

CITY OF ALAMEDA

Personnel

Policies and Procedures



PERSONNEL POLICIES AND PROCEDURES

HUMAN RESOURCES

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ADMINISTRATIVE POLICIES AND PROCEDURES

City Employee's Responsibility to Respond

Effective Date:
7/1/2016

A. PURPOSE

The purpose of this Administrative Instruction is to establish and clarify procedures regarding City employees' responsibility to respond in the event of a disaster or emergency.

B. OVERALL GUIDELINES

In accordance with the State of California Government Code Title 1, Division 4, Chapter 8.

3100. It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and resources is of paramount state importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the police power of the state in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

It is assumed that City employees will remain or return to their duty stations upon the event of a disaster and depending on the need for their services. Employees have an obligation to their families to establish a household emergency plan thus providing for their safety and reducing stress and anxiety during periods of turmoil. If possible employees will be notified if they are needed. This may be done by telephone, radio, messenger, Emergency Broadcast system (Radio Station KNBR) or whatever means possible. However, it isn't always possible and as a result the City has adopted the following procedures relative to retaining the employee or recalling them.

C. GENERAL PROCEDURES

- If disaster conditions prevail every effort will be made to contact needed employees for return to their work station. If no notification is forthcoming and conditions indicate, the employees should attempt to contact their Department or work station.
- If the employee has not been contacted and is unable to contact their Department or work station, they should return to their work station after assuring themselves of their families' well being and safety.
- Employees should assemble at their work stations if possible. If they are unable to do so they should assemble in the City Hall parking lot or if that is not possible then they should report to Fire Station #4 located at 2595 Mecartney Road on Bay Farm Island.
- If the employee cannot reach the City, they should contact the nearest public facility, such as a fire or police station, etc. and attempt to get a message requesting instructions to the City of Alameda.
- If no direction is forthcoming, the employee should make their services available to the jurisdiction in which they are located until such time as they can reach the City of Alameda. During such periods all rights and benefits of the employee are protected by law.



ADMINISTRATIVE POLICIES AND PROCEDURES

Drug Free Workplace Policy

Effective Date:
1/1/2020

A. PURPOSE

It is the policy of the City of Alameda to maintain a safe, healthful and productive work environment for all City employees. In recognition of the public service responsibilities entrusted to City employees; because drug and alcohol use hinders a person's ability to perform duties safely and effectively; and in compliance with the Drug-Free Workplace Act of 1988, it is the policy of the City of Alameda to create and maintain a drug-free workplace for all City employees.

B. OVERALL GUIDELINES

This policy requires that, in the interest of their fellow workers, the public, and themselves, all City employees be mentally and physically ready and able to perform their duties safely, effectively, and efficiently. This policy further establishes that the presence of drugs and/or alcohol on the job, the influence of these substances on employees during working hours, and the misuse of these substances off the job, are inconsistent with this objective.

This Policy establishes the rules and procedures regarding the use of drugs and/or alcohol as it pertains to employment and the circumstances under which and procedures to be used to test for drug and/or alcohol use.

The City provides reasonable accommodations as required by law to those employees whose drug and/or alcohol problem classifies them as disabled. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those whose continued substance abuse, even if enrolled in counseling or rehabilitation programs results in performance deficiencies, danger to the health and/or safety of others and/or themselves, and/or violations of federal law, state law or City policies.

C. GENERAL PROCEDURES

1. All employees receive a copy of "The City of Alameda – Employee Conduct/Behavior Expectations" during orientation. The Employee Conduct/Behavior Expectations specifies that drugs are illegal in the workplace, that use of alcohol on City premises is not permitted and action will be taken for violations.
2. City employees may not use, be under the influence of, or possess alcohol while on City property, while performing their duties (whether or not on City property) or at any time when use of alcohol would impair, to any extent, the employee's ability to perform their duties or to operate any City equipment.
3. City employees may not possess, use, sell, transfer, manufacture, purchase or transport a controlled substance or attempt to do so, while on City property, while performing their duties (whether or not on City property) and they may not report to work with a controlled substance in their system. Controlled substances are defined by Federal law (21 U.S.C.S. 812) and include any illegal drug or prescription drug which has not been prescreened for the individual by a physician.

4. Use of prescribed medications and over-the-counter medications (OTC) in accordance with a physician's or package's (in the case of OTCs) instructions is not per se a violation of this policy. However, where a prescribed medication or OTC may impair an employee's ability to perform their normal job duties or to safely operate City equipment; the employee must inform their supervisor. The Supervisor may, upon determination that the employee is unable to safely, effectively or efficiently perform their normal duties, and that a modified work assignment is not available, direct the employee not to work and to return home on paid leave. The employee is not required to disclose the medication or the condition for which the medication is being taken.
5. The City may require an employee to submit to a drug and/or alcohol screen test under the following circumstances:
 - A. Following a work-related accident, incident or mishap that resulted in death, or injury requiring medical treatment away from the scene of the accident, or property damage, where drug and/or alcohol use by the employee cannot be ruled out as a contributing factor. See Exhibit A – Reasonable Suspicion Procedure and Evaluation Form.
 - B. When a trained Supervisor has reasonable suspicion to believe, based upon specific and documented facts and observations that the employee may be under the influence of drugs and/or alcohol. See Exhibit A.
 - C. When an on-duty employee is contacted by a police officer who has reasonable suspicion to believe the employee is under the influence of alcohol and/or drugs or the employee has been involved in an on-duty vehicle-related incident and the officer suspects the employee is under the influence of drugs and/or alcohol.
6. Employees reasonably believed to be under the influence of alcohol and/or drugs shall be prevented from engaging in further work and may be detained for reasonable time until they can be safely transported from the work site. Refusal to submit immediately to the City of Alameda drug/alcohol testing procedure when requested by the City management or law enforcement personnel may constitute insubordination and may be grounds for discipline up to and including termination.
7. The City of Alameda has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol and/or drug problems. Employees who think they may have a problem are urged to voluntarily seek confidential assistance from the EAP Counselor. Employees should contact their supervisors, the Human Resources Department or the EAP Counselor for additional information. **(EAP services can be accessed from Concern the City's EAP Provider. To access services online visit login.concernhealth.com or call 1-800-344-4222 with access code: alameda)**
8. As a condition of employment, City employees are expected to abide by the terms of this policy and to notify the City of any criminal drug statute conviction occurring in the workplace within five (5) days of the conviction. Violation of this policy is cause for disciplinary action, up to and including discharge.



ADMINISTRATIVE POLICIES AND PROCEDURES

Exhibit A to the Drug Free Workplace Policy – Reasonable Suspicion Alcohol and Drug Testing

Effective Date:
1/1/2020

Whenever a supervisor observes independently, or is advised by another employee about, an employee who may be under the influence of alcohol and/or drugs, the supervisor should immediately contact the appropriate management staff and implement the procedures listed below. Do not proceed without specific directions. For Employees covered by the Department of Transportation (DOT) Regulations related to Drug and Alcohol testing, follow the procedures found in the DOT regulations.

If an employee is suspected to be under the influence of alcohol and/or drugs in the workplace:

1. Remove the employee from their work location to a private office or area. Do not leave the employee unattended.
2. Contact Human Resources at (510) 747-4900 during business hours. After business hours contact your Department Head directly and they will contact the Human Resources Director.
3. Complete the "Reasonable Suspicion Alcohol and/or Drug Testing Evaluation Form" documenting your specific observations of the employee's behavior that gave rise to your suspicions.
4. Have two other managers/supervisors observe and corroborate your observations of the employee's behavior. At least one observer must be a manager.
5. If you find that your suspicion is unsubstantiated the employee should be allowed to return to work.
6. Before asking the employee any questions or discussing your suspicions, advise the employee that they are suspected of being under the influence of alcohol and/or drugs and ask the employee if they would like to have a labor representative present.. **If the employee requests a labor representative, do not ask questions until a labor representative is present.** If the employee declines labor representation, do not ask any questions; and proceed with the drug and alcohol testing without questioning the employee.
7. After completing the "Reasonable Suspicion Alcohol and/or Drug Testing Evaluation Form," and after the employee's labor representative is present or you have documented their declination to have a representative present in the reasonable suspicion checklist; meet with the employee to discuss your observations of their behavior and to review the City's Drug Free Work Place Policy. **Do not ask the employee questions unless or until the employee's labor representative is present.**
8. Inform the employee that failure to cooperate and/or leaving the area will be considered insubordination and will be cause for discipline. Additionally, inform the employee that law enforcement will be notified if they attempt to drive.
9. Where reasonable suspicion is substantiated, a manager in conjunction with Human

Resources should authorize the employee be sent for alcohol and/or drug testing. Testing may proceed without the approval of Human Resources after hours if the manager is unable to reach anyone in the Human Resources Department. However, it should be noted that **simply smelling alcohol is insufficient to constitute reasonable suspicion and an employee suspected based on only this criteria cannot be sent for testing**, other criteria on the reasonable suspicion check-list must be met in order to send an employee for alcohol and/or drug testing.

10. Order the employee to the drug or alcohol testing.
11. During the normal work day, until 2:00 PM, an employee ordered to undergo alcohol and/or drug testing should be taken to Kaiser Occupational Medicine for testing. Call ahead to make sure Kaiser can perform the test. (510) 752-1559 or (510) 846-0356), if Kaiser cannot perform the test contact Preferred Alliance.
12. If after 2:00 PM Preferred Alliance should be contacted to perform the alcohol and/or drug test. Preferred Alliance will send a representative to the worksite to perform the alcohol and/or drug test. They can be reached at (977) 272-5227. **When calling you must identify yourself as being from the City of Alameda and a Preferred Alliance Client.**
13. If the employee refuses to submit to the alcohol and/or drug test, advise the employee that their refusal will be considered insubordination and they will be subject to disciplinary action.
14. If employee persists in refusing to submit to the alcohol and/or drug test place the employee on paid Administrative Leave for the rest of their shift. Advise the employee that they must remain available at home so that you may contact them if needed. Then arrange for the employee to be transported home. **Do not allow the employee to drive themselves home.**
15. With assistance from the Human Resources Department conduct an administrative investigation based on the employee's refusal to submit to alcohol and/or drug testing, and draft progressive disciplinary documents as needed.
16. At the conclusion of the alcohol and/or drug test the employee should be transported home and placed on Administrative leave pending the test results.
17. If the alcohol and/or drug test is negative the employee can return to work the next day.
18. If the test is positive the employee should remain on administrative leave pending discipline or until directed to return to work.



City of Alameda Reasonable Suspicion Checklist

Instructions: Record observations of the employee's appearance and behavior that you believe may be the result of the use of a controlled substance or alcohol use. Please Review City Alcohol and Drug Testing Policy prior to completing.

Name of Employee Observed:	Date of Observation:	Time of Observation:
Location of Observation:		Primary Observer Name:
Secondary Observer Name (Different than the Primary Observer):		Name of Other Observers or Witnesses (Different than the Primary or Secondary Observer):
If no other witnesses or observers are present check here: <input type="checkbox"/> and note the reason here:		

Observations (Check All That Apply)

<u>Appearance</u>	<u>Behavior/Speech</u>	<u>Awareness</u>	<u>Motor Skills/Balance</u>
<input type="checkbox"/> Flushed <input type="checkbox"/> Bloodshot Eyes <input type="checkbox"/> Glassy Eyes <input type="checkbox"/> Dilated Pupils <input type="checkbox"/> Constricted Pupils <input type="checkbox"/> Dry-Mouth Symptoms <input type="checkbox"/> Puncture Marks <input type="checkbox"/> Tremors <input type="checkbox"/> Inappropriate use of sunglasses (wearing indoors, at night or when sun isn't present) <input type="checkbox"/> Runny Nose <input type="checkbox"/> Excessive Sniffing <input type="checkbox"/> Red Nose <input type="checkbox"/> Disheveled <input type="checkbox"/> Profuse Sweating	<input type="checkbox"/> Incoherent Speech <input type="checkbox"/> Slurred Speech <input type="checkbox"/> Slowed Speech <input type="checkbox"/> Rapid Speech <input type="checkbox"/> Rambling or Confused Speech <input type="checkbox"/> Uncharacteristically Loud Speech <input type="checkbox"/> Uncharacteristically Talkative <input type="checkbox"/> Uncharacteristically Silent <input type="checkbox"/> Inappropriate Laughter <input type="checkbox"/> Hostile or Confrontational <input type="checkbox"/> Angry <input type="checkbox"/> Irritable <input type="checkbox"/> Agitated <input type="checkbox"/> Anxious <input type="checkbox"/> Withdrawn <input type="checkbox"/> Uncooperative <input type="checkbox"/> Sad or Depressed <input type="checkbox"/> Crying <input type="checkbox"/> Sleeping on the job <input type="checkbox"/> Unconscious <input type="checkbox"/> Vomiting	<input type="checkbox"/> Confused <input type="checkbox"/> Distracted <input type="checkbox"/> Lethargic <input type="checkbox"/> Lack of Coordination <input type="checkbox"/> Mood Swings <input type="checkbox"/> Paranoid <input type="checkbox"/> Euphoric <input type="checkbox"/> Disoriented <input type="checkbox"/> Drowsy <input type="checkbox"/> Excessive Energy	<input type="checkbox"/> Unsteady <input type="checkbox"/> Staggering <input type="checkbox"/> Swaying <input type="checkbox"/> Falling <input type="checkbox"/> Stumbling <input type="checkbox"/> Uncoordinated <input type="checkbox"/> Shaking <input type="checkbox"/> Reaching for Support <input type="checkbox"/> Arms Raised for Balance <input type="checkbox"/> Slowed Movements <input type="checkbox"/> Quick Movements <input type="checkbox"/> Aggressive

Other Observed actions, behaviors or circumstances (Attach another sheet of paper if needed):

Primary Observer's Statement (What led you to believe that the employee in questions should have a medical/Drug and Alcohol evaluation?)

Primary Observer:_____Signature:_____Date:_____

Secondary Observer:_____Signature:_____Date:_____

Witness:_____Signature:_____Date:_____

Witness:_____Signature:_____Date:_____

Witness:_____Signature:_____Date:_____



ADMINISTRATIVE POLICIES AND PROCEDURES

Employee Conduct/Behavior Expectations Policy

Effective Date:
12/1/2016

A. PURPOSE

The purpose of this policy is to provide a set of expectations for employees conduct and behavior.

B. OVERALL GUIDELINES

The City of Alameda is responsible for providing a safe and secure workplace and strives to ensure that all individuals associated with the City are treated in a respectful and fair manner.

C. GENERAL PROCEDURES

RULES PERTAINING TO SAFETY:

1. All safety rules, regulations and instructions must be observed and obeyed.
2. All accidents shall be immediately reported.
3. Any employee having knowledge of or being witness to an accident, shall, if requested, give full and truthful testimony as to same.

RULES PERTAINING TO FIRE PREVENTION AND SANITATION:

4. All fire prevention and sanitary rules, regulations and instructions must be observed and obeyed.
5. No smoking in City facilities.
6. All refuse and waste to be placed in containers provided for the purpose.
7. All work-places, aisles, passageways, rest rooms and lavatories to be kept in clean and sanitary condition.

RULES PERTAINING TO ATTENDANCE:

8. All employees must be in their assigned places and ready for work at the designated starting time.
9. All employees shall remain at their respective places of work during working hours and shall not visit other parts of the premises except in the line of duty.
10. When an employee is absent from work, the employee shall notify the City according to the governing Memorandum of Understanding giving reasons for such absence, and keep City advised as to probable date of return to work.

CAUSES FOR DISCHARGE PERTAINING TO WORK:

11. Inability or unwillingness to perform work as required or directed.
12. Neglect of duty, including neglect, misuse and wastage of City materials, property, tools or equipment (including phones and City vehicles) or a willful damage to, or failure to properly safeguard and protect City property.
13. Reporting for duty under the influence of liquor, or carrying onto the City premises or consuming intoxicating liquors on City premises.
14. Disorderly conduct, or participation in fights or brawls on City property.
15. Dishonesty or theft, including deliberate destruction, damage, or removal of City or other employees' property.
16. The use and inclusion in or on any carton, case, package, or contents thereof, or therein, or any printed matter, writing, marking, symbol, sign or design whatever description or form, not authorized by the City.
17. Giving false information as to previous record and experience, or otherwise falsifying personal record, application statements, productivity or other records.
18. Marking, defacing, damaging, writing or drawing, on or upon any walls, doors, or windows of City property or facilities.
19. Disregard of, or inattention to working directions and instructions, or refusal to comply with, or violation of, safety or fire regulations or sanitary rules and regulations.
20. Gambling of any kind during working hours or on City premises; which shall include the following: participation in poker, dice or other games of chance; the solicitation or acceptance of wagers, whether personally or on behalf of another person; and the selling or purchasing, or attempting to sell or purchase, lottery tickets or chances of any kind.
21. Soliciting or collecting signatures or contributions for any unapproved purpose during an employee's working time or while on City premises. Distribution of pamphlets, literature or promotional material for any unapproved purpose during an employee's working time or on City premises.
22. Removing, handling, punching, or altering the time card or time sheet of any other employees.
23. Conducting or permitting unauthorized persons on the premises.
24. Reporting for duty under the influence of, or carrying into the City facility, or consuming or using on City premises, or inducing or causing others to use any drugs, narcotics, stimulants, depressants or hallucinogens (unless prescribed by the

employee's physician and taken only in accordance with the physician's prescription and instructions); or manufacturing, giving, selling or delivering such items to any other person on City premises; or trafficking for the sale or delivery of such items while on City premises.

25. Excessive or unexcused absenteeism and/or tardiness.

26. No employee shall carry on City premises or in City vehicle any gun, knife or other weapon unless permitted by law.



ADMINISTRATIVE POLICIES AND PROCEDURES

Employee Parking Policy

Effective Date:
2/4/2020

A. PURPOSE

To provide direction on employee parking.

B. OVERALL GUIDELINES

Employees who work in City Hall, with the exception of those who have assigned parking in the back lot, may not park in the back lot during the workday. The visitor spots in the back lot are meant for visitors to City Hall.

Acceptable exceptions may be when employee arrives early in the morning and will be leaving for an offsite meeting shortly after arrival or need to quickly load or unload their vehicle with items needed for work. Employees who will be staying late for night meetings may also move their car just prior to the start of the meeting, to the back lot, for the duration of the meeting. Additionally, employees who are visiting City Hall from an offsite department may also park in the back lot for up to two hours.

C. GENERAL PROCEDURES

- The employee parking permit will enable City employees to park in the designated employee parking area of the City Hall parking complex at no charge Monday through Friday.
- The permit is to be displayed on the rear view mirror while parked in the facility. The City of Alameda seal on the parking permit should be facing the traffic aisle. As long as a vehicle is parked in the designated employee parking area, and properly displays a valid City employee parking permit, it will not be cited.
- The area **designated for employee parking, at the City hall parking complex, starts at space number 532**, located on the fifth level of the structure, and extends to the remaining spaces through the sixth level, excluding all handicap parking spaces. Please be advised that just prior to space number 532, there are signed permit parking spaces that are reserved for individuals who have paid for a monthly permit. These spaces are not covered by the employee parking permit, and parking in these spaces may result in your vehicle being cited.
- A parking permit does not guarantee a parking space. City employee spaces will be available on a first-come, first-served basis and will be reserved for employee permit parking until 10:00 a.m. Any unfilled spaces will be available to the general public after 10:00 a.m.
- Parking in the electric vehicle charging spaces should be limited to the time during which your vehicle is actually charging. Once your vehicle has charged it should be moved to the designated employee parking area and your City parking permit should be displayed as stated above. Parking in the charging spaces longer than is necessary to charge your vehicle may result in your vehicle being cited.
- Employee parking tags are to be returned to the Human Resources Department if they are no longer in use by the employee.
- Each employee will receive one (1) parking permit, which is not transferable between employees. The parking permit may be used for multiple vehicles as long as information

has been provided for each vehicle.

- Please remember to remove the parking tag as you exit the lot. It is a violation to drive with any material hanging from the rear view mirror.
- A \$5.00 fee will be charged for replacement tags.

Ridesharing among employees is encouraged. Rideshare information is available at <http://rideshare.511.org/>.

Bicycle lockers and bicycle rack spaces are available at the Civic Center Parking Structure. Information regarding the Bicycle lockers is available at <http://www.bikelink.org/help/costs>.



ADMINISTRATIVE POLICIES AND PROCEDURES

Outside Employment Policy

Effective Date:
1/1/2020

A. PURPOSE

This policy has been developed consistent with the requirements of Section 1126 of the California Government Code to govern outside employment and other activities and enterprises of full-time employees of the City, which may be incompatible, inconsistent or in conflict with the job duties and responsibilities of an employee of the City of Alameda. It is not the intention of this policy to infringe unnecessarily upon an employee's plans to advance his or her career goals, or to improve his or her financial situation. This policy is adopted in order to comply with applicable statutes, and to assure the public of the commitment and service it deserves from its officers and employees.

B. OVERALL GUIDELINES

(1) City employees may not accept or hold outside employment, including self-employment, without the prior authorization of the employee's Department Head, Human Resources Director and City Manager. This applies whether the employee is actively working or on a leave of absence.

Consistent with California Government Code Section 1126 and applicable Memorandum of Understanding or Compensation Plan, applications by City employees to engage in an outside work activity may be approved if the outside work activity is not incompatible to, or in conflict with their duties as a local agency officer or employee. Such prohibited employment includes employment which:

1. involves the use, for private gain or advantage, of City time, facilities, equipment or supplies; or
2. involves the use, for private gain or advantage, of the City badge, uniform, emblem, identification card, prestige, or influence; or
3. involves receipt or acceptance by the employee of money or other consideration for the performance of activities which the employee would otherwise be required or expected to render in the regular course of City employment or as part of their duties as a City employee; or
4. involves the performance of an act which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any employee or the City; or
5. involves the time demands as would render performance of the employee's duties as a City employee less efficient.

In determining whether to approve outside employment the City will consider, among other things:

1. Whether the nature of the outside employment could adversely affect or interfere with the performance of the employee's City employment;
2. Whether the outside employment is with a business or enterprise that performs or provides services to the City over which the employee's Department has authority or influence, or would create another clear conflict of interest; and

3. Whether the outside employment would create the appearance of a conflict of interest or would be generally incompatible with the duties of the employee's City employment.

If necessary, the employee may be required to provide a job description from the outside employer in order to assess compliance with this policy. If outside employment is approved, the employee will have an ongoing responsibility of preventing the existence and appearance of prohibited conflicts of interest.

C. GENERAL PROCEDURES

Any employee who would like to engage in outside employment, including self-employment, must fill out an "Application to Engage in Outside Employment," attached to this Policy, and submit it to their department head*.

If necessary, the employee may be required to provide a job description from the outside employer in order to assess compliance with this policy. If outside employment is approved, the employee will have an ongoing responsibility of preventing the existence and appearance of prohibited conflicts of interest.

C. GENERAL PROCEDURES

Any employee who would like to engage in outside employment, including self-employment, must fill out an "Application to Engage in Outside Employment," attached to this Policy, and submit it to their department head*.

Employee	1. Obtain an Application to Engage in Outside Employment from the Human Resources Department. Complete sign, and submit the form to department head*.
Department Head:	2. Review application and approve or deny based on the impact of the outside work on employee's City work. Add limitations or conditions, if needed. If <u>application is approved</u> , forward the application to the Human Resources Director for approval. If <u>application is denied</u> , notify the employee and submit a copy of the denied application to HR to be added to the employee's personnel file.
Employee	If <u>application is denied</u> by the employee's department head*, employee may, within 7 calendar days of denial, appeal the decision to the Human Resources Director. The Human Resources Director may overrule the Department Head if they find there is no supportable reason to deny the application. Where the Human Resources Director overrules the Department Head*, the application will continue as below. Where the Human Resources Director is in agreement with the Department Head* a copy of the denial will be forwarded to the Employee. After notice of denial is sent to the employee, the employee will have 7 calendar days to appeal the decision to the City Manager**. The City Manager's** decision is final.

H.R. Director	3. Review application and approve or deny based on the impact of the outside work on employee's City work. Add limitations or conditions, if needed. If <u>application is approved</u> , forward the application to the City Manager** for approval. If <u>application is denied</u> , notify the Department Head* and employee and file a copy of the denied application in the employee's personnel file. After notice of denial is sent to the employee, the employee will have 7 calendar days to appeal the decision to the City Manager. The City Manager's decision is final.
City Manager**	4. Review application and approve or deny based on the impact of the outside work on employee's City work. Add limitations or conditions, if needed. If <u>application is approved</u> , return the application to the human resources department for processing If application is denied, notify the Department Head and Human Resources Department and return the completed form to Human Resources for Processing.
Human Resources	5. Upon receipt of a fully approved/denied application from the City Manager**, Human Resources will inform the employee that their application has been approved/denied and its expiration date and provide them a copy of the fully completed application. The original application will be filed in the employee's personnel file.
Employee	6. Employee will submit a new application before the expiration date provided by Human Resources. Employee is responsible for informing their supervisor if their outside employment activity substantially changes or if it ends. Approval may be revoked if outside employment changes to include any of the items outlined in section B above, but will not be arbitrarily revoked.

* For Alameda Municipal Power (AMP) employees, Department means AMP General Manager. For employees working in the City Attorney's Office, Department Head means City Attorney or designee

** For employees working in the City Attorney's Office, the City Attorney shall be substituted wherever "City Manager" is listed in this policy and procedure.

Please note that the Police Department has additional specific procedures for approval of Outside Work Permits.

City of Alameda • California
APPLICATION TO ENGAGE IN OUTSIDE EMPLOYMENT

INSTRUCTIONS: Print or type information in Section 1. Sign and route to Department Head.

SECTION 1 – TO BE COMPLETED BY EMPLOYEE

Last Name, First Name, Middle Initial	Employee ID	Date
Job Title	Department	
I hereby request approval to perform outside work in accordance with the City of Alameda's Outside Work (Moonlighting) policy. Details of the outside work are described below.		
Name of Outside Employer:	Outside Work Hours Per Week:	Duration of Outside Employment: <input type="checkbox"/> Continuous; or <input type="checkbox"/> From to
Outside Employer's Complete Mailing Address:		Outside Employer's Telephone No:
Description of outside Work:		
I understand and agree that, if my application is approved, approval may be rescinded or modified at the discretion of my Department Head, the Human Resources Director or the City Manager:		
_____ Employee Signature		_____ Date

SECTION 2 – DEPT. HEAD	SECTION 3 – H.R. DIRECTOR	SECTION 4 – CITY MANAGER
Outside work as described above is: <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved because: <div style="margin-left: 20px;"> <input type="checkbox"/> Nature of the employment could adversely affect or interfere with performance of the City duties <input type="checkbox"/> Employment is with a business/enterprise that performs/provides services to the City over which Department has authority or influence, or would create another clear conflict of interest <input type="checkbox"/> Employment would create the appearance of a conflict of interest or would be generally incompatible with the duties of the employee's City position. </div> Department Head _____ Date _____	Outside work as described above is: <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved because: <div style="margin-left: 20px;"> <input type="checkbox"/> Nature of the employment could adversely affect or interfere with performance of the City duties <input type="checkbox"/> Employment is with a business/enterprise that performs/provides services to the City over which Department has authority or influence, or would create another clear conflict of interest <input type="checkbox"/> Employment would create the appearance of a conflict of interest or would be generally incompatible with the duties of the employee's City position. </div> Human Resources Director _____ Date _____	Outside work as described above is: <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved because: <div style="margin-left: 20px;"> <input type="checkbox"/> Nature of the employment could adversely affect or interfere with performance of the City duties <input type="checkbox"/> Employment is with a business/enterprise that performs/provides services to the City over which Department has authority or influence, or would create another clear conflict of interest <input type="checkbox"/> Employment would create the appearance of a conflict of interest or would be generally incompatible with the duties of the employee's City position. </div> City Manager _____ Date _____



ADMINISTRATIVE POLICIES AND PROCEDURES

Telecommute Policy – ACEA, AMPU, EUPA, EXME, IBEW, & MCEA

Effective Date:
8/14/2023

A. PURPOSE

Telecommuting is a work arrangement that allows an eligible City employee to perform work, during any part of regular, paid hours, at an approved alternative worksite. Telecommuting is a cooperative arrangement between employees, supervisors, and departments that provides several benefits to a variety of stakeholders such as efficient use of City resources, increased productivity, decreased energy consumption, and recruitment and retention of highly qualified employees. While City employees are generally required to work from their assigned City work locations, at the request of an employee, the City may allow certain job positions to telecommute at the City's sole discretion. When approved, telecommuting will be combined with working from a regular job site. Not all employees or job positions are eligible and/or are appropriate for telecommuting. Because fulfillment of the City's operational needs is primary, the right to telecommute is never guaranteed.

The purpose of this policy is to establish uniform guidelines for the administration of telecommuting within the City and provide guidance to employees and department heads. A City Department may have additional telecommuting guidelines or procedures, provided they are consistent with the intent of the program. Telecommuting is a privilege, not a right. Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Employees who telecommute must comply with all City rules, policies, practices, and instructions.

B. OVERALL GUIDELINES

This Telecommute Policy ("the Policy") applies citywide to all full-time employees in the following bargaining units: ACEA, AMPU, EUPA, EXME, IBEW, and MCEA. Department Heads and Division Managers are responsible for evaluating telecommute opportunities in their departments/divisions. Probationary employees may be allowed to participate with the approval of their Department Head and the City Manager, or City Attorney for City Attorney appointed positions.

A telecommuting employee must perform work during scheduled telework hours. Employees may not engage in activities while telecommuting that would not be permitted at their regular worksite, such as child, elder, or other dependent care. Work hours scheduled to be teleworked shall be dedicated exclusively to City work. Telecommuting employees may take care of personal business during unpaid lunch periods or request time off in advance, as they would at their regular worksite.

Employees must read the Telecommute Policy and submit a Telecommute Application and Agreement through the approval process before teleworking. Telecommuting is not permitted until all required documents are submitted and the agreement is approved by their supervisor/manager, and Department Head or City Manager, or City

Attorney for City Attorney appointed positions upon appeal.

A supervisor/manager or a Department Head may deny, end, or modify a telecommute agreement for any business reason that is not arbitrary or capricious. Similarly, a telecommuting employee may end or request to change a telecommute agreement at any time. Employees may be removed from the telecommute program if they do not comply with the terms of the telecommute agreement.

The Telecommuting Policy and program is intended to be cost neutral. The City is not required to provide telecommuting employees with materials or supplies needed to establish an alternate worksite (desk, chair, software, cell phone, scanner, fax, copier, paper, pens, etc.) and assumes no responsibility for set-up or operating costs at an alternate worksite (telephone or internet services, etc.) Therefore, employees should ensure that they are equipped to work remotely at the time they submit the application. The employees' alternate worksite may temporarily change from time to time, but the employee must seek supervisor approval for such temporary change in location. The City will provide a telecommuting employee with a computer, keyboard, mouse, and monitor or laptop to use at a telecommute location and will set up the Virtual Private Network (VPN) to access system files, etc. Approval by the City Manager, or City Attorney for City Attorney appointed positions, will be required if an exception needs to be made to the employee accessing system files in a different manner or using the employee's own personal computer.

All City rules regarding the use of computers and the internet, including policies related to cyber security, apply while an employee is telecommuting, regardless of whether the employee is using City-provided or personal equipment.

A telecommuting employee must designate a work area suitable for performing official business and which allows them to perform their duties safely and efficiently. The employee must perform work in the designated area when telecommuting and are responsible for ensuring their work areas comply with health and safety requirements. Requirements for the designated work area will vary depending on the nature of the work and the equipment needed, and may be determined by the department/division.

If, in the best interest of the City, the City Manager, or City Attorney for employees appointed by the City Attorney, needs to amend, suspend, end, or modify this Policy, they have the sole discretion to do so. The decision of whether to grant an employee's application for telecommute is discretionary and is not subject to the grievance procedures, or to any other review or appeal procedures in any Memorandum of Understanding. Similarly, a decision to discontinue a telecommuting arrangement for a particular employee is not considered disciplinary in nature and is not subject to any right of appeal or other challenge. Employees will be provided with a 30-day notice prior to implementation of change or amendment to the Policy.

C. Eligibility Criteria

Telecommuting is not suitable for all employees and/or positions. Eligibility for telecommuting is based on both the position and the employee. Not every job, or every employee, is well-suited for telecommuting. Department Heads and Division Managers have the discretion to determine the positions and employees who may telecommute, utilizing criteria that include, but are not limited to:

- Service needs of the community;
- The operational needs of the employee's department/division and the City;
- The potential for disruption to the City's functions;
- The ability of the employee to perform their specific job duties from an alternate worksite without diminishing the quantity or quality of the work performed in a full workday;
- The degree of face-to-face interaction with other City employees, public, and/or clients that the employee's position requires;
- The portability of the employee's work;
- The employee's ability to create a functional, reliable, safe, and secure alternate worksite;
- The risk factors associated with performing the employee's job duties from a location separate from their City Worksite;
- The ability to measure the employee's work performance from a location separate from their City Worksite;
- The employee's supervisory responsibilities;
- The employee's job performance and need for supervision; and
- Other considerations deemed necessary and appropriate by the employee's immediate supervisor, Department Head, and the City Manager or City Attorney for City Attorney appointed positions.

Employees with serious performance issues who are not upholding City obligations, such as meeting performance or conduct expectations, are not eligible to telecommute.

D. GENERAL PROCEDURES

Telecommute agreements can be on a regular and recurring, or an occasional basis, and are subject to the discretion of management.

The amount of time an employee is permitted to telework is subject to department need and Department Head approval, however, full-time employees are only permitted to work remotely on a recurring basis for a maximum of 50% of their regular workweek, for example subject to department need an employee with a regular work week of thirty-six (36) hours may be allowed to work remotely up to eighteen (18) hours per week, where as an employee with a forty (40) hour work week may be allowed to work remotely up to twenty (20) hours per week. Employees who telecommute on a regular and recurring basis must be available to work on short notice at the regular worksite on telecommute days if needed or required by their supervisor.

Where feasible, the employee should be provided at least 24-hour notice when required to come to their worksite on a scheduled telecommute day. However, circumstances or emergencies may arise where the employee is required to report to the worksite immediately. In these instances where advanced notice isn't provided, employees must be able to report to the worksite within two (2) hours once notified by their supervisor. Conversely, occasional requests by employees to change their regularly scheduled telecommute days should be accommodated by the supervisor, if possible, for example an occasional request to switch remote work days to accommodate meetings or appointments. Employees must obtain prior authorization to change a regularly scheduled telecommute day or regularly scheduled work hours. Additionally, employees who are absent or take approved leave on their scheduled in office day(s) are not required to make up that day(s) by working on site on a regularly scheduled telecommute day(s).

All the rules applicable to the employee's City worksite are applicable while telecommuting including all Personnel Policies. Telecommuting employees are required to be accessible in the same manner and during the same times, as if they are working at their City worksite during their established Telecommute Work Schedule, regardless of the designated location for telecommuting. Employees must be accessible via telephone, email, and/or network access and video conferencing software such as Zoom or Microsoft Teams, to their supervisor and other City employees while telecommuting. Employees shall forward their desk phone so that they are able to answer incoming calls as they would if they were present at their City worksite and check their City-related business phone messages and emails on a regular and consistent basis throughout their work day as if working at their Cityworksite.

Application Process:

Employees must complete the following steps before telecommuting:

1. Talk with their supervisor to determine eligibility;
2. Read and acknowledge this Policy;
3. Complete the Telecommute Application and Agreement form and the VPN Application Form
4. Receive supervisor approval of the telecommute agreement, and comply with the agreement for the duration of the term(s) of the agreement.

Telecommute Appeal Process:

A supervisor who denies an employee's request to telecommute will communicate to the requesting employee in writing of the decision and reason for denial. Should an employee's request be denied by their supervisor, employees may appeal the decision to their Department Head. If the denial is sustained at the department head level, employees may appeal to Human Resources and the City Manager, or City Attorney for City Attorney appointed positions. The decision of the City Manager or City Attorney for City Attorney appointed positions, will be final.

The City's Telecommute Policy is not subject to the grievance procedures, or to any other review or appeal procedures in any Memorandum of Understanding.



ADMINISTRATIVE POLICIES AND PROCEDURES

Political Activity Policy

Effective Date:
2/13//2020

A. PURPOSE

The purpose of this policy is to outline the basic rules and principles restricting political activities of City officers and employees. This policy is a general guide to the rules regarding political activity and is not a substitute for legal advice. Please contact the City Attorney's Office in advance with any questions related to participation in political activities.

B. OVERALL GUIDELINES

All City Officers and Employees

State law restricts City officers and employee's use of City resources for political activities, e.g., the support or opposition to the election or defeat of a candidate at the federal, state or local level and/or the support or opposition to a ballot measure. Most importantly, City Officers and employees may not use public funds or resources, such as official City time, facilities, or other resources to support or oppose a candidate or ballot measure.

Specifically, City officers and employees **MAY NOT**:

1. Distribute campaign literature through the City's internal mail system;
2. Place campaign literature on employee bulletin boards, on the City's web page, or on other City premises;
3. Make public appearances speaking in favor of or against a candidate or ballot measure during work hours;
4. Make telephone calls regarding a ballot measure or political candidate during work hours, or use City telephone or computers at any time to engage in such communications;
5. Walk precincts, draft campaign ads, or perform other campaign tasks during work hours, or assign subordinates to do the same;
6. Add a link to the City's website to a campaign website;
7. Send or solicit to receive campaign-related e-mails on City computers;
8. Urge other City employees to vote for or against a candidate or vote for or against a ballot measure during work hours;
9. Solicit campaign contributions from City officers or employees. This prohibition does not preclude requesting campaign contributions from the other City officers or employees if the request is part of a solicitation made to a significant segment of the public that may include officers or employees of the City and no City resources are used in making the solicitation;
10. Use public funds or resource, which includes the use of City facilities or equipment (telephones, computers, e-mail accounts, vehicles, police cars, fire trucks, copy machine or any other equipment), to elect or defeat a candidate or support or oppose a ballot measure; or
11. Participate in political activities of any kind while in uniform. For purposes of this prohibition, a City officer or employee is in uniform any time he or she is wearing all or any part of a uniform that he or she is required or authorized to wear while engaged in official duties.

City officers and employees **MAY**:

1. During personal time, work on a political campaign, attend a political fundraiser or participate in political activities at locations, such as parks or sidewalks that are open and available for expression of all viewpoints;
2. Use personal funds to make a campaign contribution to a candidate or committee supporting a ballot measure; and
3. Become a candidate for nomination or election in any partisan or nonpartisan campaign - national, state, or local.

C. PENALTIES

A violation of the laws related to improper political activities may result in a City official or employee facing criminal or civil sanctions. Misappropriation of City funds for political activities may also be considered official misconduct that justifies removal of a public official from his or her office and restrict the official from holding office in the future, and may be cause to discipline or discharge an employee. In addition, the conduct of City officers and employees could result in fines or liability for the City. For example, the California Fair Political Practices Commission has fined local government agencies for failing to report the use of public funds to prepare and distribute pamphlets on pending ballot measures.



ADMINISTRATIVE POLICIES AND PROCEDURES

Policy Prohibiting Smoking In City Facilities

Effective Date:
12/1/2016

A. PURPOSE

This Administrative Policy and Procedure is intended to declare smoking to be prohibited within all **City facilities**, including but not limited to: City Hall, Libraries, Maintenance Service Center, Police Station, Fire Stations, Recreation Centers, Mastick Senior Center, Alameda Municipal Power, Housing Authority, all City vehicles and the City Garage and to ensure compliance with City Ordinance # 3038 Section 24-11.

B. OVERALL GUIDELINES

In accordance with City Ordinance #3038 and California Law, it is the City's policy to protect the health and welfare of employees and of members of the community.

City Ordinance #3038 Section 24-11 defines smoking as: "inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, hookah, or pipe, or any other lighted or heated tobacco intended for inhalation, in any manner or in any form".

C. GENERAL PROCEDURES

I. Implementation – General Provisions

Smoking is Prohibited in all facilities within the City. This means any enclosed or unenclosed place, and the premises appurtenant thereto, where employment activity occurs.

II. City Vehicles

Smoking is prohibited in all pool cars and apparatus vehicles, including rescue van, ambulances and police vehicles.

III. Reasonable Smoking Distance Required

Smoking that is not otherwise prohibited in unenclosed areas shall be prohibited within a reasonable distance from any entrance, window, opening, or vent into an enclosed area in which smoking is prohibited, except while actively passing on the way to another destination and so long as smoke does not enter any enclosed area in which smoking is prohibited.

IV. Signs

Signs which effectively convey the "no-smoking" message, shall be posted and maintained in all City facilities by the Public Works Department.

V. New Employees

All new employees shall be informed of the City's "no-smoking" policy at the time of their employment. The Human Resources Director shall update the Administrative Policies & Procedures to reflect the City's current "no-smoking" policy.

VI. Enforcement

The enforcement of the City's "no-smoking" policy is the responsibility of each Department's Director/Supervisor. Appropriate disciplinary action for violations, in accordance with the City's Employee Conduct/Behavior Expectations will be followed.

City Ordinance #3038 and California Law should be consulted for specific provisions and restrictions not included in this Administrative Policy and Procedure.



ADMINISTRATIVE POLICIES AND PROCEDURES

Mobile Device Policy (Tablets, Cellular Phones and Laptop Computers)

Effective Date:
1/1/2020

A. PURPOSE

It is the policy of the City to provide certain employees with electronic mobile devices including but not limited to tablets, computers and cellular phones (hereinafter collectively referred to as "mobile device") to assist in performing their job related duties more efficiently, with the goal of improving service to the public. This policy addresses the appropriate use, care, responsibility, and required disclosures for this important business tool.

B. OVERALL GUIDELINES

Where a mobile device is provided, it is provided only as a tool for conducting official City business. All instructions, limitations and procedures set forth in the City of Alameda Administrative Policy and Procedure titled "**Proper Use of Electronic Systems and Tools including Telecommunications**" directly apply to the mobile device provided and include but are not limited to:

General Care and Use:

- Where the City issues a mobile device to an employee, the mobile device will be pre-configured and include a case or cover. The employee receiving the mobile device may request additional applicable accessories as necessary.
- Employees issued a mobile devices are responsible for the general care of the mobile device. Devices that are broken or fail to work properly must be reported for an evaluation of the equipment.
- Mobile devices must remain free of any writing, drawing, stickers, or labels that are not property of the City.
- The City reserves the right to inspect any and all files stored on mobile devices that are the property of the City, without notice. Any software, e-mail messages, documents, pictures, or files downloaded onto the mobile device are the property of the City. The user of the mobile device is advised that they have no expectation of privacy in any communication generated, received, sent, or stored by any City-issued mobile device, even where such communication is received, sent or stored through a personal e-mail provider.
- No customer, payment, or sensitive information shall be stored locally on a mobile device. City credit cards should not be used to make City purchases on mobile devices unless approved by the Department Head and Information Technology.
- Any software applications downloaded must be consistent with applicable licenses and copyrights. The City installed applications shall remain installed and unmodified at all times.
- The City will pre-install mobile devices with select applications.
- Employees issued a mobile device are prohibited from installing other applications

without the prior approval of management. No Apps for personal use may be placed on the mobile device

- If technical difficulties occur or unauthorized software is discovered, the mobile device may be wiped and restored to its factory state. THE CITY does not accept responsibility for the loss of any data or documents deleted due to a restore. User initiated wiping of the mobile device, without contacting the City and receiving approval, is prohibited.
- The mobile device may contain current GPS location information, and may be used to locate the mobile device.
- Modifying the mobile device in any way such as "Jailbreaking" or "Rooting" is prohibited.
- Non-exempt employees **must** have approval for after-hours use of the mobile device, including cellular phone use. After hours work includes but is not limited to reviewing, sending, and responding to e-mails or text messages, responding to calls or making calls. This should typically be confined to employees who are "on-call."
- Incidental personal use that has no impact to work performance is acceptable unless it interferes with daily work and violates any stipulations within this Policy. Incidental personal use should be considered in the same context as incidental phone usage.
- Employees whose job responsibilities include regular or occasional driving and who are issued a cellular phone/electronic device for business use are expected to refrain from using their phone/device while driving unless their vehicle is equipped with a Bluetooth device or they are allowed by statute to use a cell phone while driving.

Security:

- The mobile device must remain configured to utilize a unique security passcode screen lock to prevent unauthorized use.
- The download of files from untrustworthy or unknown sources is prohibited. Opening or reading files attached to e-mail transmissions without knowledge they originate from a trustworthy source is also prohibited. The user of the mobile device will be held accountable for any breaches of security caused by files obtained for non-business purposes.
- The mobile device shall not be left unattended in cars, offices, cubicles, or other public places.
- Consult IT to determine the remote storage and cloud based services such as DropBox, GoogleDocs, iCloud, and SugarSync that are approved for use on City owned mobile devices. Do not store any files or data containing customer, payment, or sensitive information on these remote storage services.

C. GENERAL PROCEDURES

An employee issued a mobile device is responsible for:

- Using the mobile devices in a safe, responsible and ethical manner.
- Maintaining the mobile device in usable condition and readily accessible.

- Adhering to the Brown Act.
- Adhering to the City Administrative Policy and Procedure **“Proper Use of Electronic Systems and Tools including Telecommunications”** and contacting the City immediately if the mobile device is lost, stolen, or damaged.
- Contacting the City immediately if a security compromise is suspected.
- Physically securing the mobile device from theft and/or damage.
- Contacting the City prior to performing any updates to iOS or the City issued applications.
- If non-exempt the employee must obtain pre-approval for after-hours use of the mobile device, including cellular phone use. Work requiring approval includes but is not limited to reviewing, sending, and responding to e-mails or text messages, responding to calls or making calls.
- Not using their phone/device while driving unless their vehicle is equipped with a Bluetooth device or they are allowed by statute to use a cell phone while driving.

The City maintains responsibility for”

- Providing E-Mail and Calendar Access.
- Supporting only the City installed applications.
- Supporting Network storage of City related documents and data.
- Performing major operating system and application updates to mobile devices.

Return of the Mobile Device: The mobile device shall be returned to the City upon termination of employment, end of term and service, or project completion or issuance of the mobile device no longer meets the objectives of the City. The mobile device will be wiped clean of any and all information.

Unauthorized Or Improper Use: Unauthorized or improper use of a City mobile device may result in the termination of access; and depending on the severity of the outcome of unauthorized or improper use, may result in disciplinary action, including termination.

City of Alameda’s Mobile Device Policy for City-Owned Devices

I acknowledge that I have received a copy of the City of Alameda's policy on City-owned devices. I have read the policy and have had an opportunity to ask my Supervisor questions about any part of the policy. I understand that failure to comply with this policy could result in disciplinary action including termination

Employee Name: _____
Employee Signature: _____

Department: _____
Date: _____

RETURN THIS ACKNOWLEDGEMENT TO HUMAN RESOURCES TO BE PLACED IN THE EMPLOYEE'S PERSONNEL FILE



ADMINISTRATIVE POLICIES AND PROCEDURES

Proper Use of Electronic Systems and Tools Including Telecommunications Policy

Effective Date:
12/1/2016

A. PURPOSE

To establish the proper use of electronic equipment, the internet, systems and/or tools, provided by the City of Alameda to its employees, contractors, consultants, temporary employees and other workers for the purpose of performing job functions including communication, information exchange, and research.

Definition

Technology-based systems are all hardware, software, and related tools owned by the City of Alameda and available for official use by City of Alameda employees including, but not limited to, electronic mail, telephones, voice mail, calendaring and systems such as INTERNET.

B. OVERALL GUIDELINES

This policy will be provided to all technology-based systems users.

Ownership

All technology-based systems, hardware, software, temporary or permanent files and any related systems or devices are the property of the City of Alameda. These include, but are not limited to, computers, mobile data terminals/computers, network equipment, software, voice mail, telephones, cellular phones, pagers, documents, spreadsheets, calendar entries, appointments, tasks, and notes which reside in part or in whole on any City electronic system or equipment. Only software and hardware purchased by the City of Alameda are authorized for use within the City electronic systems.

Supervisors have the authority to inspect the contents of any equipment, file(s), calendars, voice mail or electronic mail of their subordinates in the normal course of their supervisory responsibilities. Information Technology staff may extract information, files, documents, voice mail, electronic mail, etc. when requested by authorized supervisory personnel. Additional reasons for review include: system, hardware or software problems, general system failure, a lawsuit against the City, suspicion of a crime or violation of policy, or a need to perform work or to provide a service when the employee is unavailable, in addition to a need to know or need to review in relation to business matters.

Confidentiality/Privacy

Employees who use electronic systems and/or tools provided by the City of Alameda have no expectation of privacy.

C. GENERAL PROCEDURES

Uses of Technology-based Systems and Information

Technology-based systems, telecommunication systems, hardware, software, tools, Internet access, and information are provided for the purpose of conducting business for the City of Alameda, with the exception of limited and occasional personal use.

A. Allowable uses of technology-based systems and information include the following,

to the extent that these uses are for the purpose of conducting City of Alameda business:

1. To facilitate performance of job functions
2. To facilitate the communication of information in a timely manner
3. To coordinate meetings of individuals, locations, and City resources
4. To communicate with departments throughout the City
5. To communicate with outside organizations as required in order to perform an employee's job functions

B. Prohibited uses of technology-based systems and information include, but are not limited to, the following:

1. Illegal activities as defined as a violation of local, state, and/or federal law.
 - a. Committing fraud or stealing data, equipment or intellectual property.
 - b. Using the network for an illegal activity, including violation of copyrights or other contracts violating such matters as institutional or third party copyright, license agreements and other contracts.
2. Threats
3. Harassments
4. Slander
5. Defamation
6. Obscene or suggestive messages or offensive graphical images
7. Political endorsements
8. Commercial activities including areas of financial gain
9. Using non-business software including games or entertainment software
10. Inappropriate use defined as a violation of the intended use of the Network, and/or purpose or goal
11. Intentionally disrupting network traffic or crashing the network and connected systems (for example – sabotage, intentionally introducing a computer virus, etc.)
12. Gaining unauthorized access to others' files, or vandalizing the data of another user
13. Forging electronic mail messages, or using the account owned by another user
14. Wasteful use of finite system resources

C. Unless approved by IT staff and the respective Department Head, unauthorized uses of technology-based systems and information include, but are not limited to, the following:

1. Using hardware, related computer equipment and software not purchased and/or owned by the City.
2. Listening to voice mail or reading electronic mail of another employee without prior written approval of the employee's Department Head or of executive management. An employee's supervisor may inspect the contents of voice mail or electronic mail pursuant to the second paragraph, under section "Ownership" of this policy.
3. Operating software obtained over the Internet.
4. Using a City system or software to conduct non-city business.

Personal Use

Incidental personal use that has no impact to work performance is acceptable unless it interferes with daily work and violates any stipulations within this Policy. Incidental personal use should be considered in the same context as incidental phone usage.

Passwords

It is the responsibility of each employee to remember and safeguard his/her system passwords. Personal account passwords are not to be shared. The Information Technology Department may require verification of identification before issuing a new password in the event that a password is forgotten or ceases to function.

Workstation Hardware and Software

In order to ensure that workstations citywide can be maintained in a timely and cost effective manner, and to ensure that the City is compliant with software licensing issues, the following guidelines and restrictions apply:

1. All software installed on City of Alameda workstations must be legally licensed by the City of Alameda.
2. Employees are not authorized to install personal copies of software on City of Alameda workstations.
3. All hardware and software installations and upgrades on City of Alameda workstations must be performed by authorized personnel. Employees are not authorized to install or upgrade workstation hardware or software.
4. Information Technology Department is authorized to run software on each workstation to provide necessary support and inventory services.
5. To ensure compatibility and interoperability between all City workstations, workstation software must adhere to standards made available by the Information Technology Department. These standards will apply to operating systems, email systems, office suite software, and internet browsers. Information Services will grant exceptions to standards on a case-by-case basis as required to perform valid business functions.

Employee's Duty to Maintain Confidentiality of Documents and Information

It should be understood that each employee accepts responsibility for protecting city electronic property and information. Unauthorized access to said electronic equipment and/or information includes, but is not limited to, such actions as providing password access to non-city personnel.

Nothing in this Administrative Policy and Procedure is intended to or shall be construed as affecting the duty and obligation of City employees to maintain the confidentiality of City documents and information which the employee has access to through his or her employment with the City. Nothing in this Administrative Policy and Procedure is intended to or shall be construed as granting access to non-City employees to otherwise confidential City documents and information.

Internet Access

Employees may use the Internet to stay current on career related topics, to improve their knowledge and skills, and to communicate with experts, peers or other resources. The City promotes the utilization of services available through the Internet in order to acquire information which will enable employees to achieve the City's goals. Employees are encouraged to use the Internet to improve their job knowledge, access information on topics which have relevance to the City, and to communicate with their peers in other governmental agencies, academia and industry.

However, surfing the net can interfere with employee's ability to accomplish work. This policy sets guidelines for using City resources in accessing the Internet for the purpose of obtaining information while also assuring its appropriate use in conducting City business

The City's Internet connection exists solely for the purpose of conducting City business, and is not intended for personal use.

A. Use and Access Guidelines

Good judgment and common sense should always prevail regarding the appropriate use of the City's Internet connection. Under this standard, it is not possible to list all the allowed and prohibited uses of the City's Internet connection. However, use of the City's Internet connection for any reason is expressly prohibited under the following circumstances:

1. Compromises the integrity of the City and its business operations in any way.
2. Commits any illegal act.
3. Violates the City's discrimination and harassment policy.
4. Results in private gain or advantage for the employee (such as conducting business related to economic interests outside of City employment), or violates the City's ethics policy.
5. Specific Internet usage that is not allowed includes, but is not limited to:
 - a. Obtaining or viewing of sexually explicit material
 - b. Buying or selling personal property online
 - c. Any form of online gambling
 - d. Maintaining a personal web page, web site, or financial portfolio

B. Monitoring, Access, and Site Blocking

1. The City of Alameda reserves the right to block access to the internet for an employee for any reason.
2. The City of Alameda reserves the right to block access to any web site whose content is considered to be inappropriate or non-essential to City of Alameda business.
3. The City of Alameda reserves the right to monitor employee use of the internet. Supervisors and Managers may review the internet usage of employees they supervise to determine whether they have violated City of Alameda policy or taken other unauthorized actions.

Employee Responsibility and Violations of Policy

This policy will be provided to all electronic systems users. Each employee with access to City of Alameda electronic systems and tools is responsible for understanding and following these guidelines. Unauthorized or improper use of the City of Alameda's electronic systems and tools may result in terminating access; and depending on the severity of the outcome of unauthorized or improper use, may result in disciplinary action, including termination



ADMINISTRATIVE POLICIES AND PROCEDURES

Vehicle and Equipment Use and Maintenance Policy

Effective Date:
12/1/2016

A. PURPOSE

This policy establishes procedures for the use of vehicles and equipment owned and operated by the City of Alameda. It is the responsibility of the department heads or designee to ensure that each employee who is authorized to use City owned vehicles and / or equipment has received a copy of these policies and procedures.

A copy of this policy will be retained by each employee and, when practical, a copy will be kept in the glove compartment of each city owned vehicle.

B. OVERALL GUIDELINES

C. GENERAL PROCEDURES

Vehicle Use and Equipment Use

I. General Use:

City vehicles and equipment are for use by authorized City employees (regular and temporary) and City officials to conduct official City business and to carry out their designated job responsibilities. This use does not include personal business or errands (except as approved by a department head) or routine transportation to and from work unless authorized by the City Manager to do so.

Smoking inside a City vehicle is prohibited.

No animals or pets are allowed in City vehicles except for Police canine and Animal Control activities.

The installation of personal equipment (e.g., stereos, phones, CD players) in City Vehicles is not allowed.

Decals – all vehicles shall have City seals on the doors except Police Department Undercover vehicles and vehicles exempted by permission of the City Manager.

With the exception of golf course vehicles and equipment and some large trucks operated by Alameda Power and Telecom. City vehicles and equipment will be maintained and repaired by the Public Works Department, Central Garage of the Public Works Department, or its contractors.

Duplication of vehicle keys is prohibited unless approved by the Public Works Superintendent or Department Head or designee.

Individuals not employed by the City are not to be transported in City vehicles unless approved by the Department Head or the City Manager in advance. If family members attend local or regional conferences with an employee, the employee

must use his / her own personal vehicle for transportation and request mileage reimbursement.

Contract, temporary employees hired through temporary agencies and volunteers working for the City may not operate City vehicles or equipment unless specifically approved in writing by the appropriate Department Head or designee.

Each employee is responsible for visually inspecting the City vehicle prior to use. This inspection shall include visual damage, safety problems, and general running condition. Each Department Head is responsible for ensuring that an inspection form is available for pool vehicles under their responsibility and whenever possible an inspection form will be located in the glove compartment or console of pool vehicles. A sample form is attached as Appendix A. Any safety or performance conditions (such as horn, seatbelts, breaks, low oil pressure, etc.,) should be reported to Central Garage immediately. The car should not be driven. Non-safety related conditions (noises, "check engine" indication illuminated, etc.,) should immediately be reported to the Maintenance Service Center using the Central Garage Service Request Form (Appendix B).

It is the responsibility of the Department Head or designee to ensure that staff has completed the appropriate certification and / or training required by the United States Department of Transportation, the Occupational Safety and Health Administration, and appropriate state regulatory agencies before they are directed to operate any City vehicles and / or equipment assigned to that department.

A. Valid Driver's License

It is illegal to operate vehicles or equipment without a current and valid California driver's license of the proper classification and endorsements. It is therefore prohibited by the City and it is the employee's responsibility to maintain a valid California driver's license. Risk Management will also check driver's insurability and if employee is not insurable, operating City vehicles or equipment will be prohibited.

B. Safety

In accordance with State of California law and City policy, seat belts must be worn by all occupants of vehicles when in operation. Employees must operate City vehicles and equipment in a safe and law-abiding manner at all times, and in accordance with the law. Passengers are not to be carried in the open cargo area of trucks or vans (unless allowed bylaw).

C. Fueling

When operating within the City limits, all City vehicles and equipment are to be fueled exclusively at the Maintenance Service Center with the exception of those departments that have fueling available onsite.

City employees who use City vehicles (including pool cars) for regular job assignments which take them outside the city limits and beyond the vehicle's fuel range should use a City purchase card or their own method of payment

and request reimbursement. Reimbursement, or City purchase card payments, will not be made for fuel purchases within the Alameda City limits unless the Maintenance Service Center fuel station is inoperable.

II. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR

A. Maintenance

With the exceptions of vehicles and equipment for the Golf Complex and some large trucks operated by Alameda Power & Telecom, all City vehicles and equipment will be maintained and repaired by the Public Works Department, Central Garage or its contractors.

As part of the preventative maintenance of a vehicle or piece of equipment, Central Garage will place – in a conspicuous location – information on the next preventative maintenance schedule for that vehicle or equipment. It is the responsibility of the department using the vehicle or equipment to contact Central Garage to schedule a preventative maintenance appointment, transport the vehicle to and from

The Central Garage, and if necessary, arrange for the use of another vehicle while the maintenance work is being performed. Central Garage will contact the department when repairs are completed.

All vehicles or equipment brought in for repair or service must be reasonably cleaned both inside and out before any repair / service work begins.

B. Repair

1. Mechanical Problems

All mechanical problems must be reported within one business day to the Central Garage in person, by phone call, or in writing. In all cases, the employee is required to complete a Central Garage Service Request Form as provided in Appendix B.

2. Accident and Incident Damage

a. Inside City Limits

When an accident occurs inside the City of Alameda city limits, regardless of whether another vehicle is involved or not, the employee shall immediately:

- i. Contact the City of Alameda Police Department so that a traffic collision report can be prepared. For minor incidents of contact between City vehicles during loading and unloading of material, debris, etc., the Police Department does not need to be contacted. In these instances, the completion of a Vehicle Accident Report Form (Appendix C) shall be required.
- ii. In the case of all accidents involving Fire Department vehicles, the Alameda Fire Department Injury / Accident report shall be completed in accordance with General Order Bulletin #2-7. When an AFD accident form is completed, a City Vehicle Accident

Report Form (Appendix C) will not be required.

- iii. Failure to report an accident or incident in a city vehicle whether or not any damage to the city vehicle is incurred is a violation of this Management Practice.
- iv. Notify his or her supervisor immediately or as soon as possible following the accident to ensure that the required forms are completed.
- v. Remove the vehicle from service and transport it to the Central Garage for inspection.

b. Outside City Limits

When an accident occurs inside the City of Alameda city limits, regardless of whether another vehicle is involved or not, the employee shall immediately:

- i. Contact the City Police Department or appropriate law enforcement agency in whose jurisdiction the accident occurred and request that a traffic collision report be prepared. If the agency does not document traffic collisions, the employee shall obtain the following information from the other driver: name, address, driver's license number, telephone number, vehicle license, registration number, and insurance information (insurance company name, policy, and telephone number). The employee shall make a note of all damages to each vehicle. Employee shall make every effort to take photos of the damage and surrounding environment
- ii. Regardless of whether or not damage to the city vehicle was incurred, failure to report an accident in a city vehicle is a violation of this Management Practice.
- iii. Notify his / her supervisor to report the accident to ensure that the required forms are completed. If immediate notice to the supervisor is not possible, the employee shall report the damage no later than the first day of work following the incident.
- iv. Remove the vehicle from service and transport or arrange transportation of the vehicle to the Central Equipment Garage for inspection. All damage to vehicles and equipment incurred by a user – no matter how minor in nature – must be reported to the Risk Manager on the Vehicle Accident Report Form (Appendix C) with a copy to the Central Garage before any repairs will be made or the vehicle is returned to service. Accidents involving Housing Authority vehicles would be reported to HARRP with a copy of Central Garage as well, prior to repair. Failure to report accident damage is a violation of this Management Practice and may result in disciplinary action.
- v. Any existing damage noted by the employee should be reported to Central Garage immediately in order for staff to investigate the cause and check the safety of the vehicle.

- vi. An exemption to this requirement is made for police department patrol vehicles that frequently obtain minor damage such as scratches.

3. Towing Services

In the event that a vehicle requires towing due to a flat tire, dead battery, major accident, etc., the driver should contact Central Garage. If after hours or outside of the City, the affected employee should contact City of Alameda police dispatch and provide a phone number where he / she can be reached. Dispatch will call the City's towing contractor or the appropriate Public Works personnel.

III. VEHICLE USE

A. Exclusive Use

Exclusive use is the assignment of a City vehicle by the City Manager to a City employee and whose job responsibilities generally require vehicle availability on a 24 hour basis. Exclusive use does not include personal business or errands (except as approved by a department head). In addition, non-employee passengers are not permitted without prior written approval of the Department Head or City Manager. Unless otherwise approved by the City Manager, assignment of an exclusive vehicle will be limited to those employees whose position requires emergency response.

Procedure to Request Exclusive Vehicle Use: The Department Head must submit a written request to the City Manager on the Exclusive Use Request form provided in Appendix D. This request is subject to periodic review by the City Manager's Office and as positions become vacant.

B. Standby Vehicle Use

Standby use is for those employees on assigned standby who are authorized to take home specific vehicles fitted with repair equipment assigned to their department.

Procedure to Request Standby Use: The Department Head or designee must obtain written approval from the City Manager identifying the positions and vehicles needed for standby. A brief description of the problem to be addressed by standby resources and the impact of not using standby staff and vehicles must accompany the request. This form is provided in Appendix E.

C. Assigned Use & Pool Car Use

Assigned use is the assignment of a specific City vehicle to a department for its employees to use to conduct business for the City at the discretion and control of the Department Head or designee.

Pool cars are vehicles available for general use and not assigned to a specific department. Pool cars are generally under the control of one department

that assigns its use upon request.

Assigned vehicles and pool cars cannot be used overnight or taken home, except under conditions described in Section D, "Occasional Overnight Use".

1. Assigned vehicles and pool cars cannot be driven beyond 100 one-way road miles from City limits unless authorized by the Department Head.
2. Assigned vehicles and pool car users must refuel the car after use when the tank is less than $\frac{1}{2}$ full and are responsible for vehicle interior cleanliness. As part of the refueling responsibilities, pool car users are also responsible for having the exterior washed at the Maintenance Service Center.

D. Occasional Overnight Use

Occasional overnight use by City employees of vehicle in the "assigned" and "pool car" categories is allowed under the following circumstances:

1. When unplanned or emergency situations occur. Example: A public transportation or rideshare commuter must stay late (after 6:00 PM or when a meeting lasts longer than reasonably foreseeable) for an unplanned meeting.
2. When travel time and / or duration of an off-site seminar / meeting dictates. Example: An employee must attend an early morning seminar (9:00AM or earlier) where it is most practical to drive directly there from home and return the vehicle to the City the following work day. The employee must obtain approval of his / her Department Head or designee in advance of the date of the event.

IV. CAUSES FOR CORRECTIVE OR DISCIPLINARY ACTION

The employee's Department Head may take corrective action when the employee fails to comply with this Management Practice and "improperly" uses a vehicle or piece of City equipment. The phrase "improperly uses a vehicle or piece of City equipment" refers to using equipment in a manner that is prohibited by this Management Practice or determined to be contrary to safe practices as determined by the employee's Department Head.

APPENDIX A

Pool Vehicle # _____

DEPARTMENT INSPECTION FORM

Odometer _____

Engine Compartment	Start SAT	End SAT
(Engine Off)		
Leaks/Hoses	t.i)	
Oil Level	l'	
Coolant Level		
Power Steering Fluid		
Windshield Washer Level		
Automatic Transmission Fluid Level		
Fuel Level		
Engine Compartment Belts		
Power Steering		
Water pump		
Alternator		
Make sure components not taking damaged and are operating properly	n	n

External Inspection		
Lights/Reflectors	111	n
Headlights	n	m
Tail lights		
Turn signals (WR)	6	
4 way flasher	r	
Brake lights	r 1	
Wipers		
Tires	p	rn

Vehicle Registration Documentation is current and in glove box ☐ ☐

Condition of Vehicle is satisfactory ☐ ☐

Drivers signature _____

Date _____ Hours Driven _____

Vehicle comments _____

engine Compartment	Start SAT	End SAT
(Engine On)		
		[J
Oil pressure gauge		
Coolant Temperature gauge		
Ammeter/Voltmeter		
Oil Temperature gauge		
Mirrors & Windshield		n
Emergency Equipment		
Steering wheel		
Steering play		
Wipers/Washers	r	
Lighting Indicators		
Left & right turn signals		
4 way emergency flasher		
High Beam		
Horn		
Hazard/Defogger		
Parking Brake Check		
Safety Belts		n

External Inspection		
Side(s) front/rear	f ()	()
Doors Mirrors	rn	n

Condition of vehicle Is unsatisfactory ☐ ☐

Listed defects corrected ☐ ☐

Mechanics signature _____

Date _____

Drivers signature _____

Date _____

Listed defects corrected ☐ ☐

CITY OF ALAMEDA

SERVICE REQUEST FOR CENTR.AI&ARAGE

Department: _____ Date: _____

VehicleNo.: _____ Mileage: _____

Person Requesting Service: _____ Phone No.: _____

REASON FOR SERVICE

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Date Work Completed: _____ Fleet Mechanic: _____

APPENDIX C

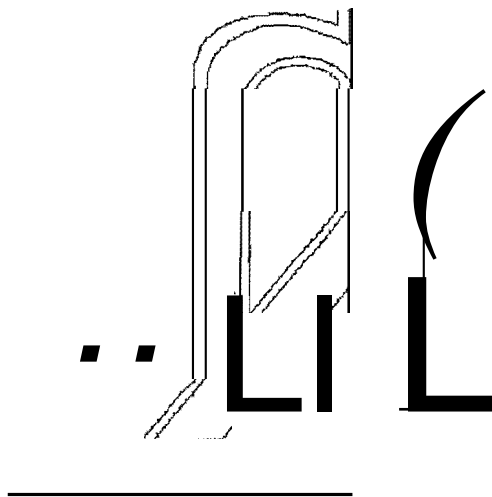
INCIDENT DIAGRAM

Indicate traffic conditions, signals or signs. Show on diagram the position of each car at time of accident. Draw property damage diagram if possible. Indicate direction of travel with arrows. Designate your vehicle with letter "A". Show accurate measurements if possible.

INCIDENT REPORT

I. Vehicle, Property, and Non-Employee Injury

Circle above type(s) of incident. Complete this report at the scene of an accident and injury to non-employee. Complete this report WITHIN 24 HOURS after a property damage incident. Submit this form to your supervisor. In case of a serious vehicle or injury accident, contact your supervisor immediately.



NOTES

YOUR VEHICLE

Driver. _____
 Dept. _____
 Make _____
 Model _____
 Vehicle No. _____
 Vch.Lic.No. _____
 Damaged Part of Vehicle _____

Do not discuss incident with anyone other than Police, your employer, witnesses, and the City Investigator. Do not argue at the scene of an incident. Be courteous and show your license willingly.

WITNESSES

It is important to get as many possible as soon as possible.

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

VEHICLE INCIDENT FACTS

Name: _____

Address: _____

Avoidable? _____ Unavoidable?

incident No. _____

Dept/Div. _____

Head _____

OTHER VEHICLE

Driver _____

Age ____ _

Address-----

Drivers Lie. No -----Phone

Make____ ---

Veh. Lic. No. _____ Yr ____ _

Insurance Co. _____ Policy

No. _____

Damaged Part of Vehicle

APPENDIX C (cont'd)

INCIDENT FACTS

Owner {vehicle or property}

Address

Date _____

Time _____

Condition of Road or

Surface _ _ _ _ _

_ _ _ _ _ Weather

What direction were you
going? _____

_____ Speed

What direction other car going?

_ _ _ _ _ Speed

How did incident occur?

Describe property damaged other than
vehicle _ _ _ _

. NonEmployee injured persons - obtain first
aid · by calling 911 **OR** local emergency
number

Name _____

Age _

Address

Extent or nature of injury

.....

Did Police take report?

Police Reporting? City

County

State

Name of

Policeman

Shield No.

Precinct

summons issued?

To whom?.

Were you wearing seat
belts?

Where did incident occur?

What were you doing when incident
occurred?

Name

Age

Address

Extent or nature of injury

Was

Name

Age

Address

Extent or nature of
injury

Name

Age

Address

Extent or nature of
injury

APPENDIXD

EXCLUSIVE VEHICLE USE REQUEST FORM

Employee Name: _____ Sworn Police Officer: Y N

Position: _____ Department: _____

Home Address: _____

City: _____

Vehicle Requested - Equipment number: _____

To be completed by the Central Garage:

Description: _____ Vin: _____

Emergency Vehicle: Y N Marked: Y N

Justification for Exclusive Use: _____

APPROVAL

Department Head: _____ Date: _____

City Manager: _____ Date: _____

**** Copy to Human Resources Department and Finance Department****

APPENDIXE

STANDBY VEHICLE AND EQUIPMENT USE REQUEST

Requesting Employee: _____

Department: _____

EMPLOYEE POSITION	VEHICLE REQUESTED

Description of problem to be addressed: _____

Description of impact if standby not approved: _____

APPROVAL

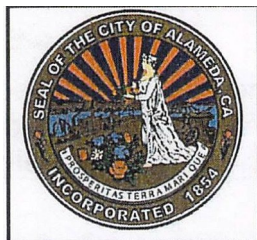
Department Head: _____

Date: _____

City Manager: _____

Date: _____

tt Copy to Central Garage**



ADMINISTRATIVE POLICIES

AND PROCEDURES

SUBJECT

Purchasing Policy

number	5	page	1 of 18
revision	4	super sedes	January 30, 2020
approved by	Eric Levitt & Yibin Shen	effective date	March 7, 2022

A. PURPOSE

The Purpose of this Administrative Policy and Procedure (AP&P) is to provide the City of Alameda a means of assuring continuity and uniformity in its purchasing operation, and to define the responsibilities for purchasing supplies, equipment and services. These guidelines are not intended to address every issue, exception, or contingency that may arise in the course of purchasing activities. The basic standard that should always prevail is to exercise good judgment in the use and stewardship of City resources, including keeping within the budget authorized by the City Council.

It is the responsibility of all City employees that purchasing functions are conducted with integrity and objectivity following good business and ethical practices that adhere to the City's applicable law, policies, and procedures.

B. POLICY

The policy outlined herein is to be adhered to by the purchasing office and all departments when procuring supplies, equipment and services. This policy strives to define decision making with prudent review and internal control procedures and to maintain departmental responsibility and flexibility in evaluating, selecting, and purchasing supplies, equipment and services.

Purchase orders shall be issued prior to ordering supplies, equipment and services and not "after the fact" for work already done or materials already ordered.

The purchase of supplies, equipment and services within the specification of a "Public Works contract construction project" is subject to the regulations contained in the State of California Uniform Public Construction Cost Accounting Act (CUPCAA) and in accordance with the dollar amount listed in California Public Contract Code (PCC) Section 22032 as amended from time to time by the State Controller is covered in the **Contracting for Construction Services**. The award of Professional Design and Consulting Services is covered in **Personal/Professional Services**.

UNAUTHORIZED PURCHASES:

No purchase of supplies, equipment or services shall be made without an authorized purchase order. Otherwise, such purchases are void and not considered an obligation of the City of Alameda. **The person executing the unauthorized purchase may be held personally liable for the costs of the purchase.**

C. GENERAL PROCEDURES

RESPONSIBILITIES OF, THE PURCHASING OFFICE:

The Purchasing Office is responsible for:

The procurement of general supplies, equipment and services;
The administration of the purchasing policy; and
The management of surplus City property.

To perform these functions efficiently and assist departments, the Purchasing Office will:

- a. be charged with the responsibility and authority for coordinating and managing the procurement of the City's general supplies and equipment from the lowest bidder when required by this policy;
- b. ensure full and open competition on all purchases as required by this Policy;
- c. identify, evaluate and utilize purchasing methods that best meet the needs of the City (i.e., cooperative purchases, blanket purchase orders, contractual agreements, etc.);
- d. assist all departments with research and recommendation in developing specifications;
- e. review specifications for completeness of information to ensure specifications are not unnecessarily restrictive;
- f. coordinate vendor relations, locate sources of supply and evaluate vendor performance; and
- g. recommend revisions to purchasing procedures when necessary and keep informed of current developments in the field of public purchasing; prescribe and maintain all forms and records necessary for the efficient operation of the purchasing function;

- h. act as the City's agent in the transfer and disposal of surplus equipment and materials;
- i. investigate the cost of recycled and not-recycled products to determine if the purchase of recycled products is practical and economical; (added costs should not exceed ten percent (10%) of the lowest non-recycled product price); and
- j. make purchase award recommendations to the appropriate authority.

RESPONSIBILITIES OF DEPARTMENTS

Departments are charged with the following responsibilities in the purchasing process:

- a. to provide to the Purchasing Office at the beginning of each fiscal year, an updated authorized signature list designating those individuals who are delegated the authority to make purchases per the policies and procedures described herein;
- b. to anticipate requirements sufficiently in advance to allow adequate time to obtain goods in accordance with the best purchasing practices;
- c. to communicate and coordnate purchases with the purchasing office as necessary; to provide detailed, accurate specifications to insure goods obtained are consistent with requirements and expectations; to prepare requisitions in accordance with instructions so as to minimize the processing effort;
- d. to inform the Purchasing staff of any vendor relations problems, shipping problems (i.e., damaged goods, late delivery, wrong items delivered, incorrect quantity delivered, etc.), and any situations that could affect the purchasing function;
- e. to minimize urgent and sole source purchases and to provide written documentation when such purchases may be necessary;
- f. to assist the Purchasing Office with the review of all bids received for compliance with specifications, and provide written documentation regarding findings;
- g. to notify vendors of purchase award when authorized;

- h. to not "split" orders for the purpose of avoiding procurement requirements; and
- i. to consider the use of recycled products when practical and economically feasible (the added costs should not exceed ten percent (10%) of the lowest non-recycled product price.)

REQUISITIONING AUTHORITY

Requisitioning authority and purchasing authority are different and each has a specific purpose. Requisitioning authority authorizes the expenditure of funds for specific requirements in specific budget areas. A requisition is the written document that contains the reason for the need of a purchased material/service.

Requisitioning authority is delegated by the Council to the City Manager and the City Attorney, as appropriate, and then from the City Manager to Department Heads. Each of these Department Heads can further delegate requisitioning authority as they determine justifiable to operate their departments. Requisitions may be originated by any employee. However, before the Purchasing Office can act upon a requisition, someone with appropriate requisitioning authority must approve it. Annually, and as staff changes occur, the Department Head files a form with the Purchasing Office listing departmental personnel with requisitioning authority.

PURCHASING AUTHORITY

The purchasing authority is delegated by the Council to City Manager and the City Attorney, as appropriate, and then to the Finance Director/Chief Financial Officer who is charged with the responsibility and authority for coordinating and managing the procurement of the City's supplies, equipment and services according to this policy.

APPROVAL AUTHORIZATIONS

Approval authorizations are established as follows:

Approving Authority	Requisition Authority	Purchase Authority
City Council	Unlimited	Unlimited
City Manager/City Attorney or designee	\$75,000	\$75,000
Assistant City Manager	\$25,000	\$25,000
Chief Financial Officer	\$25,000 \$75,000	\$25,000 - materials/supplies \$75,000 - contracts/services
Department Head	\$25,000	\$25,000

Division Manager	\$10,000	\$10,000
Supervisor	\$5,000	\$5,000
Executive Assistant or designated staff	\$1,000	\$1,000

Refer to Appendix A at the end of this document for additional information on approval authority, applicability of contract to the project as well as review, notification and award of bids.

Notwithstanding the above, the City Attorney's authority to procure and authorize payment for legal services, including but not limited to services and materials provided by outside legal counsel, investigators, consultants or experts in conjunctions with claims against the City, pending or anticipated litigation, or administrative or legal proceedings, shall only be governed by Section III (E) of the Guidelines for Personal/Professional Services, unless otherwise modified by the City Council.

The above limitations shall not apply to the Purchasing of Essential Services as set forth in this Policy.

INTERPRETATION OF AMOUNTS THROUGHOUT THIS POLICY

Every amount specified in this Policy must be interpreted to be fully inclusive of all costs associated with the procurement, e.g., sales tax, shipping and handling, etc. Therefore, it is the responsibility of the Department to become familiar, in advance of the procurement, with all the costs generally associated with acquisition in order to accurately determine the proper procedure to be followed. For example, if a piece of equipment is estimated to cost \$24,000 and sales tax will be charged, this piece of equipment will cost more than \$25,000. Therefore, all the requirements associated with purchases in excess of \$25,000 must be followed. If there are questions, please consult with the Finance Department in advance of the purchase.

PURCHASING PROTEST

With the exception of acquisitions which fall within the jurisdiction of the Public Utilities Board pursuant to Article XII of the City Charter, any person who submits a proposal may protest any acquisition conducted in accordance with the Administrative Procedure by filing a protest with the City Clerk prior to the Council meeting at which the recommendation to award will be considered. Any person who submits a proposal within the jurisdiction of the Public Utilities Board may protest any acquisition conducted in accordance with the Administrative Procedure by filing a protest with Alameda Municipal Power's prior to the Public Utilities Board meeting at which the recommendation to award will be considered.

CONTRACTING FOR CONSTRUCTION SERVICES

I. PURPOSE

- A. The City has adopted the State of California Uniform Public Construction Cost Accounting Act (CUPCCAA) and in accordance with the dollar amount listed in California Public Contract Code (PCC) Section 22032 as amended from time to time by the State Controller (City of Alameda Ordinance 3154). These procedures are intended to provide uniformity of cost accounting standards for construction work performed or contracted by public entities in the state and a method for the bidding of Public Works projects.

This section is designed to provide a synopsis of the general provisions of the CUPCCAA and PCC Section 22032 and adopt local administrative procedures to comply with the intent of the CUPCCAA and PCC Section 22032 and should be consulted for detailed information.

8. Generally, the CUPCCAA permits the City to solicit bids and award contracts for Public Works projects as follows:

Projects over \$200,000 - Formal Bids

Projects up to \$200,000 - Informal Bids

Projects less than \$60,000 - may be performed by:

- 1) City employees
- 2) Negotiated contract, or
- 3) Purchase Order

- C. Maintenance work is separate and distinct from Public Works projects and does not fall under the provisions of the CUPCCAA. For accounting purposes, however, the bidding requirements will be observed and shall be as noted for Public Works projects.

II. PROCEDURES

- A. Development of Plans and Specifications

1. Plans and specifications for projects estimated to cost more than \$200,000 must be approved by the City Engineer.

The department will prepare plans and specifications, using the City's standard form that will permit the widest opportunity to

prospective bidders to respond to the request for bids based on the specifications. The Recycling and Source Reduction Policy and Local Preference Policy will be included in specifications.

Prior to the finalization of the plans and specifications, the insurance requirements for the project must be reviewed and approved by the **Risk** Manager.

2. Bid bonds, performance bonds, and payment bonds may be required in amounts stated in the specifications.

B. Solicitation of Bids and Proposals

1. Projects estimated to cost more than \$200,000 must be let by formal competitive bids.
2. Notices describing the project, stating where to obtain more information, the time and place for submitting bids, and their opening shall be:

Mailed to trade journals not less than twenty (20) days before the opening of the bids;

Published in a newspaper of general circulation not less than fourteen (14) days before the opening of the bids;

Mailed to contractors on the bidders list, not less than ten (10) days before the bid opening; and

Others, if necessary or desired

3. Rejection of Bids: In its discretion, the City may reject any bids presented, and after reevaluating its cost estimates of the project, the City shall have the option of either the following:
 - a. abandoning the project;
 - b. re-advertising for bids in the manner described by this article; orpursuant to Charter section 3-15, the Council may, by 4/5 vote, override the requirement for bidding if it determines that the public project will be performed more economically by the City without a contract; or that materials and supplies can be purchased at a lower price in the open market; or if no bids are received through the formal or informal procedure, the project may be performed by city employees by force account or be negotiated contract without further bidding.

4. Projects between \$60,000 and \$200,000 may be let by informal competitive bid procedures.

- a. Notices describing the project in general terms stating how to obtain more information, the time and place for submitting bids will be:

published in trade journals and mailed to contractors on the list of qualified contractors for the category of work to be performed not less than ten (10) calendar days before bids are due;

sent to only those contractors who are qualified to perform the work;

sent to others as necessary or desired

- b. If the informal bids received are in excess of \$200,000 then the City Council may, by a four-fifths (4/5) vote, award the contract to the lowest responsible bidder if the Council determines the estimate for the work was reasonable. If the Council does not award the contract, but wants to proceed with the project, the specifications must be reviewed and formal bids solicited.

5. Projects less than \$60,000 may be done by force account, negotiated contract, or by purchase order. Records must be kept by the Agency/Department of all inquiries and informal requests for quotes to substantiate the award.

C. Award of Contract

1. Contracts valued over \$200,000 shall be awarded by the City Council.
2. Contracts valued at less than \$200,000 are to be awarded by the City Manager or his/her designee.
3. The City's Local Preference Rules and Recycled and Source Reduction Purchasing Policy must be reviewed.

D. Preparation/Review of Contracts

1. All contracts must be approved as to form by the City Attorney.
2. It is strongly recommended that the City Attorney's office be consulted as early as possible to review and prepare the contract.
3. The commercial aspects of the proposed contract must be reviewed and approved by the Department Head and legal aspects by the City Attorney.

E. Monitoring and Administration

1. A copy of all contracts must be forwarded to Accounts Payable to be retained for financial audit purposes.
2. Departments will administer the contract and supervise the work specified in the contract, approve progress payments, accept the work, and authorize payment of invoices.
3. The Accounts Payable office will process payments in accordance with the terms of the contract.

III. LIST OF QUALIFIED CONTRACTORS

- A. The Public Works Department will maintain a list of all licensed contractors that are qualified to bid.
1. Annually in November, a notice must be sent to appropriate trade journals by the Public Works Director inviting contractors to submit their names to be included on the list of bidders.

PURCHASING OF MATERIALS AND SERVICES

I. GENERAL

Materials and Services, other than professional services (e.g. architects, financial advisors, etc.), are purchased by the Departments, through formal or informal bids or by open market purchases. Professional Services are discussed in the next category. The Department Head may delegate certain purchases to others.

II. BIDDING REQUIREMENTS

Transactions over \$25,000 - formal bids

Transactions less than \$25,000 - informal bids

Transactions less than \$10,000 - require informal oral quotations

Transactions less than \$1,000 - quotations or informal bids not required

III. PROCEDURES

A. Development of Plans and Specifications

1. Plans and specifications for materials or services estimated to cost more than \$25,000 must first be approved by City Manager (City of Alameda Ordinance 2473.)
2. The department will prepare the specifications for the material or service required. Specifications shall not be unduly restrictive, but written to promote the overall economy and encourage competition.
3. Prior to finalization of the specifications, the Department Head will review and forward them to the Risk Manager, if appropriate, and to the City Attorney if the City's Standard General Specifications are not used.

B. Solicitations of Bids and Proposals

1. Transactions estimated to exceed \$25,000 must be let by formal competitive bid. A notice describing the material or service to be purchased and stating where to obtain more information, the time and place for submitting bids, and their opening shall be:
 - a. published in a newspaper of general circulation at least ten (10) days before the date of opening bid;
 - b. mailed to suppliers whose names are on the bidders list;
and
 - c. distributed to other interested suppliers;

2. Transactions estimated to cost between \$25,000 and \$10,000:

Informal bid requests shall be solicited in writing for transactions estimated to cost less than \$25,000 but greater than \$10,000 from a minimum of three (3) suppliers unless the impracticalities for not doing so are documented

3. Transactions estimated to be less than \$10,000:

Quotations shall be solicited from at least three (3) suppliers unless the impracticalities for not doing so are documented. Solicitation may be verbal or written. All must be documented for future reference

4. Transactions estimated to be less than \$1,000

Open market purchases at commercially reasonable prices may be made without securing quotes.

5. Sole Source Procurements

If limitations on the source of supply, necessary restrictions in specifications, necessary standardization, quality considerations, or other valid reasons for waiving competitive bids exist, then purchases may be made without recourse to the competitive bidding procedures of this Policy. Written approval of waiver of competitive bidding shall be given by the City Manager for any purchases over \$10,000 and by the Department Head for any purchases of \$10,000 or less.

C. Awards

1. Awards of purchases of materials or services over \$75,000 must be approved by City Council.
2. Awards less than \$10,000 may be made by the Department Head.
3. The City's Local Preference Rules and Recycled and Source Reduction Policy must be reviewed.
4. All contracts must be approved as to form by the City Attorney.

D. Leases

1. Leases for equipment are considered, for bidding purposes and approvals, the same as a purchase. The total lease value (full term

of the IE3ase agreement) will determine the level of bidding and approval criteria (see above):

PERSONAL/PROFESSIONAL SERVICES

I. PURPOSE

This section of the Purchasing Policy establishes guidelines for contracting for personal/professional services.

II. BACKGROUND

Personal/professional services are exempt from the formal bid process (see Government Code Section 4526). This is in accordance with established law that the formal requirements of competitive bidding ordinarily do not apply to municipal contracts for services involving specialized knowledge or personal skill, such as attorneys, architects; engineers, accountants, specialized consultants, etc.

III. GUIDELINES

- A. The item of personal/professional services must be contained in the annual budget as part of a capital project or an item approved by the City Council.
- 8. A personal services contract up to \$5,000 is left to the discretion of the department when the items are budgeted. (This amount is equivalent to the small claims jurisdictional limit). Requisitions for contracts over \$5,000 but less than \$75,000 must be approved by the City Manager unless delegated.
- C. Personal/professional services contracts from \$5,000 - \$75,000 may be -secured by the City's standard contract where the project is budgeted or funds are deposited. The agreement is to be reviewed by the City Attorney as to form and then signed by the City Manager, providing adequate appropriation has been included in the budget.
- D. Personal/professional services in excess of \$75,000 will be secured by a written agreement approved as to form by the City Attorney and authorized by the City Council. All contracts approved by the City Council require only the signature of the City Attorney, Mayor, other party, and attested to by the City Clerk.
- E. Personal/professional services contracts for legal services are to be approved and signed by the City Attorney.
 - 1. The City Attorney is authorized to award, enter into contracts, and authorize payments for legal services, including but not limited to, services and materials provided by outside legal counsel, investigators, consultants or experts in conjunction with claims against the City, pending or anticipated litigation, or administrative or other legal proceedings. The City Attorney shall timely notify Council

when costs for any particular matter or case has or is expected to exceed \$75,000, or if costs has or is expected to exceed budgeted appropriations.

2. Sections IV, V, and VI shall not apply to the appropriation of legal services by the City Attorney.

IV. SELECTION PROCEDURES

- A. Formally advertise projects estimated to cost more than \$75,000 stating the description of the project, where to obtain more information, and a time for submitting proposals.

1. Notices shall be:

- a. published in a newspaper of general circulation fourteen (14) days before the due date of the proposal;
- b. mailed to those consultants who have previously expressed an interest to provide service to the City; and
- c. mailed to others, if desired.

- B. Request brochures and qualifications for the project. Information furnished by the consultants should provide the following essential information:

1. the firm's principals' experience, background, academic training, and where registered;
2. qualifications of key personnel to be used on the project;
3. office location and space availability where work is to be performed;.
4. size of organization and availability of sufficient personnel to complete project within time required.
5. name(s) of any outside consultants used, how they will be utilized on the project, and the registration of the outside consultant's principals, if appropriate;
6. list of previous clients and similar projects;
7. list of references, including banks; and length of time in business.

- C. Select a desired number of consultants with whom personal interviews are desired. Interviews to be conducted on an individual basis and not as a group. At the interview, the services to be furnished, and the proposed approach to organization, liaison, completion schedules, and other pertinent items are to be discussed.

D. Sole Source Procurements

If limitations on the source of supply, necessary restrictions in specifications, necessary standardization, quality considerations, the uniqueness in ability or capability to meet the particular requirements of the solicitation, or other valid reasons exist for waiving the solicitation and selection requirements for projects costing more than \$75,000, then purchases may be made without recourse to the solicitation and selection procedures of this Policy. Written approval of waiver shall be given by the City Manager.

V. FEE NEGOTIATION

Following interviews and evaluation, the firm deemed to be most qualified shall be selected and fee and contract negotiation entered into. A final determination of the services to be furnished, the type of fee arrangement, and actual amount of fee shall be established.

A. Types of Fee Payment.

1. Lump sum or fixed fee
2. Percent of costs of project*
3. Cost of services plus a fixed fee
4. Per Diem or hourly basis
5. Cost of services plus a percentage of cost of project*
6. Direct payroll costs times a multiplier to cover overhead and profit
7. Retainer fees, annual or otherwise

*This type of payment is not allowed on federally-funded projects.

Projects that will utilize special funds, i.e., federal funds will have to be evaluated and fee payment set in accordance with criteria prescribed by funding entity.

B. Fee Determination

The actual fee to be paid will be governed by the complexity of the project and the completeness of services required. In the event that a service and fee agreement cannot be reached with the first consultant selected, negotiations are to be terminated and the next consultant in order of priority called to negotiate.

C. Special Considerations

1. Assessment Districts: All other factors being equal, the desires of major property owners guaranteeing the consultant's fee should be given strong consideration in the employment of the consultant. Where the fees cannot be adequately guaranteed by the consultant to the property owners or the City, the assessment district work can proceed only on a contingency fee basis. In that event, the fee shall be increased a sufficient amount over the fee which would otherwise be applicable to compensate the consultant for the risks and the extended payment period involved.
2. State and Federal Grants: Consulting work performed on a contingency fee basis is discouraged and not allowed in federally-funded work.

D. Successful negotiation of contracts in excess of \$75,000 requires the City Manager to present a signed professional agreement to the City Council for approval. Only signed contracts go to the City Council for their action.

VI. SELECTION REVIEW PROCESS

A. Major Projects - Fee of \$75,000 or more.

The City Manager or his/her designee will appoint a review board of qualified individuals familiar with the project needs and personal/professional practices to interview those consulting firms that in his/her opinion appear to have the desirable qualifications. The review board should include the Department Head responsible for contract administration, the Department Head responsible for the project's functions, and such other City staff and/or other qualified professional individuals i.e., representatives from affected Boards and Commissions, who have knowledge or capabilities of value in interviewing the prospective consultants.

B. Minor Projects - Fee less than \$75,000

When selecting a consultant to provide services on a specific project, the City Manager or his/her designee shall consider the capabilities and qualifications of the consultants. The City Manager or his/her designee shall also give consideration to distributing the work among various consultants on an informal rotational basis whenever feasible.

Where the City has experience with particular consultants who have rendered satisfactory services to the City in the past, the City Manager or

his/her designee may determine it unnecessary to go through the procedure outlined herein.

Department Heads may approve and sign for projects up to \$25,000. The City Manager signs or approves up to \$75,000.

VII. ADDITIONAL CONSIDERATIONS

- A. All other factors being equal, consultants whose qualifications are satisfactory, who have sufficient experience and capabilities for providing the necessary professional services, and who have offices within the City shall normally be given priority in being considered for employment by the City. However, the scope of work should specify in detail the requirements for the work including appearance before governing and regulatory bodies. Otherwise, consultants outside of the immediate area or not regularly doing professional work on projects within the City shall be considered for employment for the particular project.
- B. The firm selected shall be of high ethical and professional standing. All firms considered should be prepared to submit references from persons of known repute.
- C. Where the profession is regulated by the State of California, the principal member of the firm must be registered in the State of California in the field in which he/she is to be employed.
- D. The project manager assigned to be in direct charge of the work performance must have substantial recent related experience and have been responsible for the type of work involved in the project. Where appropriate, the manager must also be licensed by the State of California to perform the type of professional work involved in the project. All additional consultants retained by the selected consulting firm as subcontractors must be licensed by the State of California to practice within the field for which they are to be employed.
- E. The City Attorney has prepared a suggested contract form that must be used whenever applicable to insure that the City's interest is protected. All contracts must be approved as to form by the City Attorney.

PURCHASING OF ESSENTIAL SERVICES

I. GENERAL

The City Manager and the City Attorney shall be authorized to approve purchases for essential services, such as utilities and insurance, due to the fact that these are non-discretionary procurement costs of the City similar to personnel costs and provided that there is sufficient budget appropriation authorized by the City Council.

COOPERATIVE PURCHASING

I. GENERAL

The City Manager and City Attorney shall be authorized to piggyback or enter into a cooperative purchasing agreement with one or more public bodies or agencies. If the cost is beyond \$75,000 for a service or \$200,000 for a public works project of the budget appropriation, the City Manager or the City Attorney, as appropriate, shall seek Council authorization prior to payment. The process used by the other jurisdictions must be a lawful process under California law and Alameda City Code. This method of procurement may apply to acquisitions of supplies and services by pooling common requirements with other governmental entities for increased efficiency.

II. DEFINITIONS

Cooperative purchasing agreement is when the City participates in purchases and contracts for supplies and services with other government agencies to achieve economies of scale for the purpose of increasing efficiency and affordability.

Piggybacking is a process under which the City may make purchases under another agency's purchasing contract for the purpose of saving time and increasing efficiency.



ADMINISTRATIVE POLICIES AND PROCEDURES

Bilingual Pay Policy

Effective Date:
1/1/2020

A. PURPOSE

The City recognizes the value of employees who can communicate with residents and customers in languages other than English, therefore, the hiring and retention of bilingual employees by the City of Alameda is desirable to more effectively meet the needs of the community and to enable the City to provide efficient service to the community.

It is, therefore, the policy of the City to pay an incentive to eligible employees for their bilingual skills. This section describes the criteria, policies and procedures for administering the bilingual pay premium. To the extent any provision in this policy conflicts with the provisions of an applicable MOU, the MOU provisions shall prevail.

B. OVERALL GUIDELINES

Justification for bilingual pay

Departments may request bilingual pay incentive on a continuing or situation basis for an employee based on the employee's use of a non-English language as part of their regular job duties. Employees may be entitled to bilingual pay in one, but not both of the following instances:

1. **CONTINUOUS BASIS (Please see Governing MOU for additional details):** Each employee who meets the following criteria will be compensated on a monthly basis at the rate stated in their governing MOU, if no rate is stated within the MOU, the employee will be compensated at the rate of \$21 per bi-weekly pay period, \$14.00 for part-time employees, for each pay period actually worked. The criteria is as follows:
 - a. The employee has been certified, within a five year period, as bilingual according to the currently established procedure; AND
 - b. The position to which the employee is currently assigned has been selectively certified by the Human Resources Director and the Department Head as requiring bilingual ability on a continuing basis.
2. **SITUATIONAL BASIS:** All eligible full-time City employees certified as bilingual but not in a position certified by the Human Resources Director and their Department Head as requiring bilingual ability on a continuing basis will be compensated at the rate of \$14.00 for **each instance (up to one instance per two-week pay period)** in which their bilingual skills are used. The situation must require significant translations of documents or interpretation necessary to complete City business. **A maximum of one payment per pay period is allowed.**

Discontinuing bilingual Pay

Any employee who leaves a position in which they are receiving continuous bilingual pay will cease to receive the pay. This will occur whenever an employee is transferred, promoted, reassigned, or otherwise leaves the specific position for which the pay was authorized.

The Human Resources Department will review those positions certified as requiring bilingual ability on a continuing basis annually to verify whether the positions requires utilization of a non-English language. If it is found that the position no longer requires utilization of a non-English language on a continuing basis the employee in the position will no longer be eligible for continuous bilingual pay but will remain eligible for situational bilingual pay so long as they remain certified.

Bilingual Examinations

Human Resources is responsible for the development of examination content and rating criteria to evaluate an employee's ability to speak a non-English language. The examination may be administered by employees who have already been certified in that language, under the direction of Human Resources, or by an outside vendor selected by Human Resources. The test will be based on an oral assessment of word definitions, sentence translations and answers to situational questions in the language for which certification is sought.

C. GENERAL PROCEDURES

Certify a Classification/Position for Continuous Bilingual Pay

<u>Department Director</u>	Submit Request to Certify Classifications/Positions as requiring bilingual ability on a continuing basis to the Human Resources Department for Review.
<u>Human Resources</u>	Review the request and the supporting documentation. The Human Resources Director will make a determination and notify the Department Director of their decision.
<u>Human Resources</u>	The Human Resources Department will review certified positions annually to determine if certification should continue.

To Certify an Employee for Bilingual Pay

<u>Department Director</u>	Submit Request for Bilingual Pay form to the Human Resources department for each employee who may qualify for the bilingual pay indicating if they are requesting continuous or situational bilingual pay. Submission of the Request should be made upon hire or if not made at hire, upon request of employee or supervisor.
<u>Human Resources</u>	<ol style="list-style-type: none"> 1) Review classification and position eligibility for continuous bilingual pay; and language for situational bilingual pay; 2) If the employee qualifies, the Request from is routed to the employee along with an instruction sheet on how to contact the current vendor who is contracted with the City of Alameda to administer bilingual examinations. (When appropriate, Human Resources may coordinate with department to have certified bilingual employees administer the examination under Human Resources direction.)

<u>Employee</u>	1) Make appointment for examination and give the Request form to the administrator
<u>Test Administrator</u>	2) Return the Request form to Human Resources along with the test results
<u>Human Resources</u>	3) If the employee passes the examination and meets all criteria for receiving bilingual pay I, Human Resources signs the Request form, indicates the effective date (which must coincide with the beginning of a pay period) and sends it to Payroll. Notification is also sent to the employee, department Head and supervisor 4) If an employee fails the bilingual examination(s), the employee is eligible to retest in ninety (90) days from the date of the failed test. Notification is sent to the employee, department head and the supervisor.
<u>Human Resources/ Payroll</u>	5) Implements pay in employees pay schedule 6) In the event an employee is on leave of absence, without compensation, for a period of one full pay period or more, the employee will not receive bilingual pay for that period. 7) Reviews transactions and discontinues bilingual pay when employees leave a position for which bilingual pay was authorized.
<u>Human Resources</u>	8) Distributes annual report of employees receiving bilingual pay to each department and conducts annual review of positions certified as eligible for continuous bilingual pay.
<u>Department</u>	9) Reviews annual report and notifies Human Resources if any employees should cease receiving bilingual pay due to a change in position or job duties.
<u>Human Resources/ Payroll</u>	10) Discontinues pay to any employees who are no longer eligible based on Department feedback.



ADMINISTRATIVE POLICIES AND PROCEDURES

Overtime Policy for Miscellaneous Employees in Non-Exempt Classifications (ACEA, EUPA, and MCEA)

Effective Date:
1/1/2020

A. PURPOSE

The City complies with two different overtime policies, the Fair Labor Standards Act (FLSA) which is regulated by Federal law, and overtime which is negotiated and agreed to in various Memoranda of Understanding (MOU). Please refer to the applicable MOU for specific overtime provisions. This policy is applicable to miscellaneous employees in non-exempt classifications who are represented by ACEA, EUPA, and MCEA.

B. OVERALL GUIDELINES

FLSA Overtime

Workweek

For purposes of calculating FLSA overtime, the City's declared workweek for miscellaneous employees in non-exempt classifications, who are not classified as peace officers or firefighters, is Sunday 12:01 a.m. to Sunday 12:00 a.m. All hours worked from Sunday through Sunday are counted as hours worked in that declared workweek. A new workweek then begins on Sunday at 12:01 a.m. and each week stands alone for purposes of overtime. A workweek as described in this paragraph is separate from a pay period, which typically includes a period of two workweeks.

Alternate workweeks will be allowed only with approval of the department head and the Human Resources Director. An alternate workweek declaration must be signed by the employee, the department head and the Human Resources Director if an alternate work schedule is approved.

FLSA Overtime Paid for Hours Worked

Any hours worked over 40 hours in a declared workweek are paid as FLSA overtime. FLSA overtime for all employees covered by this policy is paid at one and one-half times the regular rate of pay. When calculating FLSA overtime, certain special pays are included in calculating the FLSA regular rate of pay. The City calculates regular rate of pay in accordance with FLSA requirements.

MOU Overtime

Workweek

Employees within the City have been hired to work either 36, 37.5, 38 or 40 hours within a week depending on classification and assignment. The City's ACEA, EUPA, and MCEA MOUs define overtime as any authorized time worked other than the hours in the employee's established workweek schedule.

MOU Overtime Paid for Hours Worked

Any hours worked over the employee's assigned work schedule in a week will be paid as MOU overtime. MOU overtime for all employees covered by this policy is paid at one and one half times the employee's base hourly rate. Only base pay is used when calculating the MOU overtime. For example, if an employee covered by this policy is scheduled to work 36 hours in a workweek, and works 40 hours, they will be paid for four hours of MOU overtime. If

the same employee works 45 hours in a workweek, they will be paid four hours of MOU overtime and five hours of FLSA overtime.

Flexing Hours

Having flexibility in adjusting schedules benefits both the employee and the City. For this reason, the City will allow, when possible, employees to work additional hours one day and work a reduced number of hours another day as long as it is within the same FLSA workweek and is preapproved by the appropriate authority. For example, an employee covered by this policy who works nine hours per day could work ten hours on Tuesday and eight hours on Wednesday in order to leave early for an appointment on Wednesday without having to use paid leave to cover the hours.

C. GENERAL PROCEDURES

The following procedures are applicable to employees covered by this policy (Individual MOUs may have different language. Please refer to MOUs to confirm process):

- Employees may only work overtime at the request of the Department Head or designee and all overtime worked must be pre-approved by the department (exceptions made for emergency situations).
- An employee may choose to be compensated for overtime in cash or compensatory time off.
- Departments may not permit non-exempt employees to work on a voluntary basis. Employees must be compensated for all time worked if the Department Head or his designee has knowledge or should have had knowledge of the overtime work performed.
- If an employee works unauthorized overtime, they must be paid for that time. The employee may still be disciplined for violating City policies but payment for hours worked is required.
- Employees must report the actual hours worked each day on their timesheet.
- With supervisor pre-approval, employees may deviate from their regular work hours instead of using vacation or sick time for occasional absences from work. This variance is not intended to alter the workweek on an ongoing basis and any modification of hours must occur within the same FLSA workweek.
- When demands of the organization require work beyond the employee's daily schedule, the supervisor will make every attempt to vary hours to ensure that the hours worked do not exceed the workweek schedule.



ADMINISTRATIVE POLICIES AND PROCEDURES

Recruitment and Hiring Incentives for Lateral Police Officers Policy

Effective Date:
12/3/2019

A. PURPOSE

The position of Police Officer in the City of Alameda has been critically difficult to fill over the last 10 years. In response to recruitment and hiring challenges, the City of Alameda has established a *Recruitment and Hiring Incentive Policy for Lateral Police Officers*, as set forth below. This policy defines specific recruitment and hiring incentives that may be offered to Lateral Police Officer candidates and to City of Alameda employees who refer successful candidates.

The City recognizes that, in order for experienced Lateral Police Officers to transfer from other agencies, they may have to sacrifice accumulated years of service that provide for higher vacation accrual rates, time that is counted towards longevity pay incentives, civil service rights to their job, and progression in their respective salary schedule. The City also recognizes that a significant monetary incentive may be required in order to attract qualified Lateral Police Officer applicants and that word of mouth recruitment efforts from our Police Officers and other city employees is an effective method of attracting qualified applicants.

The City also recognizes that there are cost savings, operational benefits, and other community benefits when we are able to hire trained, experienced officers and maintain a fully-staffed police force.

B. OVERALL GUIDELINES

The City of Alameda may offer Lateral Police Officer candidates any combination of the following hiring incentives:

1. Reduction of the 24 month probationary period by 12 months, allowing an experienced lateral candidate to achieve civil service status after 12 months of service.
2. Recruitment incentive bonus of value totaling up to \$30,000 to be paid out as follows:
 - Up to \$10,000 upon successful completion of APD Field Training
 - Up to \$10,000 upon successful completion of 1 year of service
 - Up to \$10,000 upon successful completion of 2 years of service

To be eligible for the recruitment incentive bonus, a lateral Police Officer must have a minimum of 2 years of experience as a Police Officer and commit to a minimum of 3 years of service as a Police Officer with Alameda Police Department. If the lateral Police Officer separates from employment with the City of Alameda before 3 years of service, the amount of the hiring bonus paid to the officer at the time of separation shall be repaid in full to the City.

3. Advanced step in the salary schedule to ensure the City can meet or reasonably exceed the candidate's current compensation.

4. Starting vacation accrual rate that is commensurate with the candidate's years of service as a peace officer. Said accrual rate shall increase in regular increments going forward as provided in the vacation accrual schedule described in the Memoranda of Understanding for the Alameda Police Officers Association. As an example: a Lateral Officer with seven years of experience will accrue twenty days of vacation per year upon hire and their accrual rate would increase to twenty one days upon completion of one year of service with the City of Alameda and so forth.
5. Additional vacation hours for candidates with five or more years of experience. The City would grant up to 80 hours of vacation upon completion of 12 months of service. These vacation hours would be considered additional accruals and would not affect ongoing vacation accrual rates.
6. Year for year service credits up to a maximum of ten years to be used towards the years of service required to obtain the Retention Pay incentive as outlined in the Memorandum of Understanding for the Alameda Police Officers Association. For a lateral officer with ten or more years of service this would amount to a 3% increase in pay. As an example: a Lateral Officer with ten years of service credit would be eligible for the 10 year service retention pay rate of 3% upon hire and would be eligible for the fifteen year service retention pay rate upon completion of five years of service with the City of Alameda.
7. Front loading of up to 48 of the 96 sick leave hours police officers accrue annually. Front loading of sick leave accruals shall result in an employee not accruing additional sick leave until his/her service time is equal to that in order to generate the amount of front loaded sick leave. At that time, accrual shall commence at the awarded rate.

The City of Alameda will also provide its full time employees with the option to choose either of the following recruitment incentives for the referral of a Lateral Officer who successfully completes one year of service with the City of Alameda:

1. Two days of vacation or the equivalent cash payment. The time would need to be used in the same calendar year as earned, unless it is within the last four full pay periods of the calendar year, in which case the employee will be eligible to receive the leave hours after January 1st of the following calendar year. Any leave awarded that is unused by the end of the calendar year, besides the exception noted above, will be paid out to the employee in cash.
2. A lump sum \$2,000 referral incentive bonus, paid in cash, not to be included in any CalPERS pension contribution calculations (non-PERSable).

In order for an employee to be eligible for either referral incentive option, the newly hired lateral candidate must have indicated on their application for employment the referring employee's name. Should the lateral officer separate from employment before one full year of service, the employee shall not receive either incentive option.

C. GENERAL PROCEDURES

When the Police Department identifies a lateral candidate, the Chief of Police will prepare justification language on the Hire Request Form for approval by the Human Resources Director and City Manager prior to the offer being made. This justification should include language addressing the department's current hiring needs and the candidate's current years of service, compensation level, and benefits package. The memo should also identify if an advanced salary step will cause salary compaction with current police officers at the same salary level.

Should a recruitment incentive bonus payment be offered to a lateral candidate, APD will notify the Human Resources Department once the lateral candidate successfully completes Field Training. Human Resources will process the first bonus payment, if applicable.

The Human Resources Department will review this policy annually at fiscal yearend to evaluate if Police Officer remains a hard to recruit position. The following criteria will be used in the evaluation.

- Does the Police Department have current long term vacancy rates despite repeated recruitment efforts to fill vacant positions?
- Is there a documented shortage in the labor market for experienced Police Officers?

If the criteria above no longer exists the Recruitment Incentive Program will be suspended.



ADMINISTRATIVE POLICIES AND PROCEDURES

number

page

11C

1 of 7

revision

supersedes

#3

11 B

approved by

effective date

SUBJECT

Reimbursement of
City-Related Travel Expenses

January 1, 2023

A. PURPOSE

The purpose of this Administrative Instruction (Policy) is to establish a uniform policy that is consistent with the business objectives of the City of Alameda. It provides the guidelines for the authorization and reimbursement of travel expenses incurred by employees when travel is necessary to conduct business on behalf of the City.

It is the City's policy to reimburse employees for reasonable expenses incurred when traveling for official City business, including meetings, conferences, trainings, workshops, and seminars. Travel may be local, in-state, out-of-state, foreign, and/or overnight.

B. OVERALL GUIDELINES

This AI applies to all City of Alameda Departments.

The City of Alameda recognizes the benefit in training and attendance at meetings and functions which advance professional knowledge and provide opportunities to exchange information related to municipal government operations and issues.

The City of Alameda requires all officials and employees to observe the following guidelines regarding travel on City Business :

- Travelers shall be reimbursed for travel on City business according to the terms of this Policy.
- Before committing City funds, incurring costs or commencing travel, employees must receive prior written authorization for travel.
- Approving Directors or designee shall exercise due diligence to ensure that all expenses associated with travel are reasonable and necessary for the conduct of City business, within budgetary limits, and consistent with this Policy.
- Travel must be cost-effective with due consideration given to factors including safety, suitability, convenience, the nature of the business, and must comply with applicable rules and regulations, as well as terms of grants. The City encourages travel necessary to improve employee skills and professional

development, but travel must be prudent, fiscally responsible, and within the department budget.

- Travelers may incur only expenses that a reasonable and a prudent person paying for their own travel would incur. Travel expenses shall be reimbursed based on the most reasonably cost-effective and direct route of travel among all modes of transportation.
- The City shall follow General Services Administration (GSA) guidelines to calculate per diem rates in the Continental United States (CONUS) for appropriate lodging, meal, and other incidental travel expenses.
- For sponsored or reimbursable travel, the Traveler must submit proof (e.g. a copy of the grant award, or a sponsor's check and a cash receipt showing that the check has been deposited) that funds have been committed and/or received from the sponsoring agency or organization. Whenever practicable, the Traveler should request the sponsor agency or organization to pay for all costs of the trip directly.
- Travelers must complete Travel and Expense Voucher forms per established procedure for all travel, including travel paid for or provided by a sponsoring agency or organization.
- Travel arrangements should be made as far in advance as possible to ensure access to the most economical and practical accommodations available.
- Travelers who travel in the performance of their duties and in the service of the City shall be reimbursed promptly for their actual and necessary expenses for transportation, parking tolls, and other limits established by the GSA guidelines for lodging, meals, and private auto use.
- The Traveler is responsible for any additional costs related to the extension of stay beyond the conclusion of the approved conference/training. Except in an unforeseen emergency (such as but not limited to natural disasters, federal or state government shutting down travel, major airline delays, or a legitimate reason, outside of the employee's control), the City shall not pay or reimburse for any additional travel costs related to extensions of stay.
- The City shall not authorize the transportation of minors or non-City individuals, with the exception of transporting public officials or other City employees.
- These policies shall be subordinate to any Council action or direction.
- Application of these policies to elected or appointed officials shall be subject to Council approval. Barring such Council approval, these policies shall serve as strongly recommended guidance for elected and appointed officials.

C. GENERAL PROCEDURES

I. Definitions of Terms:

Traveler

A City employee, elected or appointed official who travels on City business.

City Business

The activities of a City Official or Employee must clearly demonstrate that there is a valid City interest to be served or gained through the travel, and that there is relevance to City operations and/or promotion or development of City programs.

CONUS Rates

Per diem rates established by the United States General Services Administration for travel conducted in the Continental United States (CONUS) and internationally (based on the Federal Fiscal Year of October 1- September 30), rates are available at the GSA website: [https:// www.gsa.gov](https://www.gsa.gov). The City uses this schedule to determine rates and limits on meals, incidentals and lodging expenses.

Local Travel

Travel that does not require airfare or lodging, and total travel expenses are \$500 or less.

In-State Travel

Travel within the State of California that requires airfare, and/or overnight stay, or when total travel expenses exceed \$500.

Out-of-State Travel

Any travel outside the State of California.

International Travel

Any travel outside the Country.

M&IE

Meals and incidental expenses, such as laundry, room service, tips for services and other fees that may be associated with travel.

Per Diem

Daily allowance for M&IE and lodging at travel destination.

[GSA Per Diem Website](#)

MILEAGE RATE

The Internal Revenue Service business standard mileage rate.

[IRS business standard mileage rate](#)

GSA

United States General Service Administration.

RECEIPT

A detailed accounting of the service provided, product or meal purchased.

II. Responsibilities:**Traveler**

- Submits the Travel Authorization form to the Department Director or designee for approval at least two months in advance, or as soon as practicable. Traveler requests must be approved prior to the Traveler's departure. Traveler must complete a travel authorization form, which includes estimates for air travel, meals, lodging, ground transportation and incidental expenses, as well as a brief explanation of why travel is warranted.
- At the completion of travel, Traveler must complete the travel expense voucher within 10 working days of return from trip. Traveler must provide written justification prior to reimbursement when exceeding the estimated travel costs noted on the Travel Authorization Form. Traveler must sign the travel expense voucher and cannot delegate this signature authority. Traveler must attach a copy of the completed Travel Authorization form, the Travel Expense Voucher, and **all** necessary supporting receipts before submitting for reimbursement.

Department Director /Designee

- Reviews **all** employee travel requests for the department, ensuring funds are either budgeted or available for approved travel requests.
- Authorizes travel for department staff.

City Manager/Designee

- Reviews and approves travel expenses for Department Directors, including City Clerk.

City Attorney /Designee

- Reviews and approves travel requests and expenses for City Attorney Staff.

City Manager/City Attorney

- The City Manager reviews and approve City Attorney expenses and the City Attorney reviews and approve City Manager expenses.

III. Types of Travel:

Local Travel:

Local travel shall be approved prior to the Traveler's departure.

Travelers shall use public transportation; a City vehicle (see APP xxx Use of City Vehicles), or their private vehicle for transportation to local events.

In-State, Out-of-State, and International Travel

For in-state, out-of-state, and international travel, the Travel Authorization form shall be used to request approval for travel. A travel expense voucher shall be used to document travel expenses.

International travel requires approval from the City Manager and the Department Director (or City Attorney, if Traveler is assigned to the CAO).

IV. Reimbursable Expenses:

Registration Fees:

The City of Alameda will reimburse in full for such registration fees as may be required for attendance at essential and/or authorized conferences and meetings, providing there are funds available for such activity.

Transportation:

- a. Employees shall exercise judgment and choose the most reasonably economical and direct means of transportation.
- b. Use of City vehicles for travel in connection with the official City business will be encouraged whenever practical. (Note: Family Members/Partners/Friends accompanying an employee to a conference/training destination *may not ride* in City vehicles.)
- c. Use of private, personal aircraft or watercraft on City business is prohibited.
- d. An employee using his/her/their personal car for approved City business shall be reimbursed at the current IRS rate. This rate per mile incorporates all depreciation, insurance, and other incidental items.
- e. Mileage will not be paid for portions equal to commuting mileage from home to City Hall and vice versa, including multiday travel (e.g., employee driving from hotel to conference center daily).

Example:

Total mileage	100
Home to work 20 x 2	- 40
<i>Reimbursable mileage</i>	60

- f. Reasonable and necessary expenditures will be allowed for parking and toll charges while incurred in connection with official business-related travel.
- g. Air transportation expenses will be reimbursed at the economy class fare.
When an employee elects to travel by personal car, when it would be less

expensive to travel by air or rail, the maximum allowance for mileage reimbursement will be the least expensive of the three forms of transportation, except as otherwise authorized by the Department Director, City Manager, or the City Attorney as appropriate. If requested by the Department Director, the employee is responsible for conducting the research regarding cost of travel.

- h. Incidental transportation expenses for ground transportation (airport limousine, bus, taxi, airport shuttle, rideshare service etc.) will be reimbursed if incurred as a necessary part of the officially approved travel.

Lodging:

- i. Expenditures for lodging is allowed when the situation necessitates the employee staying overnight. Hotel and motel accommodations should be appropriate for the purpose of the trip and reimbursable on the basis of actual expenditures up to 150% of the GSA Allowed Rate. In the event there is an additional cost for a spouse and/or others sharing the room, that cost is to be borne by the employee, unless previously authorized by the City Manager, or the City Attorney as appropriate.
- j. In the event the City is to be billed for hotel or motel rooms, charges of incidental expenses (telephone calls of personal nature, room service, alcoholic beverage charges, etc.) are to be paid by the employee and removed from the bill at time of departure.
- k. Reasonable incidental expenses, such as tips, cab fares, parking fees, and/or telephone calls (when required in connection with official City business) will be reimbursed on the basis of actual expenditures.

Meals:

Generally, employees are responsible for providing their own meals. The cost of meals will be reimbursed at the GSA M&IE per diem:

- a. **GSA M&IE per diem for destination city**

- i. When traveling for City business.

Note: Please refer to Administrative Instruction No. 40 for additional guidance on reimbursable business expenses that are not incurred while on City-related travel.

- ii. When attending approved conferences and training.

Reimbursement Procedure:

- a. A travel reimbursement report shall be prepared by the person claiming the expenditures and submitted promptly to the Finance Department (sample form attached).
- b. Receipts are required in all expenditures for transportation tickets, hotel rooms, parking tickets, and other expenses for which receipts are normally obtainable.
 - a. Receipts are not necessary for per diem meal reimbursement

- b. Per diem will not be reimbursed for meals that are provided as part of attendance. (For example, a conference that provides lunch as part of the agenda.) Traveler will not be reimbursed per diem meal if the meal is provided as part of attendance and Traveler chooses not to participate in the meal, unless otherwise approved by the Department Director, City Manager or City Attorney as appropriate.

Cash Advances:

- a. Cash advances for travel and other expenses in excess of \$100 will need to be submitted to the Department Director for approval and forwarded to Finance for processing one week in advance. Employees requesting such cash advance must submit a "Claim Form" and, immediately upon return, must file a full accounting of expenses.

Effective Date:

Effective date of this administrative instruction is upon release.

SEXUAL HARASSMENT

FACT SHEET



Civil Rights
Department
STATE OF CALIFORNIA

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

1. "Quid pro quo" (Latin for "this for that") sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.

2. "Hostile work environment" sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interferes with your work performance or creates an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. A single act of harassment may be sufficiently severe to be unlawful.

SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

1. Unwanted sexual advances
2. Offering employment benefits in exchange for sexual favors
3. Leering, gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters
4. Derogatory comments, epithets, slurs, or jokes
5. Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations
6. Physical touching or assault, as well as impeding or blocking movements

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with CRD within three years of the last act of harassment or retaliation.

CRD serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If CRD finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. CRD may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with CRD and a Right-to-Sue Notice has been issued.

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

SEXUAL HARASSMENT

FACT SHEET



Civil Rights
Department
STATE OF CALIFORNIA

CIVIL REMEDIES

- **Damages for emotional distress from each employer or person in violation of the law**
- **Hiring or reinstatement**
- **Back pay or promotion**
- **Changes in the policies or practices of the employer**

ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

- 1.** Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.
- 2.** Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."
- 3.** Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:
 - Be in writing.
 - List all protected groups under the FEHA.
 - Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
 - Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
 - Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of CRD and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
 - Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to

include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).

- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
- Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.

4. Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:

- Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
- Sending the policy via email with an acknowledgment return form.
- Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
- Discussing policies upon hire and/or during a new hire orientation session.
- Using any other method that ensures employees received and understand the policy.

5. If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.

6. In addition, employers who do business in California and employ 5 or more part-time or full-time employees must provide at least one hour of training regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation, to each non-supervisory employee; and two hours of such training to each supervisory employee. Training must be provided within six months of assumption of employment. Employees must be trained every two years. Please see Gov. Code 12950.1 and 2 CCR 11024 for further information.

TO FILE A COMPLAINT

Civil Rights Department

calcivilrights.ca.gov/complaintprocess

Toll Free: 800.884.1684

TTY: 800.700.2320

**EMPLOYERS MUST PROVIDE THIS INFORMATION TO NEW WORKERS
WHEN HIRED AND TO OTHER WORKERS WHO ASK FOR IT**

**RIGHTS OF VICTIMS OF DOMESTIC VIOLENCE,
SEXUAL ASSAULT AND STALKING**

Your Right to Take Time Off:

- You have the right to take time off from work to get help to protect you and your children's health, safety or welfare. You can take time off to get a restraining order or other court order.
- If your company has 25 or more workers, you can take time off from work to get medical attention or services from a domestic violence shelter, program or rape crisis center, psychological counseling, or receive safety planning related to domestic violence, sexual assault, or stalking.
- You may use available vacation, personal leave, accrued paid sick leave or compensatory time off for your leave unless you are covered by a union agreement that says something different. Even if you don't have paid leave, you still have the right to time off.
- In general, you don't have to give your employer proof to use leave for these reasons.
- If you can, you should tell your employer before you take time off. Even if you cannot tell your employer before, your employer cannot discipline you if you give proof explaining the reason for your absence within a reasonable time. Proof can be a police report, court order or doctor's or counselor's note or similar document.

Your Right to Reasonable Accommodation:

- You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting in locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying that your request is for a proper purpose, and may also request proof showing your need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

Your Right to Be Free from Retaliation and Discrimination:

Your employer cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, or stalking.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.

You can file a complaint with the Labor Commissioner's Office against your employer if he/she retaliates or discriminates against you.

For more information, contact the California Labor Commissioner's Office. We can help you by phone at 213-897-6595, or you can find a local office on our website: www.dir.ca.gov/dlse/DistrictOffices.htm. If you do not speak English, we will provide an interpreter in your language at no cost to you. This Notice explains rights contained in California Labor Code sections 230 and 230.1. Employers may use this Notice or one substantially similar in content and clarity.



ADMINISTRATIVE POLICIES AND PROCEDURES

Lactation Accommodation Policy

Effective Date:
1/1/2020

A. PURPOSE

The City of Alameda recognizes the need to promote a work environment that is supportive of breastfeeding employees who wish to continue nursing their children when they return to work. Allowing employees to express milk at work is beneficial not only to the employee, but also the employer and the community.

B. OVERALL GUIDELINES

The City encourages employees and management to have a positive, accepting attitude of employees who need to express milk during the work day. The City's Lactation Accommodation Policy shall be provided to employees as part of their new hire information. This policy shall also be provided to all employees upon their request for pregnancy related leave.

C. GENERAL PROCEDURES

In accordance with Federal and California State laws, it is the policy of the City to accommodate employees' lactation needs by providing:

1. Time to Express Milk or Breastfeed (Lactation Time)

- For up to one year after a child's birth, Departments must allow employees to take reasonable breaks for lactation each time the employee has a need to express milk. Employees should use regular paid break and meal periods, as much as possible to cover this time. After a child's first year, Departments should continue to provide reasonable breaks for lactation, if feasible given the operational demands of the Department.
- Employees should inform their supervisors when they plan to take paid/unpaid break time to use the lactation room and Departments should provide a way to schedule/coordinate the room usage should more than one employee need to use it during the same time period.

2. An Appropriate Private Location

- Appropriate private space shall be provided with reasonable efforts made for the location to be in close proximity to the employees' work area. The space should be equipped with an electrical outlet, be clean and provide comfortable seating.
- The location may be the place where the employee normally works if there is adequate privacy (e.g., the employee's private office, a supervisor's private office, or a conference room that can be secured)
- Areas such as restrooms, closets, or storage rooms are usually not appropriate spaces for lactation purposes. However, a separate anteroom (women's lounge) or a separate changing area within or next to a bathroom is permissible.

- Closets or storage rooms that do not contain noxious materials may be converted to be acceptable private spaces.
- For non-traditional worksites, the employee and the supervisor and/or the City's Disability Manager shall enter into a good faith interactive process to identify reasonable accommodations.

3. How to Request a Lactation Accommodation

- When an employee request a pregnancy related leave, Human Resource will provide a copy of the lactation policy.
- Employees should notify Human Resources of their need for accommodation. This can be done either when the employee is requesting leave, during leave and upon from leave.
- Human Resources will work with the employee's manager to ensure the employee is provided with a location that complies with number 2 above and that the employee is provided with release time in compliance with number 1 above.



ADMINISTRATIVE POLICIES AND PROCEDURES

Non-Retaliation/Whistleblower Protection Policy

Effective Date:
1/1/2020

A. PURPOSE

The City of Alameda strives to conduct all its activities in a responsible, legal and accountable manner. The City is therefore, committed to providing a workplace conducive to open discussion of the City's business practices. The purpose of this policy is to encourage employees to report information concerning any violations of City policy or Federal, State and Local law without fear of retaliation; as well as to reinforce the expected values and behaviors of City officials and employees because of their role as guardians of the public trust and resources.

B. OVERALL GUIDELINES

City employees are expected and encouraged to promptly raise questions or concerns regarding possible violations of City policy; violations of Federal, State or local laws or regulation; or concerns regarding safety, health or unsafe working conditions/workplace practices to their immediate supervisor or another management employee within the employee's department. In the event that an employee is not comfortable with raising an issue with their immediate supervisor or another management employee within the employee's department, or if an employee believes that an issue remains unresolved, employees are encouraged to contact the Human Resources Department. Complaints may be accepted in person, by telephone, email or regular mail and can be anonymous. Employees are also free to file a complaint with the appropriate outside agency.

It is contrary to City policy and California Labor Code sections 1102.5, 1106 and 98.6 to take any adverse employment action against an employee who in good faith reports or participates in investigations into complaints of alleged violations of City policy; violations of local, state or federal laws or regulation; or concerns regarding safety, health or unsafe working conditions/workplace practices. (Refer to definitions of "protected activity" and "adverse employment action" below.)

No officer or employee of the City shall directly or indirectly use or attempt to use the authority or influence of such office or employee for the purpose of intimidating, threatening, coercing, directing or influencing any person with the intent of interfering with the person's duty to disclose alleged violations of City policy; violations of local, state or federal laws or regulation; or concerns regarding safety, health or unsafe working conditions/workplace practices.

Disciplinary action, up to and including termination, will be taken against an employee who is found to have violated this Non-Retaliation/Whistleblower Protection Policy, and any contractor who violates this policy will be subject to appropriate sanctions. However, employees who file reports or provide evidence which they know to be false or without a reasonable belief in the truth and accuracy of such information will not be protected by this policy and may be subject to disciplinary action, including termination.

C. DEFINITIONS

“Protected Activity” includes but is not limited to the following:

1. Making or filing an internal complaint with the City regarding alleged violations of City policy; violations of local, state or federal laws or regulation; or concerns regarding safety, health or unsafe working conditions/workplace practices.
2. Providing informal notice to the City regarding alleged violations of Making or filing an internal complaint with the City regarding alleged violations of City policy; violations of local, state or federal laws or regulation; or concerns regarding safety, health or unsafe working conditions/workplace practices.
3. Participating in investigations and in court/administrative hearings regarding alleged violations of City policy; violations of local, state or federal laws or regulation; or concerns regarding safety, health or unsafe working conditions/workplace practices.
4. Filing a complaint with a Federal or State enforcement or administrative agency.
5. Disclosing information to a government or law enforcement agency where an employee has reasonable cause to believe that the information discloses a violation of State or Federal statute or a violation of noncompliance with State or Federal rule or regulation.
6. Participating in or cooperating with a Federal or State enforcement agency that is conducting an investigation of the City regarding alleged unlawful activity.
7. Reporting conflicts of interest, dishonesty or unethical conduct.
8. Calling an internal or outside governmental agency's “Whistleblower hotline”
9. Associating with another employee who is engaged in any of the protected activities enumerated here.

“Adverse Employment Action” may include, but is not limited to, any of the following

1. Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of protected activity.
2. Denying promotion to an individual because of protected activity.
3. Taking any form of disciplinary action because of protected activity.
4. Extending a probationary period because of protected activity.
5. Altering work schedules or work assignments because of protected activity.

D. GENERAL PROCEDURES

If you have information regarding possible violations of City policy; violations of local, state or federal laws or regulation; or concerns regarding safety, health or unsafe working conditions/workplace practices options for reporting misconduct include:

1. Employees are encouraged to address allegations of employee misconduct at the lowest level appropriate for the issue. This would typically include reporting the violation to the employee's supervisor, manager or Department Head.
2. Employees who are not comfortable reporting employee misconduct to available supervisors, managers or Department Heads, may elect to report the allegation of misconduct to the Human Resources Department for appropriate referral and follow-up. Reports may be done verbally or in writing to:

Human Resources Director
2263 Santa Clara Ave Room 290
Alameda, California 94501

3. Employees who are not comfortable reporting employee misconduct to available supervisors, managers or Department Heads or to the Human Resources Department may call the **California State Attorney General's Whistleblower Hotline at 1-800-952-5225**. The Attorney General will refer your call to the appropriate government authority for review and possible investigation.



ADMINISTRATIVE POLICIES AND PROCEDURES

Notice of Privacy Practices

Effective Date:
12/1/2016

A. PURPOSE

This notice describes how medical information about you may be used and disclosed and how you can get access to this information.

B. OVERALL GUIDELINES

This notice is provided to you in accordance with the federal Health Insurance Portability and Accountability Act (HIPAA), enacted to protect your medical information. This notice describes the privacy practices of health care providers listed below and of the City of Alameda, our legal duties, and your rights concerning your Protected Health Information (PHI). Protected Health Information (PHI) is information about you, including demographic information, that can reasonably be used to identify you and that relates to your past, present or future physical or mental health or condition, the provision of health care to you or the payment for that care.

C. GENERAL PROCEDURES

The City provides health and/or dental benefits to you and receives and maintains your Protected Health Information in the course of providing these health benefits to you. The City hires business associates, such as Delta Dental of California (Delta) and MHN, to provide these benefits to you. These business associates also receive and maintain your Protected Health Information in the course of assisting the City.

Health care carriers and the City are required to follow the privacy practices that are described in this notice effective April 14, 2004. Health care carriers and the City reserve the right to change the terms of this notice at any time. If health care carriers and/or the City make substantive changes to this notice, we will revise it and send a new notice to all subscribers within 60 days of the change.

You may request a copy of this notice at any time. For more information about our privacy practices, or for additional copies of this notice, please contact the City of Alameda Human Resources Department.

This notice applies to the privacy practices of the City, health care providers, health plans and insurers listed below:

Carrier	Type of Coverage
Delta Dental of California	Dental plan
MHN	Employee Assistance Plan

Permitted Uses or Disclosures of Your Medical Information

Your PHI may be used and disclosed for the following purposes:

1. Treatment, Payment, Healthcare Operations

- Treatment. For example, to assist your health care provider (doctors, hospitals, pharmacies, and others) in your diagnosis and treatment.
- Payment. For example, to pay claims from doctors, hospitals and other providers for services

delivered to you that are covered by your plan, to determine your eligibility for benefits, to coordinate benefits, to examine medical necessity, to obtain premiums, or to be reimbursed by another entity that may be responsible for payment.

- c. **Health Care Operations.** To perform activities such as quality assessment activities or administrative activities, including data management or customer service. In some cases, the City may use or disclose your PHI for underwriting purposes, determining premiums, and the detection and investigation of fraud, or to a Plan sponsor (for example, PERS Health) to permit the Plan sponsor to perform plan administration functions.
2. **For Notification and Other Purposes.** For example, to inform family members or personal representatives of your location, general condition, or death.
 3. **For Legal and Public Policy Purposes**
 - a. **When Required by Law.** For example, to comply with statute, regulation or court orders.
 - b. **For Public Health Activities.** For example, to public health agencies for reasons such as prevention or controlling disease, injury or disability.
 - c. **About victims of abuse, neglect or domestic violence.** For example, if authorized by statute or if the disclosure prevents harm to you.
 - d. **To a Health Oversight Agency.** For example, to state insurance departments, the U.S. Department of Labor and other government agencies, for activities authorized by law, such as audits and investigations.
 - e. **For Judicial and Administrative Proceedings.** For example, in response to a court or administrative order, or in certain cases in response to a subpoena, discovery request or other lawful purpose.
 - f. **To a Law Enforcement Official for Law Enforcement Purposes.** For example, under limited circumstances, to a law enforcement official in response to a warrant or similar process; to identify or locate a suspect; or to provide information about the victim of a crime.
 - g. **To a Coroner, Medical Examiner or Funeral Director about Decedents.** For example, to identify a deceased person.
 - h. **For Cadaveric Organ, Eye or Tissue Donation Purposes.** For example, to facilitate the donation or transplantation of organs or tissues.
 - i. **For Certain Limited Research Purposes.** Under certain circumstances, for research purposes, provided certain measures have been taken to protect your privacy in accordance with HIPAA Privacy Rules.
 - j. **To Avert a Serious Threat to Health or Safety.** For example, where the use or disclosure is necessary to prevent a serious and imminent threat to the health or safety of a person or the public.
 - k. **For Specialized Government Functions.** For example, as required by military authorities or to authorized federal officials for national security and intelligence activities, pursuant to law.
 - l. **For Worker's Compensation Programs.** For example, to comply with state laws for workers' compensation programs.

Mandatory Disclosures of Your Medical Information

Your PHI must be disclosed in the following situations:

1. **Request for your own PHI** . For example, when you ask to see your own PHI (See "Your Rights Regarding Your Protected Health Information" for procedure).

2. Request from Department of Health and Human Services (DHHS) For example when DHHS is undertaking a compliance investigation or review.

Conditional Disclosures

PHI may be disclosed in the following circumstances only when the specified conditions are met:

1. To Business Associates. For example, to providers of Dental coverage or the Employee Assistance Program. Each business associate of the City must agree in writing to ensure the continuing confidentiality and security of your protected health information.
2. To a family member or friend. For example, to a family member seeking PHI for their minor child or if you are in a situation such as a medical emergency and you cannot give your agreement to the City to do this or to your personal representative(s) appointed by you and/or designated by applicable law.

Other Uses and Disclosures with Your Permission

Other uses or disclosures of your protected health information will be made only with your written authorization, unless otherwise permitted or required by law. You may revoke an authorization at any time in writing, except to the extent that the information has already been disclosed or if the law permits use of the information to contest a claim or coverage.

Your Rights Regarding Your Protected Health Information

You may make a written request to the City to do one or more of the following concerning your protected health information maintained by the City:

1. Right to a Paper Copy of This Notice. If you receive this notice by electronic mail (e-mail), you are entitled to receive this notice in written form. Please contact the City of Alameda's Human Resources Department to obtain a copy of this notice in written form.
2. Right to Request Restrictions on the Use and Disclosure of Your Protected Health Information. You have the right to request that Health care carriers, Third Party Administrators, and/or the City restrict or limit how we use or disclose your protected health information for treatment, payment or health care operations. We may not agree to your request. If we do agree, we will comply with your request unless the information is needed for a emergency. Your request for a restriction must be made in writing and must include:
 - a. What information you want to limit;
 - b. Whether you want to limit how we use or disclose your information, or both; and
 - c. To whom you want the restrictions to apply; and
 - d. Your signature
3. Right to Request Confidential Communications. You have the right to request that the Health care carriers, Third Party Administrators, and/or the City and its business associates use a certain method to communicate with you about your PHI or that health plan information be sent to a certain location if the communication could endanger you. Your request must be in writing and specify the alternative means or location to communicate with you in confidence and must clearly state that all or part of the communication from us could endanger you. All reasonable requests will be

accommodated. Your request must be in writing to the Privacy Officer and must:

- a. Specify the alternative means or location to communicate with you in confidence;
- b. State that all or part of the communication from the City could endanger you; and
- c. Specify how or where you wish to be contacted.

4. Right to Request Access to your Protected Health Information. You have the right to review or obtain copies of your PHI records, with some limited exceptions. Usually the records include enrollment, billing, claims payment and case or medical management records. Health care carriers, Third Party Administrators, and/or the City may charge a fee for the costs of producing, copying and mailing your requested information, but you will be informed of the cost in advance. Your request to review and/or obtain a copy of your protected health information records must be made in writing to the Privacy Officer and must contain the following:

- a. Information requested;
- b. Entity to provide information (e.g. City, Dental plan, EAP); and
- c. Your signature.

5. Right to Request Amendment of your Protected Health Information. If you feel that protected health information maintained by the City is incorrect or incomplete, you may request that we amend the information. Health care carriers, Third Party Administrators, and/or the City may deny your request if, for example, you ask us to amend information that was not created by us, as is often the case for health information in our records, or you ask to amend a record that is already accurate and complete. If Health care carriers, Third Party Administrators, and/or the City deny your request to amend, you will be notified in writing. You then have the right to submit to the Health care carriers, Third Party Administrators, and/or the City a written statement of disagreement with our decision and the Health care carriers, Third Party Administrators, and/or the City have the right to rebut that statement. Your request must be made in writing to the Privacy Officer and must include the following information:

- a. Name and signature of individual requesting the Amendment;
- b. Change/amendment requested; and
- c. Reason for change/amendment.

6. Right to Request an Accounting of Disclosures by the City. You have the right to request an accounting of disclosures of your protected health information made by the Health care carriers, Third Party Administrators, and/or the City and its business associates. The list will not include disclosures related to your treatment, or payment, or health care operations, or disclosures made to you or with your authorization. The list may also exclude certain other disclosures, such as for national security purposes. The Health care carriers, Third Party Administrators, and/or the Plan may charge for providing the accounting disclosures, but you will be informed of the cost in advance. Your request must be made in writing to the Privacy Officer and should indicate

- a. Your name and signature;
- b. Form in which the accounting is desired (for example, on paper or electronically); and
- c. Time period for which you want an accounting. This time period may not be longer

than six years and may not include dates before April 14, 2004.

7. Contact Information for Exercising Your Rights. You may exercise any of the rights described above by contacting the Privacy Officer. See the end of this Notice for the contact information.

Health Information Security Health care carriers, Third Party Administrators, and/or the City require our employees and business associates to follow security policies and procedures that limit access to health information about members to those employees and or entities that need it to perform their job responsibilities. In addition, we maintain physical, administrative and technical security measures to safeguard your protected health information.

Complaints

If you believe your privacy rights have been violated, you have the right to file a complaint with the Health care carriers, Third Party Administrators, and/or the City as listed below and/or with the Secretary of the U.S. Department of Health and Human Services. All complaints to the Health care carriers, Third Party Administrators, and/or the City must be made in writing and sent to the address listed below. We will not retaliate against you if you choose to file a complaint with the Health care carriers, Third Party Administrators, and/or the City or with the U.S. Department of Health and Human Services.

Carrier / Third Party Administrator	Request for Accounting	Record of Disclosures	Filing a Complaint	Questions
City of Alameda Privacy Officer	Privacy Officer City of Alameda Human Resources Department 2263 Santa Clara Avenue, Room 290 Alameda, CA 94501 Phone: (510) 747-4900 Fax : (510) 747-4902			
Carrier / Third Party Administrator	Request for Accounting	Record of Disclosures	Filing a Complaint	Questions
Delta Dental of California	Delta Dental of California Subscriber Services P.O. Box 7736 San Francisco, CA 91420 Phone: (877) 335-8273			
MHN (Employee Assistance Plan)	MHN (Employee Assistance Plan) P.O. Box 10697 San Rafael, CA 94912 Phone: 800-242-6220			

Delta Dental's Permitted Uses and Disclosures:

Except as otherwise limited in this Business Associate Addendum, Delta shall use and disclose PHI:

- A. To perform the functions, activities, or services for, or on behalf of, the Group Health Plan as specified in the Agreement, provided that such use or disclosure would not violate HIPAA if done by the Group Health Plan.
- B. For the Group Health Plan's treatment, payment and health care operations as defined and permitted under HIPAA with respect to Delta's administration of the dental benefits program for the Group Health Plan as described in the group dental contract.
- C. For Delta's treatment, payment and health care operations as defined and permitted under HIPAA with respect to Delta's administration of the dental benefits program for the Group Health Plan as described in the group dental contract.
- D. To Delta's agents or subcontractors as necessary for Delta to perform the services described in the Agreement.
- E. To the Group Health Plan's or Employer's business associate, agent or subcontractor as requested by the Employer.
- F. To provide Data Aggregation services to the Group Health Plan if mutually agreed upon between Group Health Plan and Delta.
- G. To provide to or obtain de-identification services for the Group Health Plan if mutually agreed upon between Group Health Plan and Delta.
- H. As otherwise required or permitted by HIPAA or federal or state law.
- I. To report violations of law to appropriate federal or state authorities, consistent with 45 CFR §164.502 (j) (1).
- J. As otherwise requested by the Employer or the Group Health Plan that is not in violation of HIPAA.



ADMINISTRATIVE POLICIES AND PROCEDURES

Policy Prohibiting Harassment, Discrimination & Retaliation

Effective Date:
12/1/2017

A. PURPOSE

The City of Alameda values diversity and is proud of its tradition of a collegial work environment where all individuals are treated with respect and dignity. The City is committed to maintaining equal opportunity in all employment actions and public services in compliance with all applicable federal and state laws. The City's Policy Prohibiting Harassment, Discrimination and Retaliation is intended to prohibit, eliminate and prevent unlawful harassment, discrimination and retaliation and its effects in the workplace. Harassment, discrimination and retaliation whether verbal, physical or environmental, is unacceptable and will not be tolerated at the City of Alameda.

B. OVERALL GUIDELINES

There shall be no harassment, discrimination, or retaliation in the City's employment policies and practices including pre and post-employment medical examinations and inquiries, recruitments, advertising, testing, certification, hiring, transfers, promotions, job assignment, training, compensation, benefits, leaves of absence, layoffs (including reemployment), terminations, and all other conditions of employment based on any protected classifications the definitions of which are outlined below. Any retaliation against a person for filing a complaint about discrimination, filing a charge of discrimination, or participated in an employment discrimination investigation, lawsuit, or the complaint resolution process is also prohibited. Individuals found to be in violation of this policy will be subject to appropriate sanction or disciplinary action up to and including termination.

C. GENERAL PROCEDURES

The following defines unlawful harassment, discrimination and retaliation and sets forth a procedure for filing, investigating and resolving internal complaints.

Definitions

Protected Classifications: This policy prohibits harassment, discrimination or retaliation against an employee, elected or appointed official, applicant, unpaid intern, volunteer, independent contractor, or client based on their own or affiliation with a protected classification to include race, religion, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, pregnancy related condition, marital status, gender/sex, sexual orientation, gender identity, gender expression, age (40 and above), political affiliation or belief, military and veteran status, request for family care leave, request for leave for own serious health condition, and request for pregnancy disability leave and any other basis protected by State and Federal Law.

Policy Coverage: This policy prohibits City employees, elected or appointed officials, applicants, unpaid interns, volunteers, independent contractors, or clients from harassing, discriminating or retaliating against anyone 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 own or affiliation with a protected classification as defined in this policy.

Harassment: may include, but is not limited to, the following types of behavior that is taken because of a person's own or affiliation with a protected classification:

1. Verbal or Speech: 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.
2. Physical Acts: assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.
3. Visual Insults: derogatory posters, cartoons, emails, pictures or drawings related to a protected classification.
4. Sexual Harassment: deliberate or repeated unsolicited attention of a sexual nature, which is unwelcome and may include: 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 create an intimidating, hostile, or offensive working environment.

Note that harassment is not limited to conduct that City employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, appointed officials, unpaid interns, volunteers, persons providing services under contracts, or even members of the public.

Retaliation: Any adverse conduct taken because an applicant, employee, unpaid interns, volunteers, independent contractor or client has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, is prohibited. "Adverse conduct" includes: taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. The following individuals are protected from retaliation:

1. Those who make good faith reports of harassment or discrimination;

2. Those who associate with an individual who is involved in reporting harassment or discrimination;
3. Those who participate in the complaint or investigation process.

Guidelines for Identifying Harassment

The following are general guidelines to help clarify what constitutes harassment in violation of this Policy:

- A. Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's own or affiliation with a protected classification.
- B. 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.
- C. 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 anyone from complaining if the conduct is repeated in the future.
- D. Visual, verbal, and/or physical conduct between two employees who appear to welcome it can constitute harassment of a third person (applicant, official, employee, citizen or contractor) who observes the conduct or learns about the conduct later. Conduct can constitute harassment or discrimination even if it is not explicitly or specifically directed at an individual.
- E. 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)

Complaint Procedure

- A. Anyone who believes he or she has been harassed may object, but you are NOT required to confront the offender. Many victims find using this informal approach to be effective. While asking or telling the offender to stop sometimes improves the situation, you should only take this approach if you feel comfortable doing so. *You should also proceed with the next steps.*
- B. An employee, elected or appointed official, job applicant, unpaid intern, volunteer, independent contractor or client who believes he or she has been harassed may file a complaint verbally or in writing with any of the following (*There is no need to follow the chain of command*):
 1. Immediate supervisor;
 2. Any supervisor or manager within or outside of the department;
 3. Department Director;
 4. Human Resources Director.
- C. Any supervisor, manager or department director who receives a harassment

complaint should notify the Human Resources Director immediately.

- D. Upon receiving notification of a harassment complaint, the Human Resources Director shall:
- 1) Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with: 1) the complainant; 2) the accused harasser; and 3) other persons who have relevant knowledge concerning the complaint.
 - 2) Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, discrimination or retaliation giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
 - 3) Report a summary of the determination as to whether harassment occurred to appropriate persons, including the complainant, the alleged harasser, the supervisor/manager, and the department director. If discipline is imposed, the level of discipline will not be communicated to the complainant.
 - 4) If conduct in violation of this Policy occurred, take and/or recommend to the appointing authority prompt and effective remedial action. The action will be commensurate with the severity of the offense.
 - 5) Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation
 - 6) Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- E. The City takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.
- F. Option to Report to Outside Administrative Agencies: An individual has the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on City bulletin boards for office locations and telephone numbers.

Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this policy. Complete confidentiality cannot always occur, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by the Human Resources Director. Any individual who discusses the content of an investigatory interview may be subject to discipline or other appropriate sanction. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in

adversarial proceedings, or to comply with the law or court order.

Responsibilities

Managers, Supervisors and Department Directors are responsible for:

1. Informing employees of this Policy.
2. Treating others with respect and consideration.
3. Modeling appropriate behavior.
4. Taking all steps necessary to prevent harassment, discrimination or retaliation from occurring. *Supervisors and managers of employees are responsible for acts of harassment and discrimination in the work place, and may become **legally liable when the supervisor knows, or should have known** of the conduct **but fails to take immediate and appropriate corrective action**.*
5. Receiving complaints in a fair and serious manner, documenting steps taken to resolve complaints.
6. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
7. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
8. Informing those who complain of harassment or discrimination of his or her option to contact the EEOC or DFEH regarding alleged Policy violations.
9. Assisting, advising, or consulting with employees and the Human Resources Director regarding this Policy and Complaint Procedure.
10. Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with City Rules, up to and including discharge.
11. Implementing appropriate disciplinary and remedial actions.
12. Reporting potential violations of this Policy of which he or she becomes aware, regardless of whether a complaint has been submitted to the Human Resources Department or the department director.
13. Participating in periodic training and scheduling employees for training.

Each employee, unpaid intern, volunteer or independent contractor is responsible for:

1. Treating others with respect and consideration.
2. Modeling appropriate behavior.
3. Participating in periodic training.
4. Fully cooperating with the City's investigations by responding fully and truthfully to all questions posed during the investigation.
5. Maintaining the confidentiality of any investigation that the City conducts by not disclosing the substance of any investigatory interview, except as directed by the department director or Human Resources Director.
6. Reporting any act he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy, to his or her immediate supervisor, or department director, or Human Resources Director.

Dissemination of Policy

All employees shall receive a copy of this Policy when they are hired. The Policy will be

reviewed and updated periodically to ensure compliance with all state and federal laws.

City of Alameda

Inter-department Memorandum

August 15, 1996

TO: Honorable Mayor and
Councilmembers

FROM: Elizebeth B. Kingsley
Personnel Director

RE: **RESOLUTION ADOPTING CITY OF ALAMEDA FAMILY AND MEDICAL
LEAVE POLICY**

Background

The federal Family and Medical Leave Act of 1993 (FMLA) as well as the state California Family Rights Act of 1993 (CFRA) require that large employers grant eligible employees twelve weeks of leave under certain circumstances. As an employer with more than 50 employees, the City of Alameda must comply both with the FMLA and CFRA.

Discussion

The Department of Labor issued its final regulations implementing the FMLA on January 6, 1995. The final regulations were effective April 6, 1995. The City of Alameda has complied with provisions of FMLA since the effective date, but delayed formal adoption of a Family and Medical Leave Policy until the State of California issued its final regulations implementing the CFRA.

The attached Family and Medical Leave Policy, which incorporates both the FMLA and the CFRA, has been distributed to all nine bargaining units, and no comments or questions have been communicated.

Budget considerations

No direct costs are anticipated. Indirect costs in administering the policy and staffing issues will occur.

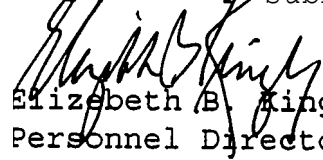
Honorable Mayor and
Councilmembers

August 15, 1996
Page 2

Recommendation

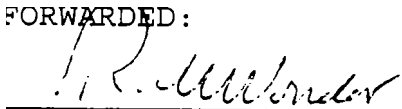
Recommend adoption of the City of Alameda Family and Medical Leave Policy.

Respectfully submitted,


Elizabeth B. Kingsley
Personnel Director

EBK:jsm

FORWARDED:



CITY OF ALAMEDA

FAMILY CARE AND MEDICAL LEAVE POLICY

I. STATEMENT OF POLICY

To the extent not already provided for under current leave policies and provisions, the City of Alameda (City) will provide family and medical care leave for eligible employees as required by State and Federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act ("CFRA"). Unless otherwise provided by this policy, "Leave" under this article shall mean leave pursuant to the FMLA and CFRA.

11. DEFINITIONS

- A. "12-Month Period" - A rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- B. "Child" - means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (adult dependent). An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child, or legal ward or a child for whom the employee stands "in loco parentis."

A child is "incapable of self care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living - such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.
- C. "Spouse" - A husband or wife as defined or recognized under State law for purposes of marriage (does not include unmarried domestic partners).
- D. "Parent" - biological parents of any employee, or an individual who stands or stood in loco parentis to an employee when the employee was a child. Does not include parents-in-law.
- E. "Serious health condition" means an illness, injury impairment, or physical or mental condition that involves:

I. Inpatient Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

A period of incapacity (i.e. inability to work or perform regular daily activities due to a serious health condition of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition) that also involves:

- a. Treatment ¹ two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
- b. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment² under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law an employee disabled by pregnancy is entitled to pregnancy disability leave.)

4. Chronic Conditions Requiring Treatments

A chronic serious health condition is a period of incapacity or treatment for such incapacity which:

- a. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

(1) Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

(2) A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health provider.

5. Permanent/Long-term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), kidney disease (dialysis).

F. "Health Care Provider" means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition;
3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
4. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
6. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

III. **REASONS FOR LEAVE**

Leave is only permitted for the following reasons:

- A. The birth of a child or to care for a newborn of an employee;
- B. The placement of a child with an employee in connection with adoption or foster care ;

- C. To care for the employee's child, parent or a spouse who has a serious health condition;
or
- D. Because of a serious health condition that renders the employee unable to perform the functions of his/her position.

IV. EMPLOYEES ELIGIBLE FOR LEAVE

An employee is eligible for leave if the employee:

- A. Has been employed for at least 12 months; and
- B. Has worked for at least 1,250 hours during the previous 12-month period.

V. AMOUNT OF LEAVE

Eligible employees are entitled to a total of 12 workweeks of leave during any 12-month period.

The family and medical leave entitlement is calculated on a pro rata basis for part-time employees and those who work variable hours. A weekly average of the hours worked over the 12 weeks prior to the beginning of the leave will be used to calculate the employee's normal workweek. (Note eligibility in Section IV)

A. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for *at least* one day, but *less* than two weeks duration on any two occasions.

If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

8. Spouses Both Employed by the City of Alameda

In any case in which a husband and wife both employed by the City of Alameda are entitled to leave, their total leave in any 12-month period may be limited to an aggregate of 12 workweeks if the leave is taken for either the birth or placement for adoption or foster care of a child. This limitation does not apply to any other type of leave under this policy.

VI. EMPLOYEE BENEFITS WHILE ON LEAVE

Leave under this policy is unpaid. While on leave, employees will continue to be covered by the City of Alameda's group medical, dental, long-term disability and life insurance to the same extent that coverage is provided while the employee is on the job. However, employees will not continue to be covered by optional policies (e.g. optional cancer insurance, optional group life insurance, optional long term disability).

Employees may make the appropriate contributions for continued coverage under the preceding optional benefit plans by direct payment to the City of Alameda through the Risk Manager in the City Attorney's office. Coverage on a particular plan may be dropped if an employee's contribution payment is more than 30 days late. However, the employee will receive a notice at least 15 days before coverage is to cease, advising that coverage will be dropped if the premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City shall have the right to recover its share of medical, dental, long-term disability and life insurance premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City of Alameda shall have the right to recover premiums through deduction from any sums due the City (e.g. unpaid wages, vacation pay, etc.)

VII. SUBSTITUTION OF PAID ACCRUED LEAVE

A. Employee's Right to Use Paid Accrued Leaves Concurrently with Family Leave

Where an employee has earned or accrued paid vacation, administrative leave, or compensatory time, that paid leave may be substituted for all or part of any unpaid leave under this policy.

As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy if:

- I. The leave is for the employee's own serious health condition; or
2. The leave is needed to care for a parent, spouse or child with a serious health condition, and would be permitted as sick leave under the City of Alameda's sick leave policy.

B. City of Alameda's Right to Require an Employee to Use Paid Leave when Using FMLA/CFRA Leave

Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave with two exceptions:

- I. Employees are not required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and
2. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

C. City of Alameda's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently With Other Leaves

If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying, the City may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

D. City of Alameda's and Employee's Rights if an Employee Requests Accrued Leave Without Mentioning Either the FMLA or CFRA

If an employee requests accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, the City may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if the City denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, the City may inquire further into the reason for the absence. If the reason is FMLA/CFRA qualifying, the City may require the employee to exhaust accrued leave as described above.

VIII. MEDICAL CERTIFICATION

Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification ("Physician or Practitioner Certification" form) completed by the health care provider of the individual requiring care and return the form to the Personnel Department. If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the **essential** functions of his/her position.

The City may require that the employee obtain subsequent recertification on a reasonable basis.

A. Time to Provide Certification

When an employee's leave is foreseeable and at least 30 days notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the City within the time frame requested by the City (which must allow at least 15 calendar days after the City's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences For Failure to Provide An Adequate or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency.

However, if an employee fails to provide a medical certification within the time frame established by this policy, the City may delay the taking of FMLA/CFRA leave until the required certification is provided.

C. Recertification

If the City of Alameda has a reason to doubt the validity of a certification, the City may require a medical opinion of a second health care provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider, jointly approved by the City of Alameda and the employee, at the City's expense. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a recertification.

D. Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member or for the employee's own serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

IX. REQUESTING LEAVE

Although the City of Alameda recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least 30 days notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact dates(s) (E.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be given orally. If the City determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the City may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

X. REINSTATEMENT UPON RETURN FROM LEAVE

A. Right to Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and the City, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

B. Employee's Obligation to Periodically Report On His/Her Condition

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

C. Fitness for Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

XI. FAMILY/MEDICAL LEAVE FORMS TO BE SUBMITTED BY EMPLOYEE

Employees must fill out the following applicable forms in connection with leave under this policy:

A. "Request for Family/Medical Leave" Form;

Note: Employees will receive a response to their request which will set forth certain conditions of the leave

B. "Physician or Practitioner Certification" Medical certification - either for the employee's own serious health condition or for the serious health condition of a child, parent or spouse;

C. "Fitness for Duty to Return from Leave Certification" if leave for employee's serious health condition.

CITY OF ALAMEDA REQUEST FOR FAMILY/MEDICAL LEAVE

NAME	DEPT:	DATE
HIRE DATE	POSITION TITLE	

I request a Family/Medical leave for the following reason (check one):

☐ The birth of child and/or care of such child. Birth date_____

☐ The placement of a child for adoption or foster care.

☐ In order to care for an immediate family member because such family has a serious health condition.
Check One: Child ___ Spouse ___ Parent

Medical certification required with application. If an emergency situation, medical certification is required within 15 calendar days.

☐ Employee's own serious health condition that makes the employee unable to perform the essential functions of his/her position. Medical certification required with application. If an emergency situation, medical certification is required within 15 calendar days.

Leave will be taken on a:

☐ Continuous basis

☐ Intermittent (e.g. Separate blocks of time) or Reduced Leave Schedule (reduced hours per day or week) as follows:

Leave will begin on first day off work:_____

(month/day/year)

Expected date to return to work: _____

(month/day/year)

If the duration of my family/medical leave (total of **paid** and unpaid time) does not exceed 12 weeks, I will be returned to my same or equivalent position. I understand that if my family/medical leave should exceed 12 weeks, I will be returned to my same or similar position, only if available, in accordance with applicable laws. If my same or similar position is not available, I understand that I may be terminated.

EMPLOYEE'S SIGNATURE

DATE

Return to: Personnel Department
2250 Central Avenue, Room 350
Alameda CA 94501

Should your sick leave run out, your vacation will be used to continue your pay.

YOUR RIGHTS

under the

FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

UNLAWFUL ACTS BY EMPLOYERS: FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FOR ADDITIONAL INFORMATION: Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

**CALIFORNIA FAIR EMPLOYMENT AND HOUSING COMMISSION NOTICE
RE: FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE)
AND PREGNANCY DISABILITY LEAVE**

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to an unpaid family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth or related medical conditions, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave after the birth of your child. Both leaves contain a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events which are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave.

Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider or the health care provider of your child, parent or spouse who has a serious health condition before allowing you a leave for pregnancy or your own serious health condition or to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced leave schedule.

If you are taking a leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact the Personnel Department.

CITY OF ALAMEDA
PHYSICIAN OR PRACTITIONER MEDICAL CERTIFICATION
&MIIQVSS- SERIOUS HEALTH CONDITION

1. Employee's Name: _____
2. Does the employee have an illness, injury, impairment, or physical or mental condition which constitutes a "serious health condition." A "serious health condition" is described on the attached sheet. Does the employee's condition qualify under any of the categories described? If so, please check the applicable category.

(1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ , or None of the **above** ☐ .:
3. Date medical condition or need for treatment commenced: _____
4. Probable duration of medical condition or need for treatment: _____
5. Regimen of treatment to be prescribed (indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Include schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week):
 - A. By Physician or Practitioner: _____

 - B. By other provider of health services, if referred by Physician or Practitioner:

Check Yes or No in the space below, as appropriate.

- | | | | |
|----|-----|----|---|
| 6. | Yes | No | Is inpatient hospitalization of the employee required? |
| 7. | Yes | No | Is employee able to perform work of any Kind? (If "No", skip to Item 9) |
| 8. | Yes | No | Is employee able to perform the functions of employee's position? (Answer after reviewing job description from employer describing essential functions of employee's position, or, if none provided, after discussing with employee.) |
9. Signature of Physician or Practitioner: _____
 10. Date: _____
 11. Type of Practice (Field of Specialization, if **any**): _____
 12. Signature of Employee: _____ Date: _____

CITY OF ALAMEDA FAMILY/MEDICAL LEAVE

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Inpatient Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

(a) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment⁽¹⁾ under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

(1) Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

(2) A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to **resolve** or **alleviate** the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or **bed-rest**, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health provider.

4. Chronic Conditions Requiring Treatments

A chronic condition which:

(a) Requires periodic visits for treatment by a health care provider, or by a nurse physician's assistant under direct supervision of a health care provider;

(b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), kidney disease (dialysis).

CITY OF ALAMEDA

**PHYSICIAN OR PRACTITIONER MEDICAL CERTIFICATION
FAMILY MEMBER-SERIOUS HEALTH CONDITION**

1. Employee's Name: _____
2. Patient's Name: _____
3. Does the employee's child, parent, or spouse have an illness, injury, impairment, or physical or mental condition which constitutes a "serious health condition." A "serious health condition" is described on the attached sheet. Does the patient's condition qualify under any of the categories described? If so, please check the applicable category.
(1) ___ (2) ___ (3) ___ (4) ___ (5) ___ (6) ___ , or None of the above ___
4. Date medical condition or need for treatment commenced: _____
5. Probable duration of medical condition or need for treatment: _____
6. Regimen of treatment to be prescribed (indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Include schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week):
A By Physician or Practitioner: _____
B By other provider of health services, if referred by Physician or Practitioner: _____

Check Yes or No in the space below, as appropriate.

- | | | |
|--------|----|--|
| 7. Yes | No | Is inpatient hospitalization of the family member (patient) required? |
| 8. Yes | No | Does (or will) the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation? |
| 9. Yes | No | After review of the employee's signed statement (See Item 11 below), is the employee's presence necessary or would it be beneficial for the care of the patient? (This may include psychological comfort and/or the arranging for third-party care for the family member.) |
10. Estimate the period of time care is needed or the employee's presence would be beneficial: _____

**ITEM 11 TO BE COMPLETED BY THE EMPLOYEE REQUESTING
FAMILY LEAVE.**

11. When Family Leave is needed to care for a seriously ill family member, the employee shall state the care he or she will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to be taken intermittently on a reduced leave schedule:

Employee Signature: _____ Date: _____

12. Signature of Physician or Practitioner: _____

13. Date: _____

14. Type of Practice (Field of Specialization, if any): _____

CITY OF ALAMEDA FAMILY/MEDICAL LEAVE

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Inpatient Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

(a) Treatment¹ two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment² under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

(1) Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

(2) A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health provider.

4. Chronic Conditions Requiring Treatments

A chronic condition which:

(a) Requires periodic visits for treatment by a health care provider, or by a nurse physician's assistant under direct supervision of a health care provider;

(b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), kidney disease (dialysis).

CITY OF ALAMEDA
California

July 10, 1996

SUBJECT: Request for Family/Medical Leave

On _____, you notified us of your need to take family/medical leave due to:
(date)

- ☐ the birth of your child, or the placement of a child with you for adoption or foster care; or
- ☐ a serious health condition that makes you unable to perform the essential functions of your job;
or

D a serious health condition affecting your ☐ spouse, ☐ child, ☐ parent, for which you are needed to provide care.

You notified us that you need this leave beginning on _____ and that you expect leave to continue until about _____.
(date) (date)

Except as explained below, you have a right under the FMLA/CFRA for up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA/CFRA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA/CFRA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA/CFRA leave.

This is to inform you that:

1. You are ☐ eligible ☐ not eligible for leave under the FMLA/CFRA.
2. The requested leave ☐ will ☐ will not be counted against your annual FMLA/CFRA leave entitlement.
3. You ☐ will ☐ **will** not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by _____, (must be at least 15 days after you are notified of this requirement) or we may delay the commencement of your leave until the certification is submitted.

4. The City will require you to substitute accrued paid leave(vacation or sick time) for unpaid FMLA/CFRA leave.
- 5(a). The City will continue to pay medical and dental insurance premiums as provided in your MOU during the period of FMLA/CFRA leave. The Risk Manager's office will contact you regarding procedures for payments of the premiums.
- (b). The City will not maintain your optional insurance coverage (optional cancer insurance, optional group life insurance, optional short term disability insurance) while you are on unpaid FMLA/CFRA leave or unpaid time off following FMLA/CFRA leave. The Risk Manager's office will contact you regarding procedures for payments of premiums for any optional coverage you wish to continue during any unpaid absence.
6. You ☐ will ^{1.1} will not be required to present a fitness-for-duty certificate prior to being reinstated to employment. If such certification is required but not received, your return to work may be delayed until the certification is provided.
7. While on leave, you may be required to furnish us with periodic reports of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on the reverse side of this form, you will be required to notify us at least two work days prior to the date you intend to report for work.
8. You may be required to furnish recertification relating to a serious health condition.

Should you have any questions regarding Family and Medical Leave, please feel free to call me at 748-4521.

Sincerely,

Elizabeth B. Kingsley
Personnel Director

cc: P. Born
Attachments
A. B

*Personnel Department, Room 350
East Wing, Historical Alameda High School
City Hall, 2250 Central Avenue
Alameda, CA 9450/
(510)748-452/*

CITY OF ALAMEDA
California

July 10, 1996

SUBJECT: Leave Which Qualifies as Leave under the Federal Family and Medical Care Leave Act (FMLA) and California Family Rights Act (CFRA)

On _____, we were notified of your need to take leave due to:
(date)

- D the birth of your child, or the placement of a child with you for adoption or foster care; or
- D a serious health condition that makes you unable to perform the essential functions of your job;
or
- D a serious health condition affecting your ☐ spouse, ☐ child, ☐ parent, for which you are needed to provide care.

You notified us that you need this leave beginning on _____ and that you expect leave to continue until about _____.
(date) (date)

Please be advised that your need to take leave is for an FMLA/CFRA qualifying excuse, and FMLA/CFRA leave will run concurrently with your leave. Pursuant to the FMLA/CFRA, you have a right under the FMLA/CFRA for up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA/CFRA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA/CFRA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA/CFRA leave.

This is to inform you that:

1. The requested leave ☐ will ☐ will not be counted against your annual FMLA/CFRA leave entitlement.
2. You ☐ will ☐ will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by _____, (must be at least 15 days after you are notified of this requirement) or we may delay the commencement of your leave until the certification is submitted.

3. The City will require you to substitute accrued paid leave(vacation or sick time) for unpaid FMLA/CFRA leave.
- 4(a). The City will continue to pay medical and dental insurance premiums as provided in your MOU during the period of FMLA/CFRA leave.
 - (b). The City will not maintain your optional insurance coverage (optional cancer insurance, optional group life insurance, optional short term disability insurance) while you are on unpaid FMLA/CFRA leave or unpaid time off following FMLA/CFRA leave. The Risk Manager's office will contact you regarding procedures for payments of premiums for any optional coverage you wish to continue during any unpaid absence.
5. You ☐ will ☐ will not be required to present a fitness-for-duty certificate prior to being reinstated to employment. If such certification is required but not received, your return to work may be delayed until the certification is provided.
6. While on leave, you may be required to furnish us with periodic reports of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on the reverse side of this form, you will be required to notify us at least two work days prior to the date you intend to report for work.
7. You may be required to furnish recertification relating to a serious health condition.

Should you have any questions regarding Family and Medical Leave, please feel free to call me at 74 4521.

Sincerely,

Elizebeth B. Kingsley
Personnel Director

cc: P. Born

Attachments

A,B

7/10196:f

*Personnel Department, Room 350
East Wing, Historical Alameda High School
City Hall, 2250 Central Avenue
Alameda, CA 94501
(510)748-4521*

CITY OF ALAMEDA

FITNESS FOR DUTY TO RETURN FROM LEAVE CERTIFICATION

To City of Alameda Employee: You must present this release to your supervisor before or on the day you return to work. You may not work without this release.

To: Treating Physician or Practitioner

Our employee began a period of medical care leave for his/her serious health condition on

_____ date employee commenced leave

As a condition of returning to work, the employee must take a physical examination and have his/her physician complete this form. This form must be completed before the employee is allowed to resume his/her job duties.

1. Employee Name: _____
2. Employee's Job Title: _____
3. Date of Physical Examination: _____
4. With respect to your understanding as to what are the employee's essential job functions, please check the source(s) where you received your information:

City job description

Discussion with the employee's supervisor

Discussion with the employee

Other. Please explain: _____

5. Please indicate the status of the employee's release for duty.
Fully, unrestricted duty. Please *skip* question 6 and proceed to question 7.
Modified duty. You must complete question 6.
Not released for any type of duty.
6. If you are releasing the employee to modified work duty, you must complete this section thoroughly.
 - a. Estimated date that employee will be able to return to full, unrestricted duty:

 - b. Date of your next evaluation of the employee: _____
 - c. Indicate the exact work restrictions which apply to the employee at this time on the chart below:

(over)

PHYSICAL LIMITATIONS	FULL RESTRICTIONS	PARTIAL RESTRICTIONS	NO RESTRICTIONS
Sedentary-Lifting 0 to 10 pounds			
Light-Lifting 10 to 20 pounds			
Moderate-Lifting 20 to 50 pounds			
Heavy-Lifting 50 to 100 pounds			
Pulling/Pushing, Carrying			
Reaching or working above shoulder			
Walking (hrs)			
Standing (hrs)			
Sitting (hrs)			
Stooping (hrs)			
Kneeling (hrs)			
Repeated Bending (hrs)			
Climbing (hrs)			
Operating a motor vehicle, crane, tractor, etc.			
Other:			
Exposure Limitation (Specify):			

7. I hereby certify that the foregoing facts are true and correct, and **are executed** under penalty of perjury in _____, California this ____ day of

_____. 199__

Signature of Treating Physician or Practitioner

Date

Print Name of Treating Physician or Practitioner

Phone Number

CITY OF ALAMEDA RESOLUTION NO. 12814

ADOPTING CITY OF ALAMEDA
FAMILY AND MEDICAL LEAVE POLICY

WHEREAS, the federal Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act of 1993 (CFRA) require that large employers grant eligible employees twelve weeks of leave under certain circumstances; and

WHEREAS, as an employer with more than fifty employees, the City of Alameda must comply with both the FMLA and CFRA; and

WHEREAS, the Family and Medical Leave Policy which incorporates both the FMLA and CFRA has been distributed to all nine bargaining units, and there has been no comments or questions from any of the nine bargaining units.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Alameda that the City of Alameda Family and Medical Leave Policy presented to the City Council at the September 3, 1996 City Council meeting is hereby approved and adopted.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 3rd day of September, 1996, by the following vote to wit:

AYES: Councilmembers Arnerich, DeWitt, Lucas
and President Appezzato - 4.

NOES: None.

ABSENT: None.

ABSENTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4th day of September, 1996.

0
- 0 4 th September
Dorian Felsch, City Clerk
City of Alameda

ADOPTED TO FORM
Heather C. Hughes
Act. City Attorney

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, to request FMLA leave you **must**:

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not** have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your **employer must**:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

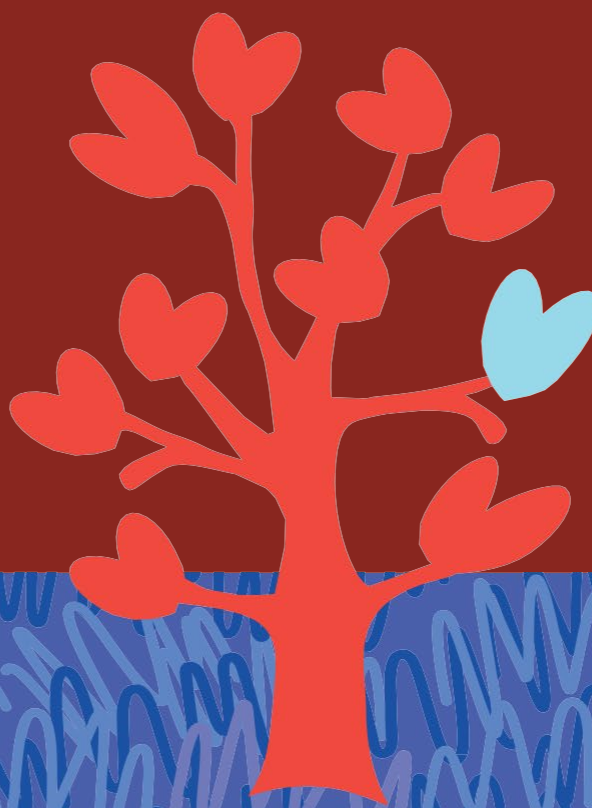
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FAMILY CARE & MEDICAL LEAVE & PREGNANCY DISABILITY LEAVE



Civil Rights
Department
STATE OF CALIFORNIA



Under California law, an employee may have the right to take job-protected leave to care for their own serious health condition or a family member with a serious health condition, or to bond with a new child (via birth, adoption, or foster care). California law also requires employers to provide job-protected leave and accommodations to employees who are disabled by pregnancy, childbirth, or a related medical condition.

Under the California Family Rights Act of 1993 (CFRA), many employees have the right to take job-protected leave, which is leave that will allow them to return to their job or a similar job after their leave ends. This leave may be up to 12 work weeks in a 12-month period for:

- the employee's own serious health condition;
- the serious health condition of a child, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, or someone else with a blood or family-like relationship with the employee ("designated person"); or
- the birth, adoption, or foster care placement of a child.

If an employee takes leave for their own or a family member's serious health condition, leave may be taken on an intermittent or reduced work schedule when medically necessary, among other circumstances.

Eligibility. To be eligible for CFRA leave, an employee must have more than 12 months of service with their employer, have worked at least 1,250 hours in the 12-month period before the date they want to begin their leave, and their employer must have five or more employees.

Pay and Benefits During Leave. While the law provides only unpaid leave, some employers pay their employees during CFRA leave. In addition, employees may choose (or employers may require) use of accrued paid leave while taking CFRA leave under certain circumstances. Employees on CFRA leave may also be eligible for benefits administered by the Employment Development Department.

Taking CFRA leave may impact certain employee benefits and seniority date. If employees want more information regarding eligibility for a leave and/or the impact of the leave on seniority and benefits, they should contact their employer.

Pregnancy Disability Leave. Even if an employee is not eligible for CFRA leave, if disabled by pregnancy, childbirth or a related medical condition, the employee is entitled to take a pregnancy disability leave of up to four months, depending on their period(s) of actual disability. If the employee is CFRA-eligible, they have certain rights to take *both* a pregnancy disability leave and a CFRA leave for reason of the birth of their child.

Reinstatement. Both CFRA leave and pregnancy disability leave contain a guarantee of reinstatement to the same position or, in certain instances, a comparable position at the end of the leave, subject to any defense allowed under the law.

Notice. For foreseeable events (such as the expected birth of a child or a planned medical treatment for the employee or of a family member), the employee must provide, if possible, at least 30 days' advance notice to their employer that they will be taking leave. For events that are unforeseeable, employees should notify their employers, at least verbally, as soon as they learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy.

Certification. Employers may require certification from an employee's health care provider before allowing leave for pregnancy disability or for the employee's own serious health condition. Employers may also require certification from the health care provider of the employee's family member, including a designated person, who has a serious health condition, before granting leave to take care of that family member.

Want to learn more?

Visit: [calcivilrights.ca.gov/family-medical-pregnancy-leave/](https://www.calcivilrights.ca.gov/family-medical-pregnancy-leave/)

If you have been subjected to discrimination, harassment, or retaliation at work, or have been improperly denied protected leave, file a complaint with the Civil Rights Department (CRD).

TO FILE A COMPLAINT

Civil Rights Department

[calcivilrights.ca.gov/complaintprocess](https://www.calcivilrights.ca.gov/complaintprocess)

Toll Free: 800.884.1684 / TTY: 800.700.2320

California Relay Service (711)

Have a disability that requires a reasonable accommodation?
CRD can assist you with your complaint.

YOUR RIGHTS AND OBLIGATIONS AS A PREGNANT EMPLOYEE



Civil Rights
Department
STATE OF CALIFORNIA

IF YOU ARE PREGNANT, HAVE A PREGNANCY-RELATED MEDICAL CONDITION, OR ARE RECOVERING FROM CHILDBIRTH, PLEASE READ THIS NOTICE.

YOUR EMPLOYER* HAS AN OBLIGATION TO

- Reasonably accommodate your medical needs related to pregnancy, childbirth, or related conditions (such as temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks);
- Transfer you to a less strenuous or hazardous position (if one is available) or duties if medically needed because of your pregnancy;
- Provide you with pregnancy disability leave (PDL) of up to four months (the working days you normally would work in one-third of a year or 17 1/3 weeks) and return you to your same job when you are no longer disabled by your pregnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave related employment actions, such as a layoff;
- Provide a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in the Labor Code; and
- Never discriminate, harass, or retaliate on the basis of pregnancy.

FOR PREGNANCY DISABILITY LEAVE

- PDL is not for an automatic period of time, but for the period of time that you are disabled by pregnancy, childbirth, or related medical condition. Your health care provider determines how much time you will need.
- Once your employer has been informed that you need to take PDL, your employer must guarantee in writing that you can return to work in your same or a comparable position if you request a written guarantee. Your employer may require you to submit written medical certification from your health care provider substantiating the need for your leave.
- PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postnatal medical appointments, and doctor-ordered bed rest, and covers conditions such as severe morning sickness, gestational diabetes, pregnancy-induced hypertension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or post-partum depression.
- PDL does not need to be taken all at once but can be taken on an as-needed basis as required by your health care provider, including intermittent leave or a reduced work schedule.
- Your leave will be paid or unpaid depending on your employer's policy for other medical leaves. You may also be eligible for state disability insurance or Paid Family Leave (PFL), administered by the California Employment Development Department.
- At your discretion, you can use any vacation or other paid time off during your PDL.
- Your employer may require or you may choose to use any available sick leave during your PDL.
- Your employer is required to continue your group health coverage during your PDL at the same level and under the same conditions that coverage would have been provided if you had continued in employment continuously for the duration of your leave.
- Taking PDL may impact certain of your benefits and your seniority date; please contact your employer for details.

NOTICE OBLIGATIONS AS AN EMPLOYEE

- Give your employer reasonable notice. To receive reasonable accommodation, obtain a transfer, or take PDL, you must give your employer sufficient notice for your employer to make appropriate plans. Sufficient notice means 30 days advance notice if the need for the reasonable accommodation, transfer, or PDL is foreseeable, or as soon as practicable if the need is an emergency or unforeseeable.
- Provide a written medical certification from your health care provider. Except in a medical emergency where there is no time to obtain it, your employer may require you to supply a written medical certification from your health care provider of the medical need for your reasonable accommodation, transfer or PDL. If the need is an emergency or unforeseeable, you must provide this certification within the time frame your employer requests, unless it is not practicable for you to do so under the circumstances despite your diligent, good faith efforts. Your employer must provide at least 15 calendar days for you to submit the certification. See if your employer has a copy of a medical certification form to give to your health care provider to complete.
- Please note that if you fail to give your employer reasonable advance notice or, if your employer requires it, written medical certification of your medical need, your employer may be justified in delaying your reasonable accommodation, transfer, or PDL.

ADDITIONAL LEAVE UNDER THE CALIFORNIA FAMILY RIGHTS ACT (CFRA)

Under the California Family Rights Act (CFRA), if you have more than 12 months of service with an employer, and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to a family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child**, or for your own serious health condition or that of your child, parent***, spouse, domestic partner, grandparent, grandchild, sibling, or someone else related by blood or in family-like relationship with the employee ("designated person"). Employers may pay their employees while taking CFRA leave, but employers are not required to do so, unless the employee is taking accrued paid time-off while on CFRA leave. Employees taking CFRA leave may be eligible for benefits administered by Employment Development Department.

TO FILE A COMPLAINT

Civil Rights Department
calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684 / TTY: 800.700.2320
California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.

For translations of this guidance, visit:
www.cacivilrights.ca.gov/posters/required

*PDL, CFRA leave, and anti-discrimination protections apply to employers of 5 or more employees; anti-harassment protections apply to employers of 1 or more.

** "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee or the employee's domestic partner, or a person to whom the employee stands in loco parentis.

*** "Parent" includes a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.



COMPLAINTS MUST BE FILED WITHIN ONE YEAR OF THE LAST ACT OF DISCRIMINATION

FILING A COMPLAINT

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.

PREGNANCY LEAVE

If you believe you are a victim of discrimination you may, within one year of the discrimination, file a complaint of discrimination with the Department of Fair Employment and Housing by following these steps:

- ① *Contact DFEH by using the information on the back of this brochure*
- ② *Be prepared to present specific facts about the alleged discrimination or denial of leave*
- ③ *Keep records and provide copies of documents that support the charges in the complaint, such as paycheck stubs, calendars, correspondence and other potential proof of discrimination*

DFEH will conduct an impartial investigation. We represent the State of California. DFEH will, if possible, try to assist both parties to resolve the complaint.

If a voluntary settlement cannot be reached, and there is sufficient evidence to establish a violation of the law, DFEH may issue a civil complaint and litigate the case in state or federal court.

If the court decides in favor of the complaining party, remedies may include reinstatement, back pay, reasonable attorney's fees and costs, damages for emotional distress, and punitive damages.

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:



If you have a disability that prevents you from submitting a written intake form on-line, by mail, or email, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at
(800) 884-1684 (voice or via relay operator 711)
or (800) 700-2320 (TTY)
or by email at contact.center@dfeh.ca.gov.

The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

The Fair Employment and Housing Act (FEHA), enforced by the California Department of Fair Employment and Housing (DFEH), contains provisions relating to pregnancy leave. These provisions cover all employers with five or more full or part time employees.

In addition, there are certain leave and transfer protections and guarantees provided under the FEHA, the California Family Rights Act (CFRA), and the New Parent Leave Act.

All employers must provide information about pregnancy leave rights to their employees and post information about pregnancy leave rights in a conspicuous place where employees tend to gather. Employers who provide employee handbooks must include information about pregnancy leave in the handbook.

IT IS UNLAWFUL FOR AN EMPLOYER TO DISCRIMINATE IN TERMS OF COMPENSATION, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT BECAUSE OF PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS



RIGHTS AND OBLIGATIONS

LEAVE REQUIREMENTS

- An employee disabled by pregnancy, childbirth, or a related medical condition is entitled to up to four months of disability leave per pregnancy. If the employer provides more than four months of leave for other types of temporary disabilities, the same leave must be made available to employees who are disabled due to pregnancy, childbirth, or a related medical condition.
- Leave can be taken before or after birth during any period of time the employee is physically unable to work because of pregnancy or a pregnancy-related condition. All leave taken in connection with a specific pregnancy counts toward computing the four-month period.
- Pregnancy leave is available when an employee is actually disabled. This includes time off needed for prenatal or postnatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, loss or end of pregnancy, or any other related medical condition.
- If an employee is disabled as the result of a condition related to pregnancy, childbirth, or associated medical conditions and requests reasonable accommodation upon the advice of the employee's health-care provider, an employer must provide reasonable accommodation.
- As an accommodation, and with advice of a physician, an employee can request transfer to a less strenuous or hazardous position or duties because of the employee's pregnancy.
- Employees are entitled to take pregnancy disability leave in addition to any leave entitlement they might have under CFRA or NPLA. For example, an employee could take up to four months pregnancy disability leave for any period of disability, and also take up to 12 weeks CFRA or NPLA leave to bond with the baby; to bond with an adopted child; or to care for a parent, spouse, or child with a serious health condition. CFRA leave may also be taken for the employee's own serious health condition. For more information, see DFEH's brochure entitled "California Family Rights Act."
- If possible, an employee must provide their employer with at least 30 days advance notice of the date for which the pregnancy disability leave or accommodation is sought and the estimated duration of the leave or accommodation.
- If 30 days advance notice is not possible due to a change in circumstances or a medical emergency, notice must be given as soon as practicable. The leave may be modified as an employee's changing medical condition dictates. If the reinstatement date differs from the original agreement, or if no agreement was made, an employer must reinstate the employee within two business days of being given notice that the employee intends to return. When two business days are not feasible, reinstatement must be made as soon as possible to expedite the employee's return.

SALARY AND BENEFITS DURING LEAVE

- Employers who provide health insurance coverage for employees who take leave for other temporary disabilities must provide coverage for employees who take leave for pregnancy, childbirth or related medical conditions.
- An employer may require an employee to use accrued sick leave during any unpaid portion of their pregnancy disability leave. The employee may also use vacation leave credits to receive compensation for which the employee is eligible. But an employer may not require an employee to use vacation leave or other accrued time off during pregnancy disability leave.

RETURN RIGHTS

- It is illegal for an employer to fire an employee because that employee is pregnant or taking pregnancy disability leave. Employers are required by law to reinstate employees to the same position those employees had before taking leave, and an employee may request this guarantee in writing. In some situations, an employee may be reinstated to a position that is comparable (same tasks, skills, benefits, and pay) to the job they had before taking PDL.
- However, pregnancy disability leave does not protect employees from employment actions not related to their pregnancy, such as layoffs.



ADMINISTRATIVE POLICIES AND PROCEDURES

Part-Time Sick Leave Policy

Effective Date:
12/1/2017

A. PURPOSE

The Healthy Workplaces, Healthy Families Act of 2014 requires employers to provide paid sick leave (hereinafter "sick leave") to all employees. This policy applies to all City **Part-Time/Temporary Employees, Seasonal Employees, Interns and Apprentices, and Elected Officials and Council Members** and it is intended to satisfy the requirements set forth under the Healthy Workplace, Healthy Families Act of 2014 codified in Labor Code Sections 245 - 249 and Labor Code Section 2810.5. This policy does not apply to City employees who are covered by a collective bargaining agreement and who are currently receiving a more generous and comprehensive sick leave benefit from the City of Alameda.

B. OVERALL GUIDELINES

Accrual of Sick Leave

Effective July 1, 2015, the City of Alameda will provide sick leave to employees covered by this policy. Employees covered by this policy accrue one (1) hour of sick leave for every thirty (30) hours worked up to 28 hours per calendar year, beginning their first day of employment or July 1, 2015, whichever is later. Any unused accrued sick leave will carry over from one year to the next, with a maximum accrual of 48 hours. If an employee reaches this cap, no further paid sick leave hours will accrue until the employee falls below the cap.

Use of Sick Leave

Employees covered by this policy may use their accrued sick leave hours beginning on their 90th day of employment. The employee will only receive sick leave hours for the number of hours they would have worked during their scheduled shift and may report sick time in no less than 15 minute increments. Sick leave hours will be compensated at the employee's current hourly wage. The City will limit the use of sick leave to 28 hours per calendar year. Sick leave will not be considered hours worked for purposes of overtime calculation.

An employee may use accrued sick leave for the following reasons:

1. For the diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's "family member" (as defined below).
2. An employee who is a victim of domestic violence, sexual assault, or stalking may take leave for the purposes described in Labor Code sections 230(c) and 230.1(a).

Family Member Defined.

A family member, as used in this policy includes:

1. Child (regardless of age or dependency status)
2. Parent or Parent-in-law
3. Spouse
4. Registered Domestic Partner
5. Grandparent
6. Grandchild
7. Sibling

Separation from Employment

An employee covered by this policy will not receive compensation for unused accrued leave upon termination, resignation, retirement or other separation from employment from the City. If an employee is rehired within one (1) year of the date of separation, any lost sick leave hours will be reinstated and available for use. The employee will not be required to wait 90 days from their rehire date before paid sick leave hours can be used, unless the employee had not satisfied the 90 day employment requirement when originally hired. In such a case the employee's prior days of service will be included along with their new days worked in calculating the 90 day waiting period.

Employees Converting from Part-Time to Full-Time Employment

When a part-time employee converts from part-time to full-time employment, all sick leave hours accrued as a part-time employee, up to the maximum accrual of 48 hours, will be moved from the employee's part-time sick leave bank to the employee's full-time sick leave bank.

C. GENERAL PROCEDURES**Notification Obligation**

An employee shall provide reasonable advance notification of their need to use accrued sick leave to their supervisor if the need for sick leave use is foreseeable (i.e., doctor's appointment scheduled in advance). If the need for sick leave is unforeseeable, the employee shall provide notification as soon as practicable, but no later than ½ hour after the scheduled time for beginning their work duties. The City cannot deny sick leave due to failure to provide details of the need to take leave.

Employer Recordkeeping Obligations

The City shall provide employees, on their itemized wage statement, the balance amount of paid sick leave hours available and the Year to Date usage. The City will also include the leave accrual and usage records in the leave reports distributed to departments on a bi-weekly basis.

CITY OF ALAMEDA

ERGONOMICS PROGRAM

The City has adopted this ergonomics program to minimize repetitive motion injuries (RMI) through (a) worksite evaluations, (b) adopting of control measures and (c) training of employees.

For purposes of this ergonomics program the following definitions apply:

1. "RMI" are musculoskeletal injuries resulting from a job process, or operation of identical work activity which have been the predominant cause of objectively identified and diagnosed musculoskeletal RMIs to more than one employee reported within a twelve-month period. The identification and diagnosis of a RMI must be performed by a licensed physician.

2. "Identical Work Activity" means the employees were performing the same repetitive motion tasks, such as, but not limited to, work processing, assembly or loading.

3. "Licensed Physician" is a person with an M.D. or D.O. degree licensed and diagnosing within the scope of his or her practice.

4. "Potentially Exposed Employee" is an employee working a job, process, or operation of identical work activities in which more than one RMI has been reported within a twelve-month period.

5. "Predominant cause" means that 50% or more of the injury was caused by a repetitive job, process or operation of identical work activity.

A. Worksite Evaluations

1. Where more than one RMI is reported as described above, a representative number of the applicable job, process or operation of identical work activity will be evaluated.

2. The City maintains a list of all jobs, processes and operations which have been evaluated.

3. The evaluation records can be reviewed in the Risk Manager's Office.

4. The evaluation identifies potential exposures **and** determines the methods the City will use to control or minimize these exposures.

5. Potentially exposed employees will be informed of the potential exposures and trained in the City's control measures.

B. Control of Exposures Which Have Caused RMI's.

1. It is the City's policy to correct in a timely fashion exposures that have caused RMI's or if the exposure is not capable of being corrected, it is the City's policy to minimize the exposure to the extent feasible.

2. It is the City's policy to consider the following engineering and administrative controls in determining how to correct or minimize exposures:

Engineering Controls

- workstation redesign
- adjustable fixtures
- tool redesign

Administrative Controls

- job rotation
- work pacing
- alternative work breaks

The City may also consider other reasonable, cost effective engineering or administrative controls.

3. If engineering and administrative controls cannot reasonably correct or minimize exposures to the extent feasible, the City will consider minimizing exposure through the use of personal protective equipment.

C. Training

1. Scope of training

Employees (including managers and supervisors) are provided with training that includes an explanation of:

- a. The ergonomics program
- b. Exposures which have been associated with RMIs.
- c. The symptoms and consequences of injuries caused by repetitive motion
- d. The importance of reporting symptoms and injuries to the employer
- e. The methods used by the employer to minimize RMIs.

2. Timing and Frequency of Training

Training is provided to potentially affected employees as follows:

- a. Initial training is provided as part of the establishment of the ergonomics program
- b. Upon completion of a worksite evaluation (pursuant to Section A of this program)

which identifies exposures which may have caused RMIs

- c. To all new potentially exposed employees
- d. To all potentially exposed employees given new job assignments for which training has not previously been received
- e. Every year for potentially exposed employees

D. Employee Reporting Obligations

All employees are **required** to report to their supervisor all RtvIIs which have been objectively identified and diagnosed by a licensed physician which are suspected of being 50% or more caused by a job, process or operation at the City.

All employees are encouraged to report all suspected RMis or RtvII symptoms or ergonomic concerns.



ADMINISTRATIVE POLICIES AND PROCEDURES

Hazard Communication Program

Effective Date:

A. PURPOSE

It is the purpose of this regulation to implement a Hazard Communication program in accordance with the California Hazard Communication Regulation (8CAC 5194).

B. OVERALL GUIDELINES

This regulation applies to all employees of the City of Alameda and any contractors and their employees who may be potentially exposed to hazardous substances.

This regulation applies to all products containing hazardous substances which are known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use, in the performance of their job or in a reasonably foreseeable emergency.

C. GENERAL PROCEDURES

The Hazard Communications Program will provide information about chemical hazards and other hazardous substances and the control of such hazards to employees via container labeling, Material Safety Data Sheets (MSDS) and employee training.

This Risk Manager will be responsible for the compliance of this program. Copies of this program will be kept on file at each Department and in the Risk Manager's office. This written program will be made available to employees and their designated representatives upon request. In addition, each employee will receive a copy of the written program during the employee orientation.

I. Container Labeling

The policy requires that both original and secondary containers of hazardous be inspected for compliance. Each department / division is responsible for inspecting original manufacturer's containers. The manufacturers' labels will be inspected for:

- a. Identity of hazardous ingredients
- b. Appropriate hazard warnings
- c. Name and address of manufacturer

To further ensure that employees are aware of the hazards of the substances used in their work areas, it is our policy to label all secondary containers. The supervisor in each department/division will ensure that all secondary containers are properly labeled with the following:

- a. Identity of hazardous ingredients
- b. Appropriate hazard warnings

Posters, signs or other forms of warning may be used in lieu of labels if the supervisor believes them to be adequate in informing his/her coworkers.

Additional information will be sent to the department when received from the manufacturer.

II. Material Safety Data Sheets

Finance's Administrator Service Coordinator will request MSDS's for all hazardous substances bought centrally. Each department is responsible for requesting MSDS's for all other hazardous substances purchased. The Risk Manager will keep copies of all MSDS's for City Hall employees. All other departments including the Fire Department, Police Department, Bureau of Electricity, Library and Community Development Department shall keep copies of their MSDS's on file. MSDS's shall be maintained in a binder in a readily accessible location for employee review. MSDS's shall be reviewed at a minimum of once a year for completeness.

III. Employee Information and Training

Employees will attend periodic information and training regarding the Hazardous Communication Program. Training shall include the following:

- An overview of the Hazard Communication Regulation and its requirement.
- The rights and responsibilities afforded to the employee under this regulation.
- Any operations in their workplace where hazardous substances are present.
- Location and availability of the written Hazard Communication Program.
- Physical and health effects of the hazardous substance.
- Methods and observation techniques used to determine the presence or release of hazardous substances in the workplace.
- How to lessen or prevent exposure to these hazardous substances through the usage of control, work practices and personal protective equipment.
- Measures the City has taken to lessen or prevent exposure to these substances.
- Emergency and first aid procedures to follow if employees are exposed to hazardous substances.
- How to read labels and review MSDS's to obtain the appropriate information.

When new hazards are introduced, the department/division supervisor will review the new hazards as they relate to the work area and inform his/her co-workers accordingly.

In addition, it is the responsibility of the department/division supervisor to ensure that new employees receive adequate training before they are assigned to work with potentially hazardous substances.

IV. List of Hazardous Substances

Each department/division supervisor is responsible for the maintenance of a list of hazardous substances used within his/her work area. The department/division supervisor is required to review and update his/her list of hazardous substances with the master list at a minimum of once a year.

V. Non-Routine Tasks

Prior to the employee undertaking a non-routine task, the supervisor in charge will be responsible for reviewing the operation to be performed and for reviewing the appropriate MSDS of the hazardous substance associated with the task. Furthermore, the supervisor will ensure that appropriate administrative controls, engineering controls and protective equipment are implemented and made

available to the employee.

VI. Contractors

The City's policy also covers those outside contractors who may be exposed to hazardous substances at the City's work site. To ensure that these outside contractors work safely at our work sites, it is the responsibility of the contracting department/division supervisor to inform them of the work place hazards, to make a binder of MSDS's available for inspection, and to familiarize them with our Hazard Communication Program.

Conversely, the contractor is required to provide a copy of the MSDS for each hazardous substance brought in, a minimum of five (5) working days before any exposure to City employees.

The department/division supervisor will alert the Risk Manager to any suspected problems with contractor compliance. The Risk Manager will then perform field audits to identify and correct such problems.

VII. Hazard Determination Procedure

The City has determined that hazard evaluations conducted by the substance manufacturer or importer represents the most reliable method of chemical hazard determination and, thus, does not intend to evaluate the hazards of purchased products.

This program will be monitored periodically by the Risk Manager to ensure that the policies are carried out and that the program is effective.



ADMINISTRATIVE POLICIES AND PROCEDURES

City Heat Illness Prevention Program

Effective Date:
2/10/2010

A. PURPOSE

The purpose of the Heat Illness Prevention Program is to meet the requirements set forth in California Code of Regulations (T8 CCR 3395), and as a supplement to the City's Injury and Illness Prevention Program. The program applies to all employees working within the day-to-day operations of the City.

It is the policy of the City of Alameda to fully commit to health and wellbeing of all City employees. The Heat Illness Prevention Program establishes procedures and provides information which is necessary to ensure that City employees recognize heat stress to ensure their own safety and the safety of others.

B. OVERALL GUIDELINES

The Heat Illness Prevention Program serves as a supplement to the City's Injury and Illness Prevention Program. The Safety Committee, designated Safety Department Representative and Safety Officer, are working together to ensure all preventative measures are communicated and followed to mitigate the risk of heat-related injuries or illness.

All City employees are responsible for their own health. Supervisors are charged with the task of identifying signs and symptoms of heat illness and forecasting situations where heat-related injuries could occur.

To reduce the risk of heat-related illness and respond to possible symptoms of Heat Illness, the following steps will be taken:

WATER

Employees will have access to potable drinking water at all times. Supervisors or the Safety Department Representative will evaluate situations where heat-related injuries could occur and communicate mitigation techniques with City staff. The frequency drinking of water and other cool liquids are encouraged.

To encourage frequent drinking of potable water, the following steps will be taken:

- Supervisor will provide frequent reminders to employees to drink frequently, and more water breaks will be provided.
- Every morning there will be short tailgate meetings to remind workers about the importance of frequent consumption of water throughout the shift.
- Place water containers as close as possible to the workers, not away from them.
- Noise making devices, such as air horns, may be used to remind employee's to take their water break.

SHADE

Employees suffering from heat illness will be provided access to an area with shade that is either open to the air or provided with ventilation or cooling for a period of no less than five minutes. Such access to shade will be permitted at all times.

It is the responsibility of the supervisor to ensure that if trees, buildings or other permanent shade is not available at a work site, that canopies, umbrellas and other temporary structures or devices are used to provide shade. Open or moving air is important for cooling.

Every employee has the right to request access to shade for a recovery period at any time if they feel heat distress. Employees have a responsibility to report to the supervisor any other employee they observe showing signs of heat distress. No discipline or retaliation will be taken for an employee requesting recovery from symptoms of heat illness or for providing information to a supervisor about the health condition of another worker.

C. GENERAL PROCEDURES

WRITTEN PROCEDURES FOR RESPONDING TO HEAT ILLNESS:

Written procedures help reduce the risk of heat related illnesses, and ensure that emergency assistance is provided without delay. To reduce the risk of heat-related illness and respond to possible symptoms of HI, the following steps will be taken:

- All employees will be trained prior to working outdoors.
- Working hours will be modified to work during the cooler hours of the day, when possible.
- When a modified or shorter work-shift is not possible, more water and rest breaks will be provided.
- Supervisors will continuously check all employees, and stay alert to the presence of heat related symptoms.

To ensure that emergency medical services are provided without delay, the following steps will be taken:

- Supervisors will carry cell phones or other means of communication, to ensure that emergency services can be called, and check that these are functional at the worksite prior to each shift.
- Every morning, workers will be reminded about address and directions to the worksite and emergency procedures.

TRAINING:

Training is critical to help reduce the risk of heat related illnesses and to assist with obtaining emergency assistance without delay. Training in the following topics shall be provided to all employees through the supervisor.

- The environmental and personal risk factors for heat illness;
- The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties;
- The importance of acclimatization;
- The different types of heat illness and the common signs and symptoms of heat illness;
- The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves, or in co-workers;
- Procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary;

- Procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider; and
- Procedures for ensuring that, in the event of emergency clear and precise directions to the work site can and will be provided as needed to emergency responders.

AVAILABILITY OF PLAN:

This plan shall be made available, in writing, to employees and to representatives of the Division of Occupational Safety upon request.

Text of Cal/OSHA Safety Order 8, §3395. Heat Illness Prevention in Outdoor Places of Employment.

(a) Scope and Application. This section applies to the control of risk of occurrence of heat illness. This section is not intended to exclude the application of other sections of Title 8, including, but not necessarily limited to, sections 1230(a), 1512, 1524, 3203, 3363, 3400, 3439, 3457, 6251, 6512, 6969, 6975, 8420 and 8602(e). This section applies to all outdoor places of employment.

Note No. 1: The measures required here may be integrated into the employer's Injury and Illness Program required by section 3203.

Note No. 2: This standard is enforceable by the Division of Occupational Safety and Health pursuant to Labor Code sections 6308 and 6317 and any other statutes conferring enforcement powers upon the Division. It is a violation of Labor Code sections 6310, 6311, and 6312 to discharge or discriminate in any other manner against employees for exercising their rights under this or any other provision offering occupational safety and health protection to employees.

(b) Definitions.

"Acclimatization" means temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it. Acclimatization peaks in most people within four to fourteen days of regular work for at least two hours per day in the heat.

"Heat Illness" means a serious medical condition resulting from the body's inability to cope with a particular heat load, and includes heat cramps, heat exhaustion, heat syncope and heat stroke.

"Environmental risk factors for heat illness" means working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment worn by employees.

"Personal risk factors for heat illness" means factors such as an individual's age, degree of

acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and use of prescription medications that affect the body's water retention or other physiological responses to heat.

"Preventative recovery period" means a period of time to recover from the heat in order to prevent heat illness.

"Shade" means blockage of direct sunlight. Canopies, umbrellas and other temporary structures or devices may be used to provide shade. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning.

(c) Provision of Water. Employees shall have access to potable drinking water meeting the requirements of Sections 1524, 3363, and 3457, as applicable. Where it is not plumbed or otherwise continuously supplied, it shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in (e), shall be encouraged.

(d) Access to Shade. Employees suffering from heat illness or believing a preventative recovery period is needed, shall be provided access to an area with shade that is either open to the air or provided with ventilation or cooling for a period of no less than five minutes. Such access to shade shall be permitted at all times. Except for employers in the agriculture industry, cooling measures other than shade (e.g., use of misting machines) may be provided in lieu of shade if the employer can demonstrate that these measures are at least as effective as shade in allowing employees to cool.

(e) Training.

(1) Employee training. Training in the following topics shall be provided to all supervisory and non-supervisory employees.

- (A) The environmental and personal risk factors for heat illness;
- (B) The employer's procedures for complying with the requirements of this standard;
- (C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties;
- (D) The importance of acclimatization;
- (E) The different types of heat illness and the common signs and symptoms of heat illness;
- (F) The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves, or in co-workers;

(G) The employer's procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary;

(H) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider;

(I) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders.

(2) Supervisor training. Prior to assignment to supervision of employees working in the heat, training on the following topics shall be provided:

(A) The information required to be provided by section (e)(1) above.

(B) The procedures the supervisor is to follow to implement the applicable provisions in this section.

(C) The procedures the supervisor is to follow when an employee exhibits symptoms consistent with possible heat illness, including emergency response procedures.

(3) The employer's procedures required by subsections (e)(1)(B), (G), (H), and (I) shall be in writing and shall be made available to employees and to representatives of the Division upon request.



ADMINISTRATIVE POLICIES AND PROCEDURES

number

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revision

supersedes

September 1, 1995

SUBJECT

Injury and Illness Prevention Program

approved by

Eric Levitt

effective date

April 8, 2021

I. PURPOSE

General Policy Statement

To protect the Health and Safety of its employees, the City of Alameda has developed this Injury and Illness Prevention Program (IIPP). The City is committed to a successful accident prevention program that includes the identification and correction of hazards and training employees in safe work practices. We strive to comply with all safety and health standards and we expect the full cooperation of our employees.

The goal of this program is to minimize the frequency and severity of employee accidents and to comply with laws and regulations that pertain to City operations. Accident prevention, communication, and training are integral parts of any successful organization. This program has been designed to reduce or eliminate physical hazards from the work environment, improve communication about safety, and to train employees in safe work practices.

Although the ultimate responsibility of the safety program lies with City managers and supervisors, the program cannot succeed without the cooperation of the City's employees. Everyone must be fully safety conscious in everything they do while on the job.

II. OVERALL GUIDELINES

Objective of the Injury and Illness Prevention Program

The primary objectives of the Injury and Illness Prevention Program are to limit employee injuries and illnesses and to ensure compliance with California Occupational Safety and Health Act, Section 3203, which requires each employer to:

- A. Establish and maintain an effective Injury and Illness Prevention Program.
- B. Identify the person with the responsibility and authority for its implementation.
- C. Establish a system to ensure that employees comply with safe and healthy work practices.
- D. Establish a system of communicating with all employees on matters of health and occupational safety that is readily understandable.

- E. Establish procedures for identifying and evaluating work place hazards.
- F. Establish a procedure to investigate occupational injuries or illnesses.
- G. Establish a system for correcting unsafe or unhealthy conditions, work practices or procedures in a timely manner.
- H. Establish a system for providing training and instructions to employees.
- I. Establish a system for the maintenance of records.

III. RESPONSIBILITIES

- A. The overall responsibility for ensuring that the City of Alameda has an effective IIPP is with the Human Resources Director, HR@alamedaca.gov or (510) 747-4900. The City of Alameda's business address is 2263 Santa Clara Avenue, Alameda, CA 94501.
- B. Copies of the IIPP are available at the Human Resources Department in City Hall, 2263 Santa Clara Avenue, Room 290, Alameda, CA 94501, and on the City's website, <http://www.alamedaca.gov/Departments/Administration/Human-Resources/Safety/Injury-Illness-and-Prevention-Program>.
- C. The Human Resources Director or Safety Coordinator will be responsible for coordinating and implementing the Injury and Illness Prevention Program, which may include the following:
 - 1. Administer the Injury and Illness Prevention Program and evaluate compliance.
 - 2. Provide information regarding loss experience and related costs to various Department Heads.
 - 3. Train supervisors to effectively communicate safety instructions to employees.
 - 4. Assist with periodic safety and health inspections.
 - 5. Perform follow-up investigations of accidents and injuries as required.
 - 6. Attend Safety Committee meetings and review all minutes as needed.
 - 7. Perform duties necessary to ensure compliance with applicable safety and health regulations.
- D. The Department Head is responsible for the effective implementation and maintenance of the department's Injury and Illness Prevention Program as follows:
 - 1. Establish and maintain a system of safety inspections, and pertinent safety

performance records.

2. Provide safety orientation, job training, and continuing safety instruction for all department employees.
3. Send appropriate personnel to Safety Committee meetings.
4. Follow up on any specific communications regarding safety and health issues and relay information to their employees.
5. Enforce safety rules, procedures, and policies.
6. Discipline employees who do not comply with safety rules, procedures and policies.

E. The Supervisor is responsible for implementing and maintaining the IIPP in their work area and for answering workers' questions about the IIPP. They are the key to a successful Injury and Illness Prevention Program. The supervisor's duties may include the following:

1. Recognize the potential or real hazards of each job supervised.
2. Observe and evaluate work conditions and procedures to detect and correct unsafe conditions and practices.
3. Emphasize to employees the benefit of observing safety procedures and of using the prescribed protective equipment.
4. Enforce safety rules, procedures, and policies.
5. Discipline employees who do not comply with safety rules, procedures, and policies.
6. Provide employee orientation and training.
7. Assist in maintaining records of employee orientation and safety training.
8. Promptly investigate injuries and accidents.
9. Encourage employees to report unsafe conditions and to submit practical suggestions for correction.
10. Ensure that tools, equipment and protective devices are properly maintained and utilized.
11. Perform duties which will enhance the success of the Injury and Illness Prevention

Program.

- F. All employees are required to develop and demonstrate safe work habits, and participate in trainings directed by their supervisor. Employees shall:
1. Learn and observe the safety rules, procedures, and policies.
 2. Promptly report to their supervisor all accidents and injuries occurring within the course and scope of their employment.
 3. Promptly report to their supervisor unsafe conditions that they observe.
 4. Attend and participate in Safety Committee meetings if directed by their supervisor.
 5. Use prescribed personal protective equipment and/or clothing when required.
 6. Follow protocols identified for any given program.
- G. Disciplinary Process
1. Unsafe work behavior shall not be tolerated.
 2. Any employee determined to have worked unsafely may be progressively disciplined ranging from coaching and counseling up to and including termination.
 3. Any supervisor or Department Head determined to have directed employees to work unsafely may be progressively disciplined ranging from coaching and counseling up to and including termination.
- H. The Safety Committee is responsible to oversee safety policies and practices.
1. This includes tracking the timely correction of workplace hazards that have not been resolved by the employees, supervisors/managers, and/or department heads, receive and review reports of unsafe conditions, workplace inspection reports, safety training plans, and accident and injury/illness reports.
 2. Departmental appointments and re-appointments of Committee members shall be at the discretion of their Department Head.
 3. Appointments shall be staggered as to maintain the continuity of the Committee.
 4. Some operational departments such as Alameda Municipal Power, Fire, Police and Public Works have their own safety. These departments shall also participate on the Safety Committee to ensure the City's overall IIPP responsibility is effective.

5. The Safety Committee shall:

- a. Meet regularly, but no less than quarterly, to discuss all safety issues in a timely manner so that any necessary changes can be communicated and implemented.
- b. Perform the following functions:
 - Prepare a written record of issues discussed at meetings and maintain the record for review.
 - Review the results of periodic, scheduled workplace inspections to identify any needed safety procedures or programs to track specific corrective actions.
 - Review supervisors' investigations of accidents and injuries to ensure that all causes have been identified and corrected.
 - All documents presented to the Safety Committee will have the impacted employees name and position redacted for confidentiality reasons. The department name may also be redacted if needed to protect confidentiality.
 - Where appropriate, submit suggestions to department management for the prevention of future incidents.
 - Review alleged hazardous conditions brought to the attention of any committee member, determine necessary corrective actions, and review those actions with responsible parties to ensure corrections are made within appropriate deadlines.
 - Participate in safety inspections where appropriate.
 - Review safety problems and recommend practical solutions to the problems.
 - Review pertinent liability and workers' compensation reports.
 - Communicate with staff on the results on the meeting.

Contact the Human Resources Director at **(510) 747-4900** for more information.

I. EMPLOYEE HEALTH AND SAFETY TRAINING

A. Safety Training

1. During onboarding, all City personnel shall be trained on the structure of the IIPP, including individual responsibilities under the program, and the availability of the written program.
2. Training shall also be provided on how to report unsafe conditions, how to access the Safety Committee, and where to obtain information on workplace safety and health issues.
3. Employee safety training is essential to an employee's job. Safety training shall be presented by a qualified and knowledgeable supervisor/manager, other city personnel, consultant, etc.
4. Regardless of the instructor, all safety training shall be documented using the **"Safety Training Record" (IIPP Form 1)** or an equivalent record that includes all information required on **IIPP Form 1**.
5. Departments will be responsible for maintaining training records for department provided training. The City is working on a system to have centralized training records and will work with departments when that comes online.
6. Training records for safety training provided by Human Resources will be maintained by Human Resources.
7. The City will maintain training records as required by OSHA but for no less than three years.

B. Training on Specific Hazards

1. Supervisors/managers are required to be trained on the hazards to which the employees under their immediate supervision may be exposed. The training aids a supervisor/manager in understanding and enforcing proper protective measures.
2. All supervisors/managers must ensure that the personnel they supervise receive appropriate training on the specific hazards of work they perform, and on the proper precautions for protection against those hazards.
3. Training is particularly important for new employees and whenever a new hazard is introduced into the workplace. Such hazards may include new equipment, new hazardous materials, or new procedures.
4. Health and safety training is also required when employees are given new job

assignments on which they have not previously been trained and whenever a supervisor/manager is made aware of a new or previously unrecognized hazard.

5. Training shall be documented using the **“Safety Training Record” (IIPP Form 1)** or an equivalent record that includes all information required on **IIPP Form 1**.

II. IDENTIFYING UNSAFE CONDITIONS

A. System for Identifying Unsafe Conditions and Practices

1. Identification of unsafe conditions and practices may include, but not limited to:

- A review of pertinent safety policies and procedures
- Safety inspections/audits
- Review of accident statistics
- Information obtained from qualified outside sources
- Written documentation from these sources shall be used to document compliance

B. Conducting A Job Safety Analysis (JSA)

1. The following guidelines shall be used by supervisors/managers to conduct a Job Safety Analysis and the finished product may be used as a training tool. Use **Job Safety Analysis form (IIPP Form 2)** or an equivalent form that includes all the information required on **IIPP Form 2**.

- i. Select the Task:

- Review workers' compensation statistics and OSHA Form 300 (Log of work-related injuries and illnesses) to determine which tasks have the highest incident rates.
- Select the task with the worst safety records.
- Examples include: handling of chemicals, stacking materials, lifting heavy boxes, shoveling, driving city vehicles, working in traffic, etc.

- ii. Define the Scope:

- Carefully determine the scope of the task.
- The task should be a specific job, not necessarily all the elements of any employee's job description.

- iii. Identify Steps:

- Organize the task into a sequence of logical steps.

iv. Select and Brief the Employee:

- Select the employee to perform the task.
- The employee should be experienced in the job and willing to share their ideas.
- Explain to the employee that the task is being evaluated, not them, and that the goal of the analysis is to make the job safer.

v. Identify Hazards:

- Observe the employee performing the task.
- Identify all real and potential environmental and physical hazards.
- These may include:
 - Being struck by an object.
 - Getting caught on, in, or between objects.
 - Slipping or falling from one level to another.
 - Causing a strain due to pushing, pulling or lifting.
 - Being exposed to environmental hazards, e.g., gases, vapors, mists, fumes, dust, heat, or cold.
 - Repeat the job observation until all hazards and potential hazards have been identified.
 - Check with the employee to see if anything has been missed or overlooked.

C. Develop Solutions

1. After determining the environmental and physical hazards of a job, develop solutions to minimize or eliminate the hazards.
2. The priority for correcting hazards should be engineering controls, administrative controls and lastly personal protective equipment.
3. The principle means of eliminating hazards include:
 - Finding a new way to do the job.
 - Changing the physical conditions that create the hazards.
 - Changing the job procedure to eliminate hazards.
 - Questioning the necessity for, or frequency of, doing a hazardous task.

D. Prepare Procedures

1. When writing procedures, be specific and concrete. Do not say, "Be careful" or "use caution." State exactly what needs to be done to eliminate accident potential. State specifically what to do and how to perform the procedure, e.g.

- Place socket over spark plug.
- Exert slight pressure to ensure grip.
- Brace yourself against the body of the engine or take a stable stance with your feet to prevent loss of balance if the socket slips.

E. Review Procedures

1. Review the new procedures with workers.
2. Encourage questions from workers.
3. This review helps ensure that the proposed procedures are practical and usable.

F. Update Job Safety Analysis

1. Redo the job safety analysis when the following occurs:
 - Work procedure changes.
 - When “close calls” are reported.
 - When injury rates increase.

G. Periodic Safety Inspections

1. Inspection frequency (i.e., daily, weekly, monthly, annually) will depend on the type of inspection to be completed per Cal/OSHA. The following shall be used as a guide:
 - **Daily/Prior to Use** - High hazard or frequently changing operations or equipment (ladders, forklifts, confined space equipment, trenching equipment)
 - **Weekly** - High hazard areas (flammable storage area and construction sites)
 - **Monthly** - Workshops, offices, grounds, parking lots
 - **Annually** - Comprehensive, inclusive inspections to include:
 - Buildings and structures
 - Physical layout
 - Employee health
 - Storage facilities
 - Working surfaces
 - Housekeeping
 - Walkways and roadways
 - Equipment
 - Fleet services

2. Inspections shall be conducted using the following ratings:
 - **S = Satisfactory** – Area or equipment inspected does not propose a hazard.
 - **UN = Unsatisfactory** – Area or equipment inspected proposes a hazard and needs correction.
 - **N/A = Not Applicable** – Area or equipment inspected is not applicable to inspection type.
3. Annual checklists shall be sent to the Human Resources Department and Safety Committee for review, monitoring, and filing.
4. Use “**Safety Inspection Checklist form**” (**IIPP Form 3**) or an equivalent form that includes all the information required on IIPP Form 3.
5. Inspection records must be maintained for at least one year.

III. CORRECTING HAZARDS

- A. Hazards must be corrected by the supervisor/manager in control of the workarea. Supervisors/managers of affected employees are expected to correct unsafe conditions as quickly as possible after discovery of a hazard.
- B. Specific procedures that can be used to reduce or mitigate hazards include but are not limited to the following:
 - Locking out and tagging unsafe equipment “Do Not Use until Repaired” and providing a list of alternatives for employees to use until the item is repaired.
 - Stopping unsafe work practices and providing retraining and documentation on proper procedures before work resumes.
 - Reinforcing and explaining the need for proper personal protective equipment and ensuring its availability.
 - Barricading areas that have the hazard and making arrangements to have the hazard mitigated.
- C. If necessary, supervisors/managers and employees can seek assistance in developing appropriate corrective actions by submitting a “**Report of Unsafe Condition**” (**IIPP Form 4**) or equivalent form that includes all the information required on **IIPP Form 4**, to the Human Resources Director and Safety Committee.
- D. Supervisors/managers shall use “**Management/Safety Committee Investigation of Employee Report of Unsafe Condition or Hazard**” (**IIPP Form 5**) or equivalent form that includes all the information required on **IIPP Form 5**, to document corrective actions, including projected and actual completion dates.

IV. IMMINENT HAZARDS

- A. If a problem exists that poses an immediate danger of serious harm or bodily injury and cannot be corrected immediately, the operation shall be stopped until the necessary repairs can be made.
- B. Equipment may be physically locked or tagged out in an obvious way and affected employees and supervisors shall be notified of the situation.
- C. If an imminent hazard exists, work in the area should cease, and the appropriate supervisor/manager must be contacted immediately.
- D. Any employee has the authority to stop work when an imminent hazard exists.
- E. If the hazard cannot be immediately corrected without endangering employees or property, all personnel need to be removed from the area except those qualified and necessary to correct the condition.
- F. These qualified individuals shall be equipped with necessary safeguards before addressing the situation.

V. INVESTIGATION INJURIES AND ILLNESSES

A. Injury Reporting

- 1. Employees who are injured at work shall report the injury immediately but no later than the end of their shift to their supervisor.
- 2. If immediate medical treatment beyond first aid is needed, such as for loss of consciousness, serious bleeding, broken bones or suspected spinal or head injuries, call 911.
- 3. The injured party shall be taken to the nearest hospital emergency room.
- 4. If non-emergency medical treatment for work-related injuries or illnesses is needed, the employee shall have the option of going to the City's occupational medical provider: **Kaiser Permanente On-the-Job, 3701 Broadway, Oakland, CA**, or the employee's pre-designated physician.
- 5. The supervisor/manager of the injured employee shall work with Risk Management to ensure that the employee is provided with the Employee's Claim for Workers' Compensation Benefits (**DWC-1**) form within 24 hours of knowledge of the injury.
- 6. Cal/OSHA requires the City to report within 8 hours of the supervisor/manager's knowledge any serious injury, illness or death of an employee by telephone or

facsimile.

7. A serious injury or illness is one that requires hospitalization, for other than medical observation or diagnostic testing, or resulting in an amputation, loss of an eye or any serious degree of permanent disfiguration.
8. If this situation occurs, regardless of time of day, immediately contact the City's Risk Manager.
9. The Risk Manager will then make the call to Cal/OSHA 's district office.
10. If management cannot speak with the Risk Manager directly, management will leave a detailed message with the Risk Manager. Management is then to make the call to Cal/OSHA. Cal/OSHA's local office for Alameda is: Oakland District office (510) 622-2916.
11. All recordable injuries are to be logged on the address-specific employer OSHA Log 300 within 6 days of the injury.
12. If the injured employee seeks medical treatment, the supervisor/manager shall obtain a medical note before allowing the employee to return to work.
13. The form shall be submitted to Human Resources to confirm the note contains work restrictions, and if so, the disability interactive process will be started by the Human Resources Department.
14. The disability interactive process is a discussion between the employee and their supervisor/manager to determine if there is meaningful work the employee can safely perform that is consistent with their work restrictions.
15. Reporting exemption: A serious injury report is exempt when it is caused by a vehicular accident or happens during the course of a crime (penal code violation).

B. Injury Investigation

1. The employee's Supervisor is responsible for performing an investigation to determine and reduce or mitigate the cause(s) of the injury or illness.
2. The investigation shall be completed within 48 hours of the occurrence or within two business days if the injury occurred during a weekend or holiday.
3. Specific procedures to be used to investigate workplace accidents include:

- Interviewing injured employee(s).
- Interviewing all witnesses.
- Examining the injured employee' (s) work location for causative factors.
- Reviewing established procedures to ensure they are adequate and were followed.
- Review training records of affected employee(s).
- Determining all contributing causes to the accident (equipment, material, and people).
- Taking corrective actions to prevent the accident, or similar incident, from recurring.
- Recording all findings and actions taken.

C. Investigation Procedures

1. Use **IIPP Form 7** (or equivalent form that includes all the information required on IIPP Form 7) to conduct an initial investigation within 24 hours of the incident, injury, or illness.
 - a. If necessary, the supervisor/manager will complete and submit the Employer's Report of Occupational Injury or Illness (**Form 5020**), which is **IIPP Form 6** to the City's third party administrator for workers' compensation.
 - b. **Form 5020** is completed electronically on the Sedgwick's Global Intake portal (<https://intake.sedgwick.com/u/cityofalameda/intake>) by the supervisor/manager. Once completed, the form is available to the Risk Manager and workers comp third party administrator.
 - c. **IIPP Form 7** (or equivalent form) will be maintained in the department and copies forwarded to the Safety Committee to ensure that all corrective actions are completed.
2. Investigations and/or corrective actions that are determined to be incomplete shall be routed back to the supervisor/manager for further follow-up, with specific recommendations noted by the Safety Committee.
3. If the supervisor/manager is unable to determine the cause(s) and appropriate corrective action(s), other resources including the Safety Committee, industrial hygienist, safety consultant, etc. should be sought to complete the investigation.
4. Corrective actions that are not implemented in a reasonable period of time shall be brought to the attention of the supervisor/manager's department head and if unresolved, then to the Human Resources Director.
5. All documents and forms presented to the Safety Committee will have the impacted employees name and position redacted for confidentiality reasons. The department name may also be redacted if needed to protect employee

confidentiality.

VI. COMMUNICATING WITH EMPLOYEES

- A. Supervisors/managers are responsible for communicating with all workers about safety and health issues in a form readily understandable by all workers.
- B. All department personnel are encouraged to communicate their safety concerns to their supervisors/managers without fear of reprisal.
- C. The Safety Committee is another resource for communication regarding safety and health issues for employees.
- D. All employees are represented on the Safety Committee and will be informed of hazard mitigation activities.
- E. Employees may be informed about safety matters on department bulletin boards, email, voicemail, or by written memoranda.
- F. Supervisors/managers are responsible for ensuring that employees are supplied access to safety and health information pertinent to their work assignments.
- G. Information concerning the safety and health hazards of tasks performed by employees is available from a number of sources. These sources include, but are not limited to Safety Data Sheets (SDS), equipment operating manuals, container labels and work area postings.

VII. SAFETY DATA SHEETS

- A. Safety Data Sheets (SDS) provide information on the potential hazards of products or chemicals.
- B. Hard copies of SDS for the chemicals used in the department are available in the department in a designated place.
- C. If an SDS is found to be missing, a new one must be obtained by faxing/emailing a request to the manufacturer.
- D. A copy of this request should be kept until the SDS arrives.
- E. It is the responsibility of all employees to request and obtain an SDS when purchasing chemical products.

VIII. RECORD KEEPING

A. Documents related to the IIPP shall be maintained by the Human Resources Director or their designee. These records include, but may not be limited to:

- Records of scheduled and periodic workplace inspections including the persons conducting the inspection and any identified unsafe condition or work practices and corrective actions.
- Employee safety training records, including the names of all attendee and instructors, the training date, and type of training including the material covered.
- Reports of unsafe conditions or hazards.
- Safety meeting documentation.
- Hazard correction reports.
- Accident, injury or illness investigation reports.

IX. SAFETY HOTLINE

A. The Safety Hotline (510) 865-2009 is an “anonymous” hotline available to employees at any time of the day or night, 7 days a week, to report unsafe work practices and hazardous work site conditions.

B. The Safety Hotline is designed to allow any employee to report an unsafe work practice or hazardous work site condition without the fear of reprisal.

C. The Safety Hotline number is an independent outside phone line, which is not tied into the City's phone system so there is no Caller I.D.

D. The Safety Hotline will be checked regularly throughout the work week.

E. When a call is placed to the Safety Hotline at any time of the day, the caller will simply leave a message with pertinent information regarding their safety concern:

- Who, what, where, when, why, how, etc.
- The more information received increases the probability of accurately addressing unsafe work practices or hazardous conditions in a timely manner.

F. There may be instances that by their nature, are urgent and need to be addressed immediately. In these instances, immediately call the Human Resources Director at (510) 747-4900.

G. If you don't want to provide your name, you need not do so. Should you decide to provide your name, your name will be held in confidence unless operational business necessity dictates otherwise.

H. All safety concerns will be logged, investigated, and appropriate remedies will be put into place as may be deemed necessary.

- I. If you want to check to see if your report was investigated and yet maintain your anonymity, the Safety Hotline Log will be available for your review by appointment only, in the Human Resources Department (**IIPP Form 8**).
- J. Safety is everyone's responsibility. Speak up because mitigation of an unsafe work practice or hazardous condition could save a life, and that life could be yours.

Policy established: 9.1.1995

Revised: 4.8.2021

Form 1 – SAFETY TRAINING RECORD

DEPARTMENT (Check One)	
<input type="radio"/> Alameda Municipal Power	<input type="radio"/> Fire
<input type="radio"/> Alameda Recreation and Parks Department	<input type="radio"/> Human Resources
<input type="radio"/> City Attorney	<input type="radio"/> Information Technology
<input type="radio"/> City Clerk	<input type="radio"/> Library
<input type="radio"/> City Manager	<input type="radio"/> Planning, Building & Transportation
<input type="radio"/> Community Development	<input type="radio"/> Police
<input type="radio"/> Finance	<input type="radio"/> Public Works

Date of Training	
Location of Training	
Topic of Training	
Content/Summary of Training Topic	
Names, Titles of Trainer(s)	Signature(s) of Trainers

Training Session Attendees

[illegible]

Form 2 – JOB SAFETY ANALYSIS (JSA) FORM

JOB/PROCEDURE	
DEPARTMENT/DIVISION	
ANALYSIS BY	
REVIEWED BY (SUPERVISOR/MANAGER)	
APPROVED BY (DEPARTMENT HEAD)	
REQUIRED AND/OR RECOMMENDED PERSONAL PROTECTIVE EQUIPMENT (State whether required or recommended)	

[illegible]

For use with IIPP Form 2

CONDUCTING A JOB SAFETY ANALYSIS

Select the Tasks

Initially select those tasks with the worst safety records. Review workers' compensation statistics and OSHA 300 logs to determine which tasks have the highest incident rates. Examples could include:

- handling of chemicals
- stacking materials
- lifting heavy boxes
- shoveling
- driving city vehicles
- working in traffic

Define the Scope

Carefully determine the scope of the task. The task should be a specific job, not necessarily all the elements of any employee's job description.

Identify Steps

Organize the task into a sequence of logical steps.

Select and Brief the Employee

Select the employee to perform the task. The employee should be experienced in the job and willing to share their ideas. Explain to the employee that the task is being evaluated, not them, and that that goal of the analysis is to make the job safer.

Identify Hazards

Observe the employee performing the task. Identify all real and potential environmental and physical hazards. These may include:

- Being struck by an object
- Getting caught on, in, or between objects
- Slipping or falling from one level to another
- Causing a strain due to pushing, pulling or lifting
- Being exposed to environmental hazards, e.g., gases, vapors, mists, fumes, dust, heat, or cold

Repeat the job observation until all hazards and potential hazards have been identified. Check with the employee to see if anything has been missed or overlooked.

Develop Solutions

After determining the environmental and physical hazards of a job, develop solutions to minimize or eliminate the hazards. The priority for correcting hazards should be engineering controls, administrative controls and lastly personal protective equipment. The principle means of eliminating hazards include:

- Finding a new way to do the job
- Changing the physical conditions that create the hazards
- Changing the job procedure to eliminate hazards
- Questioning the necessity for, or frequency of, doing a hazardous task

Prepare Procedures

When writing procedures, be specific and concrete. Do not say, "Be careful" or "Use caution." State exactly what needs to be done to eliminate accident potential. State specifically what to do and how to perform the procedure, e.g.

"Place socket over spark plug. Exert slight pressure to ensure grip. Brace yourself against the body of the engine or take a stable stance with your feet to prevent loss of balance if the socket slips."

Review Procedures

Review the new procedures with workers. This review helps ensure that the proposed procedures are practical and usable.

Update Job Safety Analysis

Redo the job safety analysis when work procedure changes, when "close calls" are reported or when injury rates increase.

Form 3 – SAFETY INSPECTION CHECKLIST

Instructions: Safety inspections are to be completed by Supervisors per Cal/OSHA guidelines. Please refer to IIPP page 9 for guidance on inspection frequency. A copy of the completed checklist must be forwarded to the Human Resources Director or their designee, and shall be maintained for a period of one year. All hazards discovered during the inspection must be reported immediately to the department's Safety Committee representative.

Complete portions of Checklist that pertain to the area being inspected.

Area Inspected:

Inspector:

Check appropriate box **S**: Satisfactory; **UN**: Unsatisfactory; **N/A**: Not Applicable

	S	UN	N/A		S	UN	N/A		S	UN	N/A
<u>Building/Structures</u>				<u>Storage Facilities</u>							
FLOORS				BINS							
ROOFS				RACKS							
CEILING				CABINETS							
FENCING				SHELVES							
WALLS				CLOSETS							
<u>Physical Layout</u>				<u>Working Surfaces</u>				<u>Structural Openings</u>			
AISLE MARKINGS				LADDERS				WINDOWS			
BLIND CORNERS				FLOORS				DOORS			
AREA MARKINGS				PLATFORMS				STAIRWAYS			
UTILITY COLOR CODING								FLOOR OPENINGS			
<u>Fire Protection</u>				<u>Housekeeping</u>				<u>Electrical Equipment</u>			
ALARMS/DETECTORS				FLOORS				SWITCHES/BREAKERS			
FIRE DOORS				WINDOWS/SCREENS				OUTLETS			
EXTINGUISHERS				DOORS				CABLES			
EXTINGUISHER TRAINING				RAILING/STEPS				EXTENSION CORDS			
CLEAR AISLES				WORK STATIONS				FIXTURE CORDS			
MARKED EXITS				BATHROOMS/LOCKERS				TEMPORARY WIRING			
EGRESS MAPS				STORAGE				LOCK OUT/TAG OUT TOOLS & PROCEDURES			
EMERGENCY EVACUATION PLANS								ELECTRICAL PANEL CLEARANCE			
<u>Janitor Closets</u>				<u>Walkways & Roadways</u>				<u>Personal Service, First Aid</u>			
CHEMICAL STORAGE				RAMPS				DRINKING FOUNTAINS			
CHEMICAL LABELS				SIDEWALKS				WASH BASINS			
SAFETY DATA SHEETS				WALKWAYS				SOAP DISPENSER			
SPILL CLEAN-UP				AISLES				FIRST AID SUPPLIES			
PERSONAL PROTECTIVE EQUIPMENT				VEHICLE WAYS				OSHA POSTER			
<u>Employee Health</u>				<u>Material Handling</u>				<u>Copy Rooms</u>			
NOISE				DOLLIES				TONER STORAGE			
LIGHTING				CARTS				OVERHEAD STORAGE			
DUST								SHREDDERS			
VENTILATION								PAPER CUTTERS			
ERGONOMICS								PINCH HAZARDS			

Comments miscellaneous items:

Inspector's Signature: _____ Date: _____

Form 4 - EMPLOYEE REPORT OF UNSAFE CONDITION OR HAZARD

Employees may use this form to report any unsafe condition or hazard to the City. The City will investigate the issue to determine if mitigations are needed. The form can be submitted anonymously if desired. Employees are advised that it would be illegal for an employer to take any action against an employee in reprisal for exercising their rights to report safety issues.

Name: (optional)	
Department/Division:	
Job Title:	
Location of condition believed to be unsafe/hazardous:	
Date/time condition or hazard was observed:	
Description of unsafe condition or hazard:	
What changes would you recommend to correct the condition or hazard:	
Employee Signature: (optional)	
Date:	

ORIGINAL: Manager/Supervisor

COPY: Human Resources Director, Safety Committee

Form 5 – MANAGEMENT/SAFETY COMMITTEE INVESTIGATION OF EMPLOYEE REPORT OF UNSAFE CONDITION OR HAZARD

Name and Title of person investigating unsafe condition or hazard:

Results of investigation (What was found? Was condition unsafe or hazardous?) Attach additional sheets if necessary:

Proposed action to be taken to correct unsafe or hazardous condition:

Signature of Investigator: _____

Date: _____

ORIGINAL: Human Resources Director, Safety Committee

Form 6 – IMMEDIATE SUPERVISOR’S REPORT OF EMPLOYEE INJURY (FORM 5020)

Attach Form 5020 as sample

Form 7 - CITY OF ALAMEDA - EMPLOYEE INCIDENT REPORT (1 of 3)

FULL NAME:		JOB TITLE/DEPARTMENT:
SUPERVISOR:		WORK SCHEDULE (days and hours):
INCIDENT DATE:	TIME OF INCIDENT:	LOCATION OF INCIDENT (address) :
DATE REPORTED:	TIME BEGAN WORK:	INCIDENT REPORTED TO:
NATURE OF INJURY AND BODY PART INJURED:		
EQUIPMENT BEING USED:		
DESCRIBE IN YOUR OWN WORDS AND IN DETAIL HOW THE INCIDENT OCCURRED (sequence of events):		

Form 7 - CITY OF ALAMEDA - EMPLOYEE INCIDENT REPORT (2 of 3)

WHO WITNESSED THE INCIDENT?
DESCRIBE THE PROPERTY DAMAGE/LOSS, IF ANY:
DESCRIBE ANY PREVIOUS CONDITIONS/INJURY TO BODY PART CURRENTLY INJURED:
ARE YOU EMPLOYED OUTSIDE OF THE CITY OF ALAMEDA? IF SO, PLEASE DESCRIBE WHERE.

Please check one only:

<input type="checkbox"/> <u>I AM PRESENTLY CLAIMING MY MEDICAL CONDITION OR INJURY AS A WORKERS' COMPENSATION (WC) CLAIM AND:</u> <ul style="list-style-type: none"><input type="checkbox"/> I need a DWC-1 WC Claim Form.<input type="checkbox"/> I have been given a DWC-1 WC Claim Form and (check one):<input type="checkbox"/> I have completed it - to be submitted with Incident Reports.<input type="checkbox"/> I will complete it and submit it within 24 hours.	
<input type="checkbox"/> <u>I AM NOT PRESENTLY CLAIMING MY MEDICAL CONDITION OR INJURY AS A WORKERS' COMPENSATION (WC) CLAIM.</u> <ul style="list-style-type: none">✓ I am declining medical treatment at this time and am fully capable of performing my usual and customary duties.✓ I understand that I am able to change my mind and can file a WC claim within one year from the date of injury (or longer if an exposure or compensable injury).✓ If I do change my mind and want to obtain medical care, I will immediately notify my supervisor, my department's work comp contact, or Risk Management and submit a DWC-1 WC Claim Form at that time.	
<i>The information contained in this report is true and correct to the best of my knowledge.</i> EMPLOYEE'S SIGNATURE:	DATE:

For more information regarding Workers' Compensation benefits you may contact:

City of Alameda Risk Manager: 510-747-4762

Sedgwick (formerly York Risk Services) Claims Examiner: 209-320-0805

California Division of Workers' Compensation Information & Assistance Unit 800-736-7401

Form 7 - CITY OF ALAMEDA - EMPLOYEE INCIDENT REPORT (3 of 3)**SUPERVISOR'S SECTION OF REPORT**

TYPE OF INCIDENT:

- ☐ First Aid
- ☐ Minor Injury
- ☐ Lost Time Injury
- ☐ Cumulative Trauma
- ☐ Property Damage/Loss
- ☐ Vehicle Accident
- ☐ Biological or Chemical Exposure: _____

FULL NAME:		JOB TITLE:
DATE INFORMED OF INCIDENT:	WITNESSES DISCUSSED WITH:	
DESCRIBE IN DETAIL THE DEPARTMENT'S UNDERSTANDING OF THE INCIDENT, INCLUDING INFORMATION FROM DISCUSSION WITH ANY WITNESSES TO THE EVENT:		
WAS THERE AN UNSAFE CONDITION THAT CAUSED OR CONTRIBUTED TO THIS INCIDENT?		
WAS THERE AN UNSAFE ACT THAT CAUSED OR CONTRIBUTED TO THIS INCIDENT?		
WHAT DO YOU THINK COULD BE DONE TO PREVENT A SIMILAR INCIDENT IN THE FUTURE?		
The information contained in this report is true and correct to the best of my knowledge. SUPERVISOR'S SIGNATURE:		DATE:

Form 8 – SAFETY HOTLINE MESSAGES RECEIVED LOG

[illegible]

EMPLOYEE INJURY AND REPORTING PROCEDURES (quick reference)**If Employee is non – seriously injured and does not need medical treatment (First Aid only):**

1. Administer First Aid.
2. Employee to notify their Supervisor.
3. Complete IIPP Form 7 (Alameda Incident Report Form) and send redacted copy to the Safety Committee for review and follow up. (This is to ensure any hazards are corrected to prevent potential future injuries). Departments should maintain this report for one year.
4. If employee subsequently needs medical care, follow the steps below.

Employee's injury requires medical care:

1. Administer First Aid.
2. Notify employee's Supervisor.
3. Advise employee that injuries arising out of and in the course of employment should be treated at Kaiser on the Job in Oakland, or any other occupational healthcare provider. Employees should advise the provider that the injury is work-related and that billing should be sent to Sedgwick, not the employee's private insurance provider.
4. Provide injured employee with the DWC-1 within 24 hours.
5. Supervisor to submit form 5020 to Sedgwick.
6. Supervisor to complete internal investigation using IIPP form 7 (Alameda Incident Report Form) and forward an unredacted copy to Sedgwick and a **redacted** copy to the Safety Committee for review and follow up.

Employees seriously injured (death or serious injury):

1. Call 911 immediately.
2. Administer First Aid, CPR and/ or AED.
3. Notify employee's supervisor.
4. Supervisor to contact City's Risk Manager.
5. Risk Manger to report injury to Cal/OSHA within 8 hours.
6. Provide injured employee with DWC-1 within 24 hours.
7. Supervisor to submit form 5020 to Sedgwick.
8. Supervisor to complete internal investigation using IIPP Form 7 (Alameda Incident Report Form) and forward redacted copy to Safety Committee for review and follow up.



ADMINISTRATIVE POLICIES AND PROCEDURES

number

January 14, 2020

page

supersedes

September 15,
2020

SUBJECT

Wildfire Smoke and Hazardous Air Quality Program

approved by
City Manager

effective date

November 10,
2020

A. PURPOSE

To protect the health and safety of its employees, the City of Alameda has developed this program. Management is committed to this program and will encourage it and support it. This program will be initiated when the Air Quality Index (AQI) reaches 150 as defined in the United States Environmental Protection Agency's (US EPA) Air Quality Guide for Particle Pollution.

The primary objective of the program is to mitigate employee illnesses and injuries. The program establishes procedures and provides information which is necessary to ensure that all City employees recognize air quality conditions to ensure their own safety and the safety of others.

Exposure is harmful when the pollution or contaminants in the air cause (or are likely to cause) injury, illness, disease, impairment or loss of function. Wheezing, shortness of breath, difficulty breathing, frequent coughing, and severe eye and throat irritation are signs of impairment or loss of function.

Department Heads and their designees (managers and supervisors) are responsible for monitoring air quality and identifying signs and symptoms of potentially harmful air quality exposure and identifying situations where hazardous air quality exposure-related injuries could occur.

B. Overall Guidelines

In order to reduce the risk of harmful exposure to hazardous air quality-related illness and respond to possible symptoms of hazardous air quality exposure illness, the following steps will be taken any time there are incidents which may impact the air quality.

- Department Heads and their designees will be responsible for monitoring air quality by checking with the U.S. EPA at www.aimow.gov and/or the Bay Area Air Quality Management District (BAAQMD) at www.baaqmd.gov/about-air-quality/current-air-quality. These resources, and others such as purpleair.com, provide current information on air quality. www.aimow.gov is the primary resource that the city will use to make operational decisions. Department Heads should also use the resources located in Veoci's EOC Collaborative Space.
- Department Heads and their designees will check the air quality index regularly throughout the work day and use the **Hazardous Air Quality Matrix** in Section C (below) to determine the best management practice for employees working outdoors and indoors.
- If air quality is deemed to be in the Unhealthy category (AQI: 151-200) or worse (see Section C below), department heads and their designees are to notify the Emergency

Operations Center Manager (EOC Manager) so they can launch Veoci for an expanding situation, as well as be the primary communication medium for the expanding situation.

- If the Air Quality Index reaches 501 for a sustained period of time, the EOC Manager will meet with the the City Manager and Department Heads to decide how to provide essential city services. OSHA requires all outdoor worker be moved to indoor work unless the employer provides the equipment needed to protect the health of the employee.
- For sworn fire department personnel, the City be responsible for the establishment and maintenance of a respiratory protection program which would include ensuring employees have been fitted and trained as required by OSHA in California Code of Regulations, Title 8 (T8 CCR), Section 5144, Respiratory Protection.
- For all other City personnel, the City will provide respirators for voluntary use which are applicable and suitable for the purpose intended by the manufacturer and required by OSHA in California Code of Regulations, Title 8 (T8 CCR), Section 5144, Respiratory Protection
- Department Heads or their designees with 24/7/365 operations will check the air quality index regularly throughout the work day and use the **Hazardous Air Quality Matrix** in Section C to determine the best management practice for employees working inside and outdoors.
- Department Heads and their designees will implement changes to work procedures or schedules to reduce exposure. Examples include changing the location where employees work, providing enclosed structures or vehicles that have systems to improve air quality for employees to work in, or reducing the amount of time employees work outdoors. Department Heads and their designees will inform staff that gas-powered equipment is not to be used unless absolutely necessary.
 - Department Heads and their designees will encourage employees to notify them if they have a medical condition that may be impacted by poor, or unhealthy air quality. The employee does not need to notify them of the actual condition only any work restrictions
 - Department Heads and their designees will consider the following factors to protect employees when maintaining essential City operations and services:
- How long employees are outside
- Level of physical exertion
- Symptoms consistent with exposure to pollutants or contaminants
 - Wheezing
 - Shortness of breath
 - Difficulty breathing
 - Frequent coughing
 - Severe eye and throat irritation
 - Palpitations
 - Unusual fatigue
- Pre-existing medical conditions as volunteered by an employee
- Department Heads or their designees will notify the City Manager's Office, City

Manager or their designee, regarding the actions taken if their employees' work is modified.

- Once Department Heads or designees decide what work will be done, they will provide direction to employees on how work will be performed. Department Heads or designees will send air quality updates to employees via email. Updates will also be verbally communicated to those employees who do not have email. These updates will be done in person or by using a City issued two way radio or City-issued cell phone.
- If the city sends employees home, then employees will be paid with no impact to their leaves. If an employee voluntarily, with approval of the department head or designee, chooses to leave work they will need to use sick or vacation accruals.
- Training and Instruction will be provided to all employees covering the following:
 - The health effects of wildfire smoke.
 - The right to obtain medical treatment without the fear of reprisal.
 - How employees can obtain the current AQI.
 - The requirements of Title 8, section 5141.1 about wildfire smoke.
 - The city's two-way communication system.
 - The city's methods to protect employees from wildfire smoke.
 - The importance, limitations, and benefits of using a respirator when exposed to wildfire smoke.
- How to properly put on, use, and maintain the respirator (NIOSH-approved mask) provided.

C. General Procedures for Outdoor Workers (Outdoor workers are defined as employees who spend over one hour of their shift performing outdoor work)

- **Hazardous Air Quality Matrix**

Category*	Air Quality Index / PM2.5	Options	Alternatives
Unhealthy	AQI: 151-200 OR PM2.5: 55.5-150.4	Reduce prolonged or heavy exertion. Take more breaks during outdoor activities. Employees are offered and may voluntarily choose to wear NIOSH-approved Masks. Employees can choose to leave work, with supervisor approval, and use sick or vacation accruals depending on if they are affected by the air quality.	<ul style="list-style-type: none"> • Training • Computer work • Clean indoor workspaces
Very Unhealthy	AQI: 201-300 OR	Avoid prolonged or heavy exertion. Consider moving activities indoors or rescheduling to a time when air quality is better. Employees are offered and voluntarily	<ul style="list-style-type: none"> • Training • Computer work • Clean indoor workspaces • Stay indoors to

	PM2.5: 150.5- 250.4	<p>choose to wear NIOSH-approved Masks.</p> <p>Perform outdoor duties only when absolutely required to provide essential City services and take more frequent breaks.</p> <p>Employees can choose to leave work, with supervisor approval, and use sick or vacation accruals depending on if they are affected by the air quality.</p>	the extent operationally feasible.
Hazardous	<p>AQI: 301-500</p> <p>OR</p> <p>PM2.5: 250.5- 500-</p>	<p>Remain indoors and keep activity at low exertion levels.</p> <p>Perform outdoor duties only when absolutely required to provide essential City services and take more frequent breaks.</p> <p>Employees can choose to leave work, with supervisor approval, and use sick or vacation accruals</p>	<ul style="list-style-type: none"> • Training • Computer work • Clean indoor workspaces • Stay indoors to the extent operationally feasible.

**Source: Air Quality Guide for Particle Pollution by US EPA.*

- **Training**

Training will be provided to outdoor workers on the health effects of wildfire smoke, and the safe use and maintenance of respirators.

- **Use of Respirator (NIOSH-approved Mask)**

When the AQI is 501 or greater, the use of City-issued masks or respirators require the establishment and maintenance of a separate and distinct respiratory protection program.

When the AQI is less than 501, the City may issue NIOSH-approved masks (N-95) to City personnel. These NIOSH-approved masks will be used as applicable and suitable for the purpose intended by the manufacturer and required by OSHA in California Code of Regulations, Title 8 (T8 CCR), Section 5144, Respiratory Protection.

Employees who voluntarily opt to use NIOSH-approved masks (N-95) will be advised by their Department Head the lifespan of the NIOSH-approved masks (N-95) and that they may not adequately protect lungs from gases, vapors, asbestos nor oil mists. N95 Mask Commonly Asked Questions by Cal/OSHA is attached.

D. General Procedures for Indoor Workers

- **Hazardous Air Quality – Indoor monitoring (This can impact indoor employees or workers reassigned indoor duties due to poor air quality)**
- Public Works will provide a portable air quality monitor to a designated person in each building. Each building will have a designated individual responsible for monitoring air quality and reporting any issues to department heads within the building. The designated individuals by building are listed below:

- Alameda Municipal Power –Safety Officer
 - City Hall – Human Resources Analyst
 - City Hall West – Public Works Superintendent or designee
 - Maintenance Service Center including Central Equipment Garage – Public Works Superintendent or designee
 - Fire Department – Administration/Station 1 - Deputy Fire Chief or designee
 - Main and Branch Libraries - Senior Librarian
 - Police Department – Administrative Captain or designee
 - Recreation and Park Administration – Recreation Services Manager or designee
 - Recreation and Parks buildings– Parks Manager or designee
 - Mastic Senior Center – Recreation Manager (Senior Services Manager) or designee
- Positions listed above will follow the attached Procedure for Measuring, Recording, and Communicating Indoor Air Quality.
 - If indoor air quality is in the Moderate or Unhealthy for Sensitive Groups categories, an employee may continue to work while self-monitoring for experiencing symptoms of poor air quality such as wheezing, shortness of breath, difficulty breathing, frequent coughing, severe eye and throat irritation, palpitations, or unusual fatigue. If an employee chooses to discontinue working due to the air quality, then they may leave the worksite and use sick leave or other accrued leave.
 - If indoor air quality is deemed to be in the “Unhealthy” or “Very Unhealthy” category, the EOC Manager and City Manager's Office will be notified. The City Manager's Office will work with Department Heads in the impacted buildings to determine the best options to protect the health and safety of employees. Options may include, but are not limited to the following:
 - Employees who are able to work remotely
 - Employees may be moved to other buildings where air quality is better
 - Employees may continue to work but limit physical activity
 - Employees may choose to leave work, with supervisor approval, and use sick or vacation accruals depending on if they are affected by the air quality
 - The City Manager may, in consideration of employees' safety, provide release time and allow employees to leave work



ADMINISTRATIVE POLICIES AND PROCEDURES

number

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SUBJECT

COVID-19 Protection Program

approved by
Jen Ott
City Manager

effective date

11/30/2020

A. PURPOSE

This COVID-19 Protection Program (CPP) is designed to control exposures to the SARS-CoV-2 virus that may occur in our workplace.

B. OVERALL GUIDELINES

The Human Resources Director has overall authority and responsibility for implementing the provisions of this CPP in our workplace. In addition, all managers and supervisors are responsible for implementing and maintaining the CPP in their assigned work areas and for ensuring employees receive answers to questions about the program in a language they understand.

All employees are responsible for using safe work practices, following all directives, policies and procedures, and assisting in maintaining a safe work environment.

C. GENERAL PROCEDURES

Identification and Evaluation of COVID-19 Hazards

We will implement the following in our workplace:

- Conduct workplace-specific evaluations using the **Appendix A: Identification of COVID-19 Hazard** form (or comparable form that captures the information requested)
- Evaluate employees' potential workplace exposures to all persons at, or who may enter, our workplace.
- Review applicable orders and general and industry-specific guidance from the CDPH, Cal/OSHA, and the local health department related to COVID-19 hazards and prevention.
- Evaluate existing COVID-19 prevention controls in our workplace and the need for different or additional controls.
- Conduct periodic inspections using the **Appendix B: COVID-19 Inspection form** as (or comparable form that captures the information requested) needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with our COVID-19 policies and procedures.

Employee participation

Employees and their authorized employee representatives are encouraged to participate in the identification and evaluation of COVID-19 hazards by:

- Reporting their concerns and observations to their supervisor and or manger, to their Safety Committee Member, or to HR directly.
- The employee's information can remain anonymous when reporting.
- Employee participation in this process is welcome and encouraged.
- Unsafe or unhealthy work conditions, practices or procedures will be documented on the **Appendix B: COVID-19 Inspection** form (or comparable form that captures the information requested), and corrected in a timely manner based on the severity of the hazard.

Employee Screening

We screen our employees by:

- Employees are instructed to avoid entering the facility if they have COVID-19 symptoms or have tested positive.
- Employees must notify their Supervisor immediately if they have had contact with a person infected with COVID-19.
- They should test between day 3-5 after their exposure and wear a face covering in the workplace for 10 days following their exposure.
- If they test positive, they are required to quarantine per Cal/OSHA and CDPH guidelines.

Correction of COVID-19 Hazards

Unsafe or unhealthy work conditions, practices or procedures will be documented on the **Appendix B: COVID-19 Inspection** form (or comparable form that captures the information requested), and corrected in a timely manner based on the severity of the hazard as follows:

- Identified COVID-19 hazards will be investigated immediately upon learning of the potential hazard.
- The inspection will be conducted by the Department's Supervisor, or their Designee, or the department's Safety Committee Member.
- Once the severity of the hazard is assessed, an individual will be identified and assigned to correct the hazard.
- For example if the hazard consists of engineering controls such as lack of barriers in an office space to ensure adequate social distancing, then the appropriate staff will be assigned to correct the hazard and a correction date will be assigned to ensure completion in a timely manner.

Control of COVID-19 Hazards

Physical Distancing

Physical Distancing is encouraged but not required except as follows:

- During an outbreak when physical distancing or barriers are necessary to control the transmission of COVID-19.
- Physical distancing must be used in a major outbreak for all employees, regardless of vaccination status except when maintaining six feet of distance is not feasible. When it is not feasible to maintain six feet of distance, persons must be as far apart as feasible.
- When assessments of workplace hazards require the implementation of controls to prevent transmission of disease. There may be circumstances in which physical distancing is necessary in the workplace.
- As described above, physical distancing is sometimes required, for a limited period, if employees cannot be tested after a close contact.

Face Masks and Face Coverings

- Face coverings means a tightly woven fabric or non-woven material with no visible holes or openings, which cover the nose and mouth as defined by Cal/OSHA.
- Employees can request a face covering at no cost and can wear them at work, regardless of vaccination status, without fear of retaliation.
- The City will require face coverings during the following:
 - When an employee is identified as a close contact, per CDPH and Cal/OSHA rules
 - When required by the local health department, CDPH or Cal/OSHA guidelines
 - During a COVID-19 outbreak
 - When an employee returns from Isolation or Quarantine sooner than the 10 day period
 - Employees can request a face covering at no cost and can wear them at work, regardless of vaccination status, without fear of retaliation.
- Each department will provide clean, undamaged face masks or coverings and ensure they are properly worn over the nose and mouth when indoors, and when outdoors as required by orders from the CDPH
- Employees will maintain the sanitation of their face mask or covering.
- Employees may provide their own face mask or covering, provided it meets the minimum standards recommended by the CDC, CDPH, local health department and Cal/OSHA:
- The approved face mask or covering shall include the following:
 - Have two or more layers of washable breathable fabric
 - Completely covers the nose and mouth
 - Fits snugly against the side of your face and does not have gaps

Please contact your department or Human Resources if you have any questions or need to obtain a face mask or covering.

Exceptions to the use of face masks and coverings in our workplace:

- Employees wearing respiratory protection in accordance with CCR Title 8 section 5144 or other safety orders.
- Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person. Alternatives will be considered on a case-by-case basis.
- Specific tasks that cannot feasibly be performed with a face covering and would impose a greater safety issue. In this scenario, employees will be kept at least six feet apart.

Engineering Controls

We may implement the following measures:

- Install solid partitions of an adequate height in workspace
- When feasible, utilize portable HEPA (MERV 17) air filters in designated facilities
- Improve ventilation by maximizing the amount of fresh air and ventilation

We maximize, to the extent feasible, the quantity of outside air for our buildings with mechanical or natural ventilation systems by:

- Ensuring the amount of outside air is minimized due to other hazards such as heat and wildfire smoke
- Properly maintain and adjust the facilities' ventilation system
- Increasing the filtration efficiency to the highest level compatible with the existing ventilation system

Cleaning and Disinfecting

We implement the following cleaning and disinfection measures for frequently touched surfaces by:

- Ensuring additional time is allotted to clean properly
- Providing disinfectant and related supplies to employees
- Providing soap and water to all employees
- Instructing employees to disinfect all payment portals, pens, and styluses after each use, and all high-contact surfaces frequently
- Requiring each City facility to notify their employees and authorized employee representatives of the frequency and scope of cleaning and disinfection of their facility

Should we have a COVID-19 case in our workplace, we will implement the following procedures:

- The employee will quarantine in accordance with CDPH/ Cal/OSHA guidelines. Employees who tested positive must quarantine for 5 days after start of symptoms or after date of first positive test if no symptoms. Positive employees can end isolation and return to work after Day 5 if the following criteria is met:
 - Symptoms are not present, or are mild and improving; AND
 - They have been fever-free for 24 hours (without the use of fever-reducing medication)
 - If an employee has a fever, isolation must continue and the employee may not return to work until 24 hours after the fever resolves
 - If an employee's symptoms other than fever are not improving, they may not return to work until their symptoms are resolving or until after day 10
 - Employees must wear face coverings around others for a total of 10 days

Shared Tools, Equipment and Personal Protective Equipment (PPE)

- PPE must not be shared, e.g., gloves, goggles and face shields
- Items that employees come in regular physical contact with, such as phones, headsets, desks, keyboards, writing materials, instruments and tools should also not be shared, to the extent feasible
- Where there must be sharing, the items will be disinfected with disinfectants that are effective against COVID-19 in between use by each new worker
- Sharing of vehicles will be minimized to the extent feasible, and high-touch points (for example, steering wheels, door handles, seatbelt buckles, armrests, shifters, etc.) will be disinfected between each user

Hand Sanitizing

In order to implement effective hand sanitizing procedures, we:

- Regularly stock and check restrooms to ensure adequate hand washing supplies and provided and equipment is operational (sinks, hand towel dispensers, etc.) If you find a restroom in need of supplies or service, please notify your supervisor immediately for follow up
- Encourage employees to use the CDC recommended 20 second hand washing time frame
- Allow additional time for employees to complete thorough and effective handwashing
- Supply employees with access to hand sanitizer with at least 60% alcohol in it when no soap and water is available and place hand sanitizer in all common areas such as copy rooms, etc.

Employees are encouraged to thoroughly wash their hands before and after:

- Using the restroom
- Touching their eyes, nose, or mouth
- Touching their mask
- Entering and leaving their workplace
- Touching items or surface that may be frequently touched by other people such as door handles, tables, keyboards, phones, copiers, etc.
- Blowing their nose, coughing or sneezing

Personal Protective Equipment (PPE) Used To Control Employees' Exposure to COVID-19

We evaluate the need for PPE (such as gloves, goggles, and face shields) as required by CCR Title 8, section 3380, and provide such PPE as needed.

When it comes to respiratory protection, we evaluate the need in accordance with CCR Title 8 section 5144 when the physical distancing requirements are not feasible or maintained. The City will provide N95 masks for use in the workplace. Contact your Supervisor or HR to obtain an N95.

Investigating and Responding to COVID-19 Cases:

This will be accomplished by using the **Appendix C: Investigating COVID-19 Cases** form (or comparable form that captures the information requested).

Employees who had potential COVID-19 exposure in our workplace will be:

- Offered COVID-19 rapid testing at no cost to the employees
- Granted release time for COVID-19 testing
- Be able to self-schedule for COVID-19 testing during working hours (see links below)

COVID-19 Testing Resources and Sites:

- COVID-19 testing location site information can be located on the City of Alameda's website: <https://www.alamedaca.gov/Departments/Administration/Human-Resources>
- [Kaiser](#) - Kaiser Members can schedule a test at a Kaiser testing site without referral from their physician. Just follow the links to the COVID-19 testing page. Members will be required to log in to their member account to schedule testing.
- [Additional Testing Facilities](#) - Additional testing location can be found by following the link.

Systems for Communicating

Our goal is to ensure that we have effective two-way communication with our employees, in a form they can readily understand, and that it includes the following information:

- Employees should report COVID-19 symptoms, any possible exposure to someone with COVID-19 and possible hazards to their immediate Supervisor, their Safety Committee Member or Human Resources as soon as they are aware.
- Employees can report symptoms and hazards without fear of reprisal.
- Our policies and procedures accommodate employees with medical or other conditions that put them at increased risk of severe COVID-19 illness. Employee safety is the highest priority.
- COVID-19 rapid testing is offered at no cost to close contacts.
- Self-scheduling can be done during working hours.
- Employees will be granted release time for COVID-19 testing.
- COVID-19 testing location site information can be located on the City of Alameda's website: <https://www.alamedaca.gov/Departments/Administration/Human-Resources>

Training and Instruction

We will provide effective training and instruction that includes:

- Our COVID-19 policies and procedures to protect employees from COVID-19 hazards.
- Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws.
- The facts surrounding COVID-19 that include:
 - COVID-19 is an infectious disease that can be spread through the air
 - COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth
 - An infectious person may have no symptoms
- Methods of physical distancing of at least six feet and the importance of combining physical distancing with the wearing of face masks or coverings.
- The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing must be combined with other controls, including face masks or coverings and hand hygiene, to be effective.
- The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.
- Proper use of face masks or coverings and the fact that face masks or coverings are not respiratory protective equipment. Face masks or coverings are intended to primarily protect other individuals from the wearer of the face mask or covering.
- COVID-19 symptoms, and the importance of obtaining a COVID-19 test and not coming to work if the employee has COVID-19 symptoms in accordance with CDPH and Cal/OSHA.

☐ **Appendix D: COVID-19 Training Roster** (or comparable form that captures the information requested) will be used to document this training.

Exclusion of COVID-19 Cases

Where we have a COVID-19 case in our workplace, we will limit transmission by:

- Notify all employees and employees' authorized representatives who may have had close contact with a COVID-19 case within one business day in a manner that does not reveal the COVID-19 case's personal identifying information as required by the Americans with Disabilities Act (ADA).
- Informing employees of possible exposure within 1 business day by using the **COVID-19 Employee Exposure Notification Form** when a co-worker tests positive for COVID-19 via personal service, email, text message, or any other method that ensures receipt within the one business day deadline.
Informing employees who were not considered a close contact but was in the workplace using the **COVID-19 Workplace Notification Form**.
- Ensuring that COVID-19 cases are excluded from the workplace with guidelines provided by CDPH and Cal/OSHA.
- Offering telework opportunities to employees when duties can be performed remotely.
- Continuing to maintain the employee's earnings, seniority, and all other employee rights and benefits whenever we've demonstrated that the COVID-19 exposure is work related. This will be accomplished by providing employees at the time of exclusion with information on available benefits.
- Complying with CDC, CDPH, local health office and Cal/OSHA guidelines.

Record Keeping and Access

- Complete the **Alameda COVID-19 Reporting Form** within 24 hours of notification of a positive test result.
- Report information about COVID-19 cases at our workplace to the local health department whenever required by law, and provide any related information requested by the local health department.
- Report immediately to Cal/OSHA any COVID-19 related serious illnesses (as defined under CCR Title 8 section 330(h)), occurring in our place of employment or in connection with any employment.
- Maintain records of the steps taken to implement our written COVID-19 Prevention Program in accordance with CCR Title 8 section 3203(b).
- Make our written COVID-19 Protection Program available at the workplace to employees, authorized employee representatives, and to representatives of Cal/OSHA immediately upon request.
- Use the **Appendix C: Investigating COVID-19 Cases** form (or comparable form that captures the information requested) to keep record of and track all COVID-19 cases. The information will be made available to employees, authorized employee representatives, or as otherwise required by law, with personal identifying information removed.

Return-to-Work Criteria

- Employees may return to work upon clearance by their Supervisor or Manager in accordance with recommendations by CDPH and Cal/OSHA guidelines.
- The City will follow all CDPH and Cal/OSHA guidelines regarding exclusion from work.
- If an order to isolate or quarantine an employee is issued by a local or state health official, the employee will not return to work until the period of isolation or quarantine is completed or the order is lifted.

Policy established: 11.30.2020
Revised: 8.15.2023

Appendix A: Identification of COVID-19 Hazards

All persons, regardless of symptoms or negative COVID-19 test results, will be considered potentially infectious. Particular attention will be paid to areas where people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not. For example: meeting rooms, entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.

Evaluation of potential workplace exposure will be to all persons at the workplace or who may enter the workplace, including coworkers, employees of other entities, members of the public, customers or clients, and independent contractors. We will consider how employees and other persons enter, leave, and travel through the workplace, in addition to addressing fixed work locations.

Person conducting the evaluation: _____

Date: _____

Name(s) of employee and authorized employee representative that participated:

Interaction, area, activity, work task, process, equipment and material that potentially exposes employees to COVID-19 hazards	Places and times	Potential for COVID-19 exposures and employees affected, including members of the public and employees of other employers	Existing and/or additional COVID-19 prevention controls, including barriers, partitions and ventilation

Appendix B: COVID-19 Inspections

Date: _____

Name of person conducting the inspection: _____

Work location evaluated: _____

Exposure Controls	Yes, No or N/A?	Date Identified	Corrective Action Taken
Are the following Engineering Controls in place?			
Barriers/partitions			
Ventilation (amount of fresh air and filtration maximized)			
Additional room air filtration			
Are the following Administrative Controls in place?			
Physical distancing			
Surface cleaning and disinfection (frequently enough and adequate supplies)			
Hand washing facilities (adequate numbers and supplies)			
Disinfecting and hand sanitizing solutions being used in accordance to manufacturer instructions			
Are the following PPE Controls in place? (not shared, available and being worn)			
Face coverings (cleaned sufficiently often)			
Gloves			
Face shields/goggles			
Respiratory protection			

Appendix C: Investigating COVID-19 Cases

All personal identifying information of COVID-19 cases or symptoms will be kept confidential. All COVID-19 testing or related medical services provided by us will be provided in a manner that ensures the confidentiality of employees, with the exception of unredacted information on COVID-19 cases that will be provided immediately upon request to the local health department, CDPH, Cal/OSHA, the National Institute for Occupational Safety and Health (NIOSH), or as otherwise required by law.

All employees' medical records will also be kept confidential and not disclosed or reported without the employee's express written consent to any person within or outside the workplace, with the following exceptions: (1) Unredacted medical records provided to the local health department, CDPH, Cal/OSHA, NIOSH, or as otherwise required by law immediately upon request; and (2) Records that do not contain individually identifiable medical information or from which individually identifiable medical information has been removed.

Date: _____

Name of person conducting the investigation: _____

Employee (or non-employee*) name:		Occupation (if non-employee, why they were in the workplace):	
Location where employee worked (or non-employee was present in the workplace):		Date investigation was initiated:	
Was COVID-19 test offered?		Name(s) of staff involved in the investigation:	
Date and time the COVID-19 case was last present in the workplace:		Date of the positive or negative test and/or diagnosis:	
Date the case first had one or more COVID-19 symptoms:		Information received regarding COVID-19 test results and onset of symptoms (attach documentation):	
Results of the evaluation of the COVID-19 case and all locations at the workplace that may have been visited by the COVID-19 case during the high-risk exposure period, and who may have been exposed (attach additional information):			
Notice given (within one business day, in a way that does not reveal any personal identifying information of the COVID-19 case) of the potential COVID-19 exposure to:			
All employees who may have had COVID-19 exposure and their authorized	Date:		
	Names of employees that were notified:		

representatives.		
Independent contractors and other employers present at the workplace during the high-risk exposure period.	Date:	
	Names of individuals that were notified:	
What were the workplace conditions that could have contributed to the risk of COVID-19 exposure?		What could be done to reduce exposure to COVID-19?
Was the local health department notified?		Date:

*Should an employer be made aware of a non-employee infection source COVID-19 status.



ADMINISTRATIVE POLICIES AND PROCEDURES

number	2	page	1 of 13
revision	2	supersedes	5/30/2017
approved by	Eric Levitt	effective date	12/13/2021

SUBJECT

Evacuation Procedures for the City of Alameda

I. PURPOSE

General Policy Statement

This plan is established to meet the requirements of Title 8, Section 3220 of the California Code of Regulations. In the event of an emergency or disaster situation, employees must be able to respond appropriately and effectively. The emphasis is on preservation of life and health by taking timely action and using available information and resources within the City of Alameda. In event of emergency or disaster, changing conditions may require expedient decisions.

II. OVERALL GUIDELINES

Objective of The Evacuation Procedures

Emergency Evacuation processes and procedures are intended to protect employees and the public from hazards that represent an immediate danger to health and safety. Numerous occurrences can lead to the evacuation of a facility; the most obvious of which is a fire. Other reasons include dangerous persons, toxic fumes affecting the building, bomb threats, damage from strong earthquakes, or other natural disasters.

Other than emergencies which have no warning attached to them, the order to evacuate will come from the City Manager or Designee.

Each City Building will develop a specific evacuation procedure.

It is proposed that the following procedures be followed to allow for a safe evacuation of City Buildings.

III. GENERAL EMERGENCY ACTION PROCEDURES

A. Evacuation Procedures

1. Communication:

- a. The City will use various forms of communication including announcements on Share911.

2. Evacuation Decision:

- a. During an evacuation, the City Manager or Designee shall coordinate the incident with any designated persons and emergency responders.
- b. The building should be evacuated in the event of a gas leak, major water leak, bomb threat, fire, earthquake, and structural or suspected structural damage.
- c. Follow instructions from emergency responders, law enforcement, and agency management officials when an evacuation is ordered.

3. How to Evacuate:

- a. Announce to staff and visitors that an evacuation is ordered.
- b. Assist those who need help.
- c. Close but do not lock doors.
- d. Have staff direct visitors to relocation area by a safe exit route.
- e. Do not use elevators during an emergency evacuation.
- f. Take necessary personal items phone, purse, car keys, hat and coat, or similar items if they do not impede evacuation time.

4. Unaccompanied Children:

- a. If unaccompanied children are on the premises during an evacuation, staff should not allow them to be alone.
- b. Contact the Police Department for instructions and find out if an emergency shelter has been designated nearby to house unaccompanied children.
- c. Any reasonable and prudent measure should be taken to assure safety of children until parents or emergency personnel can take charge of them.
- d. Departments who have children onsite should confirm that all children are accounted for, and escort children to the evacuation site. Post a note for parents/ guardians on the City Facility entrance with information on the evacuation site, where it is possible and safe to do so.

- e. Upon arrival at the emergency evacuation site, the department will notify parents/ guardians of the emergency situation, evacuation and the location to pick up their child.
- f. Where possible, the department will update their voicemail box and webpage as soon as possible to inform parents/guardians that the City Facility has been evacuated, and include the details of the evacuation site location and contact information in the message.

5. Relocation:

- a. The relocation area for City staff is indicated in the chart below unless directed otherwise by emergency responders. The secondary relocation area (if applicable) would only be used if the primary area was impacted by the incident.
- b. The Department Head or Designee should check-in staff by doing a headcount to account for staff and known visitors.
- c. The primary source of check-in should be Share911.
- d. Staff should check-in for those who do not have access to Share911 and when possible, for those who are not physically at work or on vacation.
- e. Provide information about missing persons to emergency responders and through Share911.
- f. If possible, do not allow staff or clients to leave the relocation area until instructed to do so by emergency responders.
- g. Be aware of vehicle traffic and that some panicked person(s) may not use good judgment operating a vehicle to leave the scene.
- h. If allowed to do so by emergency responders, staff may re-enter carefully and evaluate damage and recover personal items.

Worksite	Primary Relocation Area	Secondary Relocation Area (if applicable)
City Hall 2263 Santa Clara Ave	Elks Lodge Parking Lot 2255 Santa Clara Ave	CVS Parking Lot 2314 Santa Clara Ave
Rec and Parks Offices 2226 Santa Clara Ave	Elks Lodge Parking Lot 2255 Santa Clara Ave	CVS Parking Lot 2314 Santa Clara Ave
Main Library 1550 Oak Street	Parking lot between APD and City Hall	CVS Parking Lot 2314 Santa Clara Ave
City Hall West 950 West Mall Square	West Mall Square	Parking lot by CHW Building

Maintenance Service Center 1616 Fortmann Way	West Side of facility – Alaska Packer Place	
Central Equipment Garage 2040 Grand Street	Grand Marina Parking Lot	
Alameda Municipal Power 2000 Grand Street	South West Side of Grand Street at Clement	North End of Marina Drive Parking Lot
Mastick Senior Center 1155 Santa Clara Ave	South Side of Santa Clara at the Flagpole	Sidewalk on St. Charles
Alameda Police Department 1555 Oak Street	Elks Lodge Parking Lot 2255 Santa Clara Ave	
Fire Admin Office 1300 Park Street	Back Parking lot	

B. Fire, Flame and/or Visible Smoke

1. Activate the pull box fire alarm if available.
2. If you have permission to broadcast an emergency notification using Share 911, do so.
3. Remain calm, announce "There is an emergency and we need to begin evacuation" as firmly and calmly as possible to those in the immediate area.
4. Begin Evacuation Procedures.
5. Direct those nearby to leave the building using the most direct safe path to the nearest exit.
6. Be sure any children, elderly, or infirm are helped.
7. Do not attempt to use nor allow others to use an elevator.
8. Call 911 from the nearest safe telephone.
9. Provide all information requested by the 911 operator.
10. Do not hang up unless instructed to do so by the 911 operator or if you become endangered.
11. Do not attempt to fight the fire unless you have specific fire extinguisher training on small incipient fires.
12. Do not attempt to enter other areas affected by the fire or any area suspected to be hazardous.

13. Report to the designated relocation area and inform management and emergency responders of what has happened.
14. Check-in to Share911.
15. The primary relocation and assembly area for City staff is listed above unless designated differently by emergency response authorities.
16. Do not attempt nor allow others to attempt to re-enter the building unless under specific direction by emergency responders.

C. Alarm Conditions

1. Upon hearing a building fire alarm or voice command from management, staff or public safety personnel, or Broadcast from Share 911, begin Evacuation Procedures.
2. Do not attempt to find the cause of the alarm or make phone calls to determine if it is a false alarm.

D. Earthquakes

Earthquakes are unpredictable and strike without warning. Therefore, it is important to be prepared to act quickly and safely. The Office of Emergency Services provides information on earthquake preparedness.

1. During the Earthquake:
 - a. Remain inside the building.
 - b. Take cover under a desk or table.
 - c. Stay away from windows.
 - d. Stay calm and calm others.
 - e. Remain in position a few minutes after the initial shaking in case of aftershocks.
2. After the Earthquake:
 - a. Check yourself and others for injury.
 - b. Call 911 if necessary (you or someone is trapped or has a life-threatening injury).

- c. Warn visitors and fellow staff members to stay away from windows or equipment which may be unstable.
- d. Calm staff and visitors.
- e. Be especially aware of elderly or disabled individuals and unaccompanied children.
- f. If accessible, locate the First Aid, AED and/or Emergency Kit. AED(s) are located in the buildings identified as follows:

Building	AED Location(s)
City Hall - 2263 Santa Clara Avenue	<ul style="list-style-type: none"> ○ 2nd Floor Across From The Women's Restroom
Main Library - 1550 Oak Street	<ul style="list-style-type: none"> ○ 1st Floor Hallway Between The Restrooms ○ 2nd Floor Near The Copier Alcove
City Hall West - 950 West Mall Square	<ul style="list-style-type: none"> ○ 1st Floor Of Bldg. 1, Near Conf. Rm 117, 950 West Mall Square (End Of Hallway) ○ 2nd Floor Corridor
Maintenance Service Center - 1616 Fortm Way	<ul style="list-style-type: none"> ○ Front Office ○ Utility Room Hallway
Alameda Municipal Power - 2000 Grand Street	<ul style="list-style-type: none"> ○ 1st Floor, Near The Elevator ○ 2nd Floor, Near The Elevator ○ Stores Building (Warehouse)
Alameda Police Department - 1555 Oak Street	<ul style="list-style-type: none"> ○ 1st Floor At Front Counter Near Sink ○ 2nd Floor In Hallway Across From Rm 228 ○ Basement In Hallway Next To Gym/ Breakroom
Emergency Operations Center - 1809 Grand Street	<ul style="list-style-type: none"> ○ Stairwell
Fire Station #1 – 1300 Park Street	<ul style="list-style-type: none"> ○ Copy Room
Fire Station #5 - 950 W Ranger Ave	<ul style="list-style-type: none"> ○ Copy Room
Mastick Senior Center - 1155 Santa Clara Ave	<ul style="list-style-type: none"> ○ Rear Exterior Wall Between The Lobby And Women's Room Doors Of Main Reception Building Facing Santa Clara Ave ○ Social Hall Adjacent To The Rear Entrance Door Which Faces The Single Use Restroom And Apartment B
Harrison Center Rec Building – 1450 High Street	<ul style="list-style-type: none"> ○ Lobby
Building 134 – Gymnasium - 1101 W Red Line Ave	<ul style="list-style-type: none"> ○ Red First Aid Bag
Building 60 - Officer's Club - 641 W Red Line Ave	<ul style="list-style-type: none"> ○ Lobby

- g. City Management will assess damage, check for gas and water leaks.
- h. Shut off utility valves if you are knowledgeable.
- i. Check for broken glass and structural damage.
- j. Secure or move objects likely to fall due to an aftershock.
- k. Check phones to see if they work and make sure they are back on hook.
- l. Check office electrical equipment and unplug if it can be done safely.

3. Response:

- a. Initiate the department disaster response plan.
- b. Provide requested information to management and emergency response personnel.
- c. Follow instruction of emergency responders.

E. Bomb Threat

1. If you receive a bomb threat by telephone:

- a. Do not transfer the call or interrupt the caller.
- b. If possible, mute the phone and get the attention of your Manager or Supervisor. If muting the phone isn't possible, wave your hands or toss an object across the room to capture the attention of your Manager or Supervisor.
- c. Call or have someone nearby call 911.
- d. Do not hang up until directed to do so by emergency personnel.
- e. Follow the instructions of emergency personnel.

2. If you are informed about a bomb threat:

- a. Evacuate immediately.
- b. Call the police or have someone call the police by dialing 911.
- c. Do not hang up until directed to do so by emergency personnel.

d. Call Postal Inspectors at 877-876-2455 if the item was received in the mail.

F. Workplace Violence

1. Avoid or discretely remove yourself from the area where the confrontation is occurring.
2. Call 911 when it is safe to do so.
3. Activate Share911 to alert others in the building.
4. Report the incident to your Manager or Supervisor, when safe to do so.
5. After the threat has passed, let your Manager or Supervisor know that you are OK.

G. Disruptive Behavior (Violent or Severely Agitated Persons)

1. Use tact and professional courtesy to assure the person that they will receive all possible assistance in solving their problem.
2. Observe the behavior and body language of the agitated person to determine if there is a possibility of escalation to violent behaviors or actions.
3. Tell the person when their behavior is inappropriate - be specific, i.e., "Please do not touch my telephone."
4. Speak slowly and calmly.
5. Do not be confrontational, allow the person room to leave and do not attempt to restrain the person.
6. Get the attention of your Supervisor or other staff members to provide assistance in assisting the person and to observe the situation.
7. If the person continues to be argumentative or agitated, try to get the person to calm down, be seated or leave the premises.
8. Inform them that you will notify authorities if instructions are not followed. Be aware that this tactic may worsen the situation with some individuals.
9. Arrange for a co-worker to make a 911 call out of sight and hearing of the hostile person if the situation seems to be escalating toward a violent incident.

10. Initiate Share911 notification procedures.
11. Make written notes of physical description of the person and any information obtained by yourself or others.
12. If written notes are not immediately possible, document and report as soon as you are able to do so after the incident.
13. If the person threatens someone with harm, or becomes physically violent, immediately summon help.
14. Call 911 and provide the Operator with needed information and follow their instructions.

H. Active Shooter

1. An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area, typically through the use of firearms.
2. Characteristics of an active shooter situation:
 - The event is unpredictable and evolves quickly.
 - Law enforcement is required to end an active shooter situation.
3. Coping with an active shooter situation:
 - Be aware of your environment and any possible dangers.
 - Take note of the two nearest exits in your City building.
4. In the event of an active shooter situation, one of the following actions is recommended: Run, Hide, Fight
 - a. Evacuate (run)
 - Have an escape route and plan in mind.
 - Leave your belongings behind.
 - Keep your hands visible.

- Initiate Share911 emergency procedures once you reach a safe location.
- b. Hide out (hide)
- Hide in an area out of the shooter's view.
 - Block entry to your hiding place and lock the doors.
 - Silence your cell phone, and be as quiet as possible.
 - Initiate Share911 emergency broadcast procedures.
 - Use the share 911 app on your phone to communicate information about your location, and any information about the shooter or location of the shooter if known.
- c. Take action (fight)
- Attempt to incapacitate the shooter.
 - Act with physical aggression.
 - After the threat has passed, let your Manager or Supervisor know that you are OK.
5. How to respond when law enforcement arrives:
- a. Remain calm and follow instructions.
 - b. Put down any items in your hands (i.e., bags, jackets).
 - c. Raise hands and spread fingers.
 - d. Keep hands visible at all times.
 - e. Avoid quick movements toward officers such as holding on to them for safety.
 - f. Avoid pointing, screaming or yelling.
 - g. Do not stop to ask officers for help or direction when evacuating.
6. Information you should provide to law enforcement, 911 Operator, or texting information in the Share 911 app:

- a. Location of the active shooter.
- b. Number of shooters.
- c. Physical description of shooters.
- d. Number and type of weapons held by shooters.
- e. Number of potential victims at the location.
- f. Your location in the building or outside and if you are in a safe place.

I. Drills and Training

As appropriate, this plan, staff training and/or emergency drills may be coordinated with other City contingency plans and/or drills which affect the work area.

1. Supervisors should practice a "walk through" for staff of the emergency routes within the work area. Include alternative routes in case a primary route is blocked during an emergency.
2. Make sure employees are added as users in the Share911 app and have had training on its use.
3. Conduct quarterly Safety Check-in drills using Share911

J. Power Outage

1. Shut off computers and other sensitive electrical devices to protect them from surges when power is restored.
2. Cease or modify service operations if necessary.
3. Management will notify the City Manager's office on the impact of services as applicable.
4. Do not attempt to troubleshoot equipment or make repairs, as electricity is extremely dangerous.

K. Evacuation Procedures Maintenance

1. Management will review the Evacuation Procedures with new employees.

2. All incidents are to be documented in a written report.
3. Some reports may require supporting documentation – police reports/investigations.
4. Some incidents may require use of standard forms – worker compensation, accident investigation reports – these forms are discussed in the City's IIPP.
5. Annually, Supervisors will review this plan with all staff members.
6. Annually, the City Manager or Designee will review this plan.

L. Notification of Inspection

1. Safety officers will be designated to inspect the impacted building(s) to make certain all offices, bathrooms, meeting rooms, etc., have been evacuated.

M. Alternative Evacuation Routes and Exits

1. Departments should be familiar with all exits in their respective building(s).
2. If any or all designated evacuation areas are blocked, the following exits can be used to evacuate City Hall:
 - a. Exit door off the Council Chamber 3rd Floor.
 - b. Windows and climbing out onto the ledge in the Finance, City Attorney and Human Resources Departments 2nd Floor; or window and climbing out onto the ledge in the City Clerk's Office, and City Manager's Office 3rd Floor.
 - c. Remain on the ledge until help arrives.

N. Recovery

1. After an earthquake or power disruption, the Building and Grounds Supervisor from the Maintenance Services Department shall check the elevator and be certain that it is in operation.
2. After an earthquake, the Building and Grounds Supervisor will also inspect the building for structural damage.
3. If there is a bomb threat, the building would need to be cleared and potentially closed for investigation.

4. If there is an active shooter, crime scene cleanup may be required.

O. Evacuation Recall

1. Upon notification that City Hall is secured from cause of evacuation, the City Manager or designated representative shall be notified.
2. The City Manager shall order recall from evacuation by notifying the designated floor monitors, who shall advise evacuated employees to return to work and that City Hall is again open for business.
3. An all clear message will be sent through Share911.

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