



El Cerrito

MEETING NOTICE AND AGENDA

DATE & TIME: Friday, July 22, 2016, 8:00 a.m. – 10:00 a.m.

Hercules

LOCATION: City of El Cerrito, Council Chambers
10890 San Pablo Avenue (at Manila Ave)
El Cerrito, California (Accessible by AC Transit #72, #72M and #72R)

Pinole

1) Call to Order and Self-Introductions. (Sherry McCoy - Chair)

2) Public Comment. The public is welcome to address the Board on any item that is not listed on the agenda. *Please fill out a speaker card and hand it to staff.*

Richmond

CONSENT CALENDAR

San Pablo

3) Minutes of June 24, 2016 Board Meeting. (Attachment; Recommended Action: *APPROVE*)

4) Monthly Update on WCCTAC Activities. (Attachment; Recommended Action: *Information Only*)

Contra Costa
County

5) Financial Reports. The reports show the Agency's revenues and expenses for June 2016. (Attachment; Recommended Action: *Information Only*)

6) Payment of Invoices over \$10,000. None.

AC Transit

7) TDM Project Information for FY16-17. Overview of Transportation Demand Management (TDM) project information for the current fiscal year, including budget details. (Attachment; Recommended Action: *Information Only*)

BART

8) WCCTAC Personnel Policies Manual. The last update to the WCCTAC Personnel Policies Manual was in 2010. The Manual is being updated now to remove references to services no longer being provided by the City of San Pablo and to remove references to employee titles that have changed. The update also include minor edits, clarifications, and narrow adjustments to some benefits. The changes are not expected to have a financial impact (Attachment; Recommended Action: *APPROVE Resolution 16-04*).

WestCAT

REGULAR AGENDA ITEMS

9) WCCTAC Board Rules of Procedure and Bylaws.

- a) At present, WCCTAC does not have adopted rules of order. The Executive Director and General Counsel recommend approving Rosenberg's Rules of Order. WCCTAC's General Counsel will provide information about Rosenberg's Rules and how they compare to Robert's Rules. *(Ben Reyes – WCCTAC Assistant General Counsel; Attachments; Recommended Action: APPROVE)*
- b) The Executive Director and General Counsel recommend that the Board appoint an advisory Ad Hoc Subcommittee to provide support in the creation of bylaws and/or rules of procedure that relate to actions by the Board and WCCTAC staff. The Ad Hoc Subcommittee will meet with the Executive Director and General Counsel to provide input on bylaws that are consistent with the WCCTAC Joint Powers Agreement. WCCTAC Staff and the Subcommittee will then return to the full Board with a recommendation. *(John Nemeth – WCCTAC Staff; Attachments; Recommended Action: APPROVE).*

10) West County High Capacity Transit Study (HCT): Adjustments to Scope of Work, Utilization of Contingency Funds, and Future Outreach

The Study is now close to 65% complete and several upcoming study tasks are due for re-evaluation. Both the WCCTAC Staff and the study consultant have identified scope tasks that require adjustments. Staff foresees the need to use the remaining contingency to address these items. As part of these scope adjustments, now is the opportunity to re-consider the approach to the second round of public outreach.

(WCCTAC Staff; Attachment; Recommended Actions:

- 1. Authorize the use of contingency funds (\$80,421) as part of the Executive Director's negotiation with the consultant on scope details for remaining tasks;*
- 2. Provide direction to staff on the second and final round of outreach.)*

11) I-80 ICM Smart Corridor Update. Caltrans is beginning to activate elements of the Smart Corridor project gradually, in what is known as a "sequenced activation." David Man, the Corridor Manager from the Caltrans District 4 Offices, will explain how this activation process will occur and what to expect leading up to the full activation by Labor Day. *(David Man, Caltrans District 4, No Attachments; Recommended Action: Information Only).*

12) Update on the BART Del Norte Station Modernization Project. In April 2015, BART staff provided the Board with an overview of its plans to upgrade and modernize the Del Norte Station. Today BART staff will update the Board on the status of the project and the upcoming construction schedule. *(Nikki Folleta, BART Staff; No Attachments; Recommended Action: Information Only).*

STANDING ITEMS

13) Board and Staff Comments.

- a. Board Member Comments, Conference/Meeting Reports (AB 1234 Requirement), and Announcements
- b. Report from CCTA Representatives (*Directors Abelson & Butt*)
- c. Executive Director's Report

14) Other Business.

15) General Information Items.

- a. Letter to CCTA Executive Director with June 24, 2016 Summary of Board Actions
- b. Acronym List

16) Adjourn. Next meeting is: September 23, 2016 @ 8:00 a.m. in the El Cerrito City Hall Council Chambers, located at 10890 San Pablo Avenue, El Cerrito

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- In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in the WCCTAC Board meeting, or if you need a copy of the agenda and/or agenda packet materials in an alternative format, please contact Valerie Jenkins at 510.210.5930 prior to the meeting.
 - If you have special transportation requirements and would like to attend the meeting, please call the phone number above at least 48 hours in advance to make arrangements.
 - Handouts provided at the meeting are available upon request and may also be viewed at WCCTAC's offices.
 - Please refrain from wearing scented products to the meeting, as there may be attendees susceptible to environmental illnesses. Please also put cellular phones on silent mode during the meeting.
 - A meeting sign-in sheet will be circulated at the meeting. Sign-in is optional.

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**West Contra Costa Transportation Advisory Committee
Board of Directors Meeting
Meeting Minutes: June 24, 2016**

MEMBERS PRESENT: Sherry McCoy, Chair (Hercules); Janet Abelson, Vice-Chair (El Cerrito); Tom Butt, (Richmond); Gayle McLaughlin (Richmond); Cecilia Valdez (San Pablo); Zakhary Mallett (BART); Chris Peeples (AC Transit); Vinay Pimplé (Richmond), Joe Wallace (AC Transit)

STAFF PRESENT: John Nemeth, Joanna Pallock, Valerie Jenkins, Leah Greenblat, Danelle Carey, Kirk Kokotaylo (legal counsel)

ACTIONS LISTED BY: Valerie Jenkins

Meeting Called to Order: 8:06 a.m.

Director Peeples replaced Director Wallace: 8:35 a.m.

Meeting Adjourned: 9:50 a.m.

Public Comment: *Director Chris Peeples*, WCCTAC Board Alternate for AC Transit, shared his concerns about the FY2014 WCCTAC audit findings.

Consent Calendar: Motion by *Vice Chair Abelson 2nd* by *Director Wallace* to approve items 4-10. *Item #3 pulled by Director Mallett*

4. Monthly Update on WCCTAC Activities.
5. Financial Reports.
6. Payment of Invoices over \$10,000. *None*
7. Approve Pay Schedules for Fiscal Years 2013-2017.
8. Subregional Transportation Mitigation Program (STMP) Cooperative Funding Agreement with the City of El Cerrito.
9. Agreement with The Staffing Solutions Group for Accounting Services.
10. Appointment to CCTA's Technical Coordination Committee (TCC).

ITEM/DISCUSSION	ACTION
Item #3 Minutes from June 24, 2016 Board Meeting	Motion by Director Mallett ; seconded by Director Wallace to correct the minutes from the May 27, 2016 Board meeting. Item #12 should read "no vote taken due to substitute motion passing."

<p>Item #11 Fiscal Audits and Memorandum on Internal Control for Fiscal Year 2014</p>	<p>Amy Meyers from Maze and Associates presented the findings and information on the FY 2014 WCCTAC audit. Staff noted that in early 2014, the last audit completed was for FY 2010 and that the agency was working toward getting caught up. Staff agreed to provide more frequent updates on the agency's audit status. Motion by Director Valdez, seconded by Director Wallace, to approve the Fiscal Audit and Memorandum on Internal Control for FY 2014.</p>
<p>Item #12 Draft Final Fiscal Year 2017 Work Program, Budget, and Dues.</p>	<p>Motion by Vice-Chair Abelson, seconded by Director Peebles to approve the FY17 WCCTAC Final Draft for the Work Program, Budget, and Dues.</p>
<p>Item #13 West County Accessible Transportation Study.</p>	<p>Motion by Director Peebles, seconded by Director Mallett to approve \$75,000 for a West County Accessible Transportation Study. The Study will use \$25,000 from FY 14-15 Measure J Program 20bm and \$50,000 from Measure Program 28b.</p>
<p>Item #14 TDM Update</p>	<p>Danelle Carey and Jessica Downing presented an overview of the TDM activities in the past year. The details of the 2016 West County Employer Survey were also discussed. Information Only</p>
<p>Item #15 Other Business</p>	<p>Director Mallett requested that an item be added to the July WCCTAC Board Agenda. He shared that the BART Board approved adding \$125k to supplement the West County High Capacity Transit Study so that a more thorough review can be done of a BART extension from the El Cerrito Del Norte BART Station.</p> <p><u>Vote on Motion to Add Item to July 22 agenda:</u> Director Pimplé, Director McGlaughlin, Director Butt, Vice-Chair Abelson, Chair McCoy- NO Director Peebles, Director Mallett-YES Director Valdez-Abstain Item will not be placed on the July agenda.</p>

TO: WCCTAC Board

DATE: July 22, 2016

FR: John Nemeth, Executive Director

RE: Monthly Update on WCCTAC Activities – July

I-80 Smart Corridor



Caltrans is gradually beginning to activate elements of the Smart Corridor (ICM) project in what is known as a “sequenced activation.” This process will allow motorists to adjust to each new element in the system as it is individually introduced. The full system activation is expected to begin after Labor Day. The website is 80smartcorridor.org and the public information number is 510-286-4444 or email: info@80smartcorridor.org.

On July 12th, Caltrans provided a press tour of the I-80 Smart Corridor (ICM) project. Then, on July 13th, Caltrans hosted a TAC meeting which was attended by WCCTAC and CCTA staff, and a number of representatives from West County jurisdictions. The TAC meeting reviewed the status of the sequenced activation, the reports and data available to local jurisdictions, and the roles and responsibilities of various agencies in ongoing operation and maintenance.

Caltrans has appointed a corridor manager, David Man, who will be working closely with local jurisdictions and will provide an update to the WCCTAC Board at the July 22nd meeting.

Transportation Expenditure Plan Update

The Transportation Expenditure Plan is now approved by all cities and towns, as well as the County. Next the CCTA Board will consider the TEP at its July 20th meeting, which brings the TEP one-step closer to being placed on the November ballot.

At the July 6th Authority Board's Special TEP Meeting, Alex Evans from EMC Research provided a [PowerPoint presentation](#) with results on recent polling about the possible ballot measure.

The CCTA website now includes a one minute and 40 second [video](#) created to inform the public about the TEP. It also includes an [overview](#) of the TEP, as well as the [full TEP document](#) itself.

"In My Day, We Used to Walk to School in Three Feet of Snow"

Safe Routes to School programs throughout the county encourage walking, biking, and carpooling to school. CCTA and their consultant are currently finalizing the process for distributing countywide roughly \$4.1 million dollars for Safe Routes to School Projects and Programs.

A final report, going to the CCTA Board in July, will tie together earlier documents including: the Safe Routes to School Countywide Needs Assessment, an Online Resource Guide, and a set of Technical Assistance documents to help jurisdictions determine the best use for the limited funds.



West Contra Costa is projected to receive a total of \$881,000 of the \$4.1 million based on a formula that considers school enrollment and population. The allocation of those funds will be determined by WCCTAC.

BART Del Norte Station Remodel Update

At the upcoming July 22nd Board meeting, staff from BART will present the latest information on the Del Norte Station Remodel that is a part of the larger BART Modernization Program. Construction is expected to begin in fall of 2016 and be completed by 2019. Funding for this project comes from a variety of sources but includes \$11.5 million from Measure J. The total project is estimated to cost about \$30 million and will improve customer experience, station access, and overall station appearance.

Subregional Transportation Mitigation Program: Fees Due and New Nexus Study



Earlier this month, WCCTAC sent letters to each of our member agencies' city managers and their staff that handle STMP matters. The letter served as a reminder for jurisdictions to remit to WCCTAC by July 31 all past STMP fees previously collected along with completed reporting forms. (Each city is required to submit this form quarterly, whether or not fee-applicable development has occurred.) WCCTAC recently updated its reporting form to make it easier and quicker for staff to complete and remit collected fees. WCCTAC also used the letter to introduce a new reference document for city staff so they have easy access to information about STMP.

After WCCTAC receives funds generated by the fee, those funds are distributed to local transportation projects that benefit our entire subregion. Projects eligible to receive STMP funds were identified in the current nexus study. The WCCTAC Board recently allocated funding to three of these projects, given STMP's healthy fund balance.

In September, WCCTAC staff will ask the Board to issue a request for proposals (RFP) seeking a consultant to update the nexus study and strategic plan. Staff looks forward to working closely with local jurisdictions, the WCCTAC TAC and Board to develop a draft plan during FY 2016-17.

Travel Training Efforts Begin in West County



The Center for Independent Living (CIL) received a grant to train cities in West County on how to conduct Travel Training for senior and disabled populations. The program began this month.

Staff from Richmond, San Pablo and El Cerrito met with the CIL Travel Training Coordinator to start the process and to review how this 5310 grant-funded program will roll out over the next year.

The goal of the program is to train local representatives in West County who can then train volunteers from their communities. Residents who are eager to try transit but who are not comfortable learning alone would contact their local agency (city or transit) and arrange a travel training appointment(s). Other travel training programs in places like Solano and Marin County have had success.

MTC Update of the Coordinated Public Transit-Human Services Transportation Plan

The MTC Coordinated Public Transit-Human Services Transportation Plan (referred to as the “Coordinated Plan”) was last updated in 2013. It focuses on the transportation needs of disadvantaged populations in order to maximize service coordination among public transit and human service transportation providers. The Plan identifies “gaps”. In order to qualify for federal Program 5310 grant funding, potential projects must address these gaps. The West County Mobility Management Group is working with MTC to identify the gaps in West County.

Plan Bay Area 2040

ABAG and MTC are updating the Bay Area’s long-range transportation and housing plan, known as Plan Bay Area 2040. The Plan serves as the nine Bay Area counties’ Regional Transportation Plan, and also satisfies the requirements of S.B. 375.

The two agencies are expected to adopt a preferred land use and transportation scenario in the fall of 2016. They just wrapped up a series of open houses, but interested members of the public can still view materials from these meetings and comment online at the [Plan Bay Area Open Forum](#). Likewise, an interactive [10-question survey](#), Build a Better Bay Area, enables Bay Area residents to set their priorities for housing and transportation and then see how those align with the three proposed planning scenarios.



	Current Period Actuals	Net Budget Adjustments	YTD Budget	YTD Actuals	YTD Variance	Encumbered Amount	Available Amount	Available %
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* Report Contains Filters

Salary and Benefits

41000. Salary	33,734	273,691	273,691	273,680	11	0	11	0
41002. Buy Back Compensation	72	0	0	377	-377	0	-377	0
41105. Workers Compensation	0	9,812	9,812	0	9,812	0	9,812	100
41200. PERS Retirement	4,967	37,956	37,956	43,127	-5,171	0	-5,171	0
41210. Pension Benefits	0	0	0	2,609	-2,609	0	-2,609	0
41310. Medical Insurance	9,403	43,610	43,610	54,251	-10,641	0	-10,641	0
41311. Retiree Healthcare	157	2,180	2,180	2,473	-293	0	-293	0
41400. Dental	751	4,362	4,362	4,171	191	0	191	4
41500. Vision	0	1,090	1,090	4,250	-3,160	0	-3,160	0
41800. LTD Insurance	363	127	127	2,090	-1,963	0	-1,963	0
41900. Medicare	480	3,725	3,725	3,868	-143	0	-143	0
41903. Employee Assistance Program	0	1,453	1,453	0	1,453	0	1,453	100
41904. Life Insurance	136	454	454	528	-74	0	-74	0
41911. Liability Insurance	(3,810)	4,055	4,055	7,246	-3,191	0	-3,191	0
41912. Unemployment Insurance	0	0	0	1,750	-1,750	0	-1,750	0
41915. Educational Incentive	2,885	0	0	2,885	-2,885	0	-2,885	0
Sub Total Salary and Benefits	49,138	382,515	382,515	403,306	-20,791	0	-20,791	

Service and Supplies

43500. Office Supplies	413	4,000	4,000	5,314	-1,314	0	-1,314	0
43501. Postage	300	500	500	378	122	0	122	24
43520. Copies/Printing/Shipping/Xerox	342	3,500	3,500	3,738	-238	0	-238	0
43530. Office Furn & Equipmt <\$5000	0	2,000	2,000	28	1,972	0	1,972	99
43600. Professional Services	6,310	50,250	50,250	68,987	-18,737	0	-18,737	0
43900. Rent/Building	427	16,124	16,124	17,269	-1,145	0	-1,145	0
44000. Special Department Expenses	0	11,800	11,800	3,937	7,863	0	7,863	67



City of San Pablo
7700. WCCTAC Operations Division
Account Details
As of Fiscal 2016 - June

	Current Period Actuals	Net Budget Adjustments	YTD Budget	YTD Actuals	YTD Variance	Encumbered Amount	Available Amount	Available %
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* Report Contains Filters

44320. Travel/Training Staff	796	4,000	4,000	4,717	-717	0	-717	0
Sub Total Service and Supplies	8,586	92,174	92,174	104,368	-12,194	0	-12,194	
Report Total :	57,724	474,689	474,689	507,673	-32,984	0	-32,984	



* Report Contains Filters

Salary and Benefits

	Current Period Actuals	Net Budget Adjustments	YTD Budget	YTD Actuals	YTD Variance	Encumbered Amount	Available Amount	Available %
41000. Salary	30,392	217,335	217,335	226,573	-9,238	0	-9,238	0
41002. Buy Back Compensation	288	0	0	1,508	-1,508	0	-1,508	0
41105. Workers Compensation	0	5,173	5,173	0	5,173	0	5,173	100
41200. PERS Retirement	4,717	43,208	43,208	39,307	3,901	0	3,901	9
41210. Pension Benefits	0	0	0	2,327	-2,327	0	-2,327	0
41310. Medical Insurance	9,761	47,926	47,926	57,124	-9,198	0	-9,198	0
41400. Dental Insurance	825	4,489	4,489	4,903	-414	0	-414	0
41500. Vision Care	0	1,141	1,141	0	1,141	0	1,141	100
41800. LTD Insurance	236	1,065	1,065	1,236	-171	0	-171	0
41900. Medicare	435	2,967	2,967	3,231	-264	0	-264	0
41902. FICA	254	0	0	977	-977	0	-977	0
41903. Employee Assistance Program	0	1,217	1,217	0	1,217	0	1,217	100
41904. Life Insurance	133	457	457	378	79	0	79	17
41911. Liability Insurance	3,945	4,055	4,055	7,621	-3,566	0	-3,566	0
Sub Total Salary and Benefits	50,986	329,033	329,033	345,184	-16,151	0	-16,151	

Service and Supplies

43500. Office Supplies	7	6,500	6,500	246	6,254	0	6,254	96
43501. TDM Postage	0	0	0	1,781	-1,781	0	-1,781	0
43502. TDM Postage	0	7,123	7,123	3,253	3,870	0	3,870	54
43520. Copies/Printing/Shipping/Xerox	342	9,190	9,190	3,663	5,527	0	5,527	60
43600. Professional Services	2,052	61,844	61,844	36,570	25,274	0	25,274	41
43900. Rent/Building	427	22,452	22,452	22,134	318	0	318	1
44000. Special Department Expenses	12,804	169,974	169,974	111,687	58,287	0	58,287	34
44320. Travel/Training Staff	417	3,339	3,339	4,886	-1,547	0	-1,547	0



	Current Period Actuals	Net Budget Adjustments	YTD Budget	YTD Actuals	YTD Variance	Encumbered Amount	Available Amount	Available %
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* Report Contains Filters

Salary and Benefits

41000. Salary

Sub Total Salary and Benefits

Service and Supplies

44000. Special Department Expense

Sub Total Service and Supplies

Report Total :



City of San Pablo
7740. WCCTAC Special Projects Division
Account Details
As of Fiscal 2016 - June

* Report Contains Filters

Service and Supplies

43600. Professional Services	0	0	0	43,236	-43,236	0	-43,236	0
44000. Special Department Expense	58,288	1,065,000	1,065,000	590,765	474,235	0	474,235	45
Sub Total Service and Supplies	58,288	1,065,000	1,065,000	634,002	430,998	0	430,998	
Report Total :	58,288	1,065,000	1,065,000	634,002	430,998	0	430,998	

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TDM PROJECT INFORMATION

- A. Project Number: 17CC01
- B. Project Title: West Contra Costa County Emissions/Trip Reduction Program
- C. TFCA County Program Manager Funds Allocated: \$316,676.81
- D. TFCA Regional Funds Awarded (if applicable):n/a
- E. Total TFCA Funds Allocated (sum of C and D): \$316,676.81
- F. Total Project Cost: \$494,466.81

G. Project Description:

The 511 Contra Costa (West Contra Costa) Commute Incentive Program is managed by WCCTAC and promotes the use of commute/travel alternatives to individuals who drive alone in the West Contra Costa region. TFCA funds will be used to implement a Countywide Guaranteed Ride Home Program, ridematching, trip reduction and emissions reduction programs through outreach to employers, residents, municipalities and schools in West Contra Costa County and John Swett School Districts.

West Contra Costa County Emissions and Trip Reduction Program:

511 Contra Costa staff will work with employers, employees and the community to encourage clean trips in West Contra Costa County. In coordination with local transit agencies, the program provides information and incentives for transit and transportation services. Outreach will be conducted through community and employer events; targeted mailings, employer/TDM program database e-blasts, and notice of promotions through City and County residential activities, radio, movies, online advertising, Chambers of Commerce, local and community locations and events. Additionally, the 511 Contra Costa and 511.org websites, newsletter and social media platforms will be used to inform West Contra Costa commuters of the programs and services available.

The FY 2016/17 Program activities include:

- Circulate commute promotions to decrease SOV and encourage alternative modes of transportation through incentives, commute challenges and on-site employer and community events. Assistance with the development of and/or maintenance of commute programs and compliance with the Bay Area Commuter Benefits Program and local ordinance requirements.
- Incentives for participating worksites in the form of bicycle racks, corrals, lockers, fix it stations equipment, and EV charging stations at locations available to the public.
- Bike to Work Day, encourage employer participation and interest in Bike to Work Day/Month activities. Promote bicycle repair workshops and bicycle safety to increase bicycle ridership.

- Promote Real-time ridesharing, including Carma and other TNC's. Provide incentives to individuals that use the Carma/carpooling technology for their commute to/from or through West County. Assist in the marketing and outreach effort to increase the number of carpoolers in West Contra Costa County/ along the I80 corridor.
- Administer a Countywide Guaranteed Ride Home (GRH) Reimbursement Program to encourage the use of carpools, vanpools, transit, walking and biking. Research partnerships with transportation network companies (TNC) to provide GRH reimbursements to their existing rideshare system.
- Continue to improve the new database model that has been developed for the Countywide Guaranteed Ride Home Program. Update the GRH reimbursement model to offer 100% reimbursement of all (6) trips to registrants in the calendar year.
- Partner with SolTrans (Solano Transit) to promote Buy One Get One (BOGO) transit pass incentives to reduce vehicle trips through encouraging commuters to travel to work via express commuter buses from Solano to Contra Costa County. Promote “*Try Transit*” clipper card offer to employees and the community to encourage the use of public transit.
- Work with municipalities/employer sites to gauge interest in electronic charging infrastructure to promote electric vehicle use.
- Countywide Promotions: Text-your-Commute Challenge and development of a 511 Contra Costa commute video.

School Trip Reduction:

- Student Travel Program: 511 Contra Costa Staff will work with the West Contra Costa Unified and John Swett School Districts (as well as the local private and charter schools) to encourage congestion relief at schools by providing incentives to encourage parents to form or join carpools, reduce vehicle idle time and provide school-specific ridematching link for schools in the West Contra Costa region. Infrastructure to include bicycle racks, lockers, skateboard racks to encourage the use of active transportation. Promotion of youth clipper program to create awareness of clipper as transit agencies transition into clipper.
- Student Transit Pass Program: 511 Contra Costa Staff will offer free public passes on WestCAT transit (2- 12 trip passes) or (1) 31-day pass on AC Transit, to encourage students to use public transit as their primary mode of transportation to/from school instead of being driven by parents. Continue WestCAT summer youth pass subsidy program in coordination with Central/East County program.
- College Transit Program: Promote “Try Transit” to Community Colleges to encourage students to use public transit as an alternative to reach the Community College campus in West Contra Costa County. The contribution of 511 Contra Costa will be pre-loaded clipper cards with value equivalent to (3) trips.

Project Schedule Start Date: July 2016

Final Report Due Date: No later than June 2018

WCCTAC 2016-17 TDM Budget

FUNDING	TFCA	CMAQ	MJ	
PROJECT #	17CC01	17MTCW	17MJ17W	Total Project Cost
	\$ 319,676.81	\$ 15,890.00	\$158,900.00	\$ 494,466.81

Purchase Order

Expenditure category

Salaries/Benefits (4100s)	\$ 241,810.54	\$ 15,890.00	\$ 120,563.43	\$ 378,263.97
Professional Services (43600)	\$ 10,927.43		\$ 13,902.57	\$ 24,830.00
Rent (43900)	\$ 8,509.84		\$ 11,290.00	\$ 19,799.84
Incentives / Marketing (44000)	\$ 56,679.00		\$ 7,450.00	\$ 64,129.00
Travel & Training (44320)	\$ 1,750.00		\$ 1,750.00	\$ 3,500.00
Program Printing (43501)	\$ -		\$ -	\$ -
Postage (43502)	\$ -		\$ -	\$ -
Liability Insurance (41911)			\$ 3,944.00	\$ 3,944.00
Program Supplies (43500)	\$ -		\$ -	\$ -
Printing Copier Lease (43520)			\$ -	\$ -
Project Budget	\$ 319,676.81	\$ 15,890.00	\$ 158,900.00	\$ 494,466.81

TFCA	\$ 319,676.81
CMAQ	\$ 15,890.00
Measure J	\$ 158,900.00
Total	\$ 494,466.81

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**WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE
RESOLUTION NO. 2016-04**

**AMENDING AND REVISING THE WEST CONTRA COSTA
TRANSPORTATION ADVISORY COMMITTEE PERSONNEL POLICIES
MANUAL TO REMOVE OUTDATED REFERENCES, PROVIDE MINOR
EDITS AND MAKE NARROW ADJUSTMENTS TO SOME BENEFITS**

WHEREAS, the West Contra Costa Transportation Advisory Committee (“WCCTAC”) establishes and maintains a personnel policies manual (“Personnel Policies”), which is subject to periodic review and amendment.; and

WHEREAS, the last update to the Personnel Policies was in 2010; and

WHEREAS, the WCCTAC Executive Director identified provisions of the Personnel Policies that he deems necessary to amend, including outdated references to services no longer being provided by the City of San Pablo, references to employee titles that have changed and minor edits, clarifications, and narrow adjustments to some benefits; and

WHEREAS, the WCCTAC Board of Directors have considered the proposed amendments to the Personnel Policies and determined that the amendments are appropriate.

NOW THEREFORE, BE IT RESOLVED THAT:

1. That the Board of Directors of the West Contra Costa Transportation Advisory Committee does hereby amend the Personnel Policies as reflected in redline in Exhibit A, attached hereto and incorporated in this resolution; and

2. The effective date of the amendments to the Personnel Policy is July 22, 2016.

The foregoing Resolution was adopted by the WCCTAC Board at a regular meeting on July 22, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By: _____
Sherry McCoy, Chair

Attest:

John Nemeth, Executive Director

Approved as to Form:

Kristopher J. Kokotaylo, General Counsel

2679645.1

Exhibit A

**WCCTAC
PERSONNEL
POLICIES
MANUAL**

JUNE 201~~6~~⁶⁰

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TABLE OF CONTENTS

100. INTRODUCTION & GENERAL PROVISIONS	1
INTRODUCTION	1
POWERS OF THE EXECUTIVE DIRECTOR	1
RESPONSIBILITIES OF THE PERSONNEL OFFICER	1
101. DEFINITIONS.....	2
PURPOSE.....	2
DEFINITIONS.....	2
USAGE	5
102. CONDITIONS OF EMPLOYMENT AND WORK RULES.....	6
EMPLOYMENT STATUS.....	6
WORKING HOURS DAY AND SCHEDULE	6
PAYROLL	7
USE OF WCCTAC EQUIPMENT AND SAN PABLO FACILITIES	8
ELECTRONIC MAIL USAGE ADMINISTRATIVE POLICY	8
INTERNET USAGE ADMINISTRATIVE POLICY	10
CONFLICT OF INTEREST AND USE OF FUNDS.....	13
NEPOTISM.....	14
GIFTS AND GRATUITIES	14
VIOLENCE IN THE WORKPLACE.....	14
DRUG-FREE WORKPLACE	15
DRESS CODE	16
103. BENEFITS.....	17
104. EEO, ACCOMMODATION, HARASSMENT, & WHISTLEBLOWER POLICIES ..	22
EQUAL EMPLOYMENT OPPORTUNITY	22
DISABILITY ACCOMMODATION.....	22
HARASSMENT AND NONDISCRIMINATION.....	22
NO RETALIATION AGAINST WHISTLEBLOWERS	24
105. PAY PLAN	25
PAY PLAN ADMINISTRATION	25
STEP ADVANCEMENT	26
PERFORMANCE EVALUATION	26
PAY RATES.....	27
106. EMPLOYMENT.....	29
EMPLOYMENT ELIGIBILITY POLICY	29
POSITION AUTHORIZATION	29
VACANCIES.....	29
RECRUITMENT AND SELECTION.....	29
EMPLOYMENT.....	30
107. LEAVE OF ABSENCE	32
POLICY	32
UNAUTHORIZED LEAVE.....	32
TYPES OF LEAVES.....	33
GENERAL LEAVES OF ABSENCE	33
MEDICAL LEAVES OF ABSENCE.....	34

LEAVE ADMINISTRATION.....	35
SICK LEAVE SHARING FOR CATASTROPHIC ILLNESS OR INJURY	35
108. GRIEVANCE	38
GRIEVANCE POLICY AND PURPOSE.....	38
GRIEVANCE DEFINITION.....	38
GRIEVANCE PROCEDURE.....	38
GRIEVANCE ADMINISTRATION.....	39
EMPLOYEE REPORTING LINE.....	39
109. TERMINATION/SEPARATION.....	40
TERMINATION.....	40
LAY-OFF.....	40
RESIGNATION.....	41
RETIREMENT - NORMAL.....	41
DISABILITY RETIREMENT AND SEPARATION	41
REFERENCES	42
110. OUTSIDE ACTIVITIES	43
INCOMPATIBLE ACTIVITY OF EMPLOYEES	43
OUTSIDE EMPLOYMENT.....	43
POLITICAL ACTIVITY	44
TIME OFF FOR LOCAL AGENCY COMMUNITY SERVICE/ VOLUNTEER WORK.....	44
111. EMPLOYEE CONDUCT.....	45
CONDUCT	45
DISCIPLINARY PROCESS	46
112. PERSONNEL RECORDS.....	47
PERSONNEL RECORDS POLICY	47
PERSONNEL RECORDS	47
PERSONNEL RECORDS RESPONSIBILITY	47
113. SAFETY	48
SAFETY	48
WORKERS' COMPENSATION COVERAGE	48

POLICIES MANUAL RECEIPT ACKNOWLEDGMENT FORM

Each WCCTAC staff member is given a copy of the WCCTAC Personnel Policies Manual and signs the receipt acknowledgment form shown below. The signed receipt is retained in the employee's personnel file.

This is to acknowledge that I have received a copy of the 201~~60~~
WCCTAC Personnel Policies Manual and understand that it contains important information on the Agency's general personnel policies and procedures, including the Electronic Mail Usage Administrative Policy and the Internet Usage Administrative Policy, and on my privileges and obligations as an employee. I acknowledge that I am expected to read, understand, and adhere to Agency policies and procedures and will familiarize myself with the manual material. I understand that I am governed by the contents of the policies and procedures and that the Agency may change, rescind or add to any policies, procedures, benefits, or practices described from time to time.

Employee Signature

Date Signed

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100. INTRODUCTION & GENERAL PROVISIONS

INTRODUCTION

This Personnel Policies Manual has been developed to facilitate consistent and equitable employment and personnel practices for all employees of the West Contra Costa Transportation Advisory Committee (WCCTAC). This Manual applies to all employees, except where otherwise indicated in these rules. Each employee is responsible for reading and following all policies and procedures. This Manual supplants and supersedes earlier personnel policies. Questions or concerns about these policies may be addressed to the employee's supervisor or the Executive Director.

The WCCTAC Board shall have the authority to amend, revise, or repeal these Personnel Policies by resolution. The Executive Director, as the Personnel Officer, may, as deemed necessary, present to the Board for its consideration amendments or revisions to all or part of these Policies.

POWERS OF THE EXECUTIVE DIRECTOR

The Executive Director, or his or her designee, has general control and supervision over the affairs of the Agency; the authority to recommend new policies to the Board; the authority to establish, when not in conflict with these Policies, other procedures, rules and regulations as deemed necessary for the control and supervision of WCCTAC activities; the power to appoint and remove all employees, other than those directly appointed by the WCCTAC Board, subject to these Policies and those rules reserved to the WCCTAC Board or its officers by the WCCTAC Joint Exercise of Powers.

The Executive Director shall be the Personnel Officer. The Executive Director may delegate to an employee of the Agency, permanently or on a case-by-case basis, any or all of the powers and duties conferred upon the Personnel Officer, or may recommend that such powers and duties be performed under contract.

RESPONSIBILITIES OF THE PERSONNEL OFFICER

The Personnel Officer, or such person as has been delegated the responsibilities thereof, shall be responsible for the following:

- Administration of the Policies contained herein and any WCCTAC policy pertaining to the personnel function.
- Prepare and recommend to the WCCTAC Board amendments and revisions to these Policies.
- Maintain all required personnel forms, records, folders, documents, and operating procedures as may be necessary for the accomplishment of these Policies and any WCCTAC policy pertaining to the personnel function.
- Prepare a classification plan, including job descriptions and revisions of the plan.
- Prepare and submit an estimate for the annual budget for personnel operations.

101. DEFINITIONS

PURPOSE

The following list of terms is provided so that WCCTAC policies and procedures may be interpreted correctly and consistently.

DEFINITIONS

Administrative Leave provides for limited compensated time-off in recognition of time spent in work related activities beyond the regular business week. Administrative Leave time is granted only to employees exempt from the Fair Labor Standards Act requiring payment of overtime.

Advancement or Step Advancement is a salary increase of one or more steps in accordance with the duties performed and the authority and responsibilities exercised.

Agency shall mean the West Contra Costa Transportation Advisory Committee (WCCTAC), a public and separate entity created by a joint powers agreement among the signatories.

Anniversary Date is the employment date of an employee which may be used to compute certain benefits. For salary advancement purposes, see Fiscal Anniversary Date.

At-Will Employment means service to WCCTAC at the pleasure of the Executive Director, subject to termination at any time without advance notice, with or without cause and without redress to administrative procedures.

Benefits mean fringe benefits, such as vacation, health plans, or retirement programs, which are provided by the Agency to WCCTAC staff.

Board is the WCCTAC Board of Directors.

Break-in-Service shall occur when an employee is separated from the Agency by resignation, discharge, or other type of separation.

Causes of Disciplinary Action are actions for which the Agency may take formal disciplinary action. The list of such actions shall include, but not be limited to, those specified in the WCCTAC Employee Conduct Policy.

City means the City of San Pablo, ~~where the WCCTAC offices are located and~~ which administers certain WCCTAC personnel and financial functions. A service agreement defines in detail WCCTAC's relationship with the City.

Class or Classification refers to positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and subject to the same salary range.

Disability Separation is the non-disciplinary separation from further employment with the Agency because of a physical or mental condition which renders an employee inefficient or incapable in the performance of the essential functions of the position.

Dismissal is the forced separation of an employee from Agency service for disciplinable actions.

Electronic Mail Usage Policy establishes the proper methods and guidelines in the use of electronic mail (e-mail).

Employee Reporting Line establishes the chain of command to report workplace wrongdoing.

Exempt/Non-exempt refers to an employee's status under the federal Fair Labor Standards Act (FLSA) which defines eligibility for overtime pay. An *exempt* employee is exempt from the law, i.e., not covered by overtime pay requirements. Exempt status is defined by the type of work performed. Exempt employees must occupy full-time managerial, administrative or professional positions. Any position which does not meet the criteria for exemption is non-exempt and receives overtime pay for hours worked in excess of thirty seven and one-half (37.5) hours in a week. All WCCTAC employees except the Administrative Assistant Clerk are exempt employees.

Fiscal Anniversary is the first day of the WCCTAC fiscal year (July 1). Salary advances, and benefit changes when applicable, are normally effective on this date, unless the Board authorizes a different effective date for a specific action.

Grievance is any dispute or misunderstanding, real or imagined, between the Agency and an employee concerning the effect, interpretation, application, claim, breach, or violation of any provisions of the WCCTAC Personnel Policies Manual, administrative policies or matters, supervisory actions, or other terms and conditions of employment.

Internet Usage Policy establishes clear guidelines for use of the Internet.

Lay-off is the non-disciplinary separation of an employee because of material change in duties or organization, shortage of work funds or cancellation of any segment of the program, or for other reasons which serve the public interest.

Leave of Absence is an authorized absence from work of one day or more for reasons other than paid vacation, administrative leave, or sick leave of short duration.

Medical Leave is an authorized absence from work for six or more consecutive work days due to a medical condition. Normally requires clearance from a physician prior to returning to work.

Part-time Employee is an employee continuously or primarily assigned to work less than thirty seven and one-half (37.5) hours designated for full-time WCCTAC staff.

Pay Plan is the Agency pay plan which assigns each position to a particular pay range with corresponding minimum and maximum pay rates and intervening steps.

Pay Range is the series of salary steps assigned to each position.

Position is the grouping of duties and responsibilities requiring the full or part-time employment of one person.

Promotion is the movement from one position to another ~~which is allocated to a class~~ with a higher pay range. Promotion normally results in a salary increase ~~in the range of three percent (3%) to five percent (5%).~~

Reclassification is a change in allocation of a position from an existing class to another with a higher or lower salary range. Reclassification does not usually involve a salary change unless the employee is below the minimum for the new range, in which case he/she is increased to that minimum.

Reprimand is a written or oral notification to an employee that there is cause for dissatisfaction with the employee's service or actions.

Service Agreement is a written agreement between the Agency and a provider, such as the City of San Pablo, specifying the terms and conditions under which the provider will perform services for the Agency.

Step is one of several salary levels assigned to each pay range.

Suspension is a temporary absence without pay levied as discipline.

TAC-Chair is the WCCTAC Executive Director.

Time Sheet is the time record maintained by all employees and submitted to the City's Finance Department for payroll purposes. Vacation, holidays, administrative leave, sick leave, jury duty, and other types of leave are recorded on the time sheet.

USAGE

For the purpose of these policies, the present tense includes the past and future; the future tense includes the present. *Shall* and *will* are mandatory and *may* is permissive. Words usually considered to be of masculine gender (such as actor and waiter) may include feminine. The singular number includes the plural; the plural includes singular.

102. CONDITIONS OF EMPLOYMENT AND WORK RULES

EMPLOYMENT STATUS

The status of all individuals appointed to employment with WCCTAC shall be “at-will,” subject to termination at any time with or without cause.

Non-Exempt Employees: Non-exempt employees include all employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act (FLSA). Employees in this category are entitled to premium pay for work in excess of 37.5 hours in a workweek. These employees are paid on an hourly basis. The Administrative Assistant Clerk position is non-exempt.

Exempt Employees: Exempt employees include all employees who are classified as exempt from overtime provisions according to the FLSA. These employees are paid on a salary basis. All WCCTAC employees, except the Administrative Assistant Clerk, are exempt employees.

Regular Full-time Employees: An employee who regularly works 37.5 hours a week on a continuing basis.

Regular Part-Time Employees: An employee who regularly works less than 37.5 but more than 20 hours a week.

Temporary Employees: An employee who is hired for a limited duration (of less than 12 months) because of special projects, abnormal workloads or emergencies is considered a temporary employee. An employee will not change from temporary status to another status unless specifically informed of such a change, in writing, by the Executive Director. Benefits for temporary employees are limited to those required by law unless otherwise specified in an appropriate writing approved by the Executive Director. The duration of the temporary employment status may be extended by the Executive Director for up to six months, but no more than 975 hours within a fiscal year, when reasonably necessary in the discretion of the Executive Director.

WORKING HOURS DAY AND SCHEDULE

Work Days: Full-time WCCTAC staff normally work between six (6) and seven and one half (7.5) hours per day from Monday through Friday. The nature of the assignments is such that professional staff may be asked to perform duties outside the normal work day. Exempt employees are provided with paid administrative leave in recognition of this situation.

Work Start/End Times and Breaks: Work start/end times are flexible. Work must start by 10:00 a.m. and un-paid lunch breaks are provided (either thirty minutes or one hour).

Employees are also entitled to two fifteen minute breaks, one in the morning and one in the afternoon. The Executive Director will work with each employee to determine start/end times.

Upon discussion with and approval of the Executive Director, the employee's work days/times may be adjusted to allow for an alternative work schedule. Additionally, as work projects allow, as determined by the Executive Director, the employee may be allowed to telecommute. If telecommuting is allowed, all expenses for bringing the home office to appropriate standards in order to perform Agency work at home shall be borne by the employee.

Punctuality and Attendance: Regular attendance and promptness are considered part of each employee's essential job functions. Employees are expected to report to work on a reliable and punctual basis. Absenteeism, early departures from work, and late arrivals will not be tolerated. Employees must contact their supervisor as soon as possible in the event of absence or tardiness.

Employees must provide a reasonable explanation for absence or tardiness to their supervisor, including the expected duration of any absence. The Agency will comply with applicable laws relating to time off from work.

Excessive absenteeism may lead to disciplinary action, up to and including dismissal. Continuing patterns of absences, early departures, or tardiness, regardless of the exact number of days, may warrant disciplinary action.

Employees who are absent for three consecutive days and have not contacted their supervisor or the Executive Director will be assumed to have voluntarily terminated their employment as of the end of the third day missed.

PAYROLL

Paydays: WCCTAC employees are paid through the City of San Pablo payroll system. They receive one-half of their monthly salary on the ~~fifteenth-twentieth~~ of every month and the remaining one-half on the fifth last day of the following month. They are paid on the preceding Friday if the ~~fifth fifteenth~~ or the ~~twentieth last day of the month~~ falls on a Saturday, Sunday or holiday. In order to be paid, each WCCTAC employee must complete a City of San Pablo time sheet and submit it to the City Finance Department in accordance with the time schedule and procedures established by the Finance Department. WCCTAC time sheets may include a breakdown by project, or funding source.

Pay Week: The WCCTAC pay week begins on 12:00 a.m. Sunday morning and ends seven consecutive days later at 11:59 p.m. Saturday night. Full-time salaries are based on a thirty seven and one-half (37.5) hour work week (1,950 hours for a 52 week year), or less if the employee is full time but working less than 37.5 hours per week.

Automatic Deposit: Employees may request automatic deposit of their paycheck, in which case the employee will receive a pay stub on payday.

Overtime Pay: Employees who qualify as “exempt” according to federal wage and hour laws are exempt from overtime pay and are not subject to this policy. All non-exempt employees qualify for overtime pay.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled and required to work overtime. Before working any hours outside their regularly scheduled working hours or during unpaid meal periods, non-exempt employees shall obtain authorization from the Executive Director to work overtime. Working overtime without prior authorization may result in disciplinary action.

Non-exempt employees will be paid time and one-half compensation for all hours worked in excess of 37.5 in one workweek.

USE OF WCCTAC EQUIPMENT ~~AND SAN PABLO FACILITIES~~

WCCTAC provides office furniture, equipment, and supplies for the use and convenience of its employees. While these items are made available to employees, they remain the sole property of WCCTAC.

Prohibited material, including weapons, explosives, alcohol, and non-prescribed drugs or medications may not be retained within the facility.

WCCTAC management retains the right to open and inspect desks and files, as well as any contents, effects, or articles contained therein.

WCCTAC is not responsible for employees’ personal items placed on or left in desks or files.

The telephone system permits employees to receive, send, or transfer voice mail. It is intended solely for business use. Employees are able to use passwords to restrict casual access to voice mail messages. WCCTAC management reserves the right to access messages, and maintains a record of passwords for each telephone station.

Computers are available for staff use. While terminals are generally allocated to specific employees, they are not the possession of an individual. As needs dictate, other employees may use a computer normally assigned to someone else. The Administrative Assistant ~~Administrative Analyst/Office Manager~~ works with staff and IT support personnel to ensure ~~insures~~ that files are properly backed-up at all times.

ELECTRONIC MAIL USAGE ADMINISTRATIVE POLICY

Purpose

The purpose of this policy is to establish the proper methods and usage of electronic mail (e-mail). E-mail shall be used for business matters directly related to the business activities of

WCCTAC and as a means to accomplish its mission and program goals by providing services that are efficient, complete, accurate and timely. This policy applies to all full-time and part-time regular and temporary employees and individuals who are provided access and have an e-mail address using WCCTAC's system. E-mail is maintained by WCCTAC in order to facilitate WCCTAC business. Therefore, all messages sent, composed and/or stored on the system (either ~~the internally at WCCTAC network~~ or ~~remotely its connection to the Internet~~) are the properties of WCCTAC. The e-mail system is subject to monitoring at WCCTAC's discretion. WCCTAC reserves the right to access an employee's e-mail messages.

Guidelines

E-mail transmissions shall be courteous and professional at all times. WCCTAC strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore, WCCTAC prohibits the use of e-mail in ways that are disruptive, offensive to others, or harmful to morale. E-mail is not intended to transmit sensitive materials which may be more appropriately communicated by written memorandum or personal conversation, such as personnel decisions. Display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

E-mail may not be used to discriminate on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability, sexual preference; to promote sexual harassment; or to promote personal, political or religious business or beliefs.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, chain letters or other non-business matters.

E-mail users shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of WCCTAC, or any WCCTAC department, unless appropriately authorized (explicitly or implicitly) to do so.

Security/Retention

Employees should not use someone else's password, access a file, or retrieve any stored communication without authorization. Users authorized to use passwords should not share passwords except when WCCTAC business requires such dissemination. Password users should be aware that this does not suggest or imply that the system is for personal, confidential communication, nor does it suggest or imply that e-mail is the property of the employee.

WCCTAC, through its managers and supervisors, reserves the right to review electronic files and messages to ensure that these media are being used in compliance with the law and WCCTAC policy. Employees may not, however, intentionally intercept, eavesdrop, record, read, alter, or receive other person's e-mail messages without proper authorization.

Be aware that back-ups to e-mail messages are made automatically. Generally, back-ups are purged approximately every thirty days. Employees should be aware that when they have deleted a message from their mailbox it may not have been deleted from the e-mail system. The message may also be residing in the recipient's mailbox or forwarded to other recipients.

Privacy

Employees waive the right to privacy in anything they create, store, send or receive on WCCTAC's computer. The Executive Director or designee, reserves the right, without limitation, to review e-mail sent and received by employees.

No employee shall read e-mail received by another employee when there is not a business purpose for doing so. No employee shall send e-mail under another employee's name without authorization. No employee shall change any portion of a previously sent e-mail message without authorization.

Employees should be aware that even when a message has been deleted, it still may be possible to retrieve it from a back-up system. Therefore, employees should not rely on the deletion of messages to assume a message has remained private.

Access

Access to WCCTAC e-mail services is a privilege that may be restricted or removed by WCCTAC prior to notice and without consent of the employee. Supervisors or management may access an employee's e-mail, when necessary for the WCCTAC's business purposes, or as otherwise authorized by the Executive Director or designee. The agency reserves the right to disclose any electronic mail messages to law enforcement officials without prior notice to any employee who may have sent or received such messages.

Separation From Employment

Employees separated from WCCTAC employment have no right to the contents of their e-mail messages and are not allowed access to the e-mail system.

Violation

Employees should notify their immediate supervisor, or any member of management upon learning of a violation of this policy. Employees who violate this policy may be subject to disciplinary action, up to and including dismissal.

INTERNET USAGE ADMINISTRATIVE POLICY

Purpose

The purpose of this policy is to provide guidance on employee Internet access to global electronic information resources on the World Wide Web.

Administrative Access and Use of the Internet

All Internet data that are composed, transmitted, or received via WCCTAC's computer communications systems is considered to be part of the official records of WCCTAC, and as such, is subject to disclosure to law enforcement or other third parties to comply with legal requirements. Consequently, employees should always ensure that the business information contained in transmissions is accurate, appropriate, ethical and lawful.

Data that is composed, transmitted, accessed, or received via the Internet must not contain information that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

Abuse of the Internet access provided by WCCTAC in violation of law or WCCTAC policies may result in disciplinary action, up to and including dismissal. Employees may also be held personally liable for any violations of this policy.

Prohibited Activities

Prohibited activities include, but are not limited to the following:

- A. Discriminatory, harassing, or threatening messages or images.
- B. Using WCCTAC's time for personal gain.
- C. Stealing, using, or disclosing a code or password without authorization.
- D. Copying, pirating, or downloading software and electronic files without permission.
- E. Sending or posting confidential items or proprietary information outside of the organization.
- F. Violation of copyright law.
- G. Failure to observe licensing agreements.
- H. Engagement in unauthorized transactions that incur a cost to the Agency.
- I. Initiation of unwanted Internet services and transmissions.
- J. Sending or posting material that could damage WCCTAC's image and/or reputation.
- K. Participating in the viewing or exchange of pornography or obscene materials.
- L. Sending or posting messages that defame or slander other individuals.
- M. Refusing to cooperate with a security investigation.
- N. Attempting to break into the computer system of another organization or person.
- O. Sending or posting chain letters, solicitations, or advertisements not related to business.
- P. Using the Internet for political, religious or gambling activities.
- Q. Jeopardizing the security of WCCTAC's ~~or the City of San Pablo's~~ electronic communication systems.
- R. Disparage another organization's electronic communications systems.
- S. Passing off personal views as representing those of the organization.

- T. Sending anonymous e-mail messages.
- U. Engaging in any other illegal activities.

Browsing

Authorized employees may use the Internet to stay current on career related topics, to improve their knowledge and skills, and to communicate with experts, peers or other resources. WCCTAC encourages authorized users to access the Internet during normal business hours, when direct work-related benefits can accrue. WCCTAC computer systems are for WCCTAC use and not for personal use. During non-working hours, however, the requirement that Internet access be work related is somewhat relaxed. Because Internet access service is paid for on a fixed cost basis and is therefore not usage sensitive, users are permitted to use this capability for non-work related activities in order to build their network search and retrieval skills.

WCCTAC promotes the utilization of services available through the Internet in order to acquire information which will enable employees to achieve WCCTAC goals. WCCTAC encourages employees to develop strong Internet user skills and knowledge. Employees are encouraged to use the Internet to improve their job knowledge, access information on topics which have relevance to WCCTAC, and to communicate with their peers in other governmental agencies, academia and industry.

In order to achieve these results, WCCTAC users are permitted to engage in the following activities:

- Access to job-related information during regular work hours to meet job requirements.
- Access non-job-related text and graphics information during personal time, in WCCTAC facilities, using WCCTAC equipment to develop or enhance Internet-related skills. It is expected that these skills will be used to improve work.

Authorized Internet users are not permitted to engage in the following activities either during working or non-working hours, using WCCTAC equipment or facilities, or when using a WCCTAC address:

- Access, retrieve, or print text and graphic information which exceeds the bounds of generally accepted standard, good taste and ethics.
- In any way bring discredit to WCCTAC.
- Compromise the security of any government host computer.
- Disclose or share Host login passwords with others.

No person may use WCCTAC computer resources for any illegal or unauthorized act. In particular, individuals may not use WCCTAC computing resources to violate any state or federal laws or any regulation of WCCTAC including, but not limited, to any laws or regulations governing the creation, dissemination or possession of pornography or other illegal

documents or images, the possession or use of programs, files or instructions for violating system security; and the violation of copyright law.

Separation from Employment

Employees separated from WCCTAC employment have no right to WCCTAC computer network or usage of the Internet via a WCCTAC-paid account.

Violations

Violations of this policy may result in restriction on access to such technology. In addition, employees found to have violated any provision of this policy shall be subject to appropriate disciplinary action, up to and including dismissal.

CONFLICT OF INTEREST AND USE OF FUNDS

Employees are expected to use good judgment, to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of the Agency. A conflict of interest exists when the employee's loyalties or actions are divided between the WCCTAC's interests and those of another. Both the fact and the appearance of a conflict of interest should be avoided. Employees unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with their supervisor or the Executive Director for clarification.

While it is not feasible to describe all possible conflicts of interest that could develop, some of the more common conflicts that employees should avoid include the following:

- A. Using proprietary or confidential WCCTAC information for personal gain or to WCCTAC's detriment;
- B. Having a direct or indirect financial interest in or relationship with a supplier;
- C. Using WCCTAC property or labor for personal use;
- D. Acquiring an interest in property or assets of any kind for the purpose of selling or leasing it to WCCTAC; or
- E. Committing WCCTAC to give its financial or other support to any outside activity or organization.

If an employee or someone with whom an employee has a close relationship (e.g. a family member or close companion) has a financial or employment relationship with any of the WCCTAC member agencies, contractor, supplier, or potential contractor or supplier, the employee must disclose this fact in writing to the Executive Director. Employees should be aware that if they enter into a personal relationship with a subordinate employee or with an employee of a WCCTAC member agency, contractor, or supplier, a conflict of interest may exist, which requires full disclosure to the Executive Director. Employees shall not:

1. Acquire any direct or indirect interest in any Agency project and/or program or in any property included or planned to be included in any project and/or program; or
2. Have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with a WCCTAC project and/or program.

No officer, employee, or consultant employed by the Agency shall be involved in any manner in the making of decisions that shall result in:

1. Material benefits to his/her personal financial position; or
2. Preferential treatment of his/her friends or relatives, or be involved in the process leading to the placement or maintenance of family or friends on any WCCTAC program.

WCCTAC staff may be required to submit Form 700 disclosures each year, if applicable.

NEPOTISM

Given the small size of the staff, it is the Agency's policy not to employ persons related by blood, adoption, current marriage, or joint living arrangement, to each other or to any member of the Board or the TAC.

In the event that such a relationship develops after employment, one of the related individuals must be separated from the Agency within three months. The choice of which individual shall terminate may be made by the relatives involved, or in the event they are unable or unwilling to choose, by the Executive Director.

For the purposes of this policy, relative shall mean spouse, domestic partner, son, daughter, brother, sister, mother, father, aunt, uncle, niece, nephew, grandchild, grandparent. Also included within the scope of this policy are foster, step and half-relationships and roommates.

GIFTS AND GRATUITIES

No employee of the Agency shall solicit any gift or gratuity; nor shall any employee accept an unsolicited gift of a value that is inconsistent with FPPC guidelines. more than nominal value (Twenty Dollars [\$20.00] or less) in his/her capacity as an Agency employee.

VIOLENCE IN THE WORKPLACE

Acts of violence, whether threatened, gestured or carried out will not be tolerated at the WCCTAC workplace. Anyone witnessing or becoming the subject or victim of such behavior

shall immediately report it to the proper authorities for investigation. Minimizing the threat of violence is a duty of all employees to ensure a safe workplace.

It is the responsibility of all employees to notify a supervisor or the Executive Director immediately of any violent act or a threat, or if a violent act or threat against themselves or any other WCCTAC employee occurs in the workplace or is directly associated with their employment with the Agency. Notification may be made to any of these persons as appropriate and shall be as soon as practicable. Employees may also call the Police directly if the situation warrants such action. Retaliation or the threat of retaliation against a person who reports such an incident will not be tolerated. The Agency will take appropriate action, up to and including dismissal, against employees who violate this policy.

DRUG-FREE WORKPLACE

The Agency has an ongoing commitment to a safe and healthy workplace and maintains a drug-free workplace policy. All employees and contractors of the Agency are required to understand and comply with WCCTAC's drug-free workplace policy. Any failure to comply with this policy may result in disciplinary action up to and including dismissal. Employees either on ~~City of San Pablo~~ WCCTAC premises or while conducting WCCTAC business, regardless of location, are prohibited from:

- A. Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation or dispensation of any controlled substance.
- B. Reporting to work while under the influence of alcohol or a controlled substance.
- C. Use, possession, purchase, sale, manufacture, distribution, transportation or dispensation of any legal prescription drug in an illegal manner.
- D. Reporting to work while impaired by the use of a legal drug whenever such impairment might substantially interfere with job performance or pose a threat to the employee's safety or the safety of others, or risk significant damage to WCCTAC ~~or City of San Pablo~~ property.

Employees must, as a condition of employment, report any arrest or conviction under a criminal drug statute for violations occurring on ~~the City of San Pablo~~ WCCTAC premises or while conducting WCCTAC business. A written report of a conviction must be made to the Executive Director within five days of the conviction.

Employees who violate this policy may be subject to discipline up to and including dismissal. Any employee who is not terminated may be required to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program as a condition of employment.

The Agency may require an employee to take a drug and/or alcohol test upon reasonable suspicion that the employee is under the influence in violation of this policy. Test results are confidential for Agency use only on a "need to know" basis, unless the employee otherwise consents.

DRESS CODE

Employees are expected to report to work well-groomed, clean, and dressed appropriately for the job they are performing. Dress and appearance must be appropriate to the work setting, particularly if the employee deals with the public and during Board and TAC meetings.

103. BENEFITS

Following is a summary of benefits for the following job classifications:

- Executive Director (ED), unless otherwise determined directly by the Board;
- Project Manager (PM);
- Transportation Demand Management Program Manager (TDM PM); and
- Administrative Assistant
- ~~Administrative Analyst/Office Manager (AA/OM); and~~
- ~~Administrative Clerk (AC).~~

The benefits apply to all of the above employment classifications unless otherwise noted. Prorated benefits for part-time staff are indicated with a *. ~~Administration of most of the benefits are handled by the City of San Pablo, and may be subject the City's rules and regulations.~~

HEALTH BENEFITS

Medical

WCCTAC participates in the PERS Health Benefits Program ~~through the City of San Pablo~~. For all employees hired before January 28, 2009, WCCTAC pays 100% of premiums of the PERS medical plan chosen by the employee at the appropriate level of coverage. For employees hired on or after January 28, 2009, WCCTAC pays up to a maximum amount equivalent to the Kaiser plan rate for the San Francisco Bay Area for the appropriate level of coverage.

~~Employees receiving medical coverage from another source may elect to contribute the equivalent of 50% of the Kaiser premium for the appropriate level of coverage into an existing Deferred Compensation Plan or to receive it in cash.~~

Dental

WCCTAC participates in the Delta Dental Plan of California ~~through the City of San Pablo~~. WCCTAC pays 100% of premiums for the employee and eligible dependent family members, which include a 50/50 orthodontia plan for children only with \$3,000 maximum.

Vision/Co-Pay Rebate Program

WCCTAC contributes \$425 per year to the Flexible Benefits Plan for receipted physician, hospital, prescription co-payments, deductibles, vision and dental expenses.

Employee Assistance Program	WCCTAC participates in an Employee Assistance Program through the City of San Pablo . The program is limited to a maximum of eight (8) counseling sessions per incident for employee and eligible family members.
Disability Insurance	WCCTAC pays 100% of the premium for a long-term disability insurance policy for employees who work at least thirty (30) hours per week. After an elimination period of thirty (30) days, the benefit is 66 2/3% of the employee's pre-disability earnings. Employees may integrate vacation with the long-term disability benefit.

LEAVE BENEFITS & HOLIDAYS

Vacation*	<p>Ten (10) days per year for the first three (3) years of service, fifteen (15) days per year for the next seven (7) years of service, twenty (20) days per year for the next five (5) years of service, and one (1) additional day per year of service thereafter, up to a maximum of thirty (30) days per year. One day is equivalent to 7.5 hours.</p> <p>Employee must complete six (6) month of service to be eligible.</p> <p>Employee may carry a vacation balance of up to a maximum of two years worth of accruals. Thereafter, vacation shall no longer accrue until the balance is below the maximum.</p>
Administrative Leave*	<p>PM and TDM PM—67.5 hours per fiscal year <u>for Non-Exempt Employees</u> AA/OM—45 hours per fiscal year</p> <p>Credited on July 1 of each year. For new employees, the number of days will prorated based on the date of hire for the first year of employment. Any unused balance as of midnight on June 30 the following year is forfeited.</p> <p>PM and TDM PM only—Up to 37.5 hours of accrued leave may be cashed out if <u>Executive Director and</u> the City of San Pablo Finance Department <u>are is</u> notified by June 1 of the fiscal year.</p>

Sick Leave*	One (1) day per month. One day is equivalent to 7.5 hours. <u>Sick leave may be used for illnesses, medical or dental appointments, family care, and mental health purposes.</u>
Family Care Leave/ Pregnancy Leave	Provided in compliance and in accordance with the Federal Family and Medical Leave Act of 1993 (FMLA), the California Family Rights Act of 1993 (CFRA), and the California Pregnancy Disability Leave.
Bereavement Leave	Up to four (4) days, or five (5) days if travel out of state or in excess of four hundred (400 miles) is required, upon death of an immediate family member, including spouse or domestic partner, children/stepchildren, parents, siblings, grandparents, parents-in-law, siblings-in-law, and grandchildren.
Holidays	Thirteen (13) days per year as follows: <ul style="list-style-type: none"> ▪ New Year's Day – Jan. 1 ▪ Martin Luther King, Jr. Birthday – 3rd Mon. in Jan. ▪ President's Day – 3rd Mon. in Feb. ▪ Memorial Day – Last Mon. in May ▪ Independence Day – July 4 ▪ Labor Day – 1st Mon. in Sept. ▪ Columbus Day – 2nd Mon. in Oct. ▪ Veterans' Day – Nov. 11 ▪ Thanksgiving Day – 4th Thu. in Nov. ▪ Day after Thanksgiving Day ▪ Day before Christmas Day – Dec. 24 ▪ Christmas Day – Dec. 25 ▪ New Year's Eve Day – Dec. 31
Floating Holiday*	One (1) floating holiday of 7.5 hours shall be credited to accumulated vacation time on each July 1.

RETIREMENT AND SURVIVOR BENEFITS

Pension	WCCTAC provides retirement and survivor benefits through the City of San Pablo, through their contract with the California Public Employees' Retirement System (PERS). The City is a member of PERS Risk Pool 3 for the Local Miscellaneous group with the 2.5% at 55 benefit formula.
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Classic PERS member eEmployees are required to pay 3.3% of employee cost; the rest is paid for by WCCTAC on behalf of the employee. Employees who are not defined as classic members under the California Public Employees' Pension Reform Act (PEPRA), are required to contribute at least 50 percent of the total normal cost rate for their defined benefit plan.

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~~Several additional benefits accrue as a result of the City's risk pool membership including, but not limited to: Credit for Unused Sick Leave, Public Service Credit for Peace Corps, Military Service Credit as Public Service, Public Service Credit for Service Rendered to a Nonprofit Corporation, and Pre-Retirement Optional Settlement 2 Death Benefit.~~

~~The City has also contracted for the One Year Final Compensation optional benefit.~~

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Monthly Supplemental Allowance for Retirees

Full-time PM and TDM PM only – WCCTAC agrees to provide \$135 monthly supplemental allowance to employees who retire under service retirement as regulated by PERS, and who have served WCCTAC for at least 15 consecutive years immediately prior to retirement. WCCTAC agrees to pay the allowance to the retiree until any of the following conditions occur:

- Retiree receives medical coverage from another source; or
- Retiree is eligible for participation in the Medicare Program; or
- Retiree reaches the age of sixty-five; or
- Retiree dies.

Deferred Compensation Program

WCCTAC participates in the 457 Deferred Compensation Program ~~through the City of San Pablo~~, through their contract with PERS. The program allows employees to save for retirement by electing to make pre-tax payroll contributions.

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ADDITIONAL BENEFITS

Flexible Benefits Plan

WCCTAC participates in a Flexible Benefits Plan through the City of San Pablo. Employees may elect pre-tax payroll deductions for the reimbursement of eligible healthcare, transportation, and dependent care costs.

Life ~~and other~~
Insurance

WCCTAC pays 100% of the premiums for a sixty thousand dollar (\$60,000) life insurance policy for the employee. WCCTAC also pays premiums for short term disability, long-term disability, and accidental death and dismemberment coverage. At the employee's expense, additional life, dependent life, and supplemental life insurance coverage for the employee and eligible dependents is also available through the same carrier.

Education Incentive*

WCCTAC will pay up to ~~\$3,000 the maximum listed below~~ as an incentive for employees to further their education in order to improve their job performance. Subject to the Executive Director's approval, eligible educational expenses include tuition, special fees, books, and supplies.

~~PM and TDM PM—\$4,000 per year~~

~~AA/OM and AC—\$1,000 per year~~

Employee must complete six (6) months of service to be eligible.

This benefit does not accrue on a cumulative basis and has no cash value upon separation from employment.

Alternative Work Hour
Program

Upon discussion with and approval of the Executive Director, the employee's work days/times may be adjusted to allow for an alternative work schedule. Additionally, as work projects allow, as determined by the Executive Director, the employee may be allowed to telecommute.

Severance Pay

Any employee subject to lay-off pursuant to ~~Chapter Section~~ 109 of this Personnel Manual will receive severance pay in one lump sum in an amount equal to three (3) months gross salary. Other circumstances in which employment is terminated may, at the Executive Director's discretion, warrant the payment of severance pay in an amount not to exceed three (3) months gross salary.

104. EEO, ACCOMMODATION, HARASSMENT, & WHISTLEBLOWER POLICIES

EQUAL EMPLOYMENT OPPORTUNITY

WCCTAC is committed to providing equal employment opportunity. This policy applies to all applicants for employment and to employees without regard to race, religion, color, creed, national origin, ancestry, gender, sexual orientation, age, disability, medical condition including AIDS/HIV, marital status, domestic partnership, height, weight, veteran status or any other classification protected by applicable local, state or federal employment discrimination laws. This policy applies to all aspects of employment, including, but not limited to, hiring, job assignment, compensation, promotion, benefits, training and termination.

DISABILITY ACCOMMODATION

In accordance with applicable federal and state law protecting qualified individuals with known disabilities, WCCTAC will attempt to accommodate applicants or employees with disabilities unless doing so would create an undue hardship on the Agency. Any qualified applicant or employee with a disability who requires accommodation in order to perform the essential functions of his/her position or desired position should contact the Executive Director and request such accommodation.

HARASSMENT AND NONDISCRIMINATION

WCCTAC is committed to providing a work environment free of unlawful discrimination and harassment of every type. In keeping with this commitment, the Agency maintains a policy prohibiting unlawful discrimination and harassment, including harassment and discrimination based on sex, gender, gender identity, pregnancy, childbirth or related medical condition, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, domestic partnership, age, sexual orientation, or any other basis protected by federal, state or local law or ordinance or regulation, whether verbal, non-verbal, visual or physical. This anti-harassment non-discrimination policy applies to all agents and employees of the Agency and extends to vendors, independent contractors, and others doing business with the Agency. This policy also prohibits retaliation of any kind against individuals who file valid complaints or who assist in an Agency investigation.

Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where either (1) submission to such conduct is made an explicit or implicit term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Prohibited Acts: Prohibited unlawful discrimination and harassment may take many forms including:

- A. VERBAL CONDUCT such as sexual, racial or ethnic innuendos, suggestive comments, invitations, comments, insults, humor, slurs, derogatory “jokes,” and threats.
- B. NON-VERBAL HARASSMENT such as suggestive or insulting sounds, leering, whistling, or similar conduct.
- C. VISUAL CONDUCT such as derogatory posters, photography, cartoons, drawings, graffiti, slogans, obscene gestures or other visually observable material.
- D. PHYSICAL CONDUCT such as assault, unwanted touching, pinching, blocking normal movement, brushing the body, or destroying the property of any person because of sex, race or other protected basis.
- E. UNWELCOME SEXUAL ADVANCES, requests for sexual favors, and the threatening, either explicitly or implicitly, of any adverse action because of an employee’s refusal to submit to sexual advances.
- F. RETALIATION for having reported or threatened to report harassment.

The Agency specifically prohibits any of the behaviors outlined in this policy and any similar conduct. The fact that the person who engaged in the improper behavior did not intend the behavior to be sexual, racial or some other form of prohibited harassment or discrimination may not be considered a defense.

Discrimination and Harassment Complaint Procedures: Any employee who believes he or she has been unlawfully harassed or discriminated against or who has witnessed such conduct directed toward another employee should promptly report it orally or in writing to his/her supervisor or the Executive Director. Complaints involving the immediate supervisor may be reported directly to the Executive Director. Complaints involving the Executive Director may be reported to the WCCTAC Board. The complaining employee should provide details of the incident or incidents, names of individuals involved and names of any witnesses. Supervisors should immediately report any complaints of harassment or discrimination to the Executive Director.

The Agency will promptly undertake an effective, thorough and objective investigation of the alleged discrimination or harassment. If the Agency determines that unlawful harassment or discrimination has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Agency to be responsible for unlawful harassment or discrimination will be subject to appropriate action, up to and including dismissal. The investigation will be completed and a determination regarding the reported conduct will be made. The outcome will be communicated to the employee who complained and to the accused harasser(s).

The Agency will not retaliate against employees for filing a complaint and/or participating in an investigation and will not tolerate or permit retaliation by management, employees or co-workers. The Agency encourages all employees to report any incidents of possible harassment or discrimination immediately so that complaints can be quickly and fairly resolved.

Employees should also be aware that the federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment and discrimination in employment. Employees who think

they have been harassed, discriminated against or retaliated against for resisting or complaining, may file a complaint with the Agency as set forth above and/or with the appropriate agency.

Liability for Harassment: Any employee of WCCTAC, whether a coworker or supervisor, who is found to have engaged in prohibited harassment or discrimination is subject to appropriate action, up to and including dismissal. Any WCCTAC employee who engages in prohibited harassment may be held personally liable for monetary damages.

NO RETALIATION AGAINST WHISTLEBLOWERS

No employee of WCCTAC shall be subject to retaliation for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of noncompliance with a state or federal rule or regulation, except as otherwise permitted by law.

105. PAY PLAN

The Agency maintains a pay plan which includes the pay plan policies, job descriptions, and pay ranges with salary steps covering all non-management employees. Each authorized position is assigned to a salary range consisting of a number of salary steps and specifying the minimum and maximum rates applicable. The salary schedule is approved by resolution on an annual basis prior to July 1.

PAY PLAN ADMINISTRATION

Job Descriptions: To develop and maintain the pay plan, the Agency will maintain current job descriptions.

Job descriptions follow a standardized format to include reporting relationships, the substantive duties and accountabilities of the position, general educational and experience level required for satisfactory performance, personal qualifications and knowledge which would be beneficial to an incumbent, and other pertinent data about the position.

In the event a new staff position is requested, the Executive Director will prepare a written job description, research and attach a proposed salary range, and submit the material to the Board for review. The Board must formally approve any new position before recruiting may commence.

Pay Range Review: The Board shall review the existing pay plan rate ranges ~~every three years, or more frequently if deemed necessary~~ periodically, and continue or amend them by resolution.

In reviewing pay rates, the Board may have staff undertake pay studies ~~and submit recommendations~~ or contract with ~~the City's Personnel Officer or~~ outside consultants to perform such services. In arriving at salary ranges, consideration shall be given to prevailing rates of pay for comparable work in similar agencies in the Bay Area, ~~and for administrative positions in the City of San Pablo.~~

The Board follows the same procedure to establish a pay rate when a new position is created or a significant change occurs in an existing position.

Pay Range Limits: No position shall be assigned, nor granted an advancement, to a salary higher than the maximum of the range. Nor shall anyone be employed at a rate lower than the minimum salary provided for that class or position.

Time Frame: For ease of budgeting and administration, the Agency pay plan is administered on a Fiscal Anniversary Year. The Fiscal Anniversary Year is the Agency's fiscal year, how does

Full-Time Schedule: Full-time salaries are based on a thirty seven and one-half (37.5) hour work week (1,950 hours for a fifty-two week work year). No authorization for a shorter work week may be made without a directly proportionate decrease in compensation. Part-time employees are paid on an hourly basis.

Records: The Executive Director shall maintain ongoing permanent records of the job descriptions, performance evaluations, and salary actions affecting each Agency employee.

STEP ADVANCEMENT

A Step Advancement is a salary increase of one or more steps.

Advancement is not automatic, but shall depend on increased service value of an employee to the Agency as exemplified by performance evaluations, length of service, employment record, special training undertaken, and other pertinent evidence.

Advancement shall not be denied arbitrarily or capriciously. Denial of advancement, presuming the employee is not at the top of the salary range, shall be subject to the Grievance Policy.

Step Advancements are normally effective on the first day of the Fiscal Anniversary Year (July 1). However, step increases may be delayed if:

- The employee has been absent on unpaid leave of absence for thirty (30) calendar days or
- The employee received a ~~substandard~~ performance appraisal that was not consistent with immediate advancement.

New employees hired between July 1 and January 31, who perform satisfactorily, may expect to advance to a higher salary step on the next Fiscal Anniversary Date. New employees hired after February 1 will normally be expected to remain at the same rate until the next following Fiscal Anniversary Date (thirteen to seventeen months). The hiring rate may accommodate for the delayed step advance.

The normal step advancement is one step. However, to correct gross inequities or reward outstanding achievement or performance, the Board may authorize a step advancement of more than one step.

PERFORMANCE EVALUATION

It is Agency policy that regular reports be made on all employees regarding efficiency, competency, conduct, and merit. A documented ~~Written~~ performance evaluation shall be rendered at least annually for all regular employees and may be conducted more frequently at the request of the supervisor or the Executive Director. A ~~written~~ documented evaluation is required prior to any step advancement.

The performance evaluation ~~(PE) form~~ includes an employee self-assessment, the supervisor's evaluation, an agreed-upon work plan, and a performance improvement work plan, if necessary. ~~The employee completes the self-assessment section and submits it to the supervisor. The employee's supervisor then completes the remainder of the evaluation form and discusses it with the employee.~~ The employee is asked to sign the evaluation to acknowledge having reviewed it; the signature does not imply agreement with the evaluation.

PAY RATES

Hiring Rate: The first step of the range is the minimum rate and shall normally be the hiring rate for the class. In cases where it is difficult to secure qualified personnel or a person of unusual qualification is engaged, the Board may choose to employ at a higher step.

Promotion: The employee being promoted shall start at the step which has a pay rate at least five percent (5%) above the pay received prior to promotion. Or, if 5% is not warranted, a step of 3% or 4% may be awarded (a mid-step increase). Promotions can occur at any time in the year.

For the purpose of determining the next step advancement date, the Agency will follow the timing procedure established for new hires (see above).

The minimum salary increase for a promotion is between three percent (3%) and five percent (5%). A larger increase may be authorized to bring the employee to the minimum of the new range or to meet the needs of the Agency.

Reclassification is a change in an existing position resulting in its being allocated to a higher or lower salary range.

Reclassification does not usually involve a salary change unless the employee is below the minimum for the new range, in which case he/she is increased to that minimum.

If, after the reclassification, an employee's salary is at or above the new range maximum, his/her salary is frozen until such time as there is room in the range for normal step advancement. (See Pay Range Change below.)

Temporary Promotion: If an employee is asked to temporarily perform the duties of a higher level position for one month or longer, the employee will receive a salary adjustment of at least five percent (5%) or the minimum of the higher class for the total time of the higher level service. No salary change will apply for service of less than one month.

Pay Range Change: In the normal course of maintaining the Pay Plan, the Agency periodically studies existing pay ranges and adopts changes necessary to meet current conditions.

If the pay range for a position is revised downward the employee may retain his/her present rate with time credit for normal step advancement. However, if the employee's salary on the

revised salary schedule is at or above the new range maximum, the employee's salary is frozen until such time as there is room in the range for normal step advancement.

If pay ranges are revised upward, an affected employee will have his/her pay adjusted to the pay rate of the same relative step in the revised salary range.

Range changes do not affect employees' accumulated time credit for step advancement.

106. EMPLOYMENT

EMPLOYMENT ELIGIBILITY POLICY

Employment shall be open to all persons who meet the minimum qualifications for a particular position and who are legally entitled to work permanently in the United States.

POSITION AUTHORIZATION

All newly created or substantially altered positions must be authorized by the WCCTAC Board.

VACANCIES

In the event of an actual or anticipated vacancy in an authorized position, the ~~following actions are normally taken:~~

~~The position's supervisor prepares an updated position description including the nature and duties of the position, minimum qualifications, and preparation desirable for satisfactory performance. The supervisor attaches a memo which summarizes the need for filling the vacancy, highlights any changes needed in the position, specifies the anticipated time line to fill the opening, and includes any other information which may be pertinent to the process.~~

~~The~~ Executive Director determines whether the vacancy is to be filled and if any substantial changes in the position or the assigned salary range are required. (If such changes are needed the position must be re-authorized by the Board.)

RECRUITMENT AND SELECTION

In general, the following process is followed:

1. Notice of the vacancy with the job description, salary range, application procedure and deadline, are distributed to Board and TAC members for circulation in their respective agencies. Advertisements of the vacancy may also be placed in local newspapers, listservs, and online job boards and website if appropriate.
2. Resumes received by the deadline are reviewed by the Executive Director and at least the top two candidates are invited to appear for a personal interview.
3. The Executive Director or designee assembles an oral interview panel of three to five members. The panel must include the Executive Director and the supervisor for the position to be filled, if different from the Executive Director, at least one TAC member, and other interviewers as appropriate.

4. The supervisor for the position to be filled develops a standardized questionnaire for all interviewees. The questions are designed to allow the interviewers an opportunity to explore in detail the candidate's qualifications for the position. And the questions are standardized so as to allow a fair evaluation across all candidates.
5. Following the interview process, the Executive Director works with the interview panel to reach a consensus on the relative ranking of the candidates. Based on this review, the Executive Director selects the candidate who seems most qualified; and requests and checks the candidate's references; and requests the candidate ~~to fill out a City of San Pablo employment application form,~~ provide all data necessary for WCCTAC the City of San Pablo to conduct a background check, and submit to a physical exam.
6. The Executive Director makes to the top candidate a job offer that is contingent on verification that the candidate selected is eligible for employment and has a satisfactory work history for the position. The Executive Director will negotiate with the top candidate as necessary and appropriate.
7. Upon the candidate's acceptance and verification of satisfactory background check and physical exam, the Executive Director informs all other the candidates who were eliminated that another applicant has been selected.
8. If the process fails to yield a suitable candidate, additional applicants may be interviewed or the Executive Director may elect to reopen the recruitment process to develop a new pool of candidates.

If required, the Executive Director is free to use a temporary agency to fill a vacancy until a regular appointment can be made.

A temporary employee providing outstanding service in the position for two months or longer may be considered the single candidate for the position, if references are positive, and if the temporary employee desires regular employment.

Clerical positions may be filled by interviewing with WCCTAC staff, and not by an oral interview panel.

EMPLOYMENT

New employees of WCCTAC are processed through the City of San Pablo ~~Human Resources Department for some pre-employment procedures, payroll, and most benefit and certain other purposes; and are thus subject to the City's administrative rules and requirements.~~ While the City of San Pablo ~~Human Resources Department~~ may advise WCCTAC on personnel issues, WCCTAC personnel policies prevail in all other areas outside of the administration of specific ~~pre-employment City procedures, payroll, and certain benefits.~~

Federal immigration laws require an employer to verify the identity of all new employees and their eligibility to work in the United States. At the time of employment, the candidate must provide satisfactory documentation of identity, and attest to his/her eligibility to work, on a federal I-9 Form. ~~The City of San Pablo Human Resources Department ensures that T~~the federal form ~~is~~ must be completed (along with other required employment forms) within three days of employment.

Written notice of the job appointment will be given to the appointee, and copies will be filed with the employee's personnel file and the City of San Pablo's ~~Human Resources and~~ Finance Departments. The term and conditions of the appointment will be listed in the appointment letter.

New WCCTAC employees are provided with a copy of the WCCTAC Personnel Policies Manual and asked to sign the Acknowledgment Form. In the event a personnel policy is revised, all employees will be provided a copy of the revised policy for inclusion in their manual.

107. LEAVE OF ABSENCE

POLICY

An employee shall be entitled to a *paid* leave of absence presuming he/she meets the criteria for such leave. With the exception of maternity, military, and workers' compensation leave, an employee is not *entitled* to an unpaid leave of absence as a matter of right, but, upon written request, may be granted such leave without pay for good and sufficient reason where such absence will not be contrary to the best interest of the Agency.

Definition: A leave of absence is a temporary absence from work of one day or more for reasons other than paid vacation, paid short-term illness, or paid administrative time off. An individual on authorized leave of absence does not forfeit employee status or benefits.

Leaves of absence are to be coordinated with sick leave, short- and long-term disability, vacation and other benefits in an effort to minimize the impact of the leave for both the employee and the Agency. Depending on the type of leave requested, the Agency may require that accrued vacation, administrative leave, or sick time be used prior to the authorization of unpaid leave.

Leaves of absence may be either paid or unpaid depending on the specific type of leave involved and the amount of paid leave time accumulated.

Authorized leaves of absence shall not be construed as breaks-in-service. Rights accrued at the time a leave is granted shall be retained by the employee. However, vacation credits, sick leave credits, holidays, health and retirement benefits, normal salary advancement and similar benefits do not accrue during the period of unpaid absence.

No unpaid leave of absence, or combination of unpaid leaves (such as maternity plus personal), may be approved which will result in a cumulative absence in excess of six (6) consecutive months.

UNAUTHORIZED LEAVE

Unauthorized leaves are absences on regular work days, or portions thereof, which are not approved and which may cause the deduction from the employee's pay of an amount equivalent to the time absent.

Any employee absent from his/her position for more than five (5) work days without supervisory permission is considered to have automatically terminated his/her employment with the Agency.

Such termination shall be final unless, within seven (7) days, the employee furnishes satisfactory proof of an emergency which precluded obtaining prior permission for the absence.

TYPES OF LEAVES

For purpose of this policy, leaves of absence are divided into two categories:

General Leave: Leaves unrelated to a health condition of the employee or the employee's family. Includes Bereavement, Military, Educational, Jury Duty, and Personal. Paid sick time or medical leave and disability benefits are not applicable to absences in the General Leave category.

Medical Leave: A leave directly related to health and family care needs. Includes all medical and family care leave without pay; an employee's paid sick time off work where the health condition requires a continuous absence of six (6) or more work days; absences qualifying for workers' compensation benefits.

GENERAL LEAVES OF ABSENCE

An authorized temporary absence from work for non-health related reasons. Employees are entitled to leaves designated as Paid under this policy:

Bereavement Leave (Paid): Up to four (4) (or five (5) depending upon certain circumstances) continuous days off with pay will be granted to a regular employee to attend the funeral or to settle affairs related to the death of an immediate family member.

For purposes of this policy, immediate family shall mean spouse, son, daughter, sister, brother, grandchild, parent, grandparent, foster or adopted relative, in-law, step or half-relatives, or other person living in the employee's household.

Additional time off, without pay, if needed may be requested under the Personal Leave section of this policy.

Temporary employees are not eligible for paid bereavement benefits; however, in the event of a death of a close family member, such employees may be granted appropriate unpaid time off whenever possible.

Jury Duty (Paid): Regular employees required to report for jury duty shall be granted leave for such purpose, up to a maximum of thirty (30) calendar days per fiscal year, upon presentation of official jury notice to his/her supervisor. Any time served on a jury beyond the thirty-day limit shall be without pay and subject to approval of the Agency as a Personal Leave.

Regular employees shall receive full pay for the time served on a jury up to thirty (30) calendar days, provided the employee remits to the Agency all fees for such duties as soon as received. Compensation for mileage or subsistence allowances shall not be considered as fees and shall be retained by the employee.

The employee is required to report for work on those days, or parts of days, when excused from jury duty or when the hours of jury duty do not conflict with his/her scheduled work assignments.

A regular employee required by law to appear in court as a witness in a non-work related matter may treat the time as jury duty under this policy. Appearance in court as a witness in a work-related matter is regular work time.

Temporary employees are not eligible for paid jury duty benefits. However, upon request, every effort will be made to rearrange work schedules so that a temporary employee can be excused from work to serve on a jury. Appearance in court as a witness in a work-related matter is regular work time.

Military Duty: Authorized leaves of absence for military duty shall be granted in accordance with the provisions of State law. An employee entitled to military leave shall give his/her supervisor an opportunity within the limits of the military regulations to determine when such leave shall be taken. Extensions beyond State law are to be determined by the Board. Notwithstanding other provisions of these policies, State law shall apply in determining benefits for those employees returning from an authorized leave of absence for military duty.

Personal Leave of Absence: An employee who has exhausted vacation and administrative leave benefits may request time off without pay for serious and sufficient reason, such as resolving the estate of a deceased relative or an overseas trip.

The Executive Director may authorize unpaid leaves of absence of up to three (3) months during any twelve (12) month period. Any leave of absence in excess of three (3) months must be approved by the Board.

MEDICAL LEAVES OF ABSENCE

Leaves of absence under this section address leaves related to an employee's personal health and leaves required by needs of the employee's family.

Medical Leave-Employee: A Medical Leave is a leave for the employee's personal health reasons in excess of six (6) work days. The determining factor on whether an absence is treated as short-term sick time or Medical Leave is not whether the absence is paid or not. Any absence due to an employee's ill health is paid if the employee has sick time benefits accrued, and unpaid if he/she does not.

An exception to this relates to absences covered by workers' compensation. An employee need not exhaust sick leave before workers' compensation payments apply. ~~For workers' compensation, the Agency conforms to City of San Pablo procedures.~~

The primary issue is the length of the leave. Health-related absences in excess of six (6) consecutive days for one condition are considered by the Agency to be more serious conditions.

If possible, such absences should be approved in advance. The employee will normally be asked to provide a fitness for work certificate from his/her personal physician before being permitted to return to work.

Maternity Leave: A maternity leave is essentially a Medical Leave with a few special provisions. It is the Agency's policy to approve maternity leaves in conformance with State law. ~~Maternity leave is administered in accordance with the procedures in effect for the City of San Pablo, except that the Agency~~ WCCTAC requires that accrued sick leave be exhausted before maternity leave without pay is approved.

Workers' Compensation: Whenever an employee of the Agency is disabled, temporarily or permanently, by injury or illness arising out of and in the course of employment, he/she shall be entitled to a Medical Leave while so disabled, up to the maximum leave authorized. An employee need not exhaust other types of leave to be eligible for Workers' Compensation leave and related Workers' Compensation payments. (Part-time employees receive Long-Term Disability and Workers' Compensation).

Family Care Leave: The Agency recognizes that an employee may need time off from work to meet pressing family care needs and will make every effort to accommodate such needs. However, the Agency staff is small, and no guarantees can be made as to the availability of specific amounts of leave time.

LEAVE ADMINISTRATION

An employee using *paid* leave time records it on his/her time sheet. *Unpaid leave* is authorized and approved on appropriate forms used by the Agency and retained as part of the employee's permanent personnel record.

SICK LEAVE SHARING FOR CATASTROPHIC ILLNESS OR INJURY

An employee may receive a catastrophic leave of absence of up to a total of 30 working days of donated sick leave in increments of 7 ½ or 8 hours (whichever is applicable) and to use donated sick leave days in the event of his/her own catastrophic illness or injury or that of a member of his/her immediate family. The purpose of catastrophic leave for an employee's own illness or injury is to bridge the gap between exhaustion of paid leave and the waiting period for short-term disability/long-term disability benefits. In the event catastrophic leave is used for a family member, it can be implemented only when an employee has exhausted all his/her own paid leave.

Donor/Recipient Qualifications: A catastrophic illness or injury is the inability of the employee or the employee's immediate family member, as established by WCCTAC policy (i.e. spouse, children, parents), to work, attend school, or perform other regular daily activities due to a life threatening illness or a severely incapacitating injury or illness, which will require the employee's absence for more than a one month period, either in a single increment of time, or in an aggregate one month over the course of several months.

Medical certification from a physician is required. If leave is for a family member, the medical certification must indicate that the employee's attendance is required to care or provide care to the ill or injured family member.

Only full-time employees who have completed at least six (6) months of service shall be eligible to participate in the program.

Requests for donations shall be made in writing, using the Application for Catastrophic Leave Form. The completed form must be submitted to the Office Manager who, upon verification of the illness or injury, shall submit the request to the Executive Director for approval.

The recipient must exhaust all available paid leave balances, prior to using catastrophic leave. When the physician's statement and leave balances indicate the probable exhaustion of balances within two (2) pay periods, the Executive Director may approve the solicitation and acceptance of leave donations prior to all balances being exhausted, so that time donated may be utilized immediately upon exhaustion of the employee's leave balance, but not before.

Catastrophic leave use shall not count toward completed pay periods for the annual step increase eligibility.

Donations: All donations of sick leave shall be in increments of 7 ½ or 8 hours (whichever is applicable) and shall be considered a gift.

Donations shall be limited to 5 days per donor.

Employees wishing to donate sick leave account accruals to the recipient employee must maintain at least ten (10) days of sick leave account accruals. Employees with less than ten (10) days of sick leave balance shall not be allowed to donate sick leave accruals.

Nothing in this policy shall be construed to modify the employment relationship between WCCTAC and the receiving employee, or to restrict WCCTAC's management rights. This section shall not modify existing WCCTAC rules, policies or agreements regarding unpaid leave of absence or family leave.

Donation of sick leave to a recipient employee shall not be ~~construed as sick leave used by the donor employee in the calculation of the excellent attendance bonus or~~ viewed upon as sick leave usage in any evaluation or disciplinary action.

Procedure: Employee participation in this program as a donor or recipient is voluntary. Under no circumstances shall any employee be pressured into participating by donating time from their sick leave bank. Employees may not solicit donations on their own behalf.

The employee shall submit an Application for Catastrophic Leave Form to WCCTAC Office Manager, for verification, who then forwards it to the Executive Director for review and approval. The Application shall include sufficient reasons why said leave qualifies as

catastrophic. It should also include medical certification from a physician that: confirms need for employee's own use; or medical certification that employee's attendance with the family member is required; and estimated date of return to work.

Upon approval of a request for donations, WCCTAC's Administrative Assistant ~~Office Manager~~ will, at the employee's request, post a notice of the eligible employee's need for donations via email.

Donors shall submit a signed and approved Catastrophic Leave Donation Form.

Donated days when used by the recipient will be paid at the recipient's current rate of pay and therefore will be considered taxable income.

WCCTAC may require periodic medical certification updates regarding the catastrophic illness and may require a fitness for duty certification prior to the employee returning to work.

This procedure will in no way limit WCCTAC's management rights to require modified duty.

Cancellation of Catastrophic Leave: Catastrophic leave, if granted, shall be terminated under the following conditions:

Employee has exhausted 30 working days of Catastrophic Leave of Absence.

Employee returns to full-time employment before exhausting the 30 working days of catastrophic leave and in this case any remaining balance will be returned on a prorated basis to employees who donated.

In the event of death of a family member before exhausting the 30 working days of catastrophic leave, any remaining balance will be returned on a prorated basis to employees who donated. The employee may thereafter use bereavement leave.

108. GRIEVANCE

GRIEVANCE POLICY AND PURPOSE

The grievance policy is established to provide WCCTAC employees with an orderly process for airing views related to an alleged unfair or improper aspect of employment, and for assuring prompt and fair discussion of the issues.

It shall be the Agency's policy to give careful consideration to any grievance submitted, regardless of apparent merit.

Use of the grievance procedure shall not reflect unfavorably upon the employee, the supervisor, or the Agency. Retaliatory or disciplinary action against a complainant shall be a violation of Agency policy.

GRIEVANCE DEFINITION

A grievance is any dispute or misunderstanding between the Agency and an employee concerning the effect, interpretation, application, claim, breach, or violation of any provisions of the WCCTAC Personnel Policies, administrative policies or matters, supervisory actions, and other terms and conditions of employment. Disciplinary actions and performance evaluation ratings are not subject to grievance.

GRIEVANCE PROCEDURE

The grievance must be initiated within fifteen (15) calendar days of the act(s) giving rise to the grievance, and must be submitted to the Executive Director.

Grievances must be in writing, signed by the affected employee(s) and contain the specific facts upon which they are based. If a rule or provision of law is alleged to have been violated, the grievance must cite the applicable rule or provision. Grievances that fail to include these elements may be rejected on that basis.

The Executive Director, or the Executive Director's designee, will review the grievance and shall serve a written response to the grievant. The Executive Director's decision shall be final.

No other grievance procedure may be used for matters within the scope of this grievance procedure.

Exhaustion of this grievance procedure is intended to provide an avenue for redress of complaints relating to these rules and personnel issues, and to give the Agency an opportunity to investigate the complaint and correct any problems before they become more serious.

GRIEVANCE ADMINISTRATION

Notice: The Executive Director shall insure that the complainant receives copies of all notices relevant to the grievance, including written notice of the Executive Director's final decision.

Records: The Executive Director shall maintain files in the WCCTAC office of all grievance correspondence and records.

EMPLOYEE REPORTING ~~LINE~~

Each employee of WCCTAC is considered a valuable member of the team. As such, it is the desire of WCCTAC to provide a safe and productive work environment. Certain acts of wrongdoing in the workplace should be reported as they may have an effect on all employees. These acts include harassment, discrimination, drug/alcohol abuse, theft, violence, misrepresentation of injury or workers' compensation claims, and other unsafe or unlawful acts.

All employees have an obligation to report workplace wrongdoing. Primarily, it is the employee's responsibility to report wrongdoing to the immediate supervisor. If this is not possible, or is undesirable, it is appropriate to follow the chain of command to the next level, and ultimately contact the Board Chair or Vice Chair, if necessary.

All complaints and reports of workplace wrongdoing should be brought to the attention of the individual who is responsible for taking corrective action. ~~To facilitate that, and with the understanding that in certain cases it would be inappropriate or undesirable to follow the chain of command, an alternative reporting mechanism has been established by the City of San Pablo that is available to WCCTAC employees—the Employee Reporting Line.~~

~~Instructions on how to use the Employee Reporting Line have been distributed to all employees and are available in the WCCTAC files. The instruction can also be accessed via the WCCTAC computer system at N:\DEPARTMENTS\GEN GOV\HUMAN RESOURCES\ERLine.doc.~~

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109. TERMINATION/SEPARATION

TERMINATION

Termination of employment can occur for various reasons. Eligibility for rehire depends on the availability of an open position and reason for original separation.

Full-time employees leaving the Agency shall be provided the opportunity for continuing benefits under COBRA ~~in the same fashion as employees of the City of San Pablo.~~

The Executive Director shall ensure that proper termination procedures are followed, including:

- Notification of eligibility and sign-up procedures for COBRA.
- Processing of any required termination or roll-over documents for retirement or other benefit plans.
- Payment of accrued, but unused, vacation and Paid Leave Time.
- Return of all Agency property and keys at the time, or before, the final paycheck is distributed.
- Conduct and record an exit interview to confirm the reason for the separation and gain knowledge useful to the Agency.

LAY-OFF

Lay-off is the non-disciplinary separation of an employee because of material change in duties or organization, shortage of work funds, or cancellation of any segment of the program, or for other reasons which serve the public interest. Lay-offs are not made for disciplinary reasons. The Executive Director may implement a pay reduction for an employee in lieu of lay-off with the consent of the employee.

The WCCTAC Board shall approve any intended lay-off at least thirty (30) days prior to the effective date of the action.

The Executive Director shall notify affected employee(s) in writing of the intended action, the reason, and the effective date.

The Agency will help any employee being laid-off in locating other employment by permitting time off for interviews and by offering other administrative or clerical assistance where appropriate.

The Agency will give first consideration to a former employee who meets the requirements for any other opening which occurs within one year of the lay-off date.

Severance pay shall be paid in the event of lay-off.

RESIGNATION

An employee wishing to leave the Agency in good standing shall file a written resignation with their supervisor at least thirty (30) days in advance of the effective date of the employee's resignation, and shall include the reason(s) for leaving. A resignation becomes effective upon the supervisor's receipt of the written notice of resignation. Once a resignation becomes effective, it is irrevocable except that the Executive Director may permit a resignation to be rescinded. Severance payments do not apply to resignations.

RETIREMENT - NORMAL

Any employee in Agency service who is planning to retire shall notify the supervising official and the ~~Executive Director City of San Pablo Personnel Officer~~ in writing of such intent and include his/her prospective retirement date. Such notice shall be filed no less than thirty (30) days prior to the intended effective date of retirement.

Normal retirement of employees of the Agency shall be in accordance with the provisions of the contract between ~~WCCCTAC the City of San Pablo~~ and the Public Employee's Retirement System (PERS) in effect on the effective date of the resignation.

DISABILITY RETIREMENT AND SEPARATION

Definition and Determination: Following a report from a competent Medical Examiner indicating a permanent disability of an employee, the Executive Director may make a determination of permanent disability of such employee. The Executive Director shall inform the ~~Executive Director City of San Pablo Human Resources Department~~ of any determination of permanent disability.

Permanent disability is here defined as the inability of an employee to perform the essential functions and duties of his/her job, with or without reasonable accommodation, because of an illness or injury which is expected to be permanent or last for an indefinite period of time.

Application for Disability Retirement: If an employee is permanently disabled and eligible for disability retirement, such employee shall make application for disability retirement - or the Executive Director, in place of such employee, shall make application for disability retirement.

Contract for Disability Retirement: Disability retirement of employees in the Agency service shall be in accordance with the contract provisions between ~~WCCTAC the City of San Pablo~~ and the Public Employees' Retirement System (PERS).

Disability Separation: If an employee in the Agency service is permanently disabled or suffers from a chronic or frequently recurring mental or physical condition which renders him/her inefficient or incapable of performing the essential duties of his/her position, with or without reasonable accommodation, and such employee is not eligible for disability retirement or waives the right to retire for disability, the Executive Director may separate such employee for disability, provided that the Agency provisions on sick leave are followed. An employee

who has been separated for a disability because of injury or illness, shall be eligible for reinstatement if the medical problem is corrected.

REFERENCES

Letters of reference for former employees may be provided, at WCCTAC's sole discretion, following receipt of a signed disclosure authorization and release from the former employee. References can be prepared only by the employee's direct supervisor. A copy of any letter provided must be kept in the former employee's personnel file.

110. OUTSIDE ACTIVITIES

INCOMPATIBLE ACTIVITY OF EMPLOYEES

An employee shall not engage in any activity or enterprise which is inconsistent or incompatible with his/her duties as an Agency employee. The determination shall be made by the Executive Director and shall take into consideration the following:

- Whether the activity involves the use for private gain or advantage of Agency time, facilities, equipment and supplies, or the prestige or influence of the Agency's office or employment.
- Whether the enterprise involves the soliciting or the acceptance of money, gift, gratuity, or other consideration from anyone other than the Agency for the performance of an act which the employee would be required to render in the normal course of his/her employment.
- Whether the activity might reflect negatively on the Agency, its mission, or its constituent public agencies.

The employee must abide by the determination of the Executive Director or risk disciplinary action.

OUTSIDE EMPLOYMENT

Approval: The Executive Director shall have the power to approve requests of a regular WCCTAC employee to engage concurrently in outside employment or private business of a part-time or occasional nature, provided that:

- Such activity does not affect the quality, efficient performance or punctuality of the employee; or
- Such activity does not discredit or create embarrassment for the Agency or the members of its Board or constitute a conflict of interest for the employee; and,
- The employee makes the request in writing and includes the name, address and telephone number where the outside activity is to be conducted, the name of the employer, if any, and the total number of hours weekly the employee intends to devote to the outside enterprise. This request, along with the approval, will be retained as part of the employee's personnel file.

Limitations: The Executive Director shall have the power to revoke permission to engage in such outside activity at any time if it appears that the activity is negatively affecting the employee's performance or creating difficulties for the Agency. In addition, every case of outside employment shall be reviewed, updated, and the approval renewed annually at the time of the employee's yearly performance appraisal.

Violation: Failure to abide by this policy shall be just cause for disciplinary action up to and including dismissal.

POLITICAL ACTIVITY

The political activities of WCCTAC shall conform to pertinent provisions of State law. Employees may engage in the following activities:

- Fund non-argumentative, factually balanced information regarding a given measure; and
- Participate in campaign activities related to a candidate or ballot measure including: attending events, fundraising, drafting op-eds, meeting with elected officials regarding the measure.

However, employees must exercise caution to ensure that WCCTAC funds and resources are not used when engaging in any of these activities.

TIME OFF FOR LOCAL AGENCY COMMUNITY SERVICE/ VOLUNTEER WORK

The purpose of this policy is to allow employees and the Agency to give back to the community in a small, but potentially significant way.

Any regular employee in good standing (without an “unsatisfactory” performance evaluation) is eligible for one hour per week of paid time off for community service/volunteer work.

Requests must be submitted in writing to the Executive Director for approval. Requests should include the name of the volunteer agency, contact name, address, and telephone number, type of work, and days/hours to be worked.

111. EMPLOYEE CONDUCT

CONDUCT

Each employee is charged with the responsibility of performing the duties set forth in his or her job description in good faith and in a manner that will serve the best interests of WCCTAC. To ensure orderly operations and provide the best possible work environment, WCCTAC expects employees to follow general rules of conduct that will protect the interests and safety of all employees and the organization. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules and conduct that may result in termination of employment, or at the discretion of the Executive Director, some lesser form of disciplinary action.

- Fraud of any kind, or misstatements, untruths or omissions of any material fact in the application process or in securing appointment or promotion; or falsification or untruths concerning records, fellow employees or work performed.
- Incompetence, neglect, or inefficiency in the performance of duties.
- Insubordination, misconduct, willful disobedience, or failure to obey a proper direction given by an Agency superior, authorized supervisor of the facility, or public safety officer.
- Conduct unbecoming an Agency employee. Acts or omissions, on or off duty, which are incompatible with or unfavorable to public service or which tend to bring reproach or discredit to the Agency.
- Discourteous or non-cooperative treatment of the public, Board or TAC members, or other Agency employees, ~~or employees of the City of San Pablo~~.
- Offensive or obscene language or gestures in public or toward the public, Agency officials, or staff.
- Dishonesty or immorality on the job.
- Endangering self or others; failure to follow established safety practices or to properly use protective gear and equipment. Failure to operate a vehicle safely and in conformance with traffic laws when driving on duty.
- Reporting or being on duty under the influence of any intoxicant or controlled substance; absenting oneself from duty or rendering oneself unfit to perform fully for reasons attributable to or produced by indulgence in intoxicants or controlled substances.
- Violation of any administrative policy concerning controlled substances in the workplace, or failure to notify a supervisor, in writing, when the employee is taking prescription medication that can impair judgment or performance.
- Conviction of a crime which has a direct bearing on continued employment.
- Unauthorized absence without leave. Excessive absenteeism or tardiness. For the purpose of this policy, absenteeism in excess of ten percent (10%) of the work time is considered excessive, particularly when such absenteeism occurs on a sporadic, day here and day there, basis.
- Misuse, misappropriation, carelessness, or negligence with Agency property or funds, or property ~~of the City of San Pablo~~; appropriating to one's own use, loaning, selling, or giving away such property without legal authorization.

- Use, actual or attempted, of political influence, to secure employment, promotion, leave, or to effect other change in the character of work or pay. Improper political activity as defined in the pertinent sections of State and Federal law.
- Engaging in outside employment without authorization.
- Inducing or attempting to induce a member of the Agency ~~or City of San Pablo employee~~ to commit an unlawful act.
- Taking for personal use a fee, gift, or other item of value in connection with official work when such fee, gift, or other item is given in the expectation of receiving, either directly or indirectly, favored treatment.
- Abuse of leave or sick time; unauthorized work while on leave ~~; use of sick time for non-health or family care related purposes.~~
- Retaliating against a subordinate for using the grievance policy or otherwise communicating legitimate concerns to higher authority.
- Unwanted sexual advances; verbal, visual, or physical conduct of a sexual nature; offering employment or other benefits in return for sexual favors; threatening reprisals for rejecting sexual advances and related activity as defined by the State Fair Housing and Employment Department guidelines.
- Violation of, or failure to abide by, any condition of employment as stipulated in the WCCTAC Personnel Policies, administrative memorandum or lawful official regulation, or order of the Agency ~~or City of San Pablo.~~
- Two consecutive ratings of less than satisfactory on employee performance evaluations.
- Unsatisfactory performance as noted in employee performance evaluations, annual or otherwise.
- Failure or refusal to cooperate in an official inquiry or investigation into an alleged violation of WCCTAC rules when ordered to do so.

DISCIPLINARY PROCESS

Although employment with WCCTAC is on an at-will basis, and WCCTAC retains the right to terminate employees at any time with or without cause, the Executive Director may, at his or her discretion, use less severe action to address unacceptable conduct or behavior. Such actions may include, but are not limited to oral and written reprimands, demotions, and suspension. The use of such disciplinary tools will not alter or modify an employee's status as an at-will employee.

112. PERSONNEL RECORDS

PERSONNEL RECORDS POLICY

All necessary forms, records, documents, and procedures, unless otherwise indicated, shall be maintained by the Executive Director in order to:

- Meet legal, regulatory, and procedural requirements.
- Ensure adherence to policies and to provide a basis for decision-making in personnel actions.
- Provide data for reporting.
- Promote individual employee understanding, training, and development.

PERSONNEL RECORDS

Personnel records are legal documents and are retained permanently.

Personnel File: Shall contain the employee's application, I-9 form, all performance appraisals, grievance actions, warning notices and related reports, special commendations, change of status forms, vacation and sick leave requests, and other information which may be considered pertinent.

No entries shall be made in an employee's personnel file without the employee's knowledge.

An employee may examine his/her personnel file upon request.

Roster Cards: Shall be maintained on each employee, either by hand or electronically, and shall be a running record of an employee's current name, address, phone number, job and pay status.

Payroll Records: Shall include time sheets and records of usage of vacation, sick leave, and are retained by the City of San Pablo Finance Department.

Privacy: No one in Agency or City of San Pablo service shall be allowed to make known the address or phone number shown in the personnel records of any employee without the prior written approval of the employee.

PERSONNEL RECORDS RESPONSIBILITY

Employee: Each employee is responsible for informing the Executive Director, in writing, of any change in name, address, phone number, marital status, fringe benefit status, number of dependents, or other pertinent information.

Supervisor: The Executive Director is responsible for informing the City of San Pablo Human Resources Department regarding such changes.

113. SAFETY

SAFETY

Every employee is responsible for safety. To achieve the Agency's goal of providing a completely safe work environment, staff must be safety conscious and personally fit for duty.

Every employee is expected to arrive for work fit to perform applicable duties and responsibilities. Employees who report for work unfit, or subsequently become unfit to perform their jobs fully and satisfactorily may create a safety hazard for themselves or others.

It is each employee's responsibility to report any unsafe or hazardous condition to his/her supervisor immediately.

Any work-related accident or injury, regardless of severity, must be reported to the employee's supervisor immediately.

~~All~~ WCCTAC employees may use their personal automobiles for business. The Agency requires that the employee maintain a good driving record and automobile liability insurance coverage of at least \$300,000 per incident during employment. Any situation which results in suspension of driving privileges or limitation or cancellation of vehicle insurance must be reported to his/her supervisor in writing within twenty-four (24) hours.

~~The Agency is a tenant in the City of San Pablo Civic Center. The City and the Agency share responsibility for safety conditions.~~ The Agency and its staff shall conform to and comply with all health, safety, and sanitation requirements of State and Federal law as well as safety policies ~~and procedures of the City of San Pablo.~~

WORKERS' COMPENSATION COVERAGE

Agency employees are covered for workers' compensation insurance, ~~through the City of San Pablo.~~ Workers' compensation coverage is required by law to protect employees who are injured on the job.

Workers' compensation insurance provides for medical treatment and rehabilitation services as well as payment for loss of earnings that result from work-related injuries.

Compensation for work injury related absences begins on the first day of hospitalization or on the third day following an injury if the employee is not hospitalized.

An Agency employee, disabled temporarily or permanently by injury or illness arising out of and in the course of work, shall be entitled to leave while so disabled up to the maximum time provided in the Leave of Absence Policy.



RULES OF ORDER

Date: July 22, 2016

WCCTAC Board Meeting

Presented by: Benjamin T. Reyes, II, WCCTAC General Counsel

Rosenberg's Rules of Order

9a-2

Basic Motions

- Basic motion on agenda item
- Motion to amend
- Substitute motion

Supermajority Motions

- Motion to limit debate
- Motion to object to consideration of question
- Motion to suspend rules



Rosenberg's Rules of Order vs. Robert's Rules of Order

9a-3

Rosenberg's Rules of Order

- Simple, 10 page document
- Provides basic, simple rules and structure
- Designed for local governance
- Practical, logical, easy to understand

Robert's Rules of Order

- Complete book with multiple chapters
- Contains a variety of incidental and privileged motions that can be considered more broadly
- Designed for parliament

Recommendation

- Adopt Rosenberg's Rules of Order



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



TABLE OF CONTENTS

About the Author	ii
Introduction	2
Establishing a Quorum	2
The Role of the Chair	2
The Basic Format for an Agenda Item Discussion	2
Motions in General	3
The Three Basic Motions	3
Multiple Motions Before the Body	4
To Debate or Not to Debate	4
Majority and Super-Majority Votes	5
Counting Votes	5
The Motion to Reconsider	6
Courtesy and Decorum	7
Special Notes About Public Input	7



INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.


The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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TO: WCCTAC Board

DATE: July 22, 2016

FR: Leah Greenblat, Project Manager

RE: **West County High Capacity Transit Study (HCT): Future Outreach, Utilization of Contingency Funds and Revisions to Scope of Work**

REQUESTED ACTION

1. Authorize the use of contingency funds (\$80,421) as part of the Executive Director's negotiation with the consultant on scope details for remaining tasks;
2. Provide direction to staff on the second and final round of outreach.)

BACKGROUND AND DISCUSSION

Proposed Revisions to Scope of Work

Today, as the West County High Capacity Transit Study moves beyond sixty-five percent completion, several study details are due for re-evaluation. Both WCCTAC Staff and the consultant have identified areas that require additional attention or may not have been considered in the original agreement. For example, work scope adjustments include:

- An emphasis on a package of alternatives that may include short, medium and long term improvements, rather than a focus on one single preferred alternative;
- Re-tooling the ridership modeling assumptions to accommodate the packages of short, mid and long-range alternatives;
- Re-consideration of funding analysis and development of a strategic funding plan focused on assessing options for short, medium and long-term transit investments;
- Revising the next round of public outreach (see below for further discussion);
- Refining the final alternatives evaluation task to focus on criteria of primary interest to the Board; and
- Adjusting project management efforts to accommodate the extended study schedule.

The Executive Director will negotiate a revised scope of work on behalf of the WCCTAC Board within the confines of the budget. It should be noted that the fundamental structure of the scope of work would not change. The study will continue to: refine and evaluate the remaining alternatives, conduct ridership modeling on those alternatives, facilitate public outreach, develop a funding strategy, and produce draft and final reports.

Utilization of the Remainder of the Contingency

In March 2015, the WCCTAC Board approved the West County High Capacity Transit Study contract with almost a \$1 million dollar budget plus an additional \$100,000 for contingencies. In January 2016, the Board agreed to use \$19,759 of the contingency for additional public workshops, further development of preliminary alternatives and additional ridership modeling leaving a remaining contingency balance of \$80,421.

WCCTAC staff anticipates that the remaining contingency will be needed in order to complete the study. The original scope of work contained an aggressive completion deadline to correspond with the development of the CCTA's Transportation Expenditure Plan (TEP). As both endeavors progressed, it became clear that this study need not be completed in conjunction with the TEP, which allowed the HCT study's schedule to relax. This change in the schedule's pace was also helpful for allowing study partners, the TAC, and the Board to be able to fully absorb the information presented before moving on to next steps. The longer schedule, however, has resulted in greater than forecasted expenses for the consultant's project management. Additional unforeseen expenses include additional analysis of the preliminary alternatives and the technical evaluation, modifications to outreach planning, and the addition of a fifth alternative carried into the next round. These changes result in the need to use the contingency to complete remaining tasks.

In its discussion and negotiation with the consultant about the study's scope, WCCTAC staff will articulate its expectation for timely and high quality deliverables, as well as the importance of a successful overall study process.

Options for the Next Round of Public Outreach

To date, the study has utilized three outreach tools with varying levels of success. In November 2015, WCCTAC, along with the CCTA, hosted a West County telephone town hall. With approximately 60,000 mailed post card announcements, extensive promotions and pre-event robo-calling, the program attained a peak attendance (maximum number of callers listening in at any given time) of 700 listeners who were provided general information about the study. Over the course of the program, the average attendance was approximately 175 listeners and 18 attendees contributed to the live discussion by asking questions to CCTA and WCCTAC board members and staff.

In April 2016, WCCTAC hosted three identical public workshops in Pinole, Richmond and San Pablo. Turnout for those meetings was very light, although the discussions were often substantive. Also during the month of April, an online survey was available and garnered 184 responses. Both the workshops and survey utilized the same promotion methods: email and social media blasts.

WCCTAC staff was not satisfied with the level of attendance at the public workshops. While in-person, workshops may be fruitful in some cases; many organizations are experiencing low participation rates for traditional public workshops that cover regional issues. Increasingly, public outreach efforts are oriented toward "pushing" information to the public and gathering public comments, rather than focusing on "pulling" people into

meetings. Greater utilization of online forums and social-media is seen as the best way to reach a larger and broader audience. The participation rate of the study's prior outreach efforts supports the "push" approach for maximizing public contact, especially with limited public resources.

WCCTAC staff seeks to gauge the Board's interest in modifying outreach for the next round. We have developed three basic outreach approaches for the Board's consideration: "Old School", "New School", and Hybrid.

The Old School approach would consist of three identical, basic public meetings in El Cerrito, El Sobrante and Hercules (the three jurisdictions that did not host earlier rounds of workshops). While staff and its consultant would do their best to generate attendance, a strong turnout cannot be guaranteed.

Alternatively, the New School approach would focus on pushing information out to the public using extensive online and social media tools, and then gathering their feedback. This could include some but not all of the following techniques:

- Online survey
- Electronic Study Update Reports
- A narrated presentation viewable online
- An inter-active webinar

Lastly, a Hybrid approach would involve doing a lesser number of meetings (perhaps only one) and then focusing remaining resources on other tools to reach people.

Staff is recommending that the Board consider pursuing the New School approach. The traditional meeting approach is consistently drawing low attendance for regional studies such as the HCT. By not focusing on a physical meeting, outreach efforts could be re-directed and more effort could go towards distributing information electronically to a wider audience while also seeking public feedback. Given the other modifications to the scope of work discussed previously and their potential budget impacts, staff anticipates insufficient budget resources to incorporate both the Old and New School outreach methods even with the addition of the remaining contingency funds. Staff cannot promise all of the New School options, but we want to negotiate with the consultant the best suite of offerings consistent with the Board's direction.

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El Cerrito

June 27, 2016

Hercules

Mr. Randell Iwasaki, Executive Director
Contra Costa Transportation Authority
2999 Oak Road, Suite 100
Walnut Creek CA 94597

Pinole

RE: WCCTAC Board Meeting Summary

Dear Randy:

Richmond

The WCCTAC Board, at its meeting on June 24, 2016, took the following actions that may be of interest to CCTA:

San Pablo

- Approved a Subregional Transportation Mitigation Program (STMP) Cooperative Agreement with the City of El Cerrito that will provide \$300,000 for the Ohlone Greenway BART Station Access, Safety and Placemaking Improvements Project.

Contra Costa
County

- Approved an Agreement with Staffing Solutions Group for an Accounting Services.

AC Transit

- Approved an appointment to the CCTA Technical Coordinating Committee. WCCTAC currently has one vacancy on the TCC. Leah Greenblat from WCCTAC staff was nominated by the TAC and approved by the Board to fill this vacancy.

BART

- Approved Fiscal Audits and Memorandum on Internal Control for Fiscal Year 2014.

WestCAT

- Approved the Fiscal Year 2017 budget, dues structure and work program.
- Approved the use of FY14-15 Measure J 20b reserve funds in the amount of \$25,876 as well \$50,000 from Measure J 28b subregional needs funds, to conduct a study of West County accessible transportation needs.

- Heard an information item on TDM program activities in FY 15-16.
- Heard a proposal from Director Mallet (BART) to place an item on the agenda for the July WCCTAC meeting. The Director suggested adding back in “Alternative 7A” to the West County High Capacity Transit Study, and noted that BART would cover the estimated additional cost of evaluating this option. The WCCTAC Board, however, voted against placing the item on a future agenda, having already narrowed the list of alternatives under study at its June meeting.

Sincerely,



John Nemeth
Executive Director

cc: Tarienue Grover, CCTA; John Cunningham, TRANSPAC; Jamar Stamps, TRANSPLAN; Lisa Bobadilla, SWAT



ACRONYM LIST. Below are acronyms frequently utilized in WCCTAC communications.

ABAG: Association of Bay Area Governments
ACCMA: Alameda County Congestion Management Agency (now the ACTC)
ACTC: Alameda County Transportation Commission (formerly ACCMA)
ADA: Americans with Disabilities Act
APC: Administration and Projects Committee (CCTA)
ATP: Active Transportation Program
BAAQMD: Bay Area Air Quality Management District
BATA: Bay Area Toll Authority
BCDC: Bay Conservation and Development Commission
Caltrans: California Department of Transportation
CCTA: Contra Costa Transportation Authority
CEQA: California Environmental Quality Act
CMAs: Congestion Management Agencies
CMAQ: Congestion Management and Air Quality
CMIA: Corridor Mobility Improvement Account (Prop 1B bond fund)
CMP: Congestion Management Program
CTP: Contra Costa Countywide Comprehensive Transportation Plan
CSMP: Corridor System Management Plan
CTC: California Transportation Commission
CTPL: Comprehensive Transportation Project List
DEIR: Draft Environmental Impact Report
EBRPD: East Bay Regional Park District
EIR: Environmental Impact Report
EIS: Environmental Impact Statement
EVP: Emergency Vehicle Preemption (traffic signals)
FHWA: Federal Highway Administration
FTA: Federal Transit Administration
FY: Fiscal Year
HOV: High Occupancy Vehicle Lane
ICM: Integrated Corridor Mobility
ITC or HITC: Hercules Intermodal Transit Center
ITS: Intelligent Transportations System
LOS: Level of Service (traffic)
MOU: Memorandum of Understanding
MPO: Metropolitan Planning Organization
MTC: Metropolitan Transportation Commission
MTSO: Multi-Modal Transportation Service Objective
NEPA: National Environmental Policy Act

O&M: Operations and Maintenance
OBAG: One Bay Area Grant
PAC: Policy Advisory Committee
PBTF- Pedestrian, Bicycle and Trail Facilities
PC: Planning Committee (CCTA)
PDA: Priority Development Areas
PSR: Project Study Report (Caltrans)
RHNA: Regional Housing Needs Allocation (ABAG)
RPTC: Richmond Parkway Transit Center
RTIP: Regional Transportation Improvement Program
RTP: Regional Transportation Plan
RTPC: Regional Transportation Planning Committee
SCS: Sustainable Communities Strategy
SHPO: State Historic and Preservation Office
SOV: Single Occupant Vehicle
STA: State Transit Assistance
STARS: Sustainable Transportation Analysis & Rating System
STIP: State Transportation Improvement Program
SWAT: Regional Transportation Planning Committee for Southwest County
TAC: Technical Advisory Committee
TCC: Technical Coordinating Committee (CCTA)
TDA: Transit Development Act funds
TDM: Transportation Demand Management
TFCA: Transportation Fund for Clean Air
TEP: Transportation Expenditure Plan
TLC: Transportation for Livable Communities
TOD: Transit Oriented Development
TRANSPAC: Regional Transportation Planning Committee for Central County
TRANSPLAN: Regional Transportation Planning Committee for East County
TSP: Transit Signal Priority (traffic signals and buses)
VMT: Vehicle Miles Traveled
WCCTAC: West County Costa Transportation Advisory Committee