Communication Devices**

SANDAG business records are subject to disclosure if they are in SANDAG's actual or constructive possession. Constructive possession includes records in the possession of an employee. This means if a public records request seeks SANDAG business records held in an employee’s personal email, phone, or other such accounts, SANDAG may reasonably expect employees to search their personal files, accounts, and devices for responsive material.

**Separation of Employment**

Prior to leaving SANDAG, a separating employee must ensure all physical and electronic business records are gathered, appropriately organized and labeled, and saved. Any electronic business records existing on the employee’s personal communication device(s), shall be downloaded and saved in an authorized storage location. The employee shall notify their supervisor of the location of all records. After saving records to an authorized storage location, any SANDAG information should be deleted from the departing employee’s personal device.

**Violations**

Employees who violate any of the provisions of this policy may be subject to discipline, up to and including termination of employment, and/or referral to legal authorities.

Amended January 2020
FREQUENTLY ASKED QUESTIONS (FAQs) RELATED TO THE PUBLIC RECORDS MANAGEMENT POLICY

Question 1:
How do I know if the email I created is a SANDAG business record?

Answer:
Work products, including emails, created by employees on behalf of the agency are likely SANDAG business records. Examples include:

- Email that is created or received in connection with official SANDAG business.
- Email that shows how a decision was made by SANDAG staff and/or the Board/Policy Committee.
- Email documenting significant official decisions or commitments which were reached verbally (in person, by phone, video conference, etc.) and are not otherwise documented in SANDAG files.

Question 2:
From time to time, a family member or friend will send a personal message to my SANDAG email account. Do I have to provide that email if a search is conducted related to a CPRA request?

Answer:
Probably not; not every email is disclosable under the CPRA. Messages that are purely personal in nature, containing no more than incidental mentions of agency business, generally will not constitute a public record. Additionally, messages that are considered “housekeeping,” are typically not disclosed. Examples include:

- Personal messages not related to SANDAG business, such as invitations to lunch, announcements of baby showers, or a personal grocery list.
- Informal notes or rough drafts not retained in the ordinary course of business.
- “Spam” or “junk” emails, advertisements, and messages sent to mass distribution lists.

Question 3:
Is it okay for documents saved in network folders specifically established as temporary locations to be deleted every 30 days even when they are not draft documents?

Answer:
Yes, if the documents are retained elsewhere according to the Records Retention Guidelines.

Question 4:
Is there a specific way an employee should name or save a document to make it clear it is a draft?

Answer:
For an electronic file, create a file name that includes the word “Draft” and use the DRAFT watermark. For a hard copy document, clearly label the document as draft. These same recommendations can be used for confidential, trade secret, and attorney client work product documents.
When asking others to provide comments and feedback on a draft document, please request they do so using the Track-Changes function in Word, or clearly note the changes if using other software tools.

Remember that a draft document or record may still be disclosable if it is retained for longer than 60 days.

**Question 5:**
Do I have to keep voicemails that pertain to SANDAG business?

**Answer:**
Yes. If the content of a voicemail is considered a SANDAG business record, it is recommended that the employee who received the voicemail transcribe the message (whether it is on the SANDAG telephone system or a personal device) and save the document in an authorized storage location. Such records should be kept in accordance with the Schedule.

**Question 6:**
Can I delete emails that I was copied on?

**Answer:**
Maybe. If an employee is copied on an email and the message is not needed as part of the employee’s job duties, the message may be deleted. The primary recipient of the email should keep a copy though, if the message is considered a SANDAG business record.

As a reminder, attachments to email and text messages and other correspondence constituting a SANDAG business record must be retained or disposed of according to the content of the attachment itself, not according to the content of the email or text message transmitting the attachment.

**Question 7:**
If ten people are sent the same email, do we all have to keep it?

**Answer:**
 Similar to the response above, if an employee is certain another employee is keeping the email, and the message is not needed as part of the employee’s job duties, the message may be deleted. If an employee is unsure who the primary recipient is, for example if the message is sent to several employees with no direct reference in the body of the email, then the message should be kept.

Keep in mind that duplicates of emails need not be retained by each employee who receives the message provided at least one copy of the email is preserved. If an employee is uncertain who may be keeping the message, then the message should be kept.

**Question 8:**
May I keep draft versions of documents?

**Answer:**
If an employee wants to keep a previous or draft version of a document for future use or reference, these documents should be saved in an approved file storage location. Employees are reminded that preliminary drafts, notes, and interagency and intra-agency memoranda that have been retained for less than 60 days and that are no longer needed for use or reference can be disposed of within the 60-day timeframe.
Question 9:
Should I save my emails in Outlook folders or somewhere else?

Answer:
Emails determined to be SANDAG business records should be retained in their original format within the sandag.org mailbox. An exception is made for employees in the ARJIS Division who shall preserve business records within the arjis.org mailbox. Employees may determine how best to organize and maintain files within their Outlook account. Duplicates of emails need not be retained by each employee who receives the message provided at least one copy of the email is preserved.

Question 10:
What should I do if I get a request for a record from someone via email?

Answer:
If the request is for a “routine” record or document (that is, an item that Office of General Counsel has previously provided guidance on), an employee may respond to the requestor. Similarly, if the request is for information or a document on the SANDAG website, or a document that was prepared for distribution to the public, an employee may respond to the requestor.

Requests from media organizations should be referred to the Public Information Officer in the Strategic Communications department.

All other requests should be referred to the Office of General Counsel immediately to determine if the request is CPRA request. As a reminder, CPRA requests may be received verbally and do not have to be in writing.

Question 11:
What types of records can I give to people outside of the agency without treating the request as a public records request that needs to go to the Office of General Counsel?

Answer:
Generally, if an employee receives a request for information, not records, then an authorized employee can provide the information to the requester as long as the requester is not a member of a media organization. All media inquiries should go through the Communications Department. Additionally, information that is on the SANDAG website may be provided to a member of the public requesting information. The Office of General Counsel should be consulted regarding requests for SANDAG business records.

Question 12:
If the Records Retention Schedule says a record is old enough to be purged, does that mean I have to dispose of it even though I want to keep it for future reference?

Answer:
No. The Records Retention Schedule has minimum timeframes. However, employees are encouraged to work with their supervisor/Director to determine whether documents should be kept beyond their retention dates.
Question 13:
Do I have to keep all drafts of electronic records or can I make changes over the top of other changes and just save the most recent draft?

Answer:
Employees are encouraged to limit the creation of multiple versions of the same document to the extent possible. Unless necessary for future reference and within 60 days of the last edits, saving changes under the existing file name is recommended. If a preliminary draft is retained for more than 60 days, meaning it has been more than 60 days since the document was last edited, then it must be retained for two years. If the preliminary draft is updated prior to the two-year timeframe then a new version shall be created and retained based upon this policy.

Question 14:
What happens if someone makes a request for texts on my personal phone?

Answer:
If it is determined that text messages on an employee’s personal cell phone may be responsive to a CPRA request, the Office of General Counsel will work with the employee to complete a reasonable search to obtain those records. The Office of General Counsel uses a CPRA Search Verification Form to guide these efforts. If the text message pertains to SANDAG business and/or was sent as part of the employee’s official duties, the message would be provided to the requester. If the message is personal in nature and not related to SANDAG business or the employee’s duties, then it would not be provided to the requester.

Question 15:
What happens if someone sends me a text but I don’t reply, do I still need to save it?

Answer:
If the text message is related to SANDAG business then it may need to be kept regardless if there was a reply. Consider who is sending the text message and the topic. For example, if it is a consultant working on behalf of SANDAG providing information related to a SANDAG project, then the message should be kept consistent with the Records Retention Schedule. Employees should consider whether it is necessary and/or convenient to have this document to perform their job duties. Also, recall that public records include those in SANDAG’s possession, not only those created by SANDAG.

Question 16:
I never delete messages from my Deleted Items folder in Outlook. Will these messages be provided as part of a response to a public records request?

Answer:
When a public records request is received, SANDAG Information Systems staff conducts an email search of the mailboxes for employees; search parameters are provided by the Office of General Counsel. Once the search for records is complete, the Office of General Counsel reviews the emails to determine if any are responsive to the request and disclosable under the law.

Emails that have been deleted by employees and remain in the Deleted Items folder would not knowingly be provided in an email search for responsive records. However, it is possible that the search could pull from that folder. If Office of General Counsel is aware that an email came from the deleted folder, it would not be disclosed. An employee’s action to delete emails is an indication that the messages are not intended for continued and future use, therefore not disclosable. Employees are
encouraged to delete the messages from their Deleted Items folder on a regular basis to avoid any potential inadvertent disclosure of deleted emails.
Standard of Conduct Policy

I. Introduction and Applicability

The Board of Directors has delegated responsibility and authority for administration of SANDAG to the CEO. This document establishes the standard of conduct applicable to all SANDAG staff and is consistent with Board approved policies, rules, and regulations. Every staff member will be informed of this policy. In addition to compliance with this policy, all staff designated in the Board-adopted Conflicts Code, must complete a Statement of Economic Interests annually while working at SANDAG. As a government agency, SANDAG and its employees have a responsibility to be honest and straightforward with the public.

II. Definitions

The following terms, as defined below, are used in this policy:

- **Compensation**: The receipt of any monetary or non-monetary payment for the services or time of a person. Compensation includes, but is not limited to, salary, wages, fees, and any discount or economic opportunity not made available in the regular course of business to members of the public.

- **Confidential Information**: (a) At the time of the use or disclosure of the information, the disclosure is prohibited by a statute, regulation, or rule which applies to SANDAG; or (b) the information is not general public knowledge and will have, or could reasonably be expected to have, a material financial effect on any source of income, investment, or interest in the real property of SANDAG; or (c) the information pertains to pending contract, labor, or real property negotiations and disclosing the information could reasonably be expected to compromise the bargaining position of SANDAG; or (d) the information pertains to pending or anticipated litigation and disclosing the information could reasonably be expected to compromise the ability of SANDAG to successfully defend, prevail in, or resolve the litigation.

- **Designated Staff**: Any SANDAG staff member who is required to file a statement of economic interests pursuant to the California Political Reform Act of 1974 (Form 700), as amended.

- **Person**: Means any individual, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert, whether for profit or not for profit.

- **Public Agency**: Means the United States or any of its agencies; the State of California; a city; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.
- **Position of Substantial Responsibility**: Means a position in which a person took part personally and substantially by rendering a decision, approval, or disapproval for a department’s projects; by making a formal written recommendation; by conducting an investigation; by rendering advice on a significant basis; or by using confidential information.

- **SANDAG Decision**: (a) The drafting, introduction, consideration, reconsideration, adoption, defeat, or repeal of any ordinance or resolution; and (b) the amendment of any ordinance or resolution; and (c) a report by SANDAG staff to the Board or a committee; and (d) contracts; and © quasi-judicial decisions, including: (1) any decision on a land development permit, map, or other matter; or (2) any declaration of debarment; and (f) any other decision of the Board or a SANDAG committee.

**III. Goals and Objectives**

In order to assist in fostering the desired SANDAG goals, the staff, together with the local community, have a right to expect the business of SANDAG to be conducted with efficiency, fairness, impartiality, and integrity. Employment at SANDAG carries with it an obligation to the public interest. It requires standards of professional behavior from staff that promote and maintain public confidence and trust. SANDAG employees are expected to have high standards of honesty and professionalism, as well as a straightforward communication approach in order to promote and maintain public confidence and trust.

At the same time, staff should not be subject to unnecessary restrictions simply because they work for SANDAG. Staff have all the normal rights of persons under state and federal law. Although no one set of rules can answer all ethical questions, this Standard of Conduct provides SANDAG staff with an ethical framework for their decisions, actions, and behavior. In this regard, it explains the principles covering appropriate conduct in a variety of contexts and outlines the minimum standard of behavior expected of staff. Staff are expected to comply with this policy as well as all other state and federal laws regarding employment by public agencies including, but not limited to, conflict of interest laws.

**IV. General Principles**

Staff must abide by the following principles when doing their work:

- Staff are to implement the policies and decisions of SANDAG in an impartial manner. In particular, staff shall comply with all applicable laws regarding conflicts of interest, including, but not limited to, the California Political Reform Act, and the provisions of the California Government Code regarding Prohibited Interests in Contracts, as these laws may be amended from time to time. Staff are expected to not only comply with laws prohibiting conflicts of interest, but also to meet SANDAG’s higher standards set forth in its policies and training materials, including the obligation to avoid even the appearance of impropriety.

- Staff are to communicate in an open and transparent manner with the public. This includes, but is not limited to, being straightforward and open with the public regarding agency business and records.
Staff are to treat their colleagues and members of the public fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, staff should perform their duties in a professional and responsible manner. They should ensure that their decisions and actions are reasonable, fair, and appropriate to the circumstance, based upon consideration of all the relevant facts and supported by adequate documentation.

Staff are to promote confidence in the integrity of SANDAG and always act in the public interest and not in their private interest while conducting SANDAG business. Staff should protect the reputation of SANDAG. They should not engage in activities, at work or outside work, that would bring SANDAG into disrepute.

Staff are to provide relevant and responsible service to the public and other staff, providing necessary and appropriate assistance. They should provide information promptly and in an appropriate format that is easy for the recipient to understand. The information should be clear, accurate, and complete.

Staff should keep up to date with advances and changes in their area of expertise and look for ways to improve performance and achieve high standards of work. They should use their authority, available resources, and information only for the work-related purpose intended.

V. Guide to Ethical Decision Making

To assist in fostering a climate of ethical awareness, conduct, and decision making at SANDAG, staff may find it useful to refer to or consider, either by themselves or if they are uncertain, in conjunction with the Office of General Counsel, the following five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with SANDAG policies and goals?
- What will the outcome be for the staff member, other staff, SANDAG, and others?
- Do these outcomes raise a conflict of interest or lead to private gain to the staff member or the staff member’s family at SANDAG expense?
- Can the decision or conduct be justified in terms of public interest and would it withstand public scrutiny?

Recognizing a Conflict of Interest

In addition to the provisions of the Political Reform Act, as enforced by the Fair Political Practices Commission, conflict of interest exists when it is likely that a staff member could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their duties of employment. Conflict of interest that leads to biased decision making may constitute corrupt conduct.

No staff member shall participate in the selection, or in the award or administration of, a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the staff member, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.
Some related interests that may give rise to a conflict of interest include:

- Personal beliefs or attitudes that influence the impartiality of advice given;
- Personal relationships with the people SANDAG is dealing with that go beyond the level of a professional working relationship;
- Secondary employment that compromises the integrity of the employee and SANDAG.

In all purchases for SANDAG, any practices which might result in unlawful activity are prohibited including, but not limited to, rebates, kickbacks, or other unlawful considerations. SANDAG staff are specifically prohibited from participating in the selection process when those staff have a close personal relationship, family relationship, or business relationship with a person or business entity seeking a contract. An individual employee may often be the only person aware of the potential for conflict. It is, therefore, their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties and disclose any potential or actual conflict of interest to the Office of General Counsel.

If a staff member is uncertain whether a conflict exists, he/she/they should discuss the related interest matter with the Office of General Counsel and attempt to resolve any conflicts of interest that may exist. To resolve any conflict of interest that occurs, or could occur, a range of options is available, depending upon the significance of the conflict. These options include:

- Recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
- The staff member relinquishing the personal interest;
- The staff member being removed from the task/activity/situation where the conflict could occur.

Disputes over alleged conflicts of interest should be resolved by the CEO.

**Prohibition Against Financial Interest in a Contract**

It is unlawful for any Designated Staff to be financially interested in any contract made by them in their official capacity.

It is unlawful for any contract to be made by the SANDAG Board or any committee established by the SANDAG Board or a committee if any individual member of the body has a financial interest in the contract.

For purposes of the prohibitions set forth in the two subsections above, the term financial interest means any interest, other than a remote interest as prescribed in California Government Code section 1091 or a non-interest prescribed in California Government Code section 1091.5, which would prevent the Designated Staff involved from exercising absolute loyalty and undivided allegiance to the best interests of SANDAG.

Any Designated Staff with a remote interest in a prospective contract of SANDAG must disclose the existence of the remote interest to the committee or other body on which the Designated Staff is a
member if that committee has any role in creating, negotiating, reviewing, or approving the contract; and the Designated Staff must abstain from influencing or anticipating in the creation, negotiation, review, or approval of the contract.

Prohibition Against Influencing SANDAG Decisions Affecting Economic Interests

It is unlawful for any Designated Staff to knowingly influence a SANDAG decision if it is reasonably foreseeable that the SANDAG decision will have a material financial effect on:

- the Designated Staff or a member of his or her immediate family, if the material financial effect is distinguishable from its effect on the public generally; or
- any of the following economic interests:
  - any business entity in which the Designated Staff or a member of the Designated staff's immediate family has invested $2,000 or more; and
  - any business entity for which the Designated Staff or a member of the Designated Staff's immediate family is a director, officer, partner, trustee, employee, or holds any position of management; and
  - any real property which the Designated Staff or a member of the Designated Staff's immediate family has invested $2,000 or more; and
  - any person from whom a Designated Staff or a member of the Designated Staff's immediate family has received (or by whom you have been promised) $500 or more in income within twelve months prior to the municipal decision; and
  - any person from whom a Designated Staff or a member of the Designated Staff's immediate family has received gifts which total $420 or more within twelve months prior to the municipal decision. This gift threshold is subject to adjustment as set forth in Title 2, section 18940.2, of the California Code of Regulations; and
  - the personal expenses, income, assets, or liabilities of a Designated Staff or a member of the Designated Staff's immediate family.

For purposes of this section, “material financial effect” has the same meaning as that term is used in Title 2, sections 18705 through 18705.5 of the California Code of Regulations.

Prospective Employment of Designated Staff

It is unlawful for any Designated Staff to make, participate in making, or use his or her official position with SANDAG to influence a SANDAG decision involving the interests of a person with whom he/she/they is seeking, negotiating, or securing an agreement concerning future employment.

It is unlawful for any person who has a matter pending before SANDAG to negotiate, directly or indirectly, knowingly or willfully, the possibility of future employment of a Designated Staff who is making, participating in making, or using his or her official position to influence, a SANDAG decision concerning that matter.
Negotiation of future employment with a person or entity that does business with SANDAG creates a conflict of interest for the employee. If a SANDAG employee plans to discuss salary or other terms and conditions of employment, or to interview with a person or entity that does business with SANDAG or plans to seek an award of funds from SANDAG, the employee must notify his/her/their supervisor immediately so that the employee can be removed from any decision-making that may involve the potential future employer.

**Restrictions Concerning Contracts and Procurements by Current and Former Employees**

Notwithstanding any other section of this Policy, SANDAG shall not contract with, and shall reject any bid or proposal submitted by, the persons or entities specified below, unless the CEO finds that special circumstances exist which justify the approval of such contract:

- a. Persons employed by SANDAG;
- b. Profit-making firms or businesses in which SANDAG employees serve as officers, principals, partners, or major shareholders;
- c. Persons who, within the immediately preceding twelve (12) months, were employed by SANDAG and (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; and
- d. Profit-making firms or businesses in which the former employees described in subsection (c) serve as officers, principals, partners, or major shareholders.

SANDAG shall prohibit all contractors and consultants under contract to provide goods or services to SANDAG from assigning persons to work under such contract who, within the immediately preceding twelve (12) months, were employed by SANDAG and (1) were employed in positions of substantial responsibility in the SANDAG department that awarded or will award the contract, or (2) participated in any way in developing the contract or its specifications.

Persons leaving SANDAG employment who were employed in positions of substantial responsibility or who participated in developing contracts or specifications while at SANDAG should avoid participating in developing a proposal or bid document in response to a SANDAG solicitation or in negotiating contract terms on behalf of anyone other than a Public Sector employer for a period of twelve (12) months after leaving SANDAG employment in order to avoid a conflict of interest if either of the following conditions exist: (a) the solicitation or contract is issued by the person’s former SANDAG department, or (b) the former SANDAG employee participated in developing the solicitation or contract specifications. Staff negotiating potential employment with another entity must inform that entity of these prohibitions.

**VI. Acceptance of Gifts, Benefits, or Gratuities**

In addition to requirements set forth in the Political Reform Act, as enforced by the Fair Political Practices Commission, staff should not accept gifts or benefits that are intended to, likely to, or be perceived to cause staff to act in a partial manner in the course of their duties. Staff will neither solicit nor accept gifts, gratuities, favors, or anything of monetary value equal to or in excess of $50 on an annual, aggregate basis.
from potential or current consultants or contractors, parties to sub-agreements, or other contracting parties. General guidance regarding these limitations may be found below. More detailed guidance can be found in Board Policy Nos. 004 and 011 and the SANDAG Guidance Regarding Gifts. These documents can all be found on the SANDAG website and all SANDAG employees are required to comply with the requirements in these documents.

- **Gifts:** Staff are prohibited from accepting gifts from vendors or from representatives of any non-governmental organization that provides, or is desirous of contracting with SANDAG, if the aggregate annual value of the gift or gifts will equal or exceed $50. This prohibition applies to any gift, gratuity, favor, entertainment, or loan, and includes such items as liquor, lodging, travel, food, and tickets to public functions (sports events, theater, etc.).

- **Business Related Functions:** Acceptance of an invitation to join a vendor at a function being attended for official agency business may be permitted by a Director. Included in this category are luncheon meetings, lunches incidental to a business meeting held before or after the lunch period, and business-related dinners.

- **Industry Meetings:** At industry meetings, seminars, or other related functions where the employee's attendance is being funded by SANDAG, it is permissible to accept hospitality at activities that are provided for the benefit of all industry people and are commonly accepted as being a part of the group activities. The maximum annual aggregate value of gifts an employee may accept from a particular vendor must be less than $50.

- **Entertainment:** SANDAG staff may not be guests of a vendor, purchaser, contractor, or representative of a service organization at a sports event, theater, etc. These activities are not connected with SANDAG business and could be criticized by the public or competitors of the host. The reason a company would act as such a host could be because the vendor, purchaser, contractor, etc. wants to solidify its position, influence the decision of the guest, or show its appreciation. When confronted with doubtful situations, SANDAG staff should refuse the offer. The possibility of placing oneself, or SANDAG, in a compromising position is thus avoided.

**VII. Reporting Corrupt Conduct**

Employees are urged to report suspected corrupt conduct to the Office of General Counsel, a Deputy CEO, the CFO, or a Director.

Amended February 2022
Substance Abuse Policy

The purpose of this policy is to establish and maintain a safe and healthy environment for all SANDAG employees and others in our workplace that is free of any adverse effects on job performance caused in any way by the use or presence of drugs, including marijuana, alcohol, or other controlled substances. Additionally, this policy is intended to inform employees that assistance toward rehabilitation is available if an employee needs help in overcoming addiction to, dependence upon, or problems related to the abuse of drugs or alcohol.

Involvement with drugs and alcohol, both on and off the job, takes a toll on individual job performance and employee safety. Impacts of substance abuse include higher health benefits usage and workers' compensation claims, increased safety and liability risks, and diminished productivity and quality of work. The SANDAG goal is to prevent or reduce these and other negative effects associated with substance abuse. This policy establishes prohibitions against conducting SANDAG business or representing SANDAG while under the influence of drugs, including marijuana, alcohol, or other controlled substances. Violation of this policy may result in disciplinary action up to and including termination.

Definitions

The following terms, as defined below, are used in this policy:

- **Alcohol** means any alcohol or alcoholic beverage as defined in the California Business and Professional Code Sections 23003 and 23004.
- **Controlled substance** means any alcohol or a drug.
- **Conviction** means a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal and state criminal drug statutes.
- **Drug** means any drug, including, but not limited to, an illegal drug, a prescription, or an over-the-counter drug (legal drug), which is listed in any schedule in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code, or marijuana (edible or otherwise).
  - **Illegal drug** means any drug or immediate precursor that is specified or referenced in any provision of the California Uniform Controlled Substance Act (Division 10 of the Health and Safety Code) or prohibited by federal law, which may subject an individual to criminal penalties, or a legal drug which has not been obtained legally or is being used by an individual for whom it was not prescribed, or is not being used in a manner, combination, or quantity for which it was manufactured, prescribed, or intended.
• **Legal drug** means any over-the-counter or prescription drug which has been obtained legally and is being used in a manner, combination, and quantity for which it was manufactured, prescribed, or intended.

• **Drug-Free workplace** means a site for the performance of work in which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

• **SANDAG business** means duties that are performed by an employee for SANDAG, whether on or off SANDAG premises, including, but not limited to, events at which an employee represents SANDAG in his/her/their official capacity and occasions when an employee uses property such as a vehicle owned by SANDAG.

• **Substance abuse** means the improper use of controlled substances or any other substance that impairs an employee's ability to safely and effectively perform the functions of a particular job.

• **Under the influence** means an employee's ability to perform SANDAG business with normal effectiveness and efficiency is negatively affected due to the employee's use of a controlled substance.

**Policy**

SANDAG is committed to providing a Drug-Free Workplace and preventing substance abuse by employees. It is the policy of SANDAG that:

• An employee performing SANDAG business shall not be under the influence of a controlled substance.

• An employee's job performance or safety shall not be jeopardized in any way because another employee is conducting SANDAG business under the influence of a controlled substance.

• An employee shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

• An employee shall not possess or consume an open container of alcohol or an illegal drug on SANDAG premises.

• An employee shall not allow an open container of alcohol or an illegal drug to be placed or carried in a SANDAG vehicle or in any vehicle over which an employee has control while conducting SANDAG business.

• An employee shall not sell, offer, or provide an illegal drug to another person while conducting SANDAG business.

• Employees are discouraged from consuming alcohol while conducting SANDAG business whether or not such consumption will cause the employee to be considered under the influence of alcohol. Any consumption of alcohol at events must be responsible, moderate, and limited. Employees are expected to remain professional and sober at all times, and should not, under any circumstances, drive while impaired.

• An employee convicted of a crime involving a controlled substance while employed by SANDAG must report the conviction to the Manager of Human Resources within five days.
Compliance with this policy is a condition of employment. Violation of this policy may result in disciplinary action up to and including termination. Violation of this policy also may result in SANDAG contacting appropriate legal authorities.

**Applicability**

This policy is intended to apply whenever anyone is representing or conducting business for SANDAG. Therefore, this policy applies during all working hours, whenever conducting business or representing the organization, and while on call or in paid standby status. Any individual who conducts business for SANDAG, is applying for a position, or is conducting business on SANDAG property is covered by this policy. This includes, but is not limited to, employees, temporaries, interns, volunteers, applicants, members of committees or the Board of Directors, contractors, vendors, and visitors.

**Medication Guidelines**

Employees are expected to manage any potential impairment to their ability to effectively, efficiently, and safely perform their usual job duties during working hours due to the use of a controlled substance. This includes situations where an employee is using medication legitimate and legally. There are numerous over-the-counter and prescription drugs that may negatively impact safe work performance. Therefore, employees are expected to consult with their personal physician or other health care professional to determine if use of such medication will have any potential negative impact on safe job performance. Use of medication that may pose a threat to workplace safety must be discussed with the employee's supervisor or the Manager of Human Resources. If an employee cannot safely work due to prescription medication, SANDAG will consider reasonable accommodations pursuant to its Family and Medical Leave policy to the extent such an accommodation does not create an undue hardship and enables the employee to perform the essential functions of the position.

**Responsibilities**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

Employees are required to not report to work or be subject to duty while under the influence. In addition, employees are encouraged to report dangerous behavior by other persons in their workplace to their supervisor.

Supervisor responsibilities include:

- Informing employees of the drug-free workplace policy
- Observing employee performance
- Investigating reports of dangerous practices in the workplace
- Documenting negative changes and problems in employee performance
The CEO is responsible for administering the provisions of this policy. It is the responsibility of the Manager of Human Resources to manage and maintain this policy, and to provide information to SANDAG employees on obtaining assistance with substance abuse problems when requested or when appropriate.

Assistance with substance abuse and rehabilitation is the responsibility of the employee. All costs resulting from participation in a rehabilitation or other assistance program which are not paid for by the SANDAG Employee Assistance Program, the employee's medical insurance carrier, or other available community resource are the responsibility of the employee.

**Procedures**

Any employee who feels he/she/they has developed an addiction to, dependence upon, or problems with a controlled substance is encouraged to seek assistance. Assistance may be sought initially by contacting an immediate supervisor, the Manager of Human Resources, or the SANDAG Employee Assistance Program. All requests for assistance will be handled in confidence to the fullest extent permitted by law.

Any employee who believes another employee is under the influence of a controlled substance while carrying out SANDAG business may report his/her/their suspicion and the reasons for that suspicion to the Manager of Human Resources. If the Manager of Human Resources believes it is warranted, he/she/they will discuss the matter with the employee who is suspected of substance abuse and refer the employee to the SANDAG Employee Assistance Program or other appropriate resource.

No disciplinary action will be taken against any employee who discloses his/her/their substance abuse problem prior to SANDAG learning of a violation of this policy, provided the employee begins a program of rehabilitation and strictly follows the rules and guidelines of that program. An employee who is not in a rehabilitation program, however, may be subject to discipline if his/her/their performance or attendance is affected negatively or SANDAG business operations or other employees are affected negatively due to the employee’s use of a controlled substance or the employee’s conviction of a crime involving a controlled substance.

Employees may seek and may be granted rehabilitation leave. Rehabilitation leave will be subject to the leave policies established by SANDAG.

Any employee convicted of a crime related to a controlled substance must notify the Manager of Human Resources no later than five days after such conviction. The CEO will determine whether discipline related to the conviction is appropriate. If discipline as severe as termination from employment is not merited, the employee’s continued employment will be conditioned upon the employee’s enrollment in a rehabilitation program and satisfactory completion of the program. All situations will be handled in confidence to the fullest extent permitted by law.

Amended February 2022
Technology and Electronic Resources Policy

The policy is intended to apply to all technology and electronic resources used for SANDAG business. This policy applies to all users of technology and electronic resources to conduct SANDAG business, whether or not they are employees or independent contractors; whether or not they are using SANDAG technology or resources during or after work hours; or whether they access the technology or resources from SANDAG premises or some other location.

Definitions

The following terms, as defined below, are used in this policy:

- **Communication device** includes, but is not limited to, computers, telephones, mobile devices such as cell phones, smart phones, or tablets, and other similar devices. Communication devices may be owned by SANDAG or may be the personal property of an employee.

- **Computing resources** includes all SANDAG owned, licensed, or managed hardware and software, and use of the SANDAG network via a physical or wireless connection regardless of ownership of the computer or device connected to the network.

- **SANDAG business**: for purposes of this policy and cross-references to this policy, includes, but is not limited to any agency-related activity undertaken either on a mandatory or voluntary basis. It includes actions or activities that either in whole or in part, concern agency matters.

- **SANDAG business record** means a writing that is prepared, owned, used, or retained by the agency because it contains information related to SANDAG business.

- **SANDAG technology and electronic resource** includes, but is not limited to, computing resources, cloud storage services, file and print services, portable electronic storage devices, communication devices, Internet services, Intranet, telephone and voicemail systems, facsimile machines, and photocopiers. SANDAG licenses cloud-based storage, software, and systems which are all considered SANDAG resources. These include, but are not limited to: Microsoft Office 365 applications, SharePoint and OneDrive cloud storage, Team’s communications and files; Zoom and other video conferencing systems; YouTube storage, video editing, and broadcasting, and Yammer and digit/social media accounts. Communication devices paid for, in whole or in part (including reimbursement of expenses), by SANDAG are considered SANDAG resources as they are used to prepare and transmit SANDAG business records. (See definitions of Computing Resources and Communication Device above for more information).
No Expectation of Privacy

Users should not expect that the information placed on or through SANDAG electronic resources is private. By using SANDAG technology and electronic resources, users consent to the monitoring discussed in this policy, without any additional notice. SANDAG employees have no right or expectation of privacy or confidentiality in any message created, sent, received, deleted, or stored using SANDAG technology or electronic resources. All SANDAG business records are the property of SANDAG and may be accessed by authorized staff, regardless of whether they are located on a SANDAG technology and electronic resource or personal resource (personal resources include but are not limited to personal devices or personal accounts). SANDAG electronic communications may be monitored as allowed by the Electronic Communications Privacy Act, the federal Stored Communications Act, and other any applicable federal or state laws. Most communications among SANDAG employees are not confidential communications. Certain communications such as attorney-client communications may be confidential or contain confidential information. Questions about whether communications are confidential, and how they are to be preserved, should be discussed with the Office of General Counsel.

SANDAG may not require or request an employee to (1) disclose a username or password to access personal email/social media; (2) access his or her personal email/social media in the presence of another SANDAG employee or representative; or (3) divulge any personal email/social media unless it is reasonably believed that content on the email/social media is relevant to an investigation of allegations of employee misconduct or violation of law, or to access a SANDAG-issued electronic device. SANDAG may, however, require an employee to conduct a reasonable search of personal accounts for SANDAG business records that may be considered public records and disclosable consistent with the California Public Records Act and the SANDAG Public Records Management policy.

Following is a list of some, but not all, circumstances under which a user’s activities may be disclosed to others. Note that with regard to computers, data on all drives may be accessed or monitored, not just data on the shared drives.

- In order to ensure SANDAG technology and electronic resources are not misused, SANDAG may monitor or investigate computer files, electronic messages, voicemail, Internet use, and all other information kept or accessed by users on its technology or electronic resources (collectively referred to as ‘information’) to determine whether a user has misused these resources. Users should not expect information stored on or accessed from SANDAG electronic resources to be private, even if passwords, account codes, or other security measures are utilized. Information may be monitored regardless of its origin or content.

- Any information retained on or accessed from SANDAG property may be disclosed to outside parties, including law enforcement authorities, in the event of an investigation or legal process.

- When a user is absent, unavailable, or is terminated, another user may need to access information kept on the unavailable or former user’s computer or voicemail.

- Data scans by law enforcement agencies and SANDAG Information Systems (IS) staff are made on an ongoing basis to check for malware, viruses or other illegal access or use of SANDAG information or equipment that may have been initiated by persons inside or outside SANDAG.
Unacceptable Use

The use of SANDAG technology and electronic resources is a privilege that may be revoked at any time. SANDAG will not tolerate misuse of its property. Nothing in this policy is meant to prohibit use of electronic resources for labor activities or First Amendment speech permitted by law. Conduct that may result in discipline includes, but is not limited to:

- Damage, theft, duplication, or unauthorized alteration of hardware or software.
- Placement of unlawful information, computer viruses, or harmful programs on or through SANDAG technology or electronic resources.
- Violation of the federal Communications Decency Act or any other federal or state law applicable to computer and/or telecommunications systems.
- Obtaining, downloading, viewing, or otherwise gaining access to information or materials which may be deemed unlawful, harmful, abusive, obscene, pornographic, descriptive of destructive devices, or which are harmful matter as defined in California Penal Code Section 313(a), or which are otherwise objectionable under current SANDAG policies or applicable laws.
- Use of SANDAG technology or electronic resources for personal gain, commercial purpose outside of SANDAG’s business purpose, or political or religious activity. This includes messages in support of or in opposition to campaigns for candidates for an elected office or for a ballot measure and messages of a religious nature, including messages promoting or opposing religious beliefs.
- Use of SANDAG electronic resources to unlawfully harass other persons. Examples: display or transmission of messages containing ethnic slurs, racial comments, off-color jokes, cartoons with sexual content, or anything that may conflict with the SANDAG policy of providing a workplace sensitive to diversity and free of discrimination, harassment, and disrespect.
- Unauthorized use, review, duplication, dissemination, removal, damage, or alteration of files, passwords, computer systems, or programs, or other property of SANDAG, a business, or any governmental agency to conduct improper activities, including but not limited to “hacking.”
- Use of copyrighted, trademarked, or patented data, software or other materials without permission from the owner, including, but not limited to, use of data downloaded from the Internet and the creation or maintenance of archival copies of materials obtained through the Internet, unless such materials are in the public domain. This includes use of SANDAG owned logos or trademarks without approval from the Director of Strategic Communications.
- Disclosing confidential, sensitive, or proprietary information/data or allowing or facilitating unauthorized access to such information/data or SANDAG systems in any form.
- Creating or utilizing chain letters, chat rooms, or other Multiple User Dimensions (“MUDs”), with the exception of those bulletin boards or electronic mail groups that may be used for specific work-related communications.
- Use of social networking sites such as Facebook, Twitter, Instagram, or Linked-In, or other Internet blogging sites during work hours for non-SANDAG business is forbidden if the time taken to do so or the content of the posting could be disruptive to SANDAG business. Use of social networking sites for SANDAG business is permitted.
- Posting information on the Internet or in electronic mail or electronic mail attachments that does not reflect the standards and policies of SANDAG. Employees are expected to be respectful of SANDAG, its employees, member agencies, and the public. If an employee represents...
himself/herself/themself on the Internet as a SANDAG employee, he/she/they is expected to ensure the page content complies with professional standards of conduct. Employees are prohibited from accessing, posting, or placing any content using SANDAG property that associates SANDAG with illegal, unethical, or unprofessional activity.

- Establishing Internet or other external network connections that could allow unauthorized persons to gain access to SANDAG systems and information. These connections include, but are not limited to, the establishment of hosts with public modem dial-ins, World Wide Web home pages, File Transfer Protocol sites, and peer-to-peer networking (file-sharing) nodes.
- Downloading data or visiting websites that are likely to contain computer viruses or other malware.
- Spending excessive time browsing the Internet for non-work-related information or sending personal email during work periods. This includes time spent texting, instant-messaging, blogging, tweeting, or viewing Facebook, Linked-In, or similar social networking sites.
- Use of SANDAG resources for non-work-related matters that take up too much disk or memory space on an electronic resource, slow down the electronic resource’s ability to process data, or deplete SANDAG office supplies.

Guidelines for Use of Text Messages and Emails to Conduct SANDAG Business

SANDAG employees who use text messages in performing their job duties should apply the agency’s usual standards of professional and personal courtesy and conduct when drafting messages. Like other SANDAG communication, text messages are a reflection of SANDAG business practices.

Similar to emails, text messages should be easy to read and understand. Spelling and grammar should be correct. Avoid group texts and avoid using abbreviations that can be misunderstood or taken out of context.

SANDAG employees are expected to remember that any electronic communication sent from SANDAG accounts are a representation of SANDAG. Employees should apply the agency’s usual standards of professional and personal courtesy and conduct when drafting electronic messages. Electronic messages should be drafted with the same care and in the same manner as any communication printed on SANDAG letterhead. Like other SANDAG communication, electronic messages are a reflection of SANDAG business practices.

All messages transmitted over the SANDAG systems should be limited to those which involve SANDAG business activities or contain information essential to SANDAG staff for the accomplishment of SANDAG-related tasks. Use of the SANDAG email system for personal communication must be kept to a minimum.

“Spam” email can be harmful to the computer system. Spam email is electronic junk mail, usually unsolicited commercial and non-commercial messages transmitted as a mass mailing to a number of recipients. Spam should be identified as junk email and deleted immediately. Examples include jokes, thoughts for the day, “chain” type email messages, etc. If an email message is not a SANDAG business
record needed for future use or reference, it is considered “housekeeping” consistent with the Public
Records Management Policy and should be deleted from an employee’s email account immediately.

Employees may determine that certain SANDAG business records are not needed for future use or
reference. Examples may include but are not limited to email and text messages.

- Records that are not needed for future use or reference, and are not required to be kept in
  accordance with the Records Retention Schedule, may be disposed of if they have been retained
  for less than 60 days.
- Records that are kept for use or reference for more than 60 days must be kept for a minimum of
  two years.

Messages should be sent to smaller rather than larger audiences where appropriate. Email should not be
used for broadcast purposes, unless the message is of interest to all SANDAG employees.

Remember that while emails, chat messages, and text messages often take a less formal tone, they may
be subject to disclosure later; avoid humor, sarcasm, and anger vetting, and avoid use of emoticons and
other symbols which can backfire or be misunderstood if disclosure is later required to a broader audience.

**Use of Technology While Operating a Vehicle**

SANDAG employees are prohibited from utilizing an electronic device such as a cell phone without proper
equipment while operating a vehicle to conduct SANDAG business. Employees also are prohibited from
sending text messages or emails while operating a vehicle if they are using the vehicle to conduct
SANDAG business.

**Disclosure of SANDAG Information or Data**

SANDAG employees who transfer or copy information or data from SANDAG technology or electronic
resources to devices that are not owned or controlled by SANDAG must exercise caution to prevent
SANDAG information or data from being hacked or otherwise disclosed. In the event any SANDAG
information or data is disclosed to unauthorized persons, or electronic resources containing SANDAG
information or data is hacked, lost or stolen, an employee must notify the SANDAG Information Systems
Manager within 24 hours.

**Consequences of Violating this Policy**

The consequences for violating this policy include, but are not limited to, disciplinary action up to and
including termination of employment, termination of a user’s contract with or services for SANDAG, and/or
referral to legal authorities for prosecution under California Penal Code Section 502 or other applicable
laws.
**Reporting of Abnormalities or Misuse**

Users should report any misuse, abnormality, or security breach as soon they observe it. Abnormalities or breaches of security should be reported to the Information Systems Manager immediately (within 24 hours). If any user observes a misuse, such as an electronic communication containing obscene or harassing language, or unauthorized access to electronic resources by an employee or consultant, the user should report the misuse to their Director or the Manager of Human Resources immediately. The user should not show the misuse or offending material to other users or discuss these matters with anyone other than their Director or the Manager of Human Resources.

**For Further Information**

Some frequently asked questions and answers (FAQs) are below. For additional guidance on the use of technology and electronic resources at SANDAG, please consult with a member of the Information Technology team.

Amended February 2022
FREQUENTLY ASKED QUESTIONS (FAQs) RELATED TO THE TECHNOLOGY AND ELECTRONIC RESOURCES POLICY

Question 1:
What types of electronic information does the SANDAG Information Technology (IT) Team have access to?

Answer:
The IT Team may inspect, review, and/or monitor electronic media, data, and network traffic stored on or sent through the SANDAG network. Electronic media includes items such as hard drives, thumb drives, and DVD disks. Data refers to email, files, and pictures. Network traffic refers to the various websites that are visited. While the IS Team does not routinely monitor websites that employees visit or examine employee emails, documents, or pictures, they may do so in the course of troubleshooting or as part of an investigation.

Question 2:
Why does the IT Team have access to electronic information?

Answer:
In support of agency business, the IT Team has been granted permission to inspect, review, or access media and data in order to resolve system and network problems, to provide technical support, and to configure, replace, or repair hardware and software. For example, if the SANDAG email system is not working, the IT Team must find out why. Or, if an employee loses media or data during a power failure, access to his or her data/media is required in order to restore what was lost. Monitoring also allows the IS Team to proactively protect SANDAG by detecting, stopping, and removing malicious programs. We also gather statistics from monitoring that are used to plan for future growth.

Question 3:
Who may authorize a search and review of electronic media and under what circumstances?

Answer:
Requests may come from the Office of General Counsel or the Manager of Human Resources. For example, the Office of General Counsel frequently requires the IS Team to search electronic media in order to fulfill a California Public Records Act request or to support discovery efforts during litigation. In addition, the Manager of Human Resources may request a search as part of an internal investigation or as part of an employee relations matter.

Question 4:
Is data stored on my computer’s local hard drive private?

Answer:
The local hard drive should not be used for anything but temporary storage of files and data. Local hard drives are not immediately accessible to respond to Public Record Requests and are not backed up by IT and the information and data may not be recoverable if there is a technical failure.

The local hard drive on an employee’s computer is considered ‘private’ in that it cannot be accessed by other employees except as described in this policy The IT Team does have the ability to access files stored on an employee’s local hard drive as described in Questions 2, 3 and 4 above, however, would
only do so if specifically instructed to do so by the Office of General Counsel, a Deputy CEO or the CFO, or Manager of Human Resources, or if access is required to provide technical support or to configure/replace/repair hardware or software.

**Question 5:**
What records are kept as a result of inspecting, reviewing, or monitoring electronic information?

**Answer:**
The IT Team keeps Internet and network traffic logs that summarize which technology resources are being used and how frequently. This information is kept for a maximum of 45 days and helps the IT Team identify trends and plan for additional resources. For example, while monitoring traffic the IT Team may observe a significant increase in the number of employees using the Internet and not enough Internet bandwidth to meet this need. These logs would justify the purchase of additional Internet bandwidth. Traffic logs also can help the IT Team identify causes behind issues that arise. Traffic logs and use data may also be gathered during an investigation, or in relation to a response to a records request or subpoena.

**Question 6:**
Who has authority to insert postings on and access SANDAG social media accounts?

**Answer:**
SANDAG has Facebook, Twitter and other social media accounts that it owns, operates and controls. Only authorized SANDAG staff are permitted to set up, access the account settings, or place new material on these accounts on behalf of SANDAG. Employees who are authorized to set up and manage social media accounts on behalf of SANDAG are required to provide username, password and account information to the IS Team upon request.

**Question 7:**
I use my personal cell phone, iPad, and/or home computer to access the SANDAG network. Does SANDAG have the right to inspect any of these devices? If so, what would happen to any personal information stored on the device/s?

**Answer:**
Any device used to access SANDAG electronic resources to conduct SANDAG business – the email system, shared network, etc.- is potentially subject to inspection by the IT Team or the Office of General Counsel in order to respond to a public records request, subpoena, or as part of an internal investigation or employee relations matter. Data stored on SANDAG servers will be subject to disclosure even if a personal device was used, and if SANDAG either purchased or helped finance the purchase of a device or pays the employee a stipend related to the device, SANDAG may be obligated by law to capture data on the device itself. The Office of General Counsel or the Manager of Human Resources would provide direction to the IT Team in such circumstances. Any information found that is pertinent to the requested search would be copied from the employee's device. An employee's personal information from the device may be reviewed by the Office of General Counsel or Human Resources as part of the search process, however, this information would not be divulged if it was not responsive to a legal request for SANDAG records or was exempt by law from disclosure.
**Question 8:**
I have been provided with a SANDAG cell phone, iPad, laptop, or other communication device and use this to access my personal email account. Can SANDAG view my personal messages?

Answer:
Any information accessed or stored on SANDAG electronic resources is subject to inspection, review, and/or monitoring. This includes personal information such as email messages.

**Question 9:**
I use my SANDAG email account to send occasional messages to family and friends. Can SANDAG access and view these messages?

Answer:
All messages sent using the SANDAG email system are subject to review and search by authorized agency personnel (Office of General Counsel, Human Resources, IT staff) even if they do not pertain to agency business. Employees should consider the consequences of using the SANDAG email system for personal matters. Although the personal matters may not be considered public records, authorized SANDAG persons may need to review a wide variety of records to determine which ones are personal versus public.

**Question 10:**
I access my personal email account (Gmail, Yahoo, Hotmail, etc.) from my work computer. Can SANDAG access my personal account?

Answer:
The IT Team may know which email websites an employee has visited, but does not have any detail about messages that were received or sent from the account. Users should note, however, that law enforcement or court actions may lead to use of forensic experts who may be able to obtain detailed information regarding the content of messages even if they are obtained from personal email accounts.
Telework Policy

Policy Highlights

SANDAG recognizes there are mutual benefits associated with providing work arrangements that include remote work as an option. Employees have increased opportunities for work/life balance. For SANDAG, flexibility is necessary to adapt to the changing work environment where agency business is no longer conducted in a conventional 8 a.m. to 5 p.m., Monday through Friday, work week. Highlights from the Telework policy are as follows:

- The SANDAG Telework Program provides eligible employees the opportunity to work from home or another location one day every two weeks as part of their regular work schedule. Telework is a management option; it is not a benefit to which employees have any vested right.

- The supervisor and manager, in conjunction with the Director, shall consider an employee’s request for a regular telework arrangement using criteria that consider the employee’s job responsibilities, overall performance, and demonstrated suitability of the remote work location. The potential impact to service levels, quality of work, or disruption to agency operations also shall be considered.

- In addition to approving a recurring, once-every-two-weeks telework schedule, a supervisor may grant an employee permission to work remotely on an occasional or short-term basis to support productivity or provide schedule flexibility for work-life balance purposes.

- Teleworkers are expected to behave, complete work tasks, and conduct business with the same level of professionalism, diligence, and courtesy as would be demonstrated on-site, and are subject to the SANDAG Employee Handbook and all supplemental policies.

- An approved telework schedule must include working the agency’s “core business hours” (9 a.m. to 4 p.m., Monday through Friday (Pacific Time), excluding the agency Flex Day), with the entire work day falling between 6:30 a.m. and 6:30 p.m.

- The teleworker must be fully accessible during the hours approved in their work schedule for planned and impromptu meetings via telephone, Teams, Zoom, or other technology. “Fully accessible” includes being in a distraction-free environment where a business meeting can be effectively conducted.

- Teleworking is not a substitute for dependent care. Teleworkers must make alternative arrangements for dependent care during designated work hours.

- The teleworker shall establish and maintain, at their expense, an appropriate work environment within their home or other remote location for work purposes. A Home Office Checklist must be completed for any location that will be regularly used for remote work.

- A Telework Agreement and the Home Office Checklist are required to be approved, in advance, before an employee begins to work from home or at another location on a regular basis.
SANDAG Telework Program

Teleworking is considered a voluntary option for eligible employees to establish an arrangement whereby they work from home or another suitable location, up to one day per pay-period (one day every two weeks) as part of their approved, regular work schedule. Teleworking is a management option; it is not a benefit to which employees have any vested right.

In establishing the Telework Program, SANDAG understands certain employees may prefer not to participate in the program. SANDAG also acknowledges that some employees may not be eligible to participate due to various business needs, including safety, security, or operational nature of their job responsibilities. The supervisor and manager, in conjunction with the Director, shall consider an employee’s request for a regular telework arrangement using the criteria noted in this policy.

In limited circumstances, and when it is in the best interest of the agency, an employee may be approved for a regular work schedule that includes working remotely more than one day per pay period. Requests for telework arrangements that exceed the parameters of this policy must be approved in writing by the Director and the Deputy CEO or CFO as applicable, and once implemented, the arrangement will be subject to periodic review, on an annual basis at minimum. The terms of the agreement, including the anticipated length of the arrangement and any special provisions, will be documented. SANDAG will generally not consider requests for full-time remote work unless this part of an approved medical or disability accommodation.

Teleworking can neither interfere with the accomplishment of SANDAG business, nor can teleworking cause a reduction in the levels of service expected to be provided by the employee or their team. An employee is expected to focus their attention on the completion of SANDAG work tasks while teleworking. Telework is not a substitute for dependent care or other personal or family responsibilities; an employee must not be responsible for schooling or the primary care of dependents while working remotely.

Telework as a Flexible Work Arrangement

The intent of this policy is to describe expectations and actions to be taken to establish a formal telework arrangement for an employee, one that will be followed on a regular basis.

Beyond formally approved telework schedules, SANDAG recognizes that occasional or short-term remote work arrangements provide flexibility that can be mutually beneficial to the agency and to an employee. Examples include working from home more than one day per pay-period when additional time, free from office distractions, is needed to complete a project; to maximize time efficiency when an employee is scheduled to attend an offsite meeting, event, or training as part of their workday; or to address workload demands or project schedules by working additional hours from home to meet a deadline. Other informal, short-term arrangements may be made for employees on medical leave, to the extent practical for the employee and the agency and with the consent of the employee’s health care provider, if appropriate. All informal, short-term remote work arrangements will be made on a case-by-case basis; these require discussion and agreement between the employee and their supervisor, with a focus on the business needs of the agency.
An excessive number of informal remote work requests may be considered outside the parameters of this policy and is subject to review and action by the Director and/or the Deputy CEO or CFO as applicable. As noted, informal, short-term remote work arrangements are not the focus of this policy.

**Eligibility for a Regular Telework Schedule**

Approval of an employee’s telework schedule request shall be granted by the supervisor and/or manager and Director, and will be based on the employee’s performance, specific duties and responsibilities, and ability to complete their duties and responsibilities efficiently and effectively while working remotely. This policy includes criteria for considering an employee’s telework request. Teleworking may not be appropriate for some employees and some positions.

New employees may be eligible to begin a regular telework schedule at the time of employment, subject to approval by the Director. During their first six (6) months with SANDAG, new employees are encouraged to maximize the number of in-person interactions with their supervisor, team and department members, project colleagues, and other collaborators as part of their onboarding and orientation experience.

This Telework policy and related procedures do not apply to requests for reasonable accommodation. Such requests may be brought forward to the Manager of Human Resources consistent with Section 3.5 of the Employee Handbook.

**Criteria used for Considering Regular Telework Requests**

The following criteria have been established, and will be used consistently across the organization, to assess employee eligibility to work remotely and evaluate proposed work schedules. The supervisor, manager, and Director are responsible for considering and approving an employee’s regular telework schedule. In the event a telework request is denied, the supervisor and Director must provide information to the employee explaining the basis for the decision.

**Employee Eligibility**

- **Job Responsibilities**
  Certain positions may not lend themselves to teleworking because the daily job functions must be performed onsite. Examples include roles that provide in-person support to other staff, guests, or customers, and positions that involve facility repairs or maintenance tasks. Other jobs may require onsite supervision of employees, or the use of information, materials, or resources that cannot be removed from the workplace.

  Tasks that benefit from uninterrupted work time are generally suitable for telework. Examples include writing, editing, reading, analysis, design work, computer programming, word-processing, and data entry.

  As part of considering a regular telework schedule, the employee and supervisor should:
  - Review the types of work that can be reasonably and effectively performed remotely, and
  - Confirm there is enough work that can be performed remotely on a regular basis.
Employee Suitability
Characteristics of effective teleworkers include being well organized, self-disciplined, digitally literate, good communication skills, reliable, and productive. The level of job knowledge, experience working on current projects, and degree of independence are other factors that may change over time. In general, an employee who received an Overall Performance Rating of less than 3.0 on any quarterly Performance Check-in during the prior 12-month period is not eligible for a regular telework schedule.

As part of considering a regular telework schedule, the supervisor should:
- Reflect on the overall performance demonstrated by the employee, including conscientiousness about work time and productivity, work habits, and ability to be self-motivated, and evaluate whether these will lead to a successful remote work arrangement;
- Determine whether the employee has the necessary computer skills to perform their job duties effectively in a remote work setting; and
- Consider current work assignments and whether the employee has sufficient knowledge and experience to telework successfully.

Equipment Needs and Workspace Considerations
Employees requesting to telework must complete the Home Office Checklist to confirm that the appropriate equipment and resources are available, and that the condition of the proposed work environment is considered safe.

As part of considering a regular telework schedule, the employee and supervisor shall
- Review and confirm the employee’s responses to the Home Office Checklist and discuss potential solutions for any incomplete items.

Work Schedule
In addition to contemplating the employee’s job functions, their performance attributes, and the proposed telework location, the supervisor shall:
- Determine whether the proposed telework schedule will adversely impact progress of an individual or team project, or disrupt agency operations. For some positions, there may be limitations as to which day(s) may be suitable for telework. For example, production staff who support public meetings need to be in the office on Fridays.
- Evaluate whether appropriate levels of customer service and team availability can be maintained based on the proposed schedule. A supervisor may need to consider requests from all team members before providing approval; a supervisor also may ask an employee to reconsider their request to accommodate other team members.
- Ensure the proposed schedule enables the employee to attend certain in-person meetings (regular 1:1s with the supervisor, functional and project team meetings, department meetings, All Hands meetings).

Responsibilities and Expectations
The following information describes expectations for employees while teleworking. Teleworkers are expected to behave, complete work tasks, and conduct business with the same level of professionalism, diligence, and courtesy as would be demonstrated on-site, and are subject to the SANDAG Employee
Handbook and all supplemental policies. Failure to meet the expectations described below, or comply with agency policies, practices, procedures, and instructions may result in revocation of the Telework Agreement or other consequences, up to and including termination of employment.

Work Hours and Time Reporting

- SANDAG standard business hours are 8 a.m. to 5 p.m., Monday through Friday (Pacific Time), excluding the agency Flex Day. SANDAG considers “core business hours” to be 9 a.m. to 4 p.m., Monday through Friday, excluding the meal and rest periods. Employees, regardless of work location and unless assigned to a part-time or other agency-required schedule due to job responsibilities, are expected to work the core hours.

- Employees must work with their supervisor to establish a telework schedule that starts between 6:30 and 9 a.m. and finishes between 4 and 6:30 p.m. In some cases, supervisors may need to set work schedules for employees to ensure coverage for certain functions or operations while teleworking.

- Non-exempt employees who telework must take meal and rest breaks in accordance with SANDAG policy and must accurately record all work time. Working "off-the-clock" is never permitted. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the employee's supervisor.

- A telework schedule does not convey flexibility for an employee to take care of personal errands during the work day, other than during scheduled meal and rest breaks. Teleworkers must use accrued leave time, or seek approval from their supervisor to adjust their work schedule, if there is a need to take care of personal business during designated work hours.

Productivity and Service Levels

- In establishing a telework arrangement, both management and employees recognize that teleworking cannot prevent or interfere with the accomplishment of SANDAG business, nor can an arrangement cause a reduction in the quality of service or productivity expected to be provided by the employee or their team.

- The teleworker must have access to the SANDAG email, calendar, and Teams system, and any related work files via a reliable connection to the Internet. The Internet service must provide adequate bandwidth for efficient completion of work assignments, including onscreen participation in virtual meetings. Teleworking should not reduce the productivity of onsite employees by asking them to find or email information maintained at the office.

- The teleworker must be fully accessible during the hours approved in their work schedule (except for meal and rest periods) for planned and impromptu meetings via telephone, Teams, Zoom, or other technology. “Fully accessible” includes being in a distraction-free environment where a business meeting can be effectively conducted. Participating in scheduled meetings while carrying out personal errands, performing house and garden chores, caring for dependents, etc. is not acceptable.

- Teleworkers are expected to be appropriately dressed in either business or business casual attire, groomed, and presentable for on-camera participation in meetings during their workday.

- Supervisors of non-exempt employees must be available to the employee throughout the workday to answer questions or provide guidance when needed.
• From time to time, meetings, work assignments, or other operational needs may require employees to be physically present in the office on a day that is regularly scheduled for telework. On these occasions, it is the employee’s responsibility to come into the office and ensure agency business is not disrupted. The supervisor shall provide reasonable notice whenever possible. However, the employee may be required to report to the office without advance notice.

• If an employee is unable to work on a scheduled telework day due to malfunctioning computer equipment, Internet or network access problems, or other causes that are not the fault of SANDAG, the employee is expected to either come into the office to work or, with approval from their supervisor, may reschedule their work hours to another day, or use accrued time off for the entire day or portion of the day when work could not be performed.

• Teleworking is not a substitute for dependent care. Teleworkers must make alternative arrangements for dependent care during designated work hours.

**Remote Work Location**

• The teleworker is expected to establish and maintain, at their expense, an appropriate and consistent work environment conducive to productivity, within their home or other remote location for work purposes. This includes responsibility for the costs of services such as Internet access, phone service, and other home utilities, as well as furniture, equipment, resources, and supplies needed to support the telework arrangement. An exception is made when the remote work arrangement is part of an agreed-upon medical or disability accommodation.

• The designated work area must be maintained in a safe condition, free from hazards and other dangers to employees and equipment. A Home Office Checklist must be completed for any location that will be regularly used for remote work. It is the employee’s responsibility to submit a new Home Office Checklist if they begin teleworking from a new location (e.g., a new home address).

• Coverage under the SANDAG worker’s compensation insurance policy for job-related accidents will continue to exist during the employee’s scheduled telework hours. This liability is limited to injuries resulting directly from work. Teleworking employees are responsible for notifying SANDAG of such injuries in accordance with SANDAG accident and injury reporting procedures. The employee is liable for injuries to third persons and/or members of the employee’s family on the employee’s premises.

• Teleworkers may not hold in-person meetings with third parties, including meetings with other employees relating to SANDAG business, at the telework location, without exception. All such meetings will occur at the SANDAG offices, the other party’s office location, or a suitable public location.

**Information Security**

• Most employees have been issued a SANDAG laptop; it is expected an employee will use their issued laptop to conduct agency business when working remotely. An employee should only use a personal computer for SANDAG business for emergency purposes.

• Storing (saving) SANDAG electronic documents and files on non-SANDAG devices is not permitted. Documents and files accessed while teleworking should be saved on a SANDAG-approved cloud storage medium such as OneDrive or SharePoint. Should connectivity issues or other circumstances necessitate temporarily saving a SANDAG document or file on the teleworker’s computer, the teleworker must save the document or file on a SANDAG accessible storage
Telework Policy

Signed Agreement

- A Telework Agreement and the Home Office Checklist are required to be approved, in advance, before an employee begins to work from home or at another location on a regular basis.
- A Telework Agreement is not required when an employee wants to work from home or at another location on an occasional basis; such arrangements should be coordinated between an employee and their supervisor.

Teleworking Request Procedures and Approval Process

An employee requesting consideration for a telework arrangement as part of their regular work schedule may complete the ‘Telework Agreement’ and ‘Home Office Checklist’ forms and submit these to their supervisor. As part of considering a telework request, the supervisor/manager and Director will evaluate the suitability of the employee and proposed arrangement, consistent with the criteria described in this policy. Decisions regarding telework requests shall be made within 30 days of receipt.

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

In the event a telework arrangement is to be discontinued, SANDAG may provide the employee with thirty (30) days’ notice of such a change to accommodate commuting, childcare, and other problems that may arise from such a change. There may be instances, however, where no notice is possible or granted.

All approved requests will be maintained by Human Resources for program coordination and recordkeeping. The Manager of Human Resources has the general responsibility for overseeing the day-to-day implementation of this policy in accordance with payroll and legal requirements. Should an exception to the policy be desired, the request for exception is to be made in writing. Such exceptions may be granted only by a Deputy CEO or CFO as applicable, in consultation with the employee’s Director and Manager of Human Resources.
Transportation Benefits Policy

SANDAG helps the San Diego region reduce traffic congestion during peak travel periods and air pollution by offering commuters assistance through iCommute, the regional transportation demand management program. By using alternative transportation, employees can reduce stress, save money, and help the environment.

PRONTO Card

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

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

FasTrak Transponder

Employees based at the Toll Operations Center are eligible to receive a FasTrak transponder for use in their personal vehicle to pay for toll charges on the South Bay Expressway. Employees based at the Toll Operations Center who receive a FasTrak transponder are not eligible to receive a PRONTO Card. They may, however, request a PRONTO Card in lieu of the FasTrak transponder.

If issued by SANDAG as part of this program, FasTrak transponder must be used for the employee’s benefit only; they are not transferable to anyone else. SANDAG is not responsible for any injury or loss that might occur while an employee is using their FasTrak transponder for non-business purposes.

Transportation Demand Management (TDM) Program

As an alternative to using public transit, SANDAG offers a TDM (Transportation Demand Management) program to encourage employees to travel to and from work by means other than driving alone. Options
include: motorcycle or scooter, walking, biking, carpooling, including on-demand carpool services, vanpooling, or occasional telecommuting. Travel for SANDAG business and Flex Days also are eligible activities for TDM benefits. Employees approved for a full-time remote work schedule are not eligible for the TDM benefit.

TDM participants (excluding Vanpool participants) receive a $2 per trip incentive. A trip is defined as one-way travel to or from work; $4 per day may be earned if an eligible trip is reported for travel both to and from work. A minimum of 8 trips per month is required to be eligible for the program. To receive the benefit, TDM participants must log their trips on a TDM Program: Trip Log and Incentive Request Form available on the SANDAG Central SharePoint site and submit their incentive request to their supervisor no later than the fifth day of the month following the month being reported. Requests must be approved by the supervisor no later than the twelfth day of the month. Once processed, the payment is included with the employee’s paycheck.

TDM participants who participate in a vanpool receive a monthly reimbursement for fees paid to the vanpool. To receive this benefit, vanpool participants must log their trips on a separate Vanpool Participation Form and provide copies of receipts from their vanpool to the Payroll Department each month. For “Level 1” participation (all but four days per month), employees receive up to $105 per month; for “Level 2” participation (at least 10 days per month), employees receive up to $50 per month. Once processed, the payment is made to the vanpool participant via check.

SANDAG employees are eligible to participate in the TDM program and since employees are issued a PRONTO Card, riding the bus, Trolley, COASTER, SPRINT, or other transit services does not qualify for reimbursement under the SANDAG TDM program. If an employee’s parking is paid for by SANDAG, the employee will not be eligible for the TDM incentive program. In addition, employees who receive a FasTrak transponder are not eligible for the TDM benefit.

If an employee is using more than one mode of transportation to get to or from work, both modes must qualify under the program before a claim can be filed for the trip. (For example, driving alone to downtown then walking the last six blocks does not qualify as a TDM trip.)

Also, to qualify for reimbursement, the qualifying mode of transportation must constitute the majority of the commute (at least 75%). For example, if an employee rides a bicycle to a bus station one mile from their home and then takes the bus to work (unless this bus ride is less than 25% of the total commute) this trip does not qualify for TDM.

Amended February 2022
Travel and Timesheet Documentation Policy

The purpose of this policy is to assist all employees in determining what hours they should write on their timesheets when working irregular schedules, whether for travel or other reasons. This policy is not, however, all-inclusive. Employees with questions that are not answered by this policy should request assistance from the Manager of Human Resources.

Introduction

Specific pre-approval is required when an employee wishes to work outside of his/her/their standard work schedule if it will result in the employee earning compensatory (comp) time or overtime. Some employees are called “exempt” because they are deemed exempt from the overtime laws. Compensatory (comp) time is earned by eligible exempt employees and overtime is earned by non-exempt employees. The rules for what hours “count” when filling out a timesheet vary, depending upon whether an employee is exempt or non-exempt. Therefore, this policy is broken up into two main sections. Section I concerns non-exempt employees and Section II concerns exempt employees.

Section I – Non-Exempt Employees

Generally, non-exempt employees are paid for all hours during which they are carrying out duties at the request of SANDAG and are not free from SANDAG obligations. Working “off-the-clock” is never permitted.

Travel

While traveling on SANDAG business for a day trip, a non-exempt employee is paid for all hours he/she/they is acting on the behalf of SANDAG. If a non-exempt employee must travel from SANDAG for two hours to get to a meeting and then spends six hours at the meeting, minus a one hour break for lunch, and then two hours getting back to SANDAG from the meeting, the employee will earn eight hours of regular time and an hour of overtime (assuming this schedule will result in the employee working over 40 hours during the work week). The same would be true if the employee flew or took a train to get to the meeting. The “passenger” rule that applies to exempt employees does not apply to non-exempt employees.

If, however, the employee left for the meeting from home and then drove directly home from the meeting, the employee’s normal travel time between home and SANDAG must be deducted. So, if the employee
discussed above normally has half an hour commute time between home and SANDAG, the employee would earn eight hours of regular time and no overtime.

If an employee travels on a non-workday (Saturday or Sunday), the employee should enter this time on his/her/their timesheet. This may or may not result in earned overtime, depending upon the hours worked each day or for the entire workweek.

Travel with an overnight stay requires consideration of additional factors. Once an employee has traveled to his/her/their destination and reached his/her/their hotel room, the employee will not be paid for the remainder of the day unless the employee carries out SANDAG business. For example, if the employee has a mandatory meeting later on the day of arrival or the employee does paperwork in his/her/their hotel room for SANDAG that he/she/they could not complete on the plane, train, etc., that time should be entered on the employee’s timesheet. Voluntary meetings with people that are social in nature, such as dining with another meeting/conference attendee, is not time an employee should enter on his/her/their timesheet.

**Working at Other Worksites**

An employee is not on the clock until he/she/they reaches his/her/their first worksite for the day. If an employee comes to the SANDAG offices before leaving for an offsite meeting or assignment, then the clock starts running when he/she/they arrives at SANDAG. As an example, a non-exempt employee comes to work at 8 a.m., works for half an hour and then leaves for an offsite assignment that lasts from 9 a.m. to 4 p.m., and then returns to SANDAG at 4:30 p.m. All of the time from 8 a.m. to 4:30 p.m. counts as time worked. Assuming the employee took half an hour for a meal break, the employee should enter eight hours on his/her/their timesheet for that workday. As stated above, however, if the employee left straight from home, then the employee’s normal commute time would be deducted.

**Teleworking**

Since non-exempt employees are paid only for time spent working, every time the employee is distracted by activities at home or carries out any personal tasks, the time must be deducted from the time worked. The employee must be diligent and fair about taking credit only for those hours the employee is focused solely on work for SANDAG and must ensure that he/she/they takes their required breaks and does not work overtime without permission. Just as when working at the SANDAG offices, a teleworking, non-exempt employee must have permission to work flexible hours during a workweek using a pre-approved make-up work request.

Teleworking must be approved by a Director in writing; the Telework Agreement form is available on the SANDAG Central SharePoint site or by contacting Human Resources staff. Managers and Directors should carefully analyze the ability of the employee to stay focused on work at home and the reduced ability to supervise and communicate with the employee. Written permission for teleworking should contain the justification for teleworking, the dates teleworking will be allowed, and an end date. The Telework Agreement permitting teleworking should be placed in the employee’s personnel file. Permission to telework may be revoked by SANDAG at any time.
Breaks

Every workday, a non-exempt employee should be allowed a 10-minute break for every four hours worked. Additionally, if a non-exempt employee works more than six hours, the employee also must be given at least half an hour for a meal break. The meal break must be taken, even if the employee would rather skip it in order to leave work earlier.

In order for a meal break to count as a break, the non-exempt employee must be free from all duties to SANDAG. For example, if an employee eats his/her/their meal at his/her/their desk and answers the phone for SANDAG while he/she/they is eating, this does not count as a meal break. Or, if the employee must attend a work-related meeting during the lunch hour, this will not count as a meal break.

If a non-exempt employee does not take their meal break during the workday, and works a full eight hours, the employee must be paid overtime for the break(s) he/she/they missed. Each supervisor is responsible for ensuring the availability of meal and rest breaks for his/her/their non-exempt employees. SANDAG will provide the opportunity for the break and meal periods, but it is up to the employee to actually take the breaks allocated. It is important that non-exempt employees take their required breaks in order to avoid unapproved or unnecessary overtime.

Section II – Exempt Employees

Under federal and state law, SANDAG is not required to pay exempt employees for any hours worked over 40 in a workweek. The law recognizes that exempt employees are expected to work more than 40 hours on an as-needed basis due to their higher level of responsibility and pay compared to non-exempt employees. SANDAG has permitted its eligible exempt employees to earn comp time when they work more than 80 hours in a pay period in certain situations. SANDAG employees who want to work less than 80 hours in a pay period can draw off of their accrued comp time hours. Exempt employees should keep in mind that comp time is a benefit, not a right. The next section of this policy entitled, “ANSWERS TO SAMPLE QUESTIONS FROM EXEMPT EMPLOYEES REGARDING SANDAG’S TRAVEL AND COMPENSATORY TIME POLICY,” should be consulted for additional guidance.

Travel

Eligible exempt employees receive comp time for travel only when they have worked more than 80 hours during the pay period and either they (1) must travel on a day that is not part of their normal work schedule (i.e., Saturday, Sunday, or a holiday); or (2) they are actively working on SANDAG business on a normal workday. If an employee has a choice of whether to travel on a workday or a non-workday, the employee should travel on the workday. If an employee is required to travel on a non-workday, the employee may receive comp time. The employee should attempt to do work for SANDAG while traveling on planes, waiting in airports, etc., so as to be productive if he/she/they intends to enter this time on a timesheet. The maximum number of hours for which an employee can earn comp time when working on a non-workday is 8 hours.

In some cases, travel time as a passenger on a regular workday is not considered as time for which an employee can earn comp time when working on SANDAG business and, therefore, the employee cannot earn credit for that time. This is because, while sitting as a passenger, an employee can carry out personal activities. If,
however, the employee is actively working while a passenger, then the time can be counted. In any event, even if an exempt employee travels as a passenger on a normal workday and does no SANDAG business, the employee still will get credit for eight hours for that workday due to the employee's exempt status. As always with comp time, it must be pre-approved, and the employee must work more than 80 hours during the pay period to earn any comp time.

**Teleworking**

Teleworking can be more convenient for employees and can reduce congestion on the roads, however, it is easy for employees to be distracted by activities at home and personal tasks when not in an office environment. Teleworking employees must be diligent and fair about taking credit only for those hours the employee is focused solely on work for SANDAG. As with working at the office, if an exempt employee finds that he/she/they will need to work more than 80 hours in the pay period, the employee must obtain permission to earn comp time.

Teleworking must be approved by a Director in writing; the Telework Agreement form is available on the SANDAG Central Intranet site or by contacting Human Resources. Managers and Directors should carefully analyze the ability of the employee to stay focused on work at home and the reduced ability to supervise and communicate with the employee. Written permission for teleworking should contain the justification for teleworking, the dates teleworking will be allowed, and an end date. The Telework Agreement permitting teleworking should be placed in the employee's personnel file. Permission to telework may be revoked by SANDAG at any time.

**Breaks**

There is no requirement by law that exempt employees be given breaks.

Amended February 2022
ANSWERS TO SAMPLE QUESTIONS FROM EXEMPT EMPLOYEES REGARDING SANDAG’S TRAVEL AND COMPENSATORY TIME POLICY

Question 1:
An exempt employee who normally works 8 a.m. to 5 p.m. attended a meeting in San Francisco on SANDAG business. The employee took the 6:20 a.m. flight to San Francisco. The employee left home at 4:30 a.m., arrived at SANDAG at 5 a.m., and arrived at the airport 5:30 a.m. by taxi. The employee arrived in San Francisco at 8 a.m., rented a car and drove to the meeting. The meeting ran from 9 a.m. to 5 p.m., with a one-hour break for lunch. The employee returned to San Diego on the 7:30 p.m. flight, arriving back at SANDAG at 9:30 p.m. The employee did not work on the plane in either direction. How much compensatory time should the supervisor approve for this employee?

Answer:
None. The exempt employee in this example will earn credit for a full day's work but will not earn any comp time. Exempt employees do not earn extra hours for hours spent traveling as a passenger outside of normal work hours or for the extra commute time on a normal workday. Thus, none of the time between 4:30 a.m. and 8 a.m. for this employee is time worked, except for that portion of the time before 8 a.m. the employee spent preparing for the meeting on the plane. During all of the time after the meeting on the return to San Diego, the employee was a passenger and did no work. The employee only worked six hours at the meeting, plus the one hour on the plane before 8 a.m., but the employee still will get credit for a full eight hours of work.

Question 2:
The scenario in Question 1 is the same except, on the flight up to San Francisco, the employee worked for an hour on the plane to prepare for the meeting and, while waiting for his/her/their return flight, the employee went over his/her/their notes from the meeting. Does the employee now earn any compensatory time?

Answer:
Maybe. As stated above, exempt employees do not earn extra hours for hours spent traveling as a passenger outside of normal work hours or for the extra commute time on a normal workday. The exception to this rule occurs when the employee does work for SANDAG while traveling as a passenger or working outside of normal work hours. Since the employee worked for one hour while a passenger and worked for half an hour after his/her/their normal 5 p.m. quitting time, the employee may have earned one and one-half hour of comp time if the employee ends up exceeding 80 hours of work time for the pay period as a result. The employee is required to obtain pre-approval for this comp time.

Question 3:
An exempt employee must go to a Caltrans District 8 for a meeting that lasts from 8:30 a.m. to 4:30 p.m. The employee uses a SANDAG vehicle and leaves for District 8 at 6 a.m., attends the meeting without a break for lunch, and then returns to SANDAG - arriving at SANDAG at 8 p.m. Should an exempt employee earn comp-time in this example?

Answer:
The employee in this example would earn credit for a full eight-hour day, plus a potential of six hours of comp time if the employee ends up exceeding 80 hours of work time for the pay period as a result. Unlike time spent as a passenger, time spent driving a vehicle for SANDAG business, whether in a SANDAG vehicle or the employee's own vehicle, can be considered time worked. In this example, all of
the time between 6 a.m. to 8 p.m. could be counted as hours worked. Time for home-to-work and work-to-home travel cannot be included.

**Question 4:**
An exempt employee must go to a meeting in Washington, D.C. The employee leaves Sunday at 10:30 a.m. and arrives in D.C. at 9 p.m. Sunday. The meeting goes through Thursday afternoon and the employee generally would return on Friday; however, SANDAG saves $1,425 on airfare if the employee stays in Washington, D.C., and returns on Sunday. SANDAG prefers the savings. How does the supervisor handle the employee's first Sunday? And, if the employee stays over Friday and Saturday nights in order to save SANDAG money on the airfare, how does the supervisor count the Friday, Saturday, and Sunday following the meeting?

**Answer:**
Travel time on the first Sunday during normal work hours counts as time worked for up to eight hours and will be comp time if the employee worked 80 hours or more during the rest of the pay period encompassing that Sunday. This is true even if the employee is a passenger all day on Sunday because the employee will have worked six days during the workweek instead of the normal five. If the employee *voluntarily* stays over on the Friday through Sunday after the meeting, the time will not be considered time worked unless the employee actually is conducting SANDAG business. If SANDAG *requires* the employee to stay over on Friday, Saturday, and Sunday in order to save $1,425 on airfare, and the employee works his/her/their normal workweek during the rest of the week, then eight hours on all three days will count as time worked. The employee must have written pre-approval in the form of a memo or email from his/her/their Director to take this sort of action. If approval is granted, the Friday, Saturday, and Sunday following the meeting may be in a different workweek and perhaps in a different pay period. Thus, if the employee works only two days during the following workweek and takes the other three days remaining in the pay period off, then the employee will have worked only 80 hours during the pay period and would not earn any comp time.

**Question 5:**
Can an exempt employee choose to work a straight eight- or nine-hour day without a meal period as a regular schedule? If so, does not taking a break constitute an irregular schedule requiring Director approval?

**Answer:**
It is not illegal for an exempt employee to work a straight eight- or nine-hour day without a meal break. Directors usually want employees available during certain hours of the day or want employees to keep a particular schedule. An exempt employee who cannot work his/her/their regularly scheduled hours on a particular day or days should consult with his/her/their Director to find out if that Director requires approval for occasional irregular schedules. An exempt employee who wishes to work without a meal period on a normal basis must get approval from his/her/their Director.

**Question 6:**
Does an exempt employee need approval from his/her/their Director to work at home or is the employee authorized to schedule working at home as appropriate?

**Answer:**
Teleworking is not authorized without express prior approval from the employee’s Director. Directors are not required to approve working at home. There are liability, communication, and oversight issues
related to having employees work from home and so use of teleworking should be closely monitored and evaluated by Directors and permitted only when appropriate.
Vehicle Use and Safe Driving Policy

SANDAG has a strong commitment to providing a safe work environment. The purpose of this policy is to ensure the safety of employees who operate a motor vehicle as part of their job duties for SANDAG and to provide guidance on the proper use of vehicles. It is the employee’s responsibility to operate the vehicle in a safe manner and to drive defensively to help prevent injuries and property damage. SANDAG endorses all applicable federal and state motor vehicle regulations relating to driver responsibility and expects employees to drive in a safe and courteous manner pursuant to this policy.

This policy applies to all employees, whether they conduct SANDAG business using an agency owned, leased, or rented vehicle or drive a personal vehicle for agency business. Individuals who are not SANDAG employees, such as consultants, contractors, vendors, employees from other public agencies, members of the public, etc., are not permitted to operate a SANDAG vehicle unless this has been contractually agreed to. In limited circumstances, a staffing agency temporary may be permitted to drive for SANDAG business. All employees who drive for SANDAG business will be given a copy of this Vehicle Use and Safe Driving policy.

Definitions

The following terms, as defined below, are used in this policy:

- **Agency business, official agency business, or SANDAG business** for purposes of this policy means any job-related activity undertaken by a SANDAG employee, whether as a mandatory or voluntary activity.
- **At-fault incident** means any accident involving a vehicle where the employee is the person at fault, or the person whose negligence caused the accident.
- **Authorized passenger** means an individual responsible for conducting, or associated with, official SANDAG business. Examples of authorized passengers include employees, SANDAG Board or Committee members, consultants, contractors, vendors, temporary employees, volunteers, agents, and authorized observers.
- **Class I violations** are Two (2) Point Count California Vehicle Code Violations as described in the Department of Motor Vehicles (DMV) Negligent Operator Count Sheet. Examples of Class I violations include driving under the influence of alcohol or drugs; failure to stop or report an incident; reckless, careless, and/or negligent driving; driving while impaired; making a false incident report; homicide, manslaughter or assault rising out of the use of a vehicle; driving with a suspended or revoked license; attempting to evade a police officer; permitting an unlicensed

- **Class I violations** are One (1) Point Count California Vehicle Code Violations as described in the DMV Negligent Operator Count Sheet and include reportable vehicle incidents or any citation for a moving violation other than a Class I violation.

- **Defensive driver** means a person who strives to avoid all negligent driving errors, makes due allowance for the improper driving practices of others, adjusts their driving style to compensate for unusual weather, road, and/or traffic conditions, is alert to incident-inducing situations, recognizes the need for preventative action in advance, and takes the necessary action to prevent an incident.

- **Defensive driving** means taking actions when operating a vehicle that prevent collisions in spite of the actions of others or when driving in adverse conditions related to light, weather, road status, traffic, vehicle condition, and the driver’s physical and mental state.

- **Driving for agency/official/SANDAG business** means operating a motor vehicle at the direction of, and for the benefit of, SANDAG. Examples of “driving for agency business” include, but are not limited to, attending off-site meetings, performing project site visits, business travel (including the use of a rental car), attending training classes, workshops, or seminars, attending professional association meetings (if doing so is in the course of the employee’s job duties), and performing routine vehicle maintenance. “Driving for agency business” does not include normal commuting to and from work.

- **Employee** includes a SANDAG officer, employee, or authorized agent, whether that individual is compensated or not.

- **Personal use** means the use of a SANDAG vehicle by a SANDAG employee to pursue an objective that is not related to SANDAG business.

- **Personal vehicle** means any vehicle owned, maintained, leased, rented, or otherwise controlled by an employee.

- **SANDAG vehicle** means any vehicle owned, maintained, leased, rented, or otherwise controlled by SANDAG.

- **Scope of employment** means actions or activities of an employee that further SANDAG business.

- **Unsafe driving practices** means actions or behaviors by a driver that are inconsistent with federal and state motor vehicle laws or that are likely to cause an increased risk for accidents or injuries to the driver or other people, or damage to property.

- **Vehicle**, as used in this policy, includes, but is not limited to, cars, SUVs, pick-up/utility trucks, and bucket trucks.

### Responsibilities

The Senior Director of Organization Effectiveness has overall responsibility for ensuring this policy and associated procedures are implemented and the necessary resources for the program are made available to other Directors, managers, supervisors, and employees. The Senior Director of Organization Effectiveness is responsible for overseeing the program and ensuring all employees and authorized agents comply with the policy.
Effectiveness also is responsible for reviewing, at least annually, summary reports of the agency’s overall driver safety record to determine if changes to this policy or procedures are needed, or if other corrective action (such as training, equipment changes, etc.), should be implemented to enhance the safe operation of vehicles used for SANDAG business. Below is a non-exhaustive list of other responsibilities:

Directors are responsible for:

- Providing support and leadership, and maintaining authority and responsibility for program implementation and administration within their department.
- Evaluating and determining which staff positions in his/her/their department include driving a motor vehicle as an essential job function and which employees hired prior to April 1, 2017 are subject to an annual driving record check. An employee holding a position considered to have driving as an essential job function must, as a condition of employment, meet the Driver Eligibility Standards outlined in this policy at all times. For all other jobs, driving is considered an incidental function of the position.
- Reviewing the driving records of employees in his/her/their department who do not meet the Driver Eligibility Standards outlined in this policy, and in coordination with the Manager of Human Resources, making recommendations for appropriate action.

Managers and supervisors are responsible for:

- Ensuring only those employees who meet the Driver Eligibility Standards described in this policy are assigned responsibilities related to driving for SANDAG business.
- Encouraging employees to use a SANDAG vehicle instead of a personal vehicle for agency business.
- Ensuring the timely submittal of mileage reimbursement requests by employees who use their personal vehicle for SANDAG business.
- Ensuring employees subject to a driving record check complete driver safety training.
- Assisting with the investigation of vehicle incidents involving injury or property damage.
- Promptly notifying the Manager of Human Resources when they become aware of an employee who has received a violation, license suspension, or revocation.
- Maintaining a supportive attitude toward safe driving practices and demonstrating this to the employees they supervise.

Employees who drive for agency business are responsible for:

- Maintaining a valid California driver's license, or license from their state of residency, and meeting the Driver Eligibility Standards defined in this policy.
- Complying with the California Vehicle Code, along with all state and federal laws and regulations, and SANDAG policies and procedures.
- Abiding by the Conditions Applicable to Driving for SANDAG Business described in this policy when operating either a SANDAG vehicle or personal vehicle for agency business.
- Reporting all collisions and incidents that occur while driving for agency business, regardless of fault or severity, in accordance with the Accident Reporting Guidelines contained in this policy.
Vehicle Use and Safe Driving Policy

The Manager of Human Resources is responsible for:
- Coordinating processes to determine which employees are subject to an annual driving record check and maintaining records.
- Coordinating with a third-party vendor to complete pre-employment driving record checks for new employees, and post-employment driving record checks for existing employees as described in this policy.
- Periodically reviewing confidential information regarding employee driving records and recommending appropriate action regarding employee eligibility to drive for SANDAG business.
- Including information in job descriptions, job announcements, and other documents for designated staff positions where driving is considered an essential job function.
- Maintaining the SANDAG Driver’s List and periodically providing updated information to insurance carriers.
- Coordinating periodic driver education programs in addition to any remedial training that may be recommended for employees based on their driving record.

The Manager of Roadway, Facilities and Business Operations is responsible for:
- Procuring SANDAG vehicles that are suitable for the driving-related tasks of the organization.
- Maintaining appropriate levels of insurance to protect SANDAG in the event of a driving-related incident.
- General operation and coordination of the agency’s vehicle fleet including the vehicle reservation and check-out/check-in process, maintaining vehicle binders (containing vehicle keys, insurance and registration information, gas cards, roadside assistance contact information, accident procedure guidelines and report forms, and general vehicle usage policies), coordinating changes to reservations due to vehicle availability, and general record-keeping.
- Conducting periodic inspections of the fleet vehicles to ensure their safe operating condition; coordinating routine vehicle maintenance activities such as washing, oil changes, brake checks, tire rotations, and other related services; and coordinating vehicle repairs.
- Receiving notification from employees who report concern or defects in any SANDAG vehicle, and upon receiving such notification, determining whether or not the vehicle is unsafe for continued operation.
- Assisting with the investigation and reporting of accidents and incidents and coordinating insurance claims.

Reporting any conviction of a Class I violation, any citation for driving under the influence of drugs or alcohol (DUI), or the suspension or revocation of their driver’s license to the Manager of Human Resources within 48 hours. Upon receipt of this information, the Manager of Human Resources will notify the employee’s supervisor or manager.

Participating in driver safety training programs that increase awareness and teach safe driving techniques.
Types of Vehicles used for SANDAG Business

- **SANDAG Fleet Vehicles: General Use** – SANDAG maintains a fleet of “general purpose” vehicles that are available to employees at the discretion of management for the primary purpose of conducting official agency business. The fleet vehicles are equipped with FasTrak® transponders for use on local toll roads.
  - The General Use fleet vehicles may be used for agency travel only in limited circumstances. An employee may not reserve a SANDAG vehicle for a business trip that is longer than one business day. If a vehicle is required for a longer period, the employee should request a rental car as part of their Travel Request submittal. Requests for overnight use of a vehicle should follow the procedures described in this policy.
  - Certain General Use fleet vehicles carry insurance for travel into Mexico. An employee seeking to use a SANDAG vehicle for travel to Mexico should note this as part of their Travel Request submittal.
  - Employees may refer to the SANDAG Central SharePoint site or contact a member of the Business Services team for information about reserving a SANDAG Fleet Vehicle.

- **SANDAG Fleet Vehicles: Specific Use** – SANDAG maintains several utility trucks that are used primarily by the Roadway Operations team as part of the ongoing maintenance of the South Bay Expressway.

- **SANDAG-Assigned Vehicles** – In certain circumstances, SANDAG may assign an employee an agency vehicle. The criteria upon which this determination is made include evaluating the assigned job functions of the employee, the primary work location/s of the employee, costs related to non-productive travel time, overtime/compensatory time, mileage reimbursement, parking costs, ability of the employee to provide safe and secure home storage of the vehicle, and other similar factors. The issuance of a SANDAG-assigned vehicle is made at the discretion of the Director and may be revoked at the discretion of SANDAG. Refer to the SANDAG-Assigned Vehicles section of this policy for more information.

- **Personal Vehicles** – There are times when the use of an employee’s personal vehicle is required because a SANDAG Fleet Vehicle is not available or preferable because the use of a personal vehicle is deemed more efficient or convenient. The use of personal vehicles for agency business is discouraged when a SANDAG Fleet Vehicle is available. SANDAG provides mileage reimbursement to employees who use a personal vehicle for business purposes.

- **Rental Vehicles** – SANDAG may rent a vehicle, on a short-term, limited basis and make such a vehicle available for employee use. Situations when a rental vehicle may be used include, but are not limited to, when one of the SANDAG Fleet Vehicles or a SANDAG-Assigned Vehicle is undergoing maintenance or repairs, when an employee is traveling on SANDAG business, or when there is a specific type of vehicle needed to support a project, program, or event.
  - Employees driving out of San Diego County for agency business for more than one day should request a rental vehicle as part of their Travel Request form.
When renting a vehicle for SANDAG business, the vehicle should be rented in the employee’s name, and the employee should purchase the rental agency’s liability insurance coverage and can decline the property damage portion. SANDAG will provide reimbursement for the liability coverage, and the agency’s insurance policies will cover any property damage.

Conditions Applicable to Driving for SANDAG Business

The following general provisions are applicable to all employees who operate a vehicle in the performance of their job duties for SANDAG. These provisions are applicable regardless of who owns or controls the vehicle (whether it be SANDAG, the employee, or a third party), or the frequency with which the employee drives in the course of employment. Employees who drive for agency-related business must:

1. Be at least 21 years of age.
2. Maintain an unrestricted, valid California driver’s license, or license from their state of residency, and meet the Driver Eligibility Standards defined by this policy.
3. Provide driver’s license and other requested information in order for a Motor Vehicle Record check to be conducted as described in the Driving Record Checks section of this policy.
4. Carry their driver’s license with them at all times a vehicle is being operated.
5. Report any change in driver’s license status to the Manager of Human Resources within 48 hours. Notification from an employee regarding the status of their driver’s license shall be kept confidential and restricted to a need-to-know basis.
6. Immediately discontinue operation of a vehicle if their license is suspended or revoked.
7. Obey all traffic laws.
8. Operate vehicles in a safe and courteous manner and use defensive driving techniques at all times.
9. Refrain from using a handheld cell phone while operating a vehicle – whether the vehicle is in motion or stopped in traffic. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, and reading or responding to emails and text messages. Employees should pull over safely to the side of the road or find another safe location if they need to use their cell phone.
10. Devote their full attention to the task of driving and avoid activities that may lead to distracted driving such as checking navigational or other electronic devices, adjusting mirrors, seat position, or climate controls, eating, grooming, or securing loose items in the vehicle.
11. Only carry authorized passengers, which, as defined in this policy, means passengers who also are conducting authorized SANDAG business. Non-business passengers (i.e., family and friends) are prohibited from riding in or driving a SANDAG vehicle.
12. Wear glasses or contact lenses when driving if needed.
13. Not use or be under the influence of any alcohol or drugs while driving for SANDAG business. (Medications prescribed by a medical provider that do not impair an employee’s ability to safely operate a motor vehicle are excepted.) This rule prohibits the use of any alcohol or drugs during breaks or meal periods, or in conjunction with any SANDAG activity, if there is a likelihood the employee will need to drive a vehicle before his/her/their blood alcohol level has returned to zero.
percent. An employee with “on-call” job responsibilities should refrain from consuming alcohol during off-duty hours if it is anticipated they could be called-in to perform work assignments.

14. Not currently be participating in a drug rehabilitation program or Deferred Entry of Judgment program.

15. Avoid driving if their ability to do so safely has been impaired by illness, fatigue, stress, injury, or prescription medication.

16. Immediately report any injuries sustained while driving for SANDAG business to the Manager of Human Resources; work-related injuries shall be covered by workers’ compensation insurance.

17. Participate in periodic driver safety training programs and any additional remedial training as deemed necessary based on driving history.

18. Successfully complete a driver safety training course when the employee’s driving record reflects an at-fault incident with a claim value of $2,500 or more.

19. Follow the Safe Driving Principles described in Appendix A to this policy.

Additional Provisions related to the Use of SANDAG Vehicles

The following additional provisions are applicable to employees who operate a SANDAG vehicle for agency business. Employees who drive a SANDAG vehicle must:

- Limit the use of the vehicle to official SANDAG business that is within his/her/their scope of employment; SANDAG vehicles may not be used for personal business.

- Promptly report mechanical failures, the need for repairs/maintenance, or potential problems with the vehicle to the Manager of Roadway, Facilities and Business Operations; refrain from operating a vehicle found to be in an unsafe condition.

- Ensure the security of the vehicle when unattended by parking the vehicle in a reasonably secure area, shutting off the engine, setting the parking brake, removing the keys, locking all doors, engaging the vehicle alarm system or other anti-theft devices provided, and other such actions. If there are repeated incidents of break-in, theft, or vandalism while a particular employee is using a SANDAG vehicle, the Senior Director of Organization Effectiveness may require forfeiture of the vehicle use benefit.

- Return the vehicle with at least one quarter of a tank of fuel, or notify the Receptionist at the 401 B Street office or the Facilities Coordinator at the Toll Operations Center upon return if the vehicle has less than one quarter of a tank of fuel.

- Remove all trash and personal items from the vehicle upon return.

- Refrain from smoking; all SANDAG vehicles are non-smoking vehicles.

- For employees based at the 401 B Street office, seek prior approval from their Director, and coordinate with the Business Services Supervisor at the Toll Operations Center upon return if the vehicle has less than one quarter of a tank of fuel. For employees based at the Toll Operations Center, seek prior approval from the Manager of Roadway, Facilities and Business Operations, and coordinate with the Facilities Coordinator, before taking a vehicle home overnight.

- Parking a SANDAG vehicle overnight at an employee’s home is permissible when the employee is departing on or returning from a trip conducting official agency business under circumstances which make it impractical for the employee to use other means of...

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transportation, or where the employee's home is reasonably enroute to or from his/her/their primary work location or other place where he/she/they is to commence work the following day. When such situation occurs, the vehicle shall be parked off the street where feasible, or where the hazards of accidental damage, theft, and vandalism are reduced.

SANDAG maintains insurance coverage for employee use of agency vehicles for official SANDAG business. For SANDAG Fleet Vehicles, insurance information is kept in the specific binder for each vehicle which is provided to the driver at the time of check-out. For SANDAG-Assigned Vehicles, the insurance information is kept in a small pouch in the glove box of the vehicle.

Employees misusing SANDAG vehicles or who otherwise violate this policy may be personally liable for injuries or property damage caused to third parties and the legal expenses of defense.

**Additional Provisions related to the Use of Personal Vehicles**

The following additional provisions are applicable to employees who operate a personal vehicle for SANDAG business. Employees who drive a personal vehicle must:

- Carry proof of registration while operating the vehicle.
- Carry proof of automobile liability insurance for bodily injury and property damage on the vehicle. (See below for additional information regarding insurance coverage requirements and accident responsibility.)
- Maintain accurate records of the purpose and extent of his/her/their travel using their personal vehicle, and make substantiated monthly claims for reimbursement using the SANDAG Mileage Report form. Mileage reimbursement will be paid at the current Internal Revenue Service (IRS) rate, and is intended to cover the employee's cost of operating and maintaining the vehicle while used for SANDAG business, including, but not limited to, gasoline, oil, maintenance, wear and tear, depreciation, and insurance.
- Refrain from using radar detectors, laser detectors, or similar devices.

With regards to auto insurance and accidents:

- The employee must maintain auto liability insurance as required by law. In California, the State Department of Insurance website (www.insurance.ca.gov) describes the requirements. If an employee's insurance coverage is cancelled or terminated by their insurance company, or has lapsed or is not fully in effect for any reason, the employee's personal vehicle shall not be used for SANDAG business.
- SANDAG is not liable for any damage to an employee's personal vehicle, unless caused by the agency's negligence (employee's negligence excepted).
- It is the responsibility of the employee operating the vehicle to notify his/her/their immediate supervisor, the DMV, and the employee's insurance company in the event of any accident.
- The employee's personal auto insurance is primary in the event of an accident. The employee is responsible for paying any deductibles the insurance company may require and may request reimbursement of paid expenses from SANDAG, provided the employee was using their personal vehicle for SANDAG business.
Vehicle Use and Safe Driving Policy

- If accident expenses exceed the limit of the employee’s personal auto policy, coverage will then be provided by the SANDAG insurance policy, but only to the extent the employee was using their vehicle for SANDAG business and the employee’s personal auto policy does not cover damages to personal property.
- The employee’s Director, in consultation with the Senior Director of Organization Effectiveness, has discretion to reimburse the employee for property damage to his/her/their vehicle, or to pay any deductible costs.
- If an employee is responsible for an accident that occurs during the course of conducting SANDAG business (either while driving a SANDAG-owned vehicle or a personal vehicle), his/her/their own automobile insurance premiums may be increased. SANDAG shall not be responsible for any costs associated with an increase in an employee’s insurance premiums.

Driver Eligibility Standards

All employees whose job duties require the operation of a motor vehicle, as described below in the section Determining which Employees are Subject to a Driving Record Check, shall provide SANDAG with permission to obtain a motor vehicle record on their behalf. The motor vehicle record shall meet the criteria described in this policy and must demonstrate an acceptable driving history. In addition, employees must maintain a valid driver’s license for all types and classes of vehicles they drive for agency business and shall refrain from driving from SANDAG business if they have a permanent or temporary medical condition that impairs their ability to safely operate a motor vehicle.

An employee’s driving record may be reviewed as often as deemed necessary by the Manager of Human Resources or a SANDAG auto insurance carrier.

Employees are responsible for any driving infractions (tickets) or fines resulting from driving while performing SANDAG job duties.

Driving Record Checks

Determining which Employees are Subject to a Driving Record Check

SANDAG has determined that certain employees hired on or prior to April 1, 2017, as defined below, will have their driving record reviewed on at least an annual basis regardless of frequency, distance driven, or type of vehicle used for SANDAG business (fleet vehicles, personal vehicles, SANDAG-assigned vehicles, and rental cars).

- Employees assigned a SANDAG vehicle
- Employees whose essential or primary job functions include operating a motor vehicle (e.g., maintenance of the SR 125 toll road, fleet maintenance, field research, project site visits)
- Employees provided with a monthly parking pass by SANDAG for the 401 B Street garage
- Employees who drive, on average, at least once per week for SANDAG business
Directors, in consultation with managers, supervisors, and the Manager of Human Resources, will identify those employees subject to an annual driving record check.

- Once an employee is determined to be subject to a driving record check, the employee's driving history will be reviewed on at least an annual basis until they separate employment from SANDAG.
- Employees not subject to a driving record check will have their SANDAG business-related driving activities reviewed on an annual basis to determine if a driving record check is required.
- An employee may become subject to a driving record check if any of the criteria defined above are met due to a change in position, job responsibilities, the issuance of a SANDAG vehicle, or other event.

Effective April 1, 2017, all new employees, or rehired employees, will have their driving record reviewed on at least an annual basis regardless of position or job responsibilities, or frequency, distance driven, or type of vehicle used for SANDAG business (fleet vehicles, personal vehicles, SANDAG-assigned vehicles, and rental cars).

**Driving Record Check Procedures**

SANDAG uses the services of a third-party vendor to conduct employee driving record checks. The vendor will access information from the California DMV, or other state DMVs as necessary, to conduct the driving record checks.

Employees subject to a driving record check are required to sign an “Authorization for Release of Driver Record Information” or similar form that authorizes the DMV to disclose their driving record information to the third-party vendor. The driving record includes incidents that occur while driving for and outside of agency business.

The Manager of Human Resources may access employee driving record reports prepared by the third-party vendor. If, upon review of a report it is determined that an employee's driving record triggers any of the criteria described in the Driver Eligibility Standards section of this policy, the Manager of Human Resources will:

- Notify the employee, followed by his/her/their supervisor or manager, of the violation/s reported;
- In consultation with the supervisor/manager and Director, recommend appropriate action that should be taken based on the employee's driving record.

A driving record that fails to meet the criteria stated in this policy, or is considered to be in violation of the intent of this policy as determined by the Senior Director of Organization Effectiveness in consultation with the employee's Director, will result in a loss of the privilege of driving for SANDAG business.

An employee's driving record may be reviewed as often as deemed necessary by the Manager of Human Resources or a SANDAG auto insurance carrier.

The driving record information provided by the third-party vendor is confidential and cannot be used for any purpose except to determine an employee's eligibility to drive for SANDAG business.
All new employees hired on or after April 1, 2017, will be presented with the “Authorization for Release of Driver Record Information” form at the time of hire. Employees will be asked to sign a new Authorization form for each subsequent check.

Employees will be dis-enrolled from the driving record check program upon separation of employment.

**Pre-Employment Driving Record Verification**

Candidates for positions for which operating a motor vehicle is considered an essential job function will receive a contingent offer of employment from SANDAG and will undergo a pre-employment driving record verification prior to their start date. If the candidate is found to have a current driving record that does not meet the criteria described in this policy, or demonstrates an unacceptable driving history, SANDAG may revoke the offer of employment.

**Unacceptable Driving Record**

An employee’s driving record will be considered unacceptable if his/her/their record reflects the accumulation of six (6) or more violation points, as valued and enumerated by the DMV’s Negligent Operator Program posted online at https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/negligence, within the last three (3) years. An employee with an unacceptable driving record will be suspended from driving for agency business and depending on severity, may be subject to further disciplinary action. When the employee’s current driving record reflects fewer than six (6) violation points within the last three (3) year period, the employee’s record may be reviewed for possible reinstatement of driving privileges. The Manager of Human Resources will initiate the review as part of administering this Vehicle Use and Safe Driving policy.

An employee will be considered to be in a “warning status” if his/her/their driving record reflects the accumulation of four (4) or more violation points, as valued and enumerated by the DMV Negligent Operator Program posted online at https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines, within the last 12 months. An employee in a “warning status” will be required to successfully complete remedial driver safety training and/or complete classes, programs, or activities identified by SANDAG designed to improve overall safe driving habits.

The total accumulated violation points will be considered when determining an individual’s eligibility to drive for agency business regardless of whether the violations occurred during the course of employment or during an employee’s personal time.

The conviction date recorded by the DMV shall be considered the starting date for the 12-month and 3-year periods described in this section of the policy.

The Manager of Human Resources will review the driving record of any employee with two (2) or more at-fault incidents with a claim value of $2,500 or more within the past twelve (12) months, or an employee who has demonstrated abuse, reckless operation, or negligent actions while operating a vehicle. An employee who has demonstrated unsafe driving practices may be suspended from driving for agency business and depending on severity, may be evaluated to determine if there are grounds for further disciplinary action. If suspension of driving privileges is deemed appropriate, upon completion of the suspension period, SANDAG may review the employee’s driving record for possible reinstatement of
driving privileges. The Manager of Human Resources will initiate the review as part of administering this Vehicle Use and Safe Driving policy.

**Special Provisions for Class I Violations**

An employee convicted of a Class I violation must report this information to the Manager of Human Resources within 48 hours. Upon receipt of this information, the Manager of Human Resources will notify the employee's supervisor or manager. Failure to notify SANDAG may result in disciplinary action up to and including termination.

An employee convicted of a Class I violation will be subject to a five (5) year driving record review. An employee with a Class I conviction who has demonstrated unsafe driving practices, as determined by the type, severity, and frequency of driving-related incidents and convictions, may be determined to have an unacceptable driving record, regardless of total violation points accumulated. In this situation, the employee will be suspended from driving for agency business and depending on severity, may be subject to further disciplinary action. If suspension is deemed appropriate, upon completion of the suspension period, SANDAG may review the employee’s driving record for possible reinstatement of driving privileges.

An employee convicted of a Class I violation who retains their SANDAG driving privileges will be required to successfully complete remedial driver safety training and/or complete classes, programs, or activities identified by SANDAG designed to improve overall safe driving habits.

**Special Provisions for DUI Citations**

An employee shall report any citation for driving under the influence of drugs or alcohol (DUI) (a type of Class I violation) to the Manager of Human Resources within 48 hours of receiving the citation. Upon receipt of this information, the Manager of Human Resources will notify the employee's supervisor or manager. Any conviction resulting from a DUI or refusal to submit to a lawful roadside sobriety test shall result in disciplinary action up to and including termination, depending on the employee's essential job duties, past performance, and disciplinary record. In addition, SANDAG reserves the right to suspend the driving privileges for an employee currently participating in a drug or alcohol recovery program or Deferred Entry of Judgment Program. An employee participating in such a program must report this information to his/her/their immediate supervisor or the Manager of Human Resources within 48 hours of being directed to, or agreeing to, participate in the program if the employee will be driving to conduct SANDAG business.

**Consequences of Temporary or Permanent Loss of Driving Privileges**

Temporary or permanent suspension of SANDAG driving privileges for an employee whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.

If an employee has his/her/their driving privileges suspended, and driving is not one of the employee's essential job functions, SANDAG may attempt to arrange for the employee to perform the essential functions of the job without driving. If such accommodation is not possible, or creates an unreasonable hardship for SANDAG or the employee's co-workers, loss of SANDAG driving privileges shall be considered just cause for reassignment to an available position that does not require operation of a vehicle for which the employee is qualified, and at a pay rate commensurate with that position. If no such position is open, the employee may be terminated.
If driving is one of the employee's essential job functions, loss of SANDAG driving privileges shall be considered just cause for termination or reassignment to an available position, depending upon the severity of the circumstances and the employee's actions. If reassignment is considered, it shall be for a position for which the employee is qualified that does not require operation of a vehicle, and at a pay rate commensurate with that position. If no such position is available, the employee may be terminated.

**Reporting a Change in Driver's License Status**

An employee who has had their driver's license suspended or revoked must immediately discontinue operating a vehicle for SANDAG business and must report this information to the Manager of Human Resources within 48 hours. Upon receipt of this information, the Manager of Human Resources will notify the employee's supervisor or manager. Failure of an employee to report license suspensions, revocations, or restrictions may result in disciplinary action up to and including termination. Notification from an employee regarding the status of their driver's license shall be kept confidential and restricted to a need-to-know basis.

**Eligible Drivers List**

As part of obtaining and maintaining auto liability insurance, SANDAG must provide an Eligible Drivers List to its insurance carrier on at least an annual basis. The Eligible Drivers List is maintained by the Manager of Human Resources and includes names of all employees who may drive for SANDAG business regardless of whether or not an employee is subject to an annual driving record check (see **Driving Record Checks** section above).

**Staffing Agency Temporaries**

In limited circumstances, the Senior Director of Organization Effectiveness, in consultation with the appropriate Director and the Manager of Human Resources, may grant authorization for an individual from a temporary staffing agency to drive a SANDAG vehicle for agency business. The determination will be based on business necessity and whether driving is considered an essential function of the temporary employee's job assignment. Prior to the temporary employee driving for SANDAG, the staffing agency must conduct a driving record check for the temporary employee and provide the results to the Manager of Human Resources, and also provide written authorization that the temporary employee may drive as part of their job duties. Only temporary employees who meet the minimum requirements defined in the **Driver Eligibility Standards** of this policy will be permitted to drive on behalf of the agency. Under no circumstances shall a temporary employee drive a personal or non-SANDAG owned vehicle in the performance of their SANDAG job duties.

**Driver Safety Training**

An employee will be required to successfully take driver safety training, or other remedial driving training programs, when they have accumulated four (4) violation points, as valued and enumerated by the DMV Negligent Operator Program posted online at https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines within the last three (3) years, or their driving record reflects an at-fault incident with a claim value of $2,500 or more. The program shall be completed within thirty (30) days of the incident.
Records as to who has taken the required safe driver training will be kept by the Manager of Human Resources.

**Incident and Accident Reporting Guidelines**

Employees must report any accident, theft, or damage involving a vehicle that occurs while it is being used for SANDAG business to their supervisor and the Manager of Roadway, Facilities and Business Operations, regardless of the extent of damage or injuries. Such reports must be made as soon as possible and no later than 48 hours after the incident. All accidents and incidents will be reviewed to attempt to determine the cause and whether or not the accident or incident could have been prevented. Employees are expected to fully cooperate with SANDAG management and law enforcement authorities in the event of an accident.

When a SANDAG employee is involved in any type of vehicular accident while driving for agency business, the employee shall:

- Immediately stop at the scene.
- If anyone is hurt, the employee should call 911 for emergency assistance.
- The employee shall notify appropriate law enforcement agencies.
- The employee should show his or her driver's license, vehicle registration card, evidence of insurance, and current address to the other driver, persons involved in the accident, and/or any officer in attendance. (The registration and insurance information for a SANDAG fleet vehicle should be located in the vehicle's binder; for a specific-use or assigned vehicle this information can be found in the glove box.)
- If the accident involves another vehicle, the employee should ask to see the other driver's license, vehicle registration card, and evidence of insurance. The employee should record the other vehicle's license plate number, the other driver's license number, vehicle registration information, insurance policy number and coverage dates, the driver's current address, the names and addresses of any passengers, and any other relevant information.
- If, while operating a vehicle for SANDAG business, the employee hits a parked vehicle or other property, the employee should try to locate the vehicle or property owner to notify them of the incident and provide identification. If the owner cannot be located, then the employee shall secure a note containing the employee's name, business address, and business phone number to the damaged vehicle or property.
- The employee should take pictures of damage to the vehicle they were driving, other vehicle(s) or property involved in the accident, and the general accident site. Where possible, the pictures should be taken from close up, at a distance, and from several different angles. A disposable camera has been placed in the glove box of each SANDAG vehicle for this purpose. An employee also may use their own camera to take pictures.
- When the employee returns to SANDAG, the employee must report the details of the accident, and provide copies of all pictures taken at the accident site, to the Manager of Roadway, Facilities and Business Operations.
In response to a reported incident or accident, the Manager of Roadway, Facilities and Business Operations or the Risk Program Manager will conduct an investigation, and in conjunction with the Manager of Human Resources, may recommend action regarding the employee's driving privileges to SANDAG management. In the event of any bodily injury, a Report of Injury form shall be completed by the employee and their supervisor and submitted to Human Resources.

All vehicular accidents must be reported to the DMV if more than $750 in property damage occurred, or anyone was injured (no matter how slightly) or killed. The report must be made on the California Traffic Accident Report form (Form SR 1), and be made within ten days of the accident. If an employee is involved in an accident while driving for SANDAG business, the report must be completed and filed by the employee, whether the employee caused the accident or not and even if the accident occurred on private property. A copy of the report should be provided to the Manager of Roadway, Facilities and Business Operations. If the report is not filed with the DMV, the employee's driving privilege may be suspended. The police or California Highway Patrol will not file this report.

At-fault accidents are considered unsafe driving practices as defined in this policy and the employee may be subject to appropriate disciplinary action depending on the magnitude of the accident/s. An “at-fault” accident will be determined by either a court of law, if applicable, or by the Senior Director of Organization Effectiveness in conjunction with the employee's Director, and will be based on police reports, accident reports, witness statements, insurance company investigations, and any other factual material available.

Vehicle Maintenance and Inspection

Vehicles are maintained in proper working order according to agency policy and manufacturer guidelines. All SANDAG vehicles are on a routine preventative maintenance schedule for servicing and checking of safety-related equipment. Regular maintenance is conducted at specific mileage intervals consistent with the vehicle manufacturer's recommendations. On an annual basis, a mechanic is asked to perform a thorough inspection of each vehicle with documented results placed in the vehicle's file.

Employees assigned a SANDAG vehicle are responsible for ensuring all routine preventative maintenance services, and the annual vehicle inspection, are performed as scheduled, and for providing paperwork, reports, and other documentation that may be generated from these services to the Manager of Roadway, Facilities and Business Operations. The Manager of Roadway, Facilities and Business Operations will provide information regarding the vehicle maintenance activities that are due to be performed.

If an employee uses his or her personal vehicle on SANDAG business, the owner should maintain the vehicle in a manner consistent with manufacturer's recommendations to provide the employee with maximum safety. Employees should not use a personal vehicle for SANDAG business that is in an unsafe working condition. SANDAG is not liable for accidents, injuries, or citations that may result from an employee driving an unsafe personal vehicle.
SANDAG-Assigned Vehicles

In certain circumstances, and when it is deemed to be in the best interest of the organization, SANDAG may assign an agency vehicle to an employee. The criteria upon which this determination is made include:

- The primary job functions and current projects assigned to the employee.
- The primary work location, and other regular work locations, of the employee and the frequency with which the employee must travel between various work locations.
- The availability of fleet vehicles at the primary work location.
- Anticipated and/or actual costs related to mileage reimbursement, parking costs, increased non-productive travel time and/or, overtime/compensatory time of the employee.
- Confirmation that the employee is able to provide safe and secure home storage of the vehicle that will not result in abnormally high risk of being stolen or vandalized.
- Other similar factors that result in cost savings and efficiencies to SANDAG as a result of the assigned-vehicle arrangement.

New requests for a SANDAG-assigned vehicle should be coordinated between the employee, their Director, and the Manager of Roadway, Facilities and Business Operations.

Prior to issuance of a vehicle, the employee should complete the SANDAG-Assigned Vehicle (SAV) agreement/approval form and submit this to their supervisor and Director. Agreements will be approved for a maximum of one year, and will be reviewed by the Manager of Roadway, Facilities and Business Operations prior to becoming effective. An existing agreement may be extended with approval from the supervisor and Director; each extension will be for a maximum of one year.

The original copy of an approved agreement will be retained in the employee’s personnel file and copies provided to the supervisor, Director, and Manager of Roadway, Facilities and Business Operations for program coordination and recordkeeping.

An approved SANDAG-Assigned Vehicle Agreement will be subject to review if the employee is transferred or promoted to another position, if there is a significant change in the employee’s job responsibilities, if SANDAG has a need to reassign the vehicle to a higher priority use, if the employee is found to have engaged in unsafe driving practices, or if the employee has performance issues. An approved SANDAG-Assigned Vehicle Agreement may be revoked at the discretion of the Director and/or if the criteria used for approval, as noted in this policy, are no longer met.

In the event a SANDAG-assigned vehicle will no longer be available to an employee, SANDAG may provide the employee with thirty (30) days’ notice of such a change. There may be instances, however, where no notice is possible or granted.

For the purposes of payroll, time spent commuting between the employee’s residence and workplace or job site, whether at the beginning or end of the day, is not considered “hours worked.” This also is true when an employee has permission under a SANDAG-Assigned Vehicle Agreement to store a SANDAG vehicle at his/her/their residence; commute time will not be considered time worked for SANDAG unless it is an extra, after-hours trip and the employee has advance approval for any overtime or compensatory time that may be earned.
Violation of the Provisions of this Policy

Employees who violate any of the provisions in this policy may be subject to discipline, up to and including termination of employment. SANDAG has the discretion to discipline an employee whose license is suspended or revoked if this affects the employee's ability to do his/her/their job, or who fails to comply with the Vehicle Use and Safe Driving Policy. SANDAG retains the right to amend or terminate this policy at any time.

Amended February 2022
Appendix A
SAFE DRIVING PRINCIPLES

The following are examples of behaviors and actions that may decrease the chance of incidents or accidents during the operation of a motor vehicle. Employees are encouraged to practice these and other principles, to maximize safe conditions for the driver, passengers, and other parties and property.

- Conduct a pre-use safety check on a vehicle before driving. Ensure that all vehicle safety equipment including headlights, turn signals, brake lights, and windshield wipers are functioning properly.
- Sit only in designated seats and wear the seat belt correctly; ensure all passengers do the same.
- Correctly adjust the head restraint; the top of a head restraint should be no lower than the top of the driver’s head.
- Use head lights at all times, unless the vehicle is equipped with daytime running lights.
- Secure any materials, equipment, tools, or hazardous items being transported to prevent unsafe conditions. If possible, tools or hazardous materials should be stored outside the passenger compartment to prevent injury.
- Plan your route in advance. When possible, plan routes and times of operation to minimize your exposure to congested traffic conditions, and use the safest roads.
- Obey all traffic signs, speed limits, and other warning devices. Follow the posted speed limit at all times.
- Keep your eyes alert to what is ahead or in your direction of movement. Check your side and rear view mirrors often.
- Learn to recognize driving situations that can be hazardous.
- Assume other drivers will make errors and take appropriate precautions.
- Adjust speed, position, direction, and attention to be able to maneuver safely if a hazard develops.
- Be sure other vehicles, equipment, and pedestrians see you.
- Pedestrians and bicyclists will assume that you see them and that you will slow down. Don’t assume they will give you the right-of-way.
- Avoid distractions that might divert your attention from driving. Do not engage in any activity involving the use of hands, other than those actions necessary to operate the vehicle. This includes, but is not limited to: eating, drinking, smoking, reaching for items, texting, using a cellular phone, and using the radio.
- Do not wear radio headsets, ear buds, or listen to audio equipment above a minimum volume that would prevent you from hearing normal traffic warning devices or distract you from your driving responsibilities.
- Use mechanical and/or hand signals at all times to inform other drivers of your intention to change lanes.
- Avoid driving in other driver's blind spots; attempt to make eye contact with other drivers, either directly or through mirrors.
- Use sunglasses and/or the visor to avoid glare.
- Do not get caught up in a road rage incident. Give aggressive drivers plenty of room and do not respond to them.
- Allow extra time in your journey for road work, congestion, and adverse weather conditions.
- When stopping behind another vehicle, leave enough space so you can see the rear tires of the vehicle in front. This allows room to go around the vehicle if necessary and may prevent you from being pushed into the vehicle in front of you if you are rear-ended.
- Follow the "three-second plus" rule. This means a driver should keep a three-second interval between their vehicle and the vehicle immediately ahead during "normal" traffic conditions with speeds below 40 mph. For each condition that exists beyond "normal"; one second should be added to the time. (Example: it is raining and dark – you would add two seconds).
- If your vehicle breaks down on a highway, park on the shoulder with your hazard lights on. Remain in the vehicle until a law enforcement officer or road service provider arrives to provide assistance.
- Never drive while under the influence of alcohol or drugs.
- Never jeopardize safety to conduct SANDAG business. For example, do not answer phone calls, even with a hands-free device, if traffic or weather conditions make it unsafe to do so.
Workplace Violence Prevention Policy

SANDAG attempts to provide a safe work environment, free of violence, threats, or intimidation. All persons at SANDAG can help to ensure a safe working environment by taking precautions and reporting inappropriate behavior. This policy is intended to foster a safe work environment. Violation of this policy is unacceptable and will result in immediate disciplinary action up to and including termination of employment, removal from the SANDAG workplace, and possible criminal prosecution.

The Senior Director of Organization Effectiveness is responsible for periodically assessing the effectiveness of the workplace violence prevention program and revising policies, procedures, and training as necessary. This Workplace Violence Prevention policy shall be reviewed annually.

Prohibited Conduct

Violence, threats, and intimidation are prohibited in the SANDAG workplace. SANDAG defines violence, threats, and intimidation to include:

- Physical abuse
- Physical or verbal intimidation
- Threats of any kind
- Vandalism
- Arson
- Sabotage
- Stalking
- Telephone, email, or other electronic harassment
- Obscene telephone calls, emails, texts, etc.
- Use, sale, or possession of weapons at the workplace
- Acts that management deems inappropriate to the workplace
- Offensive jokes or comments regarding participation in violent events
- Domestic violence that crosses over into the workplace
- Any behavior that causes an employee to be fearful of their safety

This list is not meant to be exhaustive.
Procedures

1. In an event of IMMINENT THREAT or DANGER to an employee or others, a person should proceed as follows:

   **401 B Street / Wells Fargo Plaza Building (downtown San Diego):**
   - Retreat immediately to safety. RUN if able to run; HIDE if it is not practicable to run; if unable to barricade or hide, then prepare to FIGHT.
   - Dial an outside line, and then dial 9-1-1, to reach local law enforcement authorities (your call will be connected to the closest law enforcement agency). **NOTE:** You must tell law enforcement your exact address (e.g., 401 B Street, 8th floor, western side of the building), as they may not be able to pinpoint your location by your telephone number.
   - Contact the main receptionist at (619) 699-1900.
   - Contact a Director or the Manager of Human Resources as soon as possible. DO NOT attempt to take matters into your own hands.

   **Toll Operations Center / South Bay Expressway Facility (Otay Mesa):**
   - Retreat immediately to safety. RUN if able to run; HIDE if it is not practicable to run; if unable to barricade or hide, then prepare to FIGHT.
   - Dial an outside line, and then dial 9-1-1, to reach local law enforcement authorities (your call will be connected to the closest law enforcement agency). **NOTE:** You must tell law enforcement your exact address (e.g., 1129 La Media Road, 1st floor, Customer Service area), as they may not be able to pinpoint your location by your telephone number.
   - Contact the main receptionist at (619) 661-7070.
   - Contact a Director or the Manager of Human Resources as soon as possible. DO NOT attempt to take matters into your own hands.

   **Other SANDAG Work Locations:**
   - Retreat immediately to safety. RUN if able to run; HIDE if it is not practicable to run; if unable to barricade or hide, then prepare to FIGHT.
   - Call 9-1-1 to reach local law enforcement authorities (your call will be connected to the closest law enforcement agency). **NOTE:** You must tell law enforcement your exact address as they may not be able to pinpoint your location by your telephone number.
   - Contact a Director or the Manager of Human Resources as soon as possible. DO NOT attempt to take matters into your own hands.

2. Any person who is victimized, feels victimized, observes, or has knowledge of any violation of this policy shall report the incident immediately to a Director or the Manager of Human Resources.
3. Any person who has obtained a restraining order against another person or who believes it is likely that he/she/they will be harassed at work shall notify a Director or the Manager of Human Resources. A description of the individual (photograph if available) against whom the restraining order is filed should be provided to a Director or the Manager of Human Resources.

4. If a violation of this policy is suspected, law enforcement representatives may be contacted to conduct searches of persons and property. SANDAG reserves the right to conduct searches and inspections at SANDAG workplaces. This includes, but is not limited to, any person’s personal effects, such as: lunch containers, brief cases, purses, backpacks, company-issued computer files, boxes, lockers, desks, and filing cabinets.

5. Any illegal or unauthorized articles (such as firearms or weapons) or evidence of harassment discovered may be confiscated and turned over to law enforcement representatives.

6. Any SANDAG employee who refuses to submit to a search in conjunction with a suspected violation of this policy will be subject to disciplinary action up to and including termination.

7. All complaints will receive immediate attention and the situation will be investigated. Based upon the result of the inquiry, action will be taken which management believes is appropriate. No one acting in good faith who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

Domestic Violence, Sexual Assault, and Stalking

SANDAG is sensitive to the needs of employees who are the victims of domestic violence, sexual assault, or stalking. SANDAG will not discriminate against employees based on their known status as victims of domestic or sexual violence.

SANDAG will provide job-protected time off for victims of domestic violence, sexual assault, or stalking, referred to as Safe Time, to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of themselves or their family members. An employee who is a victim of domestic violence, sexual assault, or stalking also may request time-off to attend to any of the following:

- to seek medical attention to recover from physical or psychological injury or disability caused by domestic violence, sexual assault, or stalking
- to obtain services from a victim services organization such as domestic violence shelter, program, or rape crisis center
- to obtain psychological or other counseling related to an experience of domestic violence, sexual assault, or stalking
- to participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation
- to obtain legal services, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic violence, sexual assault, or stalking
An employee who needs to take leave as a result of being a victim of domestic violence, sexual assault, or stalking should notify a Director or the Manager of Human Resources. SANDAG will take steps to protect the confidentiality of an employee who takes time off to attend to matters concerning domestic or sexual violence.

SANDAG also will take steps to protect the safety of domestic or sexual violence victims, and other employees in the workplace, and will make reasonable accommodations at the request of victim employees.

**Applicability**

This policy applies to SANDAG employees and all other persons doing business with SANDAG, either on SANDAG premises or another work/business location.

**Training**

All employees shall attend periodic training on workplace violence prevention.

Amended February 2022