

Mojave Desert Air Quality Management District Governing Board Meeting

Agenda

LOCATION

**MOJAVE DESERT AQMD BOARD CHAMBERS
14306 PARK AVENUE
MONDAY, SEPTEMBER 26, 2016
10:00 AM**

TELECONFERENCE LOCATION(S)

San Bernardino County Government Center
385 N. Arrowhead Ave., Fifth Floor
San Bernardino, CA 92415

Riverside County Board of Supervisors
73-710 Fred Waring Drive, Ste. 222
Palm Desert, CA 92260

Blythe City Hall, Conference Room A
235 N. Broadway
Blythe, CA 92225

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE LISTED PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE GOVERNING BOARD AT, OR PRIOR TO, THE PUBLIC HEARING.

DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, PUBLIC COMMENTS ARE LIMITED TO THREE MINUTES PER SPEAKER. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

Except where noted, all scheduled items will be heard in the Chamber of the Governing Board, Mojave Desert AQMD Offices, 14306 Park Avenue, Victorville, CA and the teleconference location(s). Please note that the Board may address items in the agenda in a different order than the order in which the item has been posted.

CALL TO ORDER – 10:00 A.M.

Pledge of Allegiance.

Roll Call.

Presentation of 2015/2016 Exemplar Awards. Presenter: Brad Poiriez

Items with potential Conflict of Interests - for information only.

A. #3 Public Agency Retirement System (PARS), its Directors and Officers; Governing Board members and officers of the MDAQMD. B. Item #10 Governing Board members and officers of the MDAQMD; and Directors and Officers of the Teamsters Local 1932.

CONSENT CALENDAR

1. [Approve Minutes from Regular Governing Board Meeting of August 22, 2016.](#)
2. [Receive and File: The Legislative Report for September 7, 2016. Presenter: Brad Poiriez](#)
3. [Continue item to adopt a Resolution to authorize the District to participate in the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement System \(PARS\); Authorize a deposit up to \\$1,000,000; Appoint the Executive Director/APCO as the Plan Administrator; and Authorize the Executive Director/APCO to execute the documents to implement the program to January 23, 2017. Presenter: Jean Bracy](#)
4. [Set date of 10/24/2016 to conduct a public hearing to consider the amendment of Rule 1106 – Marine and Pleasure Craft Coating Operations and approval of California Environmental Quality Act \(CEQA\) documentation. Presenter: Alan De Salvio](#)
5. [Award an amount not to exceed \\$37,926.60 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one \(1\) off-road tractor with a new lower-emissions off-road tractor; and 2\) Authorize the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Jean Bracy](#)
6. [Award an amount not to exceed \\$27,686.10 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one \(1\) off-road tractor with a new lower-emissions off-road tractor; and 2\) Authorize the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Jean Bracy](#)
7. [Ratify the action of the Executive Director/APCO to authorize Special Assignment Compensation to the Executive Lead effective July 22, 2016. Presenter: Jean Bracy](#)

ITEMS FOR DISCUSSION

8. DEFERRED ITEMS.
9. PUBLIC COMMENT.
10. [Adopt a Resolution to: 1\) enter into an agreement with Teamsters Local 1932 \(“Teamsters”\) for employees in the General Unit and adopting the Memorandum of Understanding \(MOU\) effective July 1, 2016; 2\) Grant conforming changes in terms and conditions, as specified, to Exempt Employees; 3\) Authorize conforming amendments in the Exempt Compensation Plan \(ECP\); 4\) Authorize the elimination of the Confidential Group, and its corresponding Confidential Compensation Plan; and 5\) Direct staff actions. Presenter: Brad Poiriez](#)
11. [Amend the Mojave Desert Air Quality Management District \(MDAQMD\) Exempt Compensation Plan \(ECP\) to conform with changes to the recently adopted Memorandum of Understanding \(MOU\) and Personnel Policies and Procedures \(PPP\) and make other amendments to reflect recent changes in classifications. Presenter: Brad Poiriez](#)
12. [Reports: Executive Director](#)
13. Board Members Comments and Suggestions for future agenda items.

CLOSED SESSION

14. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9).
15. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representatives: Roger Crawford. Employee Organization: SBPEA, Teamsters Local 1932.
16. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representatives: Brad Poiriez. Unrepresented Employees.

OPEN SESSION

Disclosure of any Reportable action taken in Closed Session; and the Vote and Abstention of every Member Present in the Closed Session

In compliance with the Americans with Disabilities act, if special assistance is needed to participate in the Board Meeting, please contact Deanna Hernandez, Executive Lead, during regular business hours at 760.245.1661 x6244. Notification received 48 hours prior to the meeting will enable the District to make reasonable accommodations.

I hereby certify, under penalty of perjury, that this agenda has been posted 72 hours prior to the stated meeting in a place accessible to the public. Copies of this agenda and any or all additional materials relating thereto are available at the District Office at 14306 Park Avenue, Victorville, Ca 92392 or by contacting Deanna Hernandez at 760.245.1661 x6244 or by email at dhernandez@mdaqmd.ca.gov .

Mailed & Posted on: Tuesday, September 20, 2016

Approved:

Deanna Hernandez, Executive Lead

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, AUGUST 22, 2016 - 10:00 A.M.
BOARD CHAMBERS, MDAQMD OFFICES
VICTORVILLE, CA**

MINUTES

Board Members Present:

Robert Lovingood, Chair, San Bernardino County
Jim Cox, Vice-Chair, City of Victorville
Carmen Hernandez, City of Barstow
Barbara Riordan, Public Member
Joseph “Joey” DeConinck, City of Blythe
Robert Leone, Town of Yucca Valley
Jeff Williams, City of Needles
Paul Russ, City of Hesperia
John J. Benoit, Riverside County
John Cole, City of Twentynine Palms
Ed Camargo, City of Adelanto

Board Members Absent:

James Ramos, San Bernardino County
Barb Stanton, Town of Apple Valley

CALL TO ORDER

Chair **ROBERT LOVINGOOD** called the meeting to order at 10:00 a.m. and lead the Pledge of Allegiance.

Chair **ROBERT LOVINGOOD** asked the Clerk to call roll; roll was called.

Special Announcements/Presentations:

Employee Recognition Service Awards – On behalf of the Board, Chair **ROBERT LOVINGOOD** expressed thanks to Vilma Landsman and Chris Collins for their years of service.

Employee Recognition – On behalf of the San Bernardino County 1st District Supervisor’s Office, Chair **ROBERT LOVINGOOD** expressed thanks to Violette Roberts for her recent award from the Air & Waste Management Association.

CONSENT CALENDAR - The following consent items were acted upon by the Board at one time without discussion, upon motion by Board Member **JIM COX**, Seconded by Board Member **CARMEN HERNANDEZ**, and carried by unanimous roll call vote, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of June 27, 2016.
Approved the minutes from the Regular Governing Board meeting of June 27, 2016.

Agenda Item 2 – Receive and File: Finance Report and Budget Performance.
Received and filed the Finance Report and Budget Performance for May 2016.

Agenda Item 3 – Receive and File: The Legislative Report for August 4, 2016.
Received and filed the Legislative Report for August 4, 2016.

Agenda Item 4– Continue Item to adopt a Resolution to authorize the District to participate in the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement System (PARS); Authorize a deposit up to \$1,000,000; Appoint the Executive Director/APCO as the Plan Administrator; and Authorize the Executive Director/APCO to execute the documents to implement the program to September 26, 2016.

Approved to continue the Item to adopt a Resolution to authorize the District to participate in the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement System (PARS); Authorize a deposit up to \$1,000,000; Appoint the Executive Director/APCO as the Plan Administrator; and Authorize the Executive Director/APCO to execute the documents to implement the program to September 26, 2016.

Agenda Item 5 – Award an amount not to exceed \$138,006.30 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one (1) off-road tractor with a new lower-emissions off-road tractor; and 2) Authorize the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Approved to award an amount not to exceed \$138,006.30 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one (1) off-road tractor with a new lower-emissions off-road tractor; and 2) **Authorized** the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Agenda Item 6 – Amend Governing Board Policy 93-3, “Policy and Procedure Manual.”
Approved to amend Governing Board Policy 93-3, “Policy and Procedure Manual.”

Agenda Item 7 – Amend Governing Board Policy 95-1, “Processing and Providing Information Requested by Members of the Governing Board.”
DEFERRED FOR DISCUSSION (see Agenda Item #10 DEFERRED ITEMS)

Agenda Item 8 – Amend Governing Board Policy 06-1, “Stipends for Governing Board Members, Hearing Board Members, and Technical Advisory Committee Members.”
Approved to amend Governing Board Policy 06-1, “Stipends for Governing Board Members, Hearing Board Members, and Technical Advisory Committee Members.”

Agenda Item 9 – Amend Governing Board Policy 94-2, “Travel.”

Approved to amend Governing Board Policy 94-2, “Travel.”

Agenda Item 10 – DEFERRED ITEMS:

Agenda Item 7 – Amend Governing Board Policy 95-1, “Processing and Providing Information Requested by Members of the Governing Board.”

Deferred for discussion by Board Member **PAUL RUSS**. Member Russ is concerned about the procedure and process of this item. Staff member Jean Bracy pulled this item from the agenda for further development.

Agenda Item 11 – PUBLIC COMMENT.

Linsey Dale, Executive Director, Imperial County Farm Bureau – Public Recognition – Brad Poiriez. Mrs. Dale publicly recognized and thanked Mr. Poiriez for his outstanding service to Imperial County and to the local farming industry.

Agenda Item 12 – Conduct a continued public hearing to consider the amendment of Regulation XIII – New Source Review (specifically Rules 1300 – General, 1302 – Procedure and 1320 – New Source Review for Toxic Air Contaminants) and adoption of Rule 1600 – Prevention of Significant Deterioration: a. Open continued public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of the Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending and adoption the rules and directing staff actions.

Chair **ROBERT LOVINGOOD** opened the continued public hearing. Staff member Alan De Salvio presented the staff report. Chair **ROBERT LOVINGOOD** solicited public comment, being none; Chair **ROBERT LOVINGOOD** closed the public hearing. Upon Motion by Board Member **JIM COX**, Second by Board Member **PAUL RUSS**, and carried with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, JOHN BENOIT, ROBERT LOVINGOOD, CARMEN HERNANDEZ, ED CAMARGO, BARBARA RIORDAN, JEFF WILLIAMS, JOHN COLE, PAUL RUSS, JIM COX and ROBERT LEONE** the Board adopted **RESOLUTION 16-04, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, REGULATION XIII – NEW SOURCE REVIEW (SPECIFICALLY RULES 1300 – GENERAL, 1302 – PROCEDURE AND 1320 – NEW SOURCE REVIEW FOR TOXIC AIR CONTAMINANTS) AND ADOPTION OF RULE 1600 – PREVENTION OF SIGNIFCANT DETERIORATION AND DIRECTING STAFF ACTION.”**

Agenda Item 13 – Reports:

Executive Director Brad Poiriez – Mr. Poiriez expressed his first month here at the District has been a whirlwind. With 3 major fires, Mr. Poiriez thanked Violette Roberts and Christie Robinson on their efforts for providing information to the schools and local media for public

Agenda Item #1

awareness of closures and current air quality status. Public notices for PSD will now be posted to the website; this is a new feature allowed by EPA. New CEQA guidelines are now posted on the websites for Mojave Desert and Antelope Valley AQMD's. Worked with Vice-Chair Member Cox on the Victorville 2 Hybrid Power Project invalid permits; will be working with the City of Victorville to resolve these issues. Currently working with Management Staff on programs; made internal changes to improve efficiency within the District. Currently working with staff and EPA to resolve outstanding issues with SIP and rule development. Upcoming events; meeting with Assemblyman Obernolte, September 9th; WRAP Board of Directors meeting, September 12th – 15th; District Financial Audit, September 19th – 22nd; Victor Valley Transit Authority Board Meeting, September 19th; and CEMEX Victorville Plant Centennial Celebration, September 29th.

Agenda Item 14 - Board Member Comments and Suggestions for Future Agenda Items.

Board Member Robert Leone publicly welcomed new Executive Director Brad Poiriez.

CLOSED SESSION

Upon Motion by Board Member **PAUL RUSS**, Seconded by Board Member **ROBERT LEONE** and carried by unanimous roll call vote, the Board adjourned to Closed Session at 10:10 a.m.

Agenda Item 15 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9).

Agenda Item 16 – CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representatives: Roger Crawford. Employee Organization: SBPEA, Teamsters Local 1932.

OPEN SESSION - Disclosure of any Reportable Action(s) taken in Closed Session(s); and the Vote and Abstention of Every Member Present in the Closed Session.

The Governing Board reconvened to open session at 11:11 a.m., and Special Counsel **Piero Dallarda** stated that the Board met in Closed Session on Items #15 and #16. Special Counsel Dallarda stated for the record that there was no reportable action on Item #15. Special Counsel Dallarda reported for the record on Item #16, **CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Employee Organization: SBPEA, Teamsters Local 1932.** The terms of the proposed one year agreement as ratified by the union has been presented to the board and the board has authorized Counsel and the APCO to finalize the agreement. The finalized agreement will be presented at the next board meeting. Motion by Board Member **BARBARA RIORDAN**, second by Board Member **JEFF WILLIAMS**, and approved unanimously by all Board Members present in closed session.

Being no further business, Chair **ROBERT LOVINGOOD** adjourned the meeting at **11:30 a.m.** to the next Regular Meeting of **September 26, 2016.**

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 2

DATE: September 26, 2016

RECOMMENDATION: Receive and file

SUMMARY: The Legislative Report for September 7, 2016

CONFLICT OF INTEREST: None

BACKGROUND: Legislative actions proposed at the federal and state level have the potential to impact the implementation of the District's mission as well as its regulatory operations. An important tool for the District is to monitor the flood of information and its status which allows for comment early in the process and preparation for any changes that may be required. The District contracts this service and receives periodic reports with summaries to help sort the pertinent legislative proposals.

Strategic Partners Group (SPG) is the consultant to the District providing this service to monitor certain legislative and regulatory activities at the state and local level. Staff will direct questions to SPG regarding any of the material presented or follow up on any matter of interest to the Governing Board. Following the table of proposed legislation are several Articles of Interest of relevant information.

REASON FOR RECOMMENDATION: This item is provided for information subject to direction of the Governing Board.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel, as to legal form and by Brad Poiriez, Executive Director, on or about September 8, 2016.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director



Government Affairs and Communication Consulting

FRANK T. SHEETS, III
LAURIE HANSEN SHEETS

MEMORANDUM

TO: Brad Poiriez
Bret Banks

FROM: Frank Sheets
Laurie Hansen

DATE: Sept. 7, 2016

RE: Bill Tracking Report

With the close of the 2016 Legislative session on August 31, we now know which bills have been sent to the Governor for his consideration. Governor Brown has until September 30th to act on some 800 bills passed by the Legislature.

In our last legislative report on 8/4/2016, we were tracking 39 proposals for the Districts. Since then, 13 of those bills are dead -leaving 19 on the District's list headed to the Governor's desk.

It is extremely interesting that Senator DeLeon's attempt to influence the make up the South Coast Air Quality Management District board failed to pass. As mentioned previously, there have been several attempts in the California Legislature to influence various board makeups and appointments. Historically, if a legislator has not liked the actions of a particular board, he or she considers it appropriate to write legislation to make changes to stack the membership of a board with appointments that will ultimately be to his/her liking and decision making outcome. In the world of political tradeoffs, DeLeon's SB 1387 was circumvented by the success of the major climate change bills described below.

Three of the "dead" bills that we were tracking were authored by Assembly member Wilk (AB 1903, 1904, and 1905) and dealt with the Natural Gas leaks at Aliso Canyon. While these three bills died, an extremely controversial measure by Assemblyman Gatto did pass and is sitting on the Governor's desk. AB 2748 deals with both Aliso Canyon and the Exide battery plant in Vernon. The bill would prohibit the use of "release clauses" in settlements pertaining to "environmental disasters" that occurred at these two facilities. According to the opposition which includes many statewide manufacturing associations, ABA 2748 would eliminate the incentive to settle legal disputes and result in prolonged and excessive litigation.

To the surprise and consternation of many, both Senator Pavley's SB 32 and Assemblyman Garcia's AB 197 did pass. We had received opinions on numerous occasions that neither of these bills would be successful. The passage of SB 32, which creates a 40% GHG reduction goal from 1990 levels, for many does not represent a statutory guarantee that the Cap and Trade program will continue beyond 2020. The Governor, very late in the session, tried to amend the bill with language to specifically e

statute guarantees that the program will be in place past 2020. The Cap and Trade program also has legal challenges from the State Chamber of Commerce which has accused the State of passing a tax without the required two thirds majority. Additionally, many speculate that the shortfall of revenue from the GHG Allowance Auctions (see https://www.arb.ca.gov/cc/capandtrade/auction/results_summary.pdf) will have a significant impact on whether the program continues past 2020. Nevertheless, the Governor has provided considerable accolades for the passage of these bills, stating that the regulated community “will welcome the continuance of the program compared to a more conventional command and control scenario.” **The Governor plans to sign those bills in Los Angeles on September 8, we are sure with much fanfare.**

Another bill making it to the Governor’s desk is Assemblyman Obernolte’s AB 1773 - a relatively non-controversial bill dealing with Joint Powers Authorities qualifying for renewable energy tariffs. A Republican in his first term of office and representing many parts of the High Desert, Obernolte has been surprisingly successful in getting legislation passed in a dominantly Democratic Legislature.

A note - We almost referred to the Democratic dominance/majority as a “super majority”. Although that happened in 2012, it is possible again. Should the Democrats gain a few seats in the Assembly that house could have a Democratic supermajority again beginning in 2017. With a “super majority” Democrats will have the two thirds votes necessary to pass tax and spending bills despite opposition from Republican Legislators.

Also the Districts should consider the passage of AB 1787. The bill calls for special consideration of individuals requiring translators while testifying in open public meetings.

Please also note AB 1383, dealing with short lived climate pollutants and specifically the implications to the dairy industry.

Assemblyman Quirk’s bill, AB 2800, also passed to the Governor. The bill calls for infrastructure planning considering the potential implications of Climate Change. The bill is somewhat refreshing in that it calls for planning for climate change, rather than trying to alter climate change, which seems to be the main thrust of many California legislators.

As always, should there be comments or questions regarding this report or other Sacramento issues, please feel to contact us at any time.

AQMD 2016 Bills

Wednesday, September 07, 2016

[AB 197](#)

(Garcia, Eduardo D) State Air Resources Board: greenhouse gases: regulations.

Current Text: Enrolled: 8/24/2016 [pdf](#) [html](#)

Current Analysis: 08/24/2016 [Assembly Floor Analysis \(text 8/19/2016\)](#)

Introduced: 1/28/2015

Last Amend: 8/19/2016

Location: 8/24/2016-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	
1st House				2nd House								

Summary: Current law establishes the State Air Resources Board consisting of 14 members and vests the state board with regulatory jurisdiction over air quality issues. This bill would add 2 Members of the Legislature to the state board as ex officio, nonvoting members. The bill would provide that the voting members of the state board are appointed for staggered 6-year terms and upon expiration of the term of office of a voting member, the appointing authority may reappoint that member to a new term of office, subject to specified requirements. The bill would require the state board to establish the initial staggered terms.

Vote Events:

08/24/2016 ASM. FLOOR (Y:45 N:30 A:5) (P)

08/24/2016 ASM. NAT. RES. (Y:6 N:1 A:2) (P)

08/22/2016 SEN. FLOOR (Y:23 N:13 A:3) (P)

08/11/2016 SEN. APPR. (Y:5 N:2 A:0) (P)

08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

06/29/2016 SEN. E.Q. (Y:5 N:2 A:0) (P)

07/13/2015 SEN. APPR. (Y:7 N:0 A:0) (P)

06/30/2015 SEN. E.,U. & C. (Y:7 N:1 A:3) (P)

06/02/2015 ASM. FLOOR (Y:55 N:21 A:4) (P)

05/28/2015 ASM. APPR. (Y:12 N:4 A:1) (P)

04/27/2015 ASM. NAT. RES. (Y:6 N:2 A:1) (P)

04/20/2015 ASM. U. & C. (Y:10 N:3 A:2) (P)

Notes 1: AB 197 is tied at the hip so to speak to Senator Pavely's SB 32, meaning if SB 32 does not pass, nor does AB 197. The bill proposes to add two non voting members from the legislature to the State Air Board as well as suggesting that term limits may be applicable to board members. Concern was expressed by some concerning these "term limits", however ammendments to the bill now allow for the reappointment of Board members for additional terms.

The bill also calls for the formation of the Joint Legislative Committee on Climate Change Policies. The purpose of this new committee is to make recommendations to the Legislature concerning the states climate change policies and programs.

[AB 1115](#)

(Salas D) School zones: state highways.

Current Text: *Chaptered: 8/30/2016* [pdf](#) [html](#)

Current Analysis: 08/03/2016 [Senate Floor Analyses \(text 1/13/2016\)](#)

Introduced: 2/27/2015

Last Amend: 1/13/2016

Location: 8/29/2016-A. **CHAPTERED**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: *Current law generally provides that the Department of Transportation and local authorities have authority over the highways under their respective jurisdictions. This bill would designate a specified portion of State Highway Route 184 in the County of Kern as a school zone and require the zone to be identified with standard "SCHOOL" warning signs. The bill would provide that the above-referenced provisions governing prima facie speed limits in school zones apply in that zone. This bill contains other current laws.*

Vote Events:

08/11/2016 SEN. FLOOR (Y:37 N:0 A:2) (P)

06/14/2016 SEN. T. & H. (Y:11 N:0 A:0) (P)

01/27/2016 ASM. FLOOR (Y:78 N:0 A:1) (P)

01/21/2016 ASM. APPR. (Y:17 N:0 A:0) (P)

01/11/2016 ASM. TRANS. (Y:16 N:0 A:0) (P)

Notes 1: *SPG felt members of the Mojave Desert AQMD might have interest in this bill as it has similarities to efforts to deal with vehicular traffic in school districts.*

[AB 1550](#)

(Gomez D) Greenhouse gases: investment plan: disadvantaged communities.

Current Text: *Enrollment: 9/6/2016* [pdf](#) [html](#)

Current Analysis: 08/31/2016 [Assembly Floor Analysis \(text 8/23/2016\)](#)

Introduced: 1/4/2016

Last Amend: 8/23/2016

Location: 9/6/2016-A. **ENROLLED**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: *Current law requires the Department of Finance, in consultation with the State Air Resources Board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. This bill would require the investment plan to allocate (1) a minimum of 25% of the available moneys in the fund to projects located within, and benefiting individuals living in, disadvantaged communities, (2) an additional minimum of 5% to projects that benefit low-income households or to projects located within, and benefiting individuals living in, low-income communities located anywhere in the state, and (3) an additional minimum of 5% either to projects that benefit low-income households that are outside of, but within a 1/2 mile of, disadvantaged communities, or to projects located within the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within a 1/2 mile of, disadvantaged communities.*

Vote Events:

09/01/2016 SEN. Assembly 3rd Reading (Supplemental File 1) (Y:26 N:12 A:1) (P)

08/31/2016 ASM. ASSEMBLY (Y:53 N:22 A:5) (P)

08/31/2016 SEN. FLOOR (Y:26 N:12 A:1) (P)

08/11/2016 SEN. APPR. (Y:5 N:2 A:0) (P)

08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

06/29/2016 SEN. E.Q. (Y:5 N:1 A:1) (P)

06/02/2016 ASM. FLOOR (Y:54 N:23 A:3) (P)

05/27/2016 ASM. APPR. (Y:15 N:2 A:3) (P)

04/04/2016 ASM. NAT. RES. (Y:7 N:0 A:2) (P)

Notes 1: *AB 1532, codified in 2012, mandates the state to use monies generated by the Cap and Trade program and deposited in the California Green House Gas Reduction fund to be used to the benefit of disadvantaged communities. This bill proposes 45% of those funds be directed toward such communities. There have been several bills this legislative secession making attempts to direct funds from the Green House Gas Reduction fund, however with shortfalls in GHG emissions auction proceeds, many of those bills have been significantly altered. Assembly Member Gomez's bill is one of the few that made it through both houses however still requires the Governor's signature.*

[AB 1591](#)

(Frazier D) Transportation funding.

Current Text: Introduced: 1/6/2016 [pdf](#) [html](#)

Introduced: 1/6/2016

Location: 8/31/2016-A. DEAD

Desk	Dead	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria to ensure efficient use of the funds available for the program. This bill contains other related provisions and other existing laws.

Notes 1: The generation of "performance criteria" to be used in the the evaluation of proposed projects to maintain and repair of transportation infrastructure is an interesting proposal. The cement industry is a major advocate of such a proposal.

Although the bill never proceeded beyond the Assembly Policy committee, and per Assembly rules was never listed as dead as it is now.

[AB 1657](#)

(O'Donnell D) Air pollution: public ports and intermodal terminals.

Current Text: Amended: 4/7/2016 [pdf](#) [html](#)

Current Analysis: 05/09/2016 [Assembly Appropriations \(text 4/7/2016\)](#)

Introduced: 1/13/2016

Last Amend: 4/7/2016

Location: 8/31/2016-A. DEAD

Desk	Policy	Dead	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish the Zero- and Near-Zero-Emission Intermodal Terminals Program to be administered by the State Air Resources Board to fund equipment upgrades and investments at intermodal terminals, as defined, to help transition the state's freight system to be zero- and near-zero-emission operations. The bill would authorize the program to be implemented with moneys from the Greenhouse Gas Reduction Fund. This bill contains other related provisions and other existing laws.

Vote Events:

04/18/2016 ASM. TRANS. (Y:15 N:0 A:1) (P)

04/04/2016 ASM. NAT. RES. (Y:9 N:0 A:0) (P)

Notes 1: This bill is now formally DEAD.

[AB 1685](#)

(Gomez D) Vehicular air pollution: zero-emission vehicles: civil penalties.

Current Text: Enrolled: 8/31/2016 [pdf](#) [html](#)

Current Analysis: 08/26/2016 [Assembly Floor Analysis \(text 8/18/2016\)](#)

Introduced: 1/20/2016

Last Amend: 8/18/2016

Location: 8/30/2016-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law provides that a manufacturer or distributor who does not comply with the emission standards or the test procedures adopted by the State Air Resources Board is subject to a civil penalty of \$50 per vehicle. This bill would increase those penalties to up to \$37,500 per violation. The bill would require the state board to adjust those maximum penalties for inflation, as specified, and would exempt those adjustments from the Administrative Procedure Act.

Vote Events:

08/30/2016 ASM. ASSEMBLY (Y:51 N:28 A:1) (P)

08/24/2016 SEN. FLOOR (Y:26 N:13 A:0) (P)

06/28/2016 SEN. JUD. (Y:5 N:2 A:0) (P)

06/21/2016 SEN. T. & H. (Y:7 N:4 A:0) (P)

06/08/2016 SEN. E.Q. (Y:4 N:2 A:1) (P)

05/12/2016 ASM. FLOOR (Y:48 N:29 A:3) (P)

05/04/2016 ASM. APPR. (Y:14 N:6 A:0) (P)

04/18/2016 ASM. TRANS. (Y:10 N:5 A:1) (P)

Notes 1: This bill significantly increase penalties for individuals who sell, rent, lease new vehicles or provide new replacement engines that fail state emission limitations, has been enrolled and is headed to the Governor for consideration.

AB 1691

(Gipson D) Vehicular air pollution: vehicle retirement.

Current Text: Amended: 8/3/2016 [pdf](#) [html](#)

Current Analysis: 08/08/2016 [Senate Senate Appropriations \(text 8/3/2016\)](#)

Introduced: 1/21/2016

Last Amend: 8/3/2016

Location: 8/12/2016-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law creates an enhanced fleet modernization program for the retirement of high-polluting vehicles to be administered by the Bureau of Automotive Repair pursuant to guidelines adopted by the State Air Resources Board. This bill would require the state board, by July 1, 2018, to update the guidelines, as specified, that would be operative until July 1, 2022. This bill contains other related provisions and other existing laws.

Vote Events:

08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

06/29/2016 SEN. E.Q. (Y:5 N:0 A:2) (P)

06/21/2016 SEN. T. & H. (Y:7 N:0 A:4) (P)

05/23/2016 ASM. FLOOR (Y:59 N:18 A:3) (P)

05/11/2016 ASM. APPR. (Y:15 N:5 A:0) (P)

04/18/2016 ASM. TRANS. (Y:13 N:1 A:2) (P)

Notes 1: This bill failed to move out of the Senate Fiscal committee and is therefore DEAD.

AB 1773

(Oberholte R) Local government renewable energy self-generation program.

Current Text: Enrollment: 8/25/2016 [pdf](#) [html](#)

Current Analysis: 08/03/2016 [Senate Floor Analyses \(text 4/13/2016\)](#)

Introduced: 2/3/2016

Last Amend: 4/13/2016

Location: 8/25/2016-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Under current law, the Public Utilities Commission is vested with regulatory authority over public utilities. Current law authorizes a local governmental entity, except a joint powers authority, to receive a bill credit to a designated benefiting account, for electricity exported to the electrical grid by an eligible renewable generating facility and requires the commission to adopt a rate tariff for the benefiting account. This bill would include as a local governmental entity for this purpose a joint powers authority, except as specified. This bill contains other related provisions and other existing laws.

Vote Events:

08/18/2016 SEN. FLOOR (Y:36 N:0 A:3) (P)

06/21/2016 SEN. E.,U. & C. (Y:10 N:0 A:1) (P)

05/12/2016 ASM. FLOOR (Y:78 N:0 A:2) (P)

05/04/2016 ASM. APPR. (Y:20 N:0 A:0) (P)

04/20/2016 ASM. L. GOV. (Y:9 N:0 A:0) (P)

04/06/2016 ASM. U. & C. (Y:15 N:0 A:0) (P)

Notes 1: Not too many Republicans get legislation passed considering the make of the Legislature. Assemblymember Oberholte's AB 1773 is an exception.

AB 1787

(Gomez D) Open meetings: public comments: translation.

Current Text: Enrolled: 8/31/2016 [pdf](#) [html](#)

Current Analysis: 08/26/2016 [Assembly Floor Analysis \(text 8/2/2016\)](#)

Introduced: 2/4/2016

Last Amend: 8/2/2016

Location: 8/30/2016-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: The Ralph M. Brown Act requires a local legislative body to provide an opportunity for members of the public to directly address the body concerning any item described in a notice of meeting. The act authorizes the

legislative body to adopt reasonable regulations limiting the total amount of time allocated for public testimony for each individual speaker. This bill, if a local legislative body limits the time for public comment, would require the legislative body to provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body, unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.

Vote Events:

- 08/30/2016 ASM. ASSEMBLY (Y:69 N:9 A:2) (P)
- 08/25/2016 ASM. L. GOV. (Y:9 N:0 A:0) (P)
- 08/15/2016 SEN. FLOOR (Y:32 N:5 A:2) (P)
- 06/29/2016 SEN. GOV. & F. (Y:6 N:0 A:1) (P)
- 06/08/2016 SEN. E.Q. (Y:4 N:0 A:3) (P)
- 04/11/2016 ASM. FLOOR (Y:73 N:0 A:6) (P)
- 04/06/2016 ASM. APPR. (Y:17 N:0 A:3) (P)
- 03/14/2016 ASM. NAT. RES. (Y:7 N:0 A:2) (P)

Notes 1: The bill, now enrolled provides for special conditions applicable individuals requiring translators while providing public testimony before governmental bodies. Should the bill be Chaptered, the Districts should be aware of the requirements.

AB 1903

(Wilk R) Aliso Canyon gas leak: health impact study.

Current Text: Amended: 6/22/2016 [pdf](#) [html](#)

Current Analysis: 08/01/2016 [Senate Senate Appropriations \(text 6/22/2016\)](#)

Introduced: 2/11/2016

Last Amend: 6/22/2016

Location: 8/12/2016-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, if sufficient moneys are recovered by the Public Utilities Commission and appropriated for the purpose of these provisions, would require the commission to authorize a study by the Office of Environmental Health Hazard Assessment of the long-term health impacts of the significant natural gas leak from the Aliso Canyon natural gas storage facility located in the County of Los Angeles that started approximately October 23, 2015, as specified

Vote Events:

- 08/01/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
- 06/13/2016 SEN. E.,U. & C. (Y:11 N:0 A:0) (P)
- 06/01/2016 ASM. FLOOR (Y:80 N:0 A:0) (P)
- 05/27/2016 ASM. APPR. (Y:20 N:0 A:0) (P)
- 03/30/2016 ASM. U. & C. (Y:15 N:0 A:0) (P)

AB 1904

(Wilk R) Hazardous materials: natural gas odorants.

Current Text: Amended: 6/23/2016 [pdf](#) [html](#)

Current Analysis: 08/08/2016 [Senate Senate Appropriations \(text 6/23/2016\)](#)

Introduced: 2/11/2016

Last Amend: 6/23/2016

Location: 8/31/2016-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Office of Environmental Health Hazard Assessment to submit a report to the Legislature, on or before January 1, 2019, that includes an assessment of any potential danger of odorants currently used in natural gas storage facilities in the state to public health and safety and the environment, and that identifies alternative odorants for possible use in natural gas storage facilities, as specified. The bill would require the Office of Environmental Health Hazard Assessment to consult with appropriate entities, as specified. This bill contains other related provisions.

Vote Events:

- 08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
- 08/03/2016 SEN. E.Q. (Y:7 N:0 A:0) (P)
- 06/02/2016 ASM. FLOOR (Y:76 N:0 A:4) (P)
- 05/27/2016 ASM. APPR. (Y:20 N:0 A:0) (P)
- 03/29/2016 ASM. E.S. & T.M. (Y:7 N:0 A:0) (P)

[AB 1903](#)

(Wilk R) Natural gas injection and storage: study.

Current Text: Amended: 4/7/2016 [pdf](#) [html](#)

Current Analysis: 04/18/2016 [Assembly Appropriations \(text 4/7/2016\)](#)

Introduced: 2/11/2016

Last Amend: 4/7/2016

Location: 8/31/2016-A. DEAD

Desk	Policy	Dead	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Secretary of the Natural Resources Agency, on or before July 1, 2017, to cause to be conducted, and completed, an independent scientific study on natural gas injection and storage practices and facilities, as specified. This bill contains other related provisions.

Vote Events:

04/04/2016 ASM. NAT. RES. (Y:8 N:0 A:1) (P)

[AB 1923](#)

(Wood D) Bioenergy feed-in tariff.

Current Text: Enrolled: 8/31/2016 [pdf](#) [html](#)

Current Analysis: 08/24/2016 [Assembly Floor Analysis \(text 8/19/2016\)](#)

Introduced: 2/11/2016

Last Amend: 8/19/2016

Location: 8/29/2016-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, for the purposes of the bioenergy feed-in tariff, revise a generally applicable interconnection requirement for electric generation facilities, as specified. The bill would also require the Public Utilities Commission to direct the electrical corporations to authorize a bioenergy electric generation facility with an effective capacity of up to 5 megawatts to participate in the bioenergy feed-in tariff if the facility delivers no more than 3 megawatts to the grid at any time and complies with specified interconnection and payment requirements. This bill contains other related provisions.

Vote Events:

08/29/2016 ASM. ASSEMBLY (Y:80 N:0 A:0) (P)

08/23/2016 SEN. FLOOR (Y:39 N:0 A:0) (P)

06/21/2016 SEN. E.,U. & C. (Y:10 N:0 A:1) (P)

05/05/2016 ASM. FLOOR (Y:79 N:0 A:1) (P)

04/27/2016 ASM. APPR. (Y:19 N:0 A:1) (P)

03/30/2016 ASM. U. & C. (Y:15 N:0 A:0) (P)

Notes 1: Previously, bioenergy facilities wishing to connect to the utility grid and supply electricity at appropriate renewable feed in tariffs were restricted to a generation capacity of 3 MW. This bill, now enrolled, would allow facilities with up to 5 MW of capacity to participate in the renewable feed in tariffs as long as no more than 3MW of electricity is supplied at any particular time.

[AB 1937](#)

(Gomez D) Electricity: procurement.

Current Text: Enrollment: 9/2/2016 [pdf](#) [html](#)

Current Analysis: 08/23/2016 [Assembly Floor Analysis \(text 8/17/2016\)](#)

Introduced: 2/12/2016

Last Amend: 8/17/2016

Location: 9/2/2016-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require electrical corporations' proposed procurement plans to also include a showing that the electrical corporations (1), in soliciting bids for new gas-fired generating units, actively seek bids for resources that are not gas-fired generating units located in communities that suffer from cumulative pollution burdens and (2), in considering bids for, or negotiating bilateral contracts for, new gas-fired generating units, give preference to resources that are not gas-fired generating units located in those communities.

Vote Events:

08/25/2016 ASM. FLOOR (Y:53 N:26 A:1) (P)

08/22/2016 SEN. FLOOR (Y:26 N:13 A:0) (P)

08/01/2016 SEN. APPR. (Y:5 N:2 A:0) (P)

06/29/2016 SEN. E.Q. (Y:5 N:2 A:0) (P)
 06/21/2016 SEN. E.,U. & C. (Y:7 N:3 A:1) (P)
 05/23/2016 ASM. FLOOR (Y:51 N:26 A:3) (P)
 05/18/2016 ASM. APPR. (Y:14 N:6 A:0) (P)
 04/18/2016 ASM. NAT. RES. (Y:6 N:2 A:1) (P)
 04/13/2016 ASM. U. & C. (Y:10 N:5 A:0) (P)

Notes 1: This bill requires the utilities to preferentially not bid on gas fired generation that is located in communities highly impacted by cumulative pollution burdens. Could this impact gas fired generation located within district boundaries assuming air quality within the relative district is considered an area of high pollution burdens?

AB 1964

(Bloom D) High-occupancy vehicle lanes: vehicle exceptions.

Current Text: Amended: 8/17/2016 [pdf](#) [html](#)

Current Analysis: 08/18/2016 [Senate Floor Analyses \(text 8/17/2016\)](#)

Introduced: 2/12/2016

Last Amend: 8/17/2016

Location: 8/31/2016-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Dead	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current authorizes super ultra-low emission vehicles, ultra-low emission vehicles, partial zero-emission vehicles, or transitional zero-emission vehicles, as specified, that display a valid identifier issued by the Department of Motor Vehicles to use these HOV lanes until January 1, 2019, or until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first. This bill would extend the operation of the provisions allowing specified vehicles to use HOV lanes until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first.

Vote Events:

08/11/2016 SEN. APPR. (Y:5 N:1 A:1) (P)
 08/01/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
 06/28/2016 SEN. T. & H. (Y:10 N:0 A:1) (P)
 05/12/2016 ASM. FLOOR (Y:50 N:19 A:11) (P)
 04/27/2016 ASM. APPR. (Y:12 N:6 A:2) (P)
 04/04/2016 ASM. TRANS. (Y:14 N:2 A:0) (P)

AB 2090

(Alejo D) Low Carbon Transit Operations Program.

Current Text: Amended: 5/27/2016 [pdf](#) [html](#)

Current Analysis: 08/01/2016 [Senate Senate Appropriations \(text 5/27/2016\)](#)

Introduced: 2/17/2016

Last Amend: 5/27/2016

Location: 8/12/2016-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law continuously appropriates specified portions of the annual proceeds in the Greenhouse Gas Reduction Fund to various programs, including 5% for the Low Carbon Transit Operations Program, which provides operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities. This bill would additionally authorize moneys appropriated to the program to be expended to support the operation of existing bus or rail service if the governing board of the requesting transit agency declares a fiscal emergency and other criteria are met, thereby expanding the scope of an existing continuous appropriation.

Vote Events:

08/01/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
 06/29/2016 SEN. E.Q. (Y:4 N:0 A:3) (P)
 06/21/2016 SEN. T. & H. (Y:9 N:0 A:2) (P)
 06/01/2016 ASM. FLOOR (Y:77 N:1 A:2) (P)
 05/27/2016 ASM. APPR. (Y:20 N:0 A:0) (P)
 04/11/2016 ASM. TRANS. (Y:16 N:0 A:0) (P)

AB 2125

(Chiu D) Healthy Nail Salon Recognition Program.

Current Text: Enrollment: 8/31/2016 [pdf](#) [html](#)

Current Analysis: 08/19/2016 [Assembly Floor Analysis \(text 8/1/2016\)](#)

Introduced: 2/17/2016

Last Amend: 8/1/2016

Location: 8/31/2016-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	
1st House				2nd House								

Summary: Would require the Department of Toxic Substances Control to publish guidelines for cities, counties, and cities and counties to voluntarily implement local healthy nail salon recognition (HNSR) programs. The bill would allow the guidelines to include, but not be limited to, specified criteria, such as the potential for exposure of nail salon workers and customers to chemicals. The bill would also require the department to develop a consumer education program, present the guidelines to local health officers, local environmental health departments, and other local agencies, and post specified information on its Internet Web site.

Vote Events:

08/24/2016 ASM. FLOOR (Y:77 N:3 A:0) (P)

08/19/2016 SEN. FLOOR (Y:37 N:0 A:2) (P)

08/11/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

08/01/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

06/27/2016 SEN. B.,P. & E.D. (Y:9 N:0 A:0) (P)

06/15/2016 SEN. E.Q. (Y:7 N:0 A:0) (P)

06/02/2016 ASM. FLOOR (Y:76 N:4 A:0) (P)

05/27/2016 ASM. APPR. (Y:19 N:1 A:0) (P)

04/12/2016 ASM. E.S. & T.M. (Y:7 N:0 A:0) (P)

03/29/2016 ASM. HEALTH (Y:18 N:0 A:1) (P)

Notes 1: A bill calls for the development of voluntary guidelines for managing toxic emissions from finger nail salons.

AB 2313

(Williams D) Renewable natural gas: monetary incentive program for biomethane projects: pipeline infrastructure.

Current Text: Enrolled: 8/31/2016 [pdf](#) [html](#)

Current Analysis: 08/26/2016 [Assembly Floor Analysis \(text 8/19/2016\)](#)

Introduced: 2/18/2016

Last Amend: 8/19/2016

Location: 8/30/2016-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	
1st House				2nd House								

Summary: Would require the Public Utilities Commission to modify the monetary incentive program for biomethane projects so that the total available incentive limitation for a project, other than a dairy cluster biomethane project, as defined, is increased from \$1,500,000 to \$3,000,000. The bill would require the commission to increase the total available incentive limitation for a dairy cluster biomethane project to \$5,000,000 and would authorize the use of incentive payments subject to this limitation for interconnection costs and costs incurred for gathering lines for transport of biogas to a centralized processing facility for the project.

Vote Events:

08/30/2016 ASM. ASSEMBLY (Y:59 N:19 A:2) (P)

08/23/2016 SEN. FLOOR (Y:37 N:2 A:0) (P)

08/11/2016 SEN. APPR. (Y:6 N:1 A:0) (P)

08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

06/27/2016 SEN. E.,U. & C. (Y:9 N:0 A:2) (P)

05/23/2016 ASM. FLOOR (Y:57 N:20 A:3) (P)

05/11/2016 ASM. APPR. (Y:14 N:6 A:0) (P)

04/20/2016 ASM. U. & C. (Y:9 N:4 A:2) (P)

03/31/2016 ASM. RLS. (Y:8 N:0 A:3) (P)

AB 2334

(Mullin D) Sales and use taxes: exclusion: alternative energy financing.

Current Text: Amended: 5/27/2016 [pdf](#) [html](#)

Current Analysis: 08/01/2016 [Senate Senate Appropriations \(text 5/27/2016\)](#)

Introduced: 2/18/2016

Last Amend: 5/27/2016

Location: 8/31/2016-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf.	Enrolled	Vetoed	Chaptered
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1st House	2nd House	Conc.			
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Summary: *The California Alternative Energy and Advanced Transportation Financing Authority Act authorizes, until January 1, 2021, the authority to provide financial assistance in the form of a sales and use tax exclusion for any lease or transfer of title of tangible personal property constituting a project to any participating party, and defines a project and participating party for those purposes. The act limits the sales and use tax exclusion to \$100,000,000 for each calendar year. This bill would expand those persons eligible for the sales and use tax exclusion, which is limited in amount, to additionally include any contractor for use in the performance of a construction contract for the participating party that will use that property as an integral part of the approved project.*

Vote Events:

- 08/01/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
- 06/22/2016 SEN. GOV. & F. (Y:5 N:0 A:2) (P)
- 06/02/2016 ASM. FLOOR (Y:78 N:0 A:2) (P)
- 05/27/2016 ASM. APPR. (Y:20 N:0 A:0) (P)
- 05/09/2016 ASM. REV. & TAX. (Y:9 N:0 A:0) (P)

AB 2454

(Williams D) Energy: procurement plans.

Current Text: Enrollment: 9/2/2016 [pdf](#) [html](#)

Current Analysis: 08/23/2016 [Assembly Floor Analysis \(text 8/16/2016\)](#)

Introduced: 2/19/2016

Last Amend: 8/16/2016

Location: 9/2/2016-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: *The Public Utilities Act requires that an electrical corporation's proposed procurement plan include certain elements, including a showing that the electrical corporation will first meet its unmet needs through all available energy efficiency and demand reduction resources that are cost effective, reliable, and feasible. This bill would require the electrical corporation, in determining the availability of cost-effective, reliable, and feasible demand reduction resources, to consider the findings of the Demand Response Potential Study required by a specific order of the commission, as specified. This bill contains other related provisions and other existing laws.*

Vote Events:

- 08/25/2016 ASM. FLOOR (Y:56 N:21 A:3) (P)
- 08/22/2016 SEN. FLOOR (Y:26 N:13 A:0) (P)
- 06/27/2016 SEN. E.,U. & C. (Y:6 N:3 A:2) (P)
- 06/02/2016 ASM. FLOOR (Y:58 N:20 A:2) (P)
- 05/27/2016 ASM. APPR. (Y:15 N:5 A:0) (P)
- 04/20/2016 ASM. U. & C. (Y:10 N:3 A:2) (P)

AB 2460

(Irwin D) Solar thermal systems.

Current Text: Amended: 6/14/2016 [pdf](#) [html](#)

Current Analysis: 08/01/2016 [Senate Senate Appropriations \(text 6/14/2016\)](#)

Introduced: 2/19/2016

Last Amend: 6/14/2016

Location: 8/12/2016-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: *Would revise the solar water heating program to, among other things, promote the installation of solar thermal systems throughout the state, set the maximum funding for the program between January 1, 2017, and July 31, 2022, at \$250,000,000, reserve 50% of the total program budget for the installation of solar thermal systems in low-income residential housing or in buildings in disadvantaged communities, and extend the operation of the program through July 31, 2022.*

Vote Events:

- 08/01/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
- 06/27/2016 SEN. E.,U. & C. (Y:6 N:3 A:2) (P)
- 06/02/2016 ASM. FLOOR (Y:52 N:26 A:2) (P)
- 05/27/2016 ASM. APPR. (Y:14 N:6 A:0) (P)
- 04/13/2016 ASM. U. & C. (Y:10 N:3 A:2) (P)

(Dababneh D) Passenger rail projects: funding.

Current Text: Enrolled: 9/2/2016 [pdf](#) [html](#)

Current Analysis: 08/31/2016 [Assembly Floor Analysis \(text 8/29/2016\)](#)

Introduced: 2/19/2016

Last Amend: 8/29/2016

Location: 8/31/2016-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would reallocate funds allocated pursuant to the Clean Air and Transportation Improvement Act of 1990 that are not expended or encumbered by July 1, 2020, to any other existing passenger rail project with existing rail service, except as specified. The bill would require the California Transportation Commission to determine the projects pursuant to this reallocation. By reallocating unexpended or unencumbered funds to any other existing passenger rail project, the bill would make an appropriation. This bill contains other existing laws.

Vote Events:

08/31/2016 ASM. ASSEMBLY (Y:76 N:0 A:4) (P)

08/31/2016 SEN. Assembly 3rd Reading (Y:39 N:0 A:0) (P)

08/11/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

06/27/2016 SEN. APPR. (Y:6 N:0 A:1) (P)

06/14/2016 SEN. T. & H. (Y:11 N:0 A:0) (P)

05/12/2016 ASM. FLOOR (Y:78 N:0 A:2) (P)

05/04/2016 ASM. APPR. (Y:20 N:0 A:0) (P)

04/18/2016 ASM. TRANS. (Y:15 N:0 A:1) (P)

[AB 2653](#)

([Garcia, Eduardo D](#)) Greenhouse Gas Reduction Fund: report.

Current Text: Amended: 8/2/2016 [pdf](#) [html](#)

Current Analysis: 08/08/2016 [Senate Senate Appropriations \(text 6/15/2016\)](#)

Introduced: 2/19/2016

Last Amend: 8/2/2016

Location: 8/12/2016-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the Department of Finance to annually submit a report to the appropriate committees of the Legislature on the status of the projects funded with moneys from the Greenhouse Gas Reduction Fund. This bill would require the department to include additional information in its annual report to the Legislature, including, among other things, the greenhouse gas emissions reductions attributable to each project and the geographic location, industry sector, and number of employees of the business entities, as defined, receiving moneys from the fund.

Vote Events:

08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

06/29/2016 SEN. E.Q. (Y:6 N:0 A:1) (P)

06/02/2016 ASM. FLOOR (Y:77 N:0 A:3) (P)

05/27/2016 ASM. APPR. (Y:20 N:0 A:0) (P)

04/18/2016 ASM. NAT. RES. (Y:9 N:0 A:0) (P)

[AB 2722](#)

([Burke D](#)) Transformative Climate Communities Program.

Current Text: Enrollment: 9/6/2016 [pdf](#) [html](#)

Current Analysis: 08/31/2016 [Senate Floor Analyses \(text 8/31/2016\)](#)

Introduced: 2/19/2016

Last Amend: 8/31/2016

Location: 9/6/2016-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would create the Transformative Climate Communities Program, to be administered by the Strategic Growth Council. The bill would require the council to award competitive grants to specified eligible entities for the development and implementation of neighborhood-level transformative climate community plans that include greenhouse gas emissions reduction projects that provide local economic, environmental, and health benefits to disadvantaged communities, as defined. The bill would require the council to develop guidelines and selection criteria for the implementation of the program.

Vote Events:

08/31/2016 ASM. ASSEMBLY (Y:49 N:27 A:4) (P)

08/31/2016 SEN. Assembly 3rd Reading (Supplemental File 1) (Y:25 N:12 A:2) (P)

08/11/2016 SEN. APPR. (Y:5 N:2 A:0) (P)
 08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
 06/29/2016 SEN. E.Q. (Y:5 N:2 A:0) (P)
 06/02/2016 ASM. FLOOR (Y:51 N:26 A:3) (P)
 05/27/2016 ASM. APPR. (Y:14 N:6 A:0) (P)
 04/18/2016 ASM. NAT. RES. (Y:6 N:3 A:0) (P)

AB 2800

(Quirk D) Climate change: infrastructure planning.

Current Text: Enrollment: 9/2/2016 [pdf](#) [html](#)

Current Analysis: 08/23/2016 [Assembly Floor Analysis \(text 8/17/2016\)](#)

Introduced: 2/19/2016

Last Amend: 8/17/2016

Location: 9/2/2016-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would, until July 1, 2020, require state agencies to take into account the current and future impacts of climate change when planning, designing, building, operating, maintaining, and investing in state infrastructure. The bill, by July 1, 2017, and until July 1, 2020, would require the agency to establish a Climate-Safe Infrastructure Working Group for the purpose of examining how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering, as prescribed.

Vote Events:

08/25/2016 ASM. FLOOR (Y:59 N:19 A:2) (P)
 08/22/2016 SEN. FLOOR (Y:32 N:6 A:1) (P)
 08/11/2016 SEN. APPR. (Y:6 N:1 A:0) (P)
 08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
 06/29/2016 SEN. E.Q. (Y:6 N:1 A:0) (P)
 06/14/2016 SEN. N.R. & W. (Y:7 N:2 A:0) (P)
 06/01/2016 ASM. FLOOR (Y:59 N:19 A:2) (P)
 05/27/2016 ASM. APPR. (Y:14 N:6 A:0) (P)
 04/18/2016 ASM. NAT. RES. (Y:7 N:2 A:0) (P)

Notes 1: This bill deals with state infrastructure planning taking into consideration the known, scientifically proven implications of climate change on such infrastructure improvements.

SB 32

(Pavley D) California Global Warming Solutions Act of 2006: emissions limit.

Current Text: Enrollment: 8/26/2016 [pdf](#) [html](#)

Current Analysis: 08/24/2016 [Senate Floor Analyses \(text 8/19/2016\)](#)

Introduced: 12/1/2014

Last Amend: 8/19/2016

Location: 8/26/2016-S. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would require the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to 40% below the 1990 level by 2030. This bill contains other related provisions.

Vote Events:

08/24/2016 SEN. FLOOR (Y:25 N:13 A:1) (P)
 08/23/2016 ASM. FLOOR (Y:48 N:31 A:1) (P)
 08/19/2016 ASM. FLOOR (Y:44 N:21 A:15) (P)
 08/11/2016 ASM. APPR. (Y:11 N:4 A:5) (P)
 06/27/2016 ASM. NAT. RES. (Y:6 N:2 A:1) (P)
 09/09/2015 ASM. FLOOR (Y:43 N:29 A:8) (P)
 09/08/2015 ASM. FLOOR (Y:30 N:35 A:15) (F)
 09/04/2015 ASM. FLOOR (Y:45 N:28 A:7) (P)
 08/27/2015 ASM. APPR. (Y:12 N:5 A:0) (P)
 07/13/2015 ASM. NAT. RES. (Y:6 N:3 A:0) (P)
 06/03/2015 SEN. FLOOR (Y:24 N:15 A:1) (P)
 05/28/2015 SEN. APPR. (Y:5 N:2 A:0) (P)
 05/18/2015 SEN. APPR. (Y:7 N:0 A:0) (P)
 04/29/2015 SEN. E.Q. (Y:5 N:2 A:0) (P)

Notes 1: As with AB 197, many Sacramento pundits were surprised with AB 32 was passed by both houses. With much fanfare, Governor Brown applauded the bills passage and promised to sign both pieces of legislation. As mentioned previously, there remains considerable debate whether the bill provides sufficient legislative horsepower to extend the AB 32 cap and trade program. The fight over extending AB 32 is not over, by any means.

SB 209

(Pavley D) *Surface mining: financial assurances: reclamation plans.*

Current Text: Chaptered: 4/18/2016 [pdf](#) [html](#)

Current Analysis: 03/30/2016 [Senate Floor Analyses \(text 3/17/2016\)](#)

Introduced: 2/11/2015

Last Amend: 3/17/2016

Location: 4/18/2016-S. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: *Would establish the Division of Mine Reclamation within the Department of Conservation under the direction of the Supervisor of Mine Reclamation. The bill also would raise the maximum amount of the annual reporting fee to \$10,000 per mining operation, except as specified. The bill would raise the maximum amount of the total revenue generated from the reporting fee to \$8,000,000, as specified. This bill contains other related provisions and other existing laws.*

Vote Events:

03/31/2016 SEN. FLOOR (Y:28 N:8 A:4) (P)

03/28/2016 ASM. FLOOR (Y:54 N:20 A:5) (P)

08/27/2015 ASM. APPR. (Y:12 N:4 A:1) (P)

07/13/2015 ASM. NAT. RES. (Y:7 N:1 A:1) (P)

05/28/2015 SEN. FLOOR (Y:25 N:13 A:2) (P)

05/26/2015 SEN. APPR. (Y:5 N:2 A:0) (P)

03/24/2015 SEN. N.R. & W. (Y:7 N:2 A:0) (P)

Notes 1: *The bill has been signed by the Governor with approval of the mining industry.*

SB 1383

(Lara D) *Short-lived climate pollutants: methane emissions: dairy and livestock: organic waste: landfills.*

Current Text: Enrolled: 9/6/2016 [pdf](#) [html](#)

Current Analysis: 08/31/2016 [Assembly Floor Analysis \(text 8/31/2016\)](#)

Introduced: 2/19/2016

Last Amend: 8/31/2016

Location: 8/31/2016-S. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: *The State Air Resources Board is required to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants, as defined, in the state. This bill would require the state board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified. The bill also would establish specified targets for reducing organic waste in landfills.*

Vote Events:

08/31/2016 ASM. ASSEMBLY (Y:44 N:24 A:12) (P)

08/31/2016 SEN. E.Q. (Y:5 N:2 A:0) (P)

08/31/2016 SEN. W/O REF. TO FILE (Y:25 N:12 A:2) (P)

08/30/2016 ASM. NAT. RES. (Y:6 N:1 A:2) (P)

08/19/2016 ASM. FLOOR (Y:46 N:22 A:12) (P)

08/11/2016 ASM. APPR. (Y:11 N:4 A:5) (P)

06/27/2016 ASM. NAT. RES. (Y:6 N:1 A:2) (P)

06/01/2016 SEN. FLOOR (Y:21 N:13 A:6) (P)

05/27/2016 SEN. APPR. (Y:5 N:2 A:0) (P)

05/02/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

04/06/2016 SEN. E.Q. (Y:4 N:2 A:1) (P)

Notes 1: Calls for specific reductions in short lived climate pollutants.

SB 1387

(De León D) South Coast Air Quality Management District board.

Current Text: Amended: 8/19/2016 [pdf](#) [html](#)

Current Analysis: 08/19/2016 [Assembly Floor Analysis \(text 8/19/2016\)](#)

Introduced: 2/19/2016

Last Amend: 8/19/2016

Location: 8/31/2016-S. DEAD

Desk	Policy	Fiscal	Dead	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	
1st House				2nd House								

Summary: Current law establishes the South Coast Air Quality Management District vested with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin and establishes a district board, consisting of 13 members. This bill, until January 1, 2025, would add 3 members to the district board, as specified. The bill would make various conforming changes. This bill contains other related provisions.

Vote Events:

08/31/2016 ASM. ASSEMBLY (Y:30 N:36 A:14) (F)

08/19/2016 ASM. FLOOR (Y:73 N:0 A:7) (P)

08/11/2016 ASM. APPR. (Y:11 N:4 A:5) (P)

06/27/2016 ASM. NAT. RES. (Y:6 N:2 A:1) (P)

05/31/2016 SEN. FLOOR (Y:22 N:13 A:5) (P)

05/27/2016 SEN. APPR. (Y:5 N:2 A:0) (P)

05/09/2016 SEN. APPR. (Y:6 N:0 A:1) (P)

04/20/2016 SEN. E.Q. (Y:5 N:2 A:0) (P)

Notes 1: WE find if of interest that Senator DeLeon's bill to influence the make up of the SCAQMD did not pass.

SB 1398

(Leyva D) Public water systems: lead user service lines.

Current Text: Enrolled: 9/6/2016 [pdf](#) [html](#)

Current Analysis: 08/30/2016 [Senate Floor Analyses \(text 8/18/2016\)](#)

Introduced: 2/19/2016

Last Amend: 8/18/2016

Location: 8/31/2016-S. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	
1st House				2nd House								

Summary: Would require a public water system to compile an inventory of known lead user service lines in use in its distribution system and identify areas that may have lead user service lines in use in its distribution system by July 1, 2018. This bill would require a public water system, after completing the inventory, to provide a timeline for replacement of known lead user service lines in the distribution system to the State Water Resources Control Board.

Vote Events:

08/31/2016 SEN. Unfinished Business (Y:39 N:0 A:0) (P)

08/29/2016 ASM. ASSEMBLY (Y:72 N:7 A:1) (P)

08/10/2016 ASM. APPR. (Y:17 N:2 A:1) (P)

06/28/2016 ASM. E.S. & T.M. (Y:5 N:1 A:1) (P)

06/02/2016 SEN. FLOOR (Y:36 N:0 A:4) (P)

05/27/2016 SEN. APPR. (Y:6 N:1 A:0) (P)

05/09/2016 SEN. APPR. (Y:6 N:0 A:1) (P)

04/20/2016 SEN. E.Q. (Y:6 N:1 A:0) (P)

SB 1441

(Leno D) Natural gas: methane emissions.

Current Text: Amended: 8/19/2016 [pdf](#) [html](#)

Current Analysis: 08/19/2016 [Assembly Floor Analysis \(text 8/19/2016\)](#)

Introduced: 2/19/2016

Last Amend: 8/19/2016

Location: 8/31/2016-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Dead	Enrolled	Vetoed	Chaptered	
1st House				2nd House								

Summary: Current law requires the Public Utilities Commission, in order to achieve transparency and accountability for rate revenues and best value for ratepayers, to consider, among other things, providing revenues for all activities identified and required by certain rules and procedures governing the operation, maintenance, repair, and

replacement of commission-regulated gas pipeline facilities, including any adjustment of allowance for lost and unaccounted for gas related to actual leakage volumes. This bill, on or after January 1, 2019, to the extent feasible and in appropriate proceedings, as determined by the commission, would prohibit the commission from allowing a gas corporation to seek or receive recovery from ratepayers for the value of natural gas lost to the atmosphere from certain natural gas facilities under the control of the gas corporation, as specified.

Vote Events:

- 08/29/2016 ASM. ASSEMBLY (Y:29 N:33 A:18) (F)
- 08/19/2016 ASM. FLOOR (Y:73 N:0 A:7) (P)
- 08/10/2016 ASM. APPR. (Y:13 N:6 A:1) (P)
- 06/29/2016 ASM. U. & C. (Y:10 N:5 A:0) (P)
- 06/01/2016 SEN. FLOOR (Y:28 N:11 A:1) (P)
- 05/27/2016 SEN. APPR. (Y:5 N:2 A:0) (P)
- 05/16/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
- 04/20/2016 SEN. E.Q. (Y:5 N:2 A:0) (P)
- 04/05/2016 SEN. E.,U. & C. (Y:8 N:1 A:2) (P)

Notes 1: This bill was crafted in response to the Porter Ranch natural gas leak and prohibits the PUC to allow Natural Gas suppliers to recover costs of gas leaks from ratepayers. The bill failed.

SB 1453

(De León D) Electrical generation: greenhouse gases emission performance standard.

Current Text: Introduced: 2/19/2016 [pdf](#) [html](#)

Current Analysis: 08/05/2016 [Asm Flr Senate Third Reading \(text\)](#)

Introduced: 2/19/2016

Location: 8/31/2016-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Dead	Conf. Conc.	Enrolled	Vetoed	Chaptered	
1st House				2nd House								

Summary: Would require the PUC to review any capital expenditure proposed by an electrical corporation for baseload generation that does not comply with the greenhouse gases emission performance standard established by the PUC and to not permit those costs to be recovered in rates if it finds, among other things, that the proposed capital expenditure will materially extend the service life of the baseload generation. This bill contains other related provisions and other existing laws.

Vote Events:

- 08/03/2016 ASM. APPR. (Y:14 N:6 A:0) (P)
- 06/29/2016 ASM. U. & C. (Y:10 N:4 A:1) (P)
- 05/26/2016 SEN. FLOOR (Y:26 N:10 A:4) (P)
- 05/16/2016 SEN. APPR. (Y:5 N:1 A:1) (P)
- 04/20/2016 SEN. E.Q. (Y:5 N:1 A:1) (P)
- 04/05/2016 SEN. E.,U. & C. (Y:7 N:0 A:4) (P)

Notes 1: The bill advocates that Utilities not be allow to recover capital expenditure costs for the repair of base-load generation if it is determined that the generating facility does not meet the GHG emission performance standard (1,100 # CO2/ megawatt hour).

Another failed DeLeon bill.

SB 1464

(De León D) California Global Warming Solutions Act of 2006: greenhouse gas emissions reduction.

Current Text: Enrolled: 9/2/2016 [pdf](#) [html](#)

Current Analysis: 08/18/2016 [Assembly Floor Analysis \(text 4/11/2016\)](#)

Introduced: 2/19/2016

Last Amend: 4/11/2016

Location: 8/30/2016-S. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	
1st House				2nd House								

Summary: Current law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop and update, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. Current law requires the investment plan to, among other things, identify priority programmatic investments of moneys that will facilitate the achievement of feasible and cost-effective greenhouse gas emissions reductions toward achievement of greenhouse gas reduction goals and targets by sector. This bill would require, in identifying priority programmatic investments, that the investment plan assess how proposed investments interact with current state regulations, policies, and programs, and evaluate if and how the proposed investments could be incorporated into existing programs.

Vote Events:

08/25/2016 ASM. FLOOR (Y:72 N:3 A:5) (P)
08/11/2016 ASM. APPR. (Y:12 N:1 A:7) (P)
06/27/2016 ASM. NAT. RES. (Y:7 N:1 A:1) (P)
05/31/2016 SEN. FLOOR (Y:26 N:5 A:9) (P)
05/27/2016 SEN. APPR. (Y:5 N:0 A:2) (P)
05/09/2016 SEN. APPR. (Y:6 N:0 A:1) (P)
04/20/2016 SEN. E.Q. (Y:7 N:0 A:0) (P)

Total Measures: 33

Total Tracking Forms: 33

Articles of Interest:

State receives only a trickle of cash from cap-and-trade program

Cap-and-trade produced little revenue this month as demand for greenhouse gas permits remained lower than in the past, according to new figures from the California Air Resources Board, which runs the program.

The results of the auction have been hotly anticipated in Sacramento, where lawmakers are debating the [future of the state's climate policies](#).

Although final details won't be available until next month, it's expected that revenue from the sale will be roughly \$8 million, even weaker than the previous round in May.

Supporters of California's climate policies emphasize that revenue is not the only way to measure the success of cap-and-trade market for greenhouse gases. In addition, the overall demand for permits ticked upward from May to August.

But the money has become an important factor in the Capitol. Gov. Jerry Brown is relying on some of the cash to help fund the [state's bullet train](#), and lawmakers have been [angling to get a cut](#) for projects in their districts.

At the same time, the cap-and-trade program is facing [significant legal and political hurdles](#). Without new measures to extend the state's targets for reducing greenhouse gas emissions — something that would be accomplished by passing Senate Bill 32 before the legislative session ends next week — it's unclear whether regulators have the authority to keep operating the program past 2020.

There's also a lawsuit pending over whether cap-and-trade is an unconstitutional tax. None of the measures under consideration this month in the Capitol would address that issue, meaning legal uncertainty could continue to linger until the case is resolved by the courts.

The program functions by requiring companies to buy permits in order to emit greenhouse gases into the atmosphere, creating a financial incentive to clean up their operations. The permits can be bought during regularly scheduled auctions or traded on a market.

Cow belches help drive California dairy industry lobbying blitz

BY JEREMY B. WHITE jwhite@sacbee.com

Cow dung and cow stomach gas: not just smelly, but also politically loaded.

Hence a new California dairy industry campaign pushing back on California's recommendation to regulate a naturally occurring source of methane. Part of the state's plan to curb climate-altering methane involves [getting food waste out of landfills](#), where it releases gas as it decomposes. The California Air Resources Board has also suggested slashing methane from cow manure and from a source of about half of the emissions from California's 5.5 million beef and dairy cows: something called "enteric fermentation."

Or, as it's also known, gasiness ("mostly belching," an ARB document clarifies). "FLATULENCE," blared the subject line of an email sent out Tuesday as part of an effort by groups like the Western United Dairymen and the Milk Producers Council to beat back climate mandates. Featuring an image of a cow with a red target on its body, the email urges readers to "say NO to unbridled ARB authority."

"The focus here is to highlight ARB's efforts at over-regulating the dairy industry," said Anja Raudabaugh, CEO of Western United Dairymen. "By nature's design, (cows) pass lots of gas," she added. "Quite frankly, we want them to expel gas so they d

According to the ARB, options to clean up manure include moving away from storing manure in lagoons and investing in

anaerobic digesters that can trap methane. Changes to breeding and feeding practices could limit flatulence. Emails and fliers to staff, digital ads and a social media blitz – a Twitter account is already up and tweeting – will accompany an augmented effort to lobby lawmakers down the legislative session’s final stretch. The dairy industry supplies California’s [single-most lucrative agricultural commodity](#), and the Western United Dairymen has spent about \$116,000 on lobbying from the start of 2015 through June of this year.

The proposed methane reduction figures into the ARB’s plan to limit so-called “short-lived climate pollutants,” fast-dissipating but extra-potent gases that Gov. Jerry Brown has included in [his overarching strategy to combat climate change](#). The air regulator’s [April proposal](#), which is a recommendation rather than a formal regulation, features images of cows munching grass.

A [bill pushing the ARB](#) to complete and implement its short-lived pollutants plan is currently moving through the Legislature, as is a bill setting [more ambitious emissions reductions targets](#) for 2030. The dairy industry is opposing both, allying them with powerful business and oil interests who have fought the legislation expanding California’s climate targets.

Jeremy B. White: 916-326-5543,

Bill to advance California's high-speed rail project is sent to Gov. Brown

In the last few hours before the end of session, lawmakers passed a measure to advance the California bullet train project.

Voters approved nearly \$10 billion in bonds for the high-speed rail project in 2008, but it has since stalled. The bill passed Wednesday would [clarify wording in the 2008 measure](#) and allow some of the money for the project to upgrade existing rail lines.

"It's a critical investment in our infrastructure," the bill's author, Assemblyman Kevin Mullin (D-South San Francisco), said.

But opponents say the bill passed Wednesday alters the voter-approved measure too much.

"This is a revision of what the voters intended," Assemblyman Jim Patterson (R-Fresno) said.

The bill, AB 1889, now heads to the governor for approval.

Jerry Brown moves to slip cap and trade into major climate bill

BY DAVID SIDERS

dsiders@sacbee.com

In a bid to preserve California’s cap-and-trade program beyond 2020, Gov. Jerry Brown has quietly proposed amending major environmental legislation to expressly authorize the regulation’s extension.

The draft bill language, obtained by The Sacramento Bee, would have the Legislature direct the California Air Resources Board to exercise its “authority under the California Global Warming Solutions Act of 2006 ... including its authority for market-based compliance mechanisms, to meet a statewide greenhouse gas emissions target by 2030.”

Brown’s office on Monday confirmed it had offered amendments but declined to say what they are.

The proposed amendment could further complicate passage of Senate Bill 32, an already-controversial proposal to extend the state’s greenhouse gas emission reduction targets beyond 2020. Lawmakers were reviewing the proposed text on Monday.

If [incorporated](#) into the bill, Brown’s proposed language will likely stir opposition to the broader bill from a subset of [ex](#) [ists](#) who say that cap and trade has allowed industries to continue polluting in areas of the state where more [p](#) [o](#) people live.

“It looks like the governor is trying to shoehorn some kind of language about cap and trade post-2020,” said Brent Newell, legal director of the Center on Race, Poverty & the Environment. “Senate Bill 32, right now, is legislation that would simply extend and create new targets. It would not extend cap and trade. The governor’s effort to wed the two will provoke our opposition.”

The bill comes amid a tenuous future for cap and trade, in which polluters pay to offset carbon emissions. Critics have argued the program is a tax that must be approved by a two-thirds legislative vote, a position rejected by many environmentalists and legislative Democrats.

The cap-and-trade program is a critical source of revenue to Brown’s plan to build a high-speed rail system in the state. Brown, a fourth-term Democrat, has made climate change a priority of his administration. But he has struggled with moderate Democrats and Republicans in California’s Legislature.

Earlier this month, Brown opened a new ballot measure committee and a top aide, Nancy McFadden, issued a prepared statement downplaying the significance of any one bill in the Legislature.

“We are going to extend our climate goals and cap and trade one way or another,” McFadden said. “The governor will continue working with the Legislature to get this done this year, next year or on the ballot in 2018.”

□

Almost \$391 million in cap-and-trade dollars awarded to public transit projects across California

Transportation officials have selected 14 public transit projects across California for a slice of proceeds from the state’s auction of greenhouse gas pollution credits, almost \$391 million in spending between now and the summer of 2018.

“Every dollar we invest has to have a greenhouse gas benefit,” said Brian Kelly, secretary of the California Transportation Agency.

The list of projects unveiled Tuesday includes more than \$109 million for Los Angeles’ subway system, including funds for the planned connection to LAX. Another \$28 million would help fund a streetcar project in Orange County linking Santa Ana and Garden Grove.

The announcement comes on the same day state officials participate in [another auction of carbon emission credits](#), purchased by companies so that they can exceed the mandated emissions cap.

An auction in May produced only a fraction of the expected proceeds, and [the long-term viability of the cap-and-trade program](#) is at issue in one of the state Capitol’s most closely watched political debates this month.

The dollars awarded Tuesday are part of an earmarked portion of cap-and-trade revenue that includes [money for high-speed rail](#). Lawmakers continue to debate how to spend the remaining auction proceeds.

Transportation officials said the list of potential projects far outstrips what’s been set aside for public transit.

“We wish there was more,” said Kelly.

Lawmakers, Brown spar over spending cap-and-trade cash

Aug. 17, 2016 Updated 9:16 p.m.

SACRAMENTO – Democratic legislative leaders and Gov. Jerry Brown are divided over whether to divvy up more than \$1 billion collected from carbon auctions or retain it as an enticing bargaining chip while they struggle to win support for extending California’s climate programs.

The top Senate leader upped the ante Wednesday by proposing to spend \$1.2 billion, nearly all of the \$1.4 billion that’s been collected but not yet earmarked. The plan by Senate President Pro Tem Kevin de León, D-Los Angeles, would allocate money through 2017 for lower-emission vehicle incentives, transit funding and money to help low-income families make energy-efficiency upgrades.

“Each day, each month, each year that we don’t push these dollars out into the community is a day lost that we’ll never recapture again in terms of cleaning up the dirty air that children breathe into their lungs,” de León said.

D 29 of 182 osal puts him at odds with Brown and Assembly Speaker Anthony Rendon, D-Paramount, who would prefer to hold on to much more of the windfall.

The money is the fruit of California's cap-and-trade law, which requires companies that emit climate-changing gases to buy pollution permits, which are auctioned quarterly. The funds can be spent only on initiatives that reduce greenhouse gases and are a major source of funding for Brown's favored high-speed rail project, along with transit construction and energy conservation around the state.

Pollution credits consistently sold out after the cap-and-trade program began in 2012, but demand this year has plummeted amid uncertainty about the program's viability. The result was a steep decline in available revenue, prompting concerns that funding won't be available to continue programs long-term.

Results of the most recent auction, held Tuesday, are expected to be released next week.

"Given the overall volatility of the funding stream, we do need to be realistic and prudent in how much and where we spend," Rendon said in a statement after de León released his spending plan. He declared that a "responsible" spending plan will be approved this year, but his office declined to say how much he believes should be spent.

The debate over how much to spend comes as Brown's effort to extend the program until 2030 falters in the Assembly amid strong opposition from oil companies, Republicans and moderate Democrats. That 2006 law, known as AB32, is the legal framework that underpins the carbon auction program and many of California's other climate change programs, but its authority beyond 2020 is uncertain.

Revenue from carbon auctions has been accumulating because lawmakers failed to agree on a spending plan last year, creating a rare pot of state money that isn't already spoken for. It's a tantalizing bargaining chip that allows supporters of extending the program to direct funding to projects in the districts of wavering lawmakers.

With two weeks left in the legislative session, groups eagerly awaiting funding for their favored programs are urging lawmakers not to wait another year.

State Senate releases cap-and-trade spending plan

BY JEREMY B. WHITE

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A vehicle trade-in program for low-income families and projects in poor communities would be among the chief recipients of money from California's cap-and-trade program under a Senate proposal unveiled on Wednesday amid an attempt to win enough votes to extend the climate program.

A large pot of money is sitting unused as lawmakers and Gov. Jerry Brown negotiate over the future of the program, which requires businesses to buy permits for the carbon they emit. Money from those auctions flows into a fund that can be used for projects to mitigate the environmental effects of greenhouse gases.

In the past, policymakers have set aside money for areas such as high-speed rail and affordable housing. Lawmakers have proposed using money [on anything from port improvements to soil](#). Money has recently flowed to [local projects such as a Sacramento streetcar](#). But Brown and lawmakers [did not reach a deal on spending cap-and-trade money](#) last year, and this year's budget [did not allocate any funds](#).

In the background, efforts to sustain California's cap-and-trade program continue. After failing last year, a bill to [preserve cap and trade](#) by extending emissions reductions targets awaits a vote in the Assembly. It would need to win votes from centrist Democrats who have complained that climate-change programs have not benefited low-income Californians.

The last carbon-permit auction yielded around \$10 million, a relatively paltry sum that cast doubt on the program's stability. Regardless of cap and trade's future, at present \$1.4 billion remains available, according to the Legislative Analyst's Office.

The plan announced by Senate President Pro Tem Kevin de León, D-Los Angeles, would spend \$1.2 billion on areas that include transit (\$100 million), rebates for purchasing clean vehicles (\$100 million), and a program allowing low-income people to trade in old vehicles for more fuel-efficient ones (\$150 million). That money could help California push toward a goal of slashing petroleum use after Brown, de León and allies [dropped a plan to mandate a 50 percent reduction](#) amid pushback from business-allied Democrats.

The proposal would also offer \$100 million for energy-efficiency upgrades such as weatherization and \$175 million to bring projects to underserved communities. That, along with the money for low-income people to trade in vehicles, could appeal to moderate Democrats who complain that climate-change policies flow to wealthier parts of the state rather than benefiting poorer inner-city districts.

“Working families in our most economically disadvantaged and polluted areas deserve to benefit from investments now so they have access to the cleanest technologies and the tools to make their communities more livable,” de León said in a statement.

In addition, the bill would spend \$100 million to combat so-called “short-lived climate pollutants,” gases such as methane with potent climate-altering effects. Such emissions [have become a focus for Brown](#). Of that money, \$55 million would be used to reduce methane from dairy and livestock, [a concept the dairy industry has been fighting](#).

The Assembly has not yet released its own blueprint. Assembly Speaker Anthony Rendon, D-Paramount, released a statement vowing to approve a cap-and-trade spending plan this year and saying the lower house would consider de León and Brown’s ideas. He said the picture would become clearer next week when results of the most recent carbon-permit auction are released.

“Keeping cap-and-trade funds bottled up isn’t going to reduce the harm caused by greenhouse-gas emissions, so we need to get some of that money out the door to make progress,” Rendon said, emphasizing the need to ensure outlays “don’t overcommit or lead to cuts if funding dries up.”

Wednesday’s bill is linked to another measure, AB 1629, that will contain the policy details on how to spend the money contained in AB 1613. The amendments to AB 1629 have yet to emerge.

Methane-limiting measure heads to Jerry Brown

BY JEREMY B. WHITE

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Moving to expand California’s already-sweeping efforts to blunt climate change, lawmakers on Tuesday sent Gov. Jerry Brown legislation to limit methane from sources like landfills and dairies.

Much of the debate around climate change policies has focused on the climate-altering effects of burning petroleum. But gases known as “short-lived climate pollutants,” like methane, can have powerful effects even as they dissipate relatively quickly. Under Senate Bill 1383, the Air Resources Board would have a mandate to cut such emissions by 40 percent. As with other climate bills, the measure had to scale a wall of resistance from oil industry groups and business associations.

But SB 1383 squeaked past the finish line with Brown himself making calls to members, marking the final climate fight of a session filled with them.

It passed the Assembly, typically more treacherous territory for climate bills, with the minimum margin on a 41-22 vote. The Senate then advanced the bill to Brown on a 25-12 vote.

Members speaking in support of the measure framed it as a public health bill that would lengthen lives and combat ailments like asthma.

“A child born in certain parts of my district, their lifespan would be cut down by 14 years,” said Assemblyman Tony Thurmond, D-Richmond. “Short-lived climate pollutants,” he added, “their impact is lasting.”

Landfills and dairy producers would bear much of the responsibility for making such reduction. Organic waste in landfills emits methane as it decomposes, [prompting California to encourage](#) the elimination of green waste from garbage dumps. The bill would dictate a 75 percent cut in organic waste by 2025.

Raising dairy livestock also involves a fair amount of gas, some of it from the stomachs of belching cows, and the measure would compel dairies to reduce the methane they produce by 40 percent as of 2030.

The dairy industry had launched a new lobbying and [public relations campaign](#) to try and block new mandates. But that opposition fell away as the bill was amended to allow more time for less severe cuts.

And a provision amended into the bill specifically addresses regulations on gassy bovines, saying such limits can only proceed if the ARB and the California Department of Food and Agriculture identify a workable way to limit cow methane.

“31 of 182 e by a freeway by a dairy and not smell it and not know, we should probably do something,” said Assemblymember Susan Eggman, D-Stockton. “If you think dairy should be able to have a voice in your own future,” she

added, "vote yes."

Earlier in the day, Gov. Jerry Brown and legislators cemented a deal allocating revenue from the state's cap-and-trades program to both areas. The pact would allocate \$40 million to the Department of Resources Recycling and Recovery and would spend \$50 million on dairy and livestock related methane cuts.

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California's climate change law clears a big hurdle after lobbyists crank up pressure

A controversial measure to extend California's target for reducing greenhouse gas emissions was approved by the Assembly on Tuesday, clearing a major hurdle in a battle at the Capitol over the future of the state's environmental programs.

White House officials and Gov. Jerry Brown cranked up the pressure on Assembly members to support the legislation, while oil industry lobbyists huddled with sympathetic lawmakers in an attempt to stall an effort that [once seemed unlikely to gain traction](#) this year.

The legislation would require slashing greenhouse gas emissions to 40% below 1990 levels by 2030, a tougher target than the current goal of hitting 1990 levels by 2020.

"When it's all said and done, this is a simple bill, but an extremely significant one," said Assemblyman Eduardo Garcia (D-Coachella), who introduced the measure on the floor. "It represents a new chapter of the state's climate policy."

The measure, Senate Bill 32, must receive a final vote in the Senate before it can go to Gov. Jerry Brown for his signature. It is the sequel to Assembly Bill 32, a landmark 2006 law that laid the groundwork for California's extensive array of environmental initiatives, including the cap-and-trade program, which provides a financial incentive to reduce emissions by forcing companies to buy permits to pollute.

"Today's action sends an unmistakable signal to investors of California's commitment to clean energy and clean air," said a statement from state Sen. Fran Pavley (D-Agoura Hills), who authored both measures.

The issue has been the subject of intense lobbying in Sacramento, especially after signals this month from Brown and some lawmakers that there may not be enough political support to pass the measure before the end of the legislative session Aug. 31.

After the vote, Brown issued a statement referencing Republican presidential nominee Donald Trump, who has called climate change a hoax, and thanking lawmakers for "rejecting the brazen deception of the oil lobby and their Trump-inspired allies who deny science and fight every reasonable effort to curb global warming."

Assemblyman Ken Cooley (D-Rancho Cordova), one of [more than a dozen Assembly members](#) who supported the legislation Tuesday after abstaining or voting against it last year, said he's confident lawmakers will have greater say over state regulations than they have in the past. White House officials reached out to Cooley and a few of his colleagues recently to talk to them about supporting the measure, he said.

"It just signals that clearly the White House views the leadership of California as an important part of a global conversation," he said. "It rose to the level where they were looking to reach out to members."

Democratic donor and environmentalist [Tom Steyer](#) was also in the Capitol during Tuesday's debate talking to lawmakers.

"You're dancing to the flute of a rich hedge fund billionaire who is running for governor," Assemblyman James Gallagher (R-Plumas Lake) told his colleagues who were supporting the legislation, a nod toward Steyer's rumored political ambition.

Steyer said it was only a coincidence that he was present Tuesday. Asked about Gallagher's comment, he said, "normally when I hear something like that, I think, wow those guys have run out of actual arguments and now they're trying to sling dirt."

Oil companies and manufacturers that opposed the legislation are now [turning their attention](#) to a related measure, Assembly Bill 197, which would [increase legislative oversight of regulators and crack down on pollution](#) from refineries and other sources.

If it's blocked, the new emissions reduction target from Senate Bill 32 won't take effect.

Despite some concerns from fellow Democrats, Assembly Speaker Anthony Rendon (D-Paramount) said his caucus would support Assembly Bill 197, which is scheduled for a hearing Wednesday morning.

“It’s really about oversight, it’s really about accountability,” he said. “These are the types of things that we’ve been talking about as a caucus, as a Legislature, for some time.”

Tuesday’s vote came shortly after the latest report of revenues collected under [cap and trade](#).

In the program, permits are traded on a market or sold in an auction. Although overall demand for permits increased, revenue is expected [to be less than \\$10 million](#), even lower than the dismal results from the May auction.

Supporters have noted that revenue is not the best way to measure the success of a program intended to lower emissions, but the money has become an important part of the political conversation in the Legislature. Brown is counting on some of the money to help pay for the bullet train from Los Angeles to San Francisco, and lawmakers are working on plans to divvy up the rest among projects in their districts.

Rendon said he hopes approving new legislation this year will restore some confidence to the cap-and-trade market.

“We know that the last couple of auctions have been not what we wanted them to be,” he said. “We’re trying to let people know that we’re dedicated to battling climate change in California and that what this program has done for the economy, it’s going to continue to do so for quite some time.”

However, the legislation would not address legal uncertainty stemming from a lawsuit over whether the existing cap-and-trade program has amounted to an unconstitutional tax. Eliminating that concern would require a two-thirds vote in each house of the Legislature, the threshold needed to approve taxes and fees.

Catherine Reheis-Boyd, president of the Western States Petroleum Assn., said in a statement that problems will only worsen because the measure advanced on Tuesday “fails to address fixes to cap-and-trade, which sends the wrong signals to the market.”

The Brown administration has said more work will be necessary — possibly with a ballot measure in 2018 — to address the issue.

“Shoring up the cap-and-trade program — either through the Legislature or by the voters — will provide that certainty and will continue billions in funding for vital programs, especially in disadvantaged communities with the dirtiest air,” said a statement from Nancy McFadden, a top aide to Brown.

A big question complicating the climate debate: Are current policies only benefiting the rich?

<http://www.latimes.com/politics/la-pol-sac-climate-change-disadvantaged-communities-20160822-snap-story.html>

Liam Dillon

In early 2015, Democratic members of the state Assembly huddled in a Cal State Sacramento conference room to hear Mary Nichols, chair of the powerful Air Resources Board, explain how her agency handles the billions of dollars collected from California’s marquee program to fight climate change.

Quickly, the conversation grew heated. More than half a dozen lawmakers unhappy with the amount of money flowing to poor communities from the system known as cap and trade began peppering Nichols with questions, according to three lawmakers who were in the room.

Nichols responded, the lawmakers said, that low-income residents were getting the help they needed. Everyone in the state, she said, benefited from clean air — an answer that convinced the Assembly members Nichols was dismissing them.

Frustrations mounted. Assemblyman Jimmy Gomez, who represents Elysian Park, Echo Park and other nearby lower-income and gentrifying neighborhoods in Los Angeles, told a colleague the answer sounded like “a trickle-down environmental policy.” The furor only stopped when a moderator put an end to the debate.

“That came off as a ‘Let-them-eat-cake’ moment,” Gomez said recently.

“A poor person in my community doesn’t see a person driving a Tesla and say, ‘That benefits me,’” he said.

Nichols recalled the conversation differently, saying she doesn’t remember being challenged specifically about spending on low-income communities. “I don’t recall a question that would have led me to say something that was dismissive of that concern,” she said. “I would not be dismissive of that concern,” Nichols said. “I share the concern.”

Still, Gomez and other lawmakers have identified that 2015 meeting as a watershed moment that's now escalated to anger about how the state spends money generated from its climate change program — criticism that's often cast in terms of race and class. And as Gov. Jerry Brown and legislative leadership aim this month to extend the state's targets to reduce greenhouse gases and the program that funds the effort, the fight over spending has emerged as one of the most prominent sticking points.

Unless more money gets directed to poor communities, lawmakers whose votes may be needed to continue the climate change efforts say they're wary. Assemblyman Jim Cooper (D-Elk Grove), a leader in the business-aligned bloc of his party, said he hasn't made up his mind, in part, because he's outraged people living in a handful of wealthy Bay Area and West Los Angeles communities have received by far the largest shares of state rebates to purchase electric cars.

"It's welfare for the rich," Cooper said. "It's dead wrong in my book. It should be wrong in anybody's book."

The state's push to sharply reduce greenhouse gas emissions is primarily funded by auctioning credits to businesses that can then exceed the maximum level of emissions, a program known as cap and trade. Since the auctions began in 2012, the effort has raised more than \$4 billion with the money required to be spent on efforts that cut carbon emissions. The cash funds the popular electric car rebates, the state's proposed high-speed rail project and dozens of other programs.

The money has given lawmakers a unique way to bring home substantial dollars for their communities. But the climate debate's global nature has put a twist on the aphorism that all politics is local.

Brown, Nichols and legislative leaders [traveled to Paris last winter to take part in the U.N. summit on climate change](#), and much of that discussion has focused the issue's impacts far beyond California.

That sometimes has caused the leadership of the Air Resources Board to overlook local concerns, said Assemblyman Sebastian Ridley-Thomas (D-Los Angeles).

"Because they're fighting a global, historic battle, their leaders, their talking points, their focus is the global," said Ridley-Thomas, noting that the air board had widely publicized its actions against German automaker Volkswagen over major emission violations.

"Well, what does that have to do with whether or not we are improving ... greater Los Angeles?" the assemblyman asked.

Though particularly pointed now, accusations of inattention to low-income communities have festered for years, often bleeding into debates about other high-profile environmental legislation.

Last year, a number of black and Latino Democratic lawmakers [balked at a proposal to cut gasoline use in half across the state](#), questioning how the provision or the state's broad environmental program would benefit their constituents. That opposition forced Brown and legislative leaders to remove the provision from a major climate bill.

A focus on poor communities is all the more urgent, said Assemblywoman Autumn Burke (D-Inglewood), because [research has shown they are disproportionately affected](#) by pollution and climate change.

"They're the ones who have to live with bad air and who live with black water," Burke said. "To not have those people at the table who are living the worst conditions, to me, it's criminal."

Brown, legislative leadership and the Air Resources Board have responded to lawmakers' concerns with a number of measures designed to increase attention on the needs of low-income residents.

They set a \$250,000 income cap on individuals eligible for clean car subsidies and created a more generous program to benefit poorer residents. They're creating a new, executive-level position within the air board to handle environmental justice issues. And they added two new board members — the first of the now 14 members not appointed by the governor — [specifically to represent the needs of disadvantaged communities](#).

Of the nearly \$1 billion in climate dollars invested through last year, more than half benefitted disadvantaged communities — defined as regions with high levels of pollution and high poverty — and almost 40% was directly invested in those communities, [according to Air Resources Board statistics](#).

Still, Gomez and others have argued that those definitions need to be further refined to ensure that residents getting those dollars were significantly below the federal poverty line.

One major problem frustrating climate spending is that for two years Brown and lawmakers [have failed to reach an agreement](#) in allocating what's now grown to \$1.4 billion of [cap-and-trade money sitting in an account](#). The dollars have been p

Last week, Senate President Pro Tem Kevin de León (D-Los Angeles) unveiled a climate spending plan that sharply increases dollars targeted for low-income residents. It quintuples planned spending on the clean car subsidy for low-income residents to \$150 million — allowing it to grow from pilot efforts in Los Angeles and the San Joaquin Valley to the entire state.

De León’s plan pays for that increase by slicing more than \$100 million out of Brown’s proposed allocation for the more broad-based electric vehicle rebate program.

The state Senate leader, who has authored multiple laws to increase climate spending on disadvantaged communities, joked that the goal was to make mariachi music as likely to be heard from an electric car’s radio as National Public Radio.

He said his spending plan gives lawmakers who say they’re interested in directing money to low-income communities — including those who haven’t voted to continue the climate programs in the past — an opportunity. In 2015, the bill to extend the greenhouse gas reduction targets, SB 32, fell 11 votes short of passage in the Assembly, and no more than that many Assembly Democrats can defect from the party caucus this year.

“Now is a time to put your money where your mouth is,” De León said.

The governor has not commented on De León’s spending plan, but agrees that his administration could do more to assuage lawmaker concerns about spending in low-income neighborhoods, according to Brown spokesman Evan Westrup.

“There’s still a challenge and much more to do,” Westrup said.

The governor supports proposed bills from Gomez, Cooper, Burke and a measure from Sen. Ricardo Lara (D-Bell Gardens) that would burnish the state’s use of climate dollars to help disadvantaged communities, he said.

Both the governor’s support for his legislation and De León’s spending plan encouraged Gomez. He said that without such reforms to the climate program, there might not be enough votes in the Legislature — his own included — to extend the state’s greenhouse gas reduction targets by the end of the legislative session in less than two weeks.

“I’ve been pushing for the longest time that you get the votes easier and with more enthusiasm when people feel like you’re addressing their concerns,” Gomez said.

High-speed rail critics question the first route segment, which will end in an almond orchard

<http://www.latimes.com/local/california/la-me-bullet-hearing-20160829-snap-story.html>

Ralph Vartabedian

The state’s plan to build an initial stretch of high-speed rail line, from San Jose to a map point in the midst of Central Valley farmland, came under renewed attack at an oversight hearing Monday.

Republicans on the House rail subcommittee had sought to hold the hearing in the Silicon Valley but ran into Democratic opposition, according to sources familiar with the matter. So the group convened around folding metal tables in a nondescript basement room in a San Francisco federal building.

Rep. Jeff Denham (R-Turlock), chairman of the panel, chided the state for lacking a plan to complete the [Los Angeles-to-San Francisco bullet train system](#).

“You could be stuck in a field somewhere between Shafter and Wasco ... and ... out of money,” Denham said.

The apparent absurdity of the abbreviated route was not lost on supporters.

“It seems odd,” acknowledged Dan Richard, chairman of the rail authority, “to be stopping in the middle of an almond orchard.”

He added, however, that an additional \$2.9 billion from the federal government could extend the line to Bakersfield and eventually capture billions of dollars in fare revenue.

The hearing Monday largely reflected the enthusiasm of Democrats and the skepticism of Republicans for the \$64-billion project.

“We don’t want something that has no riders, no train, no investor, only to have to wait for decades,” Denham said of the route.

Richard, however, told the subcommittee that the project is “going smoothly.” The state’s new business plan, released earlier this year, said the project had enough sources of money from bonds, federal grants and state greenhouse gas fees to build a \$21-billion line from San Jose to a point somewhere near the small agricultural town of Wasco, before continuing on with new money to more populated destinations.

Since then, the greenhouse gas fees, raised in so-called cap-and-trade auctions, have fallen flat and the auctions are under a legal challenge by the state’s Chamber of Commerce. The sale of bonds has been delayed by years over tough legal protections built into the 2008 bond act that voters approved.

The current construction, centered on 29 miles in Fresno, has been funded mostly by the federal grants and without state matching funds that will have to be paid later.

But Richard said he had “great confidence” that the cap-and-trade auctions would survive and that ultimately private investors would help the state complete construction, closing what is now a \$43.5-billion funding shortfall that would be needed mainly to cross the Tehachapi and San Gabriel mountains.

But some Democrats and Republicans are beginning to worry that the project could turn into a train ride to nowhere, with snippets of the route scattered across the state as Bay Area and Los Angeles deal makers siphon off funds.

What if the state ultimately fails to connect the Bay Area to Southern California, asked Rep. Zoe Lofgren (D-San Jose), based on concerns Denham raised at the hearing.

“I don’t want my name [or] the governor’s name to be associated with a piece of track that isn’t connected to the rest of the state,” Richard said.

But he continued with an answer that provided insight into how the state might justify an isolated segment if the entire system never gets built.

The Central Valley segment, he said, would eliminate 55 grade crossings and provide a dedicated line for Amtrak trains, relieving overburdened freight track.

“There is a lot that we are doing that will have immediate benefit,” he said.

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Gov. Jerry Brown, state lawmakers reach last-minute deal on spending cap-and-trade revenues

<http://www.latimes.com/politics/essential/la-pol-sac-essential-politics-updates-gov-jerry-brown-and->

In the closing hours of the legislative year, lawmakers approved a last-minute deal Wednesday to free up hundreds of millions of dollars from the state’s cap-and-trade program to fund green projects across the state. Under the agreement, which broke a two-year impasse, the state will spend \$900 million on programs to reduce greenhouse gas emissions — nearly two-thirds of [\\$1.4 billion that has been raised but](#) was tied up unspent in a political stalemate. The money will go toward subsidies for electric cars, new park space and pedestrian-friendly affordable housing. California’s 4-year old cap-and-trade program raises money from businesses that purchase permits to pollute.

The deal was announced on the Legislature’s final day, and was hailed by the governor and legislative leaders. It comes not long after they inked an ambitious plan to combat climate change by extending and expanding California’s targets to reduce greenhouse gas emissions.

“California’s combating climate change on all fronts and this plan gets us the most bang for the buck,” Brown said in a statement. “It directs hundreds of millions where it’s needed most — to help disadvantaged communities, curb dangerous super pollutants and cut petroleum use — while saving some for the future.”

The deal is expected to land on Gov. Jerry Brown’s desk as early as Thursday morning.

The spending proposal is tilted toward urban areas and low-income communities, marking a win for lawmakers who argued their poorer constituents were being left out of the largesse generated by the cap-and-trade program. The final deal included money for energy efficiency upgrades for aging buildings and urban parks, but no money for conservation projects such as wetlands restorations.

Such spending priorities are typically haggled over during the budget process, but for two years, the funds were trapped in political limbo, being held as leverage while politically fraught climate bills were being debated in the Legislature. Another 60% of the auction revenues are not subject to the annual budget process; instead, they are automatically directed each year toward certain projects, including the bullet train and affordable housing.

This new agreement would allocate \$135 million for transit projects such as intercity and commuter rail systems.

It would spend \$133 million for the state's main subsidy program for low- and zero-emission vehicles, and another \$80 million for a second subsidy for low-income Californians living in poorer parts of Los Angeles and the San Joaquin Valley.

Thousands of consumers were pushed to wait lists while the cap-and-trade funds were held in limbo. Once the budget is finalized, rebates will go out to those already on the waiting list, with priority going to low-income buyers.

It includes \$80 million for urban parks and other green spaces. Such projects will be chosen by state and local agencies during a grant process over the next several years.

"The reality is we have many communities...especially in Los Angeles, that are urban asphalt and concrete wastelands," said Senate leader Kevin de León (D-Los Angeles). He said urban greenery—which can be as small as an alleyway or pocket park — help combat high temperatures caused by vast stretches of asphalt and concrete, leading to lower cooling costs.

The plan allocates \$140 million to assist disadvantaged communities to develop their own local efforts to combat climate change, such as city planning that includes affordable housing and pedestrian walkways.

Multiple bills expected to pass in the Legislature late Wednesday add new restrictions on how the money is spent. About half of those who had received subsidies to purchase low- or zero-emission vehicles were earning more than \$200,000 a year, according to a state survey. A new bill would limit the subsidy to those making less than \$150,000.

Similarly, the spending package includes \$50 million to reduce methane emissions from dairy and livestock dependent on a separate bill that would require sharp cuts in these emissions by 2030.

And a third bill creates a new program that encourages disadvantaged communities to develop their own local efforts to combat climate change, such as such as city planning that includes affordable housing and pedestrian walkways. The legislation includes \$140 million to fund this effort statewide.

The spending plan is not as expansive as the one proposed by De León earlier this month, which sought to [spend \\$1.2 billion](#).

Assembly Speaker Anthony Rendon (D-Paramount) had expressed reservations about using nearly all of the available cash in light of [dwindling proceeds](#) from recent cap-and-trade auctions.

Facing legal uncertainty due to a pending lawsuit, cap-and-trade auction revenue has sharply declined. The most recent auction, held in August, generated around \$8 million. Lawmakers said they hoped the recent extension of the state's emissions targets — which demonstrated a political will to shore up the program — would restore faith from the markets.

"With this agreement, we take an aggressive approach to investing cap-and-trade funds that provides tangible results for cleaner air and helps lower income Californians benefit from emission reduction programs," Rendon said in a statement. "At the same time, we are also maintaining a responsible reserve to provide for the future."

Brown, who has championed setting aside money in the case of economic downturn, appeared even less inclined to dip into cap-and-trade dollars. Asked last week if he backed spending those funds, the governor said he was "committed to spending a little of that money," placing emphasis on the word "little."

Is this the last time a legislative session ends in Sacramento with quickly amended bills?

<http://www.latimes.com/politics/essential/la-pol-sac-essential-politics-updates-is-this-the-last-time-a-legislative-1472701050-htmlstory.html>

At several points Wednesday night, with only hours before the end of the legislative session, proposed laws were being quickly rewritten and placed in front of weary lawmakers for a fast vote.

It's a familiar scene at the state Capitol. But one group hopes it's also the last time it happens.

Proposition 54, which will be considered by California voters on Nov. 8, [would require most bills be in print and online for public review for at least 72 hours before final legislative votes.](#)

That would almost completely eliminate a number of bills debated and passed Wednesday, usually brought up "without reference to file."

The idea behind Proposition 54, written by Republican donor Charles Munger Jr. and former legislator [Sam Blakeslee](#), actually originated in the Legislature. The two men circulated their initiative after the Legislature failed for several years to move the idea forward.

Business Losses and Wins in Legislative Bills Battle

By **Joel Fox**

Editor of Fox & Hounds and President of the Small Business Action Committee

Tuesday, September 6th, 2016

No one knows for sure what Governor Brown will do with the 800 bills on his desk that await his signature, but for the business community the recently ended legislative session saw some successes and some big setbacks. Perhaps there are more to come.

Concerned with the idea of extending and increasing greenhouse gases reduction mandates, the business community's protests about further loss of manufacturing might and economic disruption fell on deaf ears as the legislature passed SB 32. Brown has already assured Californians he will sign that bill and an accompanying measure that provides some legislative oversight of the California Air Resources Board.

Previously, to avoid an initiative and give governors a modicum of control in measuring the economic impact of minimum wage increases, the legislature passed and Brown signed an increase in the minimum wage to \$15 an hour. Business opposed this dramatic increase claiming jobs would be lost. Time will tell, but there is little uncertainty that this measure put another large burden on the state budget because the state will have to increase the wages of its own minimum wage workers. That budget increase could possibly lead to new taxes for business and other taxpayers.

End of session battles led to dual setbacks for business. Against objections from farmers, the legislature passed a bill to redefine overtime pay for farm workers. In addition, a last minute gut and amend bill mandated more time off for workers to bond with a newborn.

Businesses are also keeping a wary eye on legislation setting up new retirement accounts for workers that do not have one. At a minimum, it is more paperwork and attention to non-business details for employers. However, despite assurances that no extra financial burden will hit either the employer or the state, if the retirement programs falter, employers and taxpayers are the likely financial backstop.

One action the legislature failed to take despite urging from the business community was to find resources to improve transportation infrastructure. The competing plans from the Democrats (raising taxes) and the Republicans (spending current dollars more efficiently) led to gridlock.

But it was not all setbacks for business.

The California Chamber of Commerce reported that of its annual list of job killer bills 19 of 24 did not reach the governor's desk. One important stop was AB 2895, an effort to expand litigation against businesses through the Private Attorneys General Act, a growing concern to the business community. The Job Killers list included bills dealing with economic barriers, increased labor costs and tax increases among other categories. The entire list can be viewed [here](#).

Now the business community waits to see what the governor has in mind.
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**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 3

DATE: September 26, 2016

RECOMMENDATION: **Continue item** to adopt a Resolution to authorize the District to participate in the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement System (PARS); Authorize a deposit up to \$1,000,000; Appoint the Executive Director/APCO as the Plan Administrator; and Authorize the Executive Director/APCO to execute the documents to implement the program **to January 23, 2017**.

SUMMARY: **This item was presented to the Governing Board on June 27, 2016 and the action of the Board was to continue this discussion to August 22, 2016 and again on September 26, 2016. Staff recommends continuing the discussion to January 23, 2017 to allow for staff presentation with the annual fiscal audit.** This item will adopt a Resolution to authorize the District to participate in the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement System (PARS) and implement subsequent actions.

CONFLICT OF INTEREST: Public Agency Retirement System (PARS), its Directors and Officers; Governing Board members and officers of the MDAQMD.

BACKGROUND: Public Agency Retirement System (PARS), the Administrator of the District's OPEB Trust, has notified the District that they are now able to expand the offerings to include a trust that will allow pre-funding of the District's **future pension obligations**. This is their Pension Rate Stabilization Program ("PRSP"), explained in more detail in the "Additional Information" attached to this item.

REASON FOR RECOMMENDATION: The Governing Board action is required to adopt the Resolution, authorize establishing this trust, and transfer of funds.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director/APCO on or about September 12, 2016.

FINANCIAL DATA: No increase in appropriation is anticipated. This action will authorize a transfer up to \$1,000,000 from the General Fund designated reserve for Retirement Reserves.

PRESENTER: Jean Bracy, Deputy Director - Administration

**ADDITIONAL INFORMATION
PENSION RATE STABILIZATION PROGRAM**

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The purposes of the **Pension Rate Stabilization Program** are outlined below. In brief, funds deposited in the trust are set aside to pre-fund the liabilities associated with the District's obligation for future retirement benefits for District employees. The fund is restricted to the extent that withdrawals must satisfy any part associated with funding or providing employer obligations for pension benefits, and costs associated with managing the pension fund. The PARS has a client list of 32 agencies, including special districts.

On November 23, 2009, the Governing Board authorized participation in the *Public Agencies Post-Retirement Health Care Plan Trust*. The irrevocable Trust was established to set aside resources to pre-fund the liabilities associated with the District's Retiree Health Care benefit. In this action the District will **withdraw from** the Health Care Plan Trust and **transfer assets to** an OPEB account established in the name of the District under the "*Public Agencies Post-Employment Benefits Trust*." This **single trust** will manage the pre-funding of both the OPEB and PRSP, and separately handle the investments.

The District is obligated by financial regulation to fund the future liability of employee pension benefits.

GASB Requirements

In 2012 the Government Accounting Standards Board (GASB) issued Statement No. 68, Accounting and Financial Reporting for Pensions. GASB 68 requires that governmental employers that sponsor defined benefit pensions (such as the District's pension program with San Bernardino County Employees Retirement Association, SBCERA) must recognize a **net pension liability** (unfunded accrued liability) on their Statement of Net Position. The net pension liability is the difference between the District's total pension liability (actuarial accrued liability) and actual plan assets. The effects of GASB 68 is reflected on the District's annual audit for June 30, 2015 (page 12 of that report is attached). The District's **net pension liability as of June 30, 2015 is \$7,124,444**. This was determined by SBCERA's actuarial estimates.

Financial Statement Impacts

The **net pension liability** has the appearance of reducing the District's available resources to perform the business of the District. In practice, however, the net pension liability assumes a debt that is payable on the date of the financial report; failing to consider the annual contributions deposited each succeeding year. Nonetheless, the District has a **fiduciary responsibility** to address the net pension liability and make efforts to offset a portion of the liability. A trust for the explicit purpose of offsetting this obligation will have a direct effect on the District's presentation of net pension liability on the District's financial statements. As investment earnings increase the net pension liability will decrease.

Actuarial Assessments

Calculating the District's net pension liability is very complicated. **Actuarial assessments** calculate future benefits on a 30 year horizon for present and past employees who are expected to retire in the future. The assessment calculates the estimated **dollars required** to be invested now to insure sufficient resources for the known population to retire in the future. Annually there is a **reconciliation of the assumptions** against what really happened. This reconciliation generally

**ADDITIONAL INFORMATION
PENSION RATE STABILIZATION PROGRAM**

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affects the **unfunded liability** which is calculated through the evaluation and may impact the District's required contribution.

SBCERA Pool

The particular characteristic of the SBCERA fund is that the District is "pooled" with fifteen other small or medium sized organizations. The investment gains and losses are shared across these member agencies. If the District were to deposit \$1,000,000 into the pool, the effect for the District's liability would be diluted against the other members in the pool. If the District used the funds to "prepay" a year of liability, the annual savings have been estimated at \$30,000 to \$50,000.

Investment Earnings and Guidelines

In contrast, earnings on \$500,000 invested by the District in the OPEB Trust have earned an average of 5.8% for five years. Estimates indicate that **investment earnings** in the Trust will exceed the savings estimated by a prepayment. An **Investment Guidelines Document** was approved at the May 23, 2016 Governing Board meeting. These guidelines govern the investment schemes available to the District for this trust and reflect a conservative approach to investment selections.

Funding

The Governing Board has designated \$1,000,000 (one million dollars) in the General Fund reserved for retirement liability. The action before the Board is to authorize a **transfer up to** the full \$1,000,000.

Funding Recommendation

Staff recommends the first transfer of \$500,000 as soon after adoption by the Governing Board as practicable.

Trust Characteristics

The recommended action will terminate the District's participation in the *Public Agencies Post-Retirement Health Care Plan Trust* and transfer those assets to the *Public Agencies Post-Employment Benefits Trust*. The assets of each program (OPEB and PRSP) are pooled for investment earnings but managed separately for their respective risk tolerance levels.

Resources

The following documents are part of this agenda item:

- A Resolution of the Governing Board approving participation in the PARS Public Agencies Post-Employment Benefits Trust
- PARS Agreement for Administrative Services (amending the name of the program being administered)
- MDAQMD Reconciliation of Balance Sheet of Government Funds to the Statement of Net Position (page 12) June 30, 2015
- PARS Pension Rate Stabilization Program Flyer

**ADDITIONAL INFORMATION
PENSION RATE STABILIZATION PROGRAM**

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Authorization

This action will designate the position of Executive Director/APCO as the Plan Administrator and authorize execution of documents to establish the Pension Rate Stabilization Trust and transfer of funds as soon as practicable.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 4

DATE: 09/26/2016

RECOMMENDATION: Set date of 10/24/2016 to conduct a public hearing to consider the amendment of Rule 1106 – *Marine and Pleasure Craft Coating Operations* and approval of California Environmental Quality Act (CEQA) documentation.

SUMMARY: This item officially sets the date for the mandatory public hearing to be held on the amendment of Rule 1106. Rule 1106 is proposed for to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Technique Guidelines (CTGs) and for major sources of ozone precursors.

CONFLICT OF INTEREST: None

BACKGROUND: The FCAA requires areas designated non-attainment and classified moderate and above to implement RACT for sources subject to CTG documents issued by United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. The District adopted the *2015 8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in February, 2015 which committed to amending Rule 1106 – *Marine Coating Operations* to current Federal RACT. The MDAQMD has a marine coating operations rule which was approved as RACT into the SIP in 2008 (75 FR 40754, 07/16/2008). This rule is subject to the CTG titled *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96), the CTG titled *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings (EPA-453/R-08-003, September 2008)*, and the *National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)* (40 CFR Part 64335, December 15, 1995). The District has several facilities that apply marine and/or pleasure craft coatings. There are two facilities that have the potential to be subject to the applicability of the CTGs and the NESHAP. The MDAQMD is now proposing to update Rule 1106 – *Marine and Pleasure Craft Coating Operations* to reflect current RACT.

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The proposed amendments to Rule 1106 address the *RACT SIP Analysis* commitments. The proposed amendments update rule purpose, definitions, coating limits, control device efficiency, work practices, VOC content for surface preparation, and test methods. The amendments are based on the CTGs, NESHAP, and various district rules deemed RACT or a Preliminary Definition of RACT by USEPA, including Ventura County Air Pollution Control District (VCAPCD) Rule 74-24 – *Marine Coating Operations* (09/11/12, 79 FR 37223, 07/01/14), VCAPCD Rule 74-24-1 – *Pleasure Craft Coating and Commercial Boatyard Operations* (01/08/02, 67 FR 52611, 08/13/02), San Diego Air Pollution Control District (SDAPCD) Rule 67.18 – *Marine Coating Operations* (05/15/96, 62 FR 14639, 03/27/97), and South Coast Air Quality Management District (SCAQMD) Rule 1106 – *Marine Coating Operations* (01/13/95, 60 FR 36227, 07/14/95).

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 1106 pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(I) (FCAA §110(I)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director on or about 09/08/2016.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Director – Mojave Desert Operations

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 5

DATE: September 26, 2016

RECOMMENDATION: 1) Award an amount not to exceed \$37,926.60 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one (1) off-road tractor with a new lower-emissions off-road tractor; and 2) Authorize the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

SUMMARY: This item awards an amount not to exceed \$37,926.60 using Carl Moyer Program funding to the Hinkley Dairy for the replacement of one (1) older, higher polluting off-road tractor.

CONFLICT OF INTEREST: None

BACKGROUND: MDAQMD received an application from Hinkley Dairy requesting Carl Moyer Program funding toward retirement and replacement of an off-road tractor. Hinkley Dairy proposes voluntary participation in the Carl Moyer Program to reduce emissions by the retirement and replacement of a 1981 diesel off-road tractor with a 2016/17 off-road tractor with an electronic monitoring unit. The project proposed is the permanent retirement of one (1) 1981diesel off-road tractor for an estimate of \$37,926.60 in grant funding. District Staff has evaluated the application and found the proposed replacement project to satisfy the Carl Moyer eligibility requirements for an off-road tractor; and that the project is eligible to receive grant funding not to exceed \$37,926.60. The removal and destruction of the older off-road tractor provides emission reductions that help reduce emissions in the air district.

REASON FOR RECOMMENDATION: Governing Board approval is needed to fund Carl Moyer projects and Mobile Source Emission Reductions Program projects. Additionally, Governing Board authorization is needed for the Executive Director to negotiate and execute an agreement with the grant recipient.

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VICTORVILLE, CALIFORNIA**

AGENDA ITEM 5

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REVIEW BY OTHERS: This agenda item was reviewed by Karen K. Nowak, District Counsel, as to legal form and by Brad Poiriez, Executive Director, on or before September 12, 2016.

FINANCIAL DATA: Sufficient funds are available from the District's Carl Moyer Program.

PRESENTER: Jean Bracy, Deputy Director - Administration

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 6

DATE: September 26, 2016

RECOMMENDATION: 1) Award an amount not to exceed \$27,686.10 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one (1) off-road tractor with a new lower-emissions off-road tractor; and 2) Authorize the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

SUMMARY: This item awards an amount not to exceed \$27,686.10 using Carl Moyer Program funding to the Hinkley Dairy for the replacement of one (1) older, higher polluting off-road tractor.

CONFLICT OF INTEREST: None

BACKGROUND: MDAQMD received an application from Hinkley Dairy requesting Carl Moyer Program funding toward retirement and replacement of an off-road tractor. Hinkley Dairy proposes voluntary participation in the Carl Moyer Program to reduce emissions by the retirement and replacement of a 1992 diesel off-road tractor with a 2016/17 off-road tractor with an electronic monitoring unit. The project proposed is the permanent retirement of one (1) 1992 diesel off-road tractor for an estimate of \$27,686.10 in grant funding. District Staff has evaluated the application and found the proposed replacement project to satisfy the Carl Moyer eligibility requirements for an off-road tractor; and that the project is eligible to receive grant funding not to exceed \$27,686.10. The removal and destruction of the older off-road tractor provides emission reductions that help reduce emissions in the air district.

REASON FOR RECOMMENDATION: Governing Board approval is needed to fund Carl Moyer projects and Mobile Source Emission Reductions Program projects. Additionally, Governing Board authorization is needed for the Executive Director to negotiate and execute an agreement with the grant recipient.

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VICTORVILLE, CALIFORNIA**

AGENDA ITEM 6

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REVIEW BY OTHERS: This agenda item was reviewed by Karen K. Nowak, District Counsel, as to legal form and by Brad Poiriez, Executive Director, on or before September 12, 2016.

FINANCIAL DATA: Sufficient funds are available from the District's Carl Moyer Program.

PRESENTER: Jean Bracy, Deputy Director - Administration

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 7

DATE: September 26, 2016

RECOMMENDATION: Ratify the action of the Executive Director/APCO to authorize Special Assignment Compensation to the Executive Lead effective July 22, 2016.

SUMMARY: This action will ratify the action of the Executive Director/APCO to authorize Special Assignment Compensation to the Executive Lead effective July 22, 2016.

CONFLICT OF INTEREST: None

BACKGROUND: The Executive Lead, as the head of the records management group, has assumed responsibility for the duties of the Clerk of the Boards through the duration of the Clerk's leave of absence. These duties require more expertise and training than the duties of her current Classification, "Executive Lead." She has been successfully fulfilling and directing the required duties of Clerk of the Board *in addition* to fulfilling her regular duties as Executive Lead.

Authority

The MDAQMD Exempt Compensation Plan, Section V.D. allows the Executive Director/APCO to "grant temporary increases in pay . . . when duties performed support such additional pay for specific periods of time." The section describes the concept "to recognize the temporary assignment of more difficult duties requiring a greater level of skills." The additional tasks being performed by this the incumbent in this position meets this condition.

Additionally the ECP states that "the amount of additional pay awarded will be determined by the APCO subject to procedures approved by the Governing Board." Pursuant to the provisions of Governing Board Policy 94-1 the APCO has authority over district employees with reclassifications and changes in compensation subject to Governing Board review and approval.

Recommendation

On August 22, 2016 the Executive Director/APCO authorized Special Assignment Compensation effective Payperiod 16 (beginning July 22) of 5% to be applied to the base pay.

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This action has been authorized pursuant to previous direction of the Governing Board regarding the temporary assignment of Clerk of the Boards duties and is subject to ratification at the next regularly scheduled meeting.

REASON FOR RECOMMENDATION: Pursuant to the provisions of Governing Board Policy 94-1 the APCO has authority over district employees with reclassifications and changes in compensation subject to Governing Board review and approval.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director/APCO on or about September 12, 2016.

FINANCIAL DATA: The estimated amount of the special compensation is about \$2,000, subject to the length of the assignment. The FY 17 Budget is sufficient to meet this obligation.

PRESENTER: Jean Bracy, Deputy Director – Administration

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 10

DATE: September 26, 2016

RECOMMENDATION: Adopt a Resolution to: 1) enter into an agreement with Teamsters Local 1932 (“Teamsters”) for employees in the General Unit and adopting the Memorandum of Understanding (MOU) effective July 1, 2016; 2) Grant conforming changes in terms and conditions, as specified, to Exempt Employees; 3) Authorize conforming amendments in the Exempt Compensation Plan (ECP); 4) Authorize the elimination of the Confidential Group, and its corresponding Confidential Compensation Plan; and 5) Direct staff actions.

SUMMARY: This action will adopt by Resolution the terms and conditions agreed through negotiations with the Teamsters and incorporated into an MOU; grant conforming changes in terms and conditions, as specified, to Exempt Employees; eliminate the Confidential Group and its corresponding Confidential Compensation Plan; and direct staff actions.

CONFLICT OF INTEREST: Governing Board members and officers of the MDAQMD; and Directors and Officers of the Teamsters Local 1932.

BACKGROUND: The labor negotiator appointed by the Governing Board has reached a tentative agreement with the Teamsters. The terms of the agreement are detailed in the attached Exhibits. The Executive Director and labor negotiator recommends authorizing corresponding and conforming changes to applicable terms and conditions of the Exempt Compensation Plan extending the terms and conditions to employees in the exempt groups. Finally, in 2011 the Governing Board authorized establishing a Confidential Group and a corresponding Compensation Plan. No positions were transferred to the Confidential Group and it has never been activated. Staff recommends eliminating the Group and the corresponding compensation Plan.

REASON FOR RECOMMENDATION: Governing Board action is necessary to approve an agreement with the Teamsters and to effect changes to the ECP document.

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REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form on or about September 12, 2016.

FINANCIAL DATA: The approximate cost for the proposed wage adjustments is \$100,000. The FY 17 included a number of estimates which are sufficient for this expense.

PRESENTER: Brad Poiriez, Executive Director/APCO

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Exhibit 1
Labor Negotiations

Memorandum of Understanding

District employees in nonexempt positions are represented by Teamsters Local 1932. Negotiations began in May for a successor agreement to a five year negotiated agreement with Teamsters Local 1932 which was set to expire June 30, 2016. On June 27, 2016 the Governing Board appointed labor negotiator Roger Crawford of BBK to represent the District and act on its behalf. On July 28, 2016 Mr. Crawford met with the Teamsters and reached agreement in concept. Following review and tentative acceptance by the Teamsters members and the Governing Board, a redlined version of the proposed Memorandum of Understanding (MOU) incorporating the tentative agreements has been distributed for review. The Teamsters have acknowledged ratification of the terms of the agreement.

Proposed Changes

1. The proposed MOU is a **one year agreement**, effective July 1, 2016 and expiring June 30, 2017. The Teamsters must be notified not later than April 1, 2017 of Management's intent to negotiate a successor agreement.
2. The proposed MOU acknowledges the **change in representation** from the San Bernardino Public Employees Association (SBPEA) to Teamsters Local 1932. Language throughout the MOU is modified to reflect this change.
3. The proposed MOU inserts language in Section 15 addressing recently **adopted retirement reform** legislation (PEPRA). Employees hired after July 1, 2016 will be required to make the full employee portion of the required retirement contribution.
4. The proposed MOU is revised as a matter of convenience in Section 15.4, **401(a) Matching Contribution Plan**. The language of the previous MOU presented a conflict stating that the District would match employee contributions made at the "maximum as allowed by the IRS." At the same time the table limited the contribution at \$16,500. During the agreement period the IRS raised the limits to \$18,000. The District adjusted the tiers accordingly and the proposed changes represent the current practice.
5. The proposed MOU includes **2% adjustment to wages** (Section 19) **retroactive** to July 1, 2016. The revision deletes the extraneous paragraphs referencing changes applicable to a multiyear agreement. The Salary Table included as MOU Exhibit 1 reflects the salary changes to each pay range.
6. During a research of the District personnel documents the law firm BBK noted potential areas of risk and recommend **revisions to policy statements** that have no cost impact and

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do not impact employee benefits. Section 25.2 is one of those areas. The IRS requires employees to elect to cash out leave accruals before they are accrued. If an employee can elect to cash out already accrued leave, the availability of the election results in taxable income, even to those who do not make the election. The District practices this pre-election, the reference belongs in the policy statement to avoid tax implications.

7. Agreement was also reached for language changes to the MDAQMD **Personnel Policy and Procedures** (PPP).
- a. Section 5.1 “**Benefit Plan.**” The IRS prohibits employers from incentivizing employees to purchase individual market coverage. The following inserted phrase *[shown in italic]* complies with laws governing the Affordable Care Act. “Exceptions to the requirement for health coverage shall be made for an employee who provides proof of *approved group health coverage sponsored by an employer.*”
 - b. Section 5.6, “**Retirement Program.**” Revisions clarify employee eligibility to participate in the District’s Retirement Program. 1) A statement of eligibility was moved from the end of the section to the beginning for clarity; 2) Eligibility to participate has been clarified to include “employees eligible pursuant to law;” 3) A statement has been added to Section 5.6 that conforms to recent retirement reform legislation that employees hired after July 1, 2016 are not eligible for District Contributions toward the employee’s required contribution (“A” and “B”) or the Special Provisions (“C”).

While PEPRA was effective January 1, 2013, the District has not hired any employees until June 16, 2016. To prevent confusion because of a negotiated agreement that was in effect until June 30, 2016, the effective date for retirement related issues has been set at July 1, 2016. Staff from SBCERA assisted with the recommended language changes.

Corresponding and Conforming Changes to the Exempt Compensation Plan

Employees in the Exempt Groups are not represented by Teamsters or any other recognized organization and are covered by an Exempt Compensation Plan (ECP). The Executive Director/APCO recommends the applicable changes in terms and conditions as those negotiated for employees in the General Unit be applied to employees in the Exempt Groups. Additionally, that applicable terms and conditions be incorporated into the ECP; specifically, language revisions and adjustments in wages.

The proposed revision also updated the positions that (Paragraph B) are included and subject to the provisions of the ECP which will be presented in a separate action.

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Authorize the Elimination of the Confidential Group

On September 26, 2011, the Board adopted Resolution 11-15 which modified the General Unit pursuant to Section 13 of Resolution 93-08 (also known as the District's "local rules" governing labor relations) and established a "Confidential Group" and approved a Compensation Plan for the Confidential Group. Subsequent to the action, the Confidential Group was not implemented and has remained "inactive" since the Board adoption. This recommendation will eliminate the "Confidential Group" and eliminate the corresponding "Compensation Plan for the Confidential Group."

RESOLUTION _____

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY**
2 **MANAGEMENT DISTRICT TO ADOPT A ONE-YEAR AGREEMENT WITH TEAMSTERS**
3 **LOCAL 1932 FOR REPRESENTED EMPLOYEES IN THE GENERAL UNIT EFFECTIVE**
4 **JULY 1, 2016; ADOPT NEGOTIATED CHANGES TO THE PERSONNEL POLICIES AND**
5 **PROCECURES; AUTHORIZE CONFORMING AMENDMENTS IN THE EXEMPT**
6 **COMPENSATION PLAN; ELIMINATE THE CONFIDENTIAL GROUP ; AND DIRECT STAFF**
7 **ACTIONS.**

8 On September 26, 2016, on motion by Member _____ Seconded by Member _____
9 _____, and carried, the following resolution is adopted:

10 **WHEREAS**, the Mojave Desert Air Quality Management District (MDAQMD) was created by
11 statute (1992 Ch. 642; Health & Safety Code §§41200 et seq.) and commenced operations on July 1,
12 1993 (Health & safety Code §41212); and

13 **WHEREAS**, the Governing Board of the MDAQMD has the authority and responsibility to do
14 such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon
15 the MDAQMD (Health & Safety Code §40702); and

16 **WHEREAS**, the Governing Board has the authority and responsibility to employ necessary
17 staff to carry out its powers and duties (Health & Safety Code §41260(a)); and

18 **WHEREAS**, on January 26, 1994 the Governing Board by Resolution 94-02 accepted the San
19 Bernardino Public Employees Association (SBPEA) as a recognized employee organization for various
20 MDAQMD employees commonly referred to as the General Unit; and

21 **WHEREAS**, on or about May 2016 the SBPEA affiliated with the Teamsters Union becoming
22 Teamsters Local 1932; and

23 **WHEREAS**, by this Resolution the Governing Board recognizes the employee organization
24 Teamsters Local 1932 (Teamsters) in the place of SBPEA; and

25 **WHEREAS**, on September 26, 2011, by Resolution 11-15, the Governing Board adopted the
26 Memorandum of Understanding for the period July 1, 2011 through June 30, 2016 (MOU); and

27 **WHEREAS**, on March 2, 1995 by Resolution 95-08 the Governing Board adopted the
28 MDAQMD Personnel Policies and Procedures (PPP) to govern the employment relationship and to
provide certain terms and conditions of employment for all employees and has subsequently amended

RESOLUTION _____

1 it with the last amendment adopted August 24, 2015 by Minute Action; and

2 **WHEREAS**, on August 25, 1993, the Governing Board adopted Resolution 93-08, Establishing
3 Rules and Regulations Relating to Employer-Employee Relations which includes Section 13,
4 Procedure for Modification of Established Appropriate Units;

5 **WHEREAS**, on September 26, 2011, the Governing Board modified the General Unit,
6 establishing a Confidential Group and a Compensation Plan for such group; and

7 **WHEREAS**, by this Resolution, the Governing Board eliminates the Confidential Group and
8 the corresponding Compensation Plan for the Confidential Group because the Group was never fully
9 implemented and no positions were ever included in such group; and

10 **WHEREAS**, on June 27, 2016, the Governing Board appointed a labor negotiator to negotiate an
11 agreement with the Teamsters relating to wages, salaries, benefits and working conditions for employees
12 in the General Unit; and

13 **WHEREAS**, the labor negotiator has negotiated with the Teamsters “the terms and conditions
14 relating to wages, salaries, benefits and working conditions” (hereinafter referred to as “Agreement
15 Provisions”) for employees in the General Unit for the period July 1, 2016 through June 30, 2017; and

16 **WHEREAS**, the negotiating team has negotiated with the Teamsters Agreement Provisions
17 resulting in revisions to terms and conditions including but not limited to consistency in use of terms and
18 formatting, and revisions to account for underlying changes in laws; and

19 **WHEREAS**, on or about August 18, 2016 the employees of the General Unit approved the
20 Agreement Provisions; and

21 **WHEREAS**, on August 22, 2016, the Governing Board reviewed the proposed Agreement
22 Provisions for employees in the General Unit and directed the development of a Memorandum of
23 Understanding (MOU) to be placed on the Agenda for deliberation and action by the Governing Board;
24 and
25

26 **WHEREAS**, except as provided in the Agreement Provisions set forth in the MOU for the
27 period July 1, 2016 through June 30, 2017, attached hereto as Exhibit A, all other benefits and terms
28 and conditions of employment for General Unit that exist under the MOU shall remain unchanged; and

RESOLUTION _____

1 **WHEREAS**, on August 24, 2015 the Governing Board last amended the PPP; and

2 **WHEREAS**, as part of the negotiations regarding the MOU agreement was also reached with
3 the Teamsters regarding language changes to the PPP as set forth in Exhibit B; and

4 **WHEREAS**, employees in the exempt groups are not represented by the Teamsters or any
5 other recognized association and are covered by the ECP; and

6 **WHEREAS**, the Executive Director recommends the applicable changes in terms and conditions
7 as those negotiated for employees in the General Unit be applied to employees in the exempt groups; and
8 that these applicable terms and conditions be added to the ECP, specifically those terms and conditions
9 applicable to: (a) language revisions for clarification, and (b) adjustment in wages.

10 **NOW, THEREFORE, BE IT RESOLVED**, the Governing Board recognizes the employee
11 organization Teamsters Local 1932 (Teamsters) as a recognized employee organization for various
12 MDAQMD employees commonly referred to as the General Unit; and

13 **BE IT FURTHER RESOLVED**, that the Governing Board eliminates the Confidential Group
14 and the corresponding Compensation Plan; and

15 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby approves
16 and adopts the MOU for the period July 1, 2016 through June 30, 2017, for the General Unit, attached
17 hereto as Exhibit A and incorporated herein by reference, including retroactive application of the terms to
18 July 1, 2016; and

19 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby approves
20 and adopts amendments to the PPP attached hereto as Exhibit B; and

21 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby authorizes
22 conforming amendments to the ECP for the Exempt Employees in a separate action; and

23 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption.

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29

RESOLUTION _____

1 **PASSED, APPROVED AND ADOPTED** by the Governing Board of the Mojave Desert Air Quality
2 Management District by the following vote:

3 AYES: MEMBER:

4 NOES: MEMBER:

5 ABSENT: MEMBER:

6 ABSTAIN: MEMBER:

7)
8)
9 STATE OF CALIFORNIA)
10) SS:
11 COUNTY OF SAN BERNARDINO)
12)

13
14 I, _____, Clerk of the Governing Board of the Mojave Desert Air Quality
15 Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the
16 action as the same appears in the Official Minutes of said Governing Board at its meeting of September
17 26, 2016.

18
19 _____
20 Clerk of the Governing Board,
21 Mojave Desert Air Quality Management District
22
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28

Exhibit A

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
MOJAVE DESERT AIR QUALITY
MANAGEMENT DISTRICT
AND THE
~~SAN BERNARDINO PUBLIC
EMPLOYEES ASSOCIATION~~
TEAMSTERS LOCAL 1932

~~Amended Tables October 24, 2011~~
~~Adopted September 26, 2011~~
Draft September 26, 2016

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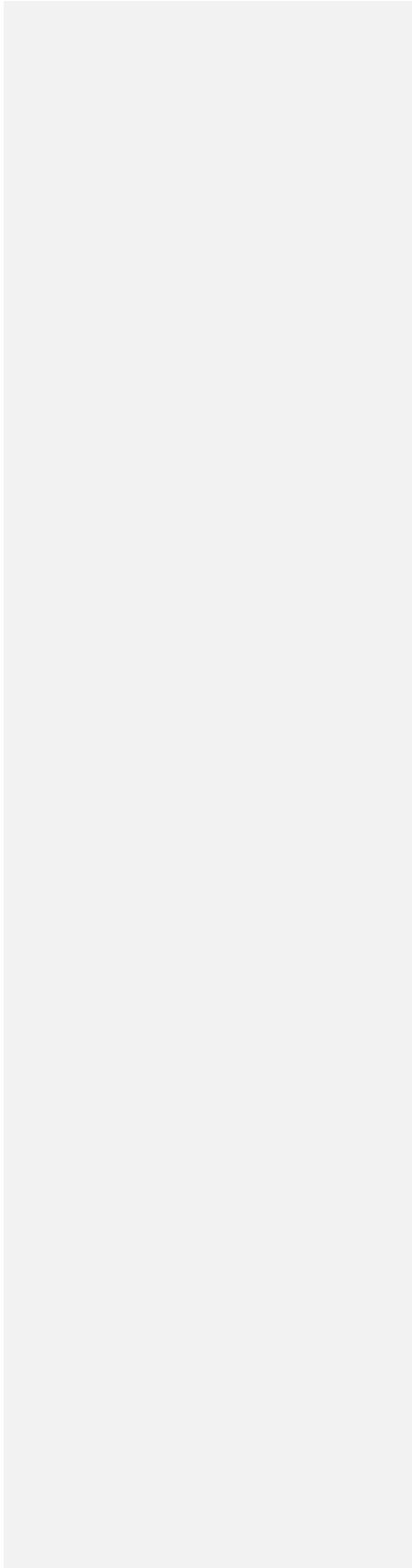
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**MEMORANDUM OF UNDERSTANDING
BETWEEN THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
AND THE ~~SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION~~
TEAMSTERS LOCAL 1932**

INTRODUCTION

1. IMPLEMENTATION

1.1. This Memorandum of Understanding, also referred to as Agreement, made and entered into this **26th day of September 2016**, by and between representatives of the Mojave Desert Air Quality Management District, hereinafter referred to as District, and the ~~San Bernardino Public Employees Association~~Teamsters Local 1932, hereinafter referred to as ~~Association~~Union, constitutes a mutual recommendation to be submitted to the District's Governing Board. This Memorandum of Understanding shall not be binding upon the parties, in whole or in part, unless and until the Governing Board formally approves this Memorandum of Understanding.

1.2. For the purpose of Flexible Benefit Plan and Wages herein, whenever any specific date is mentioned for the commencement of new benefits or wages, such new benefits or wages shall take effect on the first day of the pay period beginning on or after the mentioned date.

LABOR/MANAGEMENT PROVISIONS

2. ACCESS TO WORK LOCATIONS

2.1. The parties recognize and agree that in order to maintain good employee relations, it may be desirable for labor relations representatives of the ~~Association~~Union to confer with District employees during working hours.

2.2. Therefore, ~~Association~~Union ~~labor relations r~~Representatives may be granted access to work locations during regular working hours to meet with employees. The ~~Association~~Union ~~labor relations r~~Representatives may be granted access upon obtaining authorization from the Air Pollution Control Officer, hereinafter referred to as APCO, or designated management representative prior to entering a work location. However, the APCO or designated management representative may deny access or terminate access to work locations if, in their judgment, it is deemed that the visit would interfere with the efficiency, safety, or security of District operations. The APCO shall not unreasonably withhold timely access to work locations. The APCO shall ensure that there is at all times someone designated who shall have full authority to approve access.

2.3. If a request is denied, the APCO or designated management representative shall establish a mutually agreeable time for access to the employees. Said mutually agreeable time need not be during working hours.

3. ASSOCIATIONUNION STEWARD

3.1. The employee selected by the [Association Union](#) to act as the [Association Union](#) representative shall be known as the Steward. There will be other [Association Union Representatives Stewards](#) who may represent employees. The name of the employee selected as Steward, and the names of other [Association Union representatives Stewards](#) who may represent employees, shall be certified, in writing, to the District by the [Association Union](#).

3.2. The [Association Union](#) Steward employed by the District shall be entitled to devote a reasonable amount of time per month to [Association Union](#) business without loss of pay. Prior to participating in such business, the Steward shall first obtain authorization from the employee's immediate supervisor. The immediate supervisor may deny such request if it is deemed that such a request would unduly interfere with the efficiency, safety, or security of District operations. If the request is denied, the immediate supervisor will establish a reasonable alternate time, convenient to the parties, when the representative can be released from their work assignment. Additional time off, without pay, may be granted to the [Association Union](#) Steward at the sole discretion of management.

4. USE OF DISTRICT RESOURCES

4.1. The [Association Union](#) will be granted permission to use District facilities for the purpose of meeting with employees to conduct its internal affairs during nonworking hours, provided the space for such meetings can be made available without interfering with District needs. Permission to use District facilities must be obtained by the [Association Union](#) from the APCO. The [Association Union](#) shall be held fully responsible for any damages to, and the security of, any District facilities that are used by the [Association Union](#).

5. LABOR-MANAGEMENT TASK FORCE

5.1. [Association Union](#) representatives shall meet with management representatives of the District at least monthly to discuss matters pertinent to this Agreement and to address other issues of concern. Meetings shall be held at a mutually agreeable time and place. The [Association Union](#) may designate three employees to attend these meetings for up to two hours without loss of pay. Specifically excluded from such meetings will be subjects under the grievance procedure and mandatory subjects of bargaining.

6. BULLETIN BOARDS

6.1. The District will furnish a reasonable portion of existing bulletin board space, or allow the [Association Union](#) to install a bulletin board, for notices of the [Association Union](#). Only areas designated by the APCO may be used for the posting of notices. Bulletin boards shall only be used for the following notices:

6.1.1. Scheduled [Association Union](#) meetings, agendas, and minutes;

6.1.2. Information on [Association Union](#) elections and results;

6.1.3. Information regarding [AssociationUnion](#) social and recreational events, and related news bulletins;

6.1.4. Correspondence regarding official business of the [AssociationUnion](#), including reports of committees or the Governing Board.

6.2. The [AssociationUnion](#) may utilize the District's interdepartmental mail system. The [AssociationUnion](#) holds the District harmless against any loss or delays in delivery.

6.3. The [AssociationUnion](#) agrees that materials posted on any bulletin board shall contain no derogatory or offensive comments regarding the District or employees or others associated with the District, or the District's activities.

7. DUES DEDUCTIONS

7.1. The District shall deduct one month's current and periodic [AssociationUnion](#) dues and premiums for insurance plans sponsored by the [AssociationUnion](#) from the wages and/or paid leave benefits of each employee who voluntarily executes and delivers to the District a payroll deduction authorization form.

7.2. The employee's earnings must be regularly sufficient after other legal and required deductions are made to cover the amount of the dues deduction authorized. When an employee is in a non-pay status for an entire pay period, no withholding will be made to cover that pay period from future earnings.

7.3. In the case of an employee who is in a non-pay status during only part of the pay period, and earnings are not sufficient to cover the full withholding, no deduction shall be made. In this connection, all other legal and required deductions have priority over dues.

7.4. An employee's authorization for payroll deduction may be canceled at any time by written notice from the employee to the District, with a copy to the [AssociationUnion](#). An employee's deduction authorization shall automatically be canceled if the employee leaves the employ of the District. The [AssociationUnion](#) may, upon not less than 30 days written notice to the District, irrevocably suspend operation of section 7.1 of this article.

7.5. The aggregate amount of such deductions by the District shall be transmitted monthly to the [AssociationUnion](#). The [AssociationUnion](#) shall indemnify, defend, and hold the District harmless against any claims made and against any suit instituted against the District on account of deduction of [AssociationUnion](#) dues. In addition, the [AssociationUnion](#) shall refund to the District any amounts paid to it in error upon presentation of supporting evidence.

7.6. The District shall furnish the [AssociationUnion](#) with a list, each month, indicating the dues deducted from the pay of any representation unit employee.

7.7. The [AssociationUnion](#) shall, upon presentation of proper invoices, reimburse the District for the actual cost of all lists and services referred to in this article.

BENEFITS

8. EXPENSE REIMBURSEMENT

8.1. Travel Via Private Vehicle.

8.1.1. Reimbursement for use of privately owned vehicles to conduct District business, approved by the APCO or designee, shall be at the rate published periodically by the U.S. Internal Revenue Service as the Standard Mileage Rate per mile for all miles driven. Reimbursement at this rate shall be considered as full and complete payment for actual necessary expenses for the use of the private vehicle, insurance, maintenance and all other transportation-related costs. The District does not provide any insurance for private vehicles used on District business. The owner of a vehicle is responsible for the personal liability and property damage insurance when the vehicle is used on District business.

8.2. Subsistence.

8.2.1. Subsistence allowances for lodging and meals shall not be allowed without prior approval of the APCO or designee as necessary for the purposes of conducting District business. Excess charges greater than the allowances listed in the paragraphs below may be authorized under special conditions, such as a convention requirement or in an area of high cost. Receipts are mandatory to obtain reimbursement for all lodging.

8.2.2. The allowance for meals is Six Dollars (\$6.00) for breakfast, Nine Dollars (\$9.00) for lunch, and Twenty Dollars (\$20.00) for dinner plus a 15 percent gratuity, and tax. Receipts will not be required for meal purchases not exceeding these limits.

9. FLEXIBLE BENEFIT PLAN

9.1. Each full-time employee in the General Unit shall be entitled to a total monthly benefit of \$910 for the medical, dental and other insurance programs as set forth the MDAQMD Flexible Benefit Plan.

9.2. About August 31, 2011, or as soon thereafter as benefit cost information is available from CalPers and annually thereafter, the District shall calculate 80% of the premium required by the Kaiser HMO plan (for Los Angeles Area Region including Los Angeles, San Bernardino and Ventura counties) offered for regular employees and families under the District's plan with CalPers ("Recalculated Amount"). The calculation of premium required shall be performed according to the following schedule: On or about August 31, 2011 for adjustments for the Flexible Benefit Plan effective January 1, 2012; On or about August 31, 2012 for adjustments for the Flexible Benefit Plan effective January 1, 2013; On or about August 31, 2013 for adjustments for the Flexible Benefit Plan effective January 1, 2014; On or about August 31, 2014 for adjustments for the Flexible Benefit Plan effective January 1, 2015; On or about August 31, 2015 for adjustments for the Flexible Benefit Plan effective January 1, 2016.

If and when the Recalculated Amount exceeds \$910 the District shall adjust the Flexible Benefit Plan dollars provided to match the Recalculated Amount. Such adjustment, if provided, shall be effective January 1 of each year, as described above. In no case will the benefit amount be reduced below \$910 as a result of this calculation.

9.2.1. Example 1: In August, CalPers informs the District regarding the premium amounts for District insurance plans for the next calendar year. The monthly premium required for the Kaiser HMO plan (in the Los Angeles Area Region) for families is \$1,200. 80% of \$1,200 = \$960. On January 1 the Flexible Benefit Plan dollars will be adjusted to \$960 until the next premium rate change is issued by CalPers.

9.2.2. Example 2: In the following year, CalPers informs the District that the premium amount for the Kaiser HMO plan (in the Los Angeles Area Region) for families is \$1,190. 80% of \$1,190 = \$952. Then on January 1 the Flexible Benefit Plan dollars would be adjusted to \$952.

9.2.3. Example 3: In the following year, CalPers informs the District that the premium amount for the Kaiser HMO plan (in the Los Angeles Area Region) for families is \$1,125. 80% of \$1,125 = \$900. Then on January 1 the Flexible Benefit Plan dollars would be adjusted to \$910.

9.3. Any funds not used for the purchase of medical, dental, and other insurance programs shall be paid to the employee as taxable wages.

9.4. In the event health care reform crafted by the State of California and/or the Federal government is imposed in such a manner that such reform impacts these agreed upon matters regarding the Flexible Benefit Plan, and such reform is imposed before the end of the term of this agreement, management reserves the privilege of re-opening the MOU at that time to discuss the effects of only those new requirements.

10. DEPENDANT CARE ASSISTANCE PLAN & MEDICAL SPENDING ACCOUNT

10.1. Dependent Care Assistance Plan:

10.1.1. Employees in regular positions scheduled for a minimum of forty one (41) hours per pay period are eligible to participate in the Dependent Care Assistance Plan. DCAP allows eligible employees to elect to receive dependent care assistance benefits which are excludable under Sections 125 and 129 of the Internal Revenue Code, as amended. DCAP exclusions from gross income do not affect compensation for retirement purposes.

10.1.2. Employees shall be eligible to participate the first day of the month following thirty (30) days from the date they submit their enrollment. An employee must contribute to DCAP through salary reduction on forms approved by Administrative Services. An employee election to participate may not be changed for the remainder of the plan year, except to the extent permitted under IRS regulations.

10.2. Medical Spending Accounts

10.2.1. The District has established a program for purposes of allowing employees to contribute to a tax exempt savings account for reimbursing medical and other allowable expenses pursuant to the provisions of applicable law and described in Article X of the MDAQMD Flexible Benefit Plan.

11. SHORT-TERM DISABILITY & WORKER'S COMPENSATION

11.1. Short Term Disability

11.1.1. The District will provide short-term disability insurance for each employee who works forty-one (41) hours or more per pay period as described below.

11.1.2. The short-term disability insurance plan coverage shall include a provision for a fourteen (14) calendar day waiting period from the first day of disability before benefits begin. Benefits shall be equal to fifty-five percent (55%) of the base salary, up to a maximum benefit of \$959.00 (nine hundred fifty nine dollars) per week. Benefit payments terminate when the employee is no longer disabled, or upon termination of employment from the District, or after fifty two (52) weeks of disability, whichever occurs first. Other benefit conditions shall be determined by the District and/or the provider of the benefit.

11.2. Workers' Compensation

11.2.1. Workers' compensation insurance is provided for all employees of the District. Employees shall receive a maximum of three (3) consecutive days of paid leave, with no charge to sick leave or vacation leave, following an occupational injury or illness, provided the leave is authorized in a bona fide off-work order and the injury or illness qualifies for coverage under the California Workers' Compensation Act.

11.2.2. Upon request, the employee may continue to receive their regular pay during periods of disability due to an illness or injury covered under the California Workers' Compensation Act by supplementing workers' compensation benefit payments with accrued sick leave or vacation pay. Under this policy, an employee may coordinate benefits with accrued sick leave and vacation leave to receive payment equivalent to regular salary per pay period. In no event shall an employee receive more than their regular salary by means of this process.

12. LIFE INSURANCE

12.1. The District agrees to pay the premium for a Fifty Thousand Dollar (\$50,000.00) term life insurance policy for each employee in the General Unit. This benefit shall only apply to regular full-time employees.

12.2. The District will also make available to each employee in the General Unit a group term life insurance program wherein the employee may purchase, through payroll deductions, term life insurance in amounts equivalent to one times or two times the employee's annual gross earnings, subject to the approval of the provider of such benefit.

12.3. New employees shall become eligible to participate in these programs on the start of the pay period following the completion of thirteen (13) pay periods of satisfactory performance.

13. EMPLOYEE ASSISTANCE PROGRAM

13.1. The District agrees to provide an assistance program that is available to provide confidential counseling to any employees in the General Unit who requests such services.

14. LEAVE DONATION PROGRAM

14.1. General

14.1.1. Full time, regular employees may voluntarily donate their accrued leave to another eligible employee experiencing a serious health condition or whose immediate family member is experiencing a serious condition. The district recognizes that there are occurrences brought about by prolonged medical conditions that cause employees to exhaust all available leave and, therefore, must be placed on leave without pay. It is recognized that such employees forced to go on leave without pay could be without their regular salary income and medical benefits at the most critical point in their work life.

14.2. Eligibility for Program

14.2.1. A voluntary donation of leave from one employee to another may be permitted for the purpose of providing a full time, regular employee with paid sick leave time for the care of themselves, or an immediate family member, who is experiencing a serious health condition as determined by a physician or other qualified health care provider.

14.2.2. An employee is eligible to receive voluntary donations of leave when all of the following conditions have been met:

14.2.3. The employee who is, or whose immediate family member is, experiencing a serious health condition provides documentation of such serious health condition as verified by a qualified health care provider. Employees are eligible to receive leave donations where they (or their immediate family member) have, are, or are expected to experience a serious, catastrophic or unforeseen illness, injury or impairment that meets both of the following criteria: a) has caused or is likely to cause, the employee to take leave without pay; b) requires continuing treatment or supervision by a licensed health care provider. The definitions and documentation of catastrophic or unforeseen illness, injury or impairment will be interpreted and documented in accordance with the provisions of Family Medical Leave Act (FMLA).

14.2.4. The employee receiving donated leave has exhausted, or soon will exhaust, all accrued leave such as vacation leave, comp time, sick leave, holiday leave, and/or administrative leave, if applicable. Employees in these situations must make application to receive donated sick leave by completing the Application for Donated Leave form developed and issued by Administrative Services.

14.2.5. Employees subject to this program and determined eligible to receive donated sick leave are also required to submit a claim for short-term disability. Use of the employee's own accrued leave balance and any donated leave amounts will be coordinated with disability benefits to achieve at or near the equivalent of 80 hours of pay per pay period. Use of donated leave is taxable income to the recipient and subject to withholding as required by law.

14.3. Continuation of Benefits for Employee

14.3.1. Employees who are on an approved medical leave of absence or an approved leave of absence without pay under FMLA will continue to receive benefits as set forth in the PPP Section 5.3 Continuation of Benefits Coverage.

14.4. Donation Procedure & Limitations

14.4.1. Donations of accrued leave time shall be made in minimum increments of four (4) whole hour blocks of time.

14.4.2. To retain sufficient accrued leave to meet their own needs, donors contributing accrued leave must not reduce their total accumulated accrued leave balances to fewer than one hundred sixty (160) hours. The donation of leave accrual shall not be counted against the current year accrual and will not, therefore, count against usage for the current year for purposes of the annual sick leave cash out program (Standard Practice 2-9) . Donation of accrued leave is irrevocable and will be deducted from the donor's accruals in the pay period following the request. Donated accrued leave will be reimbursed if it has not been used by the end of the recipient's need. Verification, obtained by the APCO or designee, ensuring that these conditions have been met will be done prior to the transfer of time from one employee to another

14.4.3. Nothing in this program shall be construed to require donations of time from one employee to another. To emphasize the voluntary nature of the donation, the names of the donors will not be made available to the recipient. Recipient employees are expected to refrain from personally soliciting donations from other District employees. However, the APCO or designee may announce a need and offer all District employees the opportunity to contribute. The notice of need shall not be construed as a demand or as an order for employees to contribute. There shall remain confidentiality of employees subject to the receipt of donated leave

14.4.4. Employees who wish to donate leave accrual must provide written authorization to the Director of Administrative Services for the transfer of accrual by completing a

Leave Donation Form developed and issued by Administrative Services. Administrative Services will confirm the donor has sufficient accrued leave for donation and sufficient leave accruals (particularly sick leave) available for the donating employee to meet their own needs.

14.4.5. The accrued leave donated will be converted to its cash value at the donor's base rate of pay and then credited to the recipient in equivalent hours of sick leave at the recipient's base rate of pay. For example: Employee A donates 10 hours of leave at Employee A's rate of pay \$50/hour. Employee B's rate of pay is \$25/hour, therefore the donated leave available to Employee B is 20 hours.

14.4.6. Following verification, the donations will be used for the recipient in the order they were received. Once the recipient has exhausted all paid leave, donations will be processed on a pay period by pay period basis. This process will continue until such time as the recipient's status changes and they are no longer eligible for donations, or until no donations are available. When the need is resolved or the process is concluded, any remaining unused donations will be returned to the donor(s).

14.5. Definitions

14.5.1. "Immediate family" - The husband, wife, father/step, mother/step, brother/step, sister/step, child/step, legally registered domestic partners and legal dependents of the employee receiving the donation of leave.

14.5.2. "Serious health condition" - An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider which is expected to incapacitate the employee or a member of the employee's immediate family requiring the employee to take time off from work to care for themselves or that family member.

14.5.3. Any other definition and or procedure not otherwise defined in this standard practice shall be as defined or set forth in the FMLA and its implementing regulations.

15. RETIREMENT PROGRAM

15.1. The District shall pick up a portion of the required contribution of each eligible employee in the General Unit to the San Bernardino County Employees' Retirement Association as follows:

15.1.1. For employees hired on or before 6/30/09: The District shall pay ("pick up") the first seven percent (7%) of the required contribution of the employee's earnable compensation, as defined in the San Bernardino County Retirement Board by-laws.

15.1.2. For employees hired on or after 7/1/09: The employee shall pay ("pick up") the first seven percent (7%) of the required contribution of the employee's earnable

compensation, as defined in the San Bernardino County Retirement Board by-laws. The District will pick up the balance of the contribution required.

15.1.3 For employees hired on or after 7/1/2016: Pursuant to the California Employee Pension Reform Act of 2013, a new employee who is being employed for the first time by any public employer, had a break in service of more than six months, or was employed by another public employer but not subject to reciprocity with SBCERA, shall pay the employee contribution rate as determined by SBCERA. The District will not be responsible for any portion of the employee required contribution. This provision shall remain in effect through the term of this agreement and shall not be reversed or invalidated on expiration of the agreement.

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15.1.4 A new employee hired on or after 7/1/2016, who was a prior member of SBCERA or another public retirement system ("Classic Employees") and established reciprocity with SBCERA, or had a break in service of less than six months, shall pay their full General Membership Contribution Rate for their retirement through SBCERA. The employee's rate is established by SBCERA, and varies depending upon age of entry into the pension system. This provision shall remain in effect through the term of this agreement and shall not be reversed or invalidated on expiration of the agreement.

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[These added sections conform to recently adopted retirement reform legislation that makes certain employees ineligible for retirement subsidies from the employer (PEPRA).]

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15.2. Employees who have thirty (30) years of service credit and no longer make retirement contributions under the provisions of the County Employee's Retirement Law of 1937 and employees over the age of 60 in a regular position who choose not to be a member of the Retirement Association, shall be paid in taxable wages in the amount of the District's retirement contribution.

15.3. Deferred Compensation

15.3.1 Employees shall be eligible to enroll in the deferred compensation plan offered by the District from the first day of employment. Employees are permitted to specify amounts to be deducted from the employee's paycheck for deposit to the District's deferred compensation account. The MDAQMD Deferred Compensation Plan (457(b)) contains the plan specifics.

15.4. 401(a) Matching Contribution Plan

15.4.1 The District has established a 401(a) Matching Contribution Plan. The District will contribute a percentage based on the employee's salary deferrals made during the prior calendar year to the MDAQMD Deferred Compensation Plan according to the table set forth below. The District's match shall not be applied to catch-up contributions and additional elective deferrals. (See MDAQMD 401(a) Matching Contribution Plan, Article VII).

15.4.2 Employees are eligible to be credited the matching contribution when they have elected to participate in the MDAQMD Deferred Compensation Plan. (See MDAQMD 401(a) Matching Contribution Plan, Article VI)

15.4.3 Employees are fully vested and shall have a non-forfeitable and vested right to their retirement account (401(a)) following five years of service with the District. (See MDAQMD 401(a) Matching Contribution Plan, Article IX).

	Minimum & Maximum Contribution Amt		District Match	
(maximum as allowed by the IRS) Max	\$46,500 18,000	-	\$46,500 18,000	6.00%
50% of Max	\$8,250 9,000	-	\$8,250 17,999	4.00%
25% of Max	\$4,125 4,500	-	\$4,125 8,999	2.00%
up to 25% of Max	\$0	-	\$4,125 4,499	1.00%

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[This table is modified to conform to District practice to recognize the annual adjustment of the maximum allowed by the IRS.]

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16. RETIREE MEDICAL BENEFIT

16.1. General:

16.1.1. The District agrees to pay to eligible employees in the General Unit, who retire from active service at the MDAQMD, a portion of the premium of CalPers health insurance for the employee and his or her spouse.

16.2. Eligibility:

16.2.1. Retiring employee shall be eligible for retiree medical benefits under the following conditions:

(a) Retiring employee must be enrolled in the District’s CalPers health plan at the time of the retirement.

(b) Retiring employee must have a minimum total of twenty (20) years of public service with any of the member agencies of the District and any air district in California.

(c) However, a minimum of ten (10) years must have been served with the District. Years of public service with the District shall be calculated in the same manner as the calculation of time of employment set forth in Health & Safety Code §41265.

16.3. Calculation of Premium Portion:

16.3.1. The portion of the premium to be paid shall be calculated as 2% per service year from the date of hire with the District. The date of hire with the District shall be calculated in the same manner as the calculation of time of employment set forth in Health & Safety Code §41265. For those eligible employees hired between 7/1/1993 and 7/1/2009 years of service with a member agency or any air district in California shall be added to District years of service for the purposes of the premium portion calculation.

16.3.2. In no case shall the portion of the premium to be paid exceed the Flexible Benefit amount for a full time employee as set forth in Section 9 herein.

16.4. Length of Benefit:

16.4.1. Such benefit is payable from the date of retirement to five (5) years, or until the date retiree becomes eligible for Medicare, or until the date retiree discontinues the coverage, whichever occurs first.

16.5. For the purposes of Section 16.2.1(b), a "member agency" is defined as a city or county that lies in whole or in part within the boundaries of the District.

17. TUITION AND PROFESSIONAL ORGANIZATION DUES REIMBURSEMENT

17.1. The District agrees to maintain a Tuition and Dues Reimbursement Fund for the employees in the General Unit.

17.2. Reimbursement from the Fund may be used for tuition or professional dues or both so long as the employee does not use the reimbursement for dues of more than two (2) professional organizations.

17.3. Reimbursement is available for each such full-time employee pursuant to "Reimbursement Program" developed and which may be amended by the APCO in coordination with the Labor Management Task Force. Any reimbursement that may exceed the limits of Governing Board Policy 94-1 is subject to the approval of the District's Governing Board.

17.4. The District agrees to appropriate to the Fund each fiscal year sufficient sums to make available an aggregate amount equal to Five Hundred Dollars (\$500.00) per each full-time employee in the General Unit. The District also agrees that on June 30 of each year, the amount remaining in the Fund will be moved for separate accounting and allowed to accrue each year, without interest, and may be available for withdrawal for tuition reimbursement requests in accordance with Standard Practice No. 2-12, as amended.

18. PERSONALIZED PROTECTIVE EQUIPMENT ENHANCEMENT

18.1. Governing Board Policy No. 96-5 Occupational Illness and Injury Prevention Program ensures District compliance with providing personal protective equipment for all District employees.

18.2. Employees are eligible to enhance their personalized protective equipment if their position requires it as part of their field work. If it is uncertain whether an employee will be required to wear enhanced personalized protective equipment, no purchase will be made until it is actually needed. Enhanced personalized protective equipment shall be described as safety shoes and safety prescription eyeglasses.

18.3. The maximum benefit available per calendar year will be one hundred thirty Dollars (\$130.00) . Employees may purchase any kind of enhanced personalized protective equipment, as described above that will be acceptable at the locations where they will be required to wear them. Employees will be responsible for any amount exceeding \$130.00 during the calendar year.

18.4. Safety shoes will be replaced when they wear out. New employees whose position require wearing safety shoes will be fitted for safety shoes shortly after they start working for the District. Employees who are in designated job categories will be required to wear safety shoes while on duty in the field.

18.5. Safety prescription eyeglasses will be replaced as prescribed by the employee’s attending eye care professional.

COMPENSATION

19. WAGES

19.1. Effective July 1, 2014~~6~~, the wage rate for each employee in the General Unit will increase ~~1.5~~2.0% as set forth in Exhibit 1 – Salary ~~Range Table~~Schedule.

~~19.2 Effective July 1, 2012 the wage rate for each employee in the General Unit will increase 1.5% as set forth in Exhibit 2 – Salary Range Table.~~

~~19.3 Effective July 1, 2013 the wage rate for each employee in the General Unit will increase 2.0% as set forth in Exhibit 3 – Salary Range Table.~~

~~19.4 Effective July 1, 2014 the wage rate for each employee in the General Unit will increase 2.0% as set forth in Exhibit 4 – Salary Range Table.~~

~~19.5 Effective July 1, 2015 the wage rate for each employee in the General Unit will increase 2.5% as set forth in Exhibit 5 – Salary Range Table.~~

20. SALARY ADJUSTMENT

20.1. The performance evaluation shall be made up of a list of duties and standards that reflects the employee's position description and duties. Employees will be evaluated based upon these standards. Salary increases will be given for performance evaluations rated “meets,” “satisfactory,” or scored 3.0, or higher on a scale of 1 to 5. The maximum salary adjustment available is 2½% of base hourly rate of pay, as set forth in the appropriate Salary Range Table.

21. LONGEVITY AWARD

21.1. In pay period one, longevity awards shall be granted to eligible employees in an amount not to exceed 2½% of the annual base pay as calculated in pay period 26 of the prior calendar year subject to:

21.1.1. The employee having reached or passed the top step in their respective pay range on July 1 of the previous calendar year; and

21.1.2. The employee having received a successfully rated performance evaluation as described in section 20.1.

22. OVERTIME AND NIGHT SHIFT DIFFERENTIAL

22.1. It is the policy of the District to avoid overtime and night shift work whenever possible. Overtime work shall be used only to supply essential public services or perform necessary duties during emergencies or where performance of overtime work by regular employees is more economical than adding new employees by creation of new regular or temporary position.

22.2. Employees of the District shall obtain authorization for overtime prior to commencement of overtime from the employee's immediate supervisor. Failure to obtain such authorization may result in disciplinary action.

22.3. Employees of the District required to work overtime are compensated at time and one-half their regular hourly rate of pay for each and every hour worked in excess of forty (40) hours worked in the seven day work week.

22.4. Employees of the District called or required to work between 10:00 P.M. and 6:00 A.M. may be eligible for night shift differential. Compliance activities, including but not limited to inspections and investigations, and travel commenced by employees prior to 6:00 A.M. and/or terminating after 10:00 P.M. shall not be eligible for the night shift differential unless the employee's immediate supervisor has designated such compliance activities or travel eligible for night shift differential in writing prior to commencement of the work.

22.5. Employees of the District eligible for the night shift differential are compensated at time and one-half their regular hourly rate of pay for each and every hour worked between 10:00 P.M. and 6:00 A.M. provided such work is eligible for the night shift differential as set forth above. Any employee who works between 10 P.M. and 6 A.M. and is eligible for such night shift differential shall be paid for a minimum of four (4) hours of work.

23. COMPENSATORY TIME

23.1. An employee may accrue compensatory time in lieu of overtime unless prohibited from doing so by the employee's supervisor. Those employees eligible for compensatory time may accrue such time to a maximum of eighty (80) hours. Compensatory time shall be calculated at one and one-half times the number of hours worked over forty hours during the established work

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week. Compensatory time must be reported on the employee's time card and submitted to the Administrative Services. Compensatory time used shall also be reported on the employee's time card and submitted to the Administrative Services.

23.2. Employees shall be encouraged to use compensatory time as quickly as possible depending on the work load of the assigned department. All compensatory time accrued and not used within the six month period immediately preceding April and October of each year shall be paid off. The APCO may authorize payment in lieu of compensatory time whenever it is impractical or not in the best interests of the District for the employee to make use of the compensatory time off.

24. ASSIGNMENT TO HIGHER CLASSIFICATION

24.1. Upon request from the employee, an employee directed to continuously perform duties in a higher classification shall be entitled to a salary rate increase to the higher classification for the time actually worked in excess of one hundred sixty (160) hours, consecutively, per fiscal year, unless specifically waived by the employee. The employee must demonstrate the ability to perform the duties of the higher level classification in order to qualify for the salary rate increase, which shall commence only after the 160 consecutive hours have been worked in the higher classification.

LEAVE PROVISIONS

25. SICK LEAVE

25.1. Accrual

25.1.1. The accrual rate for sick leave for each full-time employee in the General Unit shall be 3.69 hours per pay period.

25.2. Conversion to Cash:

25.2.1. Any employee may elect to convert to cash at the employee's current hourly rate of pay thirty percent (30%) of the unused sick leave each July that was accrued during the preceding fiscal year provided the subject employee leaves a minimum sick leave balance of one hundred sixty (160) hours. Employees must submit a pre-election agreement to convert sick leave to cash by June 30 of the year before the leave will accrue. For example, an employee must elect by June 30, 2016 to convert 30% of unused sick leave earned from July 1, 2016 – June 30, 2017 to cash in July 2017 if the employee's remaining sick leave balance at the time of conversion will be at least 160 hours.

[The IRS requires employees to elect to cash out leave accruals before they are accrued. If an employee can elect to cash out already accrued leave, the availability of the election results in taxable income, even to those who do not make the election. The District practices this pre-election, the reference belongs in the policy statement to avoid tax implications.]

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25.3. Payment Upon Separation:

25.3.1. After ten (10) years of continuous service from the date of hire in a regular position, and upon retirement, death, or separation, an employee will be paid for unused sick leave balances according to the following formula:

<u>Sick Leave Balance as of Date of Separation</u>	<u>Cash Payment Percentage of Hours of Sick Leave Balance</u>
480 hours or less	30%
481 to 600 hours	35%
601 to 720 hours	40%
721 to 840 hours	45%
841 to 1,000 hours	50%

25.4. Vacation Conversion Option.

25.4.1. Any employee may exchange accrued sick leave hours in excess of eight hundred forty (840) hours for vacation time on the basis of two (2) hours of sick leave for one (1) hour of vacation leave. Any such exchange must be made in forty (40) hour increments of accrued sick leave.

26. VACATION

26.1. The accrual rate for vacation leave and accrual limits for each full-time employee in the General Unit is as follows:

26.1.1. Accrual of 3.08 hours per pay period during the first four years of continuous employment. Employees shall be allowed to accrue a maximum of two hundred (200) hours vacation during the first four years continuous service.

26.1.2. Accrual of 4.62 hours per pay period during the years five through nine of continuous employment. Employees shall be allowed to keep a maximum of two hundred eighty (280) hours vacation during the fifth through ninth year of continuous service; and

26.1.3. Accrual of 6.15 hours per pay period following the ninth year through fourteen years of continuous employment. Such employees shall be allowed to keep a maximum of three hundred sixty (360) hours vacation during the ninth through fourteenth year of continuous service.

26.1.4. Accrual of 6.46 hours per pay period following the fourteenth year of continuous employment and increasing by 0.3077 hours per pay period each successive year; thereafter of continuous employment up to a maximum of 9.23 hours per pay period. Such employees shall be allowed to keep a maximum of three hundred sixty (360) hours vacation following the fourteenth year of continuous service.

27. MANAGEMENT AND EMPLOYEE RIGHTS

27.1. Management Rights

27.1.1. In order to insure that the District is able to carry out its functions and responsibilities imposed by law, the District has and will retain the exclusive right to manage and direct the performance of District services and therefore the following matters will not be subject to the meet and confer process but shall be within the exclusive discretion of the District:

- (a) To determine public policy;
- (b) To determine the merits, necessity or organization of any service or activity conducted by the District;
- (c) To determine and change the facilities, methods, means and personnel by which the District operations are to be conducted;
- (d) To expand or diminish services;
- (e) To determine and change the number of locations, relocations and types of operations and the process and materials to be employed in carrying out all District functions, including but not limited to, the right to subcontract any work or operation;
- (f) To determine the size and composition of the work force, to assign work to employees in accordance with requirements as determined by the District, to establish and change work schedules and assignments, and to determine and change the days and hours when employees shall work;
- (g) To relieve employees from duty because of lack of work or funds or other legitimate reasons;
- (h) To discharge, suspend or otherwise discipline employees in accordance with established personnel rules;
- (i) To determine job classifications;
- (j) To hire, transfer, promote and demote employees;
- (k) To determine policies, procedures and standards for selection, training, and promotion of employees;
- (l) To establish employee performance standards including but not limited to, quality and quantity standards;
- (m) To maintain the efficiency of District operations;
- (n) To take any and all necessary actions to carry out its missions in emergencies;
- (o) To exercise complete control and secretion over the District's organization and technology of performing its work and services; and
- (p) To establish reasonable work and safety rules and regulations in order to maintain the efficiency and economy desirable in the performance of District services.

27.2. Employee Rights

27.2.1. Except as otherwise provided by law or by these rules and regulations, employees of the District shall have the right to form, join and participate in the activities of an

employee organization of their own choosing for the purpose of representation in matters of employer-employee relations. District employees also have the right to refuse to join or participate in the activities of the employee organization and shall have the right to represent themselves individually in their employment relations with the District. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the District or by an employee organization because of his or her exercise of these rights. Notwithstanding the above, nothing herein shall be construed as restricting employee organization rights as specified in Section 3502.5 of the Government Code.

28. POLICY PROHIBITING EMPLOYEE HARASSMENT

28.1. Introduction:

28.1.1. The District strongly disapproves of any form of unlawful discrimination against its employees. This includes discriminatory harassment of District employees. It can result in high turnover, absenteeism, low morale, and an uncomfortable work environment. Since Federal and State law prohibit harassment, employee harassment may constitute a criminal offense.

28.1.2. The District strictly prohibits unlawful harassment. This includes harassment on the basis of sex, sexual orientation, race, color, ancestry, religious creed, handicap or disability, medical condition, age (over forty), marital status, or any other protected class under applicable law.

28.2. Application

28.2.1. The policy applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training.

28.2.2. The policy applies to all officers and employees of the District, including, but not limited to, full- and part-time employees, temporary employees, and persons working under contract for the District.

28.3. The full text of this policy is recorded in Rule 7 of the PPP.

29. FULL UNDERSTANDING, MODIFICATION, AND WAIVER

29.1. The parties acknowledge that during the negotiations, which resulted in this Agreement, each had the full right and adequate opportunity to make demands and proposals with respect to any subject or matter within the scope of representation, and that the understandings arrived at after the exercise of that right are set forth in this Agreement. The express provisions of this Agreement, for its duration, therefore, constitute the complete and total contract between the District and the [Association Union](#) with respect to wages, hours, and other terms and conditions of employment. Any prior or existing agreements between the parties, whether formal or informal, regarding any such matters, are hereby superseded and terminated in their entirety.

Therefore, the District and the ~~Association~~Union, for the life of this Agreement, each voluntarily waives the right to meet and confer in good faith with respect to any subject or matter referred to or covered in this Agreement or within the scope of representation.

29.2. Notwithstanding the above, the parties may mutually agree to meet and confer on a specific matter.

30. DURATION OF AGREEMENT

30.1. Except as herein provided, the terms and conditions of this Memorandum of Understanding became effective at 12:01 a.m. on July 1, 201~~4~~⁶ and shall expire at 12:00 midnight on June 30, 201~~6~~⁷. If a successor Memorandum of Understanding has not been reached by 12:00 midnight of June 30, 201~~6~~⁷ the terms and conditions of this Memorandum of Understanding shall be extended for one (1) year or until a successor Memorandum of Understanding is adopted, whichever occurs sooner.

30.2. In the event either party hereto desires to negotiate the provisions of a successor memorandum of understanding, such party shall serve upon the other, 90 days prior to the termination date of this Agreement, its written request to commence negotiations and, to the extent reasonably possible, its full and entire written proposal for such successor memorandum of understanding. Upon receipt of such written notice and proposal, negotiations shall begin thereafter, no later than 60 days prior to the termination date of this Agreement.

IN WITNESS WHEREOF, the parties having entered into this Agreement have caused their authorized representatives to execute this Memorandum of Understanding on this 26th day of September, 2011.

**MOJAVE DESERT AIR QUALITY
MANAGEMENT DISTRICT**

TEAMSTERS LOCAL 1932

Robert Lovingood,
MDAQMD Governing Board Chair

Fred Lowe
Staff Coordinator, Teamsters Local 1932

Roger Crawford,
Labor Negotiator, Best Best & Krieger

Tracy Walters, Negotiating Committee

APPROVED AS TO LEGAL FORM

Sheri Haggard, Negotiating Committee

PIERO C. DALLARDA, Special Counsel
to the Governing Board

Barbara Lods, Negotiating Committee

Sarah Strout, Negotiating Committee

Exhibit 1
Mojave Desert Air Quality Management District
SALARY SCHEDULE FY 16-17
Effective July 1, 2016

RANGE										Not attainable as of January 1, 2000						
	1	2	3	4	5	6	7	8	9	5	F	6	G	7	H	MONTHLY
600	13.83	14.18	14.53	14.89	15.27	15.65	16.04	16.44	16.85	17.27	17.71	18.15	18.60	19.07	19.54	2,397 - 2,921
601	14.18	14.53	14.90	15.27	15.65	16.04	16.44	16.85	17.27	17.71	18.15	18.60	19.07	19.54	20.03	2,458 - 2,994
602	14.54	14.90	15.27	15.65	16.04	16.45	16.86	17.28	17.71	18.15	18.61	19.07	19.55	20.04	20.54	2,519 - 3,070
603	14.89	15.26	15.65	16.04	16.44	16.85	17.27	17.70	18.14	18.60	19.06	19.54	20.03	20.53	21.04	2,581 - 3,145
604	15.27	15.65	16.04	16.44	16.85	17.28	17.71	18.15	18.60	19.07	19.55	20.03	20.54	21.05	21.58	2,647 - 3,225
605	15.65	16.04	16.44	16.85	17.27	17.70	18.15	18.60	19.06	19.54	20.03	20.53	21.04	21.57	22.11	2,712 - 3,304
606	16.04	16.45	16.86	17.28	17.71	18.15	18.61	19.07	19.55	20.04	20.54	21.05	21.58	22.12	22.67	2,781 - 3,388
607	16.44	16.85	17.27	17.71	18.15	18.60	19.07	19.54	20.03	20.53	21.05	21.57	22.11	22.67	23.23	2,850 - 3,472
608	16.85	17.27	17.70	18.15	18.60	19.06	19.54	20.03	20.53	21.04	21.57	22.11	22.66	23.23	23.81	2,921 - 3,559
609	17.28	17.71	18.15	18.61	19.07	19.55	20.04	20.54	21.05	21.58	22.12	22.67	23.24	23.82	24.41	2,995 - 3,649
610	17.71	18.15	18.60	19.07	19.55	20.03	20.53	21.05	21.57	22.11	22.67	23.23	23.81	24.41	25.02	3,069 - 3,740
611	18.15	18.60	19.06	19.54	20.03	20.53	21.04	21.57	22.11	22.66	23.23	23.81	24.40	25.01	25.64	3,145 - 3,832
612	18.60	19.07	19.55	20.04	20.54	21.05	21.58	22.12	22.67	23.23	23.82	24.41	25.02	25.65	26.29	3,225 - 3,929
613	19.06	19.54	20.03	20.53	21.04	21.57	22.11	22.66	23.23	23.81	24.40	25.01	25.64	26.28	26.94	3,304 - 4,026
614	19.54	20.03	20.53	21.05	21.57	22.11	22.66	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.61	3,387 - 4,127
615	20.03	20.53	21.05	21.57	22.11	22.67	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.62	28.31	3,472 - 4,231
616	20.53	21.05	21.57	22.11	22.66	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.61	28.30	29.01	3,559 - 4,336
617	21.04	21.57	22.11	22.66	23.23	23.81	24.40	25.01	25.64	26.28	26.94	27.61	28.30	29.01	29.73	3,647 - 4,444
618	21.57	22.11	22.67	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.62	28.31	29.01	29.74	30.48	3,739 - 4,556
619	22.11	22.67	23.23	23.81	24.41	25.02	25.64	26.29	26.94	27.62	28.31	29.01	29.74	30.48	31.25	3,833 - 4,670
620	22.66	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.61	28.30	29.01	29.74	30.48	31.24	32.02	3,928 - 4,786
621	23.24	23.82	24.41	25.02	25.65	26.29	26.95	27.62	28.31	29.02	29.74	30.49	31.25	32.03	32.83	4,028 - 4,907
622	23.82	24.41	25.02	25.65	26.29	26.95	27.62	28.31	29.02	29.74	30.49	31.25	32.03	32.83	33.65	4,128 - 5,030
623	24.41	25.02	25.64	26.29	26.94	27.62	28.31	29.01	29.74	30.48	31.25	32.03	32.83	33.65	34.49	4,231 - 5,155
624	25.02	25.65	26.29	26.94	27.62	28.31	29.02	29.74	30.49	31.25	32.03	32.83	33.65	34.49	35.35	4,337 - 5,284
625	25.64	26.28	26.94	27.61	28.30	29.01	29.74	30.48	31.24	32.02	32.82	33.65	34.49	35.35	36.23	4,445 - 5,415
626	26.29	26.94	27.62	28.31	29.01	29.74	30.48	31.25	32.03	32.83	33.65	34.49	35.35	36.23	37.14	4,556 - 5,551
627	26.94	27.61	28.30	29.01	29.73	30.48	31.24	32.02	32.82	33.64	34.48	35.35	36.23	37.13	38.06	4,669 - 5,689
628	27.61	28.30	29.01	29.73	30.48	31.24	32.02	32.82	33.64	34.48	35.34	36.23	37.13	38.06	39.01	4,786 - 5,831
629	28.31	29.01	29.74	30.48	31.24	32.02	32.83	33.65	34.49	35.35	36.23	37.14	38.07	39.02	39.99	4,906 - 5,978
630	29.01	29.73	30.48	31.24	32.02	32.82	33.64	34.48	35.34	36.23	37.13	38.06	39.01	39.99	40.99	5,028 - 6,126
631	29.74	30.49	31.25	32.03	32.83	33.65	34.49	35.36	36.24	37.15	38.07	39.03	40.00	41.00	42.03	5,155 - 6,281
632	30.48	31.24	32.02	32.82	33.64	34.48	35.34	36.23	37.13	38.06	39.01	39.99	40.99	42.01	43.06	5,283 - 6,437
633	31.24	32.02	32.82	33.64	34.49	35.35	36.23	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.14	5,415 - 6,598
634	32.03	32.83	33.65	34.49	35.35	36.24	37.14	38.07	39.02	40.00	41.00	42.02	43.07	44.15	45.25	5,552 - 6,764
635	32.82	33.64	34.49	35.35	36.23	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.14	45.25	46.38	5,689 - 6,932
636	33.65	34.49	35.35	36.24	37.14	38.07	39.02	40.00	41.00	42.02	43.07	44.15	45.26	46.39	47.55	5,833 - 7,106
637	34.49	35.35	36.23	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	5,978 - 7,283
638	35.35	36.24	37.14	38.07	39.02	40.00	41.00	42.02	43.07	44.15	45.26	46.39	47.55	48.73	49.95	6,128 - 7,466
639	36.23	37.14	38.06	39.02	39.99	40.99	42.02	43.07	44.14	45.25	46.38	47.54	48.73	49.94	51.19	6,280 - 7,651
640	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.48	6,437 - 7,843
641	38.07	39.02	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.47	53.79	6,598 - 8,039
642	39.02	39.99	40.99	42.01	43.07	44.14	45.25	46.38	47.54	48.72	49.94	51.19	52.47	53.78	55.13	6,763 - 8,240
643	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	6,932 - 8,446
644	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	57.92	7,106 - 8,657
645	42.02	43.07	44.15	45.26	46.39	47.55	48.73	49.95	51.20	52.48	53.79	55.14	56.52	57.93	59.38	7,284 - 8,875
646	43.07	44.15	45.26	46.39	47.55	48.73	49.95	51.20	52.48	53.79	55.14	56.52	57.93	59.38	60.86	7,466 - 9,097
647	44.15	45.26	46.38	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	57.92	59.37	60.86	62.38	7,652 - 9,323
648	45.25	46.38	47.54	48.73	49.94	51.19	52.47	53.78	55.13	56.51	57.92	59.37	60.85	62.37	63.93	7,843 - 9,566
649	46.38	47.54	48.73	49.95	51.19	52.47	53.79	55.13	56.51	57.92	59.37	60.85	62.38	63.93	65.53	8,039 - 9,795
650	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	57.93	59.37	60.86	62.38	63.94	65.54	67.18	8,241 - 10,040
651	48.74	49.95	51.20	52.48	53.79	55.14	56.52	57.93	59.38	60.86	62.39	63.95	65.54	67.18	68.86	8,448 - 10,292
652	49.95	51.20	52.48	53.79	55.13	56.51	57.93	59.37	60.86	62.38	63.94	65.54	67.18	68.86	70.58	8,658 - 10,549
653	51.19	52.47	53.79	55.13	56.51	57.92	59.37	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.34	8,874 - 10,812
654	52.48	53.79	55.14	56.51	57.93	59.38	60.86	62.38	63.94	65.54	67.18	68.86	70.58	72.34	74.15	9,096 - 11,083
655	53.78	55.13	56.51	57.92	59.37	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.33	74.14	76.00	9,323 - 11,359
656	55.13	56.51	57.92	59.37	60.85	62.38	63.94	65.53	67.17	68.85	70.57	72.34	74.15	76.00	77.90	9,566 - 11,643
657	56.51	57.92	59.37	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.34	74.14	76.00	77.90	79.84	9,795 - 11,934
658	57.93	59.37	60.86	62.38	63.94	65.54	67.18	68.86	70.58	72.34	74.15	76.00	77.90	79.85	81.85	10,040 - 12,233
659	59.37	60.86	62.38	63.94	65.54	67.18	68.86	70.58	72.34	74.15	76.00	77.90	79.85	81.85	83.89	10,292 - 12,539
660	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.34	74.14	76.00	77.90	79.84	81.84	83.89	85.98	10,548 - 12,852
661	62.38	63.94	65.54	67.18	68.86	70.58	72.35	74.15	76.01	77.91	79.86	81.85	83.90	86.00	88.15	10,813 - 13,175
662	63.93	65.53	67.17	68.85	70.57	72.34	74.14	76.00	77.90	79.84	81.84	83.89	85.98	88.13	90.34	11,082 - 13,502
663	65.54	67.17	68.85	70.57	72.34	74.15	76.00	77.90	79.85	81.84	83.89	85.99	88.14	90.34	92.60	11,359 - 13,840
664	67.18	68.86	70.58	72.34	74.15	76.00	77.90	79.85	81.85	83.90	85.99	88.14	90.35	92.60	94.92	11,644 - 14,187
665	68.85	70.57	72.34	74.14	76.00	77.90	79.84	81.84	83.89	85.98	88.13	90.34	92.60	94.91	97.28	11,934 - 14,540
666	70.57	72.34	74.15	76.00	77.90	79.85	81.84	83.89	85.99	88.14	90.34	92.60	94.91	97.29	99.72	12,233 - 14,904

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Exhibit B



MOJAVE DESERT AIR QUALITY
MANAGEMENT DISTRICT

PERSONNEL POLICIES AND
PROCEDURES

[August 24, 2015](#)
[Draft September 26, 2016](#)

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PERSONNEL POLICIES & PROCEDURES

This document shall constitute the Personal Policies & Procedures (“PPP”) of the Mojave Desert Air Quality Management District (“District”).

RULE 1 GENERAL PROVISIONS

Section 1.1 Prior Policies Repealed

If the terms and provisions of the PPP are inconsistent or in conflict with the terms and provisions of any prior District personnel policies and procedures, resolutions, rules and regulations governing the same subject, the terms of this PPP shall prevail and such inconsistent or conflicting provisions or prior resolutions, rules and regulations are hereby repealed.

Section 1.2 Term of the PPP

This PPP shall take effect when adopted by the Governing Board of the District. The manual shall remain in effect unless repealed, in whole or part, by the Governing Board of the District. The Governing Board may in its sole discretion add to, delete or otherwise modify the PPP, subject to the following paragraph.

Prior to amendment of the PPP the APCO shall consult with District employees or, if required, upon request meet and confer with affected recognized employee organizations.

Section 1.3 Non-Discrimination

The District shall comply with applicable Federal and State laws governing fair employment practice and equal opportunity. The District shall not discriminate for or against any person based on race, creed, color, religion, national origin, sex, age, political opinion, veteran's status, physical or mental disability, sexual orientation, or marital status.

Section 1.4 Employee Responsibility

It shall be the responsibility of each employee to become aware and be knowledgeable of the PPP. Violation of the PPP as adopted shall constitute grounds for rejection, suspension, demotion, termination or other disciplinary action deemed appropriate by District Management.

Section 1.5 Section Policies and Procedures

Supervisors may issue such written policies and procedures as deemed necessary for the efficient, safe and orderly administration of the section. However, no such policies or procedures shall conflict with, go beyond or supersede the PPP and shall be approved by the APCO before their implementation. Copies of section policies and procedures must be distributed to each employee of the section. Section policies and procedures must be consistent with, and supplementary to, the PPP.

Section 1.6 Distribution of Personnel Policies

A copy of the PPP shall be distributed to each District employee and each recognized employee organization. Newly hired employees shall receive a copy at the time of Employee Orientation.



PERSONNEL POLICIES & PROCEDURES

Copies of the PPP shall also be distributed to each section of the District. Supervisors shall make them accessible to employees. Copies shall be available in Administrative Services, the District Clerk's office, the APCO's office and in each section of the District. Employees with questions about the PPP may direct them to their immediate supervisor, or to Administrative Services.

Section 1.7 Definition of Terms

Terms used in the PPP are defined as follows:

Acting Appointment - An appointment of a person who possesses at least the minimum qualifications established for a particular class and who is appointed to a position in that class in the absence of available eligible incumbents, or on an interim basis pending later appointment of an eligible person.

Advancement - A salary increase within the limits of a pay range established for a class.

Air Pollution Control Officer (APCO) – The person appointed to the position of Air Pollution Control Officer of the District pursuant to California Health & Safety Code §40750 and who serves as the Executive Director of the District.

Applicant - Any person submitting a formal completed application for employment with the District.

Appointing Authority - The APCO is the appointing authority for all district employees. The APCO may delegate appointing authority to the Personnel Officer.

Authorized Position - A specific work position within a job classification that is or may be held by an employee.

Benefit Date - For the purpose of sick and vacation leave accrued, the benefit date is defined as follows for all employees: (a) If the first working day of the pay period was worked, the benefit date will be the first day of that pay period. (b) If the employee started anytime after the first working day of the pay period, then the benefit date will be the first day of the following pay period. (c) Employees who are absent without pay for more than thirty (30) consecutive days shall have their benefit date adjusted to reflect the deduction of the period of time in which the employee was absent without pay over the 30 consecutive days.

Class - The result of grouping together those positions that are similar in duties, authority, and responsibility, so that the same requirements as to education, general experience, general knowledge, and ability may be required of incumbents and so that the same schedule of compensation may be made to apply, notwithstanding that individual positions in the same class may be assigned specifically different duties and responsibilities. Each class will be assigned a separate class title.

Classification - The action of assigning a position(s) to a class.



PERSONNEL POLICIES & PROCEDURES

Classification Plan - The arrangement of positions in classes, together with the title and specifications describing each class.

Class Specification - The official description of a class including (1) the title (2) a definition, (3) a statement of the duties and responsibilities, and (4) the employment standards, such as education, experience knowledge and skills, and abilities which may be required of applicants.

Compensation - Salary, wages, fees, benefits, allowances or other moneys paid to or on behalf of an employee for personal services.

Continuous Employment - Employment in a regular position that is uninterrupted from the effective date of the appointment except by an authorized absence with pay or an authorized leave of absence without pay of thirty (30) consecutive days or less.

Contract Employees - Those individuals employed by the District pursuant to the terms of an individual employment contract that sets forth terms and conditions of employment.

Days - Means calendar days unless otherwise stated.

Demotion - The movement of an employee from one class to another class, the new class having a lower maximum base rate of pay.

Disciplinary Action - The termination, demotion, reduction in pay, or suspension of a regular employee for punitive reasons.

Discharge - Involuntary termination of employment with the District.

District - The Mojave Desert Air Quality Management District.

Director of Administrative Services (DAS) - The person appointed to the position of DAS or the person supervising District administrative functions, if not the DAS.

Employment List - A list of names of persons who may be considered for employment with the District under specified conditions. Employment lists will be prepared as needed as determined by the Personnel Officer.

Employee - A person who is legally occupying a position in the District's service or who is on an authorized leave of absence for such position.

Evaluation Date - The date of completion of an employee's probationary period or any extension thereof and at twelve (12) month intervals thereafter.



PERSONNEL POLICIES & PROCEDURES

Extra-Help Employee - An employee who is appointed to a position with less than year-round funding. Extra-help employees shall be compensated on an hourly basis and shall not be eligible for participation in the flexible benefits program, retirement program or any other benefits.

Exempt Compensation Plan (ECP) - The currently applicable Exempt Compensation Plan which provides a written description of the benefits, compensation, and special provisions available to positions and/or classifications not covered by the currently applicable MOU.

Fiscal Year - The fiscal year for the District begins on July 1 and ends on June 30 of the next year.

Full-time Employee - A regular employee of the District who is regularly scheduled to work at least forty (40) hours per week.

Governing Board - Governing Board of the District.

Grievance - Any good faith or reasonable complaint of an employee or a group of employees or a dispute between the District and said employee or group of employees involving the interpretation, application, or enforcement of this Personnel and Policies Manual; provided, however, complaints involving performance evaluations, denial of merit pay increases, employee classification and minor discipline shall not be grievable, but upon request of the affected employee, they are subject to review by the APCO whose decision shall be final and binding.

Grievance Procedure - The systematic means set forth in this the PPP by which an employee may obtain consideration of a grievance.

Immediate Supervisor - The most immediate person to whom an employee reports having authority in the interest of the District to do any one of the following: hire, transfer, suspend, layoff, recall, promote, demote, terminate, assign, reward, or discipline other employees, or to direct them, or to adjust their grievances, or effectively to recommend any such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Leave of Absence - An authorized absence from duty for a specified period.

Memorandum of Understanding (MOU) – The currently applicable Memorandum of Understanding entered into between the District and the San Bernardino Public Employees Association or any successor duly authorized representational body which provides a written description of the benefits, compensation, and special provisions available to those positions/classifications represented by such association.

Part-time Employee - A regular employee of the District who is regularly scheduled to work less than forty (40) hours per week. Part-time employees working 41 or more hours per pay period shall receive benefit plan dollars, vacation, sick leave and holiday leave on a pro-rata basis. Part-time employees working less than 41 hours per pay period on a regular basis shall not



PERSONNEL POLICIES & PROCEDURES

be eligible for these benefits, unless these or other benefits are approved in advance by the APCO as part of a job sharing arrangement. Job sharing arrangements are permitted only with the written approval of the APCO.

Performance Evaluation - A review and evaluation of an employee's performance and capabilities in the employee's authorized position by the employee's immediate supervisor and/or other member of management.

Personnel Policies & Procedures Manual (PPP) - This document concerning employment with the District.

Personnel Officer - The APCO or an employee of the District designated in writing by the APCO as the Personnel Officer.

Position - A group of current duties and responsibilities assigned or delegated by the appointing authority and requiring the full or part-time services of one (1) employee.

Probationary Employee - An employee, new to the District, is considered at will and may be terminated at any time without cause and without recourse to the grievance procedure or any other appeal right.

Promotion - The movement of an employee from a position of one class to a position in another class having a higher maximum salary rate, generally with an increase in duties and responsibilities over the employee's present class.

Reduction in Pay - A temporary or permanent decrease in salary.

Regular Employee - An employee who has successfully completed the probationary period and has been retained as hereafter provided in this PPP is an employee having regular status.

Reinstatement - The restoration without examination of a former regular employee or probationary employee to a classification in which the employee formerly served as a regular non-probationary employee.

Resignation - Voluntary termination of employment by an employee.

Salary Range - Categories which determine the minimum and maximum salary payable for each employment classification.

Section - An organizational subdivision of the District.

Seniority - Seniority is to be determined by continuous employment from the date of hire into a regular position, including time mandated by Health & Safety Code §41265.



PERSONNEL POLICIES & PROCEDURES

Smoking - Includes any lighted cigarette, cigar or pipe.

Supervisor - A person having authority in the interest of the District to do any one of the following: hire, transfer, suspend, layoff, recall, promote, demote, terminate, assign, reward, or discipline other employees, or to direct them, or to adjust their grievances, or effectively to recommend any such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Suspension - The temporary separation, without pay, from service of an employee for disciplinary purposes.

Termination - The conclusion or cessation of employment with the District.

Transfer - The movement of an employee within a section or between sections from one position to another position in the same class or another class having the same maximum salary.

Vacancy - An unfilled authorized position in the District employment.

Section 1.8 Application of Personnel Rules

These Personnel Rules shall apply to all officers, positions and employment in the service of the District, including Contract Employees, unless otherwise specifically provided in a contract or agreement approved by the Governing Board of the District .

Unless otherwise noted in an applicable agreement or contract approved by the Governing Board Personnel Rules 1, 4.8, 4.9, 4.10 and 7 shall apply to:

- (A). Elected officials;
- (B). Members of appointed boards and committees;
- (C). Persons engaged under contract to supply expert, professional, technical or any other services;
- (D). Volunteer personnel, including but not limited to student interns;

Section 1.9 Savings Clause

If any provisions or the applications of any provision of the PPP, as implemented, are rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provision of the PPP shall remain in full force and effect.

Nothing in the PPP shall be construed to deny any person or employee the rights granted by Federal and State law. The rights, powers and authority of the Governing Board in all matters, including the right to maintain any legal action shall not be modified or restricted by these regulations.

RULE 2 RECRUITMENT



Section 2.1 Personnel Requisitions

All requests for additional or replacement personnel shall be submitted to Administrative Services on a Personnel Requisition Form. The Personnel Requisition Form shall be completed by the initiating section and signed by the supervisor. Administrative Services shall satisfy all Personnel Requisitions in accordance with Standard Practice 2-3, *Recruitment Procedure*.

Section 2.2 Qualification of Applicants

No person shall be employed in or appointed to any position requiring full-time or part-time service where the position is included in the classification plan and a class specification exists establishing desired qualifications unless said person possesses in full, by midnight of the final filing date, the desired qualifications prescribed for that class except as provided by this manual.

In the event an applicant entering District employment is found to possess qualifications extraordinary for the position the applicant is being hired for, the APCO may authorize the employment of such applicant at any point within the appropriate pay range. For the purposes of this section, "extraordinary" means the applicant has education, experience and/or skills superior to that commonly required and expected for the class.

Section 2.3 Disqualification

The Personnel Officer may disqualify an applicant or refuse to refer any person for employment for, but not limited to, the following reasons:

- (A). The applicant does not possess the necessary qualifications established for the position.
- (B). The applicant is physically or psychologically disabled for the performance of essential functions of the position and such disability cannot be reasonably accommodated.
- (C). The applicant has been terminated for good cause from previous employment.
- (D). The applicant has used or attempted to use any improper personal or political influence to further their employment with the District.
- (E). The applicant has been convicted of a felony or misdemeanor which was of such a nature as to reflect adversely and substantially on the applicant's ability to perform the duties of the position.
- (F). The applicant has been convicted of a criminal offense involving moral turpitude. The word "convicted" shall be construed to mean a plea of guilty or nolo contendere regardless of whether sentence is imposed by the court.
- (G). The applicant has practiced or attempted to practice any deception, fraud or omission of material fact in the application or interview, or in securing eligibility for employment.

Section 2.4 Medical Examination

Following a conditional offer of employment, prospective employees may be required to complete a job related pre-employment physical and/or psychological examination. Such examination shall be performed by a licensed physician chosen by the District without cost to the prospective employee. The physician will indicate the employee' fitness for employment. In the



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event the examination is not completed prior to the employee's scheduled start date, only a tentative appointment may be made. Final appointment will be contingent on a satisfactory examination.

Section 2.5 Driver's License and Satisfactory Driving Record

The District shall obtain information regarding the driving record, violations, suspended license, etc. of each District employee on a regular basis. Employees of the District are required to advise the District of any change in their driver's license status immediately.

Employees who are required to have a valid driver's license as a condition of employment shall be subject to disciplinary action including termination of employment if their driver's license is suspended or revoked or other circumstances exist which render the employee unfit to operate a District vehicle.

Section 2.6 Employment Oath

All employees of the District shall complete and sign the Oath or Affirmation of Allegiance for Public Officers and Employees on the first day of employment in accordance with Article XX, Section 3 of the Constitution of the State of California. The Oath shall be administered by the Personnel Officer or District Clerk or other designated individual and a signed copy shall be included in the employee's personnel file.

Section 2.7 Identification Cards

Employee identification cards shall be issued by Administrative Services to all employees of the District. Employee identification cards are to be used by employees in conducting business on behalf of the District. Employee identification cards are the property of the District and shall be surrendered to the District upon demand or termination of employment and prior to receiving payment of salary due at termination. Employees shall be required to immediately report lost or stolen identification cards to Administrative Services.

Section 2.8 Keys

Keys to District facilities will be issued to employees so designated by the APCO. Keys are the property of the District and shall be surrendered to the District upon demand or upon termination of employment and prior to receiving payment of salary due at termination. Employees shall be required to immediately report lost or stolen keys to Administrative Services.

RULE 3 ADMINISTRATION OF PERSONNEL

Section 3.1 Merit Employment Policy

It is the policy of the District to provide for an employment system which assures that employees are selected, promoted and retained on the basis of merit. It is the intent of this system to provide fair and equitable treatment to all applicants for employment. The screening and selection of employees shall be on a specific job related basis.



The potential and actual performance of employees within the District shall guide employment decisions with the goal of providing a high performance work force for the residents of the District.

Section 3.2 Classification Plan

The Personnel Officer shall ascertain and record the duties and responsibilities of all positions in the District and shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions defined by class specification, including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under similar working conditions to all positions in the same class.

The classification plan shall be adopted by the APCO, approved by the Governing Board and may be amended from time to time. Amendments and revisions of the plan may be suggested by any interested party and submitted to the APCO. A new classification shall not be created and filled on a regular basis until the classification plan has been amended to provide therefore.

Section 3.3 Reclassification

Positions, the assigned duties of which have been materially changed by the District so as to necessitate reclassification, shall be allocated by the APCO to a more appropriate class.

Section 3.4 Salary Schedule Adoption

Except as otherwise provided by law, officers and employees shall receive compensation as provided in the basic salary and compensation schedule adopted by the Governing Board of the District by resolution for the respective classifications of positions in which they are employed, in accordance with the terms of employment set forth in the PPP.

Section 3.5 Probationary Period

To ensure that new employees are able to satisfy requirements of the position for which they were hired, the first six months or 1040 regularly scheduled working hours of employment, whichever occurs later, shall be considered the minimum probationary period for employees of the District. The probationary period is required as part of the testing process and shall be utilized for observing closely the employee's work. All employees will receive a performance evaluation after completion of 3 months or 520 hours, whichever occurs later, and at the completion of the minimum probationary period. At the discretion of the Personnel Officer the probationary period may be extended for a maximum of six additional calendar months or 1040 additional regularly scheduled working hours, whichever occurs later.

During the probationary period, a new employee is considered at will and may be terminated at any time without cause and without recourse to the grievance procedure or any other appeal right.

Section 3.6 Promotion



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It is the policy of the District to fill authorized vacant positions based on merit and to provide promotional opportunities for qualified employees.

Employees interested in promotion to a vacant position for which they are qualified shall submit an employment application to the Personnel Officer. Employees who have not yet successfully completed the probationary period for their current position are not normally eligible for promotional consideration.

Employees promoted shall receive at least the entrance rate of the new salary range or a five percent (5%) salary increase whichever is greater; however, no employee is advanced above the maximum of the salary range of the new position.

Employees promoted or requesting a transfer to another position in the District, shall be considered on probation during the first six months or 1040 regularly scheduled working hours, whichever occurs later, in the new position. At the sole discretion of the Personnel Officer employees failing to perform satisfactorily in the newly assigned position shall be reinstated to their former position or to a position requiring similar skill and in a similar pay grade provided that an employee reinstated under this Rule may meet with the APCO within five (5) working days of such reinstatement to discuss the matter. The decision of the APCO shall be final.

Employees appointed to an Acting or Provisional position shall not acquire probationary or regular status or rights; however, time spent in an Acting or Provisional position shall contribute to the probationary period if the employee is subsequently appointed to the position.

Promotional offers shall be extended to selected candidates only by the Personnel Officer. Employment offers for all promotional positions shall be made in accordance with Standard Practice 2-3, *Recruitment Procedure*.

Section 3.7 Transfer

Request for transfer to another type of work or section normally will be considered only after successful completion of the probationary period.

Employees requesting a transfer shall submit a memorandum to the Personnel Officer detailing the request for transfer and reasons for the request. Upon receipt of the transfer request, the Personnel Officer will notify the employee's supervisor. Job performance, qualifications, attendance and other legitimate factors shall be evaluated to ensure the most effective use of the employee's capabilities in evaluating the transfer request. When the foregoing factors are substantially equal, transfers shall be determined by District seniority. If the transfer involves a change from one section to another, both supervisors must consent thereto unless the APCO orders the transfer. Employees transferred to a vacant position at their request shall serve a probationary period in accordance with Section 3.5 of the PPP.

The District may initiate employee transfers when the transfer is in the best interest of the District. District initiated transfers to a vacant position shall not serve the required probationary period in accordance with Section 3.5 of the PPP.



Section 3.8 Demotion

Employees requesting a voluntary demotion shall submit a memorandum to the Personnel Officer detailing the request for voluntary demotion and reasons for the request. Upon receipt of the request for voluntary demotion, the Personnel Officer will notify the employee's supervisor. If the request for voluntary demotion involves a change from one section to another, both supervisors must consent thereto unless the APCO orders the demotion. Employees demoted at their own request shall be placed at the same step unless another step is mutually agreed to. If the employee who has requested demotion fails to perform satisfactorily during the probationary period, the employee may be terminated as a probationary employee in accordance with Section 3.5 of the PPP. If the employee has held regular status in the classification to which the employee is voluntarily demoted, probation can be waived upon agreement of the District.

The District may demote an employee whose ability to perform the required duties falls below standard or for disciplinary purposes. No employee shall be demoted to a position for which the employee does not possess the minimum qualifications.

Section 3.9 Administrative Leave

The District may place an employee on paid administrative leave pending investigation and resolution of allegations of misconduct or for other legitimate reasons.

Section 3.10 Suspension

The APCO may suspend an employee from a position at any time for a disciplinary purpose pursuant to Rule 12 of the PPP.

Section 3.11 Reinstatement

Employees who have resigned from District employment in good standing may be eligible for reinstatement to their former position or to a position requiring similar skill and in a similar pay grade providing all of the following criteria are met:

- (A). There is a vacancy in the position for which the employee seeks reinstatement.
- (B). The request for reinstatement is received within six (6) months from the date the employee resigned.
- (C). The former employee is able to perform the essential functions of the position with or without reasonable accommodation.
- (D). Performance evaluation history at the time of resignation was satisfactory or better.
- (E). The former employee provided at least two (2) weeks notice upon resignation unless mutually waived.
- (F). The APCO approves the reinstatement request prior to the appointment.

Former employees shall have no right to reinstatement and such reinstatement shall be at the sole discretion of the District. The District reserves the right to consider the restoration of salary, seniority and other employee benefits on an individual basis and the same shall be restored at the



sole discretion of the APCO. Reinstated employees may be required to complete a new employee probationary period as set forth in Section 3.5 of the PPP.

Section 3.12 Termination

Employees may be rejected without cause or without right of appeal at any time during an initial probationary period, during the probationary period for a voluntary demotion or any extension thereof. Rejections occurring during the probationary period shall be initiated by the appropriate supervisor and approved by the APCO prior to notifying the employee of termination action. Rejected probationary employees shall forfeit all employee benefits except benefits accrued under the San Bernardino County Employees' Retirement System and benefits to which the employee is statutorily entitled. Rejected probationary employees shall not be eligible for prior notice of termination.

The District may terminate regular employees as set forth in Rule 12 of the PPP.

Section 3.13 Orientation

A brief orientation will be provided to each new employee of the District. The orientation will address issues such as hours of work, rest periods, salary, benefits, probationary period, performance evaluation, position descriptions, attendance, drug abuse policy, smoking policy, AIDS policy, sick leave, vacation, overtime and other basic personnel issues as directed by the APCO. Every employee shall be provided a copy of the PPP.

The employee's immediate supervisor will provide the employee with a thorough orientation including, but not limited to, the following:

- (A). Outline current and long range section objectives.
- (B). Review the organization of the section and the names of key section personnel.
- (C). Review section procedures.
- (D). Explain hours of work, time reporting, lunch and break periods, absence reporting and other District policy.
- (E). Define work assignments, objectives and responsibilities.
- (F). Set measurable performance goals with the employee.
- (G). Conduct a tour of District facilities including rest rooms and parking facilities.
- (H). An overview of the PPP and any section policies.

Section 3.14 Nepotism

In order to assure efficiency in implementing policies of the District, it is necessary to restrict the employment of relatives of elected and appointed officers of the District and of relatives of District employees. For the purpose of this policy a "relative" is defined as a spouse, child, step-child, parent, step-parent, parent-in-law, legal guardian, brother, sister, brother-in-law, sister-in-law, step-sister, step-brother, aunt, uncle, niece, nephew, grandchild, grandparent regardless of their place of residence; or any other individual related by blood or marriage living within the same household as the District employee. Therefore, the following restrictions will apply:



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(A). Relatives of the APCO, Deputy APCO's and elected officers of the District shall not be eligible for District employment in any capacity.

(B). Relatives of District-appointed Commissions, Boards or Committees shall not be considered for employment with the section or area of responsibility of such District appointed Commission, Board or Committee.

(C). Relatives of District employees shall not be placed or allowed to work in a position which exercises supervisory authority over a relative or places an undue hardship on other employees within the particular work unit and such employment is detrimental to the supervision, safety, security or morale of the particular work unit as determined by the APCO.

(D). In no event shall an employee participate directly or indirectly in the recruitment or selection process for a position in which an employee's relative may have filed an official employment application.

Section 3.15 Provisional Appointment

For the purpose of this policy, appointment of a person not on a recruitment list is provisional and may be made under one of the following conditions only:

(A). There is no existing recruitment list for the classification and the supervisor has documented the urgent need to fill the position before a regular recruitment could be concluded and the APCO approves use of a provisional appointment; or

(B). The eligibility list contains three or fewer names and the supervisor has filed written objection to the employment of each person on the list with the Personnel Officer and the appointing authority has documented the urgent need to fill the position before regular recruitment could be concluded and, the APCO approves use of a provisional appointment; or

(C). Persons on the list are not available for the position under the terms and conditions prescribed by the Personnel Officer and the appointing authority has documented the urgent need to fill the position before regular recruitment could be concluded and, the APCO approves use of a provisional appointment.

All provisional employees must meet the minimum requirements for the position to which appointed or demonstrate reasonable attainment thereof. Provisional appointments shall terminate not later than two pay periods after establishment of an appropriate recruitment list or twelve months from the date of the original appointment, whichever is less.

Section 3.16 Notice of Resignation

Employees who wish to voluntarily terminate employment with the District shall provide a minimum of two weeks written notice to their immediate supervisor. Resignation shall be deemed accepted upon submission. The written resignation shall be forwarded immediately to Administrative Services for processing. Any employee failing to provide the District with a minimum of two weeks written notice shall be ineligible for consideration for future employment with the District unless mutually waived.

Section 3.17 Death of Employee



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In the event of a death of a District employee, payment of all earned wages due shall be in accordance with the laws of the State of which the deceased employee was a legal resident at the time of death.

Unless otherwise provided by law, payment of any other funds due the deceased employee will be paid to the beneficiary so designated in writing by the employee. If no beneficiary has been designated, any funds due shall be paid to the deceased employee's surviving spouse. In the absence of a surviving spouse, such payment shall be made to the employee's children. In the absence of children, such payment shall be made to the estate of the deceased employee.

RULE 4 TERMS OF EMPLOYMENT

Section 4.1 Attendance

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves. Employees shall make every effort to schedule personal appointments outside their working hours. The District will maintain records of employee attendance. Employee attendance will be reviewed and evaluated during the employee's annual performance evaluation.

Section 4.2 Compensation

The APCO or a designated representative shall be responsible for preparing and maintaining an employee compensation plan for the District. The employee compensation plan shall be approved by the Governing Board of the District.

New employees of the District shall be hired at the minimum rate of the salary range which the position is classified. In the event a prospective employee possesses exceptional skill, training or ability, or where exceptional recruitment difficulties are encountered, employment offers may be made at a higher rate whenever such would be in the District's best interest. Offers of employment at the minimum to mid-point of the salary range may be approved by the Personnel Officer. Offers of employment above the mid-point of the salary range shall require the approval of the APCO.

Employees shall be eligible for a salary merit increase, within their respective salary range, upon completion of the probationary period or any extension thereof, and at twelve month intervals thereafter. A completed performance evaluation with a satisfactory or higher rating shall be required for all salary increase recommendations.

All salary merit increases shall be approved by the APCO.

Section 4.3 Annual Salary Review

Each year the Personnel Officer will review the salary ranges assigned to each position within the District and make recommendations to the Governing Board if necessary. The Personnel Officer may consider the following areas to review:



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- (A). Existing position descriptions, salaries, benefit levels and number of authorized positions within the District.
- (B). Review of inflation, changes in cost of living, and other measure of the economy.
- (C). Other areas as the Personnel Officer deems appropriate.

Subject to the duty to meet and confer, changes in the salary ranges, if any, shall be approved by the Governing Board.

Section 4.4 Performance Evaluations

It is the policy of the District to evaluate employee performance on a regularly scheduled basis. The performance evaluation shall normally be conducted by the employee's immediate supervisor and shall be discussed with the employee. The employee's immediate supervisor shall carefully consider each item of the performance evaluation in relation to the duties outlined in the employee's position description.

A performance evaluation shall be completed prior to the completion of the probationary period for new and probationary employees. The Personnel Officer will forward to the employee's supervisor a performance evaluation form approximately thirty (30) days prior to the end of the applicable evaluation period. It is the supervisor's responsibility to assure that the performance evaluation is completed and returned to the Personnel Officer for review prior to the completion of the probationary period.

A performance evaluation shall be completed on at least an annual basis for regular employees. The Personnel Officer will forward to the employee's supervisor a performance evaluation form approximately thirty (30) days prior to the employee's anniversary date. It is the supervisor's responsibility to assure that the performance evaluation is completed and returned to the Personnel Officer for review prior to the employee's evaluation date. Should there be a delay in completing and returning the performance evaluation beyond the employee's evaluation date, through no fault of the employee, a merit pay increase due as a result of the performance evaluation shall be effective on the employee's evaluation date.

Special evaluations, as needed, may be given.

Section 4.5 Rest Periods

Employees of the District shall be eligible to receive one rest period not to exceed fifteen minutes in any four consecutive hours of work. The employee's immediate supervisor shall coordinate the scheduling of the rest period.

Section 4.6 Political Activity

Political activities of officers and employees of the District while on duty and/or on the premises of the District is prohibited. In accordance with the California Government Code the following shall be prohibited.



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(A). An officer or employee of the District shall not, directly or indirectly, solicit political funds or contributions, knowingly, from other officers or employees of the District or from persons on the employment lists of the District. (Government Code Section 3205)

(B). No officer or employee of the District shall participate in political activities of any kind while in uniform. (Government Code Section 3206)

(C). No officer or employee of the District shall engage in political activity during working hours. (Government Code Section 3207)

(D). No signs, posters or other political advertising materials shall be posted upon District property at any time.

Section 4.7 Voting

The District encourages eligible employees to register and vote in all federal, state and local election. Employees of the District are expected to vote prior to or following their assigned working hours. However, the District will consider time off with pay to participate in federal, state and local elections in certain circumstances.

Employees having two or more consecutive non-working hours following the opening or preceding the close of polls will not be granted time off with pay to vote. Employees having less than two consecutive non-working hours following the opening or preceding the close of polls may be granted sufficient time off with pay to vote. In order to receive paid time off to vote, the employee must provide a written request for such time and must obtain written approval from the employee's immediate supervisor. Requests must be made in writing and must be received at least three days prior to Election Day. The Personnel Officer shall be notified prior to approval of paid time off for voting. In no event shall an employee receive more than two hours paid absence for the purpose of voting. Voting time with pay shall be taken immediately prior to the beginning or the completion of the employee's scheduled work day. Paid absence for the purpose of voting shall be in accordance with Section 14400 of the California Elections Code.

Section 4.8 Alcohol and Drug Policy

It is policy of the District to prohibit its employees from using alcohol or drugs in connection with their employment, as it constitutes a threat to the safe and efficient performance of our public service.

With this in mind, the District has established the following policy with regard to use, being under the influence, possession, distribution or manufacture of alcohol or drugs.

(A). Reasonable Suspicion Drug and Alcohol Screening

The District may require a blood test, urinalysis, or other drug and/or alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work or when on standby duty. An employee's consent to submit to such a test is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, up to and including termination for even a first refusal or any subsequent refusal.



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Use, being under the influence, possession, distribution or manufacture of drugs or alcohol is proscribed as follows:

(1). Alcohol

No employee, including a Contract Employee, shall use alcohol or be under the influence of alcohol during normal hours of work, during lunch or other break periods when the employee intends to return to work, while performing District business, while attending functions where the District's interests are being represented, while on District property, while operating a District vehicle or equipment or while on standby. This prohibition is enacted, in part, to protect the safety of the employee, co-workers and members of the public, to ensure that employees are able to perform their job duties, to ensure the safe and efficient operation of District business, and to limit potential District liability.

(2). Legal Drugs

Use of or being under the influence of any legally obtained drug by any employee while performing District business, while on District property, or while on standby is prohibited to the extent such use or influence may affect the safety of the employee, co-workers, members of the public, the employee's job performance, or the safe or efficient operation of District business. An employee may continue to work, even though under the influence of a legal drug, if management has determined, after consulting with competent medical authority, that the employee does not pose a threat to the employee's own safety or the safety of co-workers and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action as determined by the District.

(3). Illegal Drugs

The use, being under the influence of, manufacture, distribution, purchase, transfer or possession of an illegal drug by an employee during normal hours of work, during lunch or other break periods when the employee intends to return to work, while performing District business, while attending functions where the District's interests are being represented, while on District property, while operating a District vehicle or equipment or while on standby is prohibited.

(B). Employee Reporting Requirements

(1) Legal Drugs and Alcohol

An employee's use of a legal drug or alcohol can pose a significant risk to the safety of the employee or others. Employees who have reason to believe or have been informed that the use of a legal drug or alcohol may present a safety risk are to report their use of such drug or alcohol to their immediate supervisor. Employees who suspect that a fellow employee is under the influence of a legal drug or alcohol that may pose a significant safety risk must report their suspicions to their immediate supervisor for further investigation and appropriate action. If an employee suspects the employee's immediate supervisor, the employee shall report the suspicions to the next level of supervision above the suspected person. In the alternative the employee may report suspicions to the Director of Administrative Services. If the employee suspects a member of management, specifically a Deputy Director or the APCO the employee may report suspicions to District Counsel. If the employee suspects District Counsel or the APCO then the employee may report suspicions directly to the Chairman of the Governing Board.



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(2) Illegal Drugs

Employee use of an illegal drug poses a significant risk to the safety of the employee or others. Employees who have been informed or suspect that a fellow employee has used, is in possession of or is under the influence of an illegal drug must report such suspicion to the employee's immediate supervisor for further investigation and appropriate action. If an employee suspects the employee's immediate supervisor, the employee shall report the suspicions to the next level of supervision above the suspected person. In the alternative the employee may report suspicions to the Director of Administrative Services. If the employee suspects a member of management, specifically a Deputy Director or the APCO the employee may report suspicions to District Counsel. If the employee suspects District Counsel or the APCO then the employee may report suspicions directly to the Chairman of the Governing Board.

(C) Disciplinary Action

Violation of this policy can result in disciplinary action, up to and including termination, even for a first offense. Further, the District reserves the right to discipline or terminate employees convicted of an offense which involves the use, distribution, or possession of illegal drugs.

(D) Searches

The District reserves the right to search lockers, storage areas, furniture, District vehicles and other places under the common control of the District and employees, and to enlist the assistance of law enforcement personnel in connection with the enforcement of this policy.

(E) Drug-free Workplace Designation

Any location at which District business is conducted is designated as a drug-free workplace. All employees of the District are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace.

The District shall implement an education program for all employees on the dangers of drug and alcohol abuse in the workplace. Additionally, the District will provide training to assist in identifying and addressing alcohol and illegal drug use by employees.

Any employee convicted of violating a criminal drug statute in this workplace must inform the District of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to inform the District shall result in disciplinary action up to and including termination for the first offense. By law, the District will notify the federal contracting officer within ten days of receiving such notice from an employee or otherwise receiving notice of such a conviction.

The District reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug-abuse assistance program as an alternative to discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

(F) Definitions

Under the Influence -- For the purposes of this Policy, that the employee is affected by a drug or alcohol or the combination of a drug and alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A



determination of influence can be established by a professional opinion, a scientifically valid test, and, in some cases, by a lay person's opinion.

Legal Drug -- Includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

Illegal Drug -- Any drug which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term further includes prescribed drugs not being used for prescribed purposes. It also includes, but is not limited to, marijuana.

Section 4.9 Smoking Policy

The District is dedicated to protecting the health and safety of all District employees from unhealthful conditions. The Surgeon General has stated that "cigarettes are the most important individual health risk in this country responsible for more premature deaths and disability than any other known agent," and that "cigarette smoking can make a significant measurable contribution to the level of indoor air pollution at levels of smoking and ventilation that are common in indoor environments," and that "there was a provable relation between such "passive" smoke from smokers and illness and deaths among non-smokers."

Therefore, smoking is prohibited in any District owned or leased building specifically utilized for the administration of District business. This shall include, but is not limited to, offices, lobbies, hallways, conference rooms, restrooms, common work areas, vehicles and Board Chambers. Each supervisor shall be responsible for enforcing this smoking prohibition within their area of responsibility. Any District employee violating this policy will be subject to disciplinary action, up to and including termination.

Section 4.10 Policy on Infectious and Communicable Diseases, including AIDS

The District is committed to protecting the rights of persons with AIDS, and those who interact with them, in the course of their normal activities.

The District does not discriminate in its employment policies solely on the basis of exposure to infectious or communicable diseases, or the physical conditions produced by such a disease.

(A). Infectious or communicable diseases -- Include, but are not limited to, HTLV-III virus or HIV (the virus which causes AIDS) infection, ARC (Aids Related Condition), AIDS (Acquired Immune Deficiency Syndrome), tuberculosis (TB), Cytomegalovirus (CMV), Herpes Simplex Virus (HSV Type I and Type II), HSV related diseases such as chickenpox, shingles and infectious mononucleosis, and Hepatitis-B.

(B). Employees with AIDS, AIDS Related Complex, or a positive HTLV-III antibody test should be afforded normal attendance, and working conditions, and participation in an unrestricted manner as long as they are physically and psychologically able to perform the duties of their job in accordance with the District's standards and without undue risk to their own health or the health of other employees or the public.



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(C). The District shall provide reasonable accommodation to employees with infectious diseases, including AIDS and related illnesses, in a manner consistent with the law.

(D). If an employee has concerns about the presence of a person with AIDS virus, or any other infectious disease, that individual should be directed to a knowledgeable counselor or manager to help allay fears. Referral should be made to appropriate community agencies for those persons with continuing fears or concerns about the disease. Further accommodation for such employees will generally not be made, unless a particular employee presents evidence satisfactory to the District and its advisors that they have a medical justification for refusing to work with an employee who has an infectious or communicable disease.

(E). Employees with Infectious or Communicable Diseases

(1). If the District receives notice that an employee is suffering from an infectious or communicable disease, it shall make decisions regarding the employee's continued employment based on the behavior, neurological development and physical condition of the employee, and the health and safety of other persons with whom the employee will interact. The District may require the employee to provide the District periodic physician reports and medical records needed for the decision regarding job assignments, job limitation, ability to continue working, ability to return to work, and potential risk to the employee or others. The District may also require the employee to be examined from time to time by a physician selected by the District.

(2). Each instance of an employee suffering from an infectious or communicable disease shall be considered on a case-by-case basis. The supervisor where the employee is assigned, in conjunction with the Personnel Officer shall decide whether the employee is free of transmissible infection and does not pose a risk to the public or other employees, in consultation, as necessary, with public health personnel, the employee's physician and the employee.

(3). Routine and standard procedures should be used by trained and designated volunteer staff to clean up after any employee who suffers an accident or injury at work. All blood or other body fluids should be treated cautiously. An approved OSHA body fluid kit shall be used when cleaning up blood or other body fluid spills, and such spills should be disinfected with a bleach solution (10:1 ratio of water to bleach). Gloves, bleach and leak-proof bags should be included in the First Aid supplies.

(4). District personnel and others involved with the employee shall respect the employee's right to privacy and need for confidentiality. The employee's records shall be kept confidential.

(F). Any employee who believes that their rights under these guidelines have been violated should be directed to pursue the matter in accordance with all applicable grievance procedures.

(G). Nothing in this policy is intended to deprive an employee of any rights under applicable Federal or State laws, rules and/or regulations.

Section 4.11 Service Awards

In order to recognize the contributions of long time District employees, the District shall provide service awards to regular full-time employees who have completed five years of consecutive service and on succeeding five year anniversaries thereafter. Service awards shall also be presented to regular part-time employees who have completed the equivalent of five years of consecutive service and on succeeding five year equivalent anniversaries thereafter. Service



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with the County of San Bernardino shall be considered when determining years of consecutive service for employees hired before June 30, 2009.

Employees must have completed the appropriate years of service prior to the date of presentation of the award to be eligible for the award.

Section 4.12 Safety

It is the policy of the District to maintain an active safety program designed to eliminate occupationally related illness and injury among District employees. Every employee of the District shall be required to observe all District and section health and safety procedures.

Each employee of the District shall receive a copy of the District's Safety Policies and Procedures and shall be responsible for complying with said policies. Failure to observe District safety policies and procedures shall result in disciplinary action in accordance with the PPP.

Section 4.13 Certification and Licensing

When the District determines that a position requires the incumbent to obtain a specialized license or certificate, the District agrees to assume the cost for such certification or license. The District may pay directly or reimburse the employee if proof of cost is presented by the employee. If a specialized license or certificate is required by federal or state law, the employee must assume the cost of such certificate or license.

Section 4.14 Employment Hours

The official workweek for the District shall begin on Saturday at 12:01 a.m. and end at 12:00 p.m. on the following Friday. Employees of the District shall not exceed eight (8) hours worked in one work day or forty (40) hours in one workweek without prior authorization from their immediate supervisor. Alternate work schedules may be authorized by the APCO.

RULE 5 EMPLOYEE BENEFITS

Section 5.1 Benefit Plan

All regular full-time employees and their qualified dependents shall be eligible for health, dental, vision and disability programs offered by the District. The amount of money available to the employee for this benefit shall be set forth in the applicable MOU or ECP.

The following provisions apply to the plan:

(A). All employees must enroll in the health and dental program offered by the District at least to the level that provides such insurance coverage for the individual employee. Exceptions to the requirement for health coverage shall be made for an employee who provides proof of ~~alternate coverage~~ approved group health coverage sponsored by an employer. Requests for exception must be made in writing and approved by the Personnel Officer. Provided the appropriate withdrawal form is properly completed and submitted to Administrative Services on



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or before the tenth of the month, such change becomes effective on the first day of the following month.

[The IRS prohibits employers from incentivizing employees to purchase individual market coverage. This language complies with laws governing the Affordable Care Act.]

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(B). An employee shall be required to complete all benefit selections within 30 days from their start date.

(C). Additional deductions for payment of benefits shall automatically be deducted from the employee's paycheck.

(D). Any funds not used for the purchase of health, dental, vision and/or long-term disability programs shall be paid to the employee as taxable wages.

Section 5.2 Life Insurance

The District shall provide a term life insurance policy for each regular full-time employee. Employees shall be permitted to purchase, through payroll deduction, excess term life insurance.

The District agrees to provide these benefits subject to carrier requirements. Selection of the insurance provider(s) and the method of computing premiums shall be within the sole discretion of the District.

Section 5.3 Continuation of Benefits Coverage

Employees who are on an approved medical leave of absence or an approved leave of absence without pay under the Family Medical Leave Act of 1993, if applicable, will continue to receive the benefits of this Rule (or cash equivalency) for a period of six (6) pay periods. Employees who are on an approved workers compensation claim shall receive the benefits of this Rule (or cash equivalency) for up to thirteen (13) pay periods while off work due to that work injury.

Regular full-time employees of the District on approved leave of absence without pay, except as described above, may continue to participate in the District's benefit program for the duration of the leave of absence by paying for the applicable coverage themselves. Such employees who want to continue participation in the benefit program must advise Administrative Services in writing of their intention to do so and shall submit a check for the cost of the applicable coverage to Administrative Services no later than the tenth day of the month preceding the month for which coverage is to be effective. Failure to do so may result in loss of benefits.

Section 5.4 Worker's Compensation

Workers' compensation insurance is provided for all employees of the District. Employees shall receive a maximum of three (3) consecutive days of paid leave, with no charge to sick leave or vacation leave, following an occupational injury or illness, provided the leave is authorized in a bona fide off-work order and the injury or illness qualifies for coverage under the California Workers' Compensation Act.

Upon request, the employee may continue to receive their regular pay during periods of disability due to an illness or injury covered under the California Workers' Compensation Act by



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supplementing workers' compensation benefit payments with accrued sick leave or vacation pay. Under this policy, an employee may coordinate benefits with the appropriate source along with using accrued sick leave and vacation leave to receive payment equivalent to regular salary per pay period. In no event shall an employee receive more than their regular salary by means of this process.

Section 5.5 Unemployment Insurance

Unemployment insurance shall be provided in accordance with the current state and federal laws.

Section 5.6 Retirement Program

All regular full-time employees, and employees eligible pursuant to law become members of the San Bernardino County Employees' Retirement Association (SBCERA).

Section 5.6 shall only apply to employees who are members of the Retirement Association and are eligible for participation under Section 5.1 of the PPP. The provisions of this Section shall be applied each pay period.

Employees hired on or after July 1, 2016 and subject to the Public Employees' Pension Reform Act are not eligible for the following provisions in this Section (Government Code §7522).

[The inserted language clarifies eligibility for participation in the District's retirement program and specifically conforms to recently adopted retirement reform legislation that makes certain employees ineligible for retirement subsidies from the employer (PEPRA).]

(A) District Contributions

The District may pickup a portion of the employee's required contribution to the San Bernardino County Employees' Retirement Association as set forth in the applicable MOU or ECP. The employee must choose to have the contributions designated as all employer or all employee contributions for retirement purposes.

If the employee designates the pickup as employer contributions, then for each dollar applied, the employee's retirement obligation shall be satisfied in the amount of the actuarial value of that dollar to the Retirement Association as determined by the Board of Retirement; and the employee may not withdraw this contribution from the Retirement Association.

If the employee designates the pickup as employee contributions then for each dollar applied, the employee's retirement obligation shall be satisfied in the amount of one dollar; and upon separation without retirement, an employee may withdraw this contribution from the Retirement Association. Upon retirement or separation, all contributions applied under this Section will be considered for tax purposes as employer-paid contributions.



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(B) Remaining Employee Contributions

Any employee Retirement System contribution obligations which are not paid under Section 5.6.(A) shall be "picked up" for tax purposes only for this Section. The District shall implement the pick up of such Retirement System contributions under Internal Revenue Code Section 414 (H) (2) effective with the earnings paid and contributions made on or after July 1, 1993.

The District shall make member contributions under this Section on behalf of the employee which shall be in lieu of the employee's contributions and such contributions shall be treated as employer contributions for purposes of reporting and wage withholding under the Internal Revenue Code and the Revenue and Taxation Code. The amounts picked up under this Section shall be recouped through offsets against the salary of each employee for whom the District picks up member contributions. These offsets are akin to a reduction in salary and shall be made solely for the purpose of income tax reporting and withholding. The member contributions picked up by the District under this Section shall be treated as compensation paid to District employees for all other purposes. District paid employer contributions to the Retirement System under this Section shall be paid from the same source of funds as used in paying the salaries of the affected employees. No employee shall have the option to receive the Retirement System contribution amounts directly instead of having them paid to the Retirement System.

Upon retirement or separation, all contributions picked up under this Section will be considered for tax purposes as employer-paid contributions. Contributions under this Section shall be applied (as all employer or all employee contributions with the same value and restrictions) for Retirement System purposes in the same manner as the contributions under Section 5.6(A) of these Rules.

(C) Special Provisions

Employees who have thirty (30) years of service credit and no longer make retirement contributions under the provisions of the County Employee's Retirement Law of 1937 and employees over the age of 60 in a regular position who choose not to be a member of the Retirement Association, shall be paid in taxable wages in the amount of the District's retirement contribution.

~~Section 5.6 shall only apply to employees who are members of the Retirement Association and are eligible for participation under Section 5.1 of the PPP. The provisions of this Section shall be applied each pay period.~~

Section 5.7 Deferred Compensation

Employees of the District shall be eligible to enroll in deferred compensation plans offered by the District from the first day of employment. Employees are permitted to specify additional amounts to be deducted from the employee's paycheck for deposit to the District's deferred compensation carrier.

The District shall assume no responsibility for the management or operations of the selected deferred compensation carrier.

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RULE 6 LEAVE, VACATION AND HOLIDAYS

Section 6.1 Sick Leave

(A). Accrual: Employees of the District, including employees in the probationary period, shall accrue sick leave for each payroll period completed at the accrual rate specified in the applicable MOU or ECP . Employees in regular positions budgeted less than eighty (80) hours per pay period or job shared positions shall receive sick leave accumulation on a pro-rata basis. Earned sick leave shall be available for use the first day following the payroll period in which it is earned, provided, however, that an employee must have completed six (6) months of continuous service from the employee's benefit date. In no event shall an employee be entitled to receive sick leave with pay in excess of the number of sick leave days accrued at the time of illness. Therefore, an employee who has exhausted sick leave accrual and who is unable to work due to illness or injury will be placed in a vacation status for the duration of the employee's vacation accrual, if any. If the employee has exhausted both sick leave and vacation leave accruals, the employee shall be placed on unpaid status.

(B). Use.

The following are considered appropriate uses of sick leave accrual:

(1). Employees may use sick leave accrual for personal illness or injury which incapacitates the employee for duty.

(2). An employee who is personally undergoing medical, dental or optical treatment or examination may use sick leave accrual for required time away from work.

(3). Employees may use sick leave accrual for members of the immediate family for the same reasons as for personal sick leave up to a maximum of twenty four (24) hours of sick leave per fiscal year. For the purposes of this section, immediate family is defined as spouse, minor children of or other near relative residing with the employee.

(4). An employee quarantined by appropriate authority may use sick leave accruals for the duration of the quarantine period.

(5). An employee may use sick leave accrual when caring for an immediate family member suffering from contagious disease or when the presence of an employee at work would jeopardize the health of others due to exposure to a contagious disease.

(C). Bereavement Leave.

Sick leave accrual may be used when a death occurs in the immediate family of a regular employee. Employees without sick leave accrual may take unpaid leave. Bereavement leave is limited to five days and may be used only in the loss of a spouse, children, parents, parents of current spouse, sister, brother, grandparents, step-parents, half-brother, half-sister, sister-in-law, brother-in-law or any individual who may have a true parental relationship to the employee.

(D). Minimum charge.

The minimum charge against accumulated sick leave shall be fifteen (15) minutes.



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(E). Notice of Illness.

The District must be notified within one-half (1/2) hour after the start of the employee's scheduled work day of an illness on the first day of absence. It is the responsibility of the employee to keep the District informed as to continued absence beyond the first day for reasons due to illness. Failure to make such notification may result in denial of sick leave with pay as well as disciplinary action up to and including termination.

(F). Illness during vacation leave.

Employees who become ill while on approved vacation leave may request to have vacation time converted to sick leave. Approval may be granted only when the employee presents a doctor's certificate verifying an illness or injury. Such conversion shall require approval of the Personnel Officer.

(G). Extra-help employees.

Extra-help employees shall not be eligible for sick leave.

(H). Return from sick leave.

Employees who have been on sick leave may be required to satisfactorily complete a physical examination administered by a District retained physician or to present a statement signed by a licensed physician stating that the employee is able to resume essential job functions with or without reasonable accommodation. Moreover, employees who have been on sick leave may be required to satisfactorily complete a physical examination administered by a District retained physician if the employee's immediate supervisor believes that the health, safety and welfare of the employee or of the District and its employees are being jeopardized due to the possibility that the employee lacks fitness for duty or that the employee is abusing the sick leave benefit.

(I). Misuse.

Evidence substantiating the abuse and misuse of the sick leave benefit shall result in denial of sick leave with pay and may result in disciplinary action up to and including termination.

Section 6.2 Holiday Leave

All full-time and part-time employees of the District who are on the payroll the day before and the day after a designated holiday and were paid for at least one-half (1/2) of the accountable hours and were on approved leave for any unpaid hours shall be paid for said holiday. Employees shall receive eight (8) hours holiday pay for that date. Extra-help employees do not receive holiday benefits.

(A). The following are approved paid holidays for the District:

- (1). January 1st.
- (2). The third Monday in January.
- (3). The third Monday in February.
- (4). The last Monday in May.
- (5). July 4th.



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- (6). The first Monday in September.
- (7). The second Monday in October.
- (8). November 11th.
- (9). Thanksgiving Day.
- (10). The day after Thanksgiving Day.
- (11). December 24th.
- (12). December 25th.
- (13). December 31st.
- (14). One floating holiday.

Holidays which fall on Saturday shall be observed on the preceding working day. Holidays which fall on Sunday shall be observed on the following working day. When a fixed holiday falls within a vacation period, the holiday time shall not be charged against the employee's earned vacation benefits. If the holiday falls on a day off, holiday time shall be accrued for later use.

Section 6.3 Floating Holiday

A floating holiday shall be a holiday on a work day of the employee's choice which accrues in the first full pay period in January. Requests for a floating holiday shall be subject to the approval of the employee's immediate supervisor and at such time as will not impair the work schedule and efficiency of the department. Employees are not eligible for a floating holiday until successful completion of six (6) months of continuous service.

Section 6.4 Vacation

Employees of the District shall be entitled to paid annual vacation as set forth in the applicable MOU or ECP. Employees of the District shall be entitled to paid annual vacation based on length of service with the District as specified in the applicable MOU or ECP. Employees in regular positions shall accrue, on a pro-rata basis, vacation leave for completed pay periods. Such vacation allowance shall be available for use on the first day following the pay period in which it is earned provided an employee has completed six (6) months of continuous service from the employee's benefit date.

Regular part-time employees of the District shall receive vacation leave accumulation on a pro-rata basis. There shall, however, be no proration of the maximum accrual. Regular part-time employees of the District who accept regular full-time employment with the District without a break in service shall receive service credit on a pro rata basis.

Temporary and extra help employees of the District shall not be eligible for vacation leave benefits.

Accrual of vacation shall cease once the employee reaches the maximum accrual level for their years of service and will recommence only after the maximum accrual has been reduced.



Earned vacation leave may be taken in multiples of one-quarter hour with the approval of the employee's immediate supervisor and at such time as will not impair the work schedule and efficiency of the department. Should employee vacation requests conflict with staffing requirement, supervisors shall arrange a mutually acceptable vacation schedule based on length of employee service and the order in which employee vacation requests were submitted.

Employees leaving the active payroll after completing a minimum of six months continuous service shall receive payment for unused vacation accrued during their tenure with the District.

Section 6.7 Military Leave

Military leave shall be granted in accordance with the provisions of state law. All employees entitled to military leave shall give the appointing authority an opportunity within the limits of military regulations to determine when such leave shall be taken.

Section 6.8 Pregnancy Leave

Employees of the District may be granted a leave of absence for a maximum of four (4) months due to a disability based on pregnancy, child birth or other related medical condition.

Employees shall submit a request for pregnancy leave to their immediate supervisor. The request shall state the estimated length of absence. The supervisor shall inform the Personnel Officer immediately of the request. The District can require medical documentation. Upon approval of the employee's the Personnel Officer, the employee shall be placed on Pregnancy Leave of Absence without Pay for a period not to exceed four (4) months.

The Personnel Officer may grant an extended leave of absence for an additional five weeks provided appropriate medical documentation indicating a continuation of pregnancy leave would be in the best interest of the employee. Determination of this extension shall be solely based on medical necessity.

Employees returning to work after a disability based on pregnancy, childbirth or a related medical condition shall submit a letter from a licensed physician indicating that they may return to work and may be required to satisfactorily complete a physical examination administered by a District retained physician. Employees shall not be permitted to return to work without the medical authorization of the employee's physician.

Employees who do not return to active employment or fail to provide medical evidence to support continuation prior to the expiration of an approved Pregnancy Leave of Absence, shall be terminated in accordance with the District's Termination Policy. Employees terminated from Pregnancy Leave of Absence status shall receive payment for accrued vacation unless payment for such vacation accrual was exhausted prior to the effective date of the approved Pregnancy Leave.

Section 6.9 Jury Duty



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Employees in regular positions who are ordered to serve jury duty including grand jury shall be entitled to base pay for those hours of absence from work, provided the employee waives fees for service, other than mileage. Such employees will further be required to deliver a "jury duty certification" form at the end of the required jury duty to verify such service. When practicable, the Personnel Officer will convert an employee's regular tour of duty to a day shift tour of duty during the period of jury duty. Employees required to serve on a jury must report to work before and after jury duty provided there is an opportunity for at least one (1) hour of actual work-time. Employees volunteering to serve on a grand jury may be granted a leave of absence without pay to perform the duties of a member of the grand jury.

Section 6.10 Blood Donation

Employees in regular positions who donate blood without receiving compensation for such donation, may have up to two (2) hours off with pay with prior approval of the immediate supervisor for each such donation. This benefit shall not be charged to any accumulated leave; provided, however, if the employee is unable to work, any time in excess of two hours may be charged to accumulated sick leave or be taken as leave without pay. Evidence of each donation must be presented to the immediate supervisor to receive this benefit.

Employees in regular positions who are apheresis donors may have up to four (4) hours off with pay with prior approval of the immediate supervisor for each such donation, provided no compensation is received for such donation. This benefit shall not be charged to any accumulated leave; provided, however, if the employee is unable to work, any time in excess of four (4) hours may be charged to accumulated sick leave or be taken as leave without pay. Evidence of each apheresis donation must be presented to the Personnel Officer to receive this benefit.

Section 6.11 Leave of Absence Without Pay

The APCO may grant a regular or probationary employee leave of absence without pay or seniority for not to exceed three months. After three months, the leave of absence may be extended if so authorized. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval will be in writing. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be deemed to be terminated. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of address, shall be reasonable notice.

Supervisors may grant a regular or probationary employee leave of absence without pay for not to exceed one calendar week. Such leaves shall be reported to the Personnel Officer prior to approval. Under normal circumstances, personal leave of absence shall be granted only after an employee has exhausted all vacation entitlement.



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All employees placed on approved leave of absence status without pay shall not accrue credited service for salary review, vacation, and illness and injury leave purposes for the duration of the leave of absence without pay. Eligibility for salary review, vacation and illness and injury leave accrual shall be extended by the number of days an employee has been on approved leave of absence without pay. Employees placed on approved leave of absence without pay shall be responsible for all health insurance premium, life insurance premiums, long term disability premiums and other monthly benefit payments as prescribed by the ECP, MOU, PPP, Governing Board Policy, Standard Practice and any applicable law.

Section 6.12 Unauthorized Leave of Absence

Any employee who is absent without authorization for three (3) working days shall be considered to have resigned from their position with the District by reason of abandonment. An unauthorized leave of absence during part of a day constitutes an unauthorized absence for the entire day.

Nothing in this section shall limit the APCO's authority to discipline or terminate an employee due to an unauthorized absence. Before doing so, in the case of a regular employee, the APCO shall provide the employee with notice of the action and an opportunity to respond.

RULE 7 POLICY PROHIBITING EMPLOYEE HARASSMENT

Section 7.1 Introduction

The District strongly disapproves of any form of unlawful discrimination against its employees. This includes discriminatory harassment of District employees. It can result in high turnover, absenteeism, low morale, and an uncomfortable work environment. Since Federal and State law prohibit harassment, employee harassment may constitute a criminal offense.

Section 7.2 Policy

The District strictly prohibits unlawful harassment. This includes harassment on the basis of sex, sexual orientation, race, color, ancestry, religious creed, handicap or disability, medical condition, age (over forty), marital status, or any other protected class under applicable law.

Section 7.3 Application

(A). This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training.

(B). This policy applies to all officers and employees of the District, including, but not limited to, full- and part-time employees, temporary employees, and persons working under contract for the District.

Section 7.4 Harassment Defined

(A). Harassment may consist of offensive verbal, physical or visual conduct when such conduct is based on or related to an individual's sex, and/or membership in one of the above described protected classifications, and:



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- (1). Submission to the offensive conduct is an explicit or implicit term or condition of employment;
 - (2). Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or
 - (3). The offensive conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating, hostile or offensive working environment.
- (B). Examples of what may constitute prohibited harassment include, but are not limited to, the following:
- (1). Kidding or joking about sex or membership in one of the protected classifications;
 - (2). Hugs, pats, and similar physical contact;
 - (3). Assault, impeding or blocking movement, or any physical interference with normal work or movement;
 - (4). Cartoons, posters, and other printed or visual materials or music, referring to sex or membership in one of the protected classifications;
 - (5). Threats intended to induce sexual favors;
 - (6). Continued suggestions or invitations to social events outside the work place after being told such suggestions are unwelcome;
 - (7). Degrading words or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications;
 - (8). Prolonged staring or leering at a person;
 - (9). Similar conduct directed at an individual on the basis of race, color, ancestry, religious creed, handicap or disability, medical condition, age (over forty), marital status, sexual orientation, or any other protected classification under applicable law.

Section 7.5 Reporting Procedure

(A). Internal Reporting Procedure

- (1). Any employee who believes that the employee has been the victim of sexual or other prohibited harassment by co-workers, supervisors, clients or customers, visitors, vendors, or others should immediately notify their supervisor, or in the alternative, the Director of Administrative Services, or designee, depending on which individual the employee feels most comfortable contacting. If the employee believes the individual engaging in the harassing conduct is a member of management, specifically a Deputy Director or the APCO the employee may report such harassment to District Council. If the employee suspects District Council or the APCO then the employee may report such harassment directly to the Chairman of the Governing Board.
- (2). Additionally, supervisors that observe or otherwise become aware of harassment that violates this policy have a duty to take steps to investigate and remedy such harassment and prevent its recurrence.
- (3). The employee should provide the following information:
 - (a). The employee's name, department, and position;
 - (b). The name of the person or persons committing the harassment, including their title(s), if known;



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(c). The specific nature of the harassment, how long it has gone on, and any other information that tends to support the charge of harassment;

(d). Witnesses to the harassment;

(e). Whether you have previously reported such harassment and, if so, when and to whom.

(B). External Reporting Procedure

Any employee who believes that the employee has been the victim of sexual or other prohibited harassment by co-workers, supervisors, clients or customers, visitors, vendors or others may file a complaint with the California Department of Fair Employment and Housing (DFEH). Instructions for filing a complaint are posted in a prominent location in the District offices as required by law. Employees may contact DFEH at 1845 South Business Center Drive, Room 127, San Bernardino, California or file a complaint online at www.dfeh.ca.gov/complaints.

Section 7.6 Investigation

(A). Upon the filing of a complaint with the Employer, the complainant will be provided with a copy of this policy. The Director of Administrative Services is the person designated by the Employer to investigate complaints of harassment. The Director of Administrative Services may, however, delegate the investigation at the Director of Administrative Services' discretion. In the event the harassment complaint is against the Director of Administrative Services, an investigator shall be appointed by the APCO.

(B). Charges filed with the DFEH are investigated by the DFEH.

Section 7.7 Internal Documentation Procedure

(A). When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the Director of Administrative Services.

(B). The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and other person contacted by the investigator in connection with the investigation. The investigator's notes shall be made at the time the verbal interview is in progress. Any other documentary evidence shall be retained as part of the record of the investigation.

(C). Based on the report and any other relevant information, the Director of Administrative Services shall, within a reasonable period of time, determine whether the conduct of the person against whom a complaint has been made constitutes harassment. In making that determination, the Director of Administrative Services shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining of harassment. The determination of whether harassment occurred will be made on a case-by-case basis by the Director of Administrative Services.

Section 7.8 Confidentiality



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All records and information relating to the investigation of any alleged harassment and resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process, or as otherwise reasonably necessary.

Section 7.9 Remedies

(A). Disciplinary Action

(1). If the Director of Administrative Services determines that the complaint of harassment is valid, the Director of Administrative Services shall cause to be taken immediate and appropriate disciplinary action consistent with the requirements of law and the PPP sections pertaining to employee discipline. Other steps may be taken to the extent reasonably necessary to prevent recurrence of the harassment and to remedy the complainant's loss, if any.

(2). Disciplinary action shall be consistent with the nature and severity of the offense, the rank of the harassed, and any other factors relating to the fair and efficient administration of the Employer's operations.

(B). In the event a complaint is filed with the DFEH, and the DFEH finds that the complaint has merit, the DFEH will attempt to negotiate a settlement between the parties. If not settled, DFEH may issue a determination on the merits of the case.

(1). Where a case is not settled and the DFEH finds a violation to exist, it can prosecute the charging party's case before the Fair Employment And Housing Commission ("FEHC"). Legal remedies available through DFEH and FEHC for a successful claim by an applicant, employee, or former employee include possible reinstatement to a former job, award of a job applied for, back pay, front pay, attorney's fees, and under appropriate circumstances, actual damages and/or administrative fines.

(2). In the alternative, DFEH may grant the employee permission to withdraw the case and pursue a private lawsuit seeking similar remedies.

Section 7.10 Retaliation

Retaliation against anyone for opposing conduct prohibited by this policy or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by the Employer, DFEH or FEHC is strictly prohibited and may subject the offending person to, among other things, disciplinary action, up to and including termination of employment.

Section 7.11 Employee Obligation

(A). Employees are not only encouraged to report instances of harassment, they are obligated to report instances of harassment.

(B). Employees are obligated to cooperate in every investigation of harassment, including, but not necessarily limited to:

(1). Coming forward with evidence, both favorable and unfavorable, to a person accused of harassment; and

(2). Fully and truthfully making a written report or verbally answering questions when required to do so during the course of an Employer investigation of alleged harassment.



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(C). Knowingly and falsely accusing someone of harassment or otherwise knowingly giving false information in an investigation of harassment shall be grounds for disciplinary action, up to and including termination of employment.

(D). Employees are obligated to participate in periodic harassment prevention training provided by the District. Supervisors and other employees required pursuant to Government Code §12950.1 shall participate bi-annually in two hours of sexual harassment prevention training.

RULE 8 OUTSIDE EMPLOYMENT AND ACTIVITIES

Section 8.1 Authorization for Outside Employment

Although we recognize the employee's right to engage in private and/or commercial activities outside the normal working hours, the District expects each employee to avoid those outside employment activities that are a conflict of interest or which may potentially become a conflict of interest.

Section 8.2 Prohibited Activities

Employees shall avoid outside employment activity with individuals or companies doing business with or soliciting business from the District. Employees shall not engage in outside employment activity which may unduly influence professional decisions, actions or judgment made on behalf of the District. Employees shall not engage in outside employment activity which may deprive the District of their time, attention and loyalty during normal working hours. Employees shall not engage in outside employment activity which may require confidential information concerning the District. Employees shall avoid significant financial interest in companies doing business with or soliciting business from the District. Employees shall not engage in outside employment activity requiring the use of District property, equipment or supplies. Employees shall not use District stationary, forms or equipment, including telephones and postage, in any capacity not directly related to the performance of assigned duties with the District.

Section 8.3 Conflicting Employment Activity

Employees conducting outside employment activities conflicting with, compromising or reflecting unfavorably upon District interests shall be requested to terminate such activities. Employees continuing to conduct outside employment activities conflicting with, compromising or reflecting unfavorably upon District interests, after a request to terminate such activities, shall be subject to disciplinary action up to and including termination.

RULE 9 TUITION AND PROFESSIONAL ORGANIZATION DUES REIMBURSEMENT PROGRAM

Section 9.1 Eligibility

Regular full-time employees of the District shall be eligible to receive financial assistance for approved courses completed at an accredited educational institution provided:



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- (A). Courses are satisfactorily completed with, where applicable, a grade of "C" or better or "pass".
- (B). Appropriate proof of successful completion are submitted to the Personnel Officer.
- (C). Course of instruction will enable the employee to perform their present duties more effectively or will prepare them for future opportunities into which they could reasonably expect promotion or transfer to at the District.
- (D). The hours of instruction for the course do not conflict with the employee's regularly scheduled workday.
- (E). Reimbursement is limited to a maximum of two courses per semester or quarter and a maximum reimbursement as set forth in Section 9.3 of these Personnel Rules.
- (F). The request for reimbursement must be preapproved by the appropriate appointing authority.

For the purpose of this policy, an accredited educational institution shall be defined as any technical, vocational, college, university, business or high school which has been accredited by a recognized governmental or professional accrediting body and has been approved by the Personnel Officer.

Section 9.2 Application Process

Employees shall submit a Tuition Reimbursement Request to their immediate supervisor for approval prior to registration for the course. The immediate supervisor will review the request for compliance with District policies and either approve or disapprove the request. If the request is denied, the immediate supervisor will state the reason for denial in the appropriate box. The supervisor shall forward the completed form to the Personnel Officer for review to assure compliance with District policy. The Personnel Officer shall forward one copy of the completed form to the employee.

Employees who are eligible for educational assistance from sources outside the District shall be restricted in their participation in this program. Such restriction shall be limited to an amount which is the difference between the maximum amount available under this program less the amount the employee is eligible for from outside sources. Financial assistance from outside sources shall include scholarships, fellowships, educational grants and benefits payable from the federal, state and local government.

The Personnel Officer shall maintain records of those employees participating in the Tuition Reimbursement Program including the academic performance of employees and total reimbursement per employee.

Section 9.3 Reimbursable Expenses

Employees shall be eligible for reimbursement of tuition, textbooks, registration fees and laboratory fees related to an approved course of instruction. Employees shall be limited to a maximum reimbursement as provided in the applicable MOU or ECP.



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Section 9.4 Non-reimbursable Expenses

Employees shall not be eligible for reimbursement of late registration penalties or fees, transportation costs, parking, interest or any other charge not specified as reimbursable in Section 9.3 of these rules.

Section 9.5 Application for Reimbursement

Employees who successfully complete an approved course shall submit a request for reimbursement to the Personnel Officer. Such request must include receipts for all items for which the employee wishes to be reimbursed and a copy of the final grade report with a grade of C or higher. The Personnel Officer shall attach the required documentation to the Tuition Reimbursement Request and forward one copy to Administrative Services for processing. Administrative Services shall prepare a reimbursement check payable to the employee and forward the check to the Personnel Officer for distribution to the employee.

Section 9.6 Reimbursement of Professional Organization Dues

Regular full-time employees shall be eligible for reimbursement of professional organization dues for membership in professional organizations, whose purpose is directly related to the employees job duties.

RULE 10 VEHICLE OPERATION POLICY

Section 10.1 Policy

During the course of employment with the District, if no District vehicle is available, employees may be required to operate their personal vehicles to perform their assigned duties. If an employee objects to the use of their personal vehicle, the District shall make reasonable effort to find another employee to perform the task at issue. If the District is unable to reasonably accomplish the task with another employee, the employee may be required to use their personal vehicle, provided it is available. Because of this requirement, a valid California driver's license, a satisfactory driving record, and proof of insurance may be made conditions of employment with the District. No employee shall operate or drive any motor vehicle on behalf of the District unless the employee is licensed for the class of vehicle to be driven, maintains a satisfactory driving record and maintains adequate insurance.

Section 10.2 Driver's License

All applicants for employment and current employees hired in classifications where a driver's license is required shall be required to acquire and maintain a valid California driver's license in accordance with Section 2.5 of these policies. The position description for a position shall specify whether a driver's license is required.

If an employee has been hired for a position prior to the effective date of these rules and in which driving is required, the employee shall be given six months to acquire a valid California driver's license.



Section 10.3 Driver's Record

All applicants for employment with the District are required to possess a satisfactory driving record as set forth in Section 2.5 of the PPP.

Section 10.4 Motor Vehicle Insurance

Employees of the District whose duties may require the use of a personal vehicle while on duty, must provide to the District proof of insurance at the minimum limit required by law. Applicants will not be hired and employees will not be eligible for continued employment unless their insurance coverage is verified.

RULE 11 EXPENSE REIMBURSEMENT

Section 11.1 Travel Expenses

The District shall reimburse employees and officers of the District for travel, lodging and other expenses directly related to the conduct of District business provided such expenses have been previously approved by the appropriate supervisor and/or the APCO. Such reimbursement shall be at the rate set forth in the applicable MOU or District policy.

Section 11.2 Other Official Expense Reimbursement

Other official expenses of a non-personal nature may be approved if supported by receipts and a justification for the charge. Laundry and dry cleaning charges will not be allowed unless the trip is more than one week in duration.

Section 11.3 Travel Reimbursement

Employees shall be required to complete an expense reimbursement form in order to obtain reimbursement for expenses. The expense reimbursement form shall be submitted to the appropriate supervisor. Supporting original receipts and documentation shall be attached to the expense reimbursement form when required per an applicable MOU or ECP.

The supervisor shall determine the reasonableness of reimbursable expenses and, after approval, shall submit the expense reimbursement form to Administrative Services for payment. Administrative Services shall reimburse approved employee travel expenses by check.

Section 11.4 Travel Advance

Employees traveling on District business may obtain funds to defray the expenses of such travel by completing a cash advance request. Employee cash advance requests shall be submitted to the employee's immediate supervisor. Approved employee cash advance requests shall be submitted to Administrative Services for payment at least five working days prior to the date of travel. All employee cash advances shall be accounted for on an approved employee reimbursement form, by return of the advance funds or by a combination of these items.

Section 11.5 Personal Automobile Travel

Employees are not permitted to use their personal automobile in conducting District business without approval of the appropriate supervisor. Prior to authorizing the use of a personal



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automobile for District business, each supervisor shall determine the validity of the business purpose and availability of a District owned vehicle.

If District owned vehicles are available and are equally convenient to the performance of District business, the supervisor shall not authorize the use of an employee's personal automobile for business purposes. Reimbursement for travel by personal automobile shall be made in accordance with the applicable MOU.

In the event of accident, employees using a personal automobile for authorized travel in conducting District business must rely on personal assets, including insurance, for financial protection. Although District interests are protected by insurance, the District provides no insurance to protect employees against damage to the employee's personal automobile or for damage to the property of others or for death or personal injury to others as a result of an employee using a personal automobile in conducting District business.

Employees suffering injury, dismemberment or death arising from an accident incurred in the performance of District business shall be covered under terms of the California Worker's Compensation policy.

Section 11.6 Replacement or Repair of Employee Property

The District shall reimburse employees for loss or damage to personal property provided that such loss or damage could not have been prevented by reasonable action of the employee. Such reimbursement shall be limited to personal property that is worn or carried by the employee to satisfactorily perform assigned duties. In most instances, this will include clothing, watches and personal prostheses such as eyeglasses, dentures and hearing aids. Reimbursement for damage to other personal property such as tools, cameras and briefcases will be considered only if the property was necessary to performance of the employee's specific duties and if the property was being used with the approval of the employee's supervisor. Reimbursement shall not be made for damage to motor vehicles or to jewelry other than watches under this policy.

Employees shall be required to report losses incurred in accordance with this policy to their immediate supervisor within twenty-four hours following the loss. The immediate supervisor shall verify the employee's loss and provide a written report of such loss to the appropriate department head provided that such loss is a result of a reimbursable incident as defined herein. The supervisor shall review the employee's claim and, if warranted, shall recommend reimbursement of losses incurred to the Personnel Officer. The Personnel Officer shall review the reported loss and substantiating evidence, if applicable, and shall approve reimbursement of losses in accordance with this policy. The Personnel Officer shall then forward reimbursement recommendations for payment to the employee.

The amount of reimbursement for loss or damage to personal property shall be the current market value of those items damaged beyond repair or the repair costs of items that are repairable less the amount of any reimbursement received from other sources. In determining the current market value for clothing, original cost of such clothing shall be depreciated over a period of four years. Current value for personal prostheses such as eyeglasses, dentures and



hearing aids or other hard goods shall be defined as the current replacement costs. Costs of repairing those items not totally destroyed shall be determined by the District on an individual basis.

RULE 12 EMPLOYEE CONDUCT AND DISCIPLINE

Section 12.1 Policy

Discipline shall be administered in a fair and consistent manner and without regard to sex, sexual orientation, race, color, ancestry, religious creed, handicap or disability, medical condition, age (forty or older), marital status or any other protected classification under applicable law.

All suspensions, demotions, reductions in salary for a specified time period, and terminations of employees with regular status shall be made according to the PPP. District employees who serve at the will and pleasure of the Governing Board are not covered by the provisions of this rule.

Probationary and extra-help employees serve at the will and pleasure of the appointing authority and may be terminated, demoted, reduced in salary, or suspended without cause or justification and without right to review or appeal.

Section 12.2 Cause for Disciplinary Action

An employee with regular status may be demoted, suspended, reduced in pay, or terminated only for cause provided that exempt employees shall not be subject to suspensions, reductions in pay or other disciplinary action that would eliminate their salaried status or otherwise adversely affect their exempt status under the Fair Labor Standards Act. The following are declared to be causes for such actions, although charges may be based upon causes other than those listed herein:

- (A). Failure to meet work performance standards and requirements.
- (B). Discourteous treatment of the public or other employees.
- (C). Willful or negligent disobedience of any law, ordinance, District rule or regulation, or superior's lawful order.
- (D). Misappropriation or damage of public property or waste of public funds or property through negligent or willful misconduct.
- (E). Failure to exhibit acceptable behavior either during or outside duty hours such that the employee's ability to perform their duties is impaired, or the behavior otherwise reflects adversely on the District, or the ability of the District to perform its' mission is or may be impaired.
- (F). Absence without approved leave.
- (G). Tardiness or absenteeism.
- (H). Practicing deception or fraud in the securing of a job appointment or promotion.
- (I). Working unauthorized overtime;
- (J). Failure to supply full information as to character, reputation, or acts which, if known at the time of appointment might have resulted in a disqualification of the employee for the job to which appointment was made.



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(K). Falsification of a relevant official statement or document, including the employment application.

(L). Neglect of duties.

(M). Possessing or using narcotics or alcohol in District offices or facilities, or being present at work under influence of same.

(N). Improper withdrawal or limitation of service or any action that interferes with or is disruptive of the District mission or the public service.

(O). Insubordination.

(P). Any action inconsistent with the PPP or officially promulgated District rules and regulations.

(Q). Intimidation, coercion, harassment or other unwelcome, offensive or threatening behavior.

Section 12.3 Progressive Discipline

It is the policy of the District to administer a progressive discipline approach in situations where employee performance or behavior is determined to be below the expectations desired or outside the normal expectations of the work environment.

Employees are responsible for following the rules of the District and for satisfactorily performing their assigned job duties. The immediate supervisor is primarily responsible for an employee's performance evaluation and for recommending disciplinary action.

It is the policy of the District to administer appropriate discipline, up to and including termination in situations where an employee's performance or behavior is determined to be below the expectations or inappropriate for the work environment.

The District reserves the right to determine the form of discipline, subject to the guidelines below, to be imposed based on the severity, frequency, and repetitiveness of the cause of action. The following are examples of the different forms of corrective or disciplinary action which may be imposed. The District may, in its sole discretion, use some or all of the steps set forth below.

(A). Typical Sequence of Corrective Actions:

(1). Counseling - An informal discussion with an employee designed to assist the employee develop the required knowledge and skills or to clarify and remedy unacceptable performance or behavior. The discussion may clarify standards, evaluate the employee's performance and behavior, seek information or resolve concerns. The occurrence of the counseling may be documented.

(2). Letter of Understanding - A written document issued to an employee which clarifies the rules, regulations, and requirements of the job. A letter of understanding is normally issued when an employee lacks understanding, rather than when an employee intentionally disregards rules and policies. A letter of understanding is an assurance that an employee has been made aware of the District's expectations. This form of corrective action may be issued when counseling has failed to produce the desired changes or when the employee's conduct warrants a more substantial initial step. A letter of understanding defines the areas in which improvement is required, sets goals for improvement, and informs the employee that failure to



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improve will result in disciplinary action, up to and including termination. A letter of understanding is placed in the employee's official personnel file.

(B). Typical Sequence of Disciplinary Actions:

(1). Written Reprimand - A written reprimand is written documentation admonishing an employee for unacceptable performance or behavior. A written reprimand may be given to an employee based upon a singular offense or based upon a series of lesser offenses. The written reprimand will contain a statement of the specific action of the employee, which may include a specific rule violation, reasons for unacceptable performance and/or a description of unacceptable behavior. The written reprimand will also inform the employee that failure to improve will result in further disciplinary action, up to and including termination. A written reprimand is placed in the employee's official personnel file. The employee may write a letter of response and have it placed in their personnel file.

A written reprimand may be reviewed by the APCO upon written request of the employee receiving the written reprimand. Written reprimands shall be removed from an employee's personnel file after three (3) years upon written request of the employee provided there is no reoccurrence of actions by the employee which is subject to the same discipline category as set forth in Section 12.2.

(2). Suspension - Suspension is the temporary removal of an employee from District service without pay. A suspension may be imposed in cases involving misconduct or repeated chronic performance or behavioral problems. A Notice of Proposed Disciplinary Action is required.

(3). Reduction in Step – A reduction in step is the temporary reduction in pay of an employee's salary step for a specific period of time. A reduction in step does not change the employee's classification or status and is generally issued in lieu of a suspension, demotion or termination. A Notice of Proposed Disciplinary Action is required.

(4). Demotion - A demotion is a change in status of an employee from a position in one class to a position in a class with a lower maximum salary range. A demotion may be imposed for the same reasons as for a suspension, or for any other reasons deemed appropriate by the District. A Notice of Proposed Disciplinary Action is required.

(5). Termination - A termination is the permanent removal of an employee from District service. Termination may be imposed when the offense or situation is so serious that retention is not appropriate; or when the action of the employee is the latest of a series of offenses showing that the employee is unwilling, or unable, to correct inappropriate behavior, or unacceptable performance. A Notice of Proposed Disciplinary Action is required.

Section 12.3 Minor Discipline

Prior to imposition of a minor disciplinary action, which shall consist of an unpaid suspension of two (2) days or less, or a reduction in step in the equivalent amount, all regular employees shall be afforded the following:

(A). Notice of Proposed Disciplinary Action, which shall include:

(1). A description of the discipline proposed;

(2). A statement of the reasons for which the action has been proposed, which shall include a brief description of the alleged facts upon which the proposed action is being



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taken and a statement of any District rules, regulations, etc. or laws that are alleged to have been violated; and, if applicable, a list of any previous disciplinary actions, counseling, evaluations or other relevant actions which support the action proposed;

(3). Copies of any documents relied upon in reaching a decision to propose the disciplinary action; and

(4). A statement advising the employee that the employee may respond to the APCO, or designee, regarding the proposed disciplinary action, orally or in writing, before it takes effect. This part of the Notice of Proposed Disciplinary Action shall include the name of the person to whom the response is to be made, if other than the APCO, and the last date upon which a response may be made.

(B). Right of Response - Minor disciplinary actions are not subject to advisory arbitration. The employee shall have seven (7) working days from the date of the Notice of Proposed Disciplinary Action to respond to the charges, either orally or in writing. Upon a showing of good cause, the District may extend the time for response beyond seven (7) working days. In responding, either orally or in writing, the employee may designate a representative to assist in the presentation of the response.

(1). In the event that the employee chooses to respond orally, the employee must, within the period given to respond, make an appointment and meet with the APCO or designee.

(2). During this meeting, the District official imposing the discipline and the employee, or their respective representatives, may present oral argument and documentary evidence in support of their positions; however, neither party shall be permitted to call and examine witnesses.

(3). A written response must be received in the office of the APCO no later than 5:00 p.m. on the last day given to respond.

(4). The APCO or designee shall consider the employee's timely response and shall make a determination as to whether or not the proposed action, a different action, or no action shall be taken.

(C). Failure by the employee, or the employee's representative, to respond to the Notice of Proposed Disciplinary Action within the period allowed shall result in disciplinary action taking effect as proposed.

(D). In the case of minor discipline, no right of appeal is provided, and employees have the right to respond as described above.

Section 12.4 Major Discipline

Prior to the imposition of a major disciplinary action, which shall consist of an unpaid suspension of three (3) or more days, demotion, step reduction in the equivalent amount, or termination, all regular employees shall be afforded the following:

(A). The Notice of Proposed Disciplinary Action shall include:

(1). A written notice of the employee's right to a pre-disciplinary hearing;

(2). A written notice of the employee's right to representation;

(3). A description of the discipline proposed;

(4). A statement of the reasons for which the action has been proposed, which shall include a brief description of the alleged facts upon which the proposed action is being taken and a statement of any District rules, regulations, etc. or laws that are alleged to have been



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violated; and, if applicable, a list of any previous disciplinary actions, counseling, evaluations or other relevant actions which support the action proposed;

(5). Copies of any documents relied upon in reaching a decision to propose the discipline action; and

(6). A statement advising the employee that the employee may respond to the APCO, designee, regarding the proposed disciplinary action, orally or in writing, before it takes effect. This part of the Notice of Proposed Disciplinary Action shall include the name of the person to whom the response is to be made, if other than the APCO, and the last date upon which a response may be made.

(B). The employee shall have seven (7) working days from the date they personally received of the Notice of Proposed Disciplinary Action to respond to the charges, either orally or in writing. If the employee is unavailable for personal delivery, the District may mail the Notice via first class mail in which case the delivery of notice date will be effective two days from the date mailed. Upon a showing of good cause, the District may extend the time for response beyond seven (7) working days. In responding, either orally or in writing, the employee may designate a representative to assist in the presentation of the response.

(1). In the event that the employee chooses to respond orally, the employee must, within the period given to respond, make an appointment to meet with the APCO or designee.

(2). During this meeting, the employee, or the employee's representative, may present any reasons why the employee feels that the proposed action is not proper. The APCO designee shall listen to the employee's presentation, but need not present any evidence on behalf of the District, nor shall either party present witnesses for examination at this time.

(3). A written response must be received in the office of the APCO no later than 5:00 p.m. on the last day given to respond.

(4). The APCO or designee shall consider the employee's timely response and shall make a determination within a reasonable period of time as to whether or not the proposed action, a different action, or no action shall be taken.

(5). Failure by the employee, or the employee's representative, to respond to the Notice of Proposed Disciplinary Action within the period allowed shall result in disciplinary action taking effect as proposed.

(C). Right to Appeal:

(1). Any regular employee shall have the right to appeal any major disciplinary action which shall consist of an unpaid suspension of three (3) or more days, a demotion, a step reduction in an equivalent amount, or a termination.

(2). Requests for appeal shall be made in writing, and acknowledged by receipt with the Personnel Officer within seven (7) working days of the effective date of the action.

(3). Upon receipt of the request for appeal made by the employee or their designated representative, the Personnel Officer shall request a list of hearing officers from the California State Mediation and Conciliation Service within ten (10) working days. If the Personnel Officer fails to request the list of hearing officers within the time period provided the employee or their designated representative may do so. The Personnel Officer shall schedule a meeting, with the employee or their designated representative to select a hearing officer, within twenty (20) working days of the receipt of the list from the California State Mediation and Conciliation Service by the Clerk of the Governing Board of the District. If the parties cannot



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mutually agree on the selection of a hearing officer, a hearing officer shall be selected by alternately striking from the list provided by the California State Mediation and Conciliation Service. The employee or their representative shall strike first. The cost of the hearing officer shall be divided equally between the District and the Association, provided the employee is represented by the Association. Within ten (10) days after issuance of the hearing officer's decision, each party shall notify the other, in writing of its acceptance or rejection of the advisory ruling.

(4). A rejection by either party of the hearing officer's decision shall cause the appeal to be submitted to the Governing Board for determination. The matter shall be considered by the Board, with or without hearing, in the sole discretion of the Board, at any time convenient to the Board, within a reasonable period, or sixty (60) days after issuance of the hearing officer's decision. The decision of the Board shall be final and binding on both parties.

RULE 13 GRIEVANCE PROCEDURE

Section 13.1 Policy

The District has established a grievance procedure. Grievances are defined in Section 1.7 of the PPP. Employees of the District shall be required to comply with the procedures set forth regarding items which are grievable under these policies.

Employees of the District who pursue grievances according to the provisions of the District Grievance Policy and Procedure shall be free of harassment by fellow employees, supervisors and administration and shall in no way affect their present or future employment status.

Section 13.2 Right to File Grievance

Any regular employee has the right to file a grievance regarding a dispute arising out of the interpretation or application of the PPP. The grievance procedure shall not be applicable to the appeal of any disciplinary action.

Section 13.3 Process for Filing Grievances

Grievances shall be processed in accordance with the procedure set forth below:

(A). Step 1. The grievance shall be presented orally or in writing to the employee's immediate supervisor within ten (10) working days of the occurrence. The supervisor shall reply orally within ten (10) days thereafter.

(B). Step 2. If the reply in Step 1 is not satisfactory, within ten (10) working days after such reply, the grievance shall be presented, in writing, to the Director of Administrative Services. The Director of Administrative Services shall reply, in writing, to the grievance within ten (10) working days thereafter.

(C). Step 3. If the employee is not satisfied with the reply in Step 2, within ten (10) days thereafter, the written grievance may be presented to the APCO. The APCO shall, upon request, meet promptly with the employee or their designated representative during regular business hours to discuss the grievance, and shall reply, in writing, to the employee or representative



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within ten (10) working days thereafter. The parties agree to cooperate fully in investigating the facts surrounding grievances, and also agree to produce all evidence necessary to substantiate their respective positions regarding any such grievances. Such exchange of information shall be between the APCO and the employee or representative.

(D). Step 4. If the grievance is not resolved in Step 3 within fifteen (15) working days after receipt of the step 3 reply, the employee or their designated representative may request in writing to the APCO that the written grievance be submitted to an impartial arbitrator for an advisory decision.

Upon receipt of the written request for appeal made by the employee or their designated representative, the Personnel Officer shall request a list of arbitrators from the California State Mediation and Conciliation Service within ten (10) working days. If the Personnel Officer fails to request the list of arbitrators within the time period provided the employee or their designated representative may do so. The Personnel Officer shall schedule a meeting, with the employee or their designated representative to select an arbitrator, within twenty (20) working days of the receipt of the list from the California State Mediation and Conciliation Service by the Clerk of the Governing Board of the District. An impartial arbitrator shall be selected by alternately striking from the list provided by the California State Mediation and Conciliation Service. The cost of the impartial arbitrator shall be divided equally between the District and the employee or their designated representative. Within ten (10) working days after issuance of the arbitrator's decision, each party shall notify the other, in writing, of its acceptance or rejection of the advisory ruling.

A rejection by either party of the arbitrator's decision shall cause the grievance to be submitted to the Governing Board for determination. The matter shall be considered by the Board, with or without hearing, in the sole discretion of the Board, at any time convenient to the Board, within forty-five (45) days after issuance of the arbitrator's decision. The decision of the Board shall be final and binding on both parties.

Section 13.4 Timeliness and Discrimination

Each of the formal requirements and time limitations stated herein for the processing of grievances shall be strictly adhered to; provided, however, that any such time limits may be extended by mutual agreement of the parties. If the District's authorized representative fails to answer a grievance within the time specified in any step of the grievance procedure, the employee or representative shall have the right to appeal the grievance immediately to the next step of the grievance procedure. If an employee or representative fails to file a grievance within the time specified in any step in the grievance procedure, the grievance shall be deemed withdrawn, with prejudice, and any further steps under the procedure shall be considered voluntarily waived. It is further agreed that no employee shall be intimidated, coerced, or restrained as a result of providing evidence in any such grievance procedure, or for initiating or pursuing any such grievance.



RULE 14 LAYOFF POLICY AND PROCEDURE

Section 14.1 Policy

Whenever in the judgment of the APCO, it becomes necessary, either in the interest of economy, or because the necessity for a position no longer exists, any position in the District may be abolished and employees may be laid off without disciplinary action being taken and without the right of appeal.

Section 14.2 Notification

A two (2) week notice, and two (2) weeks of severance pay, shall be given to the affected employee before such a layoff is to take place.

Section 14.3 Order of Layoff

No regular employee shall be laid off before all non regular employees in the same classification have been laid off. The order of layoff of regular employees within each affected classification shall be based upon District seniority (including time mandated by A.B. 2522); provided, however, that deviation from this procedure is permitted when it can be demonstrated that an employee possesses skill and ability necessary to the efficient operation of the District, which are not possessed by more senior employees. When employees have equal seniority ties shall be broken by a decision of the APCO.

If a regular employee scheduled for layoff has held regular status in a lower classification and has greater District seniority than an incumbent in the lower classification, a reduction in classification (bumping) shall be approved; provided the employee possesses the minimum qualifications for the job. The displaced employee shall be considered as laid off for the same reason as the displacing employee, and shall be eligible to bump to a position in a classification in which that employee has prior regular status.

Employees who bump to a lower classification shall be placed at the lesser of their current salary or the maximum of the salary range for the lower classification. No employee shall be placed above the maximum of the salary range for the new classification.

Section 14.4 Reemployment List

The names of regular and probationary employees laid off or demoted in lieu of layoff shall be placed upon reemployment lists, in order of layoff, for twelve months. New employees shall not be hired in a classification until all employees on the reemployment list in that same classification have been recalled. If not recalled within twelve (12) months, an employee shall be removed from the reemployment list and shall have no further rights hereunder.

RULE 15 REPORTS AND RECORD KEEPING

Section 15.1 Personnel Files

The Personnel Officer shall maintain a personnel record for each employee in the service of the District showing the name, title of position held, the department to which assigned, salary,



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changes in employment status, and such other information as may be considered pertinent by the Personnel Officer. Personnel records are confidential and access to personnel records shall be limited to the Personnel Officer and any authorized representatives.

Section 15.2 Change of Status Report

Every appointment, transfer, promotion, demotion, change of salary rate, or any other temporary or permanent change in status of employees shall be reported to the Personnel Officer in such manner as prescribed by the Personnel Officer.

Section 15.3 Personnel Action Form

A personnel action form shall be completed for each employee hired by the District. The personnel action form shall include all employee information including benefit selection information. A copy of the personnel action form shall be included in the employee's personnel file. The APCO's signature shall be included on personnel action forms as a result of an appointment, promotion, demotion, transfer and termination.

Section 15.4 Time Cards

All District employees shall be required to complete a time card recording all hours worked, vacation, sick leave, administrative leave, etc. Time cards shall be signed by the employee's supervisor and forwarded to the payroll department no later than 10:00 a.m. on the Monday following the end of the pay period.



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PERSONNEL POLICIES & PROCEDURES

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 11

DATE: September 26, 2016

RECOMMENDATION: Amend the Mojave Desert Air Quality Management District (MDAQMD) Exempt Compensation Plan (ECP) to conform with changes to the recently adopted Memorandum of Understanding (MOU) and Personnel Policies and Procedures (PPP) and make other amendments to reflect recent changes in classifications.

SUMMARY: This item amends the ECP to conform the terms and conditions to those found in the MOU between the MDAQMD and Teamsters Local 1932 (Teamsters) effective July 1, 2016 and to reflect recent changes in classifications.

CONFLICT OF INTEREST: None

BACKGROUND: The MDAQMD has reached an agreement with the Teamsters representing the employees in the General Unit. The terms of this agreement has been ratified by both union members and the MDAQMD board in a previous agenda item. The resolution adopting the MOU and changes to the PPP also included a direction to provide corresponding changes to the ECP. In addition, since the last amendment of the ECP there have been some changes to classifications and classification titles as authorized by the Governing Board. Amendments are included to conform the ECP to current position titles. The proposed corresponding changes are detailed in Exhibit A and the ECP Redline version as attached.

REASON FOR RECOMMENDATION: Governing Board action is necessary to change policies such as the ECP.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form on or about September 12, 2016.

FINANCIAL DATA: The cost for the proposed wage adjustments was approved with the Resolution to adopt the MOU. The FY 17 included a number of estimates which are sufficient for this expense.

PRESENTER: Brad Poiriez, Executive Director/APCO

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 11

PAGE 2

Exhibit A

Proposed ECP Changes

1. The Table of Contents and the paragraph titles for Introduction through III were revised to address a numbering format problem.
2. Section I. B Exempt Classification Groups: Changes are proposed to conform language the position titles to those used currently for Executive Director/APCO, Deputy Director/Mojave Desert Operations, Deputy Director/Antelope Valley Operations, and Deputy Director/Administration. Two classifications are removed from the list as those positions as currently defined do not meet the definition of exempt from FLSA requirements.
3. Section III. C. 1. Retirement Program: Revisions clarify employee eligibility to participate in the District's Retirement Program as required by recent retirement reform legislation. This provision conforms ECP language to MOU 15.1.3 and 15.1.4.
4. Section III. C. 5. 401(A) Matching Contribution Plan: Revisions conform ECP language to MOU 15.4.3.
5. Section V. A. Wages: Revisions conform language to MOU 19.1 providing a 2% increase effective July 1, 2016. The Salary Table included as ECP Exhibit I reflects the salary changes to each pay range.
6. Section VI. A. Sick Leave: Revisions conform to MOU 25.2.1 and IRS regulations regarding cash out of leave accruals.



EXEMPT COMPENSATION PLAN

*[Draft September 26, 2016](#)
Amended Tables October 24, 2011
Amended September 26, 2011,
Amended January 24, 2011
Amended August 24, 2009
Amended June 23, 2008
Amended January 28, 2008
Amended August 28, 2006
Amended April 24, 2006
Amended January 23, 2006
Amended June 27, 2005
Amended April 26, 2004
Amended June 25, 2001
Approved and Adopted November 27, 2000*

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A. INTRODUCTION

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1. This Exempt Compensation Plan (“Plan”) provides written description of the benefits, compensation, and special provisions available to positions and/or classifications defined herein but generally those not represented in the General Bargaining Unit established in January, 1994, and subsequently amended or the Confidential Group as established September 26, 2011 and subsequently amended.
2. This Plan is not intended to serve as a representation document for the specified classifications. This Plan is not intended to serve as a negotiating tool and it is not a collective bargaining agreement nor was it created by any negotiating team. This Plan shall in no manner be interpreted as a guaranteed or implied contract between the District and any employee or group of employees.

BI. EXEMPT CLASSIFICATION GROUPS

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The classifications generally referred to in this Plan are employee positions that are strategically placed to drive the District’s business processes. The incumbents in these positions, and those that may be identified in the future, formulate or administer significant executive policy, employee relations responsibilities and/or District confidential, proprietary information.

1. Group E Executive Management
~~Air Pollution Control Officer~~
~~Executive Director/APCO~~
2. Group A Management
~~Deputy Director / Mojave Desert Operation~~
~~Deputy Director / Antelope Valley Operations~~
~~Deputy Director / Administration~~
Deputy Air Pollution Control Officer
District Counsel
Director of Administrative Services
Operations Manager
3. Group B Program Management
Administrative Services Lead
Administrative Services Manager
Clerk of the Boards
Community Relations & Education Manager
~~Community Relations Assistant~~
~~Community Relations Specialist~~
Records Management Specialist
Supervising Air Quality Engineer
Supervising Air Quality Specialist
Systems Administrator

CII. ADMINISTRATION OF PERSONNEL

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A. PROMOTIONS

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A promotion is the appointment of an employee from one classification to a classification having a higher base salary range. A promoted employee shall receive at least the entrance rate of the new range or a two range salary increase, whichever is greater; provided that no employee is thereby advanced in step nor advanced above the top (or final) step of the higher base salary range. The APCO may approve placing an employee at any step within the higher base salary range. Promotions shall be effective only at the beginning of a pay period unless an exception is approved by the APCO.

B. DEMOTIONS

A demotion is the appointment of an employee from an incumbent position to a position in a different classification for which the maximum rate of pay is lower. An employee demoted for disciplinary reasons shall be placed on the step within the base salary range of the class to which demoted as provided in the disciplinary action.

An employee demoted for nondisciplinary reasons shall be retained at the same salary rate, provided, that the salary rate does not exceed the top (or final) step of the salary range of the demoted class, except that such an employee may be placed on an "X" step as provided herein, with the approval of the APCO.

C. DUAL APPOINTMENTS

The appointment of two full-time employees to the same budgeted regular position may be authorized by the APCO to facilitate training, to make assignments to a position which is vacant due to extended authorized leave of absence, or in an emergency. The most recently hired dual appointee shall enjoy all of the benefits of regular employees except regular status.

III. BENEFITS

A. FLEXIBLE BENEFIT PLAN

All regular full-time employees shall be eligible for health, dental, vision and disability programs offered by the District. Qualified dependents of regular full-time employees shall be eligible for health, dental, and vision programs offered by the District.

1. HEALTH AND DENTAL

Each full-time employee shall be entitled to a monthly benefit at the level set forth below plus or minus any adjustments calculated pursuant to the annual adjustment procedure herein:

Group A Management = \$915 per month

Group B Program Management = \$915 per month

2. ANNUAL ADJUSTMENT PROCEDURE

About August 31, 2011, or as soon thereafter as benefit cost information is available from CalPers and annually thereafter, the District shall calculate 80% of the premium required by the Kaiser HMO plan (for Los Angeles Area Region including Los Angeles, San Bernardino and Ventura counties) offered for regular employees and families under the District's plan with CalPers ("Recalculated Amount"). The calculation of premium required shall be performed according to the following schedule: On or about August 31, 2011 for adjustments for the Flexible Benefit Plan effective January 1, 2012; On or about August 31, 2012 for adjustments for the Flexible Benefit Plan effective January 1, 2013; On or about August 31, 2013 for adjustments for the Flexible Benefit Plan effective January 1, 2014; On or about August 31, 2014 for adjustments for the Flexible Benefit Plan effective January 1, 2015; On or about August 31, 2015 for adjustments for the Flexible Benefit Plan effective January 1, 2016.

If and when the Recalculated Amount exceeds the benefit level as listed above the District shall increase the Flexible Benefit Plan dollars provided to match the Recalculated Amount. Such increase, if provided, shall be effective January 1 of each year, as described above. In no case will the benefit amount be reduced below the benefit level listed above as a result of this calculation.

Example 1 (Using the Exempt Group B Benefit Level): In August, CalPers informs the District regarding the premium amounts for District insurance plans for the next calendar year. The monthly premium required for the Kaiser HMO plan (in the Los Angeles Area Region) for families is \$1,200. 80% of \$1,200 = \$960. On January 1 the Flexible Benefit Plan dollars will be adjusted to \$960 until the next premium rate change is issued by CalPers.

Example 2 (Using the Exempt Group B Benefit Level): In the following year, CalPers informs the District that the premium amount for the Kaiser HMO plan (in the Los Angeles Region) for families is \$1,190. 80% of \$1,190 = \$952. Then on January 1 the Flexible Benefit Plan dollars would be adjusted to \$952.

Example 3 (Using the Exempt Group B Benefit Level): In the following year, CalPers informs the District that the premium amount for the Kaiser HMO plan (in the Los Angeles Region) for families is \$1,125. 80% of \$1,125 = \$900. Then on January 1, 2012 the Flexible Benefit Plan dollars would be adjusted to \$915.

Any funds not used for the purchase of medical, dental, and other insurance programs shall be paid to the employee as taxable wages.

In the event health care reform crafted by the State of California and/or the Federal government is imposed in such a manner that such reform impacts these agreed upon matters regarding the Flexible Benefit Plan, management may adjust the plan to meet those new requirements.

3. OTHER POTENTIAL ADJUSTMENTS

In the event health care reform crafted by the State of California and/or the Federal government is imposed in such a manner that such reform impacts these agreed upon matters regarding the Flexible Benefit Plan, management may, at that time, adjust the plan to meet those new requirements.

B. OTHER BENEFITS

1. VISION CARE

Subject to carrier requirements, the District will pay the premiums for vision care insurance for employees in the Exempt Groups and their dependents.

2. DEPENDENT CARE ASSISTANCE PLAN & MEDICAL SPENDING ACCOUNTS

Dependant Care Assistance Plan: Employees in regular positions and receiving a minimum of 41 hours pay per pay period are eligible to participate in the Dependent Care Assistance Plan (DCAP). DCAP allows eligible employees to elect to receive dependent care assistance benefits which are excludable under Sections 125 and 129 of the Internal Revenue Code, as amended. DCAP exclusions from gross income do not affect compensation for retirement purposes.

Employees shall be eligible to participate the first day of the month following thirty (30) days from the date they submit their enrollment. An employee must contribute to DCAP through salary reduction on forms approved by Administrative Services. An employee election to participate may not be changed for the remainder of the plan year, except to the extent permitted under IRS regulations.

Medical Speding Accounts: The District has established a program for purposes of allowing employees to contribute to a tax exempt savings account for reimbursing medical and other allowable expenses pursuant to the provisions of applicable law and described in Article X of the MDAQMD Flexible Benefit Plan.

3. SHORT-TERM DISABILITY & WORKER'S COMPENSATION

Short Term Disability Insurance: The District agrees to pay the premium for short-term disability insurance for regular employees in the Exempt Groups earning Forty-one (41) hours or more per pay period.

The short-term disability insurance plan coverage shall include a provision for a Fourteen (14) calendar day waiting period from the first day of disability before benefits begin. Benefits shall be equal to fifty-five percent (55%) of the base salary, up to a maximum benefit of \$959.00 (nine hundred fifty-nine dollars) per week. Benefit payments terminate when the employee is no longer disabled, or upon termination of employment from the District, or after Fifty-two (52) weeks of disability, whichever occurs first. Other benefit conditions shall be determined by the District and/or the provider of the benefit.

Workers' Compensation Insurance: Workers' compensation insurance is provided for all employees of the District. Employees shall receive a maximum of three (3) consecutive days of paid leave, with no charge to sick leave or vacation leave, following an occupational injury or illness, provided the leave is authorized in a bona fide off-work order and the injury or illness qualifies for coverage under the California Workers' Compensation Act.

Upon request, the employee may continue to receive their regular pay during periods of disability due to an illness or injury covered under the California Workers' Compensation Act by supplementing workers' compensation benefit payments with accrued sick leave or vacation pay. Under this policy, an employee may coordinate benefits with accrued sick leave and vacation leave to receive payment equivalent to regular salary per pay period. In no event shall an employee receive more than their regular salary by means of this process.

4. LONG TERM DISABILITY

The District will provide employees in the Exempt Groups with long term disability insurance subject to carrier requirements and approval.

5. LIFE INSURANCE

The District agrees to pay the premium for a Fifty Thousand Dollar (\$50,000.00) term life insurance policy for each employee in the Exempt Groups. This benefit shall only apply to regular full-time employees.

The District will also make available to each employee in the Exempt Groups a group term life insurance program wherein the employee may purchase, through payroll deductions, term life insurance in amounts equivalent to one times or two times the employee's annual gross earnings, subject to the approval of the provider of such benefit.

New employees shall become eligible to participate in these programs on the start of the pay period following the completion of 13 pay periods of satisfactory performance.

6. EMPLOYEE ASSISTANCE PROGRAM

The District agrees to provide an employee assistance program available to employees in the Exempt Groups to provide confidential counseling for employees and their eligible dependents who request such services.

7. LEAVE DONATION PROGRAM

General: Full time, regular employees may voluntarily donate their accrued leave to another eligible employee experiencing a serious health condition or whose immediate family member is experiencing a serious condition. The district recognizes that there are occurrences brought about by prolonged medical conditions that cause employees to exhaust all available leave and, therefore, must be placed on leave without pay. It is recognized that such employees forced to go on leave without pay could be without their regular salary income and medical benefits at the most critical point in their work life.

Eligibility for Program: A voluntary donation of leave from one employee to another may be permitted for the purpose of providing a full time, regular employee with paid sick leave time for the care of themselves, or an immediate family member, who is experiencing a serious health condition as determined by a physician or other qualified health care provider.

An employee is eligible to receive voluntary donations of leave when all of the following conditions have been met:

The employee who is, or whose immediate family member is, experiencing a serious health condition provides documentation of such serious health condition as verified by a qualified health care provider. Employees are eligible to receive leave donations where they (or their immediate family member) have, are, or are expected to experience a serious, catastrophic or unforeseen illness, injury or impairment that meets both of the following criteria: a) has caused or is likely to cause, the employee to take leave without pay; b) requires continuing treatment or supervision by a licensed health care provider. The definitions and documentation of catastrophic or unforeseen illness, injury or impairment will be interpreted and documented in accordance with the provisions of Family Medical Leave Act (FMLA).

The employee receiving donated leave has exhausted, or soon will exhaust, all accrued leave such as vacation leave, comp time, sick leave, holiday leave, and/or administrative leave, if applicable. Employees in these situations must make application to receive donated sick leave by completing the Application for Donated Leave form developed and issued by Administrative Services.

Employees subject to this program and determined eligible to receive donated sick leave are also required to submit a claim for short-term disability. Use of the employee's own accrued leave balance and any donated leave amounts will be coordinated with disability benefits to achieve at or near the equivalent of 80 hours of pay per pay period. Use of donated leave is taxable income to the recipient and subject to withholding as required by law.

Continuation of Benefits for Employee: Employees who are on an approved medical leave of absence or an approved leave of absence without pay under FMLA will continue to receive benefits as set forth in the PPP Section 5.3 Continuation of Benefits Coverage.

Donation Procedure & Limitations: Donations of accrued leave time shall be made in minimum increments of four (4) whole hour blocks of time.

To retain sufficient accrued leave to meet their own needs, donors contributing accrued leave must not reduce their total accumulated accrued leave balances to fewer than one hundred sixty (160) hours. The donation of leave accrual shall not be counted against the current year accrual and will not, therefore, count against usage for the current year for purposes of the annual sick leave cash out program (Standard Practice 2-9) . Donation of accrued leave is irrevocable and will be deducted from the donor's accruals in the pay period following the request. Donated accrued leave will be reimbursed if it has not been used by the end of the recipient's need. Verification, obtained by the APCO or designee, ensuring that these conditions have been met will be done prior to the transfer of time from one employee to another

Nothing in this program shall be construed to require donations of time from one employee to another. To emphasize the voluntary nature of the donation, the names of the donors will not be made available to the recipient. Recipient employees are expected to refrain from personally soliciting donations from other District employees. However, the APCO or designee may announce a need and offer all District employees the opportunity to contribute. The notice of need shall not be construed as a demand or as an order for employees to contribute. There shall remain confidentiality of employees subject to the receipt of donated leave

Employees who wish to donate leave accrual must provide written authorization to the Director of Administrative Services for the transfer of accrual by completing a Leave Donation Form developed and issued by Administrative Services. Administrative Services will confirm the donor has sufficient accrued leave for donation and sufficient leave accruals (particularly sick leave) available for the donating employee to meet their own needs.

The accrued leave donated will be converted to its cash value at the donor's base rate of pay and then credited to the recipient in equivalent hours of sick leave at the recipient's base rate of pay. For example: Employee A donates 10 hours of leave at Employee A's rate of pay \$50/hour. Employee B's rate of pay is \$25/hour, therefore the donated leave available to Employee B is 20 hours.

Following verification, the donations will be used for the recipient in the order they were received. Once the recipient has exhausted all paid leave, donations will be processed on a pay period by pay period basis. This process will continue until such time as the recipient's status changes and they are no longer eligible for donations, or until no donations are available. When the need is resolved or the process is concluded, any remaining unused donations will be returned to the donor(s).

Definitions: "Immediate family" - The husband, wife, father/step, mother/step, brother/step, sister/step, child/step, legally registered domestic partners and legal dependents of the employee receiving the donation of leave.

"Serious health condition" - An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider which is expected to incapacitate the employee or a member of the employee's immediate family requiring the employee to take time off from work to care for themselves or that family member.

Any other definition and or procedure not otherwise defined in this standard practice shall be as defined or set forth in the FMLA and its implementing regulations.

C. RETIREMENT PROGRAM

1. RETIREMENT PROGRAM

The District shall pick up a portion of the eligible employee's required contribution to the San Bernardino County Employees' Retirement Association as follows:

For employees hired on or before 6/30/09: The District shall pay ("pick up") the first seven percent (7%) of the employee's earnable compensation, as defined in the San Bernardino County Retirement Board By-laws.

For employees hired on or after 7/1/09: The employee shall pay ("pick up") the first seven percent (7%) of the required contribution of the employee's earnable compensation, as defined in the San Bernardino County Retirement Board by-laws. The District will pick up the balance of the contribution required.

For employees hired on or after 7/1/2016: Pursuant to the California Employee Pension Reform Act of 2013, a new employee who is being employed for the first time by any public employer, had a break in service of more than six months, or was employed by another public employer but not subject to reciprocity with SBCERA, shall pay the employee contribution rate as determined by SBCERA. The District will not be responsible for any portion of the employee required contribution. This provision shall remain in effect through the term of this agreement and shall not be reversed or invalidated on expiration of the agreement.

A new employee hired on or after 7/1/2016, who was a prior member of SBCERA or another public retirement system (“Classic Employees”) and established reciprocity with SBCERA, or had a break in service of less than six months, shall pay their full General Membership Contribution Rate for their retirement through SBCERA. The employee’s rate is established by SBCERA, and varies depending upon age of entry into the pension system. This provision shall remain in effect through the term of this agreement and shall not be reversed or invalidated on expiration of the agreement.

Employees who have 30 years of service credit and no longer make retirement contributions under the provisions of the County Employees’ Retirement Law of 1937 and employees over age 60 in a regular position who choose not to be a member of the Retirement Association shall be paid in cash 7% of earnable compensation as defined by the bylaws of the Retirement Board as well as the monthly dollar amount allocation to their group in Paragraph 2 below.

2. RETIREMENT CONTRIBUTIONS

Additionally, employees in the Exempt Groups shall receive the following amounts monthly to be applied to the portion of the employee’s retired contribution not covered by the provisions of Section III.D.1 above as follows:

Group E	Executive Management	\$380/month
Group A	Management	\$380/month
Group B	Program Management	\$180/month

Any dollars which are remaining after all retirement system obligations are fully satisfied shall be paid to the employee in cash and will be subject to applicable taxes.

3. RETIREE MEDICAL BENEFIT

General: The District agrees to pay to eligible retired employees who retire from active service at the MDAQMD a portion of the premium of CalPers health insurance for the employee and his or her spouse

Eligibility: Retiring employee shall be eligible for retiree medical benefits under the following conditions:

Retiring employee must be enrolled in the District’s CalPers health plan at the time of the retirement.

Retiring employee must have a minimum total of twenty (20) years of public service with any of the member agencies of the District and any air district in California.

However, a minimum of ten (10) years of must have been served with the District and/or its predecessor agency. Years of public service with the District shall be calculated in the same manner as the calculation of time of employment set forth in Health & Safety Code §41265.

Calculation of Premium Portion: The portion of the premium to be paid shall be calculated as 2% per service year from the date of hire with the District. The date of hire with the District shall be calculated in the same manner as the calculation of time of employment set forth in Health & Safety Code §41265. For those eligible employees hired between 7/1/1993 and 7/1/2009 years of service with a member agency or any air district in California shall be added to District years of service for the purposes of the premium portion calculation.

In no case shall the portion of the premium to be paid exceed the Flexible Benefit amount for a full time employee as set forth in III.A.1 above.

Length of Benefit: Such benefit is payable from the date of retirement to five (5) years, or until the date retiree becomes eligible for Medicare, or until the date retiree discontinues the coverage, whichever occurs first.

Member Agency: For the purposes of Section III.D.4, a “member agency” is defined as a city or county that lies in whole or in part within the boundaries of the District.

4. DEFERRED COMPENSATION PLAN

Employees shall be eligible to enroll in deferred compensation plans offered by the District from the first day of employment. Employees are permitted to specify amounts to be deducted from the employee's paycheck for deposit to the District's deferred compensation account. The MDAQMD Deferred Compensation Plan (457(b)) contains the plan specifics.

5. 401(A) MATCHING CONTRIBUTION PLAN

The District has established a 401(a) Matching Contribution Plan. The District will contribute a percentage based on the employee's salary deferrals made during the prior calendar year to the MDAQMD Deferred Compensation Plan according to the table set forth below. The District's match shall not be applied to catch-up contributions and additional elective deferrals. (See MDAQMD 401(a) Matching Contribution Plan, Article VII).

Employees are eligible to be credited the matching contribution when they have elected to participate in the MDAQMD Deferred Compensation Plan. (See MDAQMD 401(a) Matching Contribution Plan, Article VI)

Employees are fully vested and shall have a non-forfeitable and vested right to their retirement account (401(a)) following five years of service with the District. (See MDAQMD 401(a) Matching Contribution Plan, Article IX)

Minimum & Maximum Contribution Amt	District Match
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(maximum as allowed by the IRS) Max	\$16,500,000	-	\$16,500,000	6.00%
50% of Max	\$8,250,000	-	\$8,250,000	4.00%
25% of Max	\$4,125,000	-	\$4,125,000	2.00%
up to 25% of Max	\$0	-	\$0	1.00%

IV. CLASSIFICATION

A. PURPOSE

Classification is a management tool to ensure the accurate reflection of tasks and duties involved in each Exempt position for the purpose of recruitment, compensation and organizational structuring. Whenever positions are subject to any change as a result of classification review, and are allocated within the Exempt Group, any Governing Board action shall be on the recommendation of the APCO. Requests to review a classification action shall be submitted to the APCO. Positions allocated to the Exempt Group shall not be subject to any classification appeal procedure.

The purpose of Classification review is to ensure the accurate reflection of tasks and duties involved in the Exempt position. Factors involved in this process include recruitment, retention, compensation and organizational structure. Any changes to Exempt position responsibilities are subject to classification review with the APCO having the final and binding authority in the review process determination.

B. CLASSIFIED AND UNCLASSIFIED SERVICE

1. Classified Service includes those positions which are authorized and regular positions and to which appointments are made through a competitive process governed by merit system requirements and in which an employee can achieve regular employee status.
2. Unclassified Service includes positions which are other than classified positions. Unclassified positions do not have appeal rights.

C. CLASSIFICATION ADJUSTMENTS

An upgrade is a reclassification of a position from one classification to another classification having a higher base salary range.

When a position is downgraded, the APCO may authorize continuation of the same salary rate payment to the incumbent employee that the employee received prior to the downgrading of the position by placing the employee on an "X" step, provided that the employee shall receive no further salary rate increases until the salary rate of the position held exceeds the "X" step.

D. EXEMPT CONFIDENTIAL EMPLOYEE

An exempt confidential employee is a direct subordinate of exempt executive or management employees where the duties of the exempt executive or management employees require imparting confidential information and entrusting confidence to the subordinate; and where the subordinate is required to exercise independent judgment and cautions to prevent dereliction of confidence or injury to the District.

V. COMPENSATION

A. WAGES

Effective July 1, ~~2014~~2016, the wage rate for each exempt employee in Groups A and B will increase ~~1.5~~2.0% as set for in Exhibit 1 - Salary ~~Range Table~~Schedule

~~Effective July 1, 2012 the wage rate for each employee in the General Unit will increase 1.5% as set forth in Exhibit 2—Salary Range Table.~~

~~Effective July 1, 2013 the wage rate for each employee in the General Unit will increase 2.0% as set forth in Exhibit 3—Salary Range Table.~~

~~Effective July 1, 2014 the wage rate for each employee in the General Unit will increase 2.0% as set forth in Exhibit 4—Salary Range Table.~~

~~Effective July 1, 2015 the wage rate for each employee in the General Unit will increase 2.5% as set forth in Exhibit 5—Salary Range Table.~~

B. SALARY ADJUSTMENTS

The performance evaluation shall be made up of a list of duties and standards that reflects the employee's position description and duties. Employees will be evaluated based upon these standards. Salary increases will be given for performance evaluations rated “meets,” “satisfactory,” or scored 3.0, or higher on a scale of 1 to 5. The maximum salary adjustment available is 2½% of base hourly rate of pay, as set forth in the appropriate Salary Range Table as set forth in Exhibit 2 attached hereto.

C. LONGEVITY AWARD

In pay period one, longevity awards shall be granted to eligible employees in an amount not to exceed 2½% of the annual base pay as calculated in pay period 26 of the prior calendar year subject to:

The employee having reached or passed the top (or final) step in their respective pay range on July 1 of the previous calendar year; and

The employee having received a successfully rated performance evaluation as described in section V.B above

D. SPECIAL ASSIGNMENT COMPENSATION

Special assignment compensation is a classification concept which allows for temporary increases in pay beyond that which is normally allowed when duties performed support such additional pay for specific periods of time.

Increases in pay may be granted to recognize the temporary assignment of more difficult duties requiring a greater level of skills. "Temporary assignment" shall mean a period of one calendar year or less. Selected positions may be authorized for special assignment compensation, rather than being permanently reclassified to a higher level, to allow for employee rotation to enhance upward mobility. Increases in pay shall be temporary so long as the higher level duties are assigned and performed, not to exceed one calendar year. Such increases in pay shall not affect an employee's step advancement in the base range. The amount of additional pay awarded will be determined by the APCO subject to procedures approved by the Governing Board.

VI. LEAVE PROVISIONS

Employees in the Exempt Groups shall apply available paid leave time whenever a leave of absence is approved. However, employees who are on an approved leave of absence for less than one full day, who do not have sufficient leave time available to cover the absence, shall be paid the full salary for their regular work day.

A. SICK LEAVE

1. The accrual rate for sick leave for regular full-time employees shall be 3.69 hours per pay period or prorated on the basis of 96 hours per calendar year.
2. Any employee may elect to convert to cash at the employee's current hourly rate of pay thirty percent (30%) of the unused sick leave each July that was accrued during the preceding fiscal year provided the subject employee leaves a minimum sick leave balance of 160 hours. Employees must submit a pre-election agreement to convert sick leave to cash by June 30 of the year before the leave will accrue. For example, an employee must elect by June 30, 2016 to convert 30% of unused sick leave earned from July 1, 2016 – June 30, 2017 to cash in July 2017 if the employee's remaining sick leave balance at the time of conversion will be at least 160 hours.

[The IRS requires employees to elect to cash out leave accruals before they are accrued. If an employee can elect to cash out already accrued leave, the availability of the election results in taxable income, even to those who do not make the election. The District practices this pre-election, the reference belongs in the policy statement to avoid tax implications.]

3. After 10 years of continuous service from the date of hire in a regular position, and upon retirement, death, or separation, an employee will be paid for unused sick leave balances according to the following formula:

<u>Sick Leave Balance as of Date of Separation</u>	<u>Cash Payment Percentage of Hours of Sick Leave Balance</u>
480 hours or less	30%
481 to 600 hours	35%
601 to 720 hours	40%
721 to 840 hours	45%
841 to 1,000 hours	50%

Employees who receive a disability retirement due to permanent incapacity to work shall be entitled to 100% cash payment of any unused sick leave balances, computed at their then current base hourly rate, if they elect an early retirement in lieu of exhausting such accrued sick leave balances. In no event shall any employee, except those receiving a disability retirement, receive compensation under this subsection in excess of five hundred (500) hours pay computed at the then current base hourly rate of said employee.

4. Vacation Conversion Option. Employees may exchange accrued sick leave hours in excess of eight hundred forty (840) hours for vacation time on the basis of two hours of sick leave for one hour of vacation leave. Any such exchange must be made in forty (40) hour increments of accrued sick leave.

B. VACATION LEAVE

The accrual rate for vacation leave for regular full-time employees shall be as follows:

1. Accrual of 3.08 hours per pay period during the first four years of continuous employment;
2. Accrual of 4.62 hours per pay period during the years five through nine of continuous employment; and
3. Accrual of 6.15 hours per pay period the years nine through fourteen years of continuous employment.
4. Accrual of 6.46 hours per pay period following the fourteenth year of continuous employment and increasing by 0.3077 hours per pay period each successive year thereafter of continuous employment up to a maximum of 9.23 hours per pay period.
5. There shall be no limit on vacation accruals, however exempt employees are strongly encouraged to use at least 40 hours of vacation leave during the calendar year.
6. Employees not planning to return to District employment at the expiration of a vacation leave, except those retiring, shall be compensated in a lump sum payment for accrued vacation and shall not be carried on the payroll. Retiring employees may elect to use vacation leave to enhance retirement benefits or be compensated in a lump sum payment for accrued vacation leave.
7. Prior Service. Employees in regular positions who have been employed by a public jurisdiction in a comparable position or a position which has prepared such employees for an assignment to a position in the Exempt Group may receive credit for such previous experience in the former agency in determining their vacation accrual rate. Such determination as the comparability of previous experience and amount of credit to be granted rests solely with the APCO.
8. Vacation sell-back. An employee may sell back vacation time at their base hourly rate. Eligible employees may exercise this option under procedures established by the District, subject to the following:

- a.) Future Accruals. An employee must make an irrevocable election during the month of December, specifying the number of hours to be sold back from the next calendar year's vacation time accrual. Such election must be made in increments of not less than 40 hours and may not exceed 160 hours. Once an election is made, the employee must request that the designated number of hours actually be sold back by pay period 25 of the calendar year in which the election is effective, or the hours will automatically be converted into cash in pay period 26.
- b.) Existing Accruals. Existing accruals may be cashed out in whole hour increments with a minimum cash-out of 40 hours and will be subject to a 10% penalty.

C. HOLIDAY LEAVE

All employees in regular positions shall be entitled to established District holidays.

- 1. Upon retirement or termination, employees shall be compensated for any unused accrued holiday time at the then current base rate equivalency.
- 2. An employee may sell back holiday time at their base hourly rate. Eligible employees may exercise this option under procedures established by the District, subject to the following:
 - a) Future Accruals. An employee must make an irrevocable election during the month of December, specifying the number of hours to be sold back from the next calendar year's holiday time accrual. Such election must be made in increments of not less than 8 hours and may not exceed 40 hours. Once an election is made, the employee must request that the designated number of hours actually be sold back by pay period 25 of the calendar year in which the election is effective, or the hours will automatically be converted into cash in pay period 26.
 - b) Existing Accruals. Existing accruals may be cashed out in whole hour increments with a minimum cash-out of 8 hours and will be subject to a 10% penalty.

D. ADMINISTRATIVE LEAVE

Effective pay period 1 of each year an employee in a regular position will be provided with Administrative Leave for the employee's use in the amounts allocated in this section. Employees hired after the beginning of pay period 1 shall receive a prorated number of hours. Such Administrative Leave may be cashed out at the employee's then current base rate of pay to the extent that the hours would have accrued at the appropriate accrual rate per pay period minus any hours used up to that time. Any Administrative Leave accrual balances in effect at the end of the last pay period paid in the calendar year will automatically be paid at employee's then current base rate of pay. Upon termination of employment unused Administrative Leave will be paid at the current rate of pay only by the amount of hours that would have been accrued at the appropriate rate per pay period that exceeds the total number of hours previously used and cashed out.

Group E	Executive Management	120 hours/year
Group A	Management	120 hours/year
Group B	Program Management	80 hrs/year

E. COMPULSORY LEAVE

If in the opinion of the APCO employees are unable to perform the duties of their position for physical or psychological reasons, an examination may be required by a physician or other competent authority designated by the APCO. If the examination report shows the employee to be in an unfit condition to perform the duties required of the position, the APCO shall have the right to compel such employee to take sufficient leave of absence with or without pay, to transfer to another position without reduction in compensation, and/or follow a prescribed treatment regimen until medically qualified to return to unrestricted duty.

F. MILITARY LEAVE

As provided in the Military and Veterans Code Section 395 et seq., and any amendment thereto, a District employee may be entitled to the following rights concerning military leave:

1. **Temporary Duty.** Any employee who is a member of the reserve corps of the Armed Forces, National Guard, or Naval Militia shall be entitled to temporary military leave of absence for the purpose of active military training provided that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from such duty. While on paid status, an employee on temporary military leave shall receive the same vacation, holiday, and sick leave and step advances that would have been enjoyed had the employee not been absent, providing such employee has been employed by the District for at least one year immediately prior to the date such leave begins. In determining the one year employment requirement all time spent in recognized military service shall be counted. An exception to the above is that an uncompleted probationary period must be completed upon return to the job. Any employee meeting the above one year employment requirement shall be entitled to receive their regular salary or compensation for the first 30 calendar days of any such temporary leave. Pay for such purpose shall not exceed 30 calendar days in any one fiscal year and shall be paid only for the employee's regularly scheduled workdays.

The compensation provision does not include an employee's attendance at weekend reserve meetings or drills. Employees must use their own time to attend such meetings. Should the meetings unavoidably conflict with an employee's regular working hours, the employee is required to use vacation or holiday leave, leave without pay, or make up the time. Employees who are called in for a medical examination to determine physical fitness for military duty must also use vacation leave, leave without pay, or make up the time. The 30 day compensation provision also applies to an employee on military leave other than temporary military leave who is ordered into active military duty or is inducted, enlists, enters, or is otherwise called into active military duty.

Copy of military orders must accompany the request for leave form.

2. **Active Duty.** Employees who resign from their positions to serve in the Armed Forces of the United States or of this State shall have a right to return to their former classification, subject to a physical/psychological examination, on serving a written notice to the APCO within six months of the termination of their active service with the Armed Forces; provided, that such right to return to former classification shall not be granted to such

employees who fail to return to their position within 12 months after the first date upon which they could terminate their active service with the Armed Forces.

Should such employee's former classification have been abolished, then the employee shall be entitled to a classification of comparable functions, duties, and compensation if such classification exists, or to a comparable vacant position for which the employee is qualified.

The right to return to former classification shall include the right to be restored to such civil service status as the employee would have if the employee had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive such employee of this right to restoration. However, such employee will not have accrued vacation, sick leave, other benefits while absent from District employment, except as provided in the temporary duty provision.

G. POLITICAL LEAVE

Any employee who is a declared candidate for public office shall have the right to a leave of absence without pay for a reasonable period to campaign for the election. Such leave is subject to the conditions governing special leaves of absence without pay contained herein.

H. SPECIAL LEAVES OF ABSENCES WITHOUT PAY

A special leave of absence without pay for a period not exceeding one year may be granted to an employee who is:

1. Medically incapacitated to perform the duties of the position;
2. Desires to engage in a relevant course of study which will enhance the employee's value to the District;
3. For any reason considered appropriate by the APCO.

Such request must be in writing and requires the approval of the APCO. Upon request, the APCO may grant successive leaves of absence. Leaves of absence without pay may be given to a regular employee with or without right to return to classification.

I. JURY LEAVE

Employees in regular positions who are ordered to serve jury duty shall be entitled to base pay for those hours of absence from work, provided the employee waives fees for service, other than mileage.

J. EXAMINATION TIME

Employees having regular status in regular positions at the time of application shall be entitled to a reasonable amount of time off with pay for the purpose of taking District promotional examinations or for selection interviews. Employees are responsible for notifying and obtaining approval from their immediate supervisor prior to taking such leave. Such time off shall not be charged against any accumulated leave balances and shall be compensated at the employee's base hourly rate.

K. WITNESS LEAVE

Employees in regular positions shall be entitled to a leave of absence from work when subpoenaed to testify as a witness, such subpoena being properly issued by a court, agency, or commission legally empowered to subpoena witnesses. This benefit shall not apply in any case in which the subpoenaed employee is a party to the action or the subpoena has arisen out of the employee's scope of employment. Witness leave shall not be charged against any accumulated leave balances and shall be compensated at the employee's base hourly rate. This benefit will be paid only if the employee has demanded witness fees at the time of service of the subpoena, and such fees are turned over to the District.

L. BLOOD DONATIONS

Employees in regular positions may be granted time to donate blood without receiving compensation for such donation.

M BENEFIT DATE

For the purpose of step advancements, sick and vacation leave accrual, the benefit date is defined as follows for each employee:

1. If the first working day of the pay period was worked, the benefit date is defined as the first day of the pay period.
2. If the employee started any time after the first working day of the pay period, then the benefit date will be the first day of the following pay period.
3. The benefit date of an employee who is absent without pay may be adjusted accordingly.

VII. SPECIAL PROVISIONS

A. EXPENSE REIMBURSEMENT

Employees in the Exempt Group are subject to the District's expense reimbursement policies except as provided in this section.

1. **Travel via Private Vehicle.** Reimbursement for use of privately owned vehicles to conduct District business, approved by the APCO or designee, shall be at the standard mileage rates published periodically by the U.S. Internal Revenue Service per mile for all miles traveled. Reimbursement at this rate shall be considered as full and complete payment for actual necessary expenses for the use of the private vehicle, insurance, maintenance and all other transportation-related costs. The District does not provide any insurance for private vehicles used on District business. The owner of a vehicle is responsible for the personal liability and property damage insurance when the vehicle is used on District business.
2. **Subsistence.** Subsistence allowances for lodging and meals shall not be allowed without prior approval of the APCO or designee as necessary for the purposes of conducting District business. Excess charges greater than the allowances listed below may be authorized under

special conditions, such as a convention requirement or in an area of high cost. Receipts are mandatory to obtain reimbursement for all lodging.

The allowance for meals is Six Dollars (\$6.00) for breakfast, Nine Dollars (\$9.00) for lunch, and Twenty Dollars (\$20.00) for dinner plus a 15 percent gratuity, and tax. Receipts will not be required for meal purchases not exceeding these limits.

B. TUITION REIMBURSEMENT AND MEMBERSHIP DUES

The District shall maintain a Tuition and Dues Reimbursement Fund for exempt employees

Reimbursement from the Fund may be used for tuition or professional dues or both so long as the employee does not use the reimbursement for dues of more than two (2) professional organizations.

Reimbursement is available for each such full-time employee pursuant to Standard Practice 2-12. Any reimbursement that exceeds limits of Governing Board Policy 94-1 is subject to the approval of the District's Governing Board.

The District agrees to appropriate to the Fund each fiscal year sufficient sums to make available an aggregate amount equal to six hundred dollars (\$600) per each full time exempt employee. The District also agrees that on June 30 of each year, the amount remaining in the Fund will be moved for separate accounting and allowed to accrue each year, without interest, and may be available for withdrawal for tuition reimbursement requests in accordance with Standard Practice No. 2-12, as amended.

C. PERSONAL PROTECTIVE EQUIPMENT ENHANCEMENT

Governing Board Policy No. 96-5 Occupational Illness and Injury Prevention Program ensures District compliance with providing personal protective equipment for all District employees.

Employees are eligible to enhance their personalized protective equipment if their position requires it as part of their field work. If it is uncertain whether an employee will be required to wear enhanced personalized protective equipment, no purchase will be made until it is actually needed. Enhanced personalized protective equipment shall be described as safety shoes and safety prescription eyeglasses.

The maximum benefit available per calendar year will be one hundred thirty Dollars (\$130.00) . Employees may purchase any kind of enhanced personalized protective equipment, as described above that will be acceptable at the locations where they will be required to wear them. Employees will be responsible for any amount exceeding \$130.00 during the calendar year.

Safety shoes will be replaced when they wear out. New employees whose position require wearing safety shoes will be fitted for safety shoes shortly after they start working for the District. Employees who are in designated job categories will be required to wear safety shoes while on duty in the field.

Safety prescription eyeglasses will be replaced as prescribed by the employee's attending eye care professional.

D. CONDITIONS OF EMPLOYMENT

In the event an employee's position is abolished the District will make reasonable efforts to place the employee in a comparable position based upon the employee's skills, knowledge and abilities, as well as consideration of the employee's length of service with the District. If reasonable efforts to place the Exempt employee are unsuccessful, the employee will be subject to layoff according to established District procedures. An Exempt employee does not have bumping rights to other District positions, whether previously held or not.

E. HOURS OF WORK

Employees in the Exempt Groups shall be required to work during such hours as necessary to carry out the duties of their position, as designated by the APCO and such hours may be varied so long as the work requirements and efficient operations of the District are assured.

The nature of exempt employment for affected employee classifications is such that work outside normal District business hours may be needed to fulfill the responsibilities and requirements of the position. Usually, additional time and effort are proportionate to the importance and level of the responsible position. These factors of time and effort are incorporated when the compensation level of exempt positions are established.

F. REEMPLOYMENT

A regular employee in good standing who has terminated District employment, and who is subsequently rehired may receive restoration according to established District policy.

G. WORK PERFORMANCE

Work performance criteria for employees in classified exempt positions are governed by the Personnel Policies and Procedures.

1. Probationary Period. Employees in these Exempt Groups are required to serve a probationary period except in those circumstances where the same has been waived by the APCO.
2. Performance evaluations. For those Classified Exempt employees who have attained regular status in an Exempt position, a performance evaluation is to be issued at least on an annual basis and/or whenever an employee's work performance necessitates documentation. The evaluation includes the measurement of both conduct and production standards.
3. Unclassified employees shall be evaluated periodically by their appointing authority.

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Mojave Desert Air Quality Management District
 Exempt Compensation Plan

Exhibit 1
 Mojave Desert Air Quality Management District
 SALARY SCHEDULE FY 16-17
 Effective July 1, 2016

Amended-Draft September 26, 2014-2016

RANGE	Not attainable as of January 1, 2000									Not attainable as of January 1, 2000							MONTHLY
	1	2	3	4	5	6	7	8	9	5	F	6	G	7	H		
600	13.83	14.18	14.53	14.89	15.27	15.65	16.04	16.44	16.85	17.27	17.71	18.15	18.60	19.07	19.54	2,397 - 2,921	
601	14.18	14.53	14.90	15.27	15.65	16.04	16.44	16.85	17.27	17.71	18.15	18.60	19.07	19.54	20.03	2,458 - 2,994	
602	14.54	14.90	15.27	15.65	16.04	16.45	16.86	17.28	17.71	18.15	18.61	19.07	19.55	20.04	20.54	2,519 - 3,070	
603	14.89	15.26	15.65	16.04	16.44	16.85	17.27	17.70	18.14	18.60	19.06	19.54	20.03	20.53	21.04	2,581 - 3,145	
604	15.27	15.65	16.04	16.44	16.85	17.28	17.71	18.15	18.60	19.07	19.55	20.03	20.54	21.05	21.58	2,647 - 3,225	
605	15.65	16.04	16.44	16.85	17.27	17.70	18.15	18.60	19.06	19.54	20.03	20.53	21.04	21.57	22.11	2,712 - 3,304	
606	16.04	16.45	16.86	17.28	17.71	18.15	18.61	19.07	19.55	20.04	20.54	21.05	21.58	22.12	22.67	2,781 - 3,388	
607	16.44	16.85	17.27	17.71	18.15	18.60	19.07	19.54	20.03	20.53	21.05	21.57	22.11	22.67	23.23	2,850 - 3,472	
608	16.85	17.27	17.70	18.15	18.60	19.06	19.54	20.03	20.53	21.04	21.57	22.11	22.66	23.23	23.81	2,921 - 3,559	
609	17.28	17.71	18.15	18.61	19.07	19.55	20.04	20.54	21.05	21.58	22.12	22.67	23.24	23.82	24.41	2,995 - 3,649	
610	17.71	18.15	18.60	19.07	19.55	20.03	20.53	21.05	21.57	22.11	22.67	23.23	23.81	24.41	25.02	3,069 - 3,740	
611	18.15	18.60	19.06	19.54	20.03	20.53	21.04	21.57	22.11	22.66	23.23	23.81	24.40	25.01	25.64	3,145 - 3,832	
612	18.60	19.07	19.55	20.04	20.54	21.05	21.58	22.12	22.67	23.23	23.82	24.41	25.02	25.65	26.29	3,225 - 3,929	
613	19.06	19.54	20.03	20.53	21.04	21.57	22.11	22.66	23.23	23.81	24.40	25.01	25.64	26.28	26.94	3,304 - 4,026	
614	19.54	20.03	20.53	21.05	21.57	22.11	22.66	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.61	3,387 - 4,127	
615	20.03	20.53	21.05	21.57	22.11	22.67	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.62	28.31	3,472 - 4,231	
616	20.53	21.05	21.57	22.11	22.66	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.61	28.30	29.01	3,559 - 4,336	
617	21.04	21.57	22.11	22.66	23.23	23.81	24.40	25.01	25.64	26.28	26.94	27.61	28.30	29.01	29.73	3,647 - 4,444	
618	21.57	22.11	22.67	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.62	28.31	29.01	29.74	30.48	3,739 - 4,556	
619	22.11	22.67	23.23	23.81	24.41	25.02	25.64	26.29	26.94	27.62	28.31	29.01	29.74	30.48	31.25	3,833 - 4,670	
620	22.66	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.61	28.30	29.01	29.74	30.48	31.24	32.02	3,928 - 4,786	
621	23.24	23.82	24.41	25.02	25.65	26.29	26.95	27.62	28.31	29.02	29.74	30.49	31.25	32.03	32.83	4,028 - 4,907	
622	23.82	24.41	25.02	25.65	26.29	26.95	27.62	28.31	29.02	29.74	30.49	31.25	32.03	32.83	33.65	4,128 - 5,030	
623	24.41	25.02	25.64	26.29	26.94	27.62	28.31	29.01	29.74	30.48	31.25	32.03	32.83	33.65	34.49	4,231 - 5,155	
624	25.02	25.65	26.29	26.94	27.62	28.31	29.02	29.74	30.49	31.25	32.03	32.83	33.65	34.49	35.35	4,337 - 5,284	
625	25.64	26.28	26.94	27.61	28.30	29.01	29.74	30.48	31.24	32.02	32.82	33.65	34.49	35.35	36.23	4,445 - 5,415	
626	26.29	26.94	27.62	28.31	29.01	29.74	30.48	31.25	32.03	32.83	33.65	34.49	35.35	36.23	37.14	4,556 - 5,551	
627	26.94	27.61	28.30	29.01	29.73	30.48	31.24	32.02	32.82	33.64	34.48	35.35	36.23	37.13	38.06	4,669 - 5,689	
628	27.61	28.30	29.01	29.73	30.48	31.24	32.02	32.82	33.64	34.48	35.34	36.23	37.13	38.06	39.01	4,786 - 5,831	
629	28.31	29.01	29.74	30.48	31.24	32.02	32.83	33.65	34.49	35.35	36.23	37.14	38.07	39.02	39.99	4,906 - 5,978	
630	29.01	29.73	30.48	31.24	32.02	32.82	33.64	34.48	35.34	36.23	37.13	38.06	39.01	39.99	40.99	5,028 - 6,126	
631	29.74	30.49	31.25	32.03	32.83	33.65	34.49	35.36	36.24	37.15	38.07	39.03	40.00	41.00	42.03	5,155 - 6,281	
632	30.48	31.24	32.02	32.82	33.64	34.48	35.34	36.23	37.13	38.06	39.01	39.99	40.99	42.01	43.06	5,283 - 6,437	
633	31.24	32.02	32.82	33.64	34.49	35.35	36.23	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.14	5,415 - 6,598	
634	32.03	32.83	33.65	34.49	35.35	36.24	37.14	38.07	39.02	40.00	41.00	42.02	43.07	44.15	45.25	5,552 - 6,764	
635	32.82	33.64	34.49	35.35	36.23	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.14	45.25	46.38	5,689 - 6,932	
636	33.65	34.49	35.35	36.24	37.14	38.07	39.02	40.00	41.00	42.02	43.07	44.15	45.26	46.39	47.55	5,833 - 7,106	
637	34.49	35.35	36.23	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	5,978 - 7,283	
638	35.35	36.24	37.14	38.07	39.02	40.00	41.00	42.02	43.07	44.15	45.26	46.39	47.55	48.73	49.95	6,128 - 7,466	
639	36.23	37.14	38.06	39.02	39.99	40.99	42.02	43.07	44.14	45.25	46.38	47.54	48.73	49.94	51.19	6,280 - 7,651	
640	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.48	6,437 - 7,843	
641	38.07	39.02	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.47	53.79	6,598 - 8,039	
642	39.02	39.99	40.99	42.01	43.07	44.14	45.25	46.38	47.54	48.72	49.94	51.19	52.47	53.78	55.13	6,763 - 8,240	
643	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	6,932 - 8,446	
644	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	57.92	7,106 - 8,657	
645	42.02	43.07	44.15	45.26	46.39	47.55	48.73	49.95	51.20	52.48	53.79	55.14	56.52	57.93	59.38	7,284 - 8,875	
646	43.07	44.15	45.26	46.39	47.55	48.73	49.95	51.20	52.48	53.79	55.14	56.52	57.93	59.38	60.86	7,466 - 9,097	
647	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	57.92	59.37	60.86	62.38	7,652 - 9,323	
648	45.25	46.38	47.54	48.73	49.94	51.19	52.47	53.78	55.13	56.51	57.92	59.37	60.85	62.37	63.93	7,843 - 9,566	
649	46.38	47.54	48.73	49.95	51.19	52.47	53.79	55.13	56.51	57.92	59.37	60.85	62.38	63.93	65.53	8,039 - 9,795	
650	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	57.93	59.37	60.86	62.38	63.94	65.54	67.18	8,241 - 10,040	
651	48.74	49.95	51.20	52.48	53.79	55.14	56.52	57.93	59.38	60.86	62.39	63.95	65.54	67.18	68.86	8,448 - 10,292	
652	49.95	51.20	52.48	53.79	55.13	56.51	57.93	59.37	60.86	62.38	63.94	65.54	67.18	68.86	70.58	8,658 - 10,549	
653	51.19	52.47	53.79	55.13	56.51	57.92	59.37	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.34	8,874 - 10,812	
654	52.48	53.79	55.14	56.51	57.93	59.38	60.86	62.38	63.94	65.54	67.18	68.86	70.58	72.34	74.15	9,096 - 11,083	
655	53.78	55.13	56.51	57.92	59.37	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.33	74.14	76.00	9,323 - 11,359	
656	55.13	56.51	57.92	59.37	60.85	62.38	63.94	65.53	67.17	68.85	70.57	72.34	74.15	76.00	77.90	9,556 - 11,643	
657	56.51	57.92	59.37	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.34	74.14	76.00	77.90	79.84	9,795 - 11,934	
658	57.93	59.37	60.86	62.38	63.94	65.54	67.18	68.86	70.58	72.34	74.15	76.00	77.90	79.85	81.85	10,040 - 12,233	
659	59.37	60.86	62.38	63.94	65.54	67.18	68.86	70.58	72.34	74.15	76.00	77.90	79.85	81.85	83.89	10,292 - 12,539	
660	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.34	74.14	76.00	77.90	79.84	81.84	83.89	85.98	10,548 - 12,852	
661	62.38	63.94	65.54	67.18	68.86	70.58	72.35	74.15	76.01	77.91	79.86	81.85	83.90	86.00	88.15	10,813 - 13,175	
662	63.93	65.53	67.17	68.85	70.57	72.34	74.14	76.00	77.90	79.85	81.84	83.89	85.98	88.13	90.34	11,082 - 13,502	
663	65.54	67.17	68.85	70.57	72.34	74.15	76.00	77.90	79.85	81.84	83.89	85.98	88.14	90.34	92.60	11,359 - 13,840	
664	67.18	68.86	70.58	72.34	74.15	76.00	77.90	79.85	81.85	83.90	85.99	88.14	90.35	92.60	94.92	11,644 - 14,187	
665	68.85	70.57	72.34	74.14	76.00	77.90	79.84	81.84	83.89	85.98	88.13	90.34	92.60	94.91	97.28	11,934 - 14,540	
666	70.57	72.34	74.15	76.00	77.9												

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Mojave Desert Air Quality Management District
Community Relations & Education Office
14306 Park Avenue, Victorville, CA 92392

REPORT OF MDAQMD ACTIVITIES FOR AUGUST/SEPTEMBER 2016

2016 CDAWG Conference Heads to Las Vegas November 16 & 17

“Beating the Odds in Today’s Regulatory Environment” is the theme of this year’s California Desert Air Working Group Conference which is scheduled to touch down in Las Vegas, NV on November 16-17. This year’s event features CARB Executive Officer Richard Corey as the returning Keynote Speaker, alongside Matt Lakin, Planning Chief/Air Division, USEPA Region IX; Dennis Peters, External Affairs Manager/State Regulatory Affairs, California ISO; Desirea Haggard, Environmental Manager for CalPortland Cement and a host of other invited speakers. Presentation topics will include “Exceptional Event Analysis for Dust Storms,” “Lessons from Aliso Canyon,” “Air Quality Due to Wildfires in California” and a panel discussion on “Expansion of California’s Grid.” An Interagency Exceptional Event Workshop for agency representatives only will be held on November 15 to discuss the Federal Exceptional Event Rule. For registration and hotel information, visit www.mdaqmd.ca.gov today!

Poiriez Inducted as Victorville Rotarian

Following in the footsteps of his predecessor, Eldon Heaston, MDAQMD Executive Director Brad Poiriez was inducted into Victorville’s Rotary Club on August 23rd. As a recognized and active community leader in his hometown of El Centro, the Victorville Rotarians gladly welcomed Brad into their midst. During his induction ceremony Brad was accompanied by VVTA’s Kevin Kane, who proposed him for membership, and by CRE Manager Violette Roberts, who will serve as Brad’s Official Stand In.

Blue Cut Fire Outreach Recap

Just minutes after San Bernardino County fire officials had announced full containment of the Pilot wildfire near Silverwood Lake on August 16, the Blue Cut Fire ignited off of Interstate 15 and Hwy. 138, forcing evacuations in Phelan and the issuance of a new round of Smoke Advisories by the MDAQMD. Over the next seven days, CRE staff fielded dozens of calls from concerned citizens, High Desert schools and from the media as the blaze forced school closures, additional evacuations and darkened the High Desert’s normally blue skies. Media calls regarding the Blue Cut fire were fielded from as far away as New York, while hits to the District’s website and AQ forecast phone line calls skyrocketed.

CPEC Hosts Hesperia High School Students

On August 30, 12 special needs students and their teachers and chaperones from Hesperia High School toured the MDAQMD’s Clean Power Education Center to learn about renewable energy sources and the benefits to the environment. Located in the MDAQMD’s lobby, the CPEC features authentic solar cells used in three types of commercial solar installations, as well as a model of the MDAQMD’s rooftop solar electric system. The students learned hands-on about solar cooking as CRE staff used solar ovens to heat up “s’mores” assembled by the students during their visit. The students wrapped up their day at the CPEC watching an educational air quality video in the District’s Board Chambers.

For more information on activities/projects listed above, contact the MDAQMD’s Community Relations & Education Office at (760) 245-1661, ext. 6104.