



## **A G E N D A**

### **Sacramento Transportation Authority Sacramento Abandoned Vehicle Service Authority (SAVSA)**

700 H Street, Suite 1450 • Sacramento, California • 95814  
(Board of Directors may participate via teleconference)

**THURSDAY**

**NOVEMBER 18, 2021**

**1:30 PM**

---

Members: Rich Desmond, Sue Frost, Eric Guerra, Jeff Harris, Patrick Kennedy, Mike Kozlowski, Steve Miller, Don Nottoli (Chair), Paul Sandhu, Jay Schenirer, Phil Serna, Bobbie Singh-Allen, Kevin Spease, Donald Terry, Katie Valenzuela (Vice Chair), Mai Vang

Alternates: Nick Avdis, Bret Daniels, Shawn Farmer, Siri Pulipati, Rosario Rodriguez, Darren Suen

---

The Governing Boards of the Sacramento Transportation Authority (STA) and the Sacramento Abandoned Vehicle Service Authority (SAVSA) meet concurrently.

#### **PUBLIC COMMENT PROCEDURES**

In compliance with directives of the County, State, and Centers for Disease Control and Prevention (CDC), this meeting is live stream and closed to in-person public attendance. Meeting procedures are subject to change pursuant to guidelines related to social distancing and minimizing person-to-person contact.

#### Live Meeting comment

Make a verbal public comment during a meeting. The public comment phone line will open 15 minutes prior to the start of the meeting. Refer to the agenda and listen to the live meeting to determine when is the best time to call to be placed in queue to make a public comment. Callers may be on hold for up to an extended period of time and should plan accordingly. Dial (916) 875-2500 and follow the prompts to be placed in queue for a specific agenda item or off-agenda matter. When the Chair opens public comment for a specific agenda item or off-agenda matter, callers will be transferred from the queue into the meeting to make a verbal comment. Each agenda item queue will remain open until the public comment period is closed for the specific item.

# **A G E N D A**

Sacramento Transportation Authority  
Sacramento Abandoned Vehicle Service Authority

**NOVEMBER 18, 2021**

Page 2

## Written comment

- Send an email comment to [BoardClerk@saccounty.net](mailto:BoardClerk@saccounty.net). Include meeting date and agenda item number or off-agenda item. Contact information is optional.
- Mail a comment to 700 H Street, Suite 2450, Sacramento, CA 95814. Include meeting date and agenda item number or off-agenda item. Contact information is optional.
- Written comments are distributed to members and filed in the record.

## **VIEW MEETING**

The meeting is videotaped and cablecast live on Metrocable 14 on the Comcast, Consolidated Communications and AT&T U-Verse Systems. It is closed captioned for hearing impaired viewers and webcast live at <http://metro14live.saccounty.net>. There will be a rebroadcast of this meeting on Sunday at 2:00 p.m. A DVD copy is available for checkout through the County Library System seven to ten days following the meeting.

## **MEETING MATERIAL**

The on-line version of the agenda and associated material is available at <https://www.sacta.org/> (click on "Meetings"). Some documents may not be posted on-line because of size or format (maps, site plans, renderings). Contact the Clerk's Office at (916) 874-5411 to obtain copies of documents.

## **ACCOMMODATIONS**

If there is a need for an accommodation pursuant to the Americans with Disabilities Act (ADA), medical reasons or for other needs, please contact the Clerk of the Board by telephone at (916) 874-5411 (voice) and CA Relay Services 711 (for the hearing impaired) or [Boardclerk@saccounty.net](mailto:Boardclerk@saccounty.net) prior to the meeting.

*Continued on back side →*

# **A G E N D A**

Sacramento Transportation Authority  
Sacramento Abandoned Vehicle Service Authority

**NOVEMBER 18, 2021**

Page 3

## CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE

## COMMENT ITEMS

1. Comments From The Public Regarding Matters Not On The Agenda
2. Executive Director's Report *Sabrina Drago*

## CONSENT ITEMS

3. Approve Action Summary: October 7, 2021  
STA Governing Board Meeting ◀ *Jennifer Doll*
4. Approve A Resolution Extending Assembly Bill No. 361 ◀ *Sabrina Drago*
5. Approve The 2022 Calendar Year STA Governing Board  
Meeting Schedule ◀ *Sabrina Drago*
6. Approve A Resolution Adopting The STA Website Privacy  
And Web Accessibility Policies ◀ *Jennifer Doll*
7. SacMetro Freeway Service Patrol Status Report  
1<sup>st</sup> Quarter Fiscal Year 2022 *Jennifer Doll*
8. Comprehensive STA Personnel Rules And Regulations  
Update ◀ *Timothy Jones*

## SEPARATE ITEMS

9. Approve A Resolution Initiating The Renewal Of The Sacramento  
Abandoned Vehicle Service Authority Program ◀ *Jennifer Doll*

*Continued on back side →*

**A G E N D A**

Sacramento Transportation Authority  
Sacramento Abandoned Vehicle Service Authority

**NOVEMBER 18, 2021**

Page 4

- 10. Capitol SouthEast Connector Joint Powers Authority (JPA)  
2015 Capital Allocation Contract - Administrative Expenses  
For Fiscal Years 2018 To 2021 And JPA's Request To Amend  
Contract Language ◀ Sabrina Drago
  
- 11. Comments Of Authority Members All

◀ *Denotes items that require Board action*

-----

Staff reports and associated materials are available online at [www.sacta.org](http://www.sacta.org).  
For assistance with agenda packets, please contact STA at (916) 323-0080 or  
[info@sacta.org](mailto:info@sacta.org). For questions regarding the agenda or any item on the  
agenda, please contact Sabrina Drago at (916) 323-0080 or  
[sabrina@sacta.org](mailto:sabrina@sacta.org).



**NOVEMBER 18, 2021**

**AGENDA ITEM # 2**

**EXECUTIVE DIRECTOR'S REPORT**

Action Requested: Receive and File

Key Staff: Sabrina Drago, Executive Director

---

**Federal Infrastructure Bill Has Passed**

On November 5, 2021 the United States House of Representatives passed the Bipartisan Infrastructure Funding Package. This \$1.2 Trillion package focuses on the “hard infrastructure” in the United States with \$500 billion in new spending, on top of funding the Federal Highway Trust Fund. This five-year package brings an additional \$110 billion for roads, bridges and major projects, \$39 billion for transit, \$11 billion in transportation safety and \$14.85 billion in electric vehicle infrastructure. The remainder of the package funds improvements to the electrical grid, broadband and water infrastructure as well as improvements to ports, waterways, airports and railroads. This bill has already passed the Senate and is expected to be signed on Monday, November 15, 2021.

This funding package, the largest in over 70 years, puts Sacramento County in a prime position. Many programs that will matriculate from this bill will be distributed via competitive grant programs, which require local matching funds. Measure A put our partner agencies in a strong position to leverage strong applications to be awarded funds from this new funding program.

**SB1 Local Partnership Program**

In late summer, the California Transportation Commission (CTC) announced the SB1 Third Funding Cycle. As part of that, the Local Partnership Program was included. This program is \$100 million annual program, administered every two to four years. The CTC is proposing a two-year, \$200 million program, with 60% of the funding distributed via formula and 40% in competitive grants. The formulaic funding is only available to agencies that have a taxpayer approved tax, toll or fee solely dedicated to transportation, thus allowing STA to participate. The competitive program is available for those in the formulaic program plus any agency that has fees dedicated to transportation (i.e. impact fees). The CTC has already conducted a series of three workshops, with a fourth scheduled for December, soliciting feedback on the program. They anticipate the policy being released in summer of 2022 as well as the call for projects. They anticipate program award in summer of 2023.

STA and their member agencies have historically done well in the competitive program. Past award winners include the Capital Southeast Connector (\$20 million), County of Sacramento's South Watt Avenue (\$13.277 million) and the City of Sacramento for Downtown Mobility (\$5 million) and the I Street Bridge Replacement (\$15 million). Please note, the City's two awards were applications submitted directly by the City of Sacramento, not through STA.

### **Happy Anniversary**

December marks the one-year anniversary as Executive Director at the Sacramento Transportation Authority. I have greatly enjoyed my past year and am honored to serve in the role. At the December STA Governing Board meeting, I will be requesting feedback from the Board on areas of improvement and any items you wish to address in 2022.



**NOVEMBER 18, 2021**

**AGENDA ITEM # 3**

**APPROVE ACTION SUMMARY: OCTOBER 7, 2021 STA GOVERNING BOARD MEETING**

Action Requested: Approve

Key Staff: Jennifer Doll, Special Programs Manager

---

**Recommendation**

Approve the attached Action Summary of the October 7, 2021 meeting of the STA Governing Board.

*Attachment*



**ACTION SUMMARY**  
**SACRAMENTO TRANSPORTATION AUTHORITY**  
**SACRAMENTO ABANDONED VEHICLE SERVICE AUTHORITY**  
**VIA TELECONFERENCE**  
**700 "H" STREET - SUITE 1450**  
**SACRAMENTO, CALIFORNIA 95814**

**THURSDAY**

**OCTOBER 7, 2021**

**1:30 PM**

---

Members: Rich Desmond, Sue Frost, Donald Terry, Eric Guerra, Jeff Harris, Patrick Kennedy, Mike Kozlowski, Steve Miller, Don Nottoli (Chair), Paul Sandhu, Jay Schenirer, Phil Serna, Bobbie Singh-Allen, Kevin Spease, Katie Valenzuela (Vice Chair), Mai Vang

(Members Frost, Kennedy, Sandhu, Schenirer and Terry were not present)

Alternates: Nick Avdis, Bret Daniels, Shawn Farmer, Rosario Rodriguez, Darren Suen, Siri Pulipati

---

The Governing Boards of the Sacramento Transportation Authority (STA) and the Sacramento Abandoned Vehicle Service Authority (SAVSA) meet concurrently.

**PUBLIC COMMENT PROCEDURES**

In compliance with directives of the County, State, and Centers for Disease Control and Prevention (CDC), this meeting is live stream and closed to public attendance. Meeting procedures are subject to change pursuant to guidelines related to social distancing and minimizing person-to-person contact.

Live Meeting comment

Make a verbal public comment during a meeting. The public comment phone line will open 15 minutes prior to the start of the meeting. Refer to the agenda and listen to the live meeting to determine when is the best time to call to be placed in queue to make a public comment. Callers may be on hold for up to an extended period of time and should plan accordingly. Dial (916) 875-2500 and follow the prompts to be placed in queue for a specific agenda item or off-agenda matter. When the Chair opens public comment for a specific agenda item or off-agenda matter, callers will be transferred from the queue into the meeting to make a verbal comment. Each agenda item



queue will remain open until the public comment period is closed for the specific item.

#### Written comment

- Send an email comment to [BoardClerk@saccounty.net](mailto:BoardClerk@saccounty.net). Include meeting date and agenda item number or off-agenda item. Contact information is optional.
- Mail a comment to 700 H Street, Suite 2450, Sacramento, CA 95814. Include meeting date and agenda item number or off-agenda item. Contact information is optional.
- Written comments are distributed to members and filed in the record.

### **VIEW MEETING**

The meeting is videotaped and cablecast live on Metrocable 14 on the Comcast, Consolidated Communications and AT&T U-Verse Systems. It is closed captioned for hearing impaired viewers and webcast live at <http://metro14live.saccounty.net>. There will be a rebroadcast of this meeting on Sunday at 2:00 p.m. A DVD copy is available for checkout through the County Library System seven to ten days following the meeting.

### **MEETING MATERIAL**

The on-line version of the agenda and associated material is available at <https://www.sacta.org/> (click on "Meetings"). Some documents may not be posted on-line because of size or format (maps, site plans, renderings). Contact the Clerk's Office at (916) 874-5411 to obtain copies of documents.

### **ACCOMMODATIONS**

If there is a need for an accommodation pursuant to the Americans with Disabilities Act (ADA), medical reasons or for other needs, please contact the Clerk of the Board by telephone at (916) 874-5411 (voice) and CA Relay Services 711 (for the hearing impaired) or [Boardclerk@saccounty.net](mailto:Boardclerk@saccounty.net) prior to the meeting.

### **CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE**

### **COMMENT ITEMS**

#### **1. Comments From The Public Regarding Matters Not On The Agenda**

1:34 PM Board Action: No public comments were made.

## 2. Executive Director’s Report

1:34 PM Board Action: Executive Director Sabrina Drago provided an update regarding the vacant member seat on the Independent Taxpayer Oversight Committee, the status of the Federal Bipartisan Infrastructure Funding (BIF) and clarification from the September 15, 2021 governing board meeting regarding the limit on administrative expenditures in the Measure A program.

### **CONSENT ITEMS**

1:39 PM Board Action: Katie Valenzuela/ Jeff Harris - Approved the Consent Matters, Items 3 through 6, as recommended.

AYES: Rich Desmond, Eric Guerra, Jeff Harris, Steve Miller, Don Nottoli, Phil Serna, Bobbie Singh-Allen, Kevin Spease, Katie Valenzuela, Mai Vang, Mike Kozlowski

NOES: (None)

ABSTAIN: (None)

ABSENT: Sue Frost, Patrick Kennedy, Paul Sandhu, Jay Schenirer, Donald Terry

RECUSAL:(None)

(PER POLITICAL REFORM ACT (§ 18702.5.))

## 3. Approve Action Summary: September 15, 2021 STA Governing Board Meeting

1:39 PM Board Action: Approved as recommended.

## 4. Sacramento Abandoned Vehicle Service Authority Status Report—Third And Fourth Quarter Fiscal Year 2021

1:39 PM Board Action: Received and filed the report.

## 5. Sacramento Countywide Transportation Mitigation Fee Program (SCTMFP) Annual Report Fiscal Year 2021

1:39 PM Board Action: Received and filed the report.

## 6. Budget To Actual Report – Fourth Quarter Fiscal Year 2021

1:39 PM Board Action: Received and filed the report.

## **SEPARATE ITEMS**

### **7. SCTMFP Revenue Projections And Land Use Category Update**

1:40 PM Board Action: Economic & Planning Systems Principal Lead Jamie Gomes provided a presentation regarding the Sacramento Countywide Transportation Mitigation Fee Program (SCTMFP) fee forecast including a comparison of the land use categories in the STA approved SCTMFP fee rate schedule and the rates of five similar self-help counties throughout the state to determine if the number and type of land use categories are appropriate.

### **8. Sacramento Abandoned Vehicle Service Authority Sunset 2022 Status Update And Recommendations**

2:04 PM Board Action: Jeff Harris/ Rich Desmond - Special Programs Manager Jennifer Doll provided an update regarding the Sacramento Abandoned Vehicle Service Authority (SAVSA) member commitment status, the results of the Sacramento County Transportation tax measure survey, tax measure task timeline, and a proposed Memorandum Of Understanding (MOU) to ensure placement of the tax measure on the June 22, 2022 ballot. The Board authorized the Executive Director to enter into a MOU with each SAVASA member agency and approved the release of a Request for Proposal and subsequent selection of a public education and outreach firm to support the proposed SAVSA Tax Measure.

AYES: Rich Desmond, Eric Guerra, Jeff Harris, Don Nottoli, Phil Serna, Bobbie Singh-Allen, Kevin Spease, Katie Valenzuela, Mai Vang, Mike Kozlowski

NOES: (None)

ABSTAIN: (None)

ABSENT: Sue Frost, Patrick Kennedy, Steve Miller, Paul Sandhu, Jay Schenirer, Donald Terry

RECUSAL:(None)

(PER POLITICAL REFORM ACT (§ 18702.5.))

**9. Implement Assembly Bill No. 361**

2:09 PM Board Action: Katie Valenzuela/ Phil Serna - Executive Director Sabrina Drago provided an update regarding the passage of Assembly Bill No. 361 (AB 361) to allow legislative bodies subject to the Brown Act to continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body make certain findings. The Board adopted Resolution No. **STA 21-0003** approving implementation of AB 361 to allow for virtual meetings for a 30-day period from October 7, 2021 through November 6, 2021.

AYES: Rich Desmond, Eric Guerra, Jeff Harris, Don Nottoli, Phil Serna, Bobbie Singh-Allen, Kevin Spease, Katie Valenzuela, Mai Vang, Mike Kozlowski

NOES: (None)

ABSTAIN: (None)

ABSENT: Sue Frost, Patrick Kennedy, Steve Miller, Paul Sandhu, Jay Schenirer, Donald Terry

RECUSAL:(None)

(PER POLITICAL REFORM ACT (§ 18702.5.))

**10. Comments Of Authority Members**

2:11 PM Board Action: No member comments were made.

Adjourned at 2:13 p.m.

Respectfully Submitted,

DORELLE JOHNSON, Deputy Clerk  
Sacramento Transportation Authority/  
Sacramento Abandoned Vehicle Service Authority



**NOVEMBER 18, 2021**

**AGENDA ITEM # 4**

**APPROVE EXTENDING ASSEMBLY BILL NO. 361**

Action Requested: Approve Staff Recommendations

Key Staff: Sabrina Drago, Executive Director

---

**Recommendations**

Approve implementation of AB361 allowing virtual meetings for the 30-day period from November 18, 2021 through December 18, 2021.

**Background**

A series of executive orders, starting in March 2020 and the most recent expiring September 30, 2021, the Governor's office waived all physical-presence requirements under the Brown Act as a means of limiting the spread of COVID-19. On September 16, Governor Newsom signed into law AB 361, extending the authority of public agencies to conduct meetings by teleconference, including video conference, during the COVID-19 pandemic.

On September 28, 2021, Sacramento County Public Health Officer, Dr. Olivia Kasirye, issued a memorandum recommending utilizing teleconferencing for public meetings as a form of COVID-19 prevention.

**Discussion**

Every 30 days the STA Governing Board must reconsider the continuing need for virtual meetings. If a majority of the members of a legislative body do not adopt these findings, then traditional Brown Act rules apply.

*Attachment(s)*

SACRAMENTO TRANSPORTATION AUTHORITY

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE SACRAMENTO TRANSPORTATION AUTHORITY  
AUTHORIZING REMOTE TELECONFERENCE MEETINGS  
FOR THE PERIOD THROUGH DECEMBER 18, 2021  
PURSUANT TO THE RALPH M. BROWN ACT**

**WHEREAS**, all meetings of SACRAMENTO TRANSPORTATION AUTHORITY and its legislative bodies are open and public, as required by the Ralph M. Brown Act (California Government Code § 54950 et seq); and

**WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the Brown Act, provided certain requirements were met and followed; and,

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361 that allows a legislative body subject to the Brown Act to continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body make certain findings; and

**WHEREAS**, as amended by AB 361, Government Code section 54953(e),

makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

**WHEREAS**, a required condition of Government Code section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558(b); and

**WHEREAS**, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, as of the date of this Resolution, the Proclamation of a State of Emergency remains in effect as neither the Governor nor the state Legislature have exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution the state Legislature; and

**WHEREAS**, the California Department of Industrial Relations has issued regulations related to COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors; and

**WHEREAS**, on September 28, 2021, the Sacramento County Public Health Officer Dr. Olivia Kasirye issued a Teleconference Recommendation which states that utilizing teleconference options for public meetings is an effective and recommended

social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and other from COVID-19; and

**WHEREAS**, SACRAMENTO TRANSPORTATION AUTHORITY the has an interest in encouraging public participation in open and public meetings while protecting the health, safety and welfare of those who participate.

**NOW, THEREFORE, BE IT RESOLVED**, by the SACRAMENTO TRANSPORTATION AUTHORITY as follows:

1. **State or Local Officials Have Imposed or Recommended Measures to Promote Social Distancing.** SACRAMENTO TRANSPORTATION AUTHORITY hereby finds and proclaims that state and local officials have imposed or recommended measures to promote social (physical) distancing based on the California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D) and Sacramento County Public Health Officer Dr. Olivia Kasirye's Teleconference Recommendation issued September 28, 2021.

2. **Remote Teleconference Meetings.** SACRAMENTO TRANSPORTATION AUTHORITY and any of its legislative bodies are hereby authorized to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act, and Staff are directed to take all actions necessary to carry out the intent and purpose of this Resolution.

3. **Effective Date.** This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 18, 2021 or (ii) such time the Authority adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which it and its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).



On a motion by [Director] \_\_\_\_\_, seconded by [Director] \_\_\_\_\_, the foregoing Resolution was passed and adopted by the [Governing Board of the Sacramento Transportation Authority, State of California this \_\_\_\_\_ day of \_\_\_\_\_ 202\_, by the following vote, to wit:

AYES: [Supervisors],

NOES: [Supervisors],

ABSENT: [Supervisors],

ABSTAIN: [Supervisors],

RECUSAL: [Supervisors],  
(PER POLITICAL REFORM ACT (§ 18702.5.)

---

Chair of the Sacramento  
Transportation Authority, California

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk, Board of Supervisors

2194144



**NOVEMBER 18, 2021**

**AGENDA ITEM # 5**

**2022 CALENDAR YEAR STA GOVERNING BOARD MEETING SCHEDULE**

Action Requested: Approve Staff Recommendation

Key Staff: Sabrina Drago, Executive Director

**Recommendation**

Approve the STA Governing Board meeting schedule for the 2022 calendar year.

**Background Information**

Meetings generally take place on the second Thursdays of the month in the County of Sacramento Board of Supervisors Chamber located in the County Administration Building at 700 H Street, Sacramento. Meetings are scheduled from 1:30 p.m. to 3:00 p.m. The Board does not meet in July due to Board of Supervisors and various city council summer recesses.

**Discussion**

Following the general standard—second Thursday meetings—staff proposes the following meeting schedule for the 2022 calendar year. Please note, some dates are not on the second Thursday as noted.

Date	Notes
<b>January 12, 2022 (Wednesday)</b>	<b>Chambers not available 13<sup>th</sup></b>
February 10, 2022	
March 10, 2022	
April 7, 2022	
May 12, 2022	
<b>June 1, 2022 (Wednesday)</b>	<b>Due to schedules only available date</b>
August 11, 2022	
<b>September 15, 2022</b>	<b>Chambers not available 8<sup>th</sup></b>
October 13, 2022	
November 10, 2022	
December 8, 2022	



**NOVEMBER 18, 2021**

**AGENDA ITEM # 6**

**RESOLUTION ADOPTING STA WEBSITE PRIVACY & WEB ACCESSIBILITY POLICIES**

Action Requested: Approve Staff Recommendation

Key Staff: Jennifer Doll, Special Programs Manager

---

**Recommendation**

Adopt a resolution establishing website privacy and web accessibility policies for the STA.

**Background**

The STA does not currently have a policy for website privacy and web accessibility. Website privacy laws are aimed towards online commercial businesses but have broadened to nearly any website that may collect any user data. Additionally, section 508 of the Rehabilitation Act of 1973 §1194.22, as amended (29 U.S.C. Section 794d) has been implemented by STA implements but it has no policy in place.

Staff recommends adopting a general website privacy and accessibility policy. The attached resolution including Exhibit A to the resolution details the proposed website privacy and web accessibility policies STA will adhere to.

*Attachment*

**SACRAMENTO TRANSPORTATION AUTHORITY**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ADOPTING  
STA WEBSITE PRIVACY & WEB ACCESSIBILITY POLICIES**

WHEREAS, the Sacramento Transportation Authority (STA) is desires to adopt a Website Privacy Policy and Web Accessibility policy;

THEREFORE, BE IT RESOLVED, that the Sacramento Transportation Authority hereby adopts the Website Privacy and Web Accessibility policies as shown in attachment Exhibit A.

On a motion by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the foregoing resolution was passed and adopted by the Governing Body of the Sacramento Transportation Authority at a regular meeting thereof this 18th day of November, 2021, by the following vote, to wit:

AYES: Directors,

NOES: Directors,

ABSENT: Directors,

ABSTAIN: Directors

RECUSAL: Directors  
(PER POLITICAL REFORM ACT (§18702.5))

\_\_\_\_\_  
Chairperson, Governing Body of the  
Sacramento Transportation Authority

ATTEST: \_\_\_\_\_  
Clerk of the Governing Board

# EXHIBIT A

---

## Sacramento Transportation Authority *Website Privacy & Web Accessibility Policies*

---

### Privacy Policy

#### Information Collection

- The Sacramento Transportation Authority (STA) shall not collect personal information about website visitors unless the visitor chooses to provide that information to the STA.
- The STA shall collect limited non-personally identifying information that web browsers make available automatically whenever a visit is made to a website. This information includes the internet address of the computer or network, the date, time, and page visited on a STA site, browser and operating system, and the referring page (the last webpage visited before clicking on a link to the STA site).
- The STA may choose to use the aggregated information from all of our visitors to measure server performance, analyze user traffic patterns and improve the content of the STA site.
- The STA may choose to use track the keywords or search terms that are entered into our search engine to measure interest in specific topics, but shall not track which terms a particular visitor enters.
- Do Not Track (DNT) is a setting in most major web browsers that tells websites that the visitor does not wish to be tracked. The STA shall honor the preference of visitors to not be tracked when a Do Not Track mechanism is in use.

#### Collection of Personally Identifiable Information

Personally identifiable information is information about an individual that is readily identifiable to that specific individual. Personally identifiable information includes personal identifiers such as an individual's name, address, and phone number. A domain name or IP address is not considered personally identifiable information. The STA strives to collect the minimum information necessary to comply with applicable law or provide the requested service. If a visitor chooses to participate in a survey, send an email, subscribe to an email service, or perform other transactions using the STA website, the following additional information may be collected:

- Email address, and contents of emails sent through the website - for purposes of the STA providing a response
- Information volunteered in response to a survey or through online forms - for purposes identified by the survey or online form.

The information collected may not be limited to text characters and may include audio, video, and graphic information formats that a visitor sends to the STA. The information is retained in accordance with the STA's policies. The STA may use visitor email to respond appropriately. This may be to respond to the visitor, to send subscription based emails, to address issues identified by the visitor, to further improve STA websites, or to forward the email to another agency for appropriate action. Survey information would be used for the purpose designated.

#### Distribution of Information

As a government agency, the STA is governed by public records laws. As such, any information received through the use of the STA website is subject to the same provisions as information provided on paper. The STA does not sell, rent or otherwise distribute visitor's information, including email addresses, to any outside company or organization without the visitor's

permission, unless legally required to do so. This applies to information that may be collected by the STA on the STA's website and by the STA on that of any third party with whom the STA contracts to provide internet related services.

Some STA links on the website may link to third party social media pages. The social media sites may collect personally identifiable information. Personally identifiable information collected by third party social media sites is not shared with the STA.

## Terms of Use

Materials and information on the STA website are provided as a public service and intended to afford general guidelines on matters of public interest. Accordingly, the information in this site is not intended to serve as legal, accounting or tax advice. Attempts to upload information or change information on the STA's website are strictly prohibited unless specifically authorized in writing by the STA.

## Information Security

The STA has implemented security measures and systems into the design, implementation and day-to-day operation of its website, underlying servers and networks. The STA progressively implements new security measures as they become available on the market. These security measures are in place primarily to identify and/or block unauthorized intrusions that could upload, change information or otherwise cause damage to STA websites.

## Use of Cookies

Cookies are text files created by a web browser and stored on a local system to aid in customizing a visitor's browsing experience. This website may use cookies. Cookies allow information to change as the visitor navigates through this website. Types of cookies that may be used, "session-only". STA uses cookies in the following way:

If the visitor wishes to access information, the STA may use a session-only cookie to reserve storage on his/her computer in order to pass his/her inquiry information to a follow-on page for the purposes of retrieving requested information. The session-only cookies are erased either during web browser operation or after the web browser is shut down.

## External Links

Links to other sites from the STA website are provided at the discretion of the STA and are provided as a convenience for visitors of this site. Sites that are linked from the STA website are reviewed periodically to confirm that the link still furthers STA purposes. The STA reserves the right to refuse to post any website link or to delete links already posted at any time without notice. In the event that a visitor discovers problems with or has concerns regarding the format, accuracy, timeliness or completeness of a linked external website, the visitor is encouraged to contact the organization responsible for the linked external website. The STA does not control nor is it responsible for any linked external websites, pages or content.

## Intellectual Property

The content of sacta.org web pages is copyrighted, and contains some third party images/graphics that are used with permission. Visitors are notified, therefore, that one should presume the need to obtain permission from the copyright holder before reproducing or otherwise using images/graphics from this website. STA does not give permission for images to be downloaded or saved for any reason.

# Web Accessibility Policy

## Purpose:

STA is committed to providing employees and the public, including individuals with disabilities, access to web-based information and services either directly through the web or through alternative formats. This document states the Web Accessibility Policy for the STA in the continued commitment to provide equal access to government services for individuals with disabilities

**Authority:** Media Content Manager

## Scope:

This policy applies to all STA web content whether centrally hosted and managed by the STA itself or hosted and managed by external service providers. This policy applies to the presentation of information on a web page or a web application on the internet. This policy does not apply to web sites of affiliated groups, such as commissions, that are not controlled or hosted by the STA.

## Policy:

The STA strives to achieve web accessibility by complying with the requirements of Section 508 of the Rehabilitation Act of 1973 §1194.22, as amended (29 U.S.C. Section 794d). STA websites are designed based on standards from the Worldwide Web Consortium (W3C) Web Content Accessibility Guidelines (WCAG) to make web content accessible to people with disabilities. It is the responsibility of the STA or agency webmaster to become familiar with these guidelines and to apply these standards in designing and creating any official STA website. Departments that provide services through contracts shall ensure that such contractors deliver their services in compliance with the STA Web Accessibility Policy.

## Availability of Information:

The STA website must provide a contact method to report items or areas that are not accessible and request reasonable accommodations

## Known Limitations of this Policy:

Individuals with (or without) disabilities access the web with widely varying sets of capabilities, software, and hardware. While this policy identifies the standard for STA to present information so it is accessible for individuals with disabilities, this policy cannot anticipate every accessibility need, due to limitations of existing technology. There may be other circumstances, independent of technology that may limit accessibility of the STA website. While every effort will be made, it is understood that creating accessible formats for some historical documentation and graphical renderings maintained by the STA may be technologically unfeasible.

## Waivers to this Policy:

Any requests for waivers to the policy shall be submitted to the Media Content Manager . Requests for waivers must present a business case expressing the undue burden that would be imposed on the agency or department. Also, all requests for waivers must include a process to provide services or information in an alternate format.

**Review:** Biennially

## References:

Section 508 of the Rehabilitation Act of 1973 §1194.22, as amended (29 U.S.C. Sec 794d)  
World Wide Web Consortium (W3C) Web Content Accessibility Guidelines (WCAG)



NOVEMBER 18, 2021

AGENDA ITEM # 7

SACMETRO FREEWAY SERVICE PATROL STATUS REPORT
1ST QUARTER FISCAL YEAR 2022

Action Requested: Receive and File

Key Staff: Jennifer Doll, Special Programs Manager

Fist Quarter Fiscal Year 2022 Stats

SacMetro FSP provided 11,332 assists and 135 motorists completed the online survey. Total assists are up 21% from the previous quarter, a direct response to the increase in traffic as the public normalizes with the COVID situation.



Types of Problems



Response Times



Service Rating

64 percent of assists were related to accidents, mechanical problems, and flat tires during this period.

68 percent of motorists reported waiting less than 10 minutes before FSP appeared on scene.

100 percent of the 135 surveys reported excellent service. 123 of surveys included comments of gratitude and appreciation.

The following are some of the survey responses:

- I had no idea this program existed until today and it saved my day!!
Driver (John) was extremely helpful and friendly. Cannot say enough good things about John!
The FSP driver, Francisco, was extremely friendly and helpful. Actually, he was like a guardian angel. He stopped to make sure we were ok, and when we told him we'd fixed the tire he waited a minute to make sure all was ok. Good thing he waited, because then the car wouldn't start, so he jumpstarted the car for us. Again, super friendly and so thankful for him and for the service provided. As a daily commuter in Sacramento, thank you for providing this extremely important and valuable service.
They did an amazing job. Super Friendly! We should have these everywhere; they are an incredible help. I would have been stuck on the freeway for who knows how long.





**NOVEMBER 18, 2021**

**AGENDA ITEM # 8**

**COMPREHENSIVE UPDATE TO STA PERSONNEL RULES AND REGULATIONS**

Action Requested: Adopt Resolution

Key Staff: Timothy Jones, Chief Financial Officer

---

**Recommendation**

Adopt resolution amending the STA Personnel Rules and Regulations

**Background**

The STA's Personnel Rules and Regulations were adopted on December 9, 1993. They were last amended June 9, 2016.

**Discussion**

The attached update consists primarily of actions taken by the Board previously but not memorialized in STA's Personnel Rules and Regulations handbook. Those actions include the following:

1. Aligning STA's observed holidays with those published by the County of Sacramento. This change was adopted June 9, 2016
2. Amending the years of service for the accrual of vacation leave. Under the amendment, all previous employment with CalPERS agencies counts toward qualified service in the rate of vacation accrual. This change was adopted June 9, 2016.
3. Added a travel policy regarding work related travel and expenses. This was adopted June 9, 2016.

Today, we are asking the Board to adopt additional changes. The sick leave policy was updated to reflect current law and a new section was added summarizing existing STA benefits. The remaining changes were primarily editorial in nature such as pronouns and references to job classifications. All changes in attachment A are in red or blue text.

The document has been reviewed by STA legal counsel.

***Attachments***

1. *Updated STA Rules and Regulations Handbook*
2. *Resolution adopting recommended changes*

PERSONNEL RULES AND REGULATIONS

Sacramento Transportation Authority

~~As Amended~~

~~March, 2008~~ Updated November 9, 2021

PERSONNEL RULES AND REGULATIONS  
Sacramento Transportation Authority

TABLE OF CONTENTS

	Page
ARTICLE I. PURPOSE	
Section 1.1. Purpose	1
ARTICLE II. DEFINITIONS	
Section 2.1. Administrative Leave	2
Section 2.2. Anniversary Date	2
Section 2.3. Appeal	2
Section 2.4. Appointment	2
Section 2.5. Certification List	2
Section 2.6. Authority	2
Section 2.6.1. Authority Service	2
Section 2.7. Class	2
Section 2.8. Class Specification	2
Section 2.9. Classification Plan	2
Section 2.10. Compensation, Total	2
Section 2.11. Continuous Recruitment	2
Section 2.12. Continuous Service	3
Section 2.13. Demotion	3
Section 2.14. Disciplinary Action	3
Section 2.15. Dismissal	3
Section 2.16. Eligible	3
Section 2.17. Employee	3
Section 2.18. Employment List	4
Section 2.19. Equal Employment Opportunity	4
Section 2.20. Recruitment Testing	4
Section 2.21. Grievance	5
Section 2.22. Grievance Procedure	5
Section 2.23. Human Resources Administrator	5
Section 2.24. Layoff	5
Section 2.25. Job Sharing	5
Section 2.26. Journey Level	5
Section 2.27. Leave	5
Section 2.28. Merit Decrease	5
Section 2.29. Merit Increase	5
Section 2.30. Merit System	5
Section 2.31. Open-Competitive Recruitment	5
Section 2.32. Overtime	5
Section 2.33. Pay Differential	5

Section 2.34.	Pay Range	6
Section 2.35.	Personnel Ordinance	6
Section 2.26.	Position	6
Section 2.27.	Probation	6
Section 2.38.	Probationary Period	6
Section 2.39.	Promotion	6
Section 2.40.	Promotional Recruitment	6
Section 2.41.	Reclassification	6
Section 2.42.	Reemployment	6
Section 2.43.	Reinstatement	6
Section 2.44.	Review Date	6
Section 2.45.	Salary	6
Section 2.46.	Transfer	6
Section 2.47.	Y-Rate	7
ARTICLE III. APPLICATION AND ADMINISTRATION		
Section 3.1.	Adoption and Amendment	8
Section 3.2.	Personnel Administration	8
Section 3.3.	Exempt Positions	8
Section 3.4.	Non-discrimination	8
Section 3.5.	Contents of Classification Plan	9
Section 3.6.	Purpose and Application of Classification	9
Section 3.7.	Adoption, Amendment and Revision of Classification Plan	9
Section 3.8.	Allocation of Positions	9
Section 3.9.	New Positions	9
Section 3.10.	Reclassification	10
Section 3.11.	Probation Following Reclassification	10
Section 3.12.	Improper Use of Reclassification	10
Section 3.13.	Reports and Records	10
Section 3.14.	Performance Evaluations	11
Section 3.15.	Destruction of Records	11
Section 3.16.	Compliance with These Rules	11
ARTICLE IV. APPLICATION PROCESS		
Section 4.1.	Announcement	12
Section 4.2.	Application	12
Section 4.3.	Disqualification of Applications	12
Section 4.4.	Criminal Conduct – Ineligibility for Employment	12
Section 4.5.	Recruitment – Relevance of Testing Procedures	13
Section 4.6.	Recruitment Method	13
Section 4.7.	Conduct of Recruitment	14
Section 4.8.	Notification of Written Test Results and Opportunity to Review	14
Section 4.9.	Creation of Employment List	14
Section 4.10.	Duration of Employment Lists	14

Section 4.11.	Removal of Names from Employment Lists	15
Section 4.12.	Types of Appointments	15
Section 4.13.	Notice of Vacancy	15
Section 4.14.	Promotion	15
Section 4.15.	Certification of Eligibility	15
Section 4.16.	Creation of New Employment Lists	15
Section 4.17.	Vacancies Filled by Promotion	16
Section 4.18.	Appointment Process	16
Section 4.19.	Acceptance of Appointment	16
Section 4.20.	Provisional Appointments	16
Section 4.21.	Pay Differential	17
Section 4.22.	Emergency Appointments	17
Section 4.23.	Probationary Period – Purpose	17
Section 4.24.	Length of Probationary Period	17
Section 4.25.	Performance Evaluation During Probation	17
Section 4.26.	Completion or Extension of Probation	17
Section 4.27.	Release of Probationer	18
Section 4.28.	Release of Probationer Following Promotion	18
Section 4.28.1.	Release of Displaced Employee	18

ARTICLE V. ATTENDANCE, ~~AND LEAVES,~~ AND BENEFITS

Section 5.1.	Hours of Work	19
Section 5.2.	Attendance	19
Section 5.3.	Military Leave	19
Section 5.4.	Annual Vacation Leave – Purpose	19
Section 5.5.	Accrual of Vacation Leave	19
Section 5.6.	Prorated Accrual	19
Section 5.7.	Holiday within Vacation Leave	20
Section 5.8.	Scheduling and Carryover of Vacation Time	20
Section 5.9.	Cessation of Accrual of Vacation Leave	20
Section 5.10.	Lump Sum Payment at Termination	20
Section 5.11.	Sick Leave – Generally	20
Section 5.11.1.	Family Death Leave	20
Section 5.12.	Notice of Taking Sick Leave	21
Section 5.13.	Documentation of Sick Leave	21
Section 5.14.	Accumulation of Sick Leave	21
Section 5.14.1.	Sick Leave Compensation	21
Section 5.15.	<del>Excessive</del> Sick Leave Usage	22
Section 5.15.1.	Donations of Leave	22
Section 5.16.	Industrial Injury Leave	22
Section 5.17.	Non-Industrial Injury Leave	23
Section 5.18.	Parental Leave – Purpose	23
Section 5.19.	Parental Leave	23
Section 5.20.	Family and Medical Leave	23
Section 5.21.	Court Duty	24
Section 5.22.	Continuation of Medical Coverage	24
Section 5.23.	Voting Rights	25
Section 5.24.	Leave of Absence Without Pay	25
Section 5.25.	Holidays	25
Section 5.25.1.	Holiday Adjustments	25

Section 5.25.2.	Christmas and New Year's Eve	25
Section 5.26.	Integration of Accrued Leave with State Disability Insurance Benefits of Eligible Employees	25
<u>Section 5.27</u>	Staff <u>Benefits</u>	
 ARTICLE VI. GRIEVANCE PROCEDURE		
Section 6.1.	Purpose	27
Section 6.2.	Process	27
Section 6.3.	Grievance	27
Section 6.4.	Executive Director Review	27
Section 6.5.	Final Decision by Executive Director	27
Section 6.6.	Extending Time	28
Section 6.7.	Use of Work Time for Grievance	28
Section 6.8.	Freedom from Reprisal	28
 ARTICLE VII. NON-DISCIPLINARY PERSONNEL ACTIONS		
Section 7.1.	Transfer	29
Section 7.2.	Voluntary Demotion	29
Section 7.3.	Abolition of Position	29
Section 7.4.	Notice of Layoff	29
Section 7.5.	Layoff; Demotion in Lieu; Retreat Rights	29
Section 7.6.	Reinstatement	29
Section 7.7.	Resignation	29
Section 7.8.	Re-employment	30
 ARTICLE VIII. RESERVED		
 ARTICLE IX. DISCIPLINE AND APPEALS PROCEDURE		
Section 9.1.	Purpose	32
Section 9.2.	Exclusive Remedy	32
Section 9.3.	Application	32
Section 9.4.	Grounds for Discipline	32
Section 9.5.	Types of Discipline – Minor	33
Section 9.6.	Types of Discipline – Major	33
Section 9.7.	Disciplinary Procedures for Major Discipline	34
Section 9.8.	Appeal from Minor Discipline	35
Section 9.9.	Appeal from Major Discipline	35
 ARTICLE X. MISCELLANEOUS RULES AND POLICIES		
Section 10.1.	Harassment Policy	37
Section 10.2.	Sexual Harassment Policy	38
Section 10.3.	Drug-Free Workplace Policy	38
Section 10.4.	Dissemination of Polices	39

## ARTICLE I. PURPOSE

Section 1.1. Purpose. The intent of these Rules and Regulations is to establish and maintain an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the fair administration of a comprehensive personnel program. These rules set forth those policies and procedures that ensure similar treatment for those who compete for original and promotional employment, and define certain obligations, rights, privileges, benefits, and prohibitions that are placed upon employees in the service of the Authority.

## ARTICLE II. DEFINITIONS

Section 2.1. Administrative Leave. Leave for an employee with full pay and benefits, ordered by the Executive Director, when the interests of the Authority require the employee not be physically present on the job.

Section 2.2. Anniversary Date. The employee's first date of work, upon which longevity and benefits are based. In cases of reemployment, the new reemployment date in each case shall be considered as the new anniversary date. ~~For an employee who moved from County service to Authority service at the inception of the Authority's personnel system and has not had a break in service, the anniversary date shall be the employee's first date of work at the County of Sacramento.~~

Section 2.3. Appeal. The written request of an employee to be relieved from discipline imposed on the employee.

Section 2.4. Appointment. The selection of, and acceptance by, a candidate to a position in Authority's service in accordance with these rules. The Executive Director is the appointing authority for all positions other than Executive Director.

Section 2.5. Certification List. The submission of names of eligible applicants from an appropriate employment list for hiring consideration.

Section 2.6. Authority. Sacramento Transportation Authority.

Section 2.6.1. Authority Service. The entire employment system of the Authority.

Section 2.7. Class. All positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title and the use of common standards of selection.

Section 2.8. Class Specification. A written description of a class that includes a job title, general statement of job functions and responsibilities and setting forth necessary qualifications.

Section 2.9. Classification Plan. That series of duly adopted class specifications that describe the authorized positions within the Authority.

Section 2.10. Compensation, Total. The salary or wage, plus benefits, paid for work performed, whether expressed in an hourly, weekly, monthly, or annual rate.

Section 2.11. Continuous Recruitment. An open-competitive recruitment for a particular class that is administered continuously and for which applications are accepted continuously and for which there is no final filing date.

Section 2.12. Continuous Service. Employment with the Authority without break or interruption, except for authorized vacation, military leave, or other paid leaves.

Section 2.13. Demotion. The movement of an employee from one class to another class having a lower maximum base rate of pay.



Section 2.14. Disciplinary Action. An action taken by the Authority against an employee that communicates a deviation from Authority rules governing conduct or performance and that outlines a corresponding admonition or penalty.

Section 2.15. Dismissal. Involuntary separation of an employee from Authority service, including dismissal for cause for regular employees and dismissal with or without cause for other employees.

Section 2.16. Eligible. A person whose name appears on a current employment list as duly certified by the Human Resources Administrator.

Section 2.17. Employee. Any person appointed to fill an authorized employment position with the Authority. Elected officials and those appointed to advisory boards or commissions are not employees. The following are the types of employees:

A. Regular. A regular employee is one who has passed probation and holds a regularly authorized position. There are two types of regular employees.

1. Regular full-time. A person who works in a position budgeted for 2088 hours per year.
2. Regular part-time. A person who works in a position budgeted for not less than 1044 but not more than 2087 hours per year.

Regular employees may only be terminated or disciplined for cause.

B. Exempt. An employee who holds a full-time or part-time position which may be filled by direct appointment, without reference to the provisions of these rules otherwise applicable to the hiring process.

C. Probationary. An employee in a full-time or part-time position (other than an exempt employee) who is serving a trial period in a position to which the employee has been appointed, promoted, or reclassified upward. A demoted employee or an employee reclassified downward who passed probation prior to demotion or reclassification is not on probation because of the demotion or reclassification.

D. Special Employee. An employee who is hired for a special purpose to meet the needs of the Authority. Special employees include:

1. Provisional employee. An employee who meets the minimum qualification requirements for a regular position and who is appointed on an interim basis to fill a vacancy until the position is filled.
2. Temporary part-time. An employee in a position budgeted for less than 1040 hours per year.

3. **Emergency employee.** An employee who is hired to meet the requirements of a declared emergency that threatens life, property or the general welfare of the Authority and whose position ceases when the emergency ceases.

Exempt, probationary, and special employees may be terminated or disciplined with or without cause.

**Section 2.18. Employment List.** A list of persons who have successfully passed all preliminary phases of the recruitment process, for submission to the appointing authority for further consideration.

- A. **Open Employment List.** A list of persons who have successfully completed an open-competitive examination for a class in the Authority's service.
- B. **Promotional Employment List.** A list of employees who have taken a promotional examination for and have qualified for appointment to a specific class in the Authority's service.
- C. **Reinstatement List.** A list of regular employees laid off from a job class.

**Section 2.19. Equal Employment Opportunity.** A condition of equality in all employment-related and personnel actions (i.e., recruitment, hiring, promotion, training, terminations, etc.) brought about by unbiased personnel practices, procedures and methods.

**Section 2.20. Recruitment Testing.** The process of measuring and evaluating the relative ability and fitness of applicants by job-related testing and evaluation procedures, which may include any or all of the following (except where otherwise prohibited by law):

1. application review;
2. written test;
3. performance test;
4. physical agility test;
5. personal interview;
6. medical evaluation, including drug testing;
7. reference check;
8. psychological evaluation;
9. polygraph examination; and
10. completion of necessary training.

**Section 2.21. Grievance.** A complaint by an employee relating to wages, hours and conditions of employment. A grievance is not a complaint about disciplinary action.

**Section 2.22. Grievance Procedure.** The process used to resolve a grievance.

**Section 2.23. Human Resources Administrator.** The individual appointed by and responsible to the Executive Director for the day-to-day efficient administration of all provisions of these rules.

Section 2.24. Layoff. Involuntary separation of a regular employee from Authority service for non-disciplinary, non-medical reasons.

Section 2.25. Job Sharing. Work performed by two employees in one authorized regular position who, in accordance with an arranged schedule, complete the tasks required of that position.

Section 2.26. Journey Level. A job class that encompasses duties requiring skills and/or knowledge beyond that required of an entry level position.

Section 2.27. Leave. An approved absence from work as provided by these rules.

Section 2.28. Merit Decrease. A pay step reduction where performance falls short of the established standards or where performance is clearly inadequate in one or more of the critical job duties for the position.

Section 2.29. Merit Increase. Increase of an employee's base wage compensation, from one salary step to a higher level salary step within the same salary range, based on satisfactory demonstration of individual efficiency and performance.

Section 2.30. Merit System. A system of selecting and promoting employees on the basis of job fitness.

Section 2.31. Open-Competitive Recruitment. A recruitment for a particular class that is open to all persons meeting the qualifications for the class.

Section 2.32. Overtime. Work authorized by a supervisor in excess of 8 hours per day or 40 hours per week.

Section 2.33. Pay Differential. A salary increase, subject to the approval of the Executive Director, in an amount not less than 5% of the employee's pay range for temporary or continued special assignments that involve increased complexity, hazard, and/or responsibility and that are beyond the routine coverage for short-term sick leave or vacation.

Section 2.34. Pay Range. One or more specific pay steps having a percentage relationship to one another and assigned to a class as the compensation for that class.

Section 2.35. Personnel Ordinance. The Ordinance adopting these Personnel Rules and Regulations.

Section 2.36. Position. A group of job duties or functions designed to be performed by one employee.

Section 2.37. Probation. A period of tentative appointment to permit an employee to demonstrate ability to satisfactorily perform the functions of a position.

Section 2.38. Probationary Period. A designated period of time in which an employee, upon original or promotional appointment or reclassification, is trained and evaluated for suitability to a position.

Section 2.39. Promotion. The movement of an employee from one class to another class having a higher maximum rate of pay that results in a salary increase of at least 5%.

Section 2.40. Promotional Recruitment. A recruitment for a particular class that is open only to current employees who meet the minimum qualifications for the class.

Section 2.41. Reclassification. Redefinition of a position to more accurately reflect the duties it entails and/or assigning the position to a new or different class.

Section 2.42. Reemployment. The appointment of a former employee who voluntarily left Authority service in good standing to the same or similar position within two years.

Section 2.43. Reinstatement. The act of placing a person back into a position or class, without examination, from which he or she has been laid off or demoted in lieu of layoff.

Section 2.44. Review Date. Date when an employee is given an annual performance evaluation or considered for a merit increase.

Section 2.45. Salary. The wage paid for work performed whether expressed in an hourly, weekly, monthly, or annual rate.

Section 2.46. Transfer. To move an employee from one work unit to another within the same class or from one class to another class requiring comparable qualifications and having the same pay range.

Section 2.47. Y-Rate. The act of freezing an employee's salary at a definite range or dollar amount to avoid a salary reduction when salary compensation data support a reduction in pay.

## ARTICLE III. APPLICATION AND ADMINISTRATION

Section 3.1. Adoption and Amendment. Personnel rules may be adopted and/or amended by resolution of the Authority upon review and recommendation of the Executive Director. Upon amendment, revised personnel rules shall be distributed to affected employees and posted on a bulletin board in the normal work areas for a period of at least ten (10) calendar days.

Section 3.2. Personnel Administration. The Executive Director shall have ultimate responsibility for the administration of the Authority personnel system and may delegate any of the duties and authority to the Human Resources Administrator or another designee. As the personnel administrator, the Executive Director shall:

- A. Interpret and administer all provisions of these articles and all related ordinances, resolutions, policies and procedures concerning personnel matters of the Authority;
- B. Prepare and recommend to the Authority Board personnel rules, including revisions and amendments to such rules;
- C. Prepare, update and maintain the position classification plan, including class specifications, a compensation plan and recommended revisions of those plans;
- D. Provide for the publishing or posting of notices of tests for positions in the Authority service, the receiving and evaluation of applications, the conducting and grading of tests, the certification of a list of persons eligible for appointment to the appropriate position in the Authority service, and the performance of any other duty that may be required to administer the personnel system;
- E. Appoint all employees in the Authority service, except the Executive Director, who is appointed by the Authority Board; and
- F. Maintain employee records.

Section 3.3. Exempt Positions. Those positions listed in Appendix A are exempt from these Personnel Rules and Regulations. Additional positions may be designated as exempt by action of the Authority Board as the needs of the Authority require, provided that no incumbent in a position not previously exempt, who is a regular employee at the time the position is made exempt, shall be disciplined except for cause.

Section 3.4. Non-discrimination. Unless based on a bona fide occupational qualification as defined by law, no personnel action (including appointment to, or removal from, a position in Authority employment), shall be based upon race, creed, color, age, religion, ancestry, national origin, political affiliation, physical disability, marital status, non-disqualifying medical condition (e.g. cured or rehabilitated cancer), gender, [gender identity](#), [gender non-conformance](#) or sexual orientation. Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job-related qualifications of applicants. No recruitment or selection technique or any

other personnel action shall be used that, ~~in the opinion of the Executive Director,~~ is not justifiably linked to successful job performance.

Section 3.5. Contents of Classification Plan. The classification plan shall group positions, listed by title, into classes that are defined by written class specifications. The classification plan shall be developed and maintained in a way that each class shall include those positions sufficiently similar with respect to their duties, responsibilities, authority, and character of work so that the same schedules of compensation may be fairly applied under similar working conditions, and that similar requirements as to training, experience, knowledge, skills and abilities may be fairly applied to all positions in the same class. Each class specification shall outline the main characteristics and qualification requirements of positions allocated to the class and give examples of duties which employees holding such positions may properly be required to perform.

Section 3.6. Purpose and Application of Classification. The class specification is descriptive and explanatory, but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks and duties. The statement of desirable qualifications in a class specification is intended to be used as a guide in selecting candidates for employment, as an aid in the preparation of competitive examinations, and in determining the relative value of positions in one class with positions in other classes.

Section 3.7. Adoption, Amendment and Revision of Classification Plan. The classification plan shall be recommended by the Executive Director for consideration by the Authority Board and may be amended from time to time. Amendments and revisions of the plan may be suggested by any interested party and shall be submitted to the Executive Director.

Section 3.8. Allocation of Positions. Following the adoption of the classification plan, the Executive Director, or designee, shall allocate every position in the Authority service to one of the classes established by the plan. The classification plan may contain classes to which there is no current allocation of positions in order to provide for future organizational growth or changes in organizational structure. Likewise, obsolete classifications may be deleted from the plan.

Section 3.9. New Positions. Except for a provisional appointment, a new position shall not be filled until the classification plan has been amended to provide therefore and an appropriate employment list established for such position. No new position may be filled without the authorization of the Executive Director who, in so doing, shall ensure that sufficient funds are available.

Section 3.10. Reclassification. Positions whose duties and responsibilities have changed so as to depart significantly from the assigned class description, or positions which have been structurally affected by organizational changes, may be authorized by the Executive Director for reclassification study. Upon completion of the study, a report of the findings shall be submitted, and recommendations made to the Executive Director, who shall determine whether to reclassify the position.

Reclassification from one class to a higher-paying class on the basis of job duty changes, when approved by the Authority Board, shall provide for movement of the employee to the step on the new range that is approximately 5% higher than the old

range and step. If this results in placing the employee on the first step of the new salary range, the employee shall be reviewed after six months and be considered for a salary advancement. Such reclassified employee's review date shall reflect the date of reclassification.

Reclassification from one class to a lower-paying class based on job duty changes, when approved by the Authority Board, may provide for movement of the employee to the pay step on the new range which is approximately 5% lower than the old range and step or may be Y-rated. If this results in placing the employee on the first step of the new salary range, the employee shall be reviewed after six months and be considered for a salary advancement. Such reclassified employee's review date shall reflect the date of reclassification.

All assigned rates shall be gross salary for services rendered and shall cover full payment for the number of hours being regularly worked in each class. Employees engaged for less than full time shall be paid a proportionate part of these salaries if they are regular or an hourly rate that falls within the appropriate range if they are temporary.

Section 3.11. Probation Following Reclassification. An individual employed in a position that is reclassified upward shall serve a probationary period following such reclassification. No probationary period shall be required of employees who are Y-rated or reclassified to a lower pay range.

Section 3.12. Improper Use of Reclassification. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions, promotions, and layoffs nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

Section 3.13. Reports and Records. The Executive Director or his ~~or~~/her/their designee shall maintain a personnel file for each employee in the Authority service showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent by the Executive Director. The Executive Director shall file all documents relating to performance evaluations, educational records, letter of commendation and discipline, and all other official data relating to the employee's employment with the Authority. An employee shall, however, receive copies of any disciplinary item prior to its inclusion in the personnel record, thus affording the employee an opportunity to respond in writing. Such response, if any, shall also be filed in the personnel file.

Section 3.14. Performance Evaluations. The Executive Director or his ~~or~~/her/their designee shall establish a system of evaluating the performance of each employee in terms of such factors as efficiency, competency, conduct and other relevant factors. The evaluation system shall include the forms and procedures to be used in such reports and provide for necessary instruction manuals and training for supervisory personnel to ensure that the program of performance evaluation is conducted in a sound, effective and objective manner. The performance evaluation shall be completed annually in conjunction with the employee's start date.

Section 3.15. Destruction of Records. An employee may request the destruction of records or documents relating to a disciplinary matter which occurred more the two (2) years before the date of request. Such records may be destroyed upon the written

| consent of the Executive Director based upon his ~~or~~/her/their determination that retention of such records or documents is no longer necessary or desirable. The determination regarding retention or destruction shall not be appealable. If a destruction request is denied, no further request for destruction of records shall be considered for a period of at least one (1) year from the date of denial.

Section 3.16. Compliance with These Rules. Each applicant and each employee is responsible for knowledge of and compliance with these rules. Violation of these rules may be grounds for rejection of an application, removal from a recruitment or employment list, dismissal or other disciplinary action deemed appropriate to the nature of the violation under these rules.



## ARTICLE IV. APPLICATION PROCESS

Section 4.1. Announcement. All openings for employment in the Authority's service shall be publicized by posting announcements for at least ten (10) working days on a readily accessible bulletin board, and by such other means as the Executive Director deems appropriate. The announcement shall specify the title and salary range of the class in which there is an opening, the general nature of work to be performed, qualifications desirable for the performance of the work for the class, the manner of making application and other pertinent information. Special recruitment methods and community outreach shall be utilized as necessary to ensure that all segments of the labor market reasonably available to the Authority are apprised of each job opportunity.

Section 4.2. Application. Applications shall be submitted as prescribed on the job announcement. Application forms shall require information covering training, relevant work and volunteer experience, references, and other pertinent information. All applications must be signed and dated by the person applying.

Section 4.3. Disqualification of Applications. The Executive Director or his ~~or~~ her/their designee may reject an employment application when it indicates the applicant does not possess the minimum qualifications, the applicant is physically or psychologically unable to perform the job applied for and no reasonable accommodation can be made for such disability, where the applicant has been convicted of a crime as provided under Section 4.4 of these Rules, where material contained in the application has been falsified or the application has not been received by the prescribed deadline.

Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the Human Resources Administrator. Incomplete applications may be returned to the applicant with notice to amend, providing the time limit for receiving applications has not expired.

Section 4.4. Criminal Conduct – Ineligibility for Employment. Conviction of a felony, or a plea of guilty or nolo contendere to a felony, or conviction of a misdemeanor involving moral turpitude or a plea of guilty or nolo contendere to a misdemeanor involving moral turpitude, shall disqualify an applicant from employment by the Authority unless the Executive Director specifically determines that mitigating circumstances exist. In making such determination, the following factors shall be considered:

- A. Whether the position applied for has duties which may be implicated by the criminal conduct (e.g., where the position involves handling money, and the prior criminal conduct has involved theft);
- B. The nature and seriousness of the offense;
- C. The circumstances surrounding the conviction or plea;
- D. The length of time elapsed since the conviction or plea;
- E. The age of the person at the time of the conviction or plea;
- F. The presence or absence of rehabilitation or efforts at rehabilitation; and

G. Contributing social or environmental conditions.

Section 4.5. Recruitment – Relevance of Testing Procedures. The selection techniques used in the recruitment process shall be impartial, of a practical nature, and shall relate to those subjects that, in the opinion of the Executive Director, fairly measure the capability of applicants to perform duties assigned to the class for which they seek appointment. Recruitment shall consist of selection techniques, not otherwise prohibited by law, which shall test fairly the qualifications of candidates, such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interview, performance tests, physical agility tests, work samples, medical tests, psychological tests, polygraph tests, successful completion of prescribed training, or any combination of these or other tests.

Section 4.6. Recruitment Method. The Executive Director shall determine whether recruitments will be open, continuous, or promotional, and shall determine the methods of recruiting.

- A. Open Recruitment. These recruitments are open to anyone who meets specified standards of qualifications and may be a promotional opportunity for an employee.
- B. Continuous Recruitment. Open-competitive recruitments may be administered continuously for any class as the needs of the Authority require. These are recruitments for which there is no final filing date. Notice of continuous recruitments shall be published and posted. After a sufficient number of qualified applications have been received, testing will take place to establish an eligibility list to be used by the hiring department. Such eligibility list shall remain in effect for the period prescribed in Section 4.11.
- C. Promotional Recruitment. Where it is deemed practical, appropriate, and in the best interest of Authority operations, promotional recruitments may be conducted. These recruitments are restricted to regular, specially funded, provisional and probationary employees who meet the requirements set forth in the promotional job bulletin, as a means of advancing the career service of employees who continue to demonstrate achievement and the ability to assume higher levels of responsibility.

Section 4.7. Conduct of Recruitment. The Authority may contract with any competent firm or individual to perform a recruitment. In the absence of such a contract, the Executive Director shall see that such duties are performed.

Section 4.8. Notification of Written Test Results and Opportunity to Review. A candidate shall, upon request, be given the results of any written test. A candidate may request that a written test be re-scored to ensure the accuracy of the result, provided such request is made within five (5) days after the results are mailed to the candidate.

Written test records for each eligible person shall be retained for the life of the applicable employment list.

Section 4.9. Creation of Employment List. As soon as possible after the completion of the recruitment process, an employment list shall be prepared and maintained consisting of the names of candidates who qualified in the recruitment process, ranked according to their final score. Whenever identical final scores are earned by more than one candidate, they shall occupy the same position on the employment list. Candidates whose names appear on an employment list shall be deemed qualified for appointment, pending further review of such qualifying processes as reference checks, medical examinations, or background investigations.

Section 4.10. Duration of Employment Lists.

- A. Open-Competitive Lists. Open-competitive lists created as a result of continuous recruitment shall remain in effect for six (6) months after the establishment of the list, unless sooner exhausted or abolished by the Executive Director. Such list may be extended by the Executive Director prior to its expiration for an additional period not to exceed a maximum duration of two (2) years. Names placed on such lists may be merged with any others already on the list appropriately ranked according to final scores. Names of candidates so merged shall be followed by the interview date and shall remain on the list as described above.
- B. Reinstatement Lists. Reinstatement lists shall consist of the names of probationary and regular employees who have been laid off or demoted in lieu of layoff. Such names shall remain on the list for a period of two (2) years unless such persons are sooner reinstated. The list may be extended by the Executive Director for an additional period not to exceed one (1) year.
- C. Other Lists. All other employment lists shall remain in effect for six (6) months, unless sooner exhausted or abolished for good cause by the Executive Director. Any such list may be extended by the Executive Director prior to its expiration for an additional period not to exceed two (2) years.

Section 4.11. Removal of Names from Employment Lists. The name of any person who appears on any employment list shall be removed if:

- A. The candidate's time on the employment list has expired;
- B. The eligible candidate so requests in writing;
- C. The eligible candidate fails to respond to a notice of certification mailed to the last known address;
- D. The eligible candidate becomes disqualified for employment with the Authority as provided in Section 4.3; or
- E. The candidate if on a promotional list and he or she resigns from Authority service.

Section 4.12. Types of Appointments. All vacancies in the Authority service shall be filled by transfer, demotion, re-employment, reinstatement, promotion, flexible staffing or from eligible candidates from an appropriate employment list, if available. The type or types of appointments utilized shall be in the best interest of the Authority as determined by the Executive Director. In the absence of person eligible for appointment in these ways, provisional, temporary, emergency or other types of appointments may be authorized by the Executive Director in accordance with these rules.

Section 4.13. Notice of Vacancy. Whenever a vacancy in the Authority service is to be filled, the Executive Director will consult the reinstatement list. If there is no reinstatement list available for the class, the Executive Director may cause the vacancy to be filled by employment from a promotional list or appointment from an open employment list.

Section 4.14. Promotion. Insofar as consistent with the best interests of the service, vacancies in the Authority service shall be filled by promotion from within the Authority service after a promotional recruitment has been given and a promotional list is established.

If, in the opinion of the Executive Director, a vacancy in the Authority service could better be filled by an open competitive recruitment instead of a promotional recruitment, then the open competitive selection process shall be used.

Section 4.15. Certification of Eligibility. When a vacancy occurs, it will be filled from a promotional or open employment list which is generated by the Executive Director or designee. He/she shall certify from this list the names of all eligible candidates.

Section 4.16. Creation of New Employment Lists. Whenever there are three (3) or fewer names of individuals willing to accept appointment or promotion on an appropriate list, the Executive Director may call for a new examination in order to secure a sufficient number of person eligible for certification.

Section 4.17. Vacancies Filled by Promotion. Vacancies which occur as the result of a promotion may be filled:

- A. by competitive promotional examination; or
- B. by promotional certification by the Executive Director where only one employee is qualified for the vacant position.

For advancement to occur by promotional certification, the Executive Director must state in writing that the employee:

1. meets all prescribed standards of the higher level class; and
2. has demonstrated an ability to satisfactorily perform the responsibilities of the higher level class; and
3. is in all other respects eligible for promotion.

Section 4.18. Appointment Process. The Executive Director, or his ~~or~~/her/their designee(s), shall interview eligible persons for a vacant position.

Upon selection of a person, that person shall be verbally notified of his ~~or~~/her/their selection, subject to successful completion of pre-employment processing.

Pre-employment processing may include medical examination, finger printing and other similar matters. Upon successful completion of such processing, the Executive Director shall certify the person for employment and direct the person to report for duty.

No appointment is effective until all necessary approvals and processing have been satisfactorily obtained and completed.

Section 4.19. Acceptance of Appointment. If the applicant accepts the appointment and reports for duty within such period of time as prescribed by the Executive Director, the applicant shall be deemed to be appointed on a probationary basis. The applicant is deemed to have declined appointment upon failure to report for duty as specified.

Section 4.20. Provisional Appointments. If appropriate employment lists do not exist, a person meeting the minimum training and experience qualifications for the position may be given a provisional appointment pending the establishment of an employment list. With the approval of the Executive Director, such an appointment may be made for up to six (6) months. Such an appointment may be made during the period of suspension, or demotion or after discharge of another person holding the position. A provisional employee may be removed at any time with or without cause, without the right of appeal or hearing. If a provisional appointee is selected for a regular position with the Authority, time served as a provisional appointee shall not be counted as part of the required probationary period. No special consideration shall be given a provisional appointee in meeting the requirements for obtaining a regular appointment.

Section 4.21. Pay Differential. For temporary special assignments with a minimum of thirty (30) days duration, which involve increased complexity, hazard, and/or responsibility and which are beyond the routine coverage for short-term sick leave or vacation of another, as determined by the Executive Director, a salary differential of at least 5% of the employee's pay range may be granted upon approval of the Executive Director.

Section 4.22. Emergency Appointments. To meet the requirements of a declared emergency condition that threatens life, property, or the general welfare of the Authority, the Executive Director may authorize the employment of such persons as may be needed for the period of the emergency, without regard to the examination or appointment provision of these rules.

Section 4.23. Probationary Period – Purpose. The probationary period shall be regarded as a part of the testing process and shall be used for closely observing the employee's work and for securing the most effective adjustment of a new employee to his ~~or~~/her/their position, and to reject any employee whose performance does not meet required work standards.

Section 4.24. Length of Probationary Period. The probationary period for an initial appointment of a promotional appointment is one (1) year.

The probationary period for a reclassification upward is six (6) months.

Section 4.25. Performance Evaluation During Probationary Period. The supervisor shall make every reasonable effort to evaluate the performance of a probationary employee, at three (3) month intervals until the probationary period is completed.

Section 4.26. Completion or Extension of Probationary Period. If the performance of the probationary employee is unsatisfactory, the Executive Director or his ~~or~~ /her/their designee shall transmit to the employee, prior to the expiration of the probationary period, a statement in writing regarding performance and stating that retention of such employee is not desired or that the probationary period should be extended. If such a statement is not filed, the employee will be deemed to be satisfactory and shall automatically attain regular employee status.

If the employee's performance cannot be adequately evaluated in the prescribed probationary period, the Executive Director may extend an employee's probationary period for up to an additional six (6) months. The employee shall be notified in writing of such an extension.

Section 4.27. Release of Probationer. During an employee's initial or extended probationary period, an employee may be released by the Executive Director from Authority service with or without cause at the sole discretion of the Executive Director. Such release shall not be subject to any appeal. Notification of release shall be provided in writing to the employee and a copy filed with the Human Resources Administrator.

Section 4.28. Release of Probationer Following Promotion. Any employee released during the probationary period following a promotional appointment shall be reinstated to the classification from which the employee was promoted, unless released for cause.

Section 4.28.1. Release of Displaced Employee. If such reinstatement causes another employee to be displaced, layoff procedures shall be followed. Release of a displaced employee pursuant to this section shall not be subject to any appeal.

ARTICLE V. ATTENDANCE AND LEAVES

Section 5.1. Hours of Work. The hours of work shall be those prescribed by the Executive Director.

Section 5.2. Attendance. Every employee shall attend work in accordance with the rules regarding hours of work, holidays, and leaves. Any employee unable to come to work shall notify the Executive Director prior to or within two (2) hours of starting time.

An employee absent without leave who, ~~within forty-eight (48) hours after being notified by the Executive Director,~~ neither returns to duty nor gives good reason why work cannot be resumed at a specified time, may be treated as having abandoned his/her/their employment.

If the employee has abandoned his/her/their ~~or her~~ position, the employee shall be given notice of the intent of the Authority to dismiss because of such abandonment. The notice shall provide the time, date, and place at which the employee may explain his/her/their conduct to the Executive Director or his/her/their ~~or her~~ designee. The decision of the Executive Director or designee on whether to retain the employee thereafter is final and there is no further appeal.

Section 5.3. Military Leave. Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give the Executive Director an opportunity, within the limits of military regulations, to determine when such leave shall be taken.

Section 5.4. Annual Vacation Leave – Purpose. The purpose of vacation leave is to provide eligible employees the opportunity to take paid time off from their job responsibilities to maintain a high standard of mental, emotional and physical conditioning.

Section 5.5. Accrual of Vacation Leave. Annual vacation leave with pay shall be accrued by all regular, exempt, provisional, and probationary employees at the following rates:

<u>Years of <del>Qualified</del>* Service</u>	<u>Hours per 2-week Pay Period</u>
0 through 3	4.0
4 through 15	5.5
Greater than 15	7.1

\*Qualified service is employment with any CalPERS-participating agency.

Section 5.6. Prorated Accrual. Regular part-time employees shall be credited vacation leave with pay on a prorated basis.

Section 5.7. Holiday within Vacation Leave. In the event one or more recognized Authority holidays fall within an annual vacation leave, such holidays shall not be charged as vacation leave.

Section 5.8. Scheduling and Carryover of Vacation Time. The times during the year when an employee may take vacation shall be determined by the Executive Director with due regard for the wishes of the employee and for the needs of the Authority. If the requirements of the Authority are such that an employee cannot take part or all the accrued vacation leave in the year in which it was earned, such vacation shall either be taken during the following year, subject to the accrual limits, or paid in cash.

Section 5.9. Cessation of Accrual of Vacation Leave. Accrual of vacation leave with pay shall cease at such time as the amount of vacation leave carried over from any previous year(s) equals 400 hours. Three (3) months prior to the end of the calendar year, the Executive Director shall review the number of hours accrued by the employee. If the accrued vacation leave is approaching this upper limit, the employee shall be notified of the potential for cessation of vacation leave accrual. If the amount will exceed the specified limits at year end, the employee shall take the excess number of vacation hours prior to the end of the year or be paid in cash for the unused vacation. Accrual of vacation leave shall resume as soon as the employee's accrued leave is brought below the maximum accrual limit. The Executive Director may, in his ~~or~~/her/their sole discretion, at the request of an affected employee, waive the provisions of this section where circumstances warrant.

Section 5.10. Lump Sum Payment at Termination. Employees who terminate employment shall be paid a lump sum for all accrued vacation leave earned prior to the effective date of termination. Accrued vacation shall not be taken immediately prior to termination of employment, whether voluntary or involuntary, but shall be paid in a lump sum to avoid further accrual of vacation time.

Section 5.11. Sick Leave – Generally. ~~Accrued Sick leave shall not be considered as a right available to be used at the employee's discretion, rather it is a privilege of paid time away from work duties in the event of, but not limited to, personal illness or disability, illness of an immediate family member that requires the employee's absence from work, imminent death of a family member, or medical or dental appointments of the employee or dependent family members that cannot be scheduled during off duty hours.~~ For purposes of sick leave, family members shall consist of the spouse, a registered domestic partner, children, parents, ~~brothers, sisters~~siblings, grandparents, ~~and grandchildren, adopted or foster child, stepchild, legal ward, or child to whom the employee stands in loco parentis, regardless of age or dependency status.~~ ~~or of individuals whose relationship to the employee is that of a dependent.~~

Section 5.11.1. Family Death Leave. The Executive Director or his/her/their~~or her~~ designee may authorize up to five (5) days leave with pay upon the death of a parent, spouse, registered domestic partner, child, grandparent, grandchild, sibling, mother-in-law, father-in-law, or any child or close relative living with the employee at the time of death. Family death leave is not charged to sick leave. Family death leave will be prorated for part-time employees.

Section 5.12. Notice of Taking Sick Leave. ~~An employee must give reasonable advance notice of his/her/their intention to take time off unless advance notice is not feasible. In order to be compensated for sick leave absence, the employee must notify his/her/their or her immediate supervisor no more than two hours after the start of the employee's regular start time.~~



~~The employee may be required to provide reasonable substantiation of the need for, and the use of, sick leave, file a physician's certificate or personal affidavit with the Human Resources Administrator stating the cause of absence.~~

Section 5.13. Documentation of Sick Leave. ~~The employee may be required to provide reasonable substantiation of the need for, and the use of, sick leave. Approval of sick leave shall be made by the employee's supervisor. The Executive Director shall prescribe all forms related to sick leave use, and his/her/their or her designee shall maintain accurate records of sick leave use.~~

Section 5.14. Accumulation of Sick Leave. Each full-time employee shall be credited with 4.6 hours of sick leave each two-week period. Sick leave will be credited only upon completion of a pay period. There is no limit to the accumulation of sick leave. Regular part-time employees shall be credited with sick leave in direct proportion to the ratio listed herein for full time employees.

Unused sick leave may be accumulated to be used in a subsequent year for the purposes specified in Section 5.11. Where a job-related disability makes it necessary for an employee to retire, such employee shall be entitled to exhaust any accumulated sick leave prior to commencing retirement benefits.

Section 5.14.1. Sick Leave Compensation.

- A. If an employee dies while employed by the Authority, whether or not the death is job related, the beneficiary shall be paid the monetary value of all sick leave accrued at the time of death. If the employee was eligible for retirement at the time of death, the beneficiary shall have the right to waive cash payment and instead receive credit toward retirement. The retirement beneficiary, if any, shall be the beneficiary entitled to receive cash payment of accrued sick leave.
- B. An employee who retires shall be paid the monetary value of one-half of accrued sick leave at the time of retirement up to a maximum of five hundred hours pay. Payments shall be made as soon as practical after the retirement system has approved the amount of the employee's retirement allowance. After the cash payment, the remaining sick leave balance shall be counted as credit toward retirement. The employee shall retain the option of waiving the cash payment and instead applying all the sick leave balance toward retirement credit. Sick leave payoff shall apply only to those persons who retire from Authority service. Persons who separate from Authority service without retiring shall lose all right to sick leave payoff, whether or not such person receives a deferred retirement.

Section 5.15. Excessive Usage. The sick leave program is designed to provide employees with two benefits: (1) available paid leave for ~~a reasonable amount of~~ short-term illnesses; and (2) provide a savings bank of time to ensure available paid leave for long-term illnesses. ~~To ensure that the sick leave program is being utilized for both purposes, all employees will be monitored to ensure that this usage of sick leave benefits is not excessive.~~

~~If an employee's sick leave usage in a year is excessive as hereafter defined, the employee shall be given written notice by the Human Resources Administrator that his/her/their or her sick leave usage violates these rules, and that the employee may be subject to discipline for such excessive use of sick leave. The employee may provide information demonstrating that a specific personal medical condition, or medical condition of a family member, required the use of sick leave in an amount more than the normal allowable limits.~~

~~If an employee, after notice, fails to provide a satisfactory explanation of sick leave usage or continues to use excessive sick leave, the employee may be subject to discipline.~~

~~Nothing in this section shall preclude discipline for excessive or improper use of sick leave at any time where there is evidence that an employee is using sick leave for purposes other than permitted by these rules.~~

~~Excessive sick leave is defined as:~~

- ~~A. Use, on two or more separate occasions in any year, of sick leave prior to and/or after a holiday, or the first or last day of a work week.~~
- ~~B. Use of sick leave on four (4) or more separate occasions for a total of forty (40) hours, where total sick leave usage exceeds the average of all employees.~~

~~An occasion is one or more days of sick leave usage followed by a return to work prior to the next usage of sick leave.~~

Section 5.15.1. Donations of Leave. Authority employees may assign the monetary value of their vacation or sick leave to another Authority employee who has used up accumulated vacation and/or sick leave and is experiencing a catastrophic illness.

Section 5.16. Industrial Injury Leave. When an employee is rendered incapable of performing the assigned work duties by injuries received or illness arising in the course of employment with the Authority, and when such injury or illness is determined to come within the provisions of the Workers' Compensation Law, the Executive Director may grant leave with an amount of pay equal to the difference between eighty percent (80%) of the employee's base pay and the workers' compensation pay, if any, received by the employee during such injury or illness, not to exceed one (1) year.

- A. Leave granted an employee under this provision shall not be considered sick leave or deducted from accumulated sick leave.
- B. During periods of leave granted under this provision, an employee will not accrue sick leave or vacation hours.

Section 5.17. Non-Industrial Injury Leave. Where an employee is unable to work for an extended period because of an injury or illness not arising in the course of employment with the Authority, the Executive Director may grant an unpaid leave ~~of absence not exceeding one (1) year if it appears on a case-by-case assessment~~, based on ~~competent~~

~~medical evidence, that the~~when an employee is likely to be able to return to duty at the end of the leave.

An employee may be eligible for long-term disability benefits under a plan established by the Authority for that purpose.

An employee on leave for non-industrial injury or illness shall exhaust all accrued sick leave in excess of 40 hours and all vacation leave before being placed on such leave, but shall not accrue any sick leave or vacation while on such leave.

Section 5.18. Parental Leave – Purpose. The purpose of parental leave is to facilitate parental bonding and family adjustment, care for the child, and to provide time to locate suitable long-term childcare arrangements for newborn and newly adopted children of regular Authority employees.

Section 5.19. Parental Leave. Regular Authority employees with at least one year of continuous employment may apply for up to 160 hours of paid parental leave upon the birth or during the process of adopting a minor child. Parental leave shall be approved by the Human Resources Administrator, except where the granting of the parental leave request would unduly interfere with or cause undue hardship upon Authority operations. Eligible employees must submit a request to the Human Resources Administrator, and the Authority and the employee shall work together to arrange a schedule that fulfills the purpose of parental leave while making the least impact on Authority operations.

Parental leave is not intended to supersede available leave balances during the period of disability due to pregnancy and childbirth. Employees on paid parental leave accrue all benefits and service credits otherwise received during those pay periods in which the employee receives pay. Parental leave must be taken within four months of the childbirth or adoption. Part-time employees are eligible for a pro-rated number of hours based on the number of hours worked. Parental leave is based on each birth event or adoption event regardless of the number of children involved in the event.

Section 5.20. Family and Medical Leave. The Authority provides unpaid leave (referred to as Family and Medical Leave) in connection with the birth, adoption or foster care placement of a child, the serious illness of a child, grandchild, spouse, registered domestic partner, parent, grandparent, sibling or the serious illness of the employee that results in the employee's inability to perform his ~~or~~ her/their job, as required by State or Federal law. For additional information regarding your Family and Medical Leave rights, an employee may contact the Human Resources Administrator. For purposes of this policy, in the event of a conflict between state and federal law, an employee shall be entitled to the benefit of the most liberal provision that applies to him or her. Nothing in this policy shall be construed to provide any Family and Medical Leave Rights that are not required by State or Federal law, or that are not specifically enumerated elsewhere in these Personnel Rules and Regulations.

Section 5.21. Court Duty.

- A. Jury duty. An employee who is summoned to jury duty shall be granted leave with full pay and benefits until excused by the court. Any pay for jury service, exclusive of mileage allowances, shall be paid by the employee to the Authority.

- B. Employee as a party in official capacity. An employee who is a party to a lawsuit in his-~~or~~/her/~~their~~ official capacity as an Authority employee shall be paid as though on duty for all time spent in connection with the suit.
- C. Employee as a witness. An employee who is either directed by ~~his-or~~ ~~her~~his/her/~~their~~ supervisor, or is subpoenaed, to appear as a witness in court, in an administrative proceeding, or in an arbitration, in connection with events arising from the performance by the employee of his or her official Authority duties shall be paid as though on duty for all time spent in connection with such appearance. An employee shall, if subpoenaed by a third party, immediately notify ~~his-or~~ ~~her~~his/her/~~their~~ supervisor so that the Authority may, if authorized to do so by law, demand of the subpoenaing party fees and costs associated with the appearance of the employee.
- D. Non-Authority related court appearances. An employee who is a party or a witness in any court, administrative proceeding, or arbitration in connection with matters not related to the performance of his or her official Authority duties, shall take vacation leave for the purpose of any time spent in connection therewith. An employee who has exhausted vacation leave may be granted leave without pay by the Executive Director if circumstances warrant. Any employee using vacation leave shall remit to the Authority any witness fees or payments, exclusive of mileage allowances, received in connection with the matter.

Section 5.22. Continuation of Medical Coverage. The Authority may elect to provide continuation of certain benefits upon occurrence of certain “qualifying events” as defined by Internal Revenue Code section 4980B(f)(3). For additional information regarding continuation of medical coverage, please contact the Human Resources Administrator.

Section 5.23. Voting Rights. The Authority shall provide up to two hours of paid time off to employees of the Authority whose regular work hours would otherwise deprive them of the opportunity to vote in a local, state-wide, or national election.

Section 5.24. Leave of Absence Without Pay. The Executive Director may grant a regular or probationary employee leave of absence without pay not to exceed a total of twelve (12) consecutive months. Upon expiration of an approved leave, or upon return to work if earlier, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave of absence to report for work promptly at the expiration of leave, or within a reasonable time after notice to return to duty, shall be considered an abandonment of employment as set forth in Section 5.2.

While on such leave an employee shall not receive any benefits. No such leave shall be granted except upon written request of the employee setting forth the reason for the request.

Section 5.25. Holidays. ~~STA shall observe the same holidays as the County of Sacramento, namely: The following days are recognized holidays, and employees shall receive holiday leave with pay on these days:~~

New Year's Day  
Martin Luther King, Jr. Day  
Lincoln's birthday  
Washington's birthday  
Cesar Chavez Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veteran's Day  
Thanksgiving Day  
Friday immediately following Thanksgiving  
Christmas

~~Section 5.25.1. Holiday Adjustments. In the event a recognized holiday falls on a Saturday or Sunday, the Executive Director may move the observance of the holiday to the Friday immediately preceding or the Monday immediately following the holiday.~~

Section 5.25.1. Christmas and New Year's Eve. In addition to the above listed holidays, employees shall receive four hours of holiday leave with pay on either December 24 or December 31.

Section 5.26. Integration of Accrued Leave with State Disability Insurance Benefits of Eligible Employees. Employees who are absent from duty because of illness or injury and have been authorized to use Authority paid leave benefits shall be eligible to integrate the payment of State Disability Insurance (SDI) benefits with such Authority paid leave benefits. Whenever eligible employees who have accrued leave benefits receive SDI benefits, the use of the accrued leave balances shall be integrated with SDI benefits so as to provide a combined bi-weekly adjusted net income equivalent to 100% of the regular net income (gross income less mandatory deductions) as long as such eligible disability qualifies and available leave balances are authorized by the Human Resources Administrator. The leave balances that will be available for integration with SDI benefits and the required order of their use are (1) sick leave and (2) vacation.

Section 5.27. Staff Benefits – Pension, Deferred Compensation, Dental, Vision, and Life Benefits. Employees are eligible for the following benefits:

- A. CalPERS retirement 2.5%@55 (three highest years) for classic members or 2%@62 for new members under PEPRA. The Authority does not participate in Social Security
- B. Deferred Compensation: voluntary participation in CalPERS Supplemental Income (457) Plan. No employer match.
- C. Cafeteria plan for health: \$600 per month plus 5% of monthly salary – equivalent to purchase health insurance (CalPERS) and/or dependent care. Unspent cafeteria plan funds are paid to employee.
- D. Dental plan for employee and dependents

| A.E. Term life insurance - \$50,000 per employee

## ARTICLE VI. GRIEVANCE PROCEDURE

Section 6.1. Purpose. The purpose of a grievance procedure is to promote improved employer-employee relations by affording the employee individually, or through the representative of ~~his or her~~his/her/their choice, a systematic means for obtaining further consideration of problems when every reasonable effort to resolve them through discussion has failed. This procedure is designed to facilitate the settlement of grievances informally and as near as possible to the point of origin.

Section 6.2. Process. An employee may complain through the grievance procedure provided in this article regarding any matter relating to that employee's wages, hours or condition of employment. A grievance may be either formal or informal. An informal grievance is a prerequisite to filing a formal grievance. Failure of an employee affected by an Authority employment matter to utilize an administrative remedy provided by this article shall constitute a waiver of any claim to relief.

An employee may not grieve disciplinary actions. An employee may appeal disciplinary actions as otherwise provided.

Section 6.3. Grievance. An employee with a grievance shall make every reasonable effort to resolve the same by discussing it with ~~his or her~~his/her/their immediate supervisor and any other concerned person within ten (10) working days after the grievance arises.

If the grievance remains unresolved, the employee may file with the Human Resources Administrator a written statement setting forth the grievance and the proposed solution. All relevant information which the employee wants the Human Resources Administrator to consider shall accompany the grievance. No grievance may be filed more than fifteen (15) working days after the circumstances giving rise to grievance occur.

The Human Resources Administrator shall issue a written decision within ten (10) working days after receipt of the grievance.

Section 6.4. Executive Director Review. An employee dissatisfied with the decision of the Human Resources Administrator on a grievance may request review of the matter by the Executive Director. The request shall be in writing and submitted within ten (10) working days after decision of the Human Resources Administrator.

Section 6.5. Final Decision by Executive Director. The Executive Director shall render a decision in writing to the employee within twenty-one (21) calendar days after receiving the request for review. The Executive Director may designate a fact-finding committee or an officer not in the normal line of supervision to further advise on the grievance. The Executive Director's decision on the grievance shall be final. The employee shall have no further appeal rights.

Section 6.6. Extending Time. The time limits set forth in sections 6.3 to 6.5 may be extended by mutual consent of the employee and the Executive Director, or by the Executive Director ~~isf~~ no mutual consent is obtained and the Executive Director determines, on application by an affected person or committee, that additional time is warranted.

Section 6.7. Use of Work Time for Grievance. The employee shall be allowed to use a reasonable amount of work time as determined by the Executive Director in conferring about the grievance.

Section 6.8. Freedom from Reprisal. The employee shall not be subject to any reprisal for using the grievance procedures.



## ARTICLE VII. NON-DISCIPLINARY PERSONNEL ACTIONS

Section 7.1. Transfer. An employee may be transferred from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications. No person shall be transferred to a class for which he or she does not possess the minimum qualifications. A transfer may be made by the Executive Director. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these rules.

Section 7.2. Voluntary Demotion. Upon written request of the employee, and with the consent of the Executive Director, voluntary demotion may be made to a vacant position providing the employee possesses the minimum qualifications for the vacant position.

Section 7.3. Abolition of Position. Whenever, in the judgment of the Executive Director, it becomes necessary to abolish any position, the employee holding such position may be laid off or demoted. Such action is not disciplinary and there is no right of appeal.

Section 7.4. Notice of Layoff. Employees to be laid off shall be given at least ~~ten~~ (14) working days prior notice.

Section 7.5. Layoff; Demotion in Lieu; Retreat Rights. When lack of funds requires more than one employee to be laid off, layoffs shall be done in each classification in the order deemed appropriate by the Executive Director.

A laid off employee may be demoted to a vacant position in any classification for which the employee is qualified. The employee shall serve a six (6) month probationary period in the new position unless the employee has previously successfully completed probation in that position.

Section 7.6. Reinstatement. The name of the laid off employee(s) shall be placed on a reinstatement list for the class where it shall remain until: (1) reinstatement; (2) until he or she refuses an offer of reinstatement; (3) for two (2) years; or (4) if the reinstatement list is extended, for the period of such extension but not to exceed a maximum total of three (3) years. The reinstatement list shall be used when a vacancy arises in the same class a laid off employee previously held before certification is made from any other eligible list. Persons re-employed in a lower class or on a temporary basis shall be continued on the list for the higher position for the full time allowed.

Section 7.7. Resignation. An employee wishing to leave Authority service in good standing shall file with the Human Resources Administrator a written resignation stating the effective date and reasons for leaving at least ten (10) working days before leaving the service, unless such time period is waived by the Human Resources Administrator. Acceptance by the Human Resources Administrator of an employee's written notice of resignation shall be final. The Human Resources Administrator shall forward a statement as to the resigned employee's service performance and other pertinent information to the Executive Director. Employees shall participate in an exit interview upon submitting their resignation.

Section 7.8. Re-employment. With the approval of the Executive Director, a regular or probationary employee who resigned in good standing may be re-employed within two (2) years of the effective date of resignation, to a vacant position in the same or comparable class. Such re-employment shall, for all purposes, be considered as though it were an original appointment.

ARTICLE VIII. RESERVED

## ARTICLE IX. DISCIPLINE AND APPEALS PROCEDURE

Section 9.1. Purpose. The purpose of this article is to establish the types of actions for which an employee can be disciplined and the disciplinary measures that may be used.

Section 9.2. Exclusive Remedy. The procedure set forth in this article shall be exclusive, and the failure of an employee to utilize the provisions herein shall constitute a waiver of any claim to relief.

Section 9.3. Application. This article applies only to regular employees. An employee not covered by this article may be disciplined without reference to these provisions. Such an employee has no property interest in ~~his or her~~his/her/their employment, express or implied.

Section 9.4. Grounds for Discipline. Discipline may be taken against a regular employee only for "good cause." Good cause is defined as any facts that, based upon relevant circumstances, may be reasonably relied upon in the exercise of discretion as a basis for disciplinary action. The following are set forth as examples only and shall not be construed as an exclusive list:

- A. Fraud in securing employment.
- B. Incompetency.
- C. Inefficiency.
- D. Inexcusable neglect of duty.
- E. Insubordination.
- F. Dishonesty.
- G. Absence without leave.
- H. Working under the influence of alcohol or drugs.
- I. Conviction of a felony or a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of ~~his or her~~his/her/their position. A plea of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction within the meaning of this section.
- J. Improper political activity as governed by the Federal Hatch Act and the California Government Code.
- K. Refusal to take and subscribe to any oath or affirmation that is required by law in connection with ~~his or her~~his/her/their employment.
- L. Discourteous treatment of the public or other officer or employees of the Authority or of other agencies.

- M. Violation of any Authority rules, regulations, policies, procedures and general orders, or any knowing breach of confidentiality.
- N. Willful disobedience of an order or direction.
- O. Failure to observe Authority safety regulations.
- P. Abuse of sick leave.

Section 9.5. Types of Discipline – Minor.

- A. Oral Warning. An oral admonition to an employee whose conduct or performance must be improved that details the areas for improvement, the degree of improvement required, and notice that failure to improve will result in more serious disciplinary action.
- B. Written Reprimand. A formal written notice to an employee that summarizes previous related disciplinary action, if any, details a record of conduct or performance that is substantially below standards, and that advises that continued conduct or performance at such levels may result in suspension, merit decrease, demotion, or dismissal. At the time a written reprimand is issued, the individual shall be counseled and given an opportunity to review the reprimand and sign it, or make comments thereon, before it is placed in ~~his or her~~his/her/their personnel file.
- C. Short Suspension. A temporary removal of an employee from the service of the Authority without pay for two (2) eight (8) hour shifts or less. A suspension of this type does not include suspension pending an investigation of alleged misconduct. Where the discipline is a short suspension, the charges upon which the discipline is based may be served at the time the discipline is imposed.

Section 9.6. Types of Discipline – Major.

- A. Long Suspension. A temporary removal of an employee from the service of the Authority without pay for more than two (2) eight (8) hour shifts, and up to sixty (60) eight (8) hour shifts, for cases involving chronic or serious misconduct for which there seems to be no other appropriate measure short of demotion or dismissal. A suspension of this type does not include suspension pending an investigation of alleged misconduct.
- B. Merit Decrease. A pay step reduction where performance falls short of the normal established standards or where performance is clearly inadequate in one or more of the critical job duties for the position.
- C. Demotion. The removal of an employee from a position to one of lower grade or classification when such employee is no longer able or willing to perform the duties of the position but who may still function effectively at a lower level.

- D. Dismissal. The removal of an employee from the service of the Authority when it has been determined that the employee has been given every reasonable opportunity to reach the standards of conduct or performance required by the Authority and has clearly failed to do so or has committed one or more offenses for which no other measure is appropriate.

Section 9.7. Disciplinary Procedures for Major Discipline.

- A. Charges for Long Suspension, Merit Decrease, Demotion or Dismissal. Where the proposed discipline is major, a preliminary written statement of charges supporting the discipline, signed by the supervisor, shall be served on the employee. Service of the statement of preliminary charges shall be made at least five (5) days before a meeting pursuant to Section 9.7.C is held to discuss the charges. The charges shall further state:

1. The proposed discipline.
2. The effective date of the discipline.
3. The reasons for the discipline.
4. The names of witnesses to the incident(s) precipitating the discipline.
5. The identity of any written documents pertinent to the discipline.

An employee may, where circumstance warrant, be placed on administrative leave pending the meeting pursuant to Section 9.7.C.

- B. Service of Charges. Service of a preliminary written statement of charges shall be made by:

1. Personally, giving the employee a copy; or
2. If service under (1) is infeasible, by first class certified mail, return receipt requested, to the last known mailing address of the employee.

Service is deemed complete when any one of the preceding steps is taken.

- C. Informal Meeting Procedure (Skelly Meeting). Before major discipline is imposed, the employee shall be given an opportunity at an informal meeting to show why the proposed major discipline should not be imposed prior to its imposition.

1. The meeting will be conducted by a responsible person designated by the Executive Director. It shall include the employee, the employee's representative, if the employee so wishes, and others as directed by the person conducting the meeting. The meeting is not an evidentiary hearing. The meeting shall be recorded. The person conducting the meeting will keep a written record.

2. At the meeting, the employee shall be given an opportunity either orally, in writing, or both, to bring forward facts or circumstances that may cause the charges to be revised or dropped.
3. As the result of the meeting, the person conducting it will recommend to the Human Resources Administrator whether it is appropriate to proceed with the preliminary charges, modify them, reduce the level of discipline to minor discipline, or drop the proposed discipline.
4. If the decision of the Human Resources Administrator is to drop the discipline, the employee will be notified. If the decision is to reduce the level of discipline to minor discipline, the reduced discipline will be imposed. If the decision is to proceed with the imposition of major discipline, whether as originally proposed or as modified, the employee will be served with a notice of discipline, that includes the final statement of charges. The statement of charges will contain a synopsis of the informal meeting and notice of the right of appeal as provided by Section 9.9.

Section 9.8. Appeal from Minor Discipline. Oral warnings are not subject to appeal. A written reprimand or short suspension may be appealed to the Executive Director. The appeal must be in writing. It must be filed with the Executive Director within five (5) working days after the reprimand or suspension is given to the employee. The Executive Director will investigate the facts as warranted. The Executive Director shall issue a decision in writing and may uphold, revise, or rescind the reprimand or suspension. The decision of the Executive Director is final and must include notice to the appellant that the time within judicial review must be sought is governed by Code of Civil Procedure section 1094.6 as described in Section 9.9 of these rules.

If the Executive Director issued the reprimand or short suspension, he or she is disqualified from hearing the appeal. He or she shall appoint a third party not familiar with the circumstances of the reprimand to hear the appeal.

Section 9.9. Appeal from Major Discipline. An employee who has been dismissed, given a long suspension or merit decrease, or demoted, may appeal to the Authority Board. The appeal must be in writing. It must be filed with the Executive Director within ten (10) working days after service of the notice of discipline. An evidentiary hearing shall be held on the appeal. The Executive Director shall arrange for an appeal hearing before the Authority Board to commence within sixty (60) days of receipt of such written request. If unusual circumstances warrant, the appellant and the Executive Director may agree in writing that the date of hearing be extended for a specified period. The time in which to commence the hearing may be extended if the Board is unable to convene. The Executive Director shall provide at least seven (7) days written notice of the date, time and place of hearing to the appellant and to the disciplining authority. The hearing shall be closed to the public unless the appellant requests, in writing, an open hearing at the time the appeal is submitted.

The Authority Board may choose to hear the appeal itself, or at its sole option, may appoint a sub-committee of the Authority Board, a hearing officer, or a special committee to hear the appeal. A sub-committee, hearing officer, or special committee so appointed

will serve at the pleasure of the Authority Board and will remain in existence only for the duration of, and will address only, the appeal for which it was created.

The procedures of the hearing shall be determined by the Authority Board, or its appointee, which may establish its own reasonable rules for the conduct of appeal hearings. To the extent it is possible and appropriate, hearings shall be informal and shall include the introduction of any evidence that the Board, or its appointee, deems pertinent. Technical rules of evidence need not be followed. Witnesses shall be examined under oath. The proceedings shall be recorded.

The appellant shall personally attend the hearing, unless physically unable to do so. Unexcused failure of an appellant to appear at a hearing shall be deemed a withdrawal of the appeal.

The Board, or its appointee, shall prepare a written decision on the appeal and serve it on the appellant and the disciplining authority within thirty (30) days after completion of a hearing, unless waived by the parties. The decision shall include a brief statement of the case, the findings of facts, with a citation to the evidence relied upon, a statement of its conclusions, and the disposition of the matter. The decision shall be final. If the appellant is dissatisfied with the decision and wishes to seek judicial review, the limitations period provided in Code of Civil Procedure section 1094.6, as the same now reads as hereafter amended, shall apply. The written decision shall include notice to the appellant that the time within which judicial review must be initiated is governed by Code of Civil Procedure section 1094.6.



## ARTICLE X. MISCELLANEOUS RULES AND POLICIES

Section 10.1. Harassment Policy. The Authority is committed to providing equal employment opportunities to all employees and applicants for employment without regard to their status in a protected class and with respect to all terms and conditions of employment.

The Authority strictly prohibits harassment of any employee by another employee or supervisor based on race, religion, color, national origin, ancestry, disability, marital status, sexual orientation, pregnancy, medical condition, gender or age. Allegations of such discrimination or harassment shall be investigated promptly by Authority and, if found to be true, may result in disciplinary action up to and including termination.

- A. Prohibitions. Prohibited actions under this policy include, but are not limited to, the following:
  - 1. Verbal Harassment -- Examples include epithets, derogatory comments, or slurs based on race, religion, color, national origin, ancestry, disability, marital status, sexual orientation, pregnancy, medical condition, gender or age.
  - 2. Physical Harassment – Examples include assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual based on race, religion, color, national origin, ancestry, disability, marital status, sexual orientation, pregnancy, medical condition, gender or age.
  - 3. Visual Forms of Harassment – Examples include derogatory posters, notices, bulletins, cartoons, or drawings based on race, religion, color, national origin, ancestry, disability, marital status, sexual orientation, pregnancy, medical condition, gender or age.
  
- B. Complaint Procedure.
  - 1. Any employee who believes that he or she is the victim of harassment shall promptly report the matter to ~~his or~~ her/his/her/their supervisor or the Human Resources Administrator. The supervisor shall promptly inform the Human Resources Administrator.
  - 2. Upon receipt of any such report, the Human Resources Administrator will undertake an investigation. In any investigation, confidentiality of the complainant and other persons involved shall be maintained to the maximum extent possible.
  - 3. Should the investigation determine that harassment has occurred, the Human Resources Administrator shall take necessary action to prevent the repetition of the harassment, including the imposition of appropriate discipline, up to and including termination, on the offending employee.

Section 10.2. Sexual Harassment Policy. The Authority is committed to providing equal employment opportunities to all employees and applicants for employment without regard to their status in a protected class and with respect to all terms and conditions of employment.

In support of this policy, the Authority expressly prohibits sexual harassment of employees or applicants. Improper interference with the ability of employees to perform their job duties will not be tolerated.

Specifically, the Authority prohibits (i) unwelcome sexual advances; (ii) requests for sexual favors; and (iii) all other verbal, physical or visual harassment of a sexual or otherwise offensive nature where: (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; (c) such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Prohibitions against sexual harassment shall apply to both males and females.

The complaint procedure set forth in Section 10.1.B. for complaints of harassment also shall apply to complaints of sexual harassment.

Section 10.3. Drug-Free Workplace Policy.

- A. The Authority will provide a drug-free awareness program to inform its employees about:
- The dangers of drug abuse in the workplace;
  - The Authority's policy of maintaining a drug-free workplace;
  - Drug counseling, rehabilitation, and other assistance programs that are available; and
  - The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- B. Any employee who has been convicted of violating any criminal drug statute in the workplace is required to notify the Human Resources Administrator within five days after such conviction. Within ten days after receiving such notice of conviction, the Executive Director shall notify any federal or state agency requiring such notification.

Within thirty days of receiving notice of such conviction, the Executive Director shall also take one of the following actions with respect to any employee so convicted:

1. Initiate disciplinary action; and/or
2. Require the convicted employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement or other appropriate agency.

#### Section 10.4. Dissemination of Policies.

- A. To achieve the goals of the Authority's Drug-Free Policy and to ensure that all employees are aware of the Authority's official policy regarding a drug-free workplace, the following steps will be taken:
1. Every employee will be given a copy of this Drug-Free Policy.
  2. The Authority's Drug-Free Policy will be discussed periodically at management and other staff meetings.
  3. All new employees will receive a copy of the Authority's Drug-Free Policy as part of their initial orientation.
- B. All employees shall be sent copies of the Authority's Harassment Policy and Sexual Harassment Policy.

#### Section 10.5. Travel Policy. It is the purpose of this policy to:

1. Provide approved travel policy and information needed for the preparation of travel claims.
2. Provide guidance on cost-effective management of travel expenses.
3. Identify reimbursable versus non-reimbursable expenses.
4. Clarify employee responsibility for controlling and reporting travel expenses.

It is impossible to anticipate every situation that may be encountered while traveling on business. Each employee is expected to exercise good judgment in incurring travel expenses and to obtain prior approval for all foreseeable travel-related expenditures. Expenses which are not approved, or which are not in compliance with this policy will be the traveler's personal responsibility.

These policies and procedures are applicable to all officers, employees, and persons in the service of the Sacramento Transportation Authority. The travel policies enunciated herewith shall be construed so that no officer or employee shall suffer any undue loss while traveling on official STA business.

- A. General – Whenever any person in the service of the Sacramento Transportation Authority is compelled to travel in the performance of his/her duties, he/she shall be reimbursed for his/her/their actual and necessary expenditures for transportation, lodging, and meals. The Governing Board shall fix a maximum price to be reimbursed for mileage and meals which shall be applicable to all such persons alike, including members of the Governing Board. These normal maximums have been set forth by the Governing Board as indicated below. The actual process of adjusting these rates has been delegated to the Executive Director by the Governing Board.

B. Approving Authority for Travel – All travel requests must be approved by the Executive Director, or in the absence of the Executive Director, the individual designated to act for same, prior to trip departure. The Auditor-Controller is authorized to reimburse travelers whose expenses are justifiable and in compliance with this policy.

C. Executive Director Personal Travel – As provided by Section 1063 of the Government Code, the Executive Director must secure advance approval of the Governing Board for absences out of state of a personal nature when such travel extends for thirty (30) days or more. Requests will state the nature of the trip, date of departure, date of return, and the name of the person in responsible charge during the proposed absence.

D. Lodging – Reimbursement for the cost of lodging is limited to the actual cost incurred. If another person travels with an employee, reimbursement for lodging will be at the lowest single-occupancy rate for the accommodations. The employee should ask for government rates. If attending a conference, the lowest of the conference rate or the government rate should be used. Upon return, original itemized hotel receipts must be presented to the STA Chief Financial Officer. The STA is not responsible for reimbursement of luxury upgrades.

E. Meal Allowance – Reimbursements for meals shall be made in accordance with the IRS Standard Meal Allowance rules which allows for a set amount instead of keeping records of actual meal expenses. (When using the Standard Meal Allowance employees must keep records to prove time, place, and business purpose of travel for Federal Income Tax purposes.)

If travel greater than 50 miles one-way, and is for less than 24 hours, the standard meal allowance must be prorated. Travel less than 50 miles, no meal allowance is granted.

Meals which are supplied by common carriers or are included in conference fees will not be reimbursed.

F. Transportation – Normally, travel will be by the most reasonable means available, taking into consideration requirements for meals and lodging and employee time devoted to travel at the expense of performance of other duties.

1. Air Travel – Employee should arrange for his/her own air travel. As a general rule, employee should find the lowest available price.

2. Car Rental – Employee should arrange for his/her own rental car. Employee should find the lowest available rate. All additional insurance offered when renting a car will be declined.

3. Travel by Private Car – All private vehicle travel will be reimbursed at the approved IRS rates.

G. Additional Allowances – While traveling on official STA business, the following expenses are reimbursable at actual cost on presentation of original receipt.

1. Necessary taxicab, airport transportation, or bus fares.

2. Conference registration fees and associated tapes, reports, etc. which can be shown to be of extreme value to the participant in his/her work with the STA.

3. Car storage fees.

4. Reasonable telephone and telegraph charges in connection with STA business.

5. Other justifiable expenses will be approved based on review of special circumstances.

— Procedures – All travel receipts should be presented to the STA Chief Financial Officer (CFO) for completion of a Travel Claim. After the Travel Claim is prepared, the employee will sign attesting to the accuracy of the Travel Claim. All Travel Claim Forms must be approved by the Executive Director or the CFO.

## EXEMPT POSITIONS

1. Executive Director
2. Legal Counsel

SACRAMENTO TRANSPORTATION AUTHORITY

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AMENDING  
STA PERSONNEL RULES AND REGULATIONS**

WHEREAS, the Sacramento Transportation Authority (STA) has adopted Personnel Rules and Regulations; and

WHEREAS, the Personnel Rules and Regulations were adopted December 9, 1993 and last amended on June 9, 2016; and

WHEREAS, the STA has determined that the Personnel Rules and Regulations should be updated and amended;

THEREFORE, BE IT RESOLVED, that the Sacramento Transportation Authority hereby amends the Personnel Rules and Regulations as shown in attached Exhibit A.

On a motion by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the foregoing resolution was passed and adopted by the Governing Body of the Sacramento Transportation Authority at a regular meeting thereof this 18th day of November 18, 2021, by the following vote, to wit:

AYES: Directors,

NOES: Directors,

ABSENT: Directors,

ABSTAIN: Directors,

RECUSAL: Directors,  
(PER POLITICAL REFORM ACT (§18702.5))

\_\_\_\_\_  
Chairperson, Governing Body of the  
Sacramento Transportation Authority

ATTEST: \_\_\_\_\_  
Clerk of the Governing Body



**NOVEMBER 18, 2021**

**AGENDA ITEM # 9**

**A RESOLUTION INITIATING THE RENEWAL OF THE SACRAMENTO  
ABANDONED VEHICLE SERVICE AUTHORITY PROGRAM**

Action Requested: Approve Staff Recommendations

Key Staff: Jennifer Doll, Special Programs Manager

---

**Recommendations**

1. Adopt a Resolution initializing the renewal of the Sacramento County Abandoned Vehicle Abatement Program, and
2. Approve the proposed Abandoned Vehicle Abatement (AVA) Tax Measure text, and
3. Direct staff to present the above for approval by the Sacramento County Board of Supervisors, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the Sacramento County.

**Background**

The current Sacramento Abandoned Vehicle Service Authority (SAVSA) fee program will expire on April 30, 2022. STA/SAVSA legal counsel has advised that the SAVSA fee qualifies as a tax under California Proposition 26 and, therefore, its renewal requires a public vote with a supermajority (2/3) adoption threshold.

At the May 13, 2021 Board meeting the Board directed staff to take the necessary steps to continue the program.

**Discussion**

At the direction of the Board staff has continued working towards renewing the SAVSA program. The next steps towards renewing the SAVSA program are:

1. The SAVSA Governing Board approves the attached proposed documents:
  - a. Resolution Initiating The Renewal Of The Sacramento County Abandoned Vehicle Abatement Program and,
  - b. AVA Fee Tax Measure Text

*Continued >*



2. Upon approval of the above documents and at the direction of the Board staff will present the approved Resolution Initiating The Renewal Of The Sacramento County Abandoned Vehicle Abatement Program and the AVA Fee Tax Measure Text for approval by the Sacramento County Board of Supervisors (2/3 vote) and a majority of the cities having a majority of the incorporated population within the County for the Program.

*Attachments*

**SACRAMENTO ABANDONED VEHICLE SERVICE AUTHORITY**

RESOLUTION NO. AVA \_\_\_\_\_

**A RESOLUTION INITIATING THE RENEWAL OF  
THE SACRAMENTO COUNTY ABANDONED VEHICLE ABATEMENT PROGRAM**

WHEREAS, the Sacramento County Abandoned Vehicle Abatement program was formed in 1992; and

WHEREAS, the Sacramento County Abandoned Vehicle Abatement program has contributed \$30 million toward the abatement of approximately 300,000 vehicles in Sacramento County; and

WHEREAS, the Sacramento County Abandoned Vehicle Abatement program is set to expire on April 30, 2022; and

WHEREAS, the Sacramento Abandoned Vehicle Service Authority desires that the program, including a vehicle registration fee of \$1.00 and an additional \$2.00 for commercial vehicles, continue pursuant to Section 9250.7 of the California Vehicle Code; and

WHEREAS, the vehicle abatement fee may be extended in increments of up to 10 years each if the board of supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the extension of the fee; and

WHEREAS, the Abandoned Vehicle Abatement Fee qualifies as a "tax" under California Proposition 26 and, therefore, its renewal requires a public vote with a supermajority (2/3) adoption threshold; and

WHEREAS, the Sacramento Abandoned Vehicle Service Authority approves placing an Abandoned Vehicle Abatement Fee tax measure on the June 2022 ballot; and

THEREFORE, NOW BE IT RESOLVED, that the Sacramento Abandoned Vehicle Service Authority:

(1) hereby initiates and approves the renewal of the Sacramento Abandoned Vehicle Abatement Program until June 30, 2032; and

(2) shall further seek approval of the Sacramento County Board of Supervisors (2/3 vote) and a majority of the cities having a majority of the incorporated population within the County for the Program; and

(3) approves the placement of a measure on the June 2022 ballot approving the Abandoned Vehicle Abatement Program and its associated vehicle registration fees.

On a motion by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the foregoing resolution was passed and adopted by the Governing Body of the Sacramento Abandoned Vehicle Service Authority at a regular meeting thereof this 18th day of November, 2021, by the following vote, to wit:

AYES: Directors,  
SAVSA

Resolution No.: AVA \_\_\_\_\_

Page 1 of 2

NOES: Directors,

ABSENT: Directors,

ABSTAIN: Directors

RECUSAL: Directors  
(PER POLITICAL REFORM ACT (§18702.5))

---

Chairperson, Governing Body of the  
Sacramento Abandoned Vehicle Service Authority

ATTEST: \_\_\_\_\_

Clerk of the Governing Board

**MEASURE “ \_\_\_ ”**

*(County Elections Office assigns letter to Measure when it's submitted)*

**County of Sacramento**

Renewal of the Abandoned Vehicle Abatement Program

Should the Sacramento County Vehicle Abatement Program and associated vehicle registration and renewal fees (\$1.00 dollar per vehicle and an additional \$2.00 dollars for certain commercial vehicles) be extended for a ten-year term under California Vehicle Code Sections 9250.7 and 22710, or any successor statutes thereto, for the purposes of removal and disposal of abandoned, wrecked, dismantled, or inoperative vehicles?

---

COUNTY COUNSEL’S IMPARTIAL ANALYSIS OF MEASURE “ \_\_\_ ”

---

This analysis of the renewal of the abandoned vehicle abatement program fee, Measure “ \_\_\_ ”, is prepared and submitted in accordance with Elections Code Section 9160. This measure was placed on the ballot by a vote of the Sacramento County Board of Supervisors.

Sections 22710 and 9250.7 of the California Vehicle Code authorize an Abandoned Vehicle Service Authority (AVSA) to impose a service fee (“AVA Fee”) of one dollar (\$1.00) on all vehicles at the time of registration or renewal of registration, except for those vehicles which are exempt from the payment of registration fees. The fee is charged at a rate of one (\$1.00) dollar for every vehicle registered to an owner with an address in the County, and an additional two (\$2.00) dollars on commercial vehicles weighing 10,001 pounds or more.

AVA Fees are approved for ten-year periods. The most recent AVA Fee authorization in Sacramento County expired during Spring, 2022.

The AVA Fees are collected by the California Department of Motor Vehicles (DMV) and then dispersed to the Sacramento Abandoned Vehicle Service Authority (SAVSA). The fees may only be used for the abatement, removal, and disposal of any abandoned, wrecked, dismantled, or inoperative vehicles, or vehicle parts located on public or private property within Sacramento County including the Cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, and Sacramento.

A YES vote would authorize the DMV to continue collecting the AVA Fee in the amount of one (\$1.00) dollar for every vehicle registered in Sacramento County, and an additional two (\$2.00) dollars for certain commercial vehicles registered in Sacramento County for a term of ten (10) years for the purpose of removal and disposal of abandoned and wrecked vehicles. The authorization of the AVA fee granted by this Measure would end on June 30, 2032

A NO vote would mean that the DMV would not collect the AVA Fee.

The AVA Fee will be renewed only upon approval by two-thirds (2/3) of the registered voters voting on Measure “ \_\_\_ ”.

Dated: \_\_\_\_\_  
\_\_\_\_\_, County Counsel



**NOVEMBER 18, 2021**

**AGENDA ITEM # 10**

**CAPITAL SOUTHEAST CONNECTOR JOINT POWERS AUTHORITY (JPA)  
2015 CAPITAL ALLOCATION CONTRACT – ADMINISTRATIVE EXPENSES  
FOR FISCAL YEARS 2019 TO 2021 AND JPA’S REQUEST TO AMEND CONTRACT  
LANGUAGE**

Action Requested: Approve Staff Recommendations

Key Staff: Sabrina Drago, Executive Director

---

**Recommendation**

1. Retroactively approve Capital Southeast Connector JPA (Connector) general administrative expenditures for Fiscal Years 2019, 2020 and 2021.
2. Do not change the 2015 Capital Allocation Contract language.

**Background Information**

On August 27, 2015, the STA Board approved a \$25,640,000 capital allocation and expenditure contract for the Connector. That contract included the following provision:

“8.a. Disbursements of revenue pursuant to this contract for **general administration** expenses shall be made from current (pay-go) funds as they are received from the State Board of Equalization or the Authority’s trustee (currently monthly). The cumulative annual disbursement will not exceed \$175,000 for FY 2016; \$150,000 for FY 2017; and \$100,000 for FY 2018. Future year annual disbursements for general administration purposes are subject to approval by the Board.” [boldface type in original.]

The contract defines “general administration” as “functions and activities required to operate and manage the Entity that are not directly associated with delivery and construction of the capital project.” (§ 3.c.)

There is \$2.5 million remaining on the 2015 Capital Allocation Contract as of November 2021.

The Connector is a unique agency in that it exists to construct a single project – the Capital Southeast Connector. Due to this unique structure, Measure A is its primary source of local funding for general administration expenditures. All other agencies under Measure A invoice their general administration expenditures under an approved audited overhead rate. Since Connector staff time is devoted to a single project, administrative expenditures are billed in their entirety to Measure A versus a proportional amount based on staff hour billed. As such, STA limited general administration expenditures for the term of the Connector’s 2015 Capital Allocation Contract.

The term 2015 Capital Allocation Contract has been extended three times since its original June 2018 termination date without specifying a dollar amount for general administration expenditures.

Based on information provided by Connector staff, summarized in the chart below, an average of approximately \$310,000 in general administration expenditures were charged to the Measure A program during each fiscal year of the contract extension period – namely 2018-19, 2019-20, and 2020-2021.

	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>
County Allocated and Fiscal Services	\$74,971	\$74,285	\$66,106
Office Lease, Insurance and Supplies etc.	\$79,764	\$76,880	\$87,585
Audits and Accounting Services	\$25,124	\$22,435	\$22,785
Misc.	\$25,493	\$7,482	\$27,985
Administrative Services Officer II Position	\$105,070	\$114,056	\$123,296
<b>TOTAL</b>	<b>\$310,422</b>	<b>\$295,138</b>	<b>\$327,757</b>

Connector staff have requested that it be allowed to continue claiming general administration expenditures under the extended 2015 contract by amending the agreement to remove the requirement of STA Board pre-authorization for administrative expenses. However, there is another contract in the amount of \$4,000,000 that became effective in July 2021 that does not limit the amount used for general administration expenditures.

Connector staff presented the proposed contract amendment to its Board at the October 29, 2021 Connector Board meeting, resulting in an approval to request this amendment at an upcoming STA Governing Board meeting.

### **Discussion**

Staff recommendations are premised on the following:

STA staff review all Connector claims prior to paying them. Additionally, an independent financial audit is annually conducted under the supervision of the Independent Taxpayer Oversight Committee (ITOC). Questionable charges are addressed prior to payment.

The raised issue of Measure A paying for Connector lobbying resulted in the Connector crediting \$50,000 (\$10,000 per month for January through May) to their 2015 Capital Allocation Contract.

The Connector's general administration expenditures for Fiscal Years 2019, 2020 and 2021 are eligible under the *Definitions of Eligible Expenditures*.

There is no need to change language in the 2015 allocation contract since there is a new contract without limitations on general administration expenditures. The contract is in the amount of \$4,000,000 over a three fiscal year period beginning in July 2021. Given that fact, there is sufficient funding available for general administration purposes which average about \$310,000 based on information provided by Connector staff.