

BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

PERSONNEL HANDBOOK

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BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

PERSONNEL HANDBOOK

1. INTRODUCTION

This personnel handbook is designed to present the policies that are most likely to affect you as an employee of the Bay Area Water Supply and Conservation Agency (BAWSCA). These policies apply to all employees unless they have a separate written employment agreement with BAWSCA that specifies to the contrary. Employees should understand that this handbook is not intended to be a contract (express or implied), nor is it intended to otherwise create any legally enforceable obligations on the part of BAWSCA, the BAWSCA Board of Directors, or BAWSCA management.

The Board of Directors of BAWSCA may add to, modify, or delete provisions of this handbook at any time. Any such amendment will be distributed to employees in writing, signed by the Board Chair and by the General Manager/CEO (“General Manager/CEO”). The General Manager/CEO is authorized to implement all provisions of this handbook, except those in which such authority is explicitly reserved to the Board of Directors.

2. AT-WILL EMPLOYMENT

Unless otherwise provided for by statute, written individual contract or collective-bargaining agreement approved by the Board and signed by the Board’s Chair and the General Manager/CEO, all employment at BAWSCA is “at-will.” BAWSCA employees have no property interest in their jobs, no right to or expectation of continued employment, and may be dismissed for any lawful reason, or no reason. This means that both employees and BAWSCA have the right to terminate employment at any time, with or without advance notice, and with or without cause. Also, BAWSCA may demote or discipline employees, or alter the terms of employment at any time, with or without cause, at BAWSCA’s sole discretion.

Only the Board has the authority to alter this arrangement, to enter into any agreement for employment for a specified period of time, or to make any agreement contrary to this policy. Any such agreement must be in writing and must be approved by the Board of Directors and signed by the Board’s Chair, the General Manager/CEO, and the affected employee.

3. CATEGORIES OF EMPLOYMENT

Employees of BAWSCA may be new, regular, or temporary employees. New employees may become regular employees upon successful completion of their introductory period. Regular employees may be either full- or part-time.

Temporary employees are those employed for short-term assignments, and may be full- or part-time. Temporary employees shall not work for BAWSCA for more than (1) six continuous

months, or (2) 1,000 hours during the fiscal year (or, if employed on a per diem basis, 125 days). Temporary employees are not eligible for benefits, except as mandated by law.

All new employees must complete a six-month introductory period. The purpose of this period is to provide the opportunity for BAWSCA to evaluate the employee's capability and for the employee to assess whether the position satisfies his or her expectations. At the General Manager/CEO's discretion, the introductory period may be extended. As with all BAWSCA employment under these policies, BAWSCA may, at its sole discretion, discharge an employee with or without cause during the introductory period.

4. STANDARDS OF CONDUCT DURING EMPLOYMENT

A. General

All employees are expected to observe certain standards of job performance and good conduct. The rules set forth below are intended to provide employees with fair notice of what is expected of them. Violation of these rules may result in disciplinary action, up to and including termination of employment. BAWSCA reserves the right to proceed directly to any disciplinary action, without resort to prior disciplinary steps, when BAWSCA deems such action appropriate. These rules cannot and do not identify every type of unacceptable conduct or performance. Conduct not specifically listed below, which adversely affects or is otherwise detrimental to the interests of BAWSCA, or other employees, may also result in disciplinary action. The General Manager/CEO may take disciplinary action deemed appropriate in light of the particular facts and circumstances involved, including demotion or discharge. The General Manager/CEO may also propose, or participate in, fact-finding or mediation conducted by a neutral third party whenever he or she determines that it would be in the best interest of BAWSCA to do so.

The at-will status of BAWSCA employees is not altered by this notice, i.e., BAWSCA has the right to terminate employment at any time, with or without advance notice, and with or without cause.

B. Job Performance

Employees may be disciplined for poor job performance, including but not limited to the following:

- (1) Unsatisfactory work or production;
- (2) Unacceptable workplace demeanor, including interfering with the work performance of others;
- (3) Excessive absenteeism, tardiness or inattentiveness to job responsibilities;
- (4) Failure to follow instructions or BAWSCA policies or procedures; or
- (5) Failure to follow established safety regulations.

C. Misconduct

Employees may also be disciplined for misconduct, including but not limited to the following:

- (1) Insubordination;
- (2) Theft;
- (3) Dishonesty;
- (4) Violating BAWSCA's Conflict of Interest Code;
- (5) Falsifying or altering BAWSCA records, including misrepresentations in an application for employment;
- (6) Violating rules, regulations or policies set forth in this handbook; or
- (7) Conviction of a crime that indicates unfitness for work or the possibility of a threat to the safety of BAWSCA employees, customers or property.

5. DRESS AND GROOMING STANDARDS

BAWSCA considers the presentation of the BAWSCA image to the agencies it works with, its suppliers, and the public at large to be important. BAWSCA seeks not only good performance and conduct from its employees, but also expects them to observe high standards in their personal presentation. While BAWSCA has no formal dress code, it is expected that all employees dress in a manner consistent with good hygiene, safety, and good taste. Employees whose jobs require them to come in contact with the Board, other agencies' personnel, suppliers, or the public are expected to wear apparel that BAWSCA considers appropriate for dealing with the public.

6. PERFORMANCE REVIEW

It is BAWSCA's goal that employees receive an annual written performance review within the last six weeks of each fiscal year. More frequent performance evaluations may be conducted at any time. The General Manager/CEO conducts the review and evaluation of the Financial Officer, the Secretary, and other officers. The General Manager/CEO or his/her designee may evaluate and conduct the review for all non-officer staff positions. The Board of Directors reviews and evaluates the General Manager/CEO's performance.

The purposes of performance reviews are: (1) to formally track progress toward completion of agreed-upon work plans; (2) to formally discuss issues contributing positively or negatively to the work setting or performance; (3) to acknowledge and formally recognize positive performance; (4) to notify the employee of performance deficiencies; and (5) to identify and implement any changes to the employee's work plan directed toward additional growth opportunities, clarity of expectations, or improved performance. Work plans may contain both items for action by the employee and items for action by the reviewer. Employees are given an

opportunity to propose their own goals and objectives, which will be discussed with the reviewer and modified as necessary. Performance will be measured in terms of timely completion or progress toward completion of agreed-upon work plans, other contributions to BAWSCA's objectives, quality of work, and general work habits.

7. OFFICE HOURS

A. Regular Hours

Regular office hours are from 8 a.m. to 5 p.m., Monday through Friday. Employees are generally expected to be at work during these hours except for lunch breaks, assignments away from the office, or arranged absences. The nature of the work and staff structure permits some flexibility in achieving this coverage. The General Manager/CEO has the authority to approve flexible work schedules within an 80-hour pay period.

B. Overtime

Non-exempt employees shall be compensated for all hours worked in excess of 8 straight-time hours in one workday or 40 hours per week unless an alternative schedule consistent with State and Federal Wage and Hour Law is approved by the General Manager/CEO. Overtime pay is computed on the basis of 1.5 hours for every hour of overtime worked and may be taken as pay or as compensatory time off, provided that compensatory time off is taken within the same payroll period as it is earned.

Exempt employees shall not be eligible for overtime pay or compensatory time off unless such provisions have been incorporated in an employment contract.

C. Time Cards

All non-exempt personnel are required to complete an accurate time card of hours worked, which must be approved by the employee's immediate or higher supervisor. The time cards shall show actual hours worked, and exact starting and stopping times.

8. PAY PERIOD

All full-time employees are paid every two weeks. If a payday falls on a holiday or weekend, paychecks will be issued on the preceding workday. Salary advances are issued only in situations in which an employee will be on paid vacation on a particular payday and prior approval for the advance has been received. Employees have the option of receiving a check or direct deposit, or a combination of the two.

9. HOLIDAYS AND VACATION LEAVE

Holidays and vacation leave benefits described in this section apply to both full-time and part-time staff who are regular employees.

A. Holidays

The following are recognized as paid holidays:

New Year's Day (January 1)	Veterans' Day (November 11)
Martin Luther King, Jr. Day (3 rd Monday in January)	Thanksgiving Day (4 th Thursday in November)
Presidents' Day (3 rd Monday in February)	Day after Thanksgiving
Memorial Day (last Monday in May)	Christmas Eve (December 24)
Independence Day (July 4)	Christmas Day (December 25)
Labor Day (1 st Monday in September)	

When a holiday falls on a Sunday, the following Monday will be observed. When a holiday falls on a Saturday, the preceding Friday will be observed.

In addition to the foregoing recognized paid holidays, each employee receives up to two floating holidays per calendar year. The maximum number of unused floating holidays that an employee may accrue is two days, at which point the employee will cease to accrue floating holidays until the balance is reduced below two. Floating holidays must be approved in the same manner as a vacation request, scheduled in advance, and taken as a full day.

B. Vacation

BAWSCA provides vacation benefits ("Vacation Leave") to regular employees to enable them to take paid time off for rest and relaxation. BAWSCA believes this time is valuable for employees in order to enhance their productivity and to make their work experience with BAWSCA personally satisfying.

Regular employees are eligible to accrue Vacation Leave based on their length of continuous service, measured from their date of hire by BAWSCA or, for those employees previously employed by the San Francisco Bay Area Water Users Association (BAWUA), from their date of hire by BAWUA. Regular full-time employees accrue Vacation Leave according to the following schedule:

<u>Continuous Years of Service</u>	<u>Vacation Leave Accrual Rate (Days/Year)</u>
1 through 5	10 days
6	15
7	16
8	17
9	18
10	19
11 and over	20

Regular part-time employees accrue Vacation Leave according to the above schedule on a pro-rata basis.

The maximum balance of unused Vacation Leave is 200 hours (25 days). Once an employee has accrued 200 hours of Vacation Leave, no further Vacation Leave is earned until the balance accrued is reduced below 200 hours through use of Vacation Leave.

C. Vacation Accrual

Vacation Leave accrues beginning on the first working day of the month if the employee is hired between the 1st and the 15th day of the month, and on the first working day of the month following if the employee is hired between the 16th and last day of the month.

D. Vacation Approval and Scheduling

Vacation Leave may not be taken until satisfactory completion of the six months' introductory period absent approval of the General Manager/CEO. Vacation schedules must be submitted to an employee's immediate supervisor for approval. Employees must request permission for Vacation Leave from their immediate supervisor not less than one week in advance for absences of less than three days and not less than two weeks in advance for absences of three or more days. In order to avoid disruption of operations or personal inconvenience, long periods of vacation should receive approval as far in advance as possible. No more than 160 hours (20 days) of Vacation Leave may be taken at one time.

Upon termination of employment, employees will be paid for any unused Vacation Leave balance, up to the maximum accrued balance of 200 hours.

E. Unpaid Vacation Leave

Regular employees may be eligible for limited unpaid vacation leave, as follows:

- The sum of an employee's unpaid vacation leave, plus paid Vacation Leave accrued with BAWSCA, shall not exceed a maximum balance of 200 hours. To the extent accrual of paid Vacation Leave would cause an employee to exceed the 200 hour maximum, the employee's unpaid vacation leave shall be reduced and replaced with paid Vacation Leave.
- An employee who has both unpaid vacation leave and paid Vacation Leave may elect to use such unpaid vacation leave, paid Vacation Leave, or any combination of both, for an approved vacation.
- All unpaid vacation leave shall expire on the earlier of (1) the two-year anniversary of the employee's employment commencement date with BAWSCA, or (2) the termination of the employee's BAWSCA employment. Under no circumstance will employees be paid or otherwise reimbursed for unpaid vacation leave.
- Unpaid vacation leave shall be subject to the "Vacation Approval and Scheduling" provisions set forth above.

F. Voluntary Vacation Leave Donation Program

In the event that an employee is incapacitated by a catastrophic injury or illness and has exhausted all available paid leave (including vacation and sick leave), the General Manager/CEO may establish a time bank to which other employees may voluntarily contribute a portion of their earned vacation leave. The purpose of such a program is to assist employees who suffer a medically-certified, severe and disabling non-industrial condition resulting in an inability to work to remain on paid status after exhausting their own earned paid leave balance.

Donating employee may not reduce their balance of earned vacation below eighty (80) hours by reason of such donations. State and federal income tax on the value of leave donated shall be deducted from the recipient employee's pay at the time of crediting.

G. Administrative Leave

BAWSCA provides paid administrative leave (Administrative Leave) for regular exempt employees. Such employees shall receive 40 hours (five days) of Administrative Leave per calendar year; provided, however, that the 40 hours (five days) shall be pro-rated for part-time employees, and shall also be pro-rated in the first year of BAWSCA employment for employees who start employment after January 1. Administrative Leave shall not accrue from year to year nor be subject to any cash-out provisions.

Non-exempt employees are not eligible for Administrative Leave.

10. FAMILY MEDICAL LEAVE

A. Leave Policy

Under the federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA"), employees may take time off as provided in this policy, so long as the employee has worked for BAWSCA for at least 12 months, and for at least 1,250 hours in the last 12 months. .

B. Reasons for Leave

Eligible employees may take up to 12 weeks of unpaid Family and Medical Leave within any rolling 12-month period (measured backward from the date of the commencement of any Family and Medical Leave) and be restored to the same or a comparable position upon the employee's return from leave for any of the following reasons:

- (1) the birth of a child and to bond with or to care for such child;
- (2) the placement of a child with the employee for adoption or foster care and to bond with or to care for the newly-placed child;
- (3) to care for a spouse, domestic partner, child, or parent ("covered relation") with a serious health condition;

- (4) the employee's own serious health condition that renders him/her unable to perform an essential function of his/her position;
- (5) "qualifying exigency leave," where the employee's spouse, child, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation, and leave is needed for certain qualifying exigencies, such as attending certain military events, addressing certain legal or financial arrangements, arranging for alternative childcare, attending post-deployment reintegration briefings or attending certain counseling sessions (qualifying exigency leave is not covered under the CFRA).

In addition, an eligible employee who is the spouse, parent, child, or next of kin of a covered servicemember may take up to 26 weeks of unpaid, job-protected FMLA leave during a single 12-month period to care for a covered servicemember. A covered servicemember is a current member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties. This leave is called "military caregiver leave" and is not covered under the CFRA.

Military caregiver leave is a one-time benefit allowing 26 weeks of leave during a single 12-month period (although an employee may be entitled to more than one period of military caregiver leave if the leave is to care for a different covered servicemember or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period). BAWSCA will begin counting the 12-month period on the first day of leave taken to care for the injured or ill servicemember. During the 12-month period when military caregiver leave is used, an employee is limited to a combined total of 26 weeks of FMLA leave for any reason. If a husband and wife both work for BAWSCA and are both eligible for FMLA, they are limited to a combined total of 26 workweeks of FMLA leave during a single 12-month period for military caregiver leave or a combination of qualifying exigency leave and military caregiver leave.

C. Time Off from Work Due to Employee's Disability Due to Pregnancy/Childbirth/Adoption

Time off from work because of disability due to pregnancy, childbirth, or adoption is counted as time used for FMLA leave, but is not counted as time used for CFRA leave. Pregnant employees may have the right to take up to four (4) months of Pregnancy Disability Leave (PDL) in addition to CFRA leave. Pregnant employees should review the Handbook's PDL policy and consult with the Office Manager regarding their individual situation.

D. Notice of Leave

If your need for Family and Medical Leave is foreseeable, you must give at least 30 days prior notice of the need for leave, preferably in writing. If this is not possible, you must at least give notice as soon as practicable (generally within one (1) to two (2) business days of learning of your need for leave), and you must comply with BAWSCA's usual and customary notice and

procedural requirements for requesting leave absent unusual circumstances. Failure to provide such notice may be grounds for delay of leave. Additionally, if you are planning a medical treatment, you must consult with BAWSCA first regarding the dates of such treatment. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable. Where the need for leave is not foreseeable, you should notify BAWSCA as soon as possible and practical.

Your notice must include sufficient information for BAWSCA to determine if the leave qualifies for FMLA/CFRA protection and for BAWSCA to determine the expected timing and duration of the leave.

E. Certification of a Serious Health Condition

If you are requesting leave because of your own or a covered relation's serious health condition, you must provide appropriate medical certification from the relevant health care provider within 15 calendar days after you request leave, if practicable. If you provide at least 30 days notice you should provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may be grounds for delay of leave. The certification must include the name, address, phone and fax numbers of the health care provider and the type of medical practice, the approximate date on which the serious health condition began and its probable duration, a statement documenting the need for leave, and confirmation that, if you are the patient, you are unable to perform one or more of the essential functions of your job due to the serious health condition or, if a family member is the patient, confirmation that the family member is in need of care.

BAWSCA, at its expense, may require an examination by a second health care provider designated by BAWSCA, if it reasonably doubts the medical certification you initially provide for your own serious health condition. If the second health care provider's opinion conflicts with the original medical certification, BAWSCA, at its expense, may retain a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

BAWSCA may require subsequent medical recertification at the expiration of your previous certification. Failure to provide requested recertification within 15 days, if such is practicable, may result in delay of further leave until it is provided.

F. Certification for a Qualifying Exigency

If you are requesting qualifying exigency leave, you must provide appropriate certification within 15 calendar days after you request leave, if practicable. Failure to provide requested certification in a timely manner may be grounds for delay of leave. You must provide a copy of the military member's active duty orders or other documentation issued by the military that indicates that the military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the member's active duty service.

You must also provide a signed statement of the facts regarding the qualifying exigency for which FMLA is requested, and provide the approximate date on which the qualifying exigency began or will begin, the beginning and end dates for the absence that is a single continuous

period of leave (or, for intermittent or reduced schedule basis leave, an estimate of the frequency and duration of the qualifying exigency), and if the qualifying exigency involves meeting with a third party, provide appropriate contact information for any third party with whom you are meeting and a brief description of the purpose of the meeting.

G. Certification for Military Caregiver Leave

If you are requesting leave to care for a covered service member with a serious injury or illness, you must provide medical certification that the serious injury or illness was incurred in the line of duty on active duty in the Armed Forces.

H. Reporting While on Leave

If you take leave because of your own serious health condition or to care for a covered family relation, you must contact BAWSCA ~~EMPLOYER~~ as directed regarding the status of the condition and your intention to return to work. In addition, you must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change, are extended, or initially were unknown.

I. Leave is Unpaid

Family and Medical Leave is unpaid leave, although you may be eligible for short-term or disability payments, paid family leave and/or workers' compensation benefits under those insurance plans. You may elect to substitute any accrued paid time off (e.g., vacation, sick time, etc.) for unpaid Family and Medical Leave. The use of paid leave is subject to the terms of the BAWSCA's usual policies, procedures and restrictions applicable to that type of paid leave.

J. Medical and Other Benefits

For the first 12 weeks of an approved Family and Medical Leave, BAWSCA will maintain your health benefits as if you continued to be actively employed. If paid leave is substituted for unpaid Family and Medical Leave, BAWSCA will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium as directed by the BAWSCA. Your health care coverage will cease if your premium payment is more than 30 days late. If your payment is more than 30 days late, we will send you a letter to this effect. If we do not receive your co-payment within 15 days of that letter, your coverage may cease. If you elect not to return to work for at least 30 calendar days at the end of the leave period, you may be required to reimburse BAWSCA for the cost of the health benefit premiums paid by BAWSCA for maintaining coverage during your unpaid leave.

During the unpaid portion of a family medical leave vacation accrual vesting will cease.

K. Intermittent and Reduced Schedule Leave

Leave because of a serious health condition, including pregnancy-related disabilities, or military caregiver leave, may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-leave schedule (reducing the usual number of hours you work per workweek) if medically necessary. Qualifying exigency leave may also be taken intermittently

or on a reduced-leave schedule. Any leave taken for birth or placement of a child must be taken in blocks of at least two weeks (but you are allowed two exceptions), and must be taken within one year of the birth or placement of the child with the employee.

If leave is unpaid, BAWSCA will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced leave schedule, BAWSCA may temporarily transfer you to an available alternative position that better accommodates your recurring leave and has equivalent pay and benefits.

L. Returning from Leave

If you take leave because of your own serious health condition, (except if you are taking intermittent leave) you are required to provide medical certification from your health care provider that states that you are able to resume work and that addresses your ability to perform the essential functions of your job. Employees failing to provide the return-to-work medical certification form will not be permitted to resume work until it is provided.

Under most circumstances, an employee who returns from a Family and Medical Leave will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if she or he had been continuously employed rather than on leave. In addition, employees who do not return to work are not entitled to an accrual of seniority or employment benefits that may have occurred during a leave period.

11. PREGNANCY DISABILITY LEAVE

Any employee who is disabled on account of pregnancy, childbirth or related conditions may take a pregnancy-related disability unpaid leave for the period for actual disability, up to four (4) months. This leave is in addition to any FMLA leave to which the employee may be entitled under the Family and Medical Leave Act provision on page 15. Duration of the leave will be determined by the advice of the employee's physician. The four (4) months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and prenatal care. Leave does not need to be taken in one (1) continuous period of time and may be taken intermittently, as medically necessary. Leave may be taken in increments of one (1) hour.

Employees who need to take pregnancy disability leave must provide at least verbal notice sufficient to notify BAWSCA that the employee needs to take a pregnancy disability leave and/or transfer (discussed below). The verbal notice should include the anticipated timing and duration of the leave or transfer. If the need for the leave or transfer is foreseeable, employees must provide at least thirty (30) days advance notice before the pregnancy disability leave or transfer is to begin. Employees must consult with their supervisor or the Business Department regarding the scheduling of any planned medical treatment so as to minimize disruption to BAWSCA's operation. Any such scheduling is subject to the approval of the employee's health care provider. If thirty (30) days advance notice is not possible, notice must be given as soon as practical.

Pregnancy disability leave is unpaid. An employee taking pregnancy-related disability leave may substitute any accrued PTO for her leave. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled. Pregnancy leave usually will begin when ordered by the employee's health care provider. The employee must provide BAWSCA with a certification from her health care provider. The certifications indicating disability should include the date on which the employee became disabled due to pregnancy, the probable duration of the period(s) of disability, and a statement that, due to the disability, the employee is unable to perform one (1) or more of the essential functions of her position without undue risk to herself, the successful completion of the pregnancy, or to other persons. The employee's health care provider must release the employee to return to work.

An employee returning from a pregnancy disability leave will be returned to the same or comparable position, consistent with applicable law, but the employee has no greater right to reinstatement to the same position during the pregnancy leave period.

12. SICK LEAVE

BAWSCA provides income continuation ("Sick Leave") to regular employees in the event of a personal illness, illness of a child, parent, spouse, domestic partner, parent of a spouse or domestic partner, dependent or foster relative living in the employee's home.

At the start of employment, all regular employees are credited with 12 days (96 hours) of Sick Leave for the ensuing year of employment; the 12 day (96 hour) amount is pro-rated for regular part-time employees.

Following the first-year anniversary of their BAWSCA employment, regular employees are eligible to accrue Sick Leave at the rate of one day (8 hours) per month. This accrual rate is pro-rated for regular part-time employees. There is no limit on the amount of Sick Leave that may be accrued, but it may not be used in advance of accrual. Unused Sick Leave is not reimbursed at termination of employment.

Use of Sick Leave by regular part-time employees is subject to the same provisions as for full-time employees, except that Sick Leave may only be used in connection with scheduled work days.

Any absences to be charged to Sick Leave must be reported to the employee's immediate supervisor as early as possible on the first day of absence.

Employees who use all of their available Sick Leave time will need either to use available vacation time for additional time off, or take leave without pay.

13. WORKERS' COMPENSATION CLAIMS AND LEAVE OF ABSENCE

BAWSCA maintains statutorily required workers' compensation insurance, and provides leaves of absence for industrial injuries as required by law. Employees injured on the job should

contact the General Manager/CEO, or his/her designee, who will provide the necessary forms and information concerning BAWSCA's workers' compensation insurance.

14. BEREAVEMENT LEAVE

Regular full-time employees who have experienced the loss of a loved one are eligible for paid leave per occurrence, as follows:

Loss of an immediate family member: 24 hours (3 workdays)

Loss of other family relative: 8 hours (1 workday)

Immediate family is defined as the employee's spouse, domestic partner, children, parents, grandparents, parents of spouse or domestic partner, brother or sister, and dependents or foster relatives living in the employee's home.

An additional eight hours of paid leave will be provided in the event a funeral for a member of the employee's immediate family is more than 300 miles away.

15. JURY DUTY/WITNESS DUTY LEAVE

An employee who is required by law to serve on jury duty or is subpoenaed as a witness to appear before a court, public body or commission will be given time off from work.

While serving in such a capacity, a regular full-time employee will be paid his/her regular salary and will accrue other benefits as if on the job. Paid time off for jury or witness duty is limited to a maximum of 15 working days in one year, unless the employee chooses to use earned vacation leave. Thereafter, such leave shall be without pay.

An employee who has been summoned must notify his/her supervisor immediately so that arrangements can be made for coverage of the employee's assignments during his/her absence. Any payments to the employee for his/her jury service (other than mileage reimbursement) while on paid Jury/Witness Duty Leave must be endorsed over to BAWSCA and will constitute proof of jury/witness service. If the employee is on unpaid leave or using Vacation Leave to complete a jury/witness service commitment, any payments received for such period do not have to be paid to BAWSCA.

The provision of paid time off for jury/witness duty does not apply to court appearances in which the employee is a party.

16. OTHER LEAVES REQUIRED BY LAW

Eligible employees will be granted other leaves of absence as required by law for the purpose of fulfilling any required legal or military obligation or any other legally required time off (e.g., time off to vote in a statewide election, for a parent to appear at certain school activities, or maternity leave, etc.). Employees must provide reasonable advance written notice of any need for such leave. Such leave will be unpaid for non-exempt employees and for exempt employees

who perform no work in a particular workweek. =Employees on military leave of absence. may use accrued vacation time in lieu of unpaid leave for all or a portion of the leave of absence

17. HEALTH PROGRAMS & EMPLOYEE ASSISTANCE PROGRAM

The following health programs are currently offered to regular full-time employees and to regular part-time employees who meet certain minimum service requirements:

- Group Comprehensive Major Medical Plans under the California Public Employees' Retirement System (CalPERS) Health Benefits Program ("PERS health")
- Group Dental Plan
- Group Vision Care Plan
- Employee Assistance Program

For eligible employees, BAWSCA pays for the employee's PERS health premium up to BAWSCA's monthly contribution cap. In addition, BAWSCA pays premiums associated with the dental and vision plans, and those associated with the employee assistance program. BAWSCA's practice of paying premiums is subject to change as provided in Section 22. Upon request, more detailed information on the current programs, including any premium-contribution caps, is available from BAWSCA.

18. INSURANCE BENEFITS

A. Workers' Compensation Insurance

All employees are covered by Workers' Compensation Insurance, the cost of which is fully paid by BAWSCA. This insurance provides certain benefits to employees who suffer an injury on the job. Any job-related injuries or illness, however minor, must be reported to your supervisor immediately. You are required to give complete details of any such injury or illness in order that a complete report can be prepared. Forms for filing a Workers' Compensation claim can be obtained from the General Manager/CEO or his/her designee.

B. Life/Accidental Death and Dismemberment/Long-Term Disability/Short-Term Disability

BAWSCA currently provides Life/Accidental Death and Dismemberment, and Short-term and Long-term Disability insurance for regular full-time employees. Part-time employees who meet certain minimum service requirements also are eligible for these insurance benefits. Further information regarding insurance benefits is available on request from BAWSCA.

19. RETIREMENT BENEFITS

Regular full-time employees, and regular part-time employees who meet certain minimum service requirements, automatically participate in a retirement plan offered by BAWSCA via the California Public Employees' Retirement System (CalPERS). Each year, BAWSCA contributes

a percentage of every eligible employee's pay to the plan (variable from year to year), and each such employee contributes 7% of his/her compensation (in lieu of Social Security withholding). The CalPERS retirement plan is a defined benefit plan, meaning that benefits under the plan generally are paid in fixed periodic amounts upon retirement, in amounts based upon the employee's contributions, salary history and years of service.

Subject to PERS eligibility requirements, BAWSCA pays premiums associated with PERS health coverage of eligible retirees, up to BAWSCA's monthly contribution cap. PERS health is the only health benefit provided by BAWSCA to retirees. Retirees are not eligible for the dental or vision plan, nor are they eligible for the employee assistance program. Upon request, more detailed information on the current programs, including any premium-contribution caps, is available from BAWSCA.

20. DEFERRED COMPENSATION PLAN

All regular employees are eligible to participate in an eligible deferred compensation plan, or a "457 plan," sponsored by BAWSCA. Employees can elect to contribute a portion of their BAWSCA compensation to the plan, up to certain limits imposed under tax laws. Amounts contributed to the plan, which are deducted directly from payroll, are invested at the direction of either the employee or BAWSCA among investment options available under the plan. Generally, all contributions to the plan, and related earnings, are not subject to tax until distribution. With certain limited exceptions, amounts under the plan cannot be distributed until termination of BAWSCA employment. Further information regarding the 457 plan is available on request from BAWSCA.

21. RIGHTS AND BENEFITS ESTABLISHED BY INSURANCE POLICIES AND CONTRACTS

No independent rights or benefits are created by this handbook. The insurance policies and contracts referred to in Sections ~~15, 16, 17 and 18~~ 17, 18, 19 and 20 establish such rights and benefits, and employees should consult the terms of such policies and contracts for authoritative statements of such rights and benefits.

22. MODIFICATION OF BENEFITS

BAWSCA reserves the right to modify, change or terminate benefits as business needs may require and to the greatest extent permitted under the law.

23. EXPENSE REIMBURSEMENT

A. Reimbursement Categories

When employees are required to travel on BAWSCA business, the following expenses are reimbursable or will be paid directly by BAWSCA, as appropriate:

- (1) Transportation fare, mileage for use of private cars, auto rental, bridge tolls, parking, and taxi charges must be recorded and receipts provided.
 - a. Travel by public conveyance (air/rail/bus, etc.) shall be purchased or reimbursed at the most economical fare available, except as authorized by the General Manager/CEO (or, in the case of the General Manager/CEO's travel, by the Board of Directors). Copies of airline, bus or rail tickets must be attached to the expense report to obtain reimbursement for travel.
 - b. If an employee elects to travel by means other than air, he/she will be reimbursed only for actual expenses up to the maximum allowable airfare.
 - c. Mileage reimbursement for the use of private cars shall be at the prevailing Internal Revenue Service allowance. An employee who receives an auto allowance may not claim mileage reimbursement without Board authorization.
- (2) Lodging when an overnight absence from the employee's home is required.
 - a. The lodging allowance is for the single occupancy rate. Added cost incurred for multiple accommodations such as for the employee's spouse or family are not reimbursable. In such instances, the difference must be deducted from the receipt or voucher attached for reimbursement.
 - b. Lodging will be reimbursed at reasonable business and government room rates for the area visited. Any additional expense for premium service or accommodations must be borne by the employee.
- (3) Registration fees, meals, and related expenses incurred in connection with conferences, training courses or other activities when attendance is to the benefit of BAWSCA.
- (4) Membership cost, meals and related expenses resulting from specific affiliations with civic, professional or other associations the Board has determined to be advantageous to BAWSCA.
- (5) Meal expenses of officers or staff will be permitted under the following conditions:
 - a. When overnight absence from BAWSCA's normal area of operations is required;
 - b. When an employee or authorized representative has a business meeting during a normal meal period regarding matters of direct interest to BAWSCA. The costs of the meal, number of persons served, and the gratuity are to be shown on a receipt which will be attached to an expense reimbursement claim. Alcoholic beverages are not a reimbursable expense; and
 - c. As otherwise directed by the Board in the interest of BAWSCA.

In the context of this reimbursement provision, “employee” or “authorized representative” shall mean any person employed by BAWSCA either full-time or part-time, or any other person who has been authorized by the Board or the General Manager/CEO to represent BAWSCA at a specific meeting.

B. Allowances, Limitations, Exclusions

On business trips requiring an overnight stay, an employee may choose to be reimbursed for meal and travel incidentals on the basis of either \$50 per diem or itemization of actual expenses. The per diem will be allowed in full on the day of departure and on the day of return without regard to the times of departure or arrival or meals provided by a conference. Only one method of reimbursement for meals and incidentals may be used for each trip.

C. Claims Procedure

Claims for reimbursement shall be submitted on an Expense Report Form either monthly or upon completion of a trip. The report should include a list of expenditures and their purpose, with documentation of each expense attached. All expenditures over \$10.00 must be documented.

The General Manager/CEO or his/her designee shall review the Expense Reports to determine the need, appropriateness and reasonableness of each item of expense and, upon approval, forward the report for payment.

24. DRUG-FREE WORKPLACE GUIDELINES

BAWSCA maintains a drug-free workplace in accordance with the provisions of the California Drug-Free Workplace Act of 1990 and the federal government’s Drug-Free Workplace Act of 1988. These acts require local government recipients of grants to publish a statement prohibiting controlled substances in the workplace. To comply with these acts, and to reflect BAWSCA’s position on alcohol and drug problems, the following guidelines have been established. These guidelines are intended to deter informal practices that may exist in connection with alcohol and drug problems, especially those that lead to the cover-up and protection of the abuser. For purposes of these guidelines, an alcohol or drug problem exists when consumption of, or use of, alcohol or drugs interferes with job performance and/or attendance.

While BAWSCA has no intention of intruding into the private lives of its employees, involvement with alcohol and drugs on and off the job can take its toll on job performance and employee safety. Our concern is that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public. Moreover, substance abuse in the workplace can cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, and behavior that disrupts other employees.

In accepting employment, each employee certifies that they agree to abide fully by these guidelines and acknowledge that any violation may result in serious disciplinary action, up to and including the possibility of immediate termination.

- (1) No employee will illegally manufacture, distribute, dispense, possess or be under the influence of alcohol or drugs while at the workplace. Discipline may be imposed for violations of these guidelines, including termination. Prescription medication and over-the-counter medication taken in connection with a medical condition of the employee, as directed, are excluded from these guidelines. However, the employee shall notify BAWSCA in the event such medication has an effect on the employee's performance. BAWSCA officials receiving such drug use information must keep it confidential, as contemplated by both state privacy laws and these guidelines.
- (2) Any employee convicted for violating any state or federal criminal drug law by an action committed in the workplace must notify BAWSCA within five calendar days of the conviction. When required by federal law, BAWSCA will notify any federal agency with which it has grants or contracts, of any employee who has been convicted of violations of federal drug statutes, if the violations occurred in the workplace.
- (3) It is the responsibility of each employee to adhere to these guidelines. Employees who think they may have an alcohol or drug use problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program, their personal medical insurance plan or substance abuse treatment program. Access to the Employee Assistance Program is strictly confidential.
- (4) It is the responsibility of management/supervisory staff to notice changes in work behaviors and patterns that adversely affect job performance. Management/supervisors are not to attempt to diagnose alcohol or drug problems but are to document, in written form, work-related incidents (e.g., attendance or safety) and are to refer employees whose work performance has deteriorated to BAWSCA's Employee Assistance Program. Participation in the Employee Assistance Program is not mandatory, and is intended to be a constructive tool in improving an employee's performance. Nothing in these guidelines changes the at-will status of BAWSCA employees, or limits BAWSCA's ability to discipline or dismiss an employee in appropriate circumstances.
- (5) If an employee is referred to the Employee Assistance Program, it will be the responsibility of the employee to seek diagnosis and to cooperate with the prescribed treatment, if treatment is recommended. Failure to pursue the referral to the Employee Assistance Program, or failure to follow prescribed treatment, may be considered if problems in job performance or attendance persist.
- (6) Information and records of employees with an alcohol or drug problem will be preserved in the same manner as all other confidential records.
- (7) The social stigma often associated with alcohol and drug problems is inappropriate and is an impediment to effective treatment. BAWSCA expects that these guidelines will encourage self-referral of employees who suspect that they may have an alcohol or drug problem.

The foregoing constitutes BAWSCA's ongoing drug-free awareness program.

25. PERSONNEL RECORDS AND MEDICAL RECORDS

The General Manager/CEO shall maintain personnel files for all current employees as provided by law. They shall be maintained at BAWSCA's central office. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee, BAWSCA's legal counsel, and persons authorized by the General Manager/CEO. The General Manager/CEO shall determine the types of information to be included in a personnel file. The General Manager/CEO, or his/her designee, shall process all material to be placed in a personnel file (i.e., make sure designated documents are placed in personnel file).

Employees wishing to inspect their personnel files shall contact the General Manager/CEO. Requests for copies of material in a personnel file must be made in writing.

Access to personnel files shall be strictly controlled by the General Manager/CEO:

- They shall be reviewed in the office where the files are maintained unless otherwise approved in writing by the General Manager/CEO;
- Nothing may be removed from personnel files without the written approval of the General Manager/CEO; however, employees may make copies of the documents in their files which contain their signature.
- They shall be reviewed and replaced within the shortest time possible; and
- Other than the General Manager/CEO, and BAWSCA's legal counsel, only management personnel with a "need to know" may, with the General Manager/CEO's authorization, review an employee's personnel file.

Medical information received from a provider of an employee's health care, and information obtained in a medical examination conducted on BAWSCA's behalf, shall be kept in a file separate from other personnel files and treated as a confidential medical record.

Notwithstanding BAWSCA's policies and efforts to maintain employee privacy, BAWSCA may be required to produce personnel and medical information to third parties pursuant to lawful subpoena, search warrant, court order, administrative process, or when otherwise specifically required by law. Nothing in this policy shall prohibit BAWSCA's lawful use of relevant information in a lawsuit, arbitration, grievance, or other proceeding to which BAWSCA and an employee are parties.

Employees should inform the General Manager/CEO immediately whenever there are changes to personal data such as address, telephone number, persons to contact in case of an emergency, etc.

26. POLITICAL ACTIVITIES OF EMPLOYEES

BAWSCA respects the right of its employees to engage in political activities on their own time. But when engaging in political activities, employees shall make it clear that they are acting as individuals and not as representatives of BAWSCA.

BAWSCA employees shall not:

- Conduct political activities during duty hours;
- Solicit campaign support or contributions during duty hours; or
- Use BAWSCA equipment for the production or reproduction of campaign materials.

27. OTHER EMPLOYMENT

Employees may receive compensation for outside activities as long as such activities are not inconsistent, incompatible, in conflict with, or hostile to the employee's duties or to the duties, functions and responsibilities of BAWSCA.

Outside paid activities are incompatible with BAWSCA employment if they require time periods that interfere with the proper, efficient discharge of the employee's duties, if they entail compensation from an outside source for activities that are part of the employee's regular duties, or if they involve using for private gain BAWSCA's name, prestige, time, facilities, equipment or supplies.

28. EQUAL EMPLOYMENT OPPORTUNITY

BAWSCA is committed to non-discriminatory practices in employment. Employees and job applicants shall not be discriminated against on the basis of race, color, religious creed, national origin, ancestry, age, sex, marital status, actual or perceived sexual orientation, gender identity, pregnancy, physical or mental disability, medical condition, veteran status, family care or medical leave status, genetic information or any other basis protected by federal or state law. This policy applies to all areas of employment, including recruitment, hiring, training, transfer, promotion, compensation and benefits.

29. ACCOMMODATING PERSONS WITH DISABILITIES

Physically or mentally disabled employees or applicants may request reasonable accommodation. Upon receiving a request to reasonably accommodate the physical or mental disability of a BAWSCA employee or qualified job applicant, the General Manager/CEO, or his/her designee, shall:

- (1) Determine the essential functions of the job;
- (2) Consult with the employee or applicant to determine the precise limitations, if any, and how they may be mitigated;

- (3) With the employee or applicant's help, review the request for accommodation, identify potential means for providing accommodation, and assess their effectiveness; and
- (4) If possible, develop a plan for the accommodation that would satisfy the employee or applicant's concerns without imposing undue hardship on BAWSCA.

30. POLICY AGAINST HARASSMENT

BAWSCA is committed to providing a workplace free of harassment based on such factors as race, color, religious creed, national origin, ancestry, age, sex, marital status, actual or perceived sexual orientation, gender identity, pregnancy, physical or mental disability, medical condition, veteran status, and family care or medical leave status, genetic information or any other basis protected by federal or state law. BAWSCA will not tolerate harassment of employees by officers, supervisors, or co-workers.

Harassment includes conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Harassment can take many forms and includes, but is not limited to, impeding another's movement or otherwise physically interfering with normal work, assault, making slurs, jokes, gestures, pictures, drawings, or cartoons based upon an employee's race, color, religious creed, national origin, ancestry, age, sex, marital status, actual or perceived sexual orientation, gender identity, pregnancy, physical or mental disability, medical condition, veteran status, family care or medical leave status or genetic information.

Sexually harassing conduct includes all of the above, as well as other unwelcome conduct such as requests for sexual favors, unwelcome sexual advances, and conversation containing sexual comments. Sexually harassing conduct can be by a person of either the same or opposite sex.

Any incident of harassment should be reported promptly to the General Manager/CEO, who will be responsible for investigating the matter either directly or through a designee. Managers who receive complaints or who observe harassing conduct should inform the General Manager/CEO immediately. An employee is not required to complain first to the General Manager/CEO if that person is the individual who is harassing the employee. Instead, the employee may report the harassment to his or her responsible supervisor, or any BAWSCA officer.

Every reported complaint of harassment will be investigated thoroughly, promptly, and in accordance with BAWSCA's Complaint Procedure. If a violation of this policy is found to have occurred, BAWSCA will discipline the offender. Discipline can range from a warning up to and including termination, depending on the circumstances.

31. POLICY AGAINST RETALIATION

BAWSCA prohibits illegal retaliation. “Retaliation” means an adverse employment action (which for this section may include hiring and promotion decisions) because an employee has made a complaint or charge of discrimination or harassment, has participated in an investigation of such a complaint or charge, has filed a charge with state or federal authorities, or has engaged in some similar protected activity. Retaliation by any employee or supervisor against any employee (or job applicant) who makes a complaint or charge, or any employee or applicant who participates in the investigation of a complaint of harassment will not be tolerated.

32. COMPLAINT PROCEDURES

BAWSCA has established these Complaint Procedures for internal resolution of employees’ work-related complaints, including complaints of discrimination, harassment and/or retaliation.

A. Filing of Complaint

Employees should file complaints with the General Manager/CEO as soon as possible after the events that give rise to the employee’s work-related concerns. If the General Manager/CEO is absent or otherwise unavailable, or if the complaint is about the General Manager/CEO, employees should file complaints with any supervisor, or any BAWSCA officer. The complaint may be either oral or written, but should not be transmitted via e-mail. It should set forth in detail the facts involved in the employee’s complaint.

B. Investigation

The General Manager/CEO will date and log all complaints and will send the employee an acknowledgment that the complaint is under review.

The General Manager/CEO (or designee) will investigate the complaint, meeting separately with the employee and with others who either are named in the complaint or who may have knowledge of the facts set forth in the complaint. BAWSCA will attempt to treat all internal complaints and their investigation as confidential. However, in the course of investigating and resolving internal complaints, some dissemination of information to others may be necessary or appropriate.

On completion of the investigation, the General Manager/CEO will orally report the findings and conclusions to the employee who filed the complaint.

C. No Retaliation

If an employee has filed a complaint in good faith, the employee will not be disciplined or otherwise penalized because of the complaint, regardless of whether or not the complaint is sustained. If an employee believes that he or she is being retaliated against for making a complaint, the employee should immediately notify the General Manager/CEO, or any BAWSCA officer.

33. WORKPLACE VIOLENCE

BAWSCA is committed to providing a workplace that is free from acts or threats of violence. This includes actual or threatened violence against co-workers, visitors, or any other persons who are either on BAWSCA premises or have contact with employees in the course of their duties. Employees who engage in or contribute to violent behavior, or who threaten others with violence, may be subject to disciplinary action, up to and including termination.

Threatening behavior includes (1) uninvited touching or other attempts to intimidate, instill fear, or harass other individuals, (2) verbal or written threats to harm another individual or harm property, (3) threatening gestures, (4) throwing objects, and (5) bringing weapons or firearms of any kind on BAWSCA premises or while conducting BAWSCA business.

Every verbal or physical threat of violence must be treated seriously and reported immediately to the General Manager/CEO. If the General Manager/CEO is absent or otherwise unavailable, employees should report the threat to any supervisor, or any BAWSCA officer.

34. OPEN-DOOR POLICY

BAWSCA has an open-door policy that encourages employee participation in decisions affecting them and their daily professional responsibilities. Employees who have job-related concerns or complaints are encouraged to discuss them with their supervisor or the General Manager/CEO. BAWSCA believes that employees' concerns are best addressed through this type of informal and open communication.

Employees are encouraged to raise their concerns as soon as possible after the events that cause the concern. BAWSCA will attempt to keep all such expressions of concern and the results of any investigation confidential. But in the course of investigating the matter, some dissemination of information to others (including the Board of Directors) may be necessary or appropriate.

35. TECHNOLOGY USE AND PRIVACY

BAWSCA provides various technology resources to employees in order to help them perform their job at BAWSCA. Failure to follow BAWSCA's policies regarding its technology resources may lead to disciplinary action, up to and including termination of employment. Moreover, BAWSCA may advise appropriate legal authorities of any violation of law by an employee.

A. Definition of Technology Resources

Technology resources are all electronic devices, software, and means of electronic communication including, but not limited to, personal computers and workstations, laptop computers, personal digital assistants, computer hardware such as disk drives and tape drives, peripheral equipment such as printers, modems, fax machines, and copiers, computer software applications and associated files and data, including software that grants access to external services, such as the Internet, electronic mail, telephones, cellular phones, pagers, and voicemail systems.

B. Using BAWSCA's Technology Resources

BAWSCA's technology resources are provided for the purpose of conducting BAWSCA business. Employees may, however, use BAWSCA's technology resources for the following incidental personal uses so long as such use does not interfere with the employee's duties, does not conflict with BAWSCA's business, and does not violate any policy of BAWSCA:

- Employees may send and receive necessary and occasional personal communications, so long as personal communications do not include BAWSCA logos or references to BAWSCA;
- Employees may prepare and store incidental personal data (e.g., personal calendars, personal address lists, and similar incidental personal data);
- Employees may use the telephone system for brief and necessary personal calls that are chargeable as "local" calls to BAWSCA; and
- Employees may access the Internet for brief personal searches and inquiries, so long as such use does not interfere with the performance of their duties and provided that employees adhere to all other usage policies.

BAWSCA accepts no responsibility for loss, damage, destruction, alteration, disclosure, or misuse of any personal data or communications transmitted over or stored on BAWSCA's technology resources. BAWSCA accepts no responsibility for the loss or non-delivery of any personal electronic mail or voicemail communications or any personal data stored on BAWSCA property. BAWSCA strongly discourages employees from storing personal data on BAWSCA's technology resources.

C. Examples of Prohibited Uses of BAWSCA's Technology Resources

Employees often use electronic mail for correspondence that is less formal than written memoranda. However, employees must not let informality lead to improper use. As set forth more fully in other sections of this handbook, BAWSCA does not tolerate discrimination or harassment based on race, color, religion, national origin, sex, actual or perceived sexual orientation, gender identity, genetic information or any other status protected by state and federal laws. Employees are prohibited from using BAWSCA's technology resources to transmit, receive, or store any information that is discriminatory or harassing in any way (such as, for example, sexually explicit or racial messages, jokes, cartoons, or Internet links).

Employees are also prohibited from using the technology resources to copy, retrieve, forward or send copyrighted materials unless the employee has the author's permission or is accessing a single copy only for the employee's reference.

Finally, employees may not use any of BAWSCA's technology resources for any illegal purpose, in violation of any BAWSCA policy, in a manner contrary to the best interests of BAWSCA, in any way that discloses confidential or proprietary information of BAWSCA or third parties, that is defamatory of any person or for personal or pecuniary gain.

D. No Expectation of Personal Privacy in Technology Resources

All messages sent and received, including personal messages, and all data and information stored on BAWSCA's electronic-mail system, voicemail system, or computer systems are BAWSCA's property, regardless of the content of the messages. BAWSCA may monitor, access or inspect all of its technology resources, including its computers, personal digital assistants, voicemail, and electronic mail systems, at any time, in its sole discretion. This includes reviewing an employee's personal use of BAWSCA's technology resources. This is the case even if the technology resources can be accessed only by entering a password, because passwords are intended only to prevent unauthorized access to information and do not confer any right of privacy on any employee. Employees are expected to maintain their passwords as confidential, and must not share passwords or access coworkers' systems without express authorization from the General Manager/CEO, or his/her designee.

Deleting or erasing information, documents, or messages maintained on BAWSCA's technology resources is often ineffective. All employees should understand that any information kept on BAWSCA's technology resources may be recalled electronically or recreated, regardless of whether it may have been "deleted" or "erased" by an employee. Because BAWSCA may periodically back-up all files and messages, and because of the way in which computers re-use file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

**ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK
AND TERMS OF EMPLOYMENT**

I acknowledge that I have received a copy of BAWSCA’s Personnel Handbook as amended through July 2012. I understand that I am responsible for reading the handbook and for complying with the policies set forth in the handbook. I understand that the policies contained in the handbook are not intended to create any contractual rights or obligations, express or implied, and that BAWSCA has the right to delete, amend, or interpret any of the provisions of the handbook at any time, and to add new provisions with or without notice. I also understand that if I have any questions regarding BAWSCA’s policies or procedures, I should consult with the General Manager/CEO, or his/her designee.

I understand that my employment relationship with BAWSCA is “at-will,” which means that both BAWSCA and I have the right to terminate employment at any time, with or without advance notice, and with or without cause. I also understand that the terms of my employment may be altered at any time, with or without cause, at the discretion of BAWSCA.

Employee Signature: _____

Date: _____