

# **Sonoma Clean Power Authority Personnel Rules and Policies**

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## **Introduction and Purpose**

### **100 Introduction and Purpose**

The purpose of this handbook is to provide information about the overall operations of Sonoma Clean Power (SCP) and to set forth certain policies and procedures that affect working conditions, employee benefits, and other terms and conditions of employment. All permanent SCP employees are expected to read and comply with all provisions of the Personnel Rules and Policies. Violations of the policies and procedures outlined here, as well as violations of any applicable state and/or federal laws, may be grounds for dismissal. The SCP Chief Executive Officer (CEO) has been authorized to interpret, implement, and administer these policies and procedures.

These policies and procedures are not intended to confer contractual rights of any kind upon any employee or to create contractual obligations of any kind for SCP. SCP reserves the right to modify, revoke, suspend or change, in writing, any or all such policies and procedures, in whole or in part, at any time with or without notice. However, SCP will provide employees reasonable notice with respect to any changes to the provisions of Section 300, *Salaries and Leaves*. Any such modification, revocation, suspension, or change not in writing shall not be of any force or effect.

### **101 Sonoma Clean Power Core Values and Mission Statement**

Sonoma Clean Power (SCP) was created on December 4, 2012 to address climate change by reducing energy-related greenhouse gas emissions and securing energy supply, price stability, energy efficiencies and local economic and workforce benefits. It is the intent of SCP to promote the development and use of a wide range of renewable energy sources and energy-efficiency programs, including, but not limited to, solar and wind energy production at competitive rates for customers.

SCP procures renewable sources of electricity and in partnership with PG&E, provides it to our local communities. Our customers get all the advantages of cleaner, greener, healthier energy consumption and all of the advantages of the established, experienced energy provider our customers have come to rely on.

SCP's goals include:

- Increase our customers' renewable energy supply;
- Keep rates stable and competitive;
- Build and support local community programs and projects focusing on energy conservation and renewable energy options;
- Provide local jobs and stimulate the economy; and,
- Provide outstanding customer service.

## **102 Agency Structure**

SCP is a public agency located within the geographic boundaries of Sonoma and Mendocino Counties formed for the purposes of implementing a community choice aggregation (“CCA”) program under Assembly Bill 117 (Community Choice Aggregation Law). SCP is governed by a Board of Directors, representing the County of Sonoma, the Town of Windsor, City of Cotati, City of Sebastopol, City of Santa Rosa, City of Sonoma, City of Rohnert Park, City of Petaluma, City of Cloverdale, the County of Mendocino, City of Fort Bragg, City of Willits, and the City of Point Arena.

## **103 Application of Personnel Rules and Policies**

In the event that any of these personnel rules or policies conflict with federal or state law, the rules and policies shall be enforced in accordance with applicable laws and regulations.

## **Employment Practices**

### **200 Nature of Employment**

Employment with SCP is not for a specific period of time and all SCP employees serve in an “at-will” capacity. Employees are free to resign at any time, for any reason or for no reason. Likewise, SCP makes no guarantee or contract of continued employment and is free to terminate its employment relationships at any time, with or without cause.

All employees serve at the pleasure of the CEO. The CEO is considered to be the appointing authority of all employees and may take all necessary actions to hire, promote, demote, transfer, suspend with or without pay, or discharge any employee.

Categories of Employment. All SCP employees will be classified in one of the following categories: 1) Regular full-time employees who work 40 hours per week; 2) Regular Part-time employees who work less than 40 hours per week; and, 3) Temporary Employees including interns, extra help employees hired for a limited term special project, and/or contract employees from an employment agency.

### **201 Equal Employment Opportunity**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at SCP will be based on merit, qualifications, and abilities. SCP does not discriminate against any person because of race, color, creed, religion, sex (including pregnancy, childbirth or related medical conditions), national origin, physical or mental disability, age, genetic characteristics/information, gender identity/appearance, sexual orientation, marital/domestic partnership status, medical condition (as defined by state law), military status, political affiliation, or any other characteristic protected by federal, state, or local law (referred to as "protected status").

This nondiscrimination policy extends to all terms, conditions and privileges of employment as well as the use of all SCP facilities, participation in all SCP-sponsored activities, and all employment actions such as recruitment, hiring, training, promotions, compensation, benefits and termination of employment.

SCP prohibits sexual harassment and other unlawful harassment based on any protected status listed above. Please see the policy on Sexual and Other Unlawful Harassment later in this handbook for additional information and procedures for addressing complaints of harassment.

When necessary, SCP also makes reasonable accommodations for disabled employees and for pregnant employees who request an accommodation, with the

advice of their health care providers, for pregnancy, childbirth or related medical conditions in accordance with applicable state and federal law.

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their immediate supervisor or the CEO. Employees can raise concerns and make reports without fear of retaliation. Complaints may be made and will be handled using the procedures outlined in the policy on Prohibiting Harassment, Discrimination and Discrimination, Policy 500 of this handbook.

## **202 Conflicts of Interest**

SCP employees have an obligation to conduct business in such manner as to not create an actual or potential conflict of interest nor shall they engage in any outside employment, activity or enterprise for compensation which is inconsistent, incompatible, or in conflict with his/her job duties or SCP's goals, mission, and business objectives. No SCP employee shall lend his/her name as an employee of SCP or the SCP name or identifying information to any commercial or business enterprise.

SCP employees shall notify the CEO if they are considering the following: 1) Simultaneous employment by any other employer; 2) Participation in an outside business on their own or with others; and/or, 3) Involvement in any other outside activity where they receive compensation. If, in the opinion of the CEO, the outside employment or activity creates a conflict of interest as defined under this policy, the SCP employee may be required to resign from the employment or activity. Employee's failure to resign from the conflicting employment or activity may be grounds for termination.

SCP employees shall comply with all state and federal laws and regulations regarding conflicts of interest as well as any code of business ethics or conflict of interest codes adopted by the Board of Directors. If a SCP employee becomes aware of an actual or potential conflict of interest, that employee shall consult the CEO immediately.

## **203 Nepotism Prohibited**

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. This policy applies to all employees regardless of gender or sexual orientation.

Although SCP has no prohibition against employing relatives of current employees, relatives of current employees may be hired only if (1) the individuals concerned will not work in a direct supervisory relationship with one another, and (2) the employment will not pose difficulties for supervision, security, safety or morale. In case of actual or potential problems with reporting relationships of existing staff members, the CEO and or his/her designee will take prompt action including, if necessary, reassignment or termination of employment.

## **204 Confidentiality of Records and Data**

Confidential Information disclosed to Employee in connection herewith may include, without limitation, the following information about SCP and its existing and contemplated business operations: the terms of SCP executed contracts; information about the bidders, pricing, volume and other information about potential contracts for energy and related attributes; forecasting of needed load and resource adequacy; information about SCP's hedged volumes and open position; personnel and payroll information regarding current and former employees; financial information that has not been publicly released by SCP; the identity and contact information for clients, vendors and suppliers; computer programs; and, internal documents or information regarding SCP's operations, procedures and practices. The following information regarding Customers: (a) names; (b) addresses; (c) telephone numbers; (d) email addresses; (e) meter and other identification numbers; (f) SCP-designated and PG&E-designated account numbers; (g) metered electricity usage; (h) payment / deposit status; and (i) other similar information specific to SCP Customers individually or in the aggregate shall also be considered Confidential Information in accordance with applicable state and federal law. Confidential Information shall also include specifically any copies, drafts, revisions, analyses, summaries, extracts, memoranda, reports and other materials that are derived from or based on Confidential Information disclosed by SCP, regardless of the form of media in which it is prepared, recorded or retained. During an employee's employment, confidential information obtained may not be used by any employee for the purpose of furthering current or future outside employment, for obtaining personal gain, profit, or activities. Employee shall disclose confidential information only for the benefit of SCP and as is necessary to carry out their responsibilities as an employee of SCP. The publication of any confidential information through literature or speeches must be approved in advance in writing by the Chief Executive Officer. Employees must not make copies of or otherwise reproduce confidential information

unless there is a legitimate business need for reproduction of that material. Following termination, employee shall neither, directly or indirectly use any confidential information, except as expressly and specifically authorized in writing by the Chief Executive Officer or his designee.

Confidential information that SCP collects could be misused to defraud clients or other third parties, it is imperative to secure files, both hard copy and electronic files, from potential abuse. When working with records and files, which are considered confidential information, it is an employee's responsibility to:

- Secure your work area, desk and any other place under your control of confidential information documentation as you have a current "need to know." Employee shall return to the appropriate person, location or otherwise properly dispose of confidential information once that need to know no longer exists. Employee shall not make copies of or otherwise reproduce confidential information unless there is a legitimate business need for reproduction.
- Leave confidential information in a filing cabinet or desk drawer and out of sight when you are away from your desk. Files and confidential information should not be left in any place that would allow a compromise of their security. If appropriate, retain confidential information in a locked cabinet.
- All documentation must be locked in the trunk of an employee's car and not left in open view in their car.
- Shred confidential documentation to destroy it.

**When turning over files to any agency, via email, hard copy or fax, the cover sheet or subject line should include, "THESE FILES MAY CONTAIN CONFIDENTIAL INFORMATION." For outgoing emails with confidential information, the following should be included in the body of the email, preferably after the signature line: *"This electronic message transmission (email) contains information from SCPA that may be confidential or privileged. The information is intended to be solely for the use of the individual or entity to whom this email is addressed. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited. If you have received this email in error, please immediately notify us by telephone (855-202-2139) or by electronic mail (sender's email), and confirm that you have deleted the email and any copies.***

- Remind consultants and agencies of the confidential documentation and that they also must make efforts to keep confidential documentation secured.



- It is each employee's responsibility to minimize risks to the security, confidentiality and integrity of consumer information that could result in its unauthorized disclosure, misuse, alternation, destruction or other compromise.
- Any employee in the position to retain and hire contractors or subcontractors, who may have access to confidential information, either directly or indirectly, must assure that security issues become a priority with the contractor and subcontractor, and require the contractor or subcontractor to execute a Non-Disclosure Agreement with SCP or a contract with SCP containing limitations on the release of Confidential Information by the contractor, as approved by the General Counsel.

Any violations of this Confidentiality Policy or inappropriate dissemination of information will constitute grounds for disciplinary action, up to and including termination of employment. As a condition of employment with SCP, employees will be required to sign an "EMPLOYEE NON-DISCLOSURE AGREEMENT".

## **205 Driving Policy**

SCP provides a pool vehicle to assist our employees in the course of business. No one, other than an authorized SCP employee is allowed to drive the pool vehicle and it is not to be used for personal errands.

Prerequisites to drive the SCP pool vehicle are:

- Have a valid drivers' license on file with the Director of Operations
- Authorize SCP to review driving records at least annually.
- Have a clean driving record for at least 1 year, meaning they must not have been at fault for a vehicle accident, or cited/arrested on charges of violating vehicle and traffic laws. An exception may be allowed by the CEO or Director of Internal Operations

All SCP employees using a vehicle during the course of business, whether the pool vehicle, or a personal vehicle agree to follow the following rules:

- Drive safe and sober
- Do not text and drive
- Turn off your phone. If urgent or utilizing GPS navigation, place the phone in a holder and use hands-free settings
- Respect traffic laws and fellow drivers
- Comply with all conditions of your driver's license, including, if applicable, wearing glasses or contacts while driving

- Document any driving related expenses, like fuel and tolls
- Check the car regularly to ensure charging, tire pressure and any other basic maintenance is being taken care of
- Immediately report any damages or problems with a personal vehicle used for business or the pool vehicle.
- Avoid double parking, blocking entrances or engaging in other traffic violations that may result in fines or damage to the vehicle.

SCP is not responsible for paying fines or for damage occurring to a vehicle if the employee is found responsible (e.g. driving too fast). If an employee has his/her driver's license suspended or revoked, HR must be informed as soon as possible and that employee is not allowed to drive the vehicle until a clean driving record is maintained for at least 1 year.

Employees using their own vehicles during the course of business must have insurance coverage for their own vehicle, as damage or loss to the vehicle caused by an incident due to the fault of the SCP employee, an uninsured motorist, or an accident/incident not involving a third party will not be covered by SCP insurance.

## **206. Dress Code Guidelines**

Sonoma Clean Power has adopted an informal dress code. "Modern Business Casual," is the suggested norm, while allowing flexibility for events, meetings and casual days. It is important to understand SCP has an open office and can be considered public facing. Apparel required for religious or cultural tradition is allowed.

## **Salaries and Leaves**

### **300 Salaries**

Salary ranges and adjustments shall be established by the CEO consistent with the budget allocations adopted by the SCP Board. Employee starting salaries shall be within the indicated salary ranges. As specified elsewhere in these rules, an employee's salary may subsequently be moved either higher or lower within range, but not outside of the range.

### **301 Salary Adjustments**

Salary adjustments within a designated salary range shall not be automatic but based upon merit or underperformance as determined through annual performance reviews. Annual performance reviews will occur each year between October 15 and November 30 with applicable merit increases taking effect on January 1 of the following calendar year. Performance reviews will be completed by the employee's direct supervisor with a final review by the CEO. The CEO shall be solely responsible for authorizing salary increases or decreases within salary ranges and may conduct a performance review at any time which may result in a reduction in salary or termination per Section 601 of these policies.

### **302 Workweek**

The workweek will be forty (40) hours per week for all employees and will begin at 12:00 am on Sunday and end at 11:59 pm the following Saturday. The CEO may establish flexible work schedules or telecommuting options in order to meet the needs of SCP and the employee's job responsibilities. A normal work day is considered eight (8) hours.

### **303 Overtime**

Employees designated as SCP management positions and those positions designated as exempt for purposes of federal and state overtime regulations, shall work any and all hours necessary in performance of their assigned duties, without overtime, and without regard to a fixed work schedule.

Those employees not designated as exempt for overtime purposes may earn overtime at the rate of one and one half (1-1/2) hours for each one (1) overtime hour worked in excess of forty (40) hours per workweek. All overtime must be specifically approved by the CEO and/or his or her designee prior to being worked. Overtime will

be paid out on the regularly scheduled payroll for the time period in which the overtime was worked.

### **304 Attendance at Job Related Events**

When SCP employees are invited to attend SCP sponsored or other job related functions, such as conferences, symposiums, field trips, etc. compensation for attendance shall be as follows:

- If an employee attends a function at the specific request of the CEO and/or his or her designee, or because it is required within the scope of his/her job function, and that function is held after official working hours or on a week-end, then the employee may be entitled to travel and related expenses. However, attendance at such functions and approval for travel and related expenses require the CEO's prior documented approval. Any expenses incurred in preparation for or while attending the event may be reimbursed, including, but not limited to: travel expenses, display materials and supplies. Expenses are to be reported on a SCP Expense Form, signed by an employee's supervisor and submitted for reimbursement before the 10<sup>th</sup> day of the following month. Expenses for alcohol will not be reimbursed.
- If an employee attends a function of his or her own accord, whether during or after official working hours, then the employee is not entitled to any compensation, including but not limited to salary, overtime pay, comp time, travel expenses, etc.

### **305 Base Hourly Rate**

The base hourly rate for each employee whose class is allocated to a salary range shall be the hourly rate for the annual salary at which he or she is paid per a signed employee offer letter or as a result of his/her annual or intermittent performance reviews.

### **306 Holidays**

Paid holidays, including two, 8-hour floating holidays, will be authorized for regular full-time and regular part-time employees. Temporary employees are not entitled to holiday compensation. To be entitled to receive compensation for such holidays, an employee must work or be in paid status on the employee's regularly scheduled workdays before and after the paid holiday. A regular, part-time employee is entitled to holiday compensation on a pro-rata basis. Paid holidays are as follows:

- (1) New Year's Day, January 1
- (2) Martin Luther King's Birthday, third Monday in January
- (3) Presidents' Day, the third Monday in February
- (4) Memorial Day, the last Monday in May
- (5) Independence Day, July 4
- (6) Labor Day, the first Monday in September
- (7) Veteran's Day, November 11
- (8) Thanksgiving Day, as designated by the President
- (9) The day following Thanksgiving Day
- (10) Christmas Day, December 25
- (11) Floating Holiday 1
- (12) Floating Holiday 2

If a paid holiday falls on a Saturday, the preceding Friday shall be the observed holiday in lieu of the day observed. If a paid holiday falls on a Sunday, the following Monday shall be the observed holiday. Floating holidays must be scheduled and pre-approved by the CEO and/or his or her designee before the time is used and will not carry over to the next calendar year.

New regular employees will be entitled to the two floating holidays after the completion of a full payroll period. The initial floating holidays will not carry over past the end of the calendar year.

### **307 Personal Time Off (PTO)**

Unless otherwise negotiated with the CEO, all regular full-time and regular part-time SCP employees shall earn and may accumulate personal time off for vacation, sick leave or other purposes as follows:

<b>Completed Months of Service</b>	<b>Hrs. Earned Monthly/Annually</b>	<b>Maximum Hrs Accumulated</b>
0 thru 24 months	13 1/3 per month - 160/year	320
25 thru 60 months	20 per month - 240 per year	400
After 60 months	23 1/3 per month - 280/year	400

SCP employees cannot accrue any PTO hours beyond the maximum accumulation hours listed above. An employee reaching the maximum accumulation will not accrue any additional time until his/her balance falls below the cap. Regular part-time employees, or employees on leave, shall accrue PTO time on a prorated basis based upon hours worked during his/her years of service. The maximum accrual rate for part-time employees shall not exceed two times their annual accrual.

Vacation scheduling shall be approved by the CEO and/or his or her designee, prior to being taken with due regard for the employee's needs and SCP's need to provide services. Every effort will be made to arrange vacation schedules so that each employee may take as much vacation in a year as accrues to the employee in that year. No employee may take vacation without advance approval of the CEO. Prior approval by the CEO is required for an employee with a zero PTO balance to request and be granted additional time off.

At the end of December of each year, employees with an excess of 320 hours of accrued PTO time may elect to cash out the excess beyond 320 hours. In no event will the cash out be allowed to reduce the employee's year-end balance below 320 hours.

Employees who separate from SCP shall be entitled to payment in lieu of all unused PTO leave in accordance with California law.

### **308 Maternity/Family Leaves Policy**

SCP will provide up to 80 hours of maternity/paternity/family bonding leave for each regular, full-time employee. Regular part-time employees shall be allotted leave hours on a prorated basis based upon hours worked during his/her years of service.

SCP complies with the applicable provisions of the Federal Family and Medical Leave Act (FMLA), the Federal Pregnancy Discrimination Act (PDA), the California Family Rights Act of 1992 (CFRA), the California Pregnancy Disability Leave Law (PDL), and other medical and/or family leave benefits applicable under both Federal and California law. Statutory rights and obligations which are not specifically addressed in this policy are incorporated by reference. Any SCP regular employee intending to take family leave is to notify his/her supervisor and Human Resources staff as soon as feasible for advanced planning.

- a. **FMLA/CFRA Leave Entitlement.** FMLA and CFRA provide eligible employees with a right to unpaid, job-protected leave and health insurance benefits. An employee is eligible for leave if he/she has been employed for at least 12 months with the SCP and has worked for the SCP at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. Eligible employees may be eligible for up to 480 hours (12 weeks) of unpaid leave during a 12-month period immediately preceding the commencement of the leave for any of the following reasons: birth of or bonding with the employee's child; to care for the employee's newborn child; the placement of a child with the employee for adoption or foster care; the care of the employee's child, parent, spouse, or domestic partner who has a serious health condition or a serious health condition that makes the

employee unable to perform the employee's job. FMLA may also be available for military caregivers or qualifying exigencies related to an order to report for active military service. Where both parents are SCP employees and leave is taken for the birth, adoption or foster child placement or the care of an ill parent, the combined leave is limited to a maximum of 480 hours. Whenever permissible by law, FMLA, CFRA, and PDL leave shall run concurrently.

- b. **Computing the 12-Month Period.** The method for computing the 12-month period for leave is based on a rolling 12-month period measured backward from the date the employee uses any FMLA/CFRA leave. Under the rolling method, each time an employee takes leave, the remaining leave entitlement will consist of any balance of the 12 weeks which has not been used during the immediately preceding 12 months. In some instances, leave may be counted under the FMLA but not the CFRA, or CFRA but not the FMLA. The SCP reserves the right to designate an employee's request to use paid or unpaid leave as FMLA and/or CFRA.
- c. **Computing the 12 Workweeks.** 12 workweeks means the equivalent of twelve of the employee's normally scheduled workweeks. For example, a full-time employee who averages 40 work hours per week is entitled to a maximum of 480 hours of leave during the 12-month period. Part-time employees shall have their leave pro-rated.

### **Intermittent Leave or Reduced Leave Schedule**

Under certain circumstances, FMLA and/or CFRA leave may be taken in certain blocks of time or an employee's work schedule may be modified where medically necessary. Medically necessary means that there must be a medical reason for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule as determined by a qualified health care provider. All requests for intermittent leave or a reduced leave schedule must include medical certification of the necessity of such leave use. Approval of an employee's request to take leave intermittently or on a reduced leave schedule for the birth or placement for adoption or foster care of a child shall be at the discretion of the CEO.

- a. **Employee Notice of Leave.** Employees are required to provide as much advance notice to the CEO or his or her designee of the need for FMLA/CFRA leave as reasonably possible, including when and how long the leave is needed. If the leave is foreseeable, at least 30 days' notice is required. SCP may retroactively designate leave as FMLA/CFRA with appropriate written notice to the employee. Employees are required to provide sufficient information in order for the SCP to determine whether the request for leave is FMLA/CFRA

qualifying. In some cases, a medical verification or certification will be required. Employees who fail to provide sufficient information as to the justification for FMLA/CFRA leave may be denied such leave.

## **Pay During FMLA/CFRA Leave**

FMLA/CFRA leave is unpaid, however, while on leave, employees will continue to be covered by the SCP's group health insurance program to the same extent that coverage is provided while the employee is on the job. While on leave, employees will be responsible for payment of the employee's contributions for the health insurance premiums either through payroll deduction or by direct payment to the SCP. In the event that the employee's contribution payment for insurance is more than 30 days late, SCP may terminate the employee's coverage. However, SCP shall notify the employee 15 days before coverage is terminated, advising the employee that his/her insurance coverage will cease if the premium payment is not received by a certain date. SCP employees may elect to use PTO paid leave while on FMLA/CFRA or other applicable medical leaves. However, if an employee requests FMLA/CFRA/PDL leave because of their own serious health condition or their own disability due to pregnancy, childbirth, or related medical conditions, the employee must first use accrued PTO for otherwise unpaid leave; however, an employee may elect to reserve a balance of up to 50% of accrued PTO. Further, as SCP participates in the SDI program, employees may be eligible to receive SDI or Paid Family Leave benefits.

- a. **Pregnancy Disability Leave.** Under California law, employees are entitled to up to 4 months maximum leave per year due to a disability related to pregnancy, childbirth, or related medical conditions. Pregnancy disability leave will run concurrently with the FMLA leave. Following a pregnancy disability leave, an employee may have up to 12 workweeks of CFRA available for child care leave, less any CFRA previously taken for reasons other than pregnancy disability during the leave year in question. Requests for Pregnancy Disability Leave must be accompanied by medical certification. Pregnancy Disability Leave is unpaid unless the employee elects to use accrued PTO or unless paid disability benefits are available under SDI or California Paid Family Leave.
- b. **Medical Certifications.** Upon request, employees are required to submit medical certifications supporting the need for leaves under this section. The CEO and/or his or her designee, shall determine whether the submitted medical certification is complete and sufficient. All SCP employees are responsible for providing timely, complete, and sufficient medical certifications. Medical certifications may be required for an



initial certification of leave eligibility, any recertification, a return to work certification, and/or for determining fitness for duty.

- c. **Failure to Return from Leave.** The failure of an employee to return to work after the expiration of a leave of absence may result in immediate termination of employment.

### **309 Compassionate Leave**

All SCP full and part-time regular employees are eligible for up to 5 days of paid leave for an emergency or catastrophic event which may include the following: 1) death of a family or household member; 2) disruption of care arrangements for family or household members; 3) emergency medical situations requiring the SCP employee's assistance and care; 3) catastrophic and/or unforeseen events impacting a SCP employee's family or household and requiring the SCP employee's assistance and care; and, 5) other unforeseen emergency circumstances. For purposes of this section "family" shall include spouse, partner, domestic partner, children, parents, or, in loco parentis of a SCP employee. All compassionate leave must be preapproved by the CEO to be compensated. Regular employees must submit requests in writing to the CEO as soon as practicable. The CEO retains sole authority to approve or reject all requests for compassionate leave. The CEO may deny compassionate leave where the SCP employee knew about the event beforehand and/or the event does not constitute an emergency or is not catastrophic. Compassionate leave does not accrue nor can it be cashed out

### **310 Catastrophic Leave Program**

Definition: Catastrophic Leave is additional paid leave available from PTO hours donated by other SCP employees to a specific, qualified employee. The leave of absence must be due to a verifiable, debilitating injury or illness such as, but not limited to, cancer, heart attack or stroke, which clearly disables the individual or a similarly debilitating illness or injury of the employee's spouse, qualified domestic partner or dependent minor child.

Guidelines:

- a. The recipient of donated PTO hours must have successfully completed 2080 hours (one year) in regular paid status with SCP.
- b. The employee must first exhaust all accrued PTO and floating holiday time before qualifying for catastrophic leave. .

- c. Catastrophic leave may be granted for a maximum of 340 hours, with the option of a 340 hour extension at the discretion of the CEO.
- d. Catastrophic leave shall not be used in conjunction with any long or short-term disability insurance or Social Security benefits.
- e. While on Catastrophic Leave using donated hours, the employee shall not accrue any PTO leave hours.
- f. Donors must maintain a minimum of 80 hours of PTO time after the donation of time.
- g. Donations must be made in whole hours with a one-hour minimum.
- h. Donors and hours shall be maintained as confidential payroll information.
- i. Donated leave shall be changed to its cash value at the donor's base rate of pay and then credited to the recipient in equivalent hours of PTO at the recipient's base rate of pay.

### 311 Leave of Absence for Judicial Purposes

- a. **Non-Party Witness Duty.** A full-time or part-time regular employee is entitled to a leave of absence with pay to respond to an enforceable subpoena to appear in a court or administrative agency hearing in California, other than as a litigant and for reasons other than those caused by the employee's connivance or misconduct. Travel time as a witness or travel time which is outside the employee's assigned work schedule shall not be paid. If the employee's obligation expires on any workday with time remaining on the employee's work schedule, the employee is obligated to return to work.
- b. **Jury Duty.** A full-time or part-time regular employee is entitled to a leave of absence with pay when called for jury duty in the manner provided by law. Travel time as a juror outside the employee's assigned work schedule shall not be paid. If the employee reports for jury duty and is not selected as a juror, or if the court dismisses the proceedings early for the day, the employee is required to return to work as soon as possible. If the employee's obligation as a juror expires on any workday with time remaining on the employee's work schedule, the employee is obligated to return to work.
- c. **Work Schedule and Compensation.** Employees summoned as a juror or witness shall notify the CEO upon receiving a summons or subpoena. When possible, the employee and the CEO shall develop an alternative work plan and/or schedule to insure that work

assignments are completed. Compensation for jury and/or witness leave under this section shall be the difference between the employee's regular base salary pay and any amount he/she received for jury or witness fees, except that an employee may retain travel expenses received from the court when serving on a jury outside the County of Sonoma. Employees are not entitled to overtime for jury or witness leave unless otherwise authorized by the CEO.

## **Health, Retirement, and Other Employee Benefits**

### **400 Health and Retirement Benefits**

The CEO shall be responsible for administering health and retirement benefits as well as determining the amount that SCP will contribute for all medical, vision, dental, other health benefits and retirement benefits consistent with the annual budget allocations approved by the Board of Directors.

### **401 Medical, Dental, Vision**

Effective January 1, 2014, SCP shall contribute \$ 1,300 per month toward each full time employee's medical and vision benefits. Part-time employees are entitled to a pro-rata contribution toward medical and vision benefit. SCP employees may opt out of the medical and vision benefits provided. In the event that a SCP employee is allowed to opt out and signs the necessary waiver, the employee will be entitled to a monthly stipend not to exceed 50% of the cost of the maximum benefit (\$1,250). As of January 1, 2016, the opt-out stipend is set at \$525.00 per month.

Effective January 1, 2016, SCP shall provide dental coverage to employees and their families at no cost to the employee. The payment of dental premiums is in addition to the \$1,300 benefit or the amount of the opt-out stipend.

### **402 Life Insurance and Long-Term Disability**

Effective January 1, 2017, SCP shall provide all regular employees with a life insurance policy valued at \$100,000 and Long-Term Disability coverage. A supplemental life plan is available to employees, with premiums to be paid by the employee. The imputed cost of life insurance coverage in excess of \$50,000 must be included in income, as a taxable fringe benefit, and is subject to social security and Medicare taxes. Employees may opt out of the life insurance coverage and choose not to purchase any supplemental life coverage.

#### **403 Defined Contribution Retirement Benefit**

Effective January 1, 2017, SCP shall contribute up to eight percent (8%) of each regular employee's salary to a defined contribution plan. Employee contributions into a 457b plan will be matched with equal contributions by SCP into a 401a plan, up to 8% of each employee's salary. An employee contributing at the IRS limit shall receive the full 8% contribution by SCP into their 401a plan. Matching contributions begin on the first of the month following a full month of employment.

#### **404 Social Security**

SCP employees shall be covered by OASDI and Medicare as provided for under the Social Security Act. Deductions will be taken up to the maximum set by the Social Security Administration. SCP will make a matching contribution.

#### **405 Wellness Benefit**

Full-time, regular employees are eligible to receive a taxable wellness/physical benefit of \$720 per calendar year, beginning the first of the month following a full month of employment. This amount does not roll over to the next calendar year and balances are forfeit if not used by December 31. New regular employees will receive a pro-rated benefit based on the date of hire during the calendar year. Employees have until March 31 of the following year to turn in receipts from the prior year. Expenditures must be pre-approved by a supervisor or manager and follow the guidelines listed on Exhibit A.

#### **406 Staff Development/Tuition and Textbook Benefit**

Full time, regular employees, after a full, calendar year of employment, are eligible to receive up to \$3,500 per year in tuition and textbook reimbursements, following completion of course(s), with a maximum cumulative per employee amount of \$10,500. The benefit amounts do not carry over each year or accrue. Employees must have prior approval of the expenditure from a direct supervisor. If the courses are directly related to an employee's present position or taken at the suggestion of a manager or director, SCP may cover some or all of the related costs. Any courses taken on SCP time must be directly related to an employee's present position, or career advancement within the present department, and be pre-approved by the employee's supervisor and HR or the CEO.

#### **409 Time off to Volunteer**

Full time, regular employees are eligible to receive up to four (4) hours per month, with a maximum of forty-eight (48) hours per year, to volunteer at the non-profit or school of his/her choice. Travel time shall not be included in the hours or paid as regular time. The hours do not carry over, or accrue. Volunteer hours must be pre-scheduled and approved by the employee's direct supervisor *and* the Internal Operations Manager or CEO. Volunteer hours may not be approved if the time causes a direct scheduling conflict with employees' duties or restricts the employee from completing work assignments in a timely manner. If the employee's volunteer obligation is cancelled by the organization or school on any workday the employee is obligated to return to work.

#### **410 Other Benefits**

SCP shall compensate employees for any benefits, including leaves, as required under state and federal law.

## **Prohibiting Harassment, Discrimination & Retaliation**

### **500 Procedures for Reporting and Resolving Complaints of Harassment, Discrimination & Retaliation**

The purpose of this Policy is to establish a strong commitment to prohibit and prevent discrimination, harassment, and retaliation in employment, to define those terms, and to identify a procedure for investigating and resolving internal complaints. SCP encourages employees to report any conduct that is believed to violate this Policy as soon as possible.

SCP has zero tolerance for any conduct that violates this Policy. Conduct need not rise to the level of a violation of law in order to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate action.

Harassment or discrimination against an applicant or employee by a supervisor, management employee, co-worker or contractor on the basis of race, color, creed, religion, sex (including pregnancy, childbirth or related medical conditions), national origin, physical or mental disability, age, genetic characteristics/information, gender identity/appearance, sexual orientation, marital/domestic partnership status, medical condition (as defined by state law), military status, or any other characteristic protected by federal, state, or local law (referred to as "Protected Status") will not be tolerated.

This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training. Disciplinary or other appropriate action up to and including termination will be instituted for prohibited behavior as defined below.

Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate disciplinary action up to and including termination.

Policy Coverage: This policy prohibits SCP officials, officers, employees or contractors from harassing or discriminating against applicants, officers, officials, employees, or contractors because (1) of an individual's protected classification, (2) of the perception that an individual has a protected classification, or (3) the individual associates with a person who has or is perceived to have a protected classification.

Discrimination: This policy prohibits treating individuals differently because of the individual's protected classification as defined in this policy.

### **501 Harassment Defined**

Harassment may include, but is not limited to, the following types of behavior that is taken because of a person's protected classification. Note that harassment is

not limited to the conduct of SCP employees. Under certain circumstances, harassment can also include conduct by individuals who are not employees, such as elected officials, appointed officials, persons providing services under contract, or even members of the public:

Speech: Such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.

Physical acts: Such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement or other conduct that is inappropriate in the work place. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Visual: Such as derogatory posters, cartoons, drawings, e-mails, pictures or videos.

Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to, or actually does, unreasonably interfere with an individual's work performance or creates an intimidating, hostile, or offensive working environment.



Guidelines for Identifying Harassment: To help clarify what constitutes harassment in violation of this Policy, the following guidelines are to be considered:

- Harassment includes any conduct that would be "unwelcome" by other individuals of the recipient's same protected classification that is taken because of the recipient's protected classification.
- It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude someone from complaining if the conduct is repeated in the future.
- Even visual, verbal, and/or physical conduct between two employees who appear to welcome it can constitute harassment of a third person who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
- Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).
- Retaliation: Adverse conduct because an applicant, employee, or contractor has reported harassment or discrimination, or has participated in the complaint and investigative process, is prohibited. "Adverse conduct" includes: taking sides because an individual has reported harassment or discrimination, spreading rumors about a complainant, shunning and avoiding an individual who reports harassment or discrimination, or making real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. The following individuals are protected from retaliation: those who make good faith reports of harassment or discrimination, and those who associate with an individual who is involved in reporting harassment or discrimination or who participates in the complaint or investigative process.

## **502 Management Responsibilities**

In order to prevent sexual harassment, management and supervisory employees are responsible for, among other things, informing employees of this Policy and reporting all complaints of sexual harassment or any other type of harassment or discrimination to the CEO. It is the responsibility of the CEO to take appropriate action.

## **503 Reporting Harassment and Discrimination**

Acts of harassment or any type of discrimination should immediately be reported either to the employee's supervisor or the CEO.

## **504 Harassment and Discrimination Complaint Procedure**

All reports of possible violations of this Policy will be timely and thoroughly investigated, as appropriate. Depending on the outcome of the investigation, and the circumstances of the case, appropriate action will be taken.

## **505 Defense and Indemnification**

Anyone who engages in conduct that is found to violate this Policy may not be entitled to indemnification and defense where the SCP Board finds that such conduct falls outside the scope of employment.

## **600 Separation from Employment**

### **601 Termination of Employment**

Employees serve at will and may be terminated at any time with or without cause and without right of appeal. Termination of an employee's employment with SCP without cause may be effected by the CEO upon written notice to the employee. The CEO may enter into an agreement with the employee to insure an effective transition of the employee's functions and duties.

An employee may be terminated for cause by the CEO through the delivery of a written notice to the employee. The effective date of the employee's termination shall be set forth in the notice. Upon receipt of the notice of termination for cause, an employee shall immediately return all SCP property and keys including, without limitation, papers, documents, computers, electronic records, and other electronic equipment. Failure to return SCP property shall be considered theft of such property. Upon the immediate termination, the employee shall be entitled to receive whatever salary and benefits that may be earned but not paid. For purposes of this section, cause shall include: unauthorized absence; unresolved performance issues, conviction of a felony or of any criminal acting involving moral turpitude; conduct which brings discredit to the SCP; disorderly conduct; willful concealment or misrepresentation of material facts in applying for or securing employment or in performing assigned duties; willful disregard of a lawful directive from the CEO or supervisor; willful disregard of the SCP's policies and procedures; willful disregard of the confidentiality of SCP records and documents; falsification of any SCP records including time cards or medical applications; being under the influence of alcohol, narcotics, intoxicants, drugs, or hallucinatory agents while on SCP property or in vehicles while performing SCP duties; theft or destruction of SCP property; and, any other cause that constitutes similarly egregious conduct.

### **602 Resignation**

Any employee who desires to terminate his/her employment with the SCP will provide reasonable notice to the CEO and a signed letter of resignation. Upon receipt of the notice of resignation, the CEO will determine the effective date of such resignation.

## Exhibit A

### Wellness/taxable physical fitness benefits

(All require pre-approval for reimbursement)

Benefit	Description	Notes
Health club memberships to pursue or maintain personal health and physical fitness	<ul style="list-style-type: none"> <li>➤ Offsite health clubs</li> <li>➤ Physical fitness/exercise classes</li> </ul>	Locations within Sonoma County or county of residence.
Recreational classes, sport lessons, nutrition, etc.	<ul style="list-style-type: none"> <li>➤ Includes personal training and individual coaching</li> </ul>	Fees for individual employee. Fee for entire team or family members excluded.
Entry, registration, participation and league fees	<ul style="list-style-type: none"> <li>➤ Includes fees for participation in group, team, or league sporting activities</li> </ul>	<p>Fees for individual employee participating on a team only.</p> <p>Fee for entire team or family members excluded.</p>
Physical Fitness Products and Equipment	<ul style="list-style-type: none"> <li>➤ For use outside the workplace</li> </ul>	<p>Reimbursement based on <i>current</i> accrued balance.</p> <p>No advance on excess costs.</p>
Weight reduction programs To improve general health, or as treatment for specific disease.	<ul style="list-style-type: none"> <li>➤ Exercise programs</li> <li>➤ Diet management programs</li> <li>➤ Stress reduction programs</li> </ul>	Excludes food, food preparation equipment and food and nutritional supplements, medications, and residential dietary/weight loss programs
Smoking cessation programs	<ul style="list-style-type: none"> <li>➤ Smoking cessation programs</li> <li>➤ Patches</li> <li>➤ Stress reduction programs</li> </ul>	<p>Coverage is for programs not covered or offered by your health plan</p> <p>No electronic cigarettes or similar options.</p>
Health and Wellness Promotion and Education	<ul style="list-style-type: none"> <li>➤ Classes and educational programs with primary focus to improve health and wellness.</li> <li>➤ Wellness workshops, on-line training</li> <li>➤ Includes meditation, massage, and acupuncture.</li> </ul>	<p>Classes and educational programs may include family members if attending with employee.</p> <p>Family members excluded from fees for service (massage, acupuncture).</p>

## **Acknowledgement of Receipt of Personnel Rules and Policies**

### **Sonoma Clean Power Authority** **Personnel Rules and Policies**

**Approved by the SCP Board by Resolution No.13-0008, November 7, 2013**  
**(Amended 07/01/2018)**

I, \_\_\_\_\_, acknowledge that I have received, reviewed, and understand the SCP Personnel Policies and Procedures listed and my responsibilities outlined in the document underlined above.

Date: \_\_\_\_\_ Employee Signature: \_\_\_\_\_