



SPECIAL BOARD OF TRUSTEES MEETING

****Monday, February 12, 2018****

7:00 p.m.

District Office

155 Mason Circle

Concord, California 94520

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4.* PUBLIC INPUT ON NON AGENDA ITEMS

Public Participation: Members of the public may address the Board of Trustees regarding items of interest that are within the subject matter jurisdiction of the Board of Trustees. Generally, the Board will not enter into a dialogue during this period.

Speakers should have a "Speaker Card" completed and presented to the Clerk of the Board prior to the start of the Board meeting. Public input on agenda items will be taken at the beginning of the discussion of those agenda items.

Comments shall be limited to three minutes per person, unless different time limits are set by the Chairperson.

5. INFORMATIONAL ITEMS

Comments

A. Personnel Committee Report

Mank

6. ACTION ITEMS

Item

Comments

Action Required

A. Employee Handbook Update

Mank

**

Recommendation – To approve the recommendation from the Personnel Committee regarding recommended changes to the Employee Handbook.

7. ADJOURNMENT

Protecting Public Health Since 1927

BOARD OF TRUSTEES

President WARREN CLAYTON Pinole • Vice President MICHAEL KRIEG Oakley • Secretary H. RICHARD MANK El Cerrito
Antioch LOLA ODUNLAMI • Brentwood Vacant • Clayton PEGGIE HOWELL • Concord PERRY CARLSTON • Contra Costa County JIM PINCKNEY, CHRIS COWEN & DARRYL YOUNG
Danville RANDALL DIAMOND • Hercules Vacant • Lafayette JAMES FITZSIMMONS • Martinez DANIEL PELLEGRINI • Moraga ROBERT LUCACHER • Orinda Vacant
Pittsburg RICHARD AINSLEY, PhD • Pleasant Hill RICHARD MEANS • Richmond SOHEILA BANA, PhD • San Pablo Vacant • San Ramon PETER PAY • Walnut Creek JAMES MURRAY

I hereby certify that the District Board of Trustee Agenda was posted 72 hours, 10 days, or hours before the noted meeting:



Natalie Jones, Administrative Assistant

2/2/18
Date

The Contra Costa Mosquito & Vector Control District will provide reasonable accommodations for persons with disabilities planning to attend CCMVCD meetings who contact Natalie Jones at least 24 hours before the meeting, at (925) 771-6100

Documents that are disclosable public records required to be made available under California Government Code Section 54957.5 (b) (1) and (2) are available to the public for inspection at no charge during business hours at our administrative office located at 155 Mason Circle, Concord, California

February 12, 2018

STAFF REPORT
FEBRUARY 12, 2018 SPECIAL BOARD MEETING
AGENDA

1 – 4. No Comment, See Agenda.

5. **INFORMATIONAL ITEMS**

A. **Personnel Committee Report** – Trustee Mank will report on the committee meeting that was held on February 5, 2018.

6. **ACTION ITEMS**

Item

A. **Employee Handbook Update**


Recommendation – To approve the recommendation from the Personnel Committee regarding recommended changes to the Employee Handbook adding appeal procedures for non-represented employees and outlining the disciplinary process.

7. **ADJOURNMENT**



155 Mason Circle
Concord, CA 94520
phone (925) 685-9301
fax (925) 685-0266
www.contracostamosquito.com

February 6, 2018

To: Board of Trustees
From: Natalie Jones, Administrative Assistant 
Re: **Employee Handbook – Update recommendation**

Dear Trustees,

I have enclosed an update to the Employee Handbook, which should be reviewed prior to the Board Meeting set for February 12, 2018.

The update was reviewed at the Personnel Committee meeting held on February 5, 2018 and correspond to the Action Item 6.A. on the Special Meeting Agenda set for February 12, 2018 at 7:00PM.

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Employee Handbook
Contra Costa Mosquito and Vector Control District

Revised 7/11/2016
Section Termination revised 2/5/2018

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Discipline Policy Termination

Employee References

All requests for references must be directed to the general manager. No other manager, supervisor, or employee is authorized to release references for current or former employees.

By policy, Contra Costa Mosquito & Vector Control District discloses only the dates of employment and the title of the last position held of former employees. If you authorize the disclosure in writing, Contra Costa Mosquito & Vector Control District also will inform prospective employers of the amount of salary or wage you last earned.

Discipline Process~~Involuntary Termination and Progressive Discipline~~

Overview

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Violation of District policies and rules may warrant disciplinary action. The District has established a system of progressive discipline that includes verbal warnings, written warnings, suspensions, demotions and termination. The District may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including termination of employment.

If an incident occurs which requires investigation before the facts can be ascertained, the supervisor may suspend the employee with pay pending the investigation.

If the supervisor deems it appropriate, another member of management may be present to witness the imposition of the disciplinary procedure.

Levels of Discipline

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The District may impose the following types of discipline:

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1. COUNSELING MEMO – A counseling memo will be placed in the employee's personnel file and may not be appealed under this policy.
2. VERBAL WARNINGS - With respect to verbal warnings, an employee's supervisor may verbally communicate to an employee any conduct or performance not in compliance with the causes for action for discipline set forth in the Employee Conduct section of this handbook, or any other appropriate unlisted cause of action, which must be approved. The supervisor may detail the areas of improvement, the degree of improvement required, and notice that failure to improve will result in more serious disciplinary action.

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The supervisor who administers the verbal warning shall prepare a brief memorandum identifying the name of the employee, the nature and date of the conduct requiring discipline, and the date the verbal warning was provided. A copy of the memorandum shall be placed in the employee's personnel file. A verbal warning may not be appealed under this policy.

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3. WRITTEN REPRIMAND WARNINGS - With respect to written reprimand warnings, an employee's supervisor may communicate in writing to an employee any conduct or performance not in compliance with the causes for action set forth in the Employee Conduct section, or any other appropriate unlisted cause of action, which must be improved. All such reprimand warnings shall be provided by a supervisor to an employee at a pre-arranged meeting, at which time the contents of the reprimand warning will be discussed. The written reprimand warning shall contain the name of the employee, the time and date of the meeting, the nature and date of the conduct requiring discipline, the action required of the employee to correct the unacceptable conduct or performance and a warning that any further incident of unacceptable conduct or performance will result in further discipline, up to and including termination. The reprimand warning shall also contain the following statement, which the

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employee shall be asked to sign at the conclusion of the written warning meeting:

"I hereby acknowledge that the contents of this memorandum have been discussed with me and that I have received a copy of this memorandum"

-Employee's signature _____ Date _____

A copy of the signed memorandum shall thereafter be provided to the employee and the original copy placed in the employee's personnel file. In the event an employee refuses to sign a given memorandum, a notation to that effect shall be made on the memorandum, with a copy of the memorandum being provided to the employee and the original copy placed in the employee's file.

An employee shall have ten (10) working days within which to file a written response to any written ~~reprimand~~ ~~warning~~ and said response shall be placed in the employee's personnel file. A written reprimand may not be appealed under this policy.

4. SUSPENSION WITHOUT PAY

5. DEMOTION

6. REDUCTION IN PAY

7. TERMINATION

Pre-Disciplinary Process for Suspension, Demotion, Reduction in Pay or Discharge

Only regular, for-cause employees have the right to the pre-disciplinary and appeal processes outlined in this section. All employees other than for-cause employees, namely temporary, seasonal, at-will, and probationary employees, may be disciplined or separated at will, with or without cause, and without the pre-disciplinary and appeal procedures listed below.

Notice of Intent to Discipline. The employee will be provided a written Notice of Intent to Discipline that contains the following information:

- The level of discipline intended to be imposed;
- The specific charges upon which the intended discipline is based;
- A summary of the facts upon which the charges are based;
- A copy of all written materials, reports, or documents upon which the intended discipline is based;
- Notice of the employee's right to respond either in person at a pre-disciplinary *Skelly* conference, or in writing, and the date that response (or the request for a conference) is due;
- Notice of the employee's right to have a representative of his or her choice at the pre-disciplinary conference, should he or she decided to respond orally; and
- Notice that the failure to respond at the time specified shall constitute a waiver of the right to respond prior to the imposition of discipline.

Response by Employee and Skelly Conference: If the employee requests a *Skelly* conference, the General Manager or his/her designee will conduct an informal meeting with the employee. During the informal meeting, the employee shall have the opportunity to rebut the charges against him or her and

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present any mitigating circumstances. The General Manager or his/her designee will consider the employee's presentation before issuing the disciplinary action. The employee's failure to attend the conference, or to deliver a written response by the date specified in the *Skelly* notice, is a waiver of the right to respond, and the intended disciplinary action may be imposed on the date specified in the *Skelly* letter.

Final Notice of Discipline: After the *Skelly* conference and/or timely receipt of the employee's written response, the General Manager or his/her designee will: 1) take no disciplinary action; or 2) modify the intended discipline; or 3) impose the intended disciplinary action. If any discipline will be imposed, the General Manager or his/her designee will provide the employee with a notice that contains the following:

- The level of discipline to be imposed and the effective date of the discipline;
- The specific charges upon which the discipline is based;
- A summary of the facts that show that the elements of each charge at issue in the intended discipline;
- A copy of all materials upon which the discipline is based; and
- A reference to the employee's appeal right and deadline to appeal.

Delivery of the Final Notice of Discipline: The final notice of discipline will be sent by a method that verifies delivery to the last known address of the employee, or delivered to the employee in person. If the notice is not deliverable because the employee has moved without notifying the District or the employee refuses to accept delivery, the effective date of discipline will be the date the post office or delivery service attempted delivery.

Evidentiary Appeal Hearing

Request for Appeal: An employee may appeal a suspension, reduction in pay, demotion or discharge by submitting a written request to appeal to the General Manager or his/her designee within 14 calendar days from: 1) receipt of the final notice of discipline; or 2) the date of attempted delivery by the post office or delivery service of the notice to the last known address of the employee. Failure to file a timely written request for an appeal waives the right to an appeal hearing and any appeal of the discipline.

Appeal Hearing Officer: The District and the employee shall jointly select a neutral hearing officer from a list provided by State Mediation and Conciliation Service (SMCS). The hearing officer's task is to conduct an evidentiary hearing and write an advisory decision that will be provided to the District's Personnel Committee within 60 days after the conclusion of the hearing.

Conduct of the Hearing:

1. **Sworn Testimony:** All witnesses shall be sworn in prior to testifying.
2. **Employee Appearance:** The employee must appear personally before the hearing officer at the time and place set for the hearing. The employee may be represented by any person he or she may select.

3. **Evidence:** Hearings need not be conducted according to technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner that the hearing officer decides is the most conducive to determining the truth. The rules dealing with privileges shall be effective to the same extent that they are recognized in civil actions. Irrelevant or unduly repetitious evidence may be excluded. The appeal hearing officer shall determine the relevance, weight and credibility of testimony and evidence.
4. **Exclusion of Witnesses:** During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing.
5. **Burden of Proof:** The District has the burden of proof by the preponderance of the evidence.
6. **Authority of Hearing Officer:** The appeal hearing officer shall not have the power to alter, amend, change, add to, or subtract from any of the terms of these Policies.
7. **Professionalism:** All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or the appeal hearing officer.
8. **Presentation of the Case:** The parties will address their remarks, evidence, and objections to the appeal hearing officer. The appeal hearing officer may terminate argument at any time and issue a ruling regarding an objection or any other matter. The appeal hearing officer may limit redundant or irrelevant testimony, or directly question the witness.
9. Oral closing arguments may be permitted at the discretion of the appeal hearing officer. The District argues first, the employee argues second, and if the District reserved a portion of its time for rebuttal, the District may present a rebuttal. Either party may request to submit a written brief and/or a draft decision. The appeal hearing officer will determine whether to allow written briefs or draft decisions, the deadline for submitting briefs, and the page limit for briefs.

Appeal Hearing Officer's Advisory Decision: Within 60 days of the conclusion of the hearing, the appeal hearing officer shall make written findings and a recommended decision as to the discipline. The Personnel Committee shall review the findings and recommendations of the appeal hearing officer and may then affirm, revoke, or modify the findings, recommendations, or disciplinary action taken.

The decision of the Personnel Committee is final. There is no process for reconsideration. The District will mail a copy of the final written findings and decision, along with a proof of service of mailing that confirms that the decision was sent both to the employee him/herself, as well as to the employee's representative. It shall be the responsibility of the employee to inform the District of his/her address. A copy of the decision shall also be provided to the General Manager.

For all disciplinary actions other than verbal or written warnings, a supervisor may take disciplinary action against any employee under their responsibility for one or more of the causes for discipline specified in the Employee Conduct section, or any other appropriate unlisted cause of action, by notifying the employee, in writing, within a period of two (2) to ten (10) calendar days prior to the proposed action, of the following:

1. The nature of the proposed disciplinary action.
2. Statement of the reasons for the proposed action.
3. Statement indicating the proposed effective date for the disciplinary action and that the employee may respond verbally or in writing prior to that date.

The notice should also include copies of all documentation or materials upon which the proposed disciplinary action is based. The notice shall be served upon the employee either personally or by Certified Mail, return receipt requested.

The employee shall be given, within five (5) working days from the date of receipt of written notice of proposed disciplinary action, an opportunity to respond either personally at an informal hearing, in writing, or both, to the individual proposing the intended discipline. The involved hearing is non-adversarial and the employee shall not have the right to cross-examine witnesses. At the hearing, the employee shall be given the opportunity, either verbally or in writing, or both, to bring forward facts or circumstances which may cause the charges to be modified or dropped. Following the hearing, the hearing officer (either the party recommending the discipline or their designee) will determine whether it is appropriate to impose the recommended discipline, or to modify or drop the same. If the proposed action is to be suspension or discharge, the employee may be relieved of duty while continuing to receive pay and other benefits until the disciplinary action is effected by the District.

If no response to a notice of proposed action is received, then either the District general manager or employee's supervisor may carry out the disciplinary action. Written notice of the final discipline shall be in the form set forth below.

If the employee chooses to respond to the notice of proposed discipline, written notice of the disciplinary action, if any, shall be served on the employee not later than five (5) days after receipt of the employee's response, or in instances in which an informal predisciplinary hearing is requested, within five (5) days of the conclusion of the hearing. The notice shall be served upon the employee either personally or by Certified Mail, and shall include:

- A. A statement of the nature of the disciplinary action;
- B. The effective date of the penalty;
- C. Statement of the causes thereof;
- D. A statement in ordinary and concise language of the evidence and/or admissions upon which the cause or causes are based;
- E. A statement advising the employee of his/her right to appeal such action.

If no discipline is imposed, a notice to that effect shall be served.

Reductions in Force

Under some circumstances, the District may need to restructure or reduce its workforce. If it becomes necessary to restructure our operations or reduce the number of employees, the District will attempt to provide advance notice, if possible, so as to minimize the impact on those affected. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

In determining which employees will be subject to layoff, the District will take into account, among other things, operation and requirements, the skill, productivity, ability and past performance of those involved and also, where appropriate, the employee's length of service.

Regular full-time employees, whose layoff is permanent, will be entitled to one month's severance pay.

In addition, if you are a member of SEIU, Local 1021, please review your MOU regarding this policy.

Voluntary Resignation

Voluntary termination results when an employee voluntarily resigns his or her employment at Contra Costa Mosquito & Vector Control District, or fails to report to work for three consecutively scheduled workdays without notice to, or approval by, his or her supervisor (unless the absence is protected by law). All District-owned property, including vehicles, keys, uniforms, identification badges, and credit cards, must be returned immediately upon termination of employment.