

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT**

**Headquarters**

**200 Litton Drive, Ste. 320**

**Grass Valley, CA 95945**

**(530) 274-9360/ FAX: (530) 274-7546**

**Gretchen G. Bennitt, APCO**

**Northern Field Office**

**257 E. Sierra Street, Suite E**

**Portola, CA 96122**

**(530)832-0102 FAX:(530) 832-0101**

**NORTHERN SIERRA**

**AIR QUALITY MANAGEMENT DISTRICT**

**BOARD OF DIRECTORS**

**REGULAR BOARD MEETING**

**MONDAY**

**May 23, 2022**

**1:00 p.m.**

**Northern Sierra Air Quality Management District  
Governing Board of Directors**

**Hardy Bullock, Chair  
Nevada County Supervisor**

**Ed Scofield , Vice-Chair  
Nevada County Supervisor**

**Peter Huebner  
Sierra County Supervisor**

**Paul Roen  
Sierra County Supervisor**

**Sharon Thrall  
Plumas County Supervisor**

**Dwight Ceresola  
Plumas County Supervisor**

Alternates:

Susan Hoek, Nevada County Supervisor

Lee Adams, Sierra County Supervisor

Jeff Engel, Plumas County Supervisor

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT  
BOARD OF DIRECTORS REGULAR MEETING

May 23, 2022

1:00 P.M.

**This meeting will be held by videoconference/teleconference at the following location:**

Northern Sierra Air Quality Management District (Northern Office)  
257 E. Sierra Street, Unit E  
Portola, California

All items on the agenda may be acted upon by the Board of Directors. No action will be taken nor discussion held at the meeting on business not appearing on the posted agenda.

- I. **Standing Orders:**  
Call to Order.  
Roll call and determination of quorum.
- II. **Public Comment:** For items **NOT** appearing on the agenda and within the jurisdiction of the Board. The public may comment on Agenda items as they are discussed.
- III. **Approval and/or Modifications to Agenda**
- IV. **Consent Calendar** These Items Are Expected to Be Routine and Noncontroversial. They Will Be Acted on By the Board at One Time Without Discussion. Any Board Member, Staff Member, or Interested Party May Request That an Item Be Removed From the Consent Calendar for Discussion.
  - A. Approval of regular meeting minutes – April 25, 2022
  - B. Payment Details by Vendor Board Report – April 2022
- V. **Administrative Report**
  - A. Public Hearing for FY 2022-2023 Operating and Restricted Budget
  - B. Revised and Proposed Modifications to Air District Personnel Policies
- VI. **Director's Report**
  - A. Status on Portola PM2.5 Nonattainment Area

- B. Discussion of part-time permanent position for Northern Sierra Air District
- C. Legislative/Introductory Packet
- VII. **Concerns of Board** - The Board may at this time bring up matters it wishes to discuss at the next Board Meeting, as long as no discussions are conducted and no actions are taken, in compliance with the Brown Act.
- VII. **Schedule next Meeting** – Video conference/Phone Conference June 27, 2022 @ 1:00 PM
- IX. **Adjournment**



**PERSONS DESIRING TO ADDRESS THE BOARD**

Meetings of the Board of Directors shall be conducted by the Chairperson in a manner consistent with the policies of the District. The latest edition of Robert's Rules of Order, Revised shall also be used as a general guideline for meeting protocol. District policies shall prevail whenever they are in conflict with Robert's Rules of Order, Revised. All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

**PUBLIC COMMENT:**

Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows:

Three (3) minutes may be allotted to each speaker and a maximum of fifteen (15) minutes to each subject matter;

No boisterous conduct shall be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.

No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by another reference which tends to identify. All charges or complaints against employees shall be submitted to the Board of Directors under provisions contained in District Policy 1030.

Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the Chairperson finds that there is in fact willful disruption of any meeting of the Board, he/she may order the room cleared and subsequently conduct the Board's business without the audience present. In such an event, only matters appearing on the agenda may be considered in such a session.

After clearing the room, the Chairperson may permit those persons who, in his/her opinion, were not responsible for the willful disruption to re-enter the meeting room.

Duly accredited representatives of the news media, whom the Chairperson finds not to have participated in the disruption, shall be admitted to the remainder of the meeting.

Members of the public are given the opportunity to address the Board of Directors directly at each teleconference location.

**POSTING AGENDA:**

This agenda was posted at least 72 hours prior to the regular meeting at the following locations: Eric Rood Government Center in Nevada City, The Plumas County Courthouse in Quincy, the Litton Building in Grass Valley, the Plumas County Board of Supervisors Chambers in Quincy, Sierra County Courthouse Square in Downieville. **The agenda and board packet are available on-line prior to the Board Meeting at [www.myairdistrict.com](http://www.myairdistrict.com)**

**To:** Northern Sierra Air Quality Management District Board of Directors

**From:** Gretchen Bennitt, Air Pollution Control Officer

**Date:** May 23, 2022

**Agenda Item:** III

**Agenda Description:** Approval and/or Modifications to Agenda

**Requested Action:** Discuss any modifications to agenda, approve agenda with a roll call vote

**ROLL CALL VOTE REQUESTED**

**To:** Northern Sierra Air Quality Management District Board of Directors  
**From:** Gretchen Bennitt, Air Pollution Control Officer  
**Date:** May 23, 2022

**Agenda Item: IV.A**

**Agenda Description:** Approval of regular meeting minutes – April 25, 2022

**Requested Action:** The minutes are attached for Board comment/approval.

**ROLL CALL VOTE REQUESTED**

**Attachments:**

1. Draft April 25, 2022 minutes

DISTRICT HEADQUARTERS

200 Litton Drive, Suite 320  
Mailing Address:  
Grass Valley, CA 95945  
(530) 274-9360 / FAX: (530) 274-7546  
email: [office@myairdistrict.com](mailto:office@myairdistrict.com) or [www.myairdistrict.com](http://www.myairdistrict.com)

NORTHERN FIELD OFFICE

257 E. Sierra, Unit E  
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(530) 832-0102 / FAX: (530) 832-0101  
email: [Julie@myairdistrict.com](mailto:Julie@myairdistrict.com) or [www.myairdistrict.com](http://www.myairdistrict.com)

**MINUTES**

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT  
BOARD OF DIRECTORS SPECIAL MEETING**

**April 25, 2022**

**1:00 p.m.**

**The meeting took place in the following locations:**

**(Site A) VIDEOCONFERENCE/TELEPHONE CONFERENCE**

**Northern Sierra Air Quality Management District (Headquarters)**

**200 Litton Drive, Conference Room 316**

**Grass Valley, California**

**AND**

**(Site B) VIDEOCONFERENCE/TELEPHONE CONFERENCE**

**Northern Sierra Air Quality Management District (Northern Office)**

**257 E. Sierra Street, Unit E**

**AND**

**Portola, California**

**(Site C) TELEPHONE CONFERENCE**

**10879A Donner Pass Road, CONFERENCE ROOM**

**Truckee, California**

**Members Present:**

**Supervisor Bullock, Chair  
Supervisor Huebner  
Supervisor Roen  
Supervisor Ceresola**

**Members Absent:**

**Supervisor Thrall  
Supervisor Scofield**

**I. Standing Orders:**

**Call to Order. Roll Call and Determination of Quorum.**

Chair Bullock called the meeting to order at 1:00 P.M. A quorum was confirmed.

Also present; Gretchen Bennitt, Executive Director; Melissa Klundby, APCSII; Dawn Lunsford, Clerk of the Board, Rose Asquith, Treasurer. Clay Singleton joined the meeting at 1:12.

**II. Public Comment: For Items NOT Appearing on the Agenda and Within the Jurisdiction of the Board. The Public May Comment on Agenda Items As They Are Discussed. Both Teleconference Sites are Allowed an Opportunity for Public Comment.**

Chair Bullock called for public comment for items not appearing on the agenda. There was no public present at any site, however, Supervisor Ceresola read comments out loud that he had received from a resident. The comments had to do with dust (gypsum) emissions from train cars travelling from Nevada across Plumas County and another comment on the idling of trains in the city of Portola. Ms. Bennitt recommended that Supervisor Ceresola have the resident contact the air district directly for any air quality complaints. Additionally, Ms. Bennitt informed the Board that if any residents contacted them about air quality concerns to have them contact her directly and she will direct the complaint to the appropriate staff.

**III. Approval and/or Modifications to the Agenda**

Chair Bullock asked if there were any requested modifications to the agenda. Hearing none, Supervisor Roen made a motion to approve the agenda. Supervisor Huebner seconded the motion. The motion was approved unanimously with a roll call vote.

**IV. Consent Calendar**

Supervisor Roen made a motion to approve the consent calendar. Supervisor Huebner seconded the motion. The motion was approved unanimously with a roll call vote.

**V. Administrative Reports**

**A. Financial Audit Ending June 30, 2021**

Clay Singleton from Singleton/Auman made a presentation to the Board about the District's audit. Mr. Singleton also answered questions from the Board. The District's pension liability was discussed by Board members, Ms. Bennitt and Mr. Singleton. Chair Bullock requested that this be agendaized for a future board meeting in the fall. Supervisor Roen made a motion to approve the financial audit for the year ending June 30, 2021. Supervisor Huebner seconded the motion. The motion was approved unanimously with a roll call vote.

**B. Approval of Northern Sierra Air Quality Management District's AB2766 DMV Surcharge Fund Program RFP – Grant Year 23**

Ms. Klundby presented the RFP to the Board. After a short discussion, Supervisor Huebner made a motion to approve the RFP. Supervisor Roen seconded the motion. The motion was approved unanimously with a roll call vote.

**VI. Director's Report**

**A. Status on Portola PM2.5 Nonattainment Area**

Ms. Klundby updated the Board on the status of the nonattainment area and grant.

**VII. Concerns of the Board** – No concerns were raised.

**VIII. Schedule next Meeting** – Next meeting was scheduled for May 23 at 1:00 PM. The meeting location will be an in-person meeting at the Air District's Portola Office. Lunch will be served to staff and Board members at 12:30.

**IX. Adjournment**

The meeting was adjourned at 1:41 P.M.

**To:** Northern Sierra Air Quality Management District Board of Directors

**From:** Gretchen Bennitt, Air Pollution Control Officer

**Date:** May 23, 2022

**Agenda Item: IV.B**

**Agenda Description:** Payment Details by Vendor Board Report – April 2022

**Issues:** Vendor Reports are available for the Board and Public to review

**Requested Action:** Review and approve reports.

**ROLL CALL VOTE REQUESTED**

**Attachments:**

1. Payment Details by Vendor Board Report – April 2022

# Northern Sierra Air Quality Management District Payment details by Vendor Board Report April 2022

Type	Date	Num	Memo	Account	Amount
<b>Adecco</b>					
Bill Pmt -Check	04/07/2022	245271	test	10-1000 · Cash, Operating Ge...	-586.00
Bill Pmt -Check	04/21/2022	245739	test	10-1000 · Cash, Operating Ge...	-1,054.80
<b>Total Adecco</b>					-1,640.80
<b>ADP Fees</b>					
Bill Pmt -Check	04/01/2022	1159765	Processing Timesheet, Accrua...	10-1003 · Cash, Bank Payroll ...	-38.72
Bill Pmt -Check	04/01/2022	0897102	ADP Enhanced payroll proces...	10-1003 · Cash, Bank Payroll ...	-52.06
Bill Pmt -Check	04/01/2022	3609309	Payroll processing PE 4/1/2022	10-1003 · Cash, Bank Payroll ...	-52.06
Bill Pmt -Check	04/29/2022	5306636	ADP Enhanced payroll proces...	10-1003 · Cash, Bank Payroll ...	-52.06
Bill Pmt -Check	04/29/2022	5736794	Processing Timesheet, Accrua...	10-1003 · Cash, Bank Payroll ...	-38.72
<b>Total ADP Fees</b>					-233.62
<b>Asquith Business Service</b>					
Bill Pmt -Check	04/07/2022	V955894	PPE 4/1/2022	10-1000 · Cash, Operating Ge...	-220.00
Bill Pmt -Check	04/21/2022	V956247	PPE 4/15/2022	10-1000 · Cash, Operating Ge...	-550.00
<b>Total Asquith Business Service</b>					-770.00
<b>AT&amp;T CALNET 3</b>					
Bill Pmt -Check	04/07/2022	245335		10-1000 · Cash, Operating Ge...	-22.56
Bill Pmt -Check	04/07/2022	245336		10-1000 · Cash, Operating Ge...	-57.48
Bill Pmt -Check	04/21/2022	245786		10-1000 · Cash, Operating Ge...	-43.45
Bill Pmt -Check	04/21/2022	245787		10-1000 · Cash, Operating Ge...	-40.84
Bill Pmt -Check	04/21/2022	245790		10-1000 · Cash, Operating Ge...	-22.56
<b>Total AT&amp;T CALNET 3</b>					-186.89
<b>B of A</b>					
Bill Pmt -Check	04/07/2022	V955832	Payroll paydaydate 4/7/22	10-1000 · Cash, Operating Ge...	-18,615.98
Bill Pmt -Check	04/21/2022	V956163	paydate 4/21/22	10-1000 · Cash, Operating Ge...	-18,615.97
<b>Total B of A</b>					-37,231.95
<b>Bennitt, Gretchen</b>					
Bill Pmt -Check	04/28/2022	V956415		10-1000 · Cash, Operating Ge...	-158.14
<b>Total Bennitt, Gretchen</b>					-158.14
<b>CALPERS (Health)</b>					
Bill Pmt -Check	04/21/2022	911231	May 2022	10-1000 · Cash, Operating Ge...	-6,346.32
<b>Total CALPERS (Health)</b>					-6,346.32

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## Northern Sierra Air Quality Management District Payment details by Vendor Board Report April 2022

Type	Date	Num	Memo	Account	Amount
<b>CALPERS (Retirement)</b>					
Bill Pmt -Check	04/07/2022	911197	Monthly PERPA unfunded liabi...	10-1000 · Cash, Operating Ge...	-81.92
Bill Pmt -Check	04/07/2022	911194	PPE 4/1/2022	10-1000 · Cash, Operating Ge...	-2,211.28
Bill Pmt -Check	04/07/2022	911196	PPE 4/1/2022	10-1000 · Cash, Operating Ge...	-1,362.43
Bill Pmt -Check	04/07/2022	911193	Monthly ER Classic JAL contri...	10-1000 · Cash, Operating Ge...	-9,053.50
Bill Pmt -Check	04/21/2022	911232	PPE 4/15/2022	10-1000 · Cash, Operating Ge...	-2,211.28
Bill Pmt -Check	04/21/2022	911234	PPE 4/15/2022	10-1000 · Cash, Operating Ge...	-1,362.43
<b>Total CALPERS (Retirement)</b>					
					-16,282.84
<b>CALPERS 457 PLAN</b>					
Bill Pmt -Check	04/07/2022	911195	PPE 4/1/2022	10-1000 · Cash, Operating Ge...	-1,670.00
Bill Pmt -Check	04/21/2022	911233	PPE 4/15/22	10-1000 · Cash, Operating Ge...	-1,670.00
<b>Total CALPERS 457 PLAN</b>					
					-3,340.00
<b>English Mountain Ranch</b>					
Bill Pmt -Check	04/07/2022	V955849	May 2022 Rent	10-1000 · Cash, Operating Ge...	-4,157.00
Bill Pmt -Check	04/21/2022	V956179		10-1000 · Cash, Operating Ge...	-129.51
<b>Total English Mountain Ranch</b>					
					-4,286.51
<b>Hunter, Julie</b>					
Bill Pmt -Check	04/07/2022	V955933	TREX training, Quincy and sm...	10-1000 · Cash, Operating Ge...	-139.23
<b>Total Hunter, Julie</b>					
					-139.23
<b>James Merzon</b>					
Bill Pmt -Check	04/07/2022	V955935	May 2022 Rent	10-1000 · Cash, Operating Ge...	-555.00
<b>Total James Merzon</b>					
					-555.00
<b>Janice Buck /Sierra Booster</b>					
Bill Pmt -Check	04/21/2022	245791	EPA 2015 TAG, employment	20-1000 · Cash, Restricted Fu...	-60.15
<b>Total Janice Buck /Sierra Booster</b>					
					-60.15
<b>Longmire, Sam</b>					
Bill Pmt -Check	04/28/2022	245952	Dental	10-1000 · Cash, Operating Ge...	-339.00
<b>Total Longmire, Sam</b>					
					-339.00
<b>Melissa Klundby</b>					
Bill Pmt -Check	04/07/2022	V955912	Dental	10-1000 · Cash, Operating Ge...	-1,250.00
<b>Total Melissa Klundby</b>					
					-1,250.00
<b>Quincy Hot Spot</b>					
Bill Pmt -Check	04/28/2022	245967		20-1000 · Cash, Restricted Fu...	-9,000.00
<b>Total Quincy Hot Spot</b>					
					-9,000.00

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**Northern Sierra Air Quality Management District  
Payment details by Vendor Board Report  
April 2022**

Type	Date	Num	Memo	Account	Amount
<b>Sierra Pacific Industries SPI</b> Bill Pmt -Check	04/07/2022	245361	Farmers 2020-11 Forklift	20-1000 · Cash, Restricted Fu...	-158,402.40 -158,402.40
Total Sierra Pacific Industries SPI					
<b>Strawser, Duane</b> Bill Pmt -Check Bill Pmt -Check	04/21/2022 04/28/2022	V956298 V956479	Dental 3/1 and 4/1 Safety equipment / Boots	10-1000 · Cash, Operating Ge... 10-1000 · Cash, Operating Ge...	-419.00 -325.00 -744.00
Total Strawser, Duane					
<b>Supervisor Bullock</b> Bill Pmt -Check	04/28/2022	V956464	04/25/22 Board Meeting	10-1000 · Cash, Operating Ge...	-100.00 -100.00
Total Supervisor Bullock					
<b>Supervisor Ceresola</b> Bill Pmt -Check	04/28/2022	V956469	Board Meeting	10-1000 · Cash, Operating Ge...	-100.00 -100.00
Total Supervisor Ceresola					
<b>Supervisor Huebner</b> Bill Pmt -Check	04/28/2022	245972		10-1000 · Cash, Operating Ge...	-169.62 -169.62
Total Supervisor Huebner					
<b>Supervisor Paul Roen</b> Bill Pmt -Check	04/28/2022	246008	Board Meeting	10-1000 · Cash, Operating Ge...	-100.00 -100.00
Total Supervisor Paul Roen					
<b>US Bank</b> Bill Pmt -Check	04/14/2022	245453		10-1000 · Cash, Operating Ge...	-5,017.93 -5,017.93
Total US Bank					
<b>Wizix Technology Group</b> Bill Pmt -Check	04/07/2022	245359		10-1000 · Cash, Operating Ge...	-88.20 -88.20
Total Wizix Technology Group					
<b>TOTAL</b>					<u>-246,542.60</u>

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**To:** Northern Sierra Air Quality Management District Board of Directors  
**From:** Gretchen Bennitt, Air Pollution Control Officer  
**Date:** May 23, 2022

**Agenda Item: V.A**

**Agenda Description:** Public Hearing for FY 2022-2023 Operating and Restricted Budget

**Issues:** The District has issued a public notice for this hearing. The District's Capital Budget is comprised of two major components - 1) the Restricted Grants Budget and the 2) Operating Budget. Each budget has two separate fund accounts to facilitate the tracking of funds in both budgets and to allow the public better comprehension of the District's overall capital budget.

**Reserves (Fund Balance Accounts)**

Prudent fiscal management requires careful budgeting and stringent budget control to avoid over-expenditure. Successfully staying under budget for all budget line items means that fund balances (in the form of reserves) will occur at year-end. Such fund balances are saved in reserves for various uses, such as equipment replacements, litigation, contingencies, leave liability, etc. It is prudent that the reserves are placed in earmarked and encumbered fund balances. The Board approves the fund balances with the adoption of the budget. Program needs justify budgeting expenditures that sometimes exceed expected revenue on a short-term basis. Spending down reserves is then prudent, rather than increasing fees sporadically, as long as short-term short-falls don't place the District in a precarious fiscal position. Timely program cuts or revenue adjustments would eventually be needed to prevent over-erosion of reserves. The rule of thumb is to keep at least 3 months worth of expenses in reserves.

Total monthly expense is estimated to be \$92,000/month, based upon average monthly expenditures. Three months equals \$276,000. For this fiscal year, it is projected that Expenditures will exceed Revenues by \$119,362. This amount is projected to decrease the Reserves (fund balance amounts) by \$119,362

**Operating Budget**

Overall, Expenditures exceed Revenues by \$119,362.

There is an increase of \$88,000 of predicted revenue from last year's budget. The main reason for the increase is a \$75,000 grant for RX fire. To be conservative, the District did not assume any administrative funds from the FARMER grant. This is because FARMER grants are highly competitive and are not decided until Fall of 2022. The District may or may not receive a FARMER grant next year, but to be conservative, the District has assumed that no grants will be received.

There is an estimated increase of total expenditures from the previous fiscal year of \$67,328. There is no one line item that is significant compared to others, instead there are a

few small increases across all expenditures. Specifically, the Salaries and Benefits Object level saw an increase of \$89,245. Salaries increased by \$66,376, and PERS unfunded liability is expected to increase \$14,235 from last year.

### **Restricted Budget**

The Restricted Grants Budget is solely for pass-through grants from the State of California or the Federal Government (U.S. Environmental Protection Agency) to reduce air pollution emissions in areas where public health is most impacted. The District will be administering this budget through a variety of grant programs, incentives, rebates and public education in cooperation with other local agencies and businesses.

### **Requested Action:**

1. Open a public hearing to receive comments on the District's Preliminary FY 2022-2023 Budget
2. Provide direction to staff on Preliminary FY 2022-2023 Budget

DISTRICT HEADQUARTERS

200 Litton Drive, Suite 320  
Grass Valley, CA 95945  
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email: [Julie@myairdistrict.com](mailto:Julie@myairdistrict.com)

**FISCAL YEAR 2022/2023  
CAPITAL BUDGET  
Preliminary**

**May 23, 2022**

## EXECUTIVE SUMMARY

The District's Capital Budget is comprised of two major components - 1) the Restricted Grants Budget and the 2) Operating Budget. Each budget has two separate fund accounts to facilitate the tracking of funds in both budgets and to allow the public better comprehension of the District's overall capital budget. A line-item spreadsheet of both the Restricted and Operating Budgets follows.

### RESTRICTED GRANTS BUDGET

The Restricted Grants Budget is solely for pass-through grants from the State of California or the Federal Government (U.S. Environmental Protection Agency) to reduce air pollution emissions in areas where public health is most impacted. The District will be administering this budget through a variety of grant programs, incentives, rebates and public education in cooperation with other local agencies and businesses. For a detailed breakdown of all line items for the Restricted Grant Budget, please refer to the restricted budget spreadsheet.

#### AB2766 Grant Programs

The District administers the State's AB2766 DMV surcharge grant money to worthwhile projects throughout all three counties of the District. This funding comes from a DMV surcharge fee for each registered vehicle in each county. Nevada and Plumas County charge a fee of \$4/vehicle. Sierra County charges a fee of \$2/vehicle.

Project proponents go through a competitive process to request full or partial sponsorship for projects which reduce vehicle emissions. \$39,944 of AB2766 funding is slated for approval to be used during Fiscal Year 2022/23 for projects. This is only for the two counties of Plumas and Sierra. Nevada County's allocation (\$150,000) was allocated during the February 2022 Board meeting towards one project approved by the board. Because of this early allocation, there will be no remaining AB funds available for Nevada County during FY 2022/23. Final grant approvals will be made in September or October 2022. After the Board allocates funds for individual AB projects, any funds which are not allocated to a project go into each county's AB 2766 total allocation account as carryover. These amounts will be added back in to each county's AB allocation in time for the following year's Board approval of projects.

In addition to the FY 2022/2023 AB projects, there is \$232,780 expected to be expended for various encumbered projects. These funds are earmarked in the Restricted Grants Fund Balance.

#### AB923 DMV Surcharge Fees and Programs

AB923 is only implemented in Plumas County. This funding comes from a DMV surcharge fee of \$2 per each vehicle registered in the county. The District receives 6.25% as an administrative fee. This year, the District expects to receive approximately \$50,000, \$3,125 is utilized for administrative funding. This funding is to be utilized for replacing old diesel school buses per the state's Lower Emission School Bus program or for reducing heavy duty diesel emissions, similar to the Carl Moyer program. Recently the state has approved that this funding can also be utilized for infrastructure for alternatively fueled, low emission school busses. The current fund balance of AB923 funding is \$357,552 providing a total of \$407,552 available for expenditure during FY 2022/2023.

### **Carl Moyer Heavy Duty Diesel Emission Reduction Program**

The District administers the State's Carl Moyer Heavy Duty Diesel Program throughout all three counties in the District. This program is intended to provide incentives to owners of heavy duty diesel engines to retrofit these engines to lower emitting models. This is easily one of the most cost-effective and pollution reducing programs that the State sponsors and the District administers.

For fiscal year 2022/2023, the District expects to receive revenue of Carl Moyer funding of \$200,000. The District receives 12.5% administrative fee, leaving \$175,000 for the grant program and \$25,000 administrative fee which is revenue for the internal operating budget. The current fund balance amount of Carl Moyer funding is \$75,907. An estimate of \$1,000 is expected to be earned on the interest, which goes back into the program. This provides a total \$250,907 available for expenditure during FY 2022/2023.

### **EPA's Targeted Air Shed Grants**

In January 2015, the U.S. EPA designated the City of Portola and surrounding parts of Plumas County as a federal nonattainment area for the annual PM2.5 health-based standard. PM2.5 is the fine particle pollution found in smoke. Studies indicate that the main source of smoke in Portola is from residential woodstoves and fireplaces.

*2015 EPA Targeted Airshed Grant: \$2,523,607*

During 2015, the Air District was approved for a \$2.5 million grant from the U.S. Environmental Protection Agency (U.S. EPA) to reduce air pollution from residential woodstoves in the Portola PM2.5 Nonattainment Area. The grant is part of the U.S. EPA's 2015 Targeted Air Shed Grant Program intended to improve air quality in areas of the U.S. with the highest levels of pollution. This will be a five year program (2016-2021) based upon a reimbursement basis from EPA. Estimates were based upon how much would be spent and reimbursed for each of the five years. The amount of \$1,992,000 for woodstove replacements in the nonattainment area is not to be exceeded over five years. The district estimates that approximately \$560,474 per year

will be expended from the restricted budget to replace stoves in the nonattainment area. The District estimates approximately \$75,000 per year will be reimbursed for administrative uses annually, this includes the reimbursement of administrative costs for staff running the program.

U.S. EPA grant funds are administered by the Air District and the California Air Resources Board for a five-year voluntary residential wood stove replacement program to encourage owners to replace older wood stoves with cleaner burning devices and significantly improve air quality and public health in the Portola area. In 2019, the EPA approved an amendment to the 2015 grant, extending the grant an additional two years and adding a new administrative position – the Burnwise Coordinator.

*2018 EPA Targeted Airshed Grant: \$3,172,525*

In order to achieve emission reduction goals, it is necessary to continue to implement a Wood Stove Change-out Program past 2020 and add further program elements. The additional elements added to the program are as follows: increased public education (burnwise coordinator), extension and expansion of woodstove changeout program, electric heat pump program, chimney sweep vouchers, residential yard waste collection, wood shed program, development of wood bank program, weatherization and enforcement coordinator for enforcing the mandatory woodstove curtailment program. The District estimates approximately \$300,000 per year will be expended from the restricted budget and \$45,000 will be expended from the operating budget for administrative costs.

### **Voluntary Nox Reduction Measure (VNRM)**

The State California Air Resources Board has awarded various air districts a grant which shall be used to "voluntarily remediate potential past emissions through remedial measures supporting air district-level NOx mitigation projects targeting engines, such as the replacement of existing diesel engines with lox Nox engines." The VNRM program is modeled on the criteria and requirements in the Moyer Guidelines. The District has earmarked \$53,375 of funds to be utilized for local projects.

### **FARMER Shared Pool**

California's state legislature allocated \$35 million to the California Air Resources Board (CARB) from Fiscal Year 2017-2018 through Assembly Bill 134 and 109. CARB staff developed the Funding Agricultural Reduction Measure for Emission Reductions (FARMER) Program to meet the Legislature's objectives and help meet the State's criteria, toxic and greenhouse gas emission reduction goals. CARB created a Shared Allocation Pool of funding (\$5 million) that was specifically designated for 18 air districts with less than one percent of statewide agricultural equipment emission inventory to



ensure farmers in those districts have the opportunity to access FARMER funding. The Shared Allocation Pool is managed by the Placer County Air Pollution Control District (Placer APCD) and the California Air Pollution Control Officers Association (CAPCOA) in accordance with the grant provisions outlined in the agreement between CARB and Placer APCD and provisions outlined in the subsequent agreement between CAPCOA and Placer APCD. Placer APCD will enter into independent contracts with Northern Sierra Air District. The District has \$5,154 in the FARMER fund balance. The District anticipates that \$5,154 will be expended on FARMER projects during FY 2022-2023.

### **AB617**

Assembly Bill 109 provides funding for the Community Air Protection Program. Assembly Bill 109 approved the Cap-and-Trade Expenditure Plan which appropriated approximately \$1.6 billion in discretionary funds. The Northern Sierra Air Quality Management District has been approved by the California Air Resources Board (CARB) for a grant under the Community Air Protection Program. The grant award is for expenses necessary for implementation of Assembly Bill 617. The District receives two separate AB617 grants; AB 617 Incentive Grants and AB 617 Implementation Grants. The AB 617 Incentive Grants require projects to be approved by the Board so as to receive public comments on the use of the funds. Funds can only be used in AB1550 areas. Recently, the Board received public comments on Year 3 of AB 617 Incentive funds. The Board approved that the funds should be used for Carl Moyer projects. The District received \$71,639 in project funds for FY 2022-23.

The District's Fund Balance has \$16,704 of funds under the AB 617 Implementation Grant Program. There are no administrative funds provided to the District for this grant.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Preliminary Restricted Budget  
Fiscal Year 2022 - 2023

Restricted Budget, Fund Balance			
Account #	Description	FY 2021-2022	FY 2022-2023
20-3901	Restricted Funds, AB2766 Encumbered	138,300	232,780
20-3902	Planned Expenditures, AB2766 Total Allocation - Nevada County	179,808	-
20-3903	Planned Expenditures, AB2766 Total Allocation - Plumas County	33,670	34,116
20-3904	Planned Expenditures, AB2766 Total Allocation - Sierra County	5,765	5,828
20-3906	Planned Expenditures, Carl Moyer	274,915	75,907
20-3908	Planned Expenditures, AB923	314,639	357,552
	Planned Expenditures, WRP Encumbered	120,000	64,137
	Planned Expenditures, AB617 Incentive Funds	70,695	71,639
	Planned Expenditures, AB617 Implementation Funds (Year 3)	14,848	16,704
	Planned Expenditures, Nox Reduction Measure (NRM)	70,212	53,375
	Planned Expenditures, FARMER	546,514	5,154
Restricted Budget, Fund Balance Accounts Totals:		\$1,769,366	\$917,192

Restricted Budget, Revenue			
Account #	Description	FY 2021-2022	FY 2022-2023
20-4500	Govt. Funding, AB 2766 DMV Fees (60% for District Admin)	240,000	232,780
20-4505	Govt. Funding, AB923 (6.25% for district admin)	50,000	50,000
20-4518	Govt. Funding, Carl Moyer HD Diesel (12.5% for district admin)	175,000	175,000
20-4535	Govt. Funding, WRP (~10% for district admin)	0	0
20-4536	WRP interest	0	300
20-4542	FARMER Pooled Share	0	0
20-4538	AB 617 Implementation (20,183, 22,659, 16,015)	0	0
20-4539	AB 617 interest	850	500
20-4544	AB617 Incentives	0	0
20-4529	Govt. Funding, EPA Target Grant for Portola 2015	398,400	640,000
20-4540	Govt. Funding, EPA Target Grant for Portola 2018	300,000	300,000
	Govt. Funding, EPA Target Grant for Portola 2020		0
20-4600	Other Income, Interest, Restricted (Carl Moyer)	1,000	1,000
Restricted Budget, Revenue Total:		\$1,165,250	\$1,399,580

Restricted Budget, Expenditures			
Account #	Description	FY 2021-2022	FY 2022-2023
20-5402	Town of Truckee (AB 2018-04, \$39,542)	39,542	39,542
20-5402	Nevada County OES (AB2021-10, \$182,153)	-	7,851
	Inc. Senior Citizens of Sierra County (AB2022-01, \$5752)	-	5,752
	Tahoe-Truckee Unified S.D. (AB2022-02, \$75,000)	-	75,000
	Town of Truckee (AB2022-03, \$50,000)	-	50,000
	Sierra Senior Services (AB2022-05, \$ 37,800)	-	37,800
	All Phase Landscape and Excavation (AB2022-06, \$16,835)	-	16,835
20-5442	Portola MOU (AB2016-08, 35,378)	18,032	24,189
20-5440	EPA Target Grant 2015 Match (AB2015-08, 33,211)	16,867	8,944
20-5402	EPA Target Grant 2018 Match (AB2021-11, 34,834)	34,834	34,414
20-5401	AB2766 Planned Expenditures for 2023	219,230	39,944
20-5406	Carl Moyer	449,915	250,907
20-5416	Farmer	546,514	5,154
20-5409	AB 923	364,639	407,552
20-5410	EPA Target Grant 2015	398,400	560,474
	EPA Target Grant 2018	300,000	300,000
	EPA Targeted Airshed Specialist (salary + .27 fringe)	-	79,526
20-5414	WRP	45,000	64,137
20-5417	Nox Reduction Measure (NRM)	70,212	53,375
20-5415	AB 617 Implementation (\$20,183, \$22,659, \$16,015)	14,848	16,704
20-5486	AB617 Incentive	70,695	71,639
Restricted Budget, Expenditures Totals:		2,588,728	\$ 2,149,739

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## **OPERATING BUDGET**

The second major portion of the District's overall capital budget is the internal Operating Budget which is outlined in detail in the Operating Budget spreadsheet.

### **Operating Revenue**

Overall, Expenditures exceed Revenues by \$119,362. There is an increase of \$88,000 of predicted revenue from last year's budget. The main reason for the increase is a \$75,000 grant for RX fire. To be conservative, the District did not assume any administrative funds from the FARMER grant. This is because FARMER grants are highly competitive and are not decided until Fall of 2022. The District may or may not receive a FARMER grant next year, but to be conservative, the District has assumed that no grants will be received.

AB 2766 revenue is 34% of total operating revenue. Last year, AB revenue was 35% of total revenue. This revenue is used internally for activities that are related to clean air planning and technical studies necessary to implement the California Clean Air Act, and these technical activities should be funded by AB 2766 funds proportionate to the relative contribution of mobile source emissions.

General Administration, the Planning Program, and the Air Monitoring Program don't have adequate fees to cover costs, and so are supported with State Subvention, county contributions, and miscellaneous revenue line items.

### **Operating Expenditures**

There is an estimated increase of total expenditures from the previous fiscal year of \$67,328. There is no one line item that is significant compared to others, instead there are a few small increases across all expenditures. Specifically, the Salaries and Benefits Object level saw an increase of \$89,245. Salaries increased by \$66,376, and PERS unfunded liability is expected to increase \$14,235 from last year.

One key piece of equipment has reached the end of its shelf life and needs to be replaced – the Ford Escape. The District estimates a new vehicle will be around \$40,000. The estimated cost of the vehicle was included in last year's budget, however, due to low use of district vehicles due to the pandemic, a new vehicle was not purchased.

The District provides certain postretirement healthcare benefits, as established by Board Policy, to eligible employees through a single-employer plan governed by the Public Employees' Medical & Hospital Care Act (PEMHCA) and administered by the District. Employees who retire from the District shall be eligible to be enrolled in a

PERS-provided health insurance plan. If the retiree is enrolled in a PERS-provided health insurance plan, the District shall pay 100% of the first \$9,600 of the retiree's annual premium. Employees hired after July 1, 2014 shall still be eligible to be enrolled in a PERS-provided health insurance plan upon retirement, but the District shall pay 0% of the retiree's annual premium, upon retirement.

The District has two separate accounts to express health insurance expenditures. Account #10-5017 is for retired employees, and Account #10-5016 is for current employees. However, two current employees have elected not to utilize the PERS-provided health benefits plan. According to District Policy, in recognition of the subsequent cost savings to the District, the District will pay the employees 40% of the premium costs saved by the District, or \$3,840, whichever is less. Since there are three employees electing not to utilize the PERS provided plan, this total amount is \$11,520. This \$11,520 expenditure is not included in the Health Insurance expenditure, instead it is included in Account #10-5021 TaxMed.

### **Fund Balance Accounts (Reserves)**

Prudent fiscal management requires careful budgeting and stringent budget control to avoid over-expending. Successfully staying under budget for all budget line items means that fund balances (in the form of reserves) will occur at year-end. Such fund balances are saved in reserves for various uses, such as equipment replacements, litigation, contingencies, leave liability, etc. It is prudent that the reserves are placed in earmarked and encumbered fund balances. The Board approves the fund balances with the adoption of the budget. Program needs justify budgeting expenditures that sometimes exceed expected revenue on a short-term basis. Spending down reserves is then prudent, rather than increasing fees sporadically, as long as short-term short-falls don't place the District in a precarious fiscal position. Timely program cuts or revenue adjustments would eventually be needed to prevent over-erosion of reserves. The rule of thumb is to keep at least 6 months worth of expenses in reserves. Total monthly expense is estimated to be \$92,000/month, based upon average monthly expenditures. Three months equals \$276,000. For this fiscal year, it is projected that Expenditures will exceed Revenues by \$119,362. This amount is projected to decrease the Reserves (fund balance amounts) by \$119,362.

The District has committed to adding \$50,000 annually to the District's Other Post-Employment Benefits (OPEB) account. This account will increase by \$50,000 annually as required by GASB45. GASB 45 determines the annual OPEB financial obligations based upon the current number of eligible employees and retirees. The net OPEB obligation at the end of the year 2020 was determined to be \$859,554. The District's financial auditor recommended and the Board of Directors agreed that the District expend at least \$50,000/annually and add it to the Fund Balance specific to account until the obligation is fulfilled. Staff has recommended increasing the OPEB amount by \$50,000 during FY 22/23, bringing the total OPEB amount to \$500,000. This expense

of \$50,000 will be repeated annually until the District's annually determined OPEB obligation is met.

### **1. Equipment Replacements/Fixed Assets**

\$2,200 will be expended to purchase office equipment such as three new laptops, 1 new computer tower. The District keeps a list of equipment and their respective depreciation rates.

\$40,000 will be expended to replace the District vehicle, the Ford Escape. This vehicle has had many issues during the last year, and vehicles are a key piece of equipment for District staff to respond to complaints, perform inspections, conduct air quality monitoring, and attend meetings and classes.

### **2. Air Monitoring Program**

The Air District receives \$57,000 from the Environmental Protection Agency for the continued operation of the District's Federal Reference Method (FRM) Network for particulate matter. The District will also continue to pay rent for its monitoring laboratory and purchase miscellaneous equipment to continue to run its existing air quality monitoring network.

### **3. Public Education**

The District will utilize \$10,000 to fund its public education program for FY 2021-2022. This includes purchasing ads for emission reductions, incentive and grant programs.

### **Summary**

Expected operating expenditures exceeds expected operating revenues by \$119,362. The funds received in previous years are encumbered in the District's fund balance accounts, and will be utilized to demonstrate a balanced budget in the final summary, if needed.

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT**  
**Preliminary Operating Budget**  
**Fiscal Year 2022 - 2023**

<b>Resource Report</b>	
Cash available	04/01/22 \$ 1,068,308

<b>Fund Balance Accounts</b> <i>(Used to track earmarked or encumbered funds)</i>			
Account #	Description	FY 2021-2022	FY 2022-2023
10-3901	General Fund, Undesignated	661	1,308
10-3903	Other Post-Employment Benefits	450,000	500,000
10-3904	Equipment Replacements / Depreciation	250,000	150,000
10-3905	Leave Liability	90,000	90,000
10-3906	Air Monitoring Program	80,000	50,000
10-3907	Public Education Program	25,000	10,000
10-3908	Contingency, Leashold Improvements	77,000	77,000
10-3909	Contingency, Emergency Funds	180,000	110,000
10-3910	Contingency, Litigation	280,000	80,000
<b>Fund Balance Accounts Totals</b>		<b>1,432,661</b>	<b>1,068,308</b>

<b>Revenue</b>			
Account #	Description	FY 2021-22	FY 22-23
10-4002	Fees, Permit to Operate	40,000	35,000
10-4004	Fees, Vapor Recovery	20,000	22,000
10-4005	Fees, Varlance Application	3,000	3,000
10-4006	Fees, Source Test	9,000	9,000
10-4007	Fees, Prescribed Burning	25,000	22,000
10-4008	Fees, Woodstove Inspections	1,500	3,000
10-4010	Fees, Title V, Fed Op Permit	41,000	41,500
10-4013	Fees, Fire Dept Response	1,500	1,500
10-4100	Penalties, Permitted Source	10,000	10,000
10-4101	Penalties, Open Burning	2,500	2,500
10-4201	Gov't Funding, State Subvention	132,000	132,000
10-4202	Gov't Funding, Subvention Supplemental	3,500	3,500
10-4203	Gov't Funding, County Contribution	62,669	62,669
10-4204	Gov't Funding, EPA Monitoring	57,000	57,000
10-4206	Gov't Funding, AB 2766 DMV Fees	360,000	360,000
10-4207	Gov't Funding, PERP Pass thru	23,000	25,000
10-4208	Gov't Funding, AB 923 Operating	3,125	3,125
10-4209	Gov't Funding, EPA Target 2015	75,000	75,000
10-4209	Gov't Funding, EPA Target 2018	30,000	45,000
10-4211	Gov't Funding, AB 197	8,583	8,583
10-4213	Rx Fire Funding, Staff	-	75,000
10-4212	Rx Fire Funding, Monitoring	1,000	1,000
10-4215	Carl Moyer, Admin Fee	25,000	25,000
10-4222	Farmer Pooled Share	-	-
10-4303	Other Income, Rules, Copies, Subscr.	100	100
10-4310	Other Income, Interest Earned	25,000	25,000
<b>Revenue Total: \$</b>		<b>959,477</b>	<b>1,047,477</b>

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT**  
**Preliminary Operating Budget**  
**Fiscal Year 2022 - 2023**

Expenditures		Salaries and Benefits (Object Level)	
Account #	Description	FY 2021-2022	FY 2022-2023
10-5002	Permanent Salaries	522,006	588,382
10-5021	TaxMed (elect not to utilize the District-provided health insur	11,520	11,520
10-5003	Overtime	1,000	1,000
10-5011	Medicare/FICA	7,736	8,699
10-5013	CA State Unemployment	784	784
10-5015	Workers' Comp Insurance	6,943	5,352
10-5016	PERS Health Insurance Active Employees	38,400	38,400
10-5017	PERS Health Insurance Retired Employees	18,300	18,333
10-5019	Dental/Vision Care	8,750	8,750
10-5020/5023	PERS Retirement (ER & EE Paid)	72,074	81,303
10-5022/5024	PERS Unfunded Accrued Liability	109,625	123,860
<b>Salaries and Benefits Total:</b>		<b>\$ 797,138</b>	<b>886,383</b>

Expenditures		Services and Supplies (Object Level)	
Account #	Description	FY 2021-2022	FY 2022-2023
10-5201	PM Monitoring Expenses (supplies)	15,000	8,700
10-5202	Office Supplies	10,000	7,000
10-5203	References, Subscriptions	500	300
10-5204	Postage, Shipping	1,000	650
10-5205	Memberships	3,500	4,000
10-5207	Office Equipment - non capitalized	3,300	3,400
10-5206	Ozone Monitoring Expenses	1,000	4,800
10-5251	Communications	25,000	22,000
10-5253	Rent, Structures, Grass Valley, including PM2.5	33,000	33,000
10-5254	Rent, Structures - Portola	6,800	6,800
10-5255	Utilities, Grass Valley	2,700	2,700
10-5256	Utilities, Portola	2,500	2,500
10-5257	Rent, PM2.5 (Conf room and roof)	19,000	19,000
10-5258	Liability Insurance	12,700	14,000
10-5259	Legal Notices, Public	1,000	1,000
10-5301	Information Technology	22,000	22,000
10-5303	Maintenance: Office Equipment	500	500
10-5305	Maintenance: Vehicles	3,000	3,000
10-5311	Profession Services: Legal	6,000	3,000
10-5312	Profession Services: Office Assistance	1,200	1,200
10-5313	Profession Services: Accounting (Nevada County, Accountant, and ADP)	22,000	14,000
10-5318	Profession Services: TAG2015 Office Assistance	1,200	3,933
10-5320	Profession Services: TAG 2018 Office Assistance	123	123
10-5314	Profession Services: Financial Auditor	16,000	15,500
10-5315	Profession Services: Board - Directors and Variance	5,000	4,000
	Profession Services: Human Resources Contractor	10,000	10,000
10-5351	Training, Tuition	1,500	1,500
10-5352	Travel	3,000	3,000
10-5353	Gasoline	5,000	5,000
10-5354	Private Car Mileage	2,000	2,000
10-5390	Miscellaneous	1,000	1,000
<b>Services and Supplies Total:</b>		<b>\$ 236,523</b>	<b>\$ 219,606</b>

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT**  
**Preliminary Operating Budget**  
**Fiscal Year 2022 - 2023**

<b>Expenditures - Pass-thru Funds / Internal Programs / Contributions to Other Agencies (Object Level)</b>			
Account #	Description	FY 2021-2022	
		FY 2021-2022	FY 2022-2023
10-5402	Alternate Commute Program	750	750
10-5404	ARB: AB 2588 Fees	1,400	1,400
10-5405	Public Education Program	25,000	10,000
10-5406	Fire Dept Response Reimbursement	1,500	1,500
<b>Contribution to Other Agencies / Internal Grants Total:</b>		<b>\$ 28,650</b>	<b>\$ 13,650.00</b>

<b>Expenditures - Fixed Asset Purchases (Object Level)</b>			
Account #	Description	FY 2021-2022	
		FY 2021-2022	FY 2022-2023
10-5601	Office Equipment (3 laptops, 1 computer)	2,200	2,200
10-5602	Field Equipment (fixed assets over \$5,000)	5,000	5,000
	Vehicle	30,000	40,000
<b>Fixed Asset Purchases Total:</b>		<b>\$ 37,200</b>	<b>47,200</b>

<b>Budget Summary - Available Funding &amp; Expenditures</b>			
		FY 2021-2022	
Available Funding		FY 2021-2022	FY 2022-2023
Fund Balance Total ( <i>encumbered &amp; earmarked reserves</i> )		1,432,661	1,068,308
Petty Cash		75	75
Revenue		959,477	1,047,477
<b>Available Funding Total:</b>		<b>2,392,213</b>	<b>2,115,860</b>
Salaries and Benefits (Object Level)		797,138	886,383
Services and Supplies (Object Level)		236,523	219,606
Pass-thru Funds / Internal Programs / Contributions to Other Agencies (Object Level)		28,650	13,650
Fixed Asset Purchases (Object Level)		37,200	47,200
<b>Expenditure Total:</b>		<b>\$ 1,099,511</b>	<b>1,166,839</b>



**To:** Northern Sierra Air Quality Management District Board of Directors  
**From:** Gretchen Bennett, Air Pollution Control Officer  
**Date:** May 23, 2022

**Agenda Item: V.B**

**Agenda Description:** Revised and Proposed Modifications to Air District Personnel Policies

**Issues:**

RGS (Regional Government Services) has completed its review and analysis and proposed modifications to the District's Personnel Policies. Provided is a clean version of the policies and a crossed-out version for Board review. In summary, the significant changes made to the policies are as follows:

Various non-substantive changes were made throughout the policy. Primarily replacing the word "shall" with "will" or "must".

1. Section 2030 - Updated the Equal Employment Opportunity section to include most recent state and federal requirements and most current verbiage.
2. Section 2030.50 Reasonable Accommodation section has been updated to include the most recent state and federal requirements.
3. Section 2030.60 Whistleblower Protection – this is a new section altogether.
4. Section 2060.30 Meal and Rest Periods – this has been updated to include the most recent state and federal requirements. Additionally a new section on lactation break time has been added.
5. Section 2140 – Disciplinary Action – this was updated to include the most recent state and federal requirements.
6. Section 2160 Unpaid Leave- this was updated to include the most recent state and federal requirement, including a new section on CFRA (California Family Rights Act) leave was included. A new section on Pregnancy Disability Leave was included.
7. Section 2162.1 – Sick leave – updated to reflect current requirements.
8. Section 2166 – Health Benefits. No substantive changes were made to this policy.
9. Section 2170.3.2.2 Drug and Alcohol Abuse – a new section was added that clarifies proper use of prescription drugs.
10. Section 2180 Employer/Employee relations – since this section pertains to union activities and requirements, this section was removed altogether.

**Requested Action:**

1. Approve modifications to Personnel Policies, Series 2000 with a roll call vote and authorize the Chair to sign Resolution 2022-08.

**Attachments:**

1. Resolution 2022-08
2. Clean Version of Modified Personnel Policies 2000
3. Crossed-out Version of Modified Personnel Policies 2000

# NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

## RESOLUTION #2022-08

**In the Matter of Modifying Northern Sierra Air Quality Personnel Policies, Series 2000**

**Whereas**, the following Personnel Policies have been modified per attachment #1 (Strikeout/Underline): all of Policy Series 2000; and

**Whereas**, the District hired a consultant firm, RGS (Regional Government Services) to review, analyze, consult and modify existing personnel policies, series 2000; and

**Whereas**, RGS has completed its review and have updated the policies to conform with current state and federal requirements; and

**Whereas**, District staff has provided both clean and crossed-out versions of Series 2000 Personnel Policies to the Board for review; and

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, the Northern Sierra Air Quality Management District Board of Directors has reviewed and approves the modifications for the attached personnel policies, series 2000.

On a motion by Supervisor \_\_\_\_\_, and seconded by Supervisor \_\_\_\_\_, the foregoing resolution was approved and adopted by the Board of Directors of the Northern Sierra Air Quality Management District at a regular meeting held on May 23, 2022, by the following roll call vote:

Ayes:

Noes:

Absent:

Abstaining:

Attest: \_\_\_\_\_  
Dawn Lunsford, Clerk of the Board

\_\_\_\_\_  
Chair of the Board

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**Policy Title: Purpose of Personnel Policies, Exemptions, and Administration**  
**Policy Number: 2000**

- 2000.10 The Board of Directors of the Northern Sierra Air Quality Management District (District) want to provide a consistent, equitable, and efficient program of personnel administration for District employees and applicants for District employment. Under no circumstances are these policies to be construed to act as any type of employment contract. These policies provide a framework which is not binding to the District.
- 2000.20 **Exemptions:** These policies apply to all District employees, except:
  - 2000.21 Nonclassified employees are exempt from Policies 2040, 2045 (except 2045.50), 2050, 2060, 2110, 2120, 2130, 2140, 2150, 2160 and 2162.
  - 2000.22 Employees covered by an individual contract of employment for a specific term are exempt from any of these policies that are inconsistent with the terms of such contract.
- 2000.30 **Administration:** The District Board of Directors is responsible for establishing policies and procedures necessary for the administration of these policies.
- 2000.40 **Air Pollution Control Officer (APCO):** The executive officer of the Air Quality Management District is appointed by the Board to manage the AQMD operations and implement the policy direction of the Board. The APCO may use either the title Air Pollution Control Officer or Executive Officer in communications or correspondence.
- 2000.50 **Departmental Rules:** The Air Pollution Control Officer may establish additional personnel rules that are not inconsistent with these policies, other District policies, or any memorandum of understanding with a "recognized employee organization" [as defined in Government Code Section 3501 (b)]; provided that they comply with any "meet and confer" obligation under Government Code Section 3505.
- 2000.60 **Amendment of Policies:** These policies can be amended as necessary by resolution of the Board.
- 2000.70 **Severability:** If any policy, section, or phrase of these policies is declared unconstitutional or void for any reason, that decision will not affect the validity of the remaining portion of these policies.
- 2000.80 **Construction:** These policies will be liberally construed to effectuate their purpose and to avoid inequities.

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**Policy Title: Definitions**  
**Policy Number: 2010**

- 2010.10 **Allowance:** A payment to an employee that is intended to cover incidental job-related expenses outside the scope of regular salary.
- 2010.20 **Anniversary Date:** The date of appointment to a particular classified position.
- 2010.30 **Applicant:** A person who has filed a timely and complete application for employment, but who is not yet appointed.
- 2010.40 **Appointing Authority:** The Board, the Air Pollution Control Officer, or any other managerial employee who has the power and authority to make appointments to the District service.
- 2010.50 **Appointment:** The filling of a position in the District service by means of an appointing authority's offer of employment and acceptance of that offer by an applicant.
- 2010.60 **Board:** The Board of Directors of the Northern Sierra Air Quality Management District.
- 2010.70 **Board Appointed Employee:** An employee examined and appointed directly by the Board.
- 2010.80 **Classified Department Head:** A department head whose position is included in the District's classification and salary plans.
- 2010.90 **Classified Service:** All positions of employment included in the District's classification and salary plans.
- 2010.100 **Compensated Service:** Employee service actually paid for by the District and not including periods of unpaid leave.
- 2010.110 **Continuous Service:** Employment in the District service for a period unbroken by separation, dismissal, or termination. No break will be considered to occur because of temporary unpaid leave authorized under Policies 2140, 2160 and 2162, or because of layoff less than one year in duration.
- 2010.120 **District Service:** All District offices and positions of employment authorized by the Board or by state law.
- 2010.130 **Date of Hire:** The date of entry into the District service which commences the most recent period of continuous service.

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- 2010.140     **Date of Mailing:** The date of postmark.
- 2010.150     **Day:** Calendar day unless otherwise specified.
- 2010.160     **Demotion:** Appointment to a position with a salary lower than the employee's previous salary.
- 2010.170     **Department Head:** A District officer or employee responsible for supervising a District department.
- 2010.180     **Dismissal:** Termination of employment for cause.
- 2010.190     **Examination:** Any competitive procedure or test used to make a differentiation between applicants for employment.
- 2010.200     **Family:** Spouse, or registered domestic partner, child, mother, father, brother, sister, and grandparents, including forms of those relationships recognized by law such as "in-law", "step", "foster", and "half".
- 2010.210     **FLSA-exempt Employee:** Employees in positions that are executive, administrative, or professional as defined and interpreted under the Fair Labor Standards Act [20 USC 213(a) (1) and 29 CFR 541]. The only FLSA-exempt position approved by the Board at this time is the Air Pollution Control Officer.
- 2010.220     **Full-time Employee:** Working a full forty-hour workweek on a regular basis.
- 2010.230     **Holiday:** District holidays declared by District ordinance.
- 2010.240     **Layoff:** Separation from District service due to an employee's position being vacated or eliminated by the Board.
- 2010.250     **Leave:** Authorized absence from a position for a definite period, with a right to reinstatement on the same terms as prevailed when the absence commenced.
- 2010.260     **Management and Confidential Employee:** Employees in positions that are defined in Government Code Section 3507.5. The only FLSA-exempt position approved by the Board at this time is the Air Pollution Control Officer and the Clerk of the Air Pollution Control Officer.
- 2010.270     **Nonclassified Employee:** An employee whose position is not included in the District's classification and salary plans, and whose salary is set by District ordinance.

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- 2010.280     **Objection:** A written statement of specific reasons for disputing a personnel action that has had an allegedly unfair and adverse impact on the employment interests of the person objecting.
- 2010.290     **Position:** One or more offices or places of employment, the tasks and duties of which require the services of one person.
- 2010.300     **Promotion:** Appointment of an employee to a position with a salary higher than the employee's previous salary.
- 2010.310     **Volunteer:** A person who is willing and authorized to perform a non-compensated service for the District.
- 2010.320     **Workday:** Eight hours per day, except as otherwise provided or defined in these policies.
- 2010.330     **Workweek:** Forty hours per week, commencing Sunday and ending Saturday, including holidays.

**Policy Title:**            **Employee Records**  
**Policy Number:**       **2020**

- 2020.10     **Personnel Records:** The APCO maintains permanent personnel records on each employee in the District, covering employment status, job performance, medical condition, discipline, and grievances, and any other relevant information. The records are preserved for at least one years following the date of the employee's leaving District service.
- 2020.20     **Inspection and Review:** An employee, or former employee, or their representative authorized in writing, has the right to inspect and review their own personnel records during regular business hours at no loss of compensation. An employee may, upon written request, receive copies of any documents placed in their personnel file at the cost of duplication, The employee will be provided a reasonable opportunity to respond in writing to any particular records, and the response shall become a permanent part of the records. The employee will be notified immediately of the filing of any record of a derogatory nature. The file is the property of the District; employees may not remove or add items to their file without District approval and the file must remain in the custody of the District at all times.

The following records are confidential and not open to inspection and review [Reference: Labor Code Section 1198.5 and Government Code Section 31011.]:

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- 2020.21 Letters of reference and any materials obtained during a pre-employment background check, if they are obtained in confidence; and,
- 2020.22 Any records relating to the investigation of a possible criminal offense.
- 2020.30 **Disclosure to Third Parties:** Personnel records are to be used only in the normal course of authorized District business. They may not be disclosed to the public without express written consent of the concerned employee, except that the following disclosures shall be permitted [References: Government Code Section 6260, discovery proceedings; Welfare and Institutions Code Section 11578, enforcement of spousal or child support.]:
  - 2020.31 Name, position classification, and gross salary.
  - 2020.32 Written employment contracts.
  - 2020.33 Disclosures in emergency situations made reasonably and in good faith to protect the health and safety of any person.
  - 2020.34 Disclosure for law enforcement purposes, including investigations.
  - 2020.35 Disclosures under specific provisions of state and federal law.
- 2020.40 **Payroll and Retirement Records:** The District maintains the following records: payroll records, including time cards, social security numbers, and accrued vacation and sick leave benefits, and records necessary for retirement system purposes. Payroll and retirement records are private personnel records and will be disclosed according to Policy 2020.30.
- 2020.50 **Volunteer Service Records:** An appointing authority who authorizes a volunteer to perform services for the District will maintain records of the volunteer's name, dates of service, and the specific services performed.

**Policy Title:** Equal Employment Opportunity  
**Policy Number:** 2030

2030.10 **Policy:** The District has adopted a policy and complaint procedure against harassment, discrimination and retaliation. The purpose of this Policy is to establish a strong commitment to prohibit and prevent discrimination, harassment, and retaliation in employment; to define those terms; and to set forth a procedure for investigating and resolving internal complaints. Employees, applicants, unpaid interns, officers, officials, or contractors who believe they have experienced any form of employment discrimination are encouraged to report this immediately, using the complaint procedure provided in the Discrimination, Harassment and Retaliation Appendix, to the APCO, or by contacting the U.S.

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Equal Employment Opportunity Commission, or the California Department of Fair Employment and Housing.

2030.20 The District will endeavor to recruit qualified individuals from appropriate sources that represent all segments of the community. Selection and advancement will be determined based solely on relative ability, knowledge, and skills after a fair competitive process.

2030.30 **Affirmative Action Plan:** The Board and appointing authorities are responsible for administering an affirmative action plan in order to widen opportunities for those who have suffered discrimination and to make equal opportunity a reality at all levels of the District work force. The recruitment, employment, training, advancement, assignment, layoff or termination, and pay for all job classifications within the NSAQMD, is on the basis of qualifications, without regard to race, religion (including all aspects of religious belief, such as grooming practices and religious dress), color, sex (including pregnancy and breastfeeding), gender, gender identity (including transgender), gender expression, national origin, ancestry, citizenship status, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), military or veteran status, undocumented immigrant status, accommodation requests, engagement in protected activities, Affordable Care Benefits, or membership in any other legally protected category, or the perception of membership. Copies of any amendments of the affirmative action plan will be provided to state and federal agencies as required by California Government Code Section 50085.5.

The following specific steps will be taken by the District to provide full employment opportunities and to encourage broader participation of protected groups of our community in the District's Employment Process:

- 2030.31 Identify the areas where there appears to be disproportionate under-representation of protected groups and study selection and promotional procedures.
- 2030.32 Evaluate training needs and ascertain that training opportunities are available and publicized within the system.
- 2030.33 Insure that all personnel actions, such as compensation, benefits, transfers, training, education, and tuition aid or requirements or conditions of employment will be administered without regard to protected group status.
- 2030.34 Insure that direct operating department management complies with the program.



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- 2030.35 Insure that full employment selection procedure opportunity is extended to existing personnel whose positions may be threatened with potential lay-off, and to insure that interdepartmental policy of hiring and advancement privileges be instigated.
- 2030.36 To insure that a system of dissemination of job opportunities information to sources that represent or work with protected class groups.
- 2030.37 Insure that in the event of a lay-off, there will be no discrimination based on protected class status.
- 2030.38 Evaluate progress of the Affirmative Action Program and plan further activities.
- 2030.39 Within budgetary limitations and with APCO and Board of Directors approval, the District will permit employees to take limited time off with pay in order to receive job related training which will enable them to achieve promotional opportunities and/or more expertise in the present job.
- 2030.40 The District will assure that the job classifications will be reviewed for the purpose of revising education, experience and skill requirements of the specifications and that training entry level will be developed when and where applicable.
- 2030.50 **Reasonable Accommodation** Absent undue hardship or direct threats to the health and safety of employee(s), the District provides employment-related reasonable accommodations to:
- qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions;
  - employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider;
  - employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
  - employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement. is this absolutely required?

If the disability or the need for reasonable accommodation is not obvious, the District may require the individual to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient

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documentation, the agency will: (1) explain the insufficiency; (2) allow the employee or applicant to supplement the documentation; and (3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

If a pregnant employee, or an employee with a pregnancy-related condition, requests a reasonable accommodation or transfer due to pregnancy, the District will provide the employee with notice of the need for a medical certification within two business days after the employee's request for accommodation. A medical certification confirming the need for a reasonable accommodation, including transfer, is sufficient if it contains: (1) a description of the requested accommodation or transfer; (2) a statement describing the medical advisability of the accommodation or transfer due to pregnancy; and (3) the date that the need for the accommodation or transfer will become necessary and the estimated duration of the accommodation or transfer.

2030.60

**Whistleblower Protection.** The District prohibits all of the following:

- Taking any retaliatory adverse employment action against an employee because the employee has or is believed to have disclosed information to any government or law enforcement agency, or the District, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
- Preventing an employee from disclosing information to a government agency, including the District, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
- Retaliating against an employee for refusing to participate in any activity that would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation; and
- Retaliating against an employee because the employee's family member has or is perceived to have engaged in any protected activities.

This Policy governs and protects District officials, officers, all employees, or applicants for employment. An applicant or employee who feels they have been retaliated against in violation of this Policy should immediately report the conduct according to the complaint procedure in the District's policy against Discrimination, Harassment, and Retaliation Appendix so that the complaint can be resolved fairly and quickly. Supervisors and managers have the same responsibilities as defined in the policy.

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**Policy Title:           Classification**  
**Policy Number:        2040**

2040.10       **Classification Plan:** The Board shall adopt and periodically amend by resolution a District classification plan covering all positions in the District service except those for which the salary is set by ordinance.

Each position will be allocated to a class identified by a class title. Positions will have the same class title when they conform to the same class specifications or when the positions descriptions are similar as to qualifications, responsibilities, level of supervision, and other relevant characteristics.

The class title of a position will be used in the District's salary plan, personnel records, and personnel administration.

2040.20       **Reclassification:** No position can be reclassified except by resolution to the Board.

Review of a position's classification may become necessary due to actual or proposed changes in the position's description. Such review may be requested only by the APCO or by the Board.

2040.30       **Out-of-Class Claims:** Any employee claim based on alleged out-of-class work must be resolved through the grievance procedure in Section 2150. The District will not recognize any claim for back pay due to out-of-class work alleged to have occurred more than ninety days prior to the filing of a written grievance on the matter. No board-authorized reclassification constitutes an admission that the occupant of the position was previously working out-of-class.

2040.40       **Salary on Positions Reclassification:** The salary of an employee whose position is reclassified will be determined as follows:

2040.41       If reclassified and allocated to a salary range equal to the previous range, the employee's anniversary date will not change.

2040.42       If reclassified and allocated to a salary range lower than the previous range, the employee's anniversary date will not change.

2040.43       If reclassified and allocated to a salary range higher than the previous range, the employee will remain at the same step which the employee had prior to the reclassification. The anniversary date does not change.

**Policy Title:           Salary**  
**Policy Number:        2045**

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- 2045.10      **Salary Plan:** Each position classification will be allocated by Board resolution to a salary range in the District's salary plan. The plan represents a scale of compensation for full-time work exclusive of allowances, paid leave, overtime, or fringe benefits. The plan will be adopted and amended as necessary by resolution of the Board.
- 2045.11      Within each salary range is a series of steps from A through E. The base salary in the range is A, with advance steps representing incremental increases of approximately five percent between steps.
- 2045.20      **Salary on Position Reallocation:** When a position classification is reallocated to a different salary range, the salary of the employee whose position is affected will be determined in accordance with Policy 2045.40.
- 2045.30      **Salary Step at Hiring:** It is the Board's intent that all newly hired employees should be appointed at Step A. However, the APCO may hire at steps B and C if the APCO finds that an applicant possesses extraordinary qualifications in terms of training and experience. In such instances, the APCO must notify the Board of the appointment of an employee at advanced steps B and C and provide the reasoning behind such findings. Hiring at steps D and E requires advance Board approval.
- 2045.40      **Merit Advancement by Salary Step:** Advancement through the salary steps A through E depends on satisfactory performance at the prior step for the equivalent of twelve months of full-time compensated and continuous service before advancement to the next higher step, provided that an employee who is promoted is eligible for one advancement to the next higher step after six months of continuous and compensated service measured from the date of the promotional appointment, if appointed at Step A.
- 2045.41      Satisfactory performance will be evidenced by an appointing authority's memorandum to the employee and the District Administrative Assistant, and the memorandum must be based on performance evaluations conducted pursuant to Policy 2130.
- 2045.42      When merit advancement is denied to an employee, the employee's performance will be reevaluated within ninety days and if performance is satisfactory, the employee may be advanced to the next step.
- 2045.50      **Longevity Advancement:** An employee's salary will be increased five percent at the following times: upon completion of seven, ten, fourteen and twenty-one years of full-time continuous and compensated service, or the equivalent, measured from the date of hire.

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- 2045.60      **Salary Step on Promotion:** When promoted to a position classification in a higher salary range, the employee will be appointed at Step A or to such advanced step representing at least a five percent increase over present salary, whichever is greater. The anniversary date shall become the effective date of the promotional appointment.
- 2045.70      **Salary Step on Demotion:** Upon demotion to a position classification in a lower salary range, the salary step and anniversary date of the employee does not change.
- 2045.80      **Salary on Transfer:** When an employee is transferred, either voluntarily or not, and there is no change in salary range, the employee's salary step and anniversary date does not change.
- 2045.90      **Salary on Temporary Assignment Out-of-Class:** When an employee is assigned to work half-time or more in a position classification allocated to a salary range higher than the employee's present range, then the employee will be paid at Step A of the higher salary range or such advanced step that represents a five percent increase over present salary, whichever is greater. If the temporary assignment lasts more than six (6) months, the employee is advanced another step.
- 2045.100      **Wages for Temporary or Part-time Employees:** Temporary employees and part-time regular employees will be paid at an hourly wage rate that is the pro-rata equivalent of the full-time salary for the class of position, or, if the position is unclassified, at an hourly wage rate authorized by the Board. Policy 2045.30 is incorporated here by reference.
- 2045.101      However, a biweekly salary may be paid to a full-time temporary employee who is employed under a contract for a specific term that entitles such employee to any or all benefits allowed to full-time regular employees under these policies.
- 2045.102      **Salary for Working Two Position Classifications:** When an employee is promoted to a higher position classification that is FLSA-exempt and must continue to fulfill part of the responsibilities of the old position while performing the responsibilities of the new position, then an alternative to overtime compensation is required. The base salary follows either Policy 2045.60 - Salary on Promotion or Policy 2045.90 - Salary on Temporary Assignment Out-of-Class applies, as appropriate, or as negotiated and provided for by Board action. Additional compensation, in lieu of overtime pay, will be provided as a percentage of one of the salaries for the positions being covered, as negotiated and provided by Board action.

**Policy Title:**            **Overtime**  
**Policy Number:**       **2050**

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- 2050.10      **Policy:** Overtime work is discouraged but may be permitted to meet particular District time constraints and emergencies.
- 2050.20      **Overtime Pay:** For purposes of this policy, and to conform to regulations issued under the Fair Labor Standards Act (FLSA), "workday" and "workweek" are defined per Policies 2010.330 and 2010.340, except for the APCO. Overtime is paid on the following basis:
- 2050.21      District employees, except FLSA-exempt employees, will be paid one and one-half (1½) times the number of hours worked in excess of their normal workday or workweek, and one and one-half (1½) times any hours worked on a Sunday.
- A vacation day, paid holiday, or sick leave used, will be counted in a regular workday or workweek for purposes of computing overtime.
- 2050.22      Overtime - Holiday Work:
- When an employee is required to work on an AQMD holiday which falls on a normal day off, the employee is entitled to overtime compensation for actual hours worked and regular rate of pay for the holiday.
- 2050.23      In lieu of overtime compensation, FLSA-exempt employees receive 80 hours of administrative leave per year.
- 2050.24      Administrative leave granted to FLSA-exempt employees cannot be carried over into a subsequent year. Any unused administrative leave will be paid in cash equivalent at the end of the year.
- 2050.30      **Compensatory Time Off:** Compensatory time off is permitted in lieu of overtime pay for overtime work as stated below:
- 2050.31      In lieu of overtime pay, employees may be required to take compensatory time off, subject to limits stated in this policy, and calculated to be the equivalent value of overtime pay.
- 2050.32      Each employee must keep records showing all compensatory time off earned and used, so that the net balance of unused compensatory time off is always known. Such records will substantiate the records maintained by the Clerk of the APCO.
- 2050.33      The APCO will not authorize the earning of compensatory time off if the employee's net unused balance is greater than eighty (80) hours. This limit does not apply to any compensatory time off accrued prior to the effective date of these rules. When an employee is authorized to perform overtime

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work which would result in accrual of a net balance of compensatory time off more than the above limits, the employee will be paid for that overtime work.

2050.34      Compensatory time off may be taken at any time during the employee's normal work time with the concurrence of the APCO; however, if the requested time off is denied, the employee may request payment in cash in lieu of the denied compensatory time off, at overtime rates.

2050.35      Upon termination from the classified service or District service, whichever occurs first, an employee will be paid the value of unused compensatory time off.

**Policy Title:            Work Schedules**  
**Policy Number:        2060**

2060.10      **Workday:** A workday consists of twenty-four hours starting at midnight and ending at midnight. The regular workday hours are from 8 a.m. to 5 p.m., and the regular workweek is Monday through Friday.

2060.20      **Workweek:** The workweek begins Sunday morning at 12:00 a.m., and ends at 11:59 on Saturday. Regular employees are entitled to a minimum of forty hours of regular time pay during each week.

2060.21      A change in an employee's work schedule will be deemed overtime unless the appointing authority provides the affected employee with at least fourteen (14) calendar days' advance written notice of the change in work schedule.

2060.22      A change in an employee's work schedule will be in effect for not less than fourteen (14) calendar days unless the employee, in writing, consents to a lesser period.

2060.23      Failure to give such notice entitles the employee to overtime pay during the hours worked over and above the hours which were included in the employee's work schedule (for example: a change from 8-to-5 to 1-to-9 without seven days' advance notice entitles the employee to overtime during the period from 5-to-9.)

2060.30      **Meal and Rest Periods:** Each employee is entitled to one fifteen (15) minute rest period for each four (4) hours of work performed in a work day. If not taken, the rest period is waived by the employee. Rest periods may not be combined to shorten the workday or to extend the meal period.

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A one hour non-compensated meal period will be provided to all part-time and full-time overtime-eligible employees who work at least an eight-hour workday. A 30 minute non-compensated meal period will be provided to all overtime-eligible part-time and full-time employees who work more than five hours, but less than eight hours during the workday.

2060.40 **Lactation Break Time**

An overtime-eligible employee who wishes to express breast milk for her infant child during her scheduled work hours will receive a reasonable amount of additional unpaid time beyond the 15-minute compensated rest period. Those desiring to take a lactation break must notify a supervisor prior to taking such a break. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

2060.41 The District will make reasonable efforts to accommodate employees by providing an appropriate location that is not in a bathroom, to express milk in private. The District will attempt to find a location in close proximity to the employee's work area. Employees occupying such private areas will either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance. Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

2060.42 Any employee storing expressed milk in any authorized refrigerated area within the District must clearly label it as such. No expressed milk can be stored at the District beyond the employee's work day/ shift.

2060.50 **Call-backs:** When an employee is ordered back to work and the required emergency work begins within eight hours of the order, the employee will be paid at one and one-half (1½) times the normal rate of pay for a minimum of two hours while on call-back.

2060.60 **Standby Duty** Standby duty will be performed by an employee during any non-regular working hours as required and ordered by the APCO. The employee so ordered to standby duty will be paid according to the following schedule:

2060.61 For the fifteen hours (twenty-four hours for each weekend day) immediately following any regular workday, the employee will receive \$3.00 per hour for each hour on standby.

2060.62 One employee may perform the standby duty for a full weekend.



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2060.70 **Flex Time:** Within the APCO's discretion, and with the agreement of affected employees, employees may be authorized to work a flexibly scheduled workday using a core (mandatory) time between 10 a.m. and 3 p.m. per day with remaining work hours scheduled outside the core time.

2060.80 **Four-Day Workweek:** Within the APCO's discretion, and with the agreement of affected employees, the APCO may schedule an employee's workweek into four ten-hour days. For this purpose, Policy 2010.330 defines "workday" as ten hours instead of eight hours; and Policy 2045.40 applies so that eligibility for salary step increases is determined on a calendar day basis.

**Policy Title: Recruitment Procedure**  
**Policy Number: 2070**

2070.10 **Announcement:** All employment opportunities, except extra-help, must be announced at least fifteen working days prior to the final filing date by posting in the County Administrative centers of Plumas, Sierra and Nevada Counties, and by publication in a summary fashion in a District-wide newspaper, provided that publication is made for opportunities that are exclusively promotional. Additional advertising of the announcement will be determined by the appointing authority in accordance with Policy 2030.40 and the anticipated availability of applicants.

The announcement must state in bold letters "**PLEASE POST IN A CONSPICUOUS PLACE**" and include:

2070.11 Application procedures and final filing date.

2070.12 Minimum and additional desirable qualifications.

2070.13 Class title; compensation; summary of position description.

2070.14 A description of the time, place and type examination, if known.

2070.15 Notice that applications and attachments become District property and may not be returned.

2070.16 Notice that the District is an equal opportunity employer and does not discriminate on the basis of handicapped status [31 CFR 51.55(e)].

2070.17 Employment conditioned on passing medical examination.

2070.18 Notice of the proper location(s) where applications may be filed.

2070.20 **Filing of Application:** To merit consideration, an application must be complete in all respects and the date of mailing or personal delivery must be prior to 5 p.m. on

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the final filing date. Applications which are not fully completed and signed will not be processed.

- 2070.30      **General Qualifications:** Applicants must:
- 2070.31      Be United States citizens if required by state or federal law, immigrants admitted for permanent residence, or other aliens who are permitted to work as determined by the U.S. Department of Justice, Immigration and Naturalization Service; and
  - 2070.32      Possess all the minimum qualifications established for the position; and,
  - 2070.33      Be mentally and physically fit to perform in the position.
- 2070.40      **Admission to Examination:** Each applicant shall receive timely notification as to admission to examination. Notification by telephone is required for applicants who are in fact admitted unless notice is mailed at least fifteen days prior to the examination.
- 2070.41      The District reserves the right to limit admission to examination to only three or more of the best qualified applicants based solely on evaluation of the completed applications, provided that any such limitation complies with Policy 2030.40 (Affirmative Action).
  - 2070.42      Applicants not admitted to examination will be mailed promptly a notice to that effect, thanking them for applying, and stating the appointing authority's policy regarding using applications at some future time.
- 2070.50      **Disqualification of Applicants:** An appointing authority can refuse to examine an applicant, or disqualify an applicant after examination, or remove an applicant from an eligible list, or refuse to certify as eligible when any of the following causes of disqualification is present:
- 2070.51      The application is incomplete, or contains false information, or is not timely filed.
  - 2070.52      The applicant fails to meet the minimum qualifications.
  - 2070.53      The applicant has taken part in the compilation, administration, or correction of the examination.
  - 2070.54      The applicant has defrauded the examination process or has obtained information to which examinees are not entitled.

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- 2070.55 The applicant has used, or attempted to use, political pressure or bribery to secure an advantage in the examination or appointment.
- 2070.56 The applicant has been discharged from any previous employment for cause indicating unfitness for performance of the position applied for.
- 2070.57 The applicant has been convicted of any felony or any crime involving moral turpitude indicating unfitness for performance of the position applied for.
- 2070.60 **Background Investigation:** The District may conduct an investigation of the applicant's training, employment experience, and mental and physical fitness to verify and clarify statements contained in the application. After the District makes a conditional offer of employment, the APCO may then request information about criminal convictions, except for misdemeanor marijuana-related convictions that are over two year old, or convictions that have been judicially sealed, eradicated, or expunged.
- 2070.61 No applicant will be disqualified because of any criminal conviction. The District may, however, consider the nature, date and circumstances of the offense, evidence of rehabilitation, as well as whether the offense is relevant to the duties of the position.
- 2070.70 **Notice of Disqualification:** Applicants disqualified under Policy 2070.50 shall be promptly mailed notice of the disqualification to the last known address.
- 2070.80 **Objection to Disqualification:** Any objection by an applicant to disqualification under Policy 2070.50 will be submitted to the appointing authority. A meeting may be scheduled with the applicant to discuss the objection. The burden of proof is on the applicant, and denial of an objection is not appealable. If the objection is accepted, the appointing authority has the discretion to reconsider the application, provided that such action does not affect any person hired, or the results of any examination conducted, during the period of the applicant's disqualification

**Policy Title:** Examination  
**Policy Number:** 2080

- 2080.10 **Policy:** All examinations are designed to measure the capacity of the applicant to perform the work of the position, and will be conducted in a fair and reasonable manner.
- 2080.20 **Examination Schedule:** Examinations will be scheduled by the appointing authority according to District needs. Scheduled examinations may be postponed

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or cancelled for any reason so long as advance notification is made to all interested persons.

2080.21 Applicants unable to appear or complete any part of an examination will be disqualified unless the appointing authority exercises discretion to make special arrangements that do not materially prejudice the other applicants.

2080.30 **Methods of Examining:** The appropriate methods of examining will be at the discretion of the appointing authority, and may include any of the following: written and/or oral exams; practical performance tests; tests of physical agility, strength, or stamina; personal interviews; application rating; reference inquiry relative to past performance; and any other valid and reliable method of examination.

2080.31 Each part of a written competitive examination will be assigned a maximum score and a passing score. An applicant must pass each part in addition to having an overall passing score. Written examinations will be conducted so that the identity of the candidates will not be known to persons administering or scoring exams until all exams have been scored and an overall passing score established.

2080.40 **Open and Promotional Examinations:** In a promotional examination, only District employees are eligible to participate, if necessary, with time off with pay and benefits. When in the best interest of the District vacant positions in the classified service may be filled through promotion, at the discretion of the appointing authority.

2080.41 Open examinations will consist of outside applicants and District employees participating on an equal basis. For open examinations during working hours, District employees will receive time off without pay and benefits.

2080.50 **Notice of Results:** Each applicant will be notified by mail of the results of their examination and of any invalidation of any part of the examination, notwithstanding any notice made by telephone.

2080.60 **Review of Examination:** Within fifteen days from the mailing of the notice of results, any applicant may request a meeting with the appointing authority to review the applicant's examination performance. Disclosure of examination records are subject to Policy 2020.

2080.61 Test questions, scoring keys, and other examination data are exempt from public record disclosure requirements.

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2080.70      **Objection to Examination:** An applicant may submit to the appointing authority an objection to the conduct or results of an examination. The appointing authority shall schedule a meeting with the applicant. The burden of proof is on the applicant. Denial of the objection cannot be appealed.

2080.71      If the objection is accepted, the appointing authority has the discretion to revise the applicant's results or to invalidate any part of the examination or any eligible list based on the examination, provided that such action does not affect any person hired from the list prior to its invalidation.

**Policy Title:**            **Medical Examination**  
**Policy Number:**        **2090**

2090.10      **Policy:** The efficient and economical administration of the District service requires that each employee meet the minimum medical and physical standards for satisfactory performance of their position. This policy is promoted by requiring medical examinations as described in this Policy. Such examinations promote the economical administration of the District's plans for health and worker's compensation insurance, retirement, and sick leave.

2090.20      **New Appointments:** All new and promotional appointments will be conditioned on the appointee's passing a fitness-for-employment medical examination and on completing a medical history form. This requirement may be waived for extra help employees and for appointees who have passed a District medical examination within the past five years.

2090.30      **Existing Employees:** Employees who are chronically unable to perform their assigned duties as scheduled may be required to undergo a fitness for duty examination. The purpose of the examination is to determine the employee's physical and/or psychological ability to withstand the rigors of a full-time position. The District will assume the costs of the examination.

2090.40      **Administration:** Medical examinations are administered by the Nevada County Health Department at District expense. However, the appointing authority makes the final determination of fitness for employment after considering the health department's recommendation in light of the work requirements of the particular position in question.

2090.41      The medical history and records of the examination are confidential information not to be released by the health department or the District except upon subpoena. The medical history is part of the employment application for purposes of Policy 2070.50.

2090.50      **Objection to Dismissal:** A regular employee may, within five days from the receipt of a notice of dismissal, submit an objection to the appointing authority. Receipt

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will be deemed to have occurred five days after the date of mailing of the notice. The appointing authority will schedule a meeting with the employee within ten days. If the objection is denied, the employee will be notified of the right to an appeal pursuant to Policy 2155.

**Policy Title: Eligible Lists**  
**Policy Number: 2100**

- 2100.10 **Required Use of List:** All appointments, except extra help appointments, will be made based on an eligible list established for each class title where a position needs to be filled. An eligible list will consist of all applicants who have passed the relevant examination, ranked from highest to lowest in terms of overall passing score.
- 2100.20 **Duration:** Any eligible list remains effective for at least six months, and not exceeding two years, provided that the list may be declared ineffective whenever fewer than three names remain on the list. A list may also be declared ineffective at any time after a higher salary range has been allocated to the class title.
- 2100.30 **Removal of Names:** An applicant's name may be removed for any of the following reasons:
  - 2100.31 A reason listed in 2070.50, Disqualification of Applicants.
  - 2100.32 Upon reliable evidence that the applicant cannot be located, or that the applicant is no longer interested in being considered for appointment.
- 2100.40 **Notification of Removal:** Each applicant shall be promptly notified by mail, sent to the last known address, of any removal pursuant to this policy. Such notice will include the reason for removal and the effective date of removal.
- 2100.50 **Objection to Removal:** Any objection by an applicant to removal under Policy 2100.30 will be handled as described in Policy 2070.80; and for that purpose, removal will be deemed disqualification.

**Policy Title: Appointments**  
**Policy Number: 2110**

- 2110.10 **Appointments from Eligible List:** Temporary, probationary, and regular appointments shall be made from an eligibility list. Extra help appointments may be made from an eligibility list if the appointing authority has prepared an eligibility list for extra help appointment. Extra help, temporary, probationary, and regular appointments may be promotional appointments or non-promotional appointments. Promotional appointments are those appointments made from an eligibility list of applicants who have taken a promotional examination conducted

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for the available position. Non-promotional appointments are those appointments made from an eligibility list of applicants who have taken an open examination conducted for the available position.

- 2110.11 Non-promotional appointments will be made from an eligibility list composed of the three willing and available applicants who have ranked highest on the open examination conducted for the available position.
- 2110.12 Promotional appointments will be made from an eligibility list composed of the three willing and available applicants who have ranked highest on the promotional examination conducted for the available position
- 2110.13 Prior to selecting one of the three willing and available applicants, an appointing authority may conduct additional interviews or background checks to assist in the selection decision.
- 2110.20 **Types of Appointments:** All appointments, whether full-time or part-time, are identified as one of the following:
- 2110.21 **Extra Help Appointment:** The APCO is authorized to make an extra help appointment where the Board has budgeted for extra help positions and there is an immediate need for extra help.
- The extra help appointment will be effective for no more than 90 calendar days, unless authorized by the Board.
  - An extra help employee may be dismissed without cause.
  - Unless the person appointed is already a member of PERS, an extra help employee is not be entitled to the privileges and benefits of regular appointment.
- 2110.22 **Temporary Appointment:** The APCO is authorized to appoint a temporary employee where the Board has given the APCO written authority to appoint the temporary employee. The APCO will select the temporary employee from an eligibility list prepared by the appointing authority.

For the purposes of this policy, "temporary" appointment means employment for a continuous period not exceeding one year.

- A temporary employee may be dismissed without cause.
- A temporary employee is not be entitled to the privileges and benefits of regular appointment, except as required by PERS.

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- A temporary employee is entitled to participate in PERS only if:
  1. the employee already is a member of PERS, or
  2. the employee has worked at least 40 hours per week and his/her period of employment has exceeded six months, or
  3. the employee has worked on a regular, part-time basis of at least an average of twenty hours per week (or its equivalent) for more than 125 days in a fiscal year if paid on a "per day" basis or 1000 hours in any 12 month period if paid on an hourly basis or other non-daily basis.

At a reasonable time prior to the conclusion of the temporary employee's initial period of employment, not exceeding one year, the APCO will advise the Board whether the position should continue to be filled by the temporary employee. The APCO will advise the Board whether the temporary employee should continue to fill the position on a temporary basis, or whether the employee should continue to fill the position on a probationary basis.

2110.23

**Probationary Appointment:** The APCO is authorized to appoint a probationary employee from an eligibility list prepared by the appointing authority. The probationary appointment may become a regular appointment after successful completion of a probationary period. The probationary period is one year of continuous and completed service measured from the anniversary date, except where the probationary appointment constitutes a promotion of the employee from another position with the district, in which case the probationary period will be six months.

A probationary employee may be dismissed without cause, and a regular employee who becomes a probationary employee due to a promotion may be demoted without cause to the pre-promotion position.

2110.24

**Regular Appointment:** A probationary appointment will become a regular appointment if, based on a written performance evaluation, the APCO determines in writing that the probationary appointment should become a regular appointment. In the absence of this evaluation and determination, the appointment will be considered a regular appointment after completion of the probationary period.

2110.30

**Appointment of Relatives:** The District's policy is to hire, promote, and transfer employees based on merit and to avoid discrimination in making such decisions.



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- Board members' or current District employee's spouse, registered domestic partner, or other relatives may only be employed within the same department or facility when all the following are met:
  1. The employment does not adversely affect safety, morale, security, or supervision, and
  2. The spouse, registered domestic partner, or relative neither initiates nor participates in making institutional recommendations or decisions which would directly affect employment status of their spouse or relative. These recommendations/decisions include, but are not limited to selection, appointment, retention, tenure, work assignments, promotion, demotion, or salary.
  3. Both employees do not have the same supervisor.
- The Board may prohibit assignment or reassign spouses or relatives if, in its sole discretion, it finds that any of the above criteria are not met.
- "Spouse" and "relatives" refer to persons related by blood or marriage, or any relative residing in the immediate household of the Board member or employee including, but not limited to: spouse, meaning one of two persons in a marriage, or two people who are registered domestic partners as defined by California law, parent, child, grandparent, brother, sister, in-laws of those counted by marriage or domestic partnership, aunt, uncle, or step-relatives).

2110.40 **Separation of Employment:** Appointments are terminable as follows:

2110.41 Regular appointments are terminable either by dismissal under Policy 2140 or removal under Policy 2090. All separations of employees from position in the District are designated as one of the following:

- Probationary Release;
- Release of temporary or extra help employee;
- Resignation;
- Retirement;
- Job Abandonment;
- Layoff; (see Policy 2120 below)
- Non-disciplinary separation; or Disciplinary separation.

2110.42 Any other appointments are terminable without cause with no right to hearing or appeal, provided that the employee receives written notice of reasons for, and the effective date of, the termination.

2110.43 Resignation by an employee, who desires to leave the District service in good standing, shall be submitted in writing to the appointing authority at least two weeks in advance of the proposed effective date of resignation. This time limit may be waived at the discretion of the appointing authority.

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- 2110.44 An unauthorized absence for more than five consecutive working days shall be grounds for immediate dismissal.
- 2110.45 Upon layoff, an appointment shall be deemed terminated subject to any right of transfer, demotion, or reinstatement as set forth in Policy 2120. Such right shall expire one year from the date of layoff.
- 2110.46 An appointment shall be deemed terminated as of the legal date of death of an employee.

**Policy Title: Layoffs**  
**Policy Number: 2120**

- 2120.10 **Policy:** The Board may authorize a reduction in the number of employees in the classified and unclassified service as part of any administrative reorganization for more efficiency in District operations, or as part of a program to reduce expenditures due to inadequate revenue.
- 2120.20 **Procedure:** Upon recommendations by the appointing authorities, the Board will order which divisions are affected and which class titles in the District are affected. Where there is more than one employee in the affected class, the order of layoff will be by status of appointment: first, temporary employees; second, probationary employees; third, part-time regular employees; and fourth, full-time regular employees.
- 2120.21 When two or more employees in an affected class have the same status of appointment in the department, the order of layoff is determined as follows:
- 2120.22 The appointing authority will review the employee's performance evaluations for the three years preceding. The employee with a history of unsatisfactory or below average performance within the past three years will be laid off first. If there is no difference between the employees, the order of layoff will be by seniority. In this instance, employees with the least seniority will be laid off first. Seniority will be computed on the basis of one point for each month of full-time continuous service or a pro rata amount for each month of part-time continuous service.
- 2120.30 **Notice:** Thirty days prior to the effective date of layoff as ordered by the Board, each employee to be laid off will receive a written notice of layoff from the appointing authority. The notice will explain the reason for the layoff, the result of the procedures described in Policy 2120.20, and the effective date of layoff. The

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notice will also inform the employee of the right to voluntary transfer, voluntary demotion, and reinstatement.

2120.40 **Reinstatement:** An employee who is laid off will be reinstated to their former position within one year of the date of layoff should the appointing authority seek to fill the position during that year.

2120.41 Reinstatement will be on the same terms and conditions as prevailed at the date of layoff, including appointment status and seniority, except that adjustment will be made for any accrued benefits that have been paid off during the period of layoff. The payoff of any accrued benefits during the period of layoff is considered final and in full satisfaction of any claims covered by the payoff.

**Policy Title: Performance Evaluation**  
**Policy Number: 2130**

2130.10 **Policy:** The appointing authority is responsible for effectively evaluating the performance and conduct of the department's employees. The frequency will be at least once a year. An effective evaluation provides written documentation, in a regular and timely manner, on the quality of performance and employee developmental needs. Such documentation provides a basis for future personnel decisions.

2130.20 **Performance Standards:** Performance standards are established by each appointing authority according to the general needs of the department, and to the particular features of each position description. Employees will be made aware of the prevailing standards. The standards include:

2130.21 Required attendance at work, and authorized exceptions;

2130.22 Proper use of District property;

2130.23 Safety rules, policies, or procedures;

2130.25 Standards related to Policy 2140.4, Causes for Disciplinary Action.

2130.30 **Evaluation:** An evaluation distinguishes between five levels of performance as to each performance standard, and as to overall performance, as follows:

2130.31 "Outstanding" Performance consistently above the standard.

2130.32 "Above Average" Performance occasionally above the standard.

2130.33 "Satisfactory" Performance meets the standard.

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- 2130.34 "Below Average" Performance occasionally below the standard.
- 2130.35 "Unsatisfactory" Performance consistently below the standard.
- 2130.40 **Evaluation Period:** The calendar period covered by the evaluation should be stated clearly.
- 2130.50 **Corrective Action:** When an employee's performance is evaluated as other than "satisfactory", the appointing authority must attach a written explanation of the reasons for finding a level of performance other than satisfactory. Further, evaluations of "below average" and "unsatisfactory" must be accompanied by a written explanation of suggested corrective actions to be taken by the employee. The appointing authority will discuss the evaluation with the employee. Prior to placing the evaluation in the employee's personnel file, the appointing authority shall have the employee must sign an acknowledgement of receipt of the evaluation. The employee may also submit written comments on the evaluation for placement in the personnel file.
- 2130.60 **Disputed Evaluation:** When an employee disputes an evaluation, the employee may, within fifteen days, file a grievance in accordance with the procedures in Policy 2150.
- Policy Title: Disciplinary Action**  
**Policy Number: 2140**
- 2140.1 **Notice of Intended Disciplinary Action:** A regular employee cannot be dismissed, demoted, or suspended without pay unless the appointing authority serves the employee with a "notice of intended disciplinary action" at least seven working days before the action is taken.
- 2140.1.1 Prior to service of the notice, the appointing authority must notify the District counsel of the intended discipline.
- 2140.1.2 The notice may be served personally while the employee is on duty. If the notice cannot be served in person, the notice shall be served by U.S.P.S. priority mail to the employee's last know address. The U.S.P.S. posted date of delivery will serve as the date of service.. The notice must include:
- 2140.1.2.1 The intended action and the date it will be taken.
- 2140.1.2.2 Reasons for the action, and a concise factual description of the conduct warranting discipline.

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- 2140.1.2.3 Identification of the documents and other evidence on which the action is based, and attachment of copies of the documents.
  - 2140.1.2.4 A copy of the written materials upon which the proposed action is taken.
  - 2140.1.2.5 The date upon which the proposed action is to become effective.
  - 2140.1.2.6 Advisement of the right to a pre-discipline hearing and the right to file a written response.
  - 2140.1.2.7 Advisement of the right to representation by someone of the employee's own choosing (e.g., friend, attorney, etc.).
  - 2140.1.2.8 Notice that failure to respond by the time of the specified time constitutes a waiver of the right to respond prior to final discipline being imposed.
- 2140.2 **Pre-discipline Hearing (Skelly):** Within five working days from the date of service of the notice of intended disciplinary action, an employee may request a pre-discipline hearing and/or may file a written response to the notice.
- 2140.2.1 The appointing authority shall schedule a hearing within ten days, unless mutually waived by both parties. The hearing will be closed. The appointing authority will conduct the hearing informally, and no official record or transcript will be made, although the parties may make notes. The employee may be assisted by a representative and may call witnesses. All participants will be allowed time off with pay to attend.
  - 2140.2.2 Within five days from the conclusion of the hearing, the appointing authority will serve the employee with a written notice of disciplinary action imposed, if any, and the grounds and evidence on which it is based. The notice may be served either in person or by U.S.P.S. Priority mail to the employee's last known address. The U.S.P.S. posted date of delivery will serve as the date of service. If discipline is imposed, the employee will be notified of the right to appeal pursuant to Policy 2155. An appeal does not stay imposition of the discipline.
- 2140.3 **Administrative Leave:** An appointing authority may suspend with pay an employee pending initiation and/or imposition of the disciplinary action and/or conclusion of any appeal. Suspension with pay is administrative leave with no punitive consequence.

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- 2140.4      **Causes for Disciplinary Action:** An employee may be disciplined for any good cause, including the following which are indicative rather than all-inclusive:
- 2140.4.1      Absence without leave, or abuse of authorized leave.
  - 2140.4.2      Incompetency, neglect of duty, or inefficiency.
  - 2140.4.3      Insubordination, or violation of any lawful or reasonable order given by a supervisor or department head.
  - 2140.4.4      Working under the influence of alcohol or drugs.
  - 2140.4.5      Intentional, material misrepresentation or concealment of any fact in connection with obtaining employment.
  - 2140.4.6      Misappropriation of District funds or property.
  - 2140.4.7      Dishonesty or theft.
  - 2140.4.8      Failure to obtain or maintain a current license or certification required as a condition of employment
  - 2140.4.9      Conviction of any criminal act involving moral turpitude.
  - 2140.4.10     Sick leave abuse.
  - 2140.4.11     Unlawful harassment or unlawful discrimination or retaliation against another employee, an applicant for employment, or anyone using District services.
  - 2140.4.12     Any other conduct of equal gravity with the above.
  - 2140.4.13     Any violation of Policy 2170, Code of Conduct.

2140.5      Informal Actions.  
The District may utilize oral counseling, written counseling, oral reprimand and written reprimand as deemed appropriate. These actions have no appeal rights.

**Policy Title:**            **Grievance Procedure**  
**Policy Number:**        **2150**

2150.1      **Policy:** The District has established a grievance procedure to deal promptly and equitably with employee grievances that are properly presented. No employee will be subject to reprisal or disciplinary action for making a grievance in good faith.

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- 2150.2      **Definition:** A grievance is a written objection to a managerial act or omission that allegedly affects adversely or unfairly an employee's wages, hours, or other terms and conditions of employment, and for which the District has provided no other procedure for administrative relief. The subject matter of a grievance may include:
- 2150.2.1      Work assignments exceeding position classification;
  - 2150.2.2      Denial of merit salary increases;
  - 2150.2.3      Interpretation or implementation of District policies affecting wages, hours, and other terms and conditions of employment;
  - 2150.2.4      Disagreements between employees and supervisors over the implementation of District personnel policies.
- 2150.3      **Initiation and Filing:** Prior to the initiation of a written grievance, the matter should be discussed informally (Step I) with the employee's immediate supervisor. If not satisfied with the immediate supervisor's oral response, the employee may file a written grievance (Step II) with the APCO. A grievance must include a description of the following:
- Circumstances giving rise to the grievance;
  - The adverse effect on, or unfairness to, the employee;
  - The relief sought; and
  - The immediate supervisor's response.
- 2150.4      **Amendments:** A grievance may be amended in writing at any time without prejudice. It may be withdrawn at any time and may be refiled without prejudice providing that no time limit has run out.
- 2150.5      **Conference:** The authority with whom the grievance is filed will confer with the employee and others involved, and respond in writing within ten days explaining their decision and proposed action (end of Step II).
- 2150.6      **Appeal to the APCO:** This provision will apply unless the authority with whom the grievance is filed is the APCO. If not satisfied with the response in Step II, the employee may appeal in writing within ten days to the APCO (Step III). A copy of the Step II response will be included with a copy of the grievance and a cover letter.
- 2150.6.1      The APCO will review the grievance with District counsel, and confer with the employee and others involved, and respond within ten days explaining their decision and proposed action (end of Step III). If the grievance is

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denied, the employee will be notified of the right to an appeal pursuant to Policy 2155 (Step IV).

- 2150.7 **Time Limits:** Grievances proceed within the prescribed time limits unless there is an extension of time by mutual consent between the employee and the District. If the employee exceeds any time limit, the grievance is considered resolved upon the basis of the prior managerial response. If the District exceeds any time limit, the grievance is automatically referred to the next step in the procedure.
- 2150.8 **Resolution:** Resolution of a grievance at any step of the procedure is final and binding on the District and the employee.
- 2150.9 **Employee Representative:** The employee has the right to consult with and be assisted by a representative during all steps of the grievance procedure. Any expenses incurred by the employee in the retention of representation are at the expense of the employee.

**Policy Title: Personnel Action Appeals**  
**Policy Number: 2155**

- 2155.1 **Policy:** The District has established a personnel action appeals procedure to have an impartial hearing on disputed personnel actions which have been appealed based on the following policies: 2030 (discrimination); 2090.50 (medical examination); 2140.2 (disciplinary action); and 2150.6 (grievance). At the Board's option, the hearing can be conducted by the Board or by a hearing officer assigned pursuant to Policy 2155.3.
- 2155.2 **Request for Appeal:** When an employee has a right to appeal under these policies, the employee may submit to the appointing authority a written request for appeal to the Board. The request for appeal must be submitted within ten days from the date that the person received notification of the right to appeal the appointing authority's final decision.
- 2155.2.1 Upon receiving a request for an appeal, the appointing authority must notify the District counsel. The District council will schedule a hearing on the appeal at the earliest time that is mutually convenient for the interested parties (District and appellant), their representatives, if any, and the Board or assigned hearing officer.
- 2155.3 **Hearing Officer:** The hearing officer will be assigned by the District counsel from a list of willing and available officers appointed by the Board, provided that the Board reserves the right to have a hearing officer assigned by the State Office of Administrative Hearings or by the State Mediation and Conciliation Service. The Board will appoint hearing officers on the basis of the following criteria:



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- 2155.3.1 Education, work experience, and community service;
- 2155.3.2 Relative neutrality toward the points of view of labor and management;
- 2155.3.3 Reputation for integrity and a sense of justice and fairness;
- 2155.3.4 Availability and willingness to serve on the terms set forth in these policies.
- 2155.3.5 An interested party has the right to request disqualification of an assigned hearing officer only when specific grounds for disqualification are alleged in writing to the District counsel. The District counsel has the discretion whether or not to assign another officer to the appeal. Any written materials concerning disqualification shall be part of the record.
- 2155.3.6 Unless under contract, a hearing officer will not be compensated but be reimbursed by the District for any actual and reasonable expenses related to the appeal.
- 2155.4 **Conduct of the Hearing:** The District counsel is responsible for scheduling and notification as to the time and place of the hearing, and of notifying the hearing officer of the nature of the proceeding.
  - 2155.4.1 Unless otherwise stipulated, the hearing will be closed to the public and conducted in an informal manner under the direction and authority of the hearing officer. The hearing need not be conducted according to technical rules of evidence, but the hearing will be expedited by the exclusion of irrelevant or repetitious matter.
- 2155.5 **Final Decision:** Within forty-five days of 2155.4.2 the interested parties and their representatives have the right to introduce any relevant written or physical evidence, and to call and examine witnesses. The hearing officer may subpoena witnesses pursuant to Section 1985 of the Code of Civil Procedure. Oral testimony may be taken on oath or affirmation administered by the hearing officer. District employees called as witnesses serve without loss of pay in accordance with Policy 2162.6.
  - 2155.4.3 An interested party may tape record the hearing or arrange at its own cost the services of a court reporter. Any record of the hearing becomes a record of the proceedings for purposes of any future judicial review.

At the conclusion of the hearing, unless waived by the parties, the officer shall prepare the record of the hearing and submit to the Board a written decision of findings of fact, rulings of law, and recommendations for disposition. Copies will be sent to the interested parties.

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- 2155.5.1 Within thirty days, the Board will adopt the hearing officer's decision as its own, provided that the Board reserves the right to modify the officer's decision, or to adopt its own decision, based on an independent review of the record. Failure to act within sixty days will be deemed adoption of the officer's decision as rendered. The Board's decision on the appeal is final and binding on all parties, and not subject to further administrative review.

**Policy Title: Unpaid Leave**  
**Policy Number: 2160**

- 2160.1 **General Leave:** A general leave of absence may be granted to employees only on duly authorized terms and conditions and at the approval of the APCO. Such leave shall be without compensation or accrual of benefits or seniority. Health insurance coverage though the District may be continued at the employee's own expense.

- 2160.1.1 An appointing authority may grant a limited leave not exceeding ninety consecutive days in any twelve month period. If specifically authorized by the Board, and with the concurrence of the appointing authority, an extended leave not exceeding two years may be granted.

- 2160.1 Unless required by law or District policy, ordinance, resolution, or code, vacation leave credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits do not accrue to an employee on unpaid leave.

- 2160.2 **California Family Rights Act Leave** In accordance with the California Family Rights Act (CFRA), employees are provided up to 12 workweeks of unpaid family/medical leave within a 12-month period, or 26 workweeks to care for a covered service member. Please refer to the California Family Rights Act / Pregnancy Disability Leave Policy for detailed information. Also refer to 2162.6 for Military Family Medical Leave.

- 2160.3 **Pregnancy Disability Leave** Employees who are disabled because of pregnancy, childbirth or related medical conditions are provided an unpaid leave of absence for the period of disability up to a maximum of 17 1/3 weeks per pregnancy. Part time employees are entitled to pregnancy disability leave on a pro-rated basis. Time off needed for prenatal care, severe morning sickness, doctor ordered bed rest, childbirth and recovery from childbirth will all be counted as pregnancy disability leave. Please refer to the California Family Leave Act / Pregnancy Disability Leave Policy for detailed information.

- 2160.6 **Family-School Partnership Act Leave:** All regular full time and part time employees, who qualify as a parent, guardian, step-parent, foster parent, grandparent, or person who stands in loco parentis to one or more children in

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kindergarten through grade 12, is entitled to request up to 8 hours **per month not to exceed 40 hours annually** for the purpose of participating in their children's school activities. Regardless of the number of children, an employee will only be granted 40 hours total annual leave.

- 2160.6.1 Employees are required to provide reasonable advance notice of anticipate absences related to school activities.
- 2160.6.2 Such time off is considered unpaid leave unless the employee chooses to utilize vacation, administrative leave, floating holiday or compensatory time off to allow for the time off to be considered paid leave.

**Policy Title: Paid Leave**  
**Policy Number: 2162**

- 2162.1 **Sick Leave** In accordance with the Healthy Workplaces, Healthy Families Act of 2014, sick leave will accrue and be used according to the terms outlined in this policy
  - 2162.1.1 Full time employees who are not seasonal, temporary or extra help accrue eight hours of sick leave for each calendar month of paid status; part time employees who are not seasonal, temporary or extra help accrue sick leave in an amount prorated to the lower number of hours they work each calendar year in paid status. Accrued sick leave carries over from year to year.

A seasonal, temporary or extra help employee who works 30 or more days within a year from the commencement of employment with the District accrues one hour of paid sick leave for every 30 hours worked. Accrued and unused sick leave carries over to the following year of employment, but a seasonal, temporary, or extra help employee stops earning sick leave once they have accrued 48 hours or 6 workdays/ shifts, whichever is greater.
  - 2162.1.3 Upon termination for non-cause reasons from the District service after five years of continuous and compensated service, an employee will be paid 35% of any accrued, unused sick leave. Valuation is based on the hourly equivalent of said employee's monthly salary at the effective date of termination. Any employee applying for and receiving PERS Section 20862.8 will not be eligible for the sick leave buy-out benefit contained in this Section. Termination for cause will result in loss of all accrued sick leave.
  - 2162.1.4 Upon death of any employee, the employee's estate will be paid the value of all unused and accumulated sick leave. The value of such sick leave will be determined by multiplying the total hours accumulated and unused by

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the hourly wage rate to which the employee was assigned at the time of death.

2162.1.5 Sick leave does not accrue during any period of leave of absence in excess of fifteen (15) working days, with the exception of authorized temporary military leave. Address unpaid leave here also

2162.1.6 Requests to use sick leave must be made to the employee's supervisor at least twenty-four (24) hours in advance. If the employee's need to use paid sick leave is unforeseeable, the employee must provide notice to the employee's supervisor as soon as is practicable. For other than medical-related activities, those appointments should be scheduled for the first or last hour of the shift if possible. The APCO is exempt from this Section.

2162.1.7 An employee may use accrued sick leave, in a minimum increment of two hours, beginning on the 90th day after the first day of employment with the District subject to the limits and request provisions in this Policy.

2162.1.8 An employee may use paid sick leave for diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling;

Or it may be used to care for an employee who is a victim of domestic violence, sexual assault, or stalking to: 1) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or 2) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.

2162.2 **Vacation:** Paid vacation is exclusively a benefit for full-time probationary, full-time and part-time regular employees. It is granted on the following terms and "days" refer to working days. Regular part-time employees are entitled to vacation benefits on a pro rata basis. See Section 2165.5

2162.2.1 Accrual is computed from the date of hire:

2162.2.1.1 During the first and second year of compensated and continuous service, an employee accrues ten days, of vacation, (80 hours of vacation accrued at 3.08 hours per pay period) provided that no vacation will be taken until completion of the first year.

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- 2162.2.1.3 During the third through tenth year of compensated and continuous service, an employee accrues fifteen days of vacation (120 hours of vacation accrued at 4.62 hours per pay period).
- 2162.2.1.4 During the eleventh year of compensated and continuous service, and each year thereafter, an employee accrues twenty days of vacation per year (160 hours accrued at 6.15 hours per pay period).
- 2162.2.2 Accrued unused vacation leave is limited to the maximum number of days that the employee could earn during the two most recent service years past. Once an employee has accrued the maximum vacation time allowed, they cannot earn any more vacation until their balance goes below the set level noted above.
- 2162.2.3 Vacation leave must have the prior approval of the appointing authority, if there is a reasonable basis for denial of an employee's request for leave. No approval is required for vacation by the APCO, but employees will be notified of the APCO's intent to take vacation in excess of three consecutive days.
- 2162.2.4 Appointing authorities are responsible for ensuring that employees have the opportunity to take vacation leave each year in order to relieve the stress of employment. No employee will be denied the opportunity to take off each year two-thirds of their annual vacation accrual, nor denied the opportunity to take off at least five consecutive days each year.
- 2162.2.5 Upon death, retirement, layoff, or resignation from the classified service, an employee or the employee's estate will be paid one hundred percent of the value of any accrued, unused vacation leave. Valuation shall be on the basis of the hourly equivalent of said employee's monthly salary at the effective date of termination.
- 2162.2.6 Donation of Accrued Vacation Time
  - 2162.2.6.1 An employee may, upon approval, transfer all or any portion of their accrued vacation leave to another employee of the District. Transfer of vacation time from one employee to another pursuant to this subsection is permitted only in unusual, unanticipated, emergency situations involving serious illness or injury of an employee or serious illness, injury, imminent death or death of a member of the employee's immediate family. For purposes of this policy, a family member is a spouse, state registered domestic partner, parent (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stand in loco parentis), parent-in-law, sibling, grandparent, or grandchild.

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A request for transfer of vacation leave may be initiated by either the employee in need of additional time or by an employee or employees who wish to donate time to another employee. Participation in this program is strictly voluntary. No employee is required or expected to participate and no employee will be subject to coercion or threat or intimidation of any kind for failure to donate vacation leave time pursuant to this program.

2162.2.6.2 A request for transfer of vacation leave time will proceed as follows:

2162.2.6.2.1 The employee(s) making the request must do so in writing to the Air Pollution Control Officer on a Vacation Leave Transfer Form.

2162.2.6.2.2 The APCO will review the request and approve or deny the request within a reasonable period of time and will notify the donor of the decision. The APCO's decision to approve or deny the request is final and binding on the parties.

2162.2.6.2.3 Approved Vacation Leave Transfer Forms should be submitted to the Clerk of the APCO. The Clerk will debit the donor employee's vacation leave account by the number of hours donated by the donor. The Clerk will then credit the recipient employee's vacation leave account by an amount determined as follows: divide the donor's hourly wage rate by the recipient's hourly wage and multiply the resulting quotient by the number of hours donated.

2162.2.6.2.4 The Clerk will notify the recipient employee of the donation. A donor's name may not be released unless specifically requested by the donor.

2162.2.6.2.5 Donations are subject to applicable tax laws. Recipient employees will be responsible for any applicable state and federal income taxes on the donated time. There is no tax liability to donors.

2162.4 **Holidays:** Regular full-time and regular part-time and probationary regular full-time and regular part-time employees of the District receive the following paid holidays, which are official District holidays. Regular part-time employees are entitled to compensation on a pro rata basis, applying the percentage of employment against the eight (8) hours granted a full-time employee. All temporary employees shall receive unpaid holidays.

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- 2162.4.1 January 1, New Year's Day. If January 1 falls upon a Sunday, the Monday following will be a holiday. If January 1 falls upon a Saturday, the preceding Friday will be a holiday.
- 2162.4.2 Martin Luther King Jr's birthday
- 2162.4.3 President's Day
- 2162.4.4 Memorial Day
- 2162.4.5 Independence Day. If July 4 falls upon a Sunday, the Monday following will be a holiday. If July 4 falls upon a Saturday, the preceding Friday will be a holiday.
- 2162.4.6 Labor Day
- 2162.4.7 Columbus Day
- 2162.4.8 Veterans Day
- 2162.4.9 Thanksgiving Day
- 2162.4.10 Day after Thanksgiving Day
- 2162.4.11 Christmas Eve holiday. When the Christmas holiday falls on a Monday or Thursday, the Christmas Eve holiday will be designated as the day following the Christmas holiday. When Christmas Eve falls on a Saturday, the preceding Friday will be designated as the Christmas Eve holiday.
- 2162.4.12 Christmas Day. When the Christmas Day falls on a Saturday or Sunday, the Christmas Holiday will be on Monday.
- 2162.4.13 One day per fiscal year designated as a floating holiday to be taken at the employee's discretion subject to approval by the APCO.
- 2162.4.14 Every day appointed by the President of the United States or the Governor of this state as a special one-time-only holiday.
- 2162.4.15 An employee must work on the regular work day before and the regular work day after a paid holiday or be on an approved paid leave of absence during these times in order to receive pay for the holiday. Approved paid leave of absence is defined as paid sick leave, paid vacation, paid floating holiday, or paid authorized leave of absence. Any exception should be for good cause only, and will require the approval of the APCO whose decision is final.

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2162.5 **Jury and Witness Leave:** Any employee who is called for jury duty or subpoenaed to appear as a witness, other than as an expert witness or party to the action, will receive paid leave on the following terms:

2162.5.1 The employee will receive paid leave provided that any witness fees or jury fees are assigned to the District auditor.

2162.5.2 If called as a witness in litigation in which the District is a party, or to testify in an official capacity as a District employee, the employee will receive paid leave and an allowance for any necessary travel, provided that any witness fees are remitted to the District.

2162.6 **Military Leave:** Military leave will be granted in accordance with state and federal law, provided that the appointing authority is given a copy of the military orders specifying the date, site and purpose of the activity or mission. Within the limits of such orders, the appointing authority may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

**Military Family Medical Leave Entitlements:** Qualified Exigency Leave. Eligible employees with a spouse, son, daughter, or parent in regular Armed Forces or National Guard / Reserves deployed to a foreign country may use their 12-week Family Care leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include addressing needs arising from short-notice deployment, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, addressing needs related to the care of the military member's parent who is incapable of self-care, attending certain counseling sessions, to spend up to 15 calendar days with a military member who is on R and R leave, and attending post-deployment reintegration briefings.

**Policy Title: Additional Benefits and Allowances**  
**Policy Number: 2165**

2165.1 **Claiming Allowances:** Claims by employees for allowances should be made on claim forms approved by the District, and a claim will not be paid without signed approval by the APCO.

2165.2 **Travel Allowance:** Employees will be reimbursed for their actual and necessary traveling expenses while engaged in official business of the District. The amount in cents per mile to be reimbursed for vehicle operation shall be fixed from time to time by the Board.



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Expense claims shall be submitted by each employee at least once each calendar quarter.

- 2165.2.1 All travel expenses should be reported on Travel Expense forms, as provided by the APCO.
- 2165.2.2 All expense claims should be properly itemized, accompanied by necessary vouchers, and approved by the Air Pollution Control Officer.
- 2165.2.3 Receipts or vouchers must be submitted for each item of expense except as follows:
  - 2165.2.3.1 Street cars, buses, ferry fares, bridge and road tolls.
  - 2165.2.3.2 Long distance telephone charges, if the date, place and party called are shown.
  - 2165.2.3.3 Taxi fares when necessary on official business.
  - 2165.2.3.4 Charges incurred installing or removing tire chains.
  - 2165.2.3.5 Expenses of \$ 2.00 or less when necessary on official business.
  - 2165.2.3.6 Expenses which are reimbursable through per diem.
  - 2165.2.3.7 Mileage compensation, for use of privately owned automobiles.
  - 2165.2.3.8 Tips, as authorized by this section.
- 2165.2.4 In instances where receipts cannot be obtained, a statement to that effect and the reason must be attached to the required expense form.
- 2165.2.5 All expenses paid on District charge cards, while not reimbursable to the employee, must be itemized on an expense form and approved by the Air Pollution Control Officer.
- 2165.2.6 Expense forms of District officers and employees traveling at the expense of the District must show the purpose of such travel.
- 2165.2.7 Fund advances for lodging, registration fees, and commercial travel may be authorized by the Air Pollution Control Officer for travel expenses, upon presentation of supporting evidence; e.g., an approved travel request, etc.
- 2165.2.8 Residence:
  - 2165.2.8.1 Residence must be established for each District officer and employee claiming travel expenses.

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- 2165.2.8.2 No expenses are allowed for travel from residence to established work headquarters unless otherwise approved by the APCO.
- 2165.2.8.3 The members of the District Board will be reimbursed for all expenses incurred while performing their duties, including all mileage.
- 2165.2.9 All District officers and employees traveling on official District business should use appropriate District-owned vehicles whenever possible. Air travel with commercial airlines for travel over longer distances is encouraged, to reduce time away from the job.
- 2165.2.10 Rate of Compensation:
  - 2165.2.10.1 Mileage: Authorized travel on District business by privately-owned automobile will be compensated at the current IRS rate per mile traveled, with total reimbursement not to exceed the cost of tourist rate commercial air travel when available. Travel by other than privately-owned automobile will be compensated according to actual costs incurred, and should not exceed the cost of tourist rate commercial air travel. Exceptions to the above cost limitations will be approved in advance by the District Board.
  - 2165.2.10.2 Per Diem: Authorized travel to and from official convention or conference headquarters and all other official District travel requiring an officer or employee to be absent from their residence for one or more nights, will, for purposes of providing meals and lodging, be compensated at \$ 75.00 for each full 24-hour period they are away from their residence on out-of-district travel and at \$ 65.00 for each full 24-hour period they away from their residence on travel within the District. In determining the number of full days and fractions away from the place of residence, no fraction less than 1/4 of a day will be compensated. The fractional days to be allowed for the days of departure and return are determined by the quarter of the day during which travel begins and ends. If it is necessary for an officer or employee attending an official convention or conference to obtain meals and lodging at a specified facility or location, when the costs of meals and lodging exceed the amounts stated here, the officer or employee may be reimbursed according to the actual costs incurred, when the necessary receipts or vouchers are submitted. When lodging and/or meals are paid by District charge card, per diem does not apply and the necessary receipts and vouchers should be submitted for the actual costs incurred. The limitations on allowable costs incurred by use of the District charge card shall be as stipulated above for per diem.
  - 2165.2.10.3 Meal Allowance: Officers and employees traveling on District business, who complete the trip within one working day, receive no per diem pay, except that a meal allowance is authorized if the employee or officer is required to be away from their normal place of business. When travel is between the hours of 7:00 a.m. and 7:00 p.m., lunch is the only meal

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expense which may be claimed on a one-day trip. Meal expenses will be reimbursed at the actual costs of meals up to the following maximums and exclusive of sales tax: Example: Portola EE going over an hour from their office, or a Grass Valley EE going to Plumas County or Truckee.

2165.2.10.3.1 Breakfast \$ 7.00

2165.2.10.3.2 Lunch \$10.00

2165.2.10.3.3 Dinner \$18.50

This limit on meals does not apply when an employee is attending an official District function where the costs of meals exceed the stated maximums.

2165.2.10.4 Incidental Expense Allowance: An officer or employee traveling on official District business shall be, in addition to any mileage, per diem, or meal expenses received, compensated for incidental expenses incurred in connection with such District business. Incidental expenses include but are not limited to such items as:

2165.2.10.4.1 Ferry and toll bridge tolls.

2165.2.10.4.2 Taxi fares.

2165.2.10.4.3 Registration fees at conferences and conventions.

2165.2.10.4.4 Parking fees.

2165.2.10.4.5 Tips - for meals only, and not to exceed 15% of the cost of the meal.

2165.2.10.4.6 Any other expense directly attributable to District business.

2165.2.10.5 Personal Expenses: No personal expenses, such as barbering, alcoholic beverages, entertainment, tips (except as permitted for meals), or laundry or dry cleaning are allowed

2165.2.10.6 Expense Limitation: Notwithstanding any other provision of this section, no per diem or other reimbursement is allowed for those additional costs of meals, lodging or other expenses incurred as a result of any additional travel time required due to travel by means of other than commercial air travel where such commercial air travel is available, unless approved in advance by the District Board.

2165.2.11 Authority for Special Expenses: District officers who incur special expenses will be reimbursed only if the expense form is properly itemized, accompanied by the necessary vouchers, and contains sufficient

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justification for the stated expenditure. Such expense will be compensated at the rates specified in this section.

- 2165.2.12 Reimbursement to Committees, Examining Boards and Consultants: Meal costs and incidental expenses of persons serving without compensation on examining boards, commissions, committees, or as consultants to the District may be reimbursed to the District officer or their designee purchasing such meals or items of incidental expense.
- 2165.2.13 Reimbursement for Business Meals: Meal costs and incidental expenses of officers and their official guests, attending breakfast, lunch, or dinner where official District business is conducted, may be reimbursed.
- 2165.2.14 Reimbursement for Special District Board Expense: The District Board may, on occasion, invite professionals to attend sessions of the Board to provide them with professional guidance and are authorized to expend public funds to pay for those professional person's mileage and/or luncheon expenses or to pay per diem allowance should the consultation take more than one normal working day.
- 2165.2.15 Reimbursement for Consultant's Expenses: In the event the Air Pollution Control Officer desires to engage a professional person from outside the District agency to serve in a professional consulting capacity and such consultation will take more than one working day, the APCO may, with prior approval of the District Board, authorize a claim to be drawn against the travel funds of the District for the lodging, meals, and mileage of the consultant.
- 2165.2.16 Dinner Reimbursement for Specified Late Meetings: In the event that a regular meeting of the District Board extends, or is expected to extend, beyond 7:00 p.m., and the District Board recesses temporarily for dinner in anticipation of reconvening and continuing its business during the same evening, officers and regular employees serving or assigned as staff, will be entitled to reimbursement of the dinner expense up to the maximum amount permitted according to Section 2165.2.10.3.3.

**2165.3 Training and Continuing Education**

- 2165.3.1 Objectives: The Continuing Education Program is designed to encourage employees to continue their self-development by enrolling in classroom courses and/or seminars which will:
  - 2165.3.1.1 Educate them in new concepts and methods in their occupational fields and prepare them to meet the changing demands of their jobs.
  - 2165.3.1.2 Help prepare them for advancement to positions of greater responsibility in their occupational field or in areas deemed critical by the District.

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- 2165.3.2 Eligibility of Courses for Tuition Reimbursement: The following criteria is used in determining the eligibility of courses for tuition reimbursement.
- 2165.3.2.1 Courses must be related to the work of the employee's position or occupation.
  - 2165.3.2.2 Courses must have reasonable potential for resulting in savings or in a more efficient service.
  - 2165.3.2.3 Courses must be taken at accredited institutions and/or result in continuing education units. Correspondence courses from reputable institutions will be considered only when equivalent courses are not available at local accredited schools or when the employee is prevented from attending local courses.
  - 2165.3.2.4 The prerequisite courses for eligible courses are also eligible for a tuition reimbursement. However, except for good cause, reimbursement will not be made until the appropriate eligible courses have been satisfactorily completed.
  - 2165.3.2.5 Courses which are neither eligible in themselves nor a prerequisite for eligible courses, but which are required for the completion of a Master or a Doctorate Degree in a work-related field, are eligible for tuition reimbursement. However, reimbursement will not be made until the Degree is received. Ordinarily such provisions cannot be made for courses required for the completion of a Bachelor or Associate of Arts Degree. With the approval of the Air Pollution Control Officer (APCO), however, exceptions may be made by individual or for a specific job class or series.
  - 2165.3.2.6 Courses are not eligible for tuition reimbursement if they:
    - 2165.3.2.6.1 Are taken to bring unsatisfactory performance up to an acceptable level.
    - 2165.3.2.6.2 Are taken to acquire basic skills or basic knowledge which the employee was deemed to have when appointed.
    - 2165.3.2.6.3 Duplicate available in-service training.
    - 2165.3.2.6.4 Duplicate training which the employee has previously received.
- 2165.3.3 **Eligibility of Employees for Tuition Reimbursement:** Regular full-time employees performing their jobs satisfactorily are eligible for reimbursement.
- 2165.3.4 Nature of Reimbursement:

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- 2165.3.4.1 Reimbursement is available for tuition, books, registration fees and laboratory fees. Expenses for parking, travel, meals and other incidental costs are not reimbursable. All books used, and for which reimbursement is received, become the property of the District.
- 2165.3.4.2 Reimbursement will be made to the employee on the completion of the course with a minimum grade of C or its equivalent in an undergraduate course, or B or its equivalent in a graduate level course. No reimbursement will be made for audited courses or incomplete courses.
- 2165.3.4.3 Reimbursement received from other sources for tuition, books, registration and/or lab fees will be deducted from the cost of such expenses in determining the amount which the District will pay.
- 2165.3.5 Outline of Procedure for Tuition Reimbursement
  - 2165.3.5.1 The employee can apply for tuition reimbursement, prior to enrollment, through normal supervisory channels on forms provided by the District.
  - 2165.3.5.2 The APCO will within ten (10) days either recommend approval of the application, or deny it based on criteria set forth in this policy. If the APCO recommends approval, they will forward the application to the Clerk of the APCO.
  - 2165.3.5.3 Upon completion of an approved course, the employee should obtain from the institution certification of fees paid and grade received and send certification to the APCO as soon as possible. Fees paid should be itemized on a standard District Claim Form. The receipt should accompany the Claim Form with pertinent information including the signature of the APCO and employee's signature. The employee will also evaluate the course and send the evaluation to the APCO. All books for which reimbursement is claimed must be delivered to the APCO's office prior to payment of any claim for reimbursement on such item(s), and said books shall become the property of the District.
- 2165.3.6 Specialized Training: When a department head establishes that there is a need for specialized training of employees to expand the capabilities of the department or to keep the department current with respect to changes in the law or the field relevant to that department, the department head is authorized to enter into a contract with the candidate for specialized training. The contract may provide for a commitment of a specified period of time which the employee agrees to remain in the District employment after the specialized training. If the employee terminates employment voluntarily within that period of time, the contract may provide for an amount either in whole or on a reducing scale over time which the employee will be required to reimburse the District for the benefits received by the employee as a result of the specialized training.
- 2165.4 **Retirement Benefits:** Retirement benefits are offered through the District's contract with the Public Employees Retirement System. The contract excludes hourly paid employees such as extra-help and temporary employees, and employees who are part-time for less than twenty hours per week on a regularly assigned basis. PERS

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qualification rules include exceptions to these exclusions for both full-time and part-time employees (e.g. temporary). The contract includes regular and probationary full-time employees paid on the time base of a biweekly pay period.

2165.4.1 In addition to the employer portion of the premium, the District shall pay 100% of the employee portion of the premium for retirement benefit for employees hired prior to January 1, 2013.

Tier III: PERS "PEPRA" Employees hired on or after January 1, 2013 are enrolled in the 2%@62 formula. Effective January 1, 2013, employees shall contribute one half of the total normal cost (currently 6.5%) of the employer contribution to PERS. This contribution will be made through payroll deduction.

2165.5 **Prorated Health Insurance and Vacation for Some Regular Part-time Employees:** Notwithstanding any rule to the contrary, a regular or probationary employee who is assigned regular work hours per week of fifteen or more, but less than forty, will receive prorated benefits as follow:

2165.5.1 The Clerk of the APCO will be informed of the type of appointment (2110.20) and the number of hours per week constituting regular work hours, exclusive of any possible overtime pay, on-call pay, or other special pay. The Clerk of the APCO will prorate benefits using the fraction of a full workweek (40 hours) that the employee works according to the following schedule:

15 to 19 hours per week:	0.4375 is the fraction.
20 to 24 "	0.5625 "
25 to 29 "	0.6875 "
30 to 34 "	0.8125 "
35 to 39 "	0.9375 "

2165.5.3 **Prorated Vacation:** The employee will accrue vacation in accordance with Section 2162.3 on the appropriate prorated basis. The rate of vacation accrual shall be based on the full-time equivalent of the employee's continuous and compensated service measured from the date of hire.

2165.6 **Alternate Commute Program:**

2165.6.1 Any employee who uses alternative transportation which reduces the use of the single occupancy vehicle to get from home to work (e.g. car pool, ride a bus, van pool, walk, ride a bicycle, etc.) will be compensated at the following rates:

2165.7.1.1 Commute distance 0 to 25 miles: \$1.00 per day

2165.7.1.2 Commute distance greater than 25 miles: \$2.00 per day

2165.6.2 The employee with the greatest number of alternative commute days in the fiscal year will be compensated in the amount of \$250.00.

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- 2165.7 **Deferred Compensation Program:** If employees elect, the District will participate in the PERS Deferred Compensation Program, whereby before-tax salary is deferred to a PERS retirement savings account. The District pay the administrative costs as long as funding is available. Administrative costs do not include deductions made from the employees' Compensation Account for any reason by PERS or its contractors.
- 2165.8 **District Vehicle Commute Reimbursement Move this section to Vehicle reimbursement and review**
- 2165.8.1 Through the mutual consent of the APCO and employee, the APCO may allow a district vehicle to be driven to an employee's home if circumstances warrant enhanced security for district vehicles. Under these circumstances, the only personal use of the district vehicle will be for commuting to and from work or a de minimus personal use (such as a stop for a personal errand on the way between a business delivery and the employee's home).
- 2165.8.2 The employee will reimburse the District in accordance with Internal Revenue Service Publication 15-B, Commuting Rule. The APCO will decide the employee method of reimbursement.

**Board Approved 1/25/16**

**Policy Title: Health Benefits**  
**Policy Number: 2166**

- 2166.1 **Health Benefits Plan:** Except as provided here, District paid health insurance is a benefit exclusively for Board appointed employees and regular employees with work schedules of 30 hours or more per week or as defined by the health benefits plan requirements. The benefit may be used for the employee and dependents.
- 2166.1.1 The employee may choose to be enrolled in a PERS-provided health benefits plan if such a plan is available to the employee. If the employee is enrolled in a PERS-provided health insurance plan, the District shall pay 100% of the first \$9,600 of the employee's annual premium.
- 2166.1.2 At any time the employee may elect not to utilize the PERS-provided health benefits plan. In recognition of the subsequent cost savings to the District, the District will pay the employee 40% of the premium costs saved by the District, or \$3,840, whichever is less. Payment will be spread equally over the 26 pay periods. An employee electing to dis-enroll, shall not re-enroll until July 1 of the next fiscal year.
- 2166.1.3 Employees who retire from the District shall be eligible to be enrolled in a PERS-provided health insurance plan. If the retiree is enrolled in a PERS-provided health insurance plan, the District shall pay 100% of the first \$9,600 of the retiree's annual premium. Employees hired after July 1, 2014 shall still be



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eligible to be enrolled in a PERS-provided health insurance plan upon retirement, but the District shall pay 0% of the retiree's annual premium, upon retirement.

- 2166.1.4 Continued funding of a health insurance plan benefit for both employees and retirees is subject to the availability of funds.
- 2166.1.5 District staff shall provide legal notice within 10 days of a hearing or meeting to inform annuitants (retired employees of the District receiving retirement health benefits) of any modifications to the health benefits for retired employees of the District agendaed for a Board meeting. If any modifications are adopted by the Board, district staff shall make best effort to inform annuitants. If requested, board packet materials related to retirement health benefits will be provided at no charge to the retired employees.
- 2166.2 **Dental/Vision Care Program:** The District shall provide a self-funded dental/vision plan for employees and their dependents.
  - 2166.2.1 The maximum benefit paid into an Employee's Dental/Vision fund by the District is \$1,250 per fiscal year per employee. The benefit is available on a reimbursement basis. At the end of the fiscal year, any unused benefit is forfeited.
  - 2166.2.2 The benefit may be used by the employee and/or his/her dependents and there is no restriction on proportions used for either dental or vision.
  - 2166.2.3 The Business Manager shall track the total benefits used by each employee on a fiscal basis and provide a monthly report to the APCO showing the total benefits used by each employee.
- 2166.3 **Prorated Health Insurance for Regular Part-time Employees:** Notwithstanding any rule to the contrary, a regular or probationary employee who is assigned regular work hours per week of 30 or more will receive prorated benefits as follow:
  - 2166.3.1 The APCO will be informed of the type of appointment (2110.20) and the number of hours per week constituting regular work hours, exclusive of any possible overtime pay, on-call pay, or other special pay. The Business Manager will prorate benefits using the fraction of a full workweek (40 hours) that the employee works according to the following schedule:
 

30 to 34	"	0.8125 "
35 to 39	"	0.9375

**Policy Title: 2170**  
**Policy Number: Code of Conduct**

2170.1 **Ethical Responsibilities:** Each officer and employee has an obligation to the citizens and government of the three counties to cooperate in accomplishing the

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District's goals, to expose corruption wherever discovered, to refrain from disclosing any confidential information, to preserve and safeguard the District's assets, and to act according to the principle that "public office is a public trust".

2170.2 **Acceptance of Gratuities:** No officer or employee shall accept any fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances which could result in, or give the appearance of resulting in:

- 2170.2.1 The use of public office for private gain;
- 2170.2.2 The preferential treatment of any person, impeding governmental efficiency or economy;
- 2170.2.3 The making of a District decision outside of official channels;
- 2170.2.4 Any adverse effect on the confidence of the public in the integrity of the District or county government.

2170.3 **Drug and Alcohol Abuse:** It is the desire of the Board of Directors that all work environments of District employees be safe and productive and free of the influence of drugs, alcohol and/or other controlled substances. The Board of Directors is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by the inappropriate use of controlled substances.

2170.3.2 The use, distribution, possession, manufacture, purchase of any illegal drugs, prescription drugs, alcohol and/or other controlled substances by any District employee or officer on District property or work sites or while said employee or officer is on District business is prohibited. Law enforcement will be notified, as appropriate, where criminal activity is suspected.

2170.3.2.1 In the workplace, or wherever District business is performed, the use of illegal drugs or the consumption of alcohol is always prohibited. The illegal or unauthorized use of prescription drugs is always prohibited.

2170.3.2.2 Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to determine whether the medication may interfere with safe performance of their job. If the use of a medication could compromise the safety of the employee, fellow

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employees, or the public, it is the employee's responsibility to notify their supervisor. An employee is not required to disclose the nature of their medical condition, or to identify the medication they are taking, but must clearly indicate effects, such as impaired alertness, balance impairment, warnings about operation of machinery, etc.

- 2170.3.2.2 Commission of any of the actions described above will subject the employee to disciplinary action up to and including termination of employment.
- 2170.3.2.3 For the purpose of applying this policy, being under the influence of drugs, alcohol and/or other controlled substances means being impaired in any way from fully and proficiently performing job duties.

2170.3.3 The decision to discipline or terminate an employee found to have used and/or be under the influence of illegal drugs, prescription drugs, alcohol and/or other controlled substances during working hours may be waived or held in abeyance by the appointing authority, pending said employee's attempt at rehabilitation. The APCO has discretion to handle each case individually, with factors, such as the employee's frequency of use, commitment to rehabilitation, and type of substance involved, taken into consideration regarding the waiving of penalties.

2170.3.3.1 Discipline or termination of employment that is waived or held in abeyance pending rehabilitation should be done on the condition, set forth in writing, that the employee:

2170.3.3.1.1 Successfully complete an approved rehabilitation program;

2170.3.3.1.2 Faithfully comply with maintenance and therapeutic measures (e.g., attendance at AA or NA meetings); and,

2170.3.3.1.3 Be subject to periodic testing without further reasonable cause.

2170.3.3.2 Employees who are found to have brought illegal drugs, prescription drugs, alcohol or other non-prescription controlled substances onto District property or work sites and to have provided them to other employees will be terminated without recourse of a rehabilitation program.

2170.3.3.3 Discipline or termination of employment should not be taken until a thorough investigation has been completed.

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- 2170.3.4 To assure that employees, property and equipment are not endangered by other employees who are involved with, or under the influence of drugs, alcohol and/or other controlled substances, any employee whose conduct, appearance speech or other characteristics create a reasonable suspicion of involvement with, or influence of said substances will be taken to a medical facility and be subject to an exam by a qualified physician at District expense. If the physician determines that a drug/alcohol test is warranted, the employee will be subject to testing for the presence of alcohol or drugs in their bodies.
- 2170.3.4.1 Presence of such substances will result in disciplinary action up to and including termination of employment, as described above.
- 2170.3.4.2 An employee who is suspected of involvement as described above and refuses to cooperate in the physician's exam and/or drug/alcohol testing is subject to termination of employment.
- 2170.3.5 If a qualified physician, as a part of the examination specified in Section 2170.3.4 above, determines that an employee is not capable of working safely, the employee will be transported to their home by a supervising employee and not allowed to drive home.
- 2170.3.6 Immediately prior to reporting for drug/alcohol testing, all employees must complete a Consent and Release form to be kept on file in the District office which shall conform to the general format, as shown on Appendix A.
- 2170.3.7 District employees are required to notify the APCO in writing of any criminal drug statute of which they are convicted for a violation occurring in the workplace no later than five (5) calendar days after such conviction.
- 2170.4 **Conflict of Interest Activities Outside of Employment:** No officer or employee shall engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to their duties with the District.
- Outside employment, activity or enterprise may be prohibited by the Board if it:
- 2170.4.1 Involves the use for private gain or advantage of District time, facilities, equipment, supplies, badges, uniforms, prestige, or influence of District office or employment;
- 2170.4.2 Involves receipt or acceptance of any money or other consideration from anyone other than the District for the performance of an act which would normally be part of the duties in the District service;

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- 2170.4.3 Involves the performance for compensation of an act, in other than their capacity as a District officer or employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the District;
- 2170.4.4 Involves such time demands as would render less efficient performance of duties in the District service.
- 2170.5 **Contracts, Sales and Purchases:** No officer or employee can be financially interested in any contract, sale or purchase by the District which the officer or employee, in their official capacity, influenced or could have influence, provided that an officer or employee will not be deemed financially interested if the interest is remote and fully disclosed.
- 2170.6 **Use of District Property:** Officers and employees are prohibited from using District property directly or indirectly for any purpose unrelated to District business or in any manner deviating from the manner authorized by the APCO or by regulation.
- 2170.7 **Political Activities:** No officer or employee may engage in political activity during working hours, or on District premises, unless the Board has specifically opened those premises for political activity by the public.
- 2170.7.1 All officers and employees are subject to the restriction on political activity as defined by the State.
- 2170.7.2 Any officer or employee who is paid with federal grant money or loans, or whose principal employment is in connection with a program financed in whole or in part by a federal agency, is subject to the political restrictions of the Hatch Act.
- 2170.7.3 All officers and employees will be informed by District counsel memorandum issued from time to time, of prohibited political activities under state and federal law.

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Appendix A  
**CONSENT AND RELEASE FORM**  
**DRUG/ALCOHOL TESTING**

I hereby authorize the Northern Sierra Air Quality Management District (District), and any laboratories or medical facilities designated by the District, to perform a urinalysis and/or blood test to detect the presence of illicit drugs and/or alcohol in my body. I further authorize the reporting of the results of such test(s) to the District and its authorized personnel. I recognize that the results of such test will be used to determine my suitability for employment or for continued employment with the District.

Any attempt to switch a sample or adulterate a sample will be considered the same as a positive result. The laboratory may use one or more tests for adulteration.

The only controlled substance, narcotic (including marijuana), or prescription drug and over-the-counter medications, by brand name if possible (e.g., Extra Strength Tylenol™, Robitussin-DM™, Allerest™, Mediprin™, etc.), that I have used in the last forty-five (45) days are as follows:

<u>DRUG/MEDICINE</u>	<u>WHEN USED</u>	<u>ISSUED BY: (IF PRESCRIPTION)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NAME OF EMPLOYEE: \_\_\_\_\_

FACILITY PERFORMING TEST: \_\_\_\_\_

DATE OF TEST: \_\_\_\_\_

SIGNATURE OF APPLICANT/EMPLOYEE

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

SUPERVISOR REQUESTING TEST: \_\_\_\_\_

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(Signature)

(Date)

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Appendix B

**EMPLOYEE GRIEVANCE FORM - SEXUAL HARASSMENT  
Northern Sierra Air Quality Management District**

Employee's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied, or misinterpreted:

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Circumstances involved:

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Decision rendered by the informal conference:

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Specific remedy sought:

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**Policy Title: Purpose of Personnel Policies, Exemptions, and Administration**  
**Policy Number: 2000**

- 2000.10 ~~It is the intent of the~~The Board of Directors of the Northern Sierra Air Quality Management District (District) want to provide a consistent, equitable, and efficient program of personnel administration for District employees and applicants for District employment. Under no circumstances shall are these policies to be construed to act as any type of employment contract. These policies provide a framework which is not binding to the District.
- 2000.20 **Exemptions:** These policies apply to all District employees, except:
- 2000.21 Nonclassified employees shall bear exempt from Policies 2040, 2045 (except 2045.50), 2050, 2060, 2110, 2120, 2130, 2140, 2150, 2160 and 2162.
- 2000.22 Employees covered by a memorandum of understanding binding the District and a recognized employee organization shall be exempt from any of these policies that are inconsistent with the terms of such memorandum.
- ~~2000.23~~ Employees covered by an individual contract of employment for a specific term shall bear exempt from any of these policies that are inconsistent with the terms of such contract.
- 2000.30 **Administration:** The District Board of Directors shall be responsible for establishing such policies and procedures as are necessary for the administration of these policies.
- 2000.40 **Air Pollution Control Officer (APCO):** The executive officer of the Air Quality Management District, is appointed by the Board to manage the AQMD operations and implement the policy direction of the Board. At the APCO's discretion, heThe APCO may use either the title Air Pollution Control Officer or Executive Officer in communications or correspondence.
- 2000.50 **Departmental Rules:** The Air Pollution Control Officer may establish additional personnel rules that are not inconsistent with these policies, other District policies, or any memorandum of understanding with a "recognized employee organization" [as defined in Government Code Section 3501 (b)]; provided that heshe compliesthey comply with any "meet and confer" obligation under Government Code Section 3505.
- 2000.60 **Amendment of Policies:** These policies shall can be amended as necessary by resolution of the Board, provided that the District complies with any "meet and confer" obligation under Government Code Section 3505.

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2000.70 **Severability:** If any policy, section, or phrase of these policies is declared unconstitutional or void for any reason, ~~such that decision shall~~will not affect the validity of the remaining portion of these policies.

2000.80 **Construction:** These policies ~~shall~~will be liberally construed ~~so as to effectuate~~ their purpose and to avoid inequities.

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**Policy Title: Definitions**  
**Policy Number: 2010**

- 2010.10 **Allowance:** A payment to an employee that is intended to cover incidental job-related expenses outside the scope of regular salary.
- 2010.20 **Anniversary Date:** The date of appointment to a particular classified position.
- 2010.30 **Applicant:** A person who has filed a timely and complete application for employment, but who is not yet appointed.
- 2010.40 **Appointing Authority:** The Board, the Air Pollution Control Officer, or any other managerial employee who has the power and authority to make appointments to the District service.
- 2010.50 **Appointment:** The filling of a position in the District service by means of an appointing authority's offer of employment and acceptance of that offer by an applicant.
- 2010.60 **Board:** The Board of Directors of the Northern Sierra Air Quality Management District.
- 2010.70 **Board Appointed Employee:** An employee examined and appointed directly by the Board.
- 2010.80 **Classified Department Head:** A department head whose position is included in the District's classification and salary plans.
- 2010.90 **Classified Service:** All positions of employment included in the District's classification and salary plans.
- 2010.100 **Compensated Service:** Employee service actually paid for by the District and not including periods of unpaid leave.
- 2010.110 **Continuous Service:** Employment in the District service for a period of time unbroken by separation, dismissal, or termination. No break shall ~~be~~ will be deemed ~~considered~~ to occur because of temporary unpaid leave authorized under Policies 2140, 2160 and 2162, or because of layoff less than one year in duration.
- 2010.120 **District Service:** All District offices and positions of employment authorized by the Board or by state law.

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- 2010.130 **Date of Hire:** The date of entry into the District service which commences the most recent period of continuous service.
- 2010.140 **Date of Mailing:** The date of postmark.
- 2010.150 **Day:** Calendar day unless otherwise specified.
- 2010.160 **Demotion:** Appointment to a position with a salary lower than the employee's previous salary.
- 2010.170 **Department Head:** A District officer or employee responsible for supervising a District department.
- 2010.180 **Dismissal:** Termination of employment for cause.
- 2010.190 **Examination:** Any competitive procedure or test used to make a differentiation between applicants for employment.
- 2010.200 **Family:** Spouse, or registered domestic partner, child, mother, father, brother, sister, and grandparents, including forms of those relationships recognized by law such as "in-law", "step", "foster", and "half".
- 2010.210 **FLSA-exempt Employee:** Employees in positions that are executive, administrative, or professional as defined and interpreted under the Fair Labor Standards Act [20 USC 213(a) (1) and 29 CFR 541]. The only FLSA-exempt position approved by the Board at this time is the Air Pollution Control Officer.
- 2010.220 **Full-time Employee:** Working a full forty-hour workweek on a regular basis.
- 2010.230 **Holiday:** District holidays declared by District ordinance.
- 2010.240 **Layoff:** Separation from District service due to an employee's position being vacated or eliminated by the Board.
- 2010.250 **Leave:** Authorized absence from a position for a definite period of time, with a right to reinstatement on the same terms as prevailed when the absence commenced.
- 2010.260 **Management and Confidential Employee:** Employees in positions that are defined in Government Code Section 3507.5. The only FLSA-exempt position approved by the Board at this time is the Air Pollution Control Officer and the Clerk of the Air Pollution Control Officer.
- ~~2010.260 **May:** Means permissive and not mandatory.~~

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- 2010.270 **Nonclassified Employee:** An employee whose position is not included in the District's classification and salary plans, and whose salary is set by District ordinance.
- 2010.280 **Objection:** A written statement of specific reasons for disputing a personnel action that has had an allegedly unfair and adverse impact on the employment interests of the person objecting.
- 2010.290 **Position:** One or more offices or places of employment, the tasks and duties of which require the services of one person.
- 2010.300 **Promotion:** Appointment of an employee to a position with a salary higher than the employee's previous salary.
- 2010.310 ~~**Shall:** Means mandatory and not permissive.~~
- ~~2010.320~~ **Volunteer:** A person who is willing and authorized to perform a non-compensated service for the District.
- 2010.330 ~~320~~ **Workday:** Eight hours per day, except as otherwise provided or defined in these policies.
- 2010.340 ~~330~~ **Workweek:** Forty hours per week, commencing Sunday and ending Saturday, including holidays.

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**Policy Title: Employee Records**  
**Policy Number: 2020**

2020.10 **Personnel Records:** The APCO shall ~~maintain~~maintains permanent personnel records on each employee in the District, covering employment status, job performance, medical condition, discipline, and grievances, and any other relevant information. The records shall ~~bear~~be preserved for at least one year following the date of the employee's leaving District service.

2020.20 **Inspection and Review:** An employee, ~~or his former employee,~~ or ~~her~~their representative authorized in writing, shall ~~have~~has the right to inspect and review ~~his or her~~their own personnel records during regular business hours at no loss of compensation. An employee may, upon written request, receive copies of any documents placed in their personnel file at the cost of duplication. The employee shall ~~will~~be provided a reasonable opportunity to respond in writing to any particular records, and the response shall become a permanent part of the records. The employee shall ~~will~~be notified immediately of the filing of any record of a derogatory nature. The file is the property of the District; employees may not remove or add items to their file without District approval and the file must remain in the custody of the District at all times.

However, ~~the~~The following records shall ~~bear~~be confidential and not open to inspection and review [Reference: Labor Code Section 1198.5 and Government Code Section 31011.]:

2020.21 Letters of reference and any materials obtained during a pre-employment background check, ~~provided that~~if they are obtained in confidence; and,

2020.22 Any records relating to the investigation of a possible criminal offense.

2020.30 **Disclosure to Third Parties:** Personnel records are to be used only in the normal course of authorized District business. They may not be disclosed to the public without express written consent of the concerned employee, except that the following disclosures shall be permitted [References: Government Code Section 6260, discovery proceedings; Welfare and Institutions Code Section 11578, enforcement of spousal or child support.]:

2020.31 Name, position classification, and gross salary.

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- 2020.32 Written employment contracts.
- 2020.33 Disclosures in emergency situations made reasonably and in good faith to protect the health and safety of any person.
- 2020.34 Disclosure for law enforcement purposes, including investigations.
- 2020.35 Disclosures under specific provisions of state and federal law.
- 2020.40 **Payroll and Retirement Records:** The District ~~shall maintain~~ maintains the following records: payroll records, including time cards, social security numbers, and accrued vacation and sick leave benefits, and records necessary for retirement system purposes. Payroll and retirement records are private personnel records and ~~shall~~ will be disclosed according to Policy 2020.30.
- 2020.50 **Volunteer Service Records:** An appointing authority who authorizes a volunteer to perform services for the District ~~shall~~ will maintain records of the volunteer's name, dates of service, and the specific services performed.



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**Policy Title: Equal Employment Opportunity & Affirmative Action**  
**Policy Number: 2030**

- ~~2030.10 Policy: It shall be the policy of the District to promote in its personnel administration the principles of equal employment opportunity and affirmative action.~~
- ~~2030.20 Prohibited Discrimination: Discrimination in any aspect of personnel administration is prohibited regarding race, national origin, color, religious creed, ancestry, physical handicap, marital status, sex, and age, as those terms are defined in the California Government Code (Sections 12900 et seq.).~~
- ~~2030.21 The District's hiring practices and promotional practices shall conform to the Federal Civil Rights Act of 1964. (Reference: California Government Code Section 50085).~~
- ~~2030.22 Any selection in hiring or promotion on the basis of sex, age, or physical fitness shall be based on bona fide occupational requirements of one position.~~
- ~~2030.23 All educational prerequisites and examination methods shall be job related. (Reference: Government Code Section 50085).~~
- ~~2030.30 Relief from Discriminatory Acts: Any District employee or applicant for District employment who alleges discrimination in violation of Policy 2030.20 shall be required to submit a written objection to the appointing authority. The appointing authority shall immediately notify the District counsel and Board. If the objection cannot be settled within 15 days of its submittal, the objecting party shall be notified pursuant to Policy 2155.~~
- ~~2030.40 2030.10 Policy: The District has adopted a policy and complaint procedure against harassment, discrimination and retaliation. The purpose of this Policy is to establish a strong commitment to prohibit and prevent discrimination, harassment, and retaliation in employment; to define those terms; and to set forth a procedure for investigating and resolving internal complaints. Employees, applicants, unpaid interns, officers, officials, or contractors who believe they have experienced any form of employment discrimination are encouraged to report this immediately, using the complaint procedure provided in the Discrimination, Harassment and Retaliation Appendix, to the APCO, or by contacting the U.S.~~

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Equal Employment Opportunity Commission, or the California Department of Fair Employment and Housing.

2030.20 The District will endeavor to recruit qualified individuals from appropriate sources that represent all segments of the community. Selection and advancement will be determined based solely on relative ability, knowledge, and skills after a fair competitive process.

2030.30 **Affirmative Action Plan:** The Board and appointing authorities are responsible for administering an affirmative action plan in order to widen opportunities for those who have suffered discrimination and to make equal opportunity a reality at all levels of the District work force. The recruitment, employment, training, advancement, assignment, layoff or termination, and pay for all job classifications within the NSAQMD, shall be on the basis of qualifications, without regard to race, religion (including all aspects of religious belief, such as grooming practices and religious dress), color, sex (including pregnancy and breastfeeding), gender, gender identity (including transgender), gender expression, national origin, religious belief, sex, ancestry, citizenship status, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), military or veteran status, undocumented immigrant status, accommodation requests, engagement in protected activities, Affordable Care Benefits, or membership in any other legally protected category, or the perception of membership. Copies of any amendments of the affirmative action plan shall will be provided to state and federal agencies as required by California Government Code Section 50085.5.

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The following specific steps will be taken by the District to provide full employment opportunities and to encourage broader participation of the minority members/protected groups of our community in the District's Employment Process:

- 2030.4131 Identify the areas where there appears to be disproportionate under-representation of minorities/protected groups and study selection and promotional procedures.
- 2030.4232 Evaluate training needs and ascertain that training opportunities are available and publicized within the system.
- 2030.4333 Insure that all personnel actions, such as compensation, benefits, transfers, training, education, and tuition aid or requirements or conditions of employment will be administered without regard to race, color, national origin, religious belief, sex, or age/protected group status.

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- \_\_\_\_\_ 2030.4434 Insure that direct operating department management complies with the program. ← Formatted: Indent: Left: 1.5", Tab stops: Not at 0.5" + 1" + 1.5"
- \_\_\_\_\_ 2030.4535 Insure that full employment selection procedure opportunity is extended to existing personnel whose positions may be threatened with potential lay-off, and to insure that interdepartmental policy of hiring and advancement privileges be instigated. ← Formatted: Indent: Left: 0.5", Hanging: 2"
- \_\_\_\_\_ 2030.4636 To insure that a system of dissemination of job opportunities information to minority sources that represent or work with protected class groups such as Human Resources Development, Placement College Offices, certified employee representative groups, news media, and all others having requested notification in writing. ← Formatted: Indent: Left: 0.5", Hanging: 2"
- \_\_\_\_\_ 2030.4737 Insure that in the event of a lay-off, there will be no discrimination on the basis of race, color, national origin, religious belief, sex, or age based on protected class status. ← Formatted: Indent: Left: 0.5", Hanging: 2"
- \_\_\_\_\_ 2030.4838 Evaluate progress of the Affirmative Action Program and plan further activities. ← Formatted: Indent: Left: 1.5", Tab stops: Not at 0.5" + 1" + 1.5"
- \_\_\_\_\_ 2030.49 Within budgetary limitations and with APCO and Board of Directors approval, the District will permit employees to take limited time off with pay in order to receive job related training which will enable them to achieve promotional opportunities and/or more expertise in the present job.
- 2030.50 The District will assure that the job classifications will be reviewed for the purpose of revising education, experience and skill requirements of the specifications and that training entry level will be developed when and where applicable.

\_\_\_\_\_ Policy Title: Equal Employment Opportunity & Affirmative Action  
\_\_\_\_\_ Policy Number: 2030

\_\_\_\_\_ 2030.10 Policy: It shall be the policy of the District to promote in its personnel administration the principles of equal employment opportunity and affirmative action.

\_\_\_\_\_ 2030.20 Prohibited Discrimination: Discrimination in any aspect of personnel administration is prohibited regarding race, national origin, color, religious creed,

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~~ancestry, physical handicap, marital status, sex, and age, as those terms are defined in the California Government Code (Sections 42900 et seq.);~~

- ~~2030.21 The District's hiring practices and promotional practices shall conform to the Federal Civil Rights Act of 1964. (Reference: California Government Code Section 50085).~~
- ~~2030.22 Any selection in hiring or promotion on the basis of sex, age, or physical fitness shall be based on bona fide occupational requirements of one position.~~
- ~~2030.23 All educational prerequisites and examination methods shall be job related. (Reference: Government Code Section 50085).~~
- ~~2030.30 Relief from Discriminatory Acts: Any District employee or applicant for District employment who alleges discrimination in violation of Policy 2030.20 shall be required to submit a written objection to the appointing authority. The appointing authority shall immediately notify the District counsel and Board. If the objection cannot be settled within 15 days of its submittal, the objecting party shall be notified pursuant to Policy 2155.~~
- ~~2030.40 Affirmative Action Plan: The Board and appointing authorities are responsible for administering an affirmative action plan in order to widen opportunities for those who have suffered discrimination and to make equal opportunity a reality at all levels of the District work force. The recruitment, employment, training, advancement, assignment, layoff or termination, and pay for all job classifications within the NSAQMD, shall be on the basis of qualifications, without regard to race, color, national origin, religious belief, sex, or age. Copies of any amendments of the affirmative action plan shall be provided to state and federal agencies as required by California Government Code Section 50085.5.~~
- ~~The following specific steps will be taken by the District to provide full employment opportunities and to encourage broader participation of the minority members of our community in the District's Employment Process:~~
- ~~2030.41 Identify the areas where there appears to be disproportionate under-representation of minorities and study selection and promotional procedures.~~
- ~~2030.42 Evaluate training needs and ascertain that training opportunities are available and publicized within the system.~~
- ~~2030.43 Insure that all personnel actions, such as compensation, benefits, transfers, training, education, and tuition aid or requirements or conditions of~~

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employment will be administered without regard to race, color, national origin, religious belief, sex, or age.

- 2030.44 Insure that direct operating department management complies with the program.
- 2030.45 Insure that full employment selection procedure opportunity is extended to existing personnel whose positions may be threatened with potential lay-off, and to insure that interdepartmental policy of hiring and advancement privileges be instigated.
- 2030.46 To insure that a system of dissemination of job opportunities information to minority groups such as Human Resources Development, Placement College Offices, certified employee representative groups, news media, and all others having requested notification in writing.
- 2030.47 Insure that in the event of lay-off, there will be no discrimination on the basis of race, color, national origin, religious belief, sex, or age.
- 2030.48 Evaluate progress of the Affirmative Action Program and plan further activities.
- 2030.49 2030.39 Within budgetary limitations and with APCO and Board of Directors approval, the District will permit employees to take limited time off with pay in order to receive job related training which will enable them to achieve promotional opportunities and/or more expertise in the present job.
- 2030.50 2030.40 The District will assure that the job classifications will be reviewed for the purpose of revising education, experience and skill requirements of the specifications and that training entry level will be developed when and where applicable.

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2030.50 **Reasonable Accommodation** Absent undue hardship or direct threats to the health and safety of employee(s), the District provides employment-related reasonable accommodations to:

- qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions;
- employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider;

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- employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
- employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement. is this absolutely required?

If the disability or the need for reasonable accommodation is not obvious, the District may require the individual to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the agency will: (1) explain the insufficiency; (2) allow the employee or applicant to supplement the documentation; and (3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

If a pregnant employee, or an employee with a pregnancy-related condition, requests a reasonable accommodation or transfer due to pregnancy, the District will provide the employee with notice of the need for a medical certification within two business days after the employee's request for accommodation. A medical certification confirming the need for a reasonable accommodation, including transfer, is sufficient if it contains: (1) a description of the requested accommodation or transfer; (2) a statement describing the medical advisability of the accommodation or transfer due to pregnancy; and (3) the date that the need for the accommodation or transfer will become necessary and the estimated duration of the accommodation or transfer.

2030.50 Whistleblower Protection. The District prohibits all of the following:

- Taking any retaliatory adverse employment action against an employee because the employee has or is believed to have disclosed information to any government or law enforcement agency, or the District, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
- Preventing an employee from disclosing information to a government agency, including the District, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
- Retaliating against an employee for refusing to participate in any activity that would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation; and

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- Retaliating against an employee because the employee's family member has or is perceived to have engaged in any protected activities.

This Policy governs and protects District officials, officers, all employees, or applicants for employment. An applicant or employee who feels they have been retaliated against in violation of this Policy should immediately report the conduct according to the complaint procedure in the District's policy against Discrimination, Harassment, and Retaliation Appendix so that the complaint can be resolved fairly and quickly. Supervisors and managers have the same responsibilities as defined in the policy.

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**Policy Title:** Classification  
**Policy Number:** 2040

2040.10 **Classification Plan:** The Board shall adopt and periodically amend by resolution a District classification plan covering all positions in the District service except those for which the salary is set by ordinance.

Each position shall will be allocated to a class identified by a class title. Positions shall will have the same class title when they conform to the same class specifications or when the positions descriptions are similar as to qualifications, responsibilities, level of supervision, and other relevant characteristics.

The class title of a position shall will be used in the District's salary plan, personnel records, and personnel administration.

2040.20 **Reclassification:** No position shall can be reclassified except by resolution to the Board.

Review of a position's classification may become necessary due to actual or proposed changes in the position's description. Such review may be requested only by the APCO or by the Board.

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2040.30 **Out-of-Class Claims:** Any employee claim based on alleged out-of-class work shall must be resolved through the grievance procedure in Section 2150. The District shall will not recognize any claim for back pay due to out-of-class work alleged to have occurred more than ninety days prior to the filing of a written grievance on the matter. No board-authorized reclassification shall constitute constitutes an admission that the occupant of the position was previously working out-of-class.

2040.40 **Salary on Positions Reclassification:** The salary of an employee whose position is reclassified shall will be determined as follows:

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- 2040.41 If reclassified and allocated to a salary range equal to the previous range, the employee's anniversary date shallwill not change.
- 2040.42 If reclassified and allocated to a salary range lower than the previous range, the employee's anniversary date shallwill not change.
- 2040.43 If reclassified and allocated to a salary range higher than the previous range, the employee shallwill remain at the same step which the employee had prior to the reclassification. The anniversary date shalldoes not change.

**Policy Title: Salary**  
**Policy Number: 2045**

- 2045.10 **Salary Plan:** Each position classification shallwill be allocated by Board resolution to a salary range in the District's salary plan. The plan shall ~~represent~~represents a scale of compensation for full-time work exclusive of allowances, paid leave, overtime, or fringe benefits. The plan shallwill be adopted and amended as necessary by resolution of the Board.
- 2045.11 Within each salary range shall ~~be~~is a series of steps from A through E. The base salary in the range shall ~~be~~is A, with advance steps representing incremental increases of approximately five percent between steps.
- 2045.20 **Salary on Position Reallocation:** When a position classification is reallocated to a different salary range, the salary of the employee whose position is affected shallwill be determined in accordance with Policy 2045.40.
- 2045.30 **Salary Step at Hiring:** It is the Board's intent that all newly hired employees should be appointed at Step A. However, the APCO may hire at steps B and C if the APCO finds that an applicant possesses extraordinary qualifications in terms of training and experience. In such instances, the APCO shall must notify the Board of the appointment of an employee at advanced steps B and C and provide the reasoning behind such findings. Hiring at steps D and E requires advance Board approval.
- 2045.40 **Merit Advancement by Salary Step:** Advancement through the salary steps A through E depends on satisfactory performance at the prior step for the equivalent of twelve months of full-time compensated and continuous service before advancement to the next higher step; provided that an employee who is promoted shall ~~be~~is eligible for one advancement to the next higher step after six months of



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continuous and compensated service measured from the date of the promotional appointment, if appointed at Step A.

- 2045.41 Satisfactory performance shall will be evidenced by an appointing authority's memorandum to the employee and the District Administrative Assistant, and the memorandum shall must be based on performance evaluations conducted pursuant to Policy 2130.
- 2045.42 When merit advancement is denied to an employee, the employee's performance shall will be reevaluated within ninety days and if performance is satisfactory, the employee may be advanced to the next step.
- 2045.50 **Longevity Advancement:** An employee's salary shall will be increased five percent at the following times: upon completion of seven, ten, fourteen and twenty-one years of full-time continuous and compensated service, or the equivalent, measured from the date of hire.
- 2045.60 **Salary Step on Promotion:** When promoted to a position classification in a higher salary range, the employee shall will be appointed at Step A or to such advanced step representing at least a five percent increase over present salary, whichever is greater. The anniversary date shall become the effective date of the promotional appointment.
- 2045.70 **Salary Step on Demotion:** Upon demotion to a position classification in a lower salary range, the salary step and anniversary date of the employee shall does not change.
- 2045.80 **Salary on Transfer:** When an employee is transferred, either voluntarily or not, and there is no change in salary range, the employee's salary step and anniversary date shall does not change.
- 2045.90 **Salary on Temporary Assignment Out-of-Class:** When an employee is assigned to work half-time or more in a position classification allocated to a salary range higher than the employee's present range, then the employee shall will be paid at Step A of the higher salary range or such advanced step that represents a five percent increase over present salary, whichever is greater. If the temporary assignment lasts more than six (6) months, the employee shall be advanced another step.
- 2045.100 **Wages for Temporary or Part-time Employees:** Temporary employees and part-time regular employees shall will be paid at an hourly wage rate that is the pro-rata equivalent of the full-time salary for the class of position, or, if the position is

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unclassified, at an hourly wage rate authorized by the Board. Policy 2045.30 is incorporated here by reference.

2045.101 However, a biweekly salary may be paid to a full-time temporary employee who is employed under a contract for a specific term that entitles such employee to any or all benefits allowed to full-time regular employees under these policies.

2045.110102 **Salary for Working Two Position Classifications:** When an employee is promoted to a higher position classification that is FLSA-exempt and must continue to fulfill part of the responsibilities of the old position while performing the responsibilities of the new position, then an alternative to overtime compensation is required. The base salary follows either Policy 2045.60 - Salary on Promotion or Policy 2045.90 - Salary on Temporary Assignment Out-of-Class applies, as appropriate, or as negotiated and provided for by Board action. Additional compensation, in lieu of overtime pay, will be provided as a percentage of one of the salaries for the positions being covered, as negotiated and provided by Board action.

ADOPTED 8/9/04

**Policy Title: Overtime**  
**Policy Number: 2050**

2050.10 **Policy:** Overtime work shall be discouraged but shall be permitted to meet particular District time constraints and emergencies.

2050.20 **Overtime Pay:** For purposes of this policy, and to conform to regulations issued under the Fair Labor Standards Act (FLSA), "workday" and "workweek" shall be defined per Policies 2010.330 and 2010.340, with the exception of except for the APCO. Overtime shall be paid on the following basis:

2050.21 District employees, except FLSA-exempt employees, shall be paid one and one-half (1½) times the number of hours worked in excess of their normal workday or workweek, and one and one-half (1½) times any hours worked on a Sunday.

A vacation day, paid holiday, or sick leave used, shall be counted in a regular workday or workweek for purposes of computing overtime.

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- 2050.22 Overtime - Holiday Work:
- When an employee is required to work on an AQMD holiday which falls on a normal day off, the employee ~~shall be~~ is entitled to overtime compensation for actual hours worked and regular rate of pay for the holiday.
- 2050.23 In lieu of overtime compensation, FLSA-exempt employees ~~shall receive~~ will 80 hours of administrative leave per year.
- 2050.24 Administrative leave granted to FLSA-exempt employees ~~shall not~~ can not be carried over into a subsequent year. Any unused administrative leave ~~shall~~ will be paid in cash equivalent at the end of the year.
- 2050.30 **Compensatory Time Off:** Compensatory time off ~~shall be~~ is permitted in lieu of overtime pay for overtime work as ~~set forth~~ stated below:
- 2050.31 In lieu of overtime pay, employees may be required to take compensatory time off, subject to limits stated in this policy, and calculated to be the equivalent value of overtime pay.
- 2050.32 Each employee ~~shall~~ must keep records showing all compensatory time off earned and used, so that the net balance of unused compensatory time off is ~~always known at all times~~. Such records ~~shall~~ will substantiate the records maintained by the Clerk of the APCO.
- 2050.33 The APCO ~~shall~~ will not authorize the earning of compensatory time off if the employee's net unused balance is greater than eighty (80) hours. This limit ~~shall~~ does not apply to any compensatory time off accrued prior to the effective date of these rules. When an employee is authorized to perform overtime work which would result in accrual of a net balance of compensatory time off ~~in excess of~~ more than the above limits, the employee ~~shall~~ will be paid for that overtime work.
- 2050.34 Compensatory time off may be taken at any time during the employee's normal work time with the concurrence of the APCO; however, if the requested time off is denied, the employee may request payment in cash in lieu of the denied compensatory time off, at overtime rates.
- 2050.35 Upon termination from the classified service or District service, whichever occurs first, an employee ~~shall~~ will be paid the value of unused compensatory time off.

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**Policy Title: Work Schedules**  
**Policy Number: 2060**

- 2060.10 **Workday:** A workday ~~shall consist~~ consists of twenty-four hours starting at midnight and ending at midnight. The regular workday hours ~~shall be~~ are from 8 a.m. to 5 p.m., and the regular workweek ~~shall be~~ is Monday through Friday.
- 2060.20 **Workweek:** The workweek ~~shall be the seven-day period commencing~~ begins Sunday morning at 12:00 a.m., and ~~the regular employee shall be~~ ends at 11:59 on Saturday. Regular employees are entitled to a minimum of forty hours of regular time pay during each week.

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- 2060.21 A change in an employee's work schedule ~~shall will~~ be deemed overtime unless the appointing authority provides the affected employee concerned with at least fourteen (14) calendar days' advance written notice of the change in work schedule.
- 2060.22 A change in an employee's work schedule ~~shall will~~ be in effect for not less than fourteen (14) calendar days unless the employee, in writing, consents to a lessor period.
- 2060.23 Failure to give such notice ~~shall entitle~~ entitles the employee to overtime pay during the hours worked over and above the hours which were included in the employee's work schedule (for example: a change from 8-to-5 to 1-to-9 without seven days' advance notice ~~shall entitle~~ entitles the employee to overtime during the period from 5-to-9.)

2060.30 **Breaks**Meal and Rest Periods: Each employee ~~shall be~~ is entitled to ~~take one fifteen~~ (15) minute rest period for each four (4) hours of work performed by ~~such~~ an employee in a work day. If not taken, ~~such~~ the rest period is waived by ~~such~~ the employee. Rest periods may not be combined to shorten the workday or to extend the meal period.

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A one hour non-compensated meal period will be provided to all part-time and full-time overtime-eligible employees who work at least an eight-hour workday. A 30 minute non-compensated meal period will be provided to all overtime-eligible part-time and full-time employees who work more than five hours, but less than eight hours during the workday.

2060.40 **Lactation Break Time**

An overtime-eligible employee who wishes to express breast milk for her infant child during her scheduled work hours will receive a reasonable amount of additional unpaid time beyond the 15-minute compensated rest period. Those desiring to take a lactation break must notify a supervisor prior to taking such a break. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

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~~2060.40~~ ~~2060.41~~ The District will make reasonable efforts to accommodate employees by providing an appropriate location that is not in a bathroom, to express milk in private. The District will attempt to find a location in close proximity to the employee's work area. Employees occupying such private areas will either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance. Authorized lactation breaks for

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employees assigned to the field may be taken at the nearest appropriate private area.

2060.42 Any employee storing expressed milk in any authorized refrigerated area within the District must clearly label it as such. No expressed milk can be stored at the District beyond the employee's work day/ shift.

2060.50 **Call-backs:** When an employee is ordered back to work and the required emergency work ~~is to be commenced~~ begins within eight hours of the order, the employee ~~shall~~ will be paid at one and one-half (1½) times his ~~the~~ normal rate of pay for a minimum of two hours while on call-back.

2060.5060 **Standby Duty** Standby duty ~~shall~~ will be performed by an employee during any non-regular working hours as required and ordered by the APCO. The employee so ordered to standby duty ~~shall~~ will be paid according to the following schedule:

2060.5161 For the fifteen hours (twenty-four hours for each weekend day) immediately following any regular workday, the employee ~~shall~~ will receive \$3.00 per hour for each hour ~~he/she is~~ on standby.

2060.5262 One employee may perform the standby duty for a full weekend.

2060.6070 **Flex Time:** Within the APCO's discretion, departmental ~~and with the agreement of affected employees,~~ employees may be authorized to work a flexibly scheduled workday using a core (mandatory) time between 10 a.m. and 3 p.m. per day with remaining work hours scheduled outside the core time.

2060.7080 **Four-Day Workweek:** Within the APCO's discretion, and with the agreement of affected employees, the APCO may schedule an employee's workweek into four ten-hour days. For this purpose, Policy 2010.330 ~~shall be deemed to define~~ defines "workday" as ten hours instead of eight hours; and Policy 2045.40 ~~shall be applicable~~ applies so that eligibility for salary step increases is determined on a calendar day basis.

Revised 9/11/04

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**Policy Title:** Application Recruitment Procedure  
**Policy Number:** 2070

2070.10 **Announcement:** All employment opportunities, except extra-help, shall must be announced at least fifteen working days prior to the final filing date by posting in the County Administrative centers of Plumas, Sierra and Nevada Counties, and by publication in a summary fashion in a District-wide newspaper, provided that publication shall ~~not be~~ made for opportunities that are exclusively promotional. Additional advertising of the announcement shall will be determined by the appointing authority in accordance with Policy 2030.40 and the anticipated availability of applicants.

The announcement shall must state in bold letters "PLEASE POST IN A CONSPICUOUS PLACE" and shall include:

\_\_\_\_\_ 2070.11 Application procedures and final filing date.

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- 2070.12 Minimum and additional desirable qualifications.
- 2070.13 Class title; compensation; summary of position description.
- 2070.14 General description of the method, time, place and type examination, if known.
- 2070.15 Notice that applications and attachments become District property and may not be returned.
- 2070.16 Notice that the District is an equal opportunity employer and does not discriminate on the basis of handicapped status [31 CFR 51.55(e)].
- 2070.17 Employment conditioned on passing medical examination.
- 2070.18 Notice of the proper location(s) where applications may be filed.
- 2070.20 **Filing of Application:** To merit consideration, an application must be complete in all respects and the date of mailing or personal delivery must be prior to 5 p.m. on the final filing date. Applications which are not fully completed and signed will not be processed.
- 2070.30 **General Qualifications:** Applicants must:
  - 2070.31 Be United States citizens if required by state or federal law, immigrants admitted for permanent residence, or other aliens who are permitted to work as determined by the U.S. Department of Justice, Immigration and Naturalization Service; and
  - 2070.32 Possess all the minimum qualifications established for the position; and,
  - 2070.33 Be mentally and physically fit to perform in the position.
- 2070.40 **Admission to Examination:** Each applicant shall receive timely notification as to admission to examination. Notification by telephone is required for applicants who are in fact admitted; unless notice is mailed at least fifteen days prior to the examination.
- 2070.41 The District reserves the right to limit admission to examination to only three or more of the best qualified applicants based solely on evaluation of the completed applications, provided that any such limitation complies with Policy 2030.40 (Affirmative Action).

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- 2070.42 Applicants not admitted to examination ~~shall~~will be mailed promptly a notice to that effect, thanking them for applying, and stating the appointing authority's policy regarding using applications at some future time.
- 2070.50 **Disqualification of Applicants:** An appointing authority ~~shall~~can refuse to examine an applicant, or disqualify an applicant after examination, or remove an applicant from an eligible list, or refuse to certify as eligible when any of the following causes of disqualification is present:
- 2070.51 The application is incomplete, or contains false information, or is not timely filed.
- 2070.52 The applicant fails to meet the minimum qualifications.
- 2070.53 The applicant has taken part in the compilation, administration, or correction of the examination.
- 2070.54 The applicant has defrauded the examination process, or has obtained information to which examinees are not entitled.
- 2070.55 The applicant has used, or attempted to use, political pressure or bribery to secure an advantage in the examination or appointment.
- 2070.56 The applicant has been discharged from any previous employment for cause indicating unfitness for performance of the position applied for.
- 2070.57 The applicant has been convicted of any felony or any crime involving moral turpitude indicating unfitness for performance of the position applied for.
- 2070.60 **Background Investigation:** The District may conduct ~~such an~~an investigation of the applicant's training, employment experience, and mental and physical fitness as ~~may be necessary to verify and clarify statements contained in the application.~~  
to verify and clarify statements contained in the application. After the District makes a conditional offer of employment, the APCO may then request information about criminal convictions, except for misdemeanor marijuana-related convictions that are over two year old, or convictions that have been judicially sealed, eradicated, or expunged.
- 2070.61 No applicant ~~shall~~will be disqualified because of any criminal ~~arrest or detention which did not result in a conviction; and no appointing authority shall ask for such information except.~~ The District may, however, consider the nature, date and circumstances of the offense, evidence of rehabilitation, as to an arrest for which~~well as whether the applicant offense~~

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~~is out on bail, or on his or her own recognizance, pending trial. [Reference: Labor Code Section 432.7.]~~relevant to the duties of the position.

2070.70 **Notice of Disqualification:** Applicants disqualified under Policy 2070.50 shall be promptly mailed notice of the disqualification to the last known address.

2070.80 **Objection to Disqualification:** Any objection by an applicant to disqualification under Policy 2070.50 shall will be submitted to the appointing authority. A meeting may be scheduled with the applicant to discuss the objection. The burden of proof shall be on the applicant, and denial of an objection is not appealable. If the objection is accepted, the appointing authority shall have has the discretion to reconsider the application, provided that such action shall does not affect any person hired, or the results of any examination conducted, during the period of the applicant's disqualification.

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**Policy Title: Examination**  
**Policy Number: 2080**

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- 2080.10 **Policy:** All examinations ~~shall be~~ designed to measure the capacity of the applicant to perform the work of the position, and ~~shall~~ will be conducted in a fair and reasonable manner. ~~{Reference: Government Code Section 50085.}~~
- 2080.20 **Examination Schedule:** Examinations ~~shall~~ will be scheduled by the appointing authority ~~in accordance with~~ according to District needs. Scheduled examinations may be postponed or cancelled for any reason so long as advance notification is made to all interested persons.
- 2080.21 Applicants unable to appear or complete any part of an examination ~~shall~~ will be disqualified unless the appointing authority exercises discretion to make special arrangements that do not materially prejudice the other applicants.
- 2080.30 **Methods of Examining:** The appropriate methods of examining ~~shall~~ will be at the discretion of the appointing authority, and may include any of the following: written and/or oral exams; practical performance tests; tests of physical agility, strength, or stamina; personal interviews; application rating; reference inquiry relative to past performance; and any other valid and reliable method of examination.
- 2080.31 Each part of a written competitive examination ~~shall~~ will be assigned a maximum score and a passing score. An applicant ~~shall be required to~~ must pass each part in addition to having an overall passing score. Written examinations ~~shall~~ will be conducted so that the identity of the candidates will not be known to persons administering or scoring exams until all exams have been scored and an overall passing score established.
- 2080.40 **Open and Promotional Examinations:** In a promotional examination, only District employees are eligible to participate, if necessary, with time off with pay and benefits. When in the best interest of the District, vacant positions in the classified service may be filled through promotion, at the discretion of the appointing authority.

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- 2080.41      Open examinations ~~shall~~will consist of outside applicants and District employees participating on an equal basis. For open examinations during working hours, District employees ~~shall be granted~~will receive time off without pay and benefits.
  
- 2080.50      **Notice of Results:** Each applicant ~~shall~~will be notified by mail of the results of his or ~~her~~their examination and of any invalidation of any part of the examination, notwithstanding any notice made by telephone.
  
- 2080.60      **Review of Examination:** Within fifteen days from the mailing of the notice of results, any applicant may request a meeting with the appointing authority in order to review the applicant's examination performance. Disclosure of examination records ~~shall be~~are subject to Policy 2020.
  
- 2080.61      Test questions, scoring keys, and other examination data are exempt from public record disclosure requirements. ~~{Reference: Government Code section 6254(g).}~~
  
- 2080.70      **Objection to Examination:** An applicant may submit to the appointing authority an objection to the conduct or results of an examination. The appointing authority shall schedule a meeting with the applicant. The burden of proof ~~shall be~~is on the applicant. Denial of the objection ~~is not appealable~~cannot be appealed.
  
- 2080.71      If the objection is accepted, the appointing authority ~~shall have~~has the discretion to revise the applicant's results or to invalidate any part of the examination or any eligible list based on the examination, provided that such action ~~shall~~does not affect any person hired from the list prior to its invalidation. ~~{Reference: 156 Cal.App.3d 867 (1984).}~~

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**Policy Title:            Medical Examination**  
**Policy Number:        2090**

2090.10      **Policy:** The efficient and economical administration of the District service requires that each employee meet the minimum medical and physical standards for satisfactory performance of his or her their position. This policy is promoted by requiring medical examinations as ~~set forth~~ described in this Policy. Such examinations promote the economical administration of the District's plans for health and worker's compensation insurance, retirement, and sick leave.

2090.20      **New Appointments:** All new and promotional appointments ~~shall~~ will be conditioned on the appointee's passing a fitness-for-employment medical examination and on completing a medical history form. This requirement may be waived for extra help employees and for appointees who have passed a District medical examination within the past five years.

2090.30      **Existing Employees:** ~~Existing employees~~ Employees who are chronically unable to perform their assigned duties as scheduled may be required to ~~take and pass~~ undergo a fitness-~~for-continued-employment~~ medical duty examination upon reliable evidence. ~~The purpose~~ of medical unfitness for work in their position:

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2090.31      If the examination is ~~not passed~~, the employee may be required to perform temporarily assigned duties for which he or she is fit, provided that the duties are related to ~~to~~ determine the employee's physical and/or psychological ability to withstand the rigors of a full-time position. The District will assume the employee's regular position classification. ~~If temporary assignment is not feasible,~~ costs of the employee may be required to leave employment until being medically fit to return. During such absence, the employee may utilize leave specified in Policies 2160 and

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~~2162. If not medically fit by the time such leave rights are depleted, the employee may be dismissed from employment examination.~~

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2090.40 **Administration:** Medical examinations shall be administered by the Nevada County Health Department at District expense. However, the appointing authority shall make the final determination of fitness for employment after considering the health department's recommendation in light of the work requirements of the particular position in question.

2090.41 The medical history and records of the examination shall be confidential information not to be released by the health department or the District except upon subpoena. The medical history shall be deemed part of the employment application for purposes of Policy 2070.50.

2090.50 **Objection to Dismissal:** A regular employee may, within five days from the receipt of a notice of dismissal, submit an objection to the appointing authority. Receipt shall be deemed to have occurred five days after the date of mailing of the notice. The appointing authority shall schedule a meeting with the employee within ten days. If the objection is denied, the employee shall be notified of the right to an appeal pursuant to Policy 2155.

**Policy Title:** Eligible Lists  
**Policy Number:** 2100

2100.10 **Required Use of List:** All appointments, except extra help appointments, shall be made based on the basis of an eligible list established for each class title where a position needs to be filled. An eligible list shall consist of all applicants who have passed the relevant examination, ranked from highest to lowest in terms of overall passing score.

2100.20 **Duration:** Any eligible list shall remain effective for at least six months, and not exceeding two years, provided that the list may be declared ineffective whenever fewer than three names remain on the list. A list may also be declared ineffective at any time after a higher salary range has been allocated to the class title.

2100.30 **Removal of Names:** An applicant's name may be removed for any of the following reasons:

2100.31 A reason listed in 2070.50, Disqualification of Applicants.

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- 2100.32 Upon reliable evidence that the applicant cannot be located, or that the applicant is no longer interested in being considered for appointment.
- 2100.40 **Notification of Removal:** Each applicant shall be promptly notified by mail, sent to the last known address, of any removal pursuant to this policy. Such notice ~~shall~~will include the reason for removal and the effective date of removal.
- 2100.50 **Objection to Removal:** Any objection by an applicant to removal under Policy 2100.30 ~~shall~~will be handled as ~~set forth~~described in Policy 2070.80; and for that purpose, removal ~~shall~~will be deemed disqualification.

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**Policy Title:** Appointments  
**Policy Number:** 2110

- 2110.10 **Appointments from Eligible List:** Temporary, probationary, and regular appointments shall be made from an eligibility list. Extra help appointments may be made from an eligibility list if the appointing authority has prepared an eligibility list for extra help appointment. Extra help, temporary, probationary, and regular appointments may be promotional appointments or non-promotional appointments. Promotional appointments are those appointments made from an eligibility list of applicants who have taken a promotional examination conducted for the available position. Non-promotional appointments are those appointments made from an eligibility list of applicants who have taken an open examination conducted for the available position.

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- 2110.11 Non-promotional appointments shall ~~shall~~ will be made from an eligibility list composed of the three willing and available applicants who have ranked highest on the open examination conducted for the available position.
- 2110.12 Promotional appointments shall ~~shall~~ will be made from an eligibility list composed of the three willing and available applicants who have ranked highest on the promotional examination conducted for the available position
- 2110.13 Prior to selecting one of the three willing and available applicants, an appointing authority may conduct additional interviews or background checks to assist in the selection decision.
- 2110.20 **Types of Appointments:** All appointments, whether full-time or part-time, shall ~~be~~ are identified as one of the following:
- \_\_\_\_\_ 2110.21 **Extra Help Appointment:** The APCO is authorized to make an extra help appointment where the Board has budgeted for extra help positions and there is an immediate need for extra help.
- The extra help appointment shall ~~shall~~ will be effective for no more than 90 calendar days, unless authorized by the Board.
  - An extra help employee may be dismissed without cause.
  - Unless the person so-appointed is already a member of PERS, an extra help employee shall ~~is~~ is not be entitled to the privileges and benefits of regular appointment.
- \_\_\_\_\_ 2110.22 **Temporary Appointment:** The APCO is authorized to appoint a temporary employee where the Board has given the APCO written authority to appoint the temporary employee. The APCO shall ~~shall~~ will select the temporary employee from an eligibility list prepared by the appointing authority.

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For the purposes of this policy, "temporary" appointment means employment for a continuous period not exceeding one year.

- A temporary employee may be dismissed without cause.
- A temporary employee shall ~~is~~ is not be entitled to the privileges and benefits of regular appointment, except as required by PERS.
- A temporary employee is entitled to participate in PERS only if:



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1. the employee already is a member of PERS, or
2. the employee has worked at least 40 hours per week and his/her period of employment has exceeded six months, or
3. the employee has worked on a regular, part-time basis of at least an average of twenty hours per week (or its equivalent) for more than 125 days in a fiscal year if paid on a "per day" basis or 1000 hours in any 12 month period if paid on an hourly basis or other non-daily basis.

At a reasonable time-period prior to the conclusion of the temporary employee's initial period of employment, not exceeding one year, the APCO shall ~~will~~ advise the Board whether the position should continue to be filled by the temporary employee. The APCO shall ~~will~~ advise the Board whether the temporary employee should continue to fill the position on a temporary basis, or whether the employee should continue to fill the position on a probationary basis.

2110.23

**Probationary Appointment:** The APCO is authorized to appoint a probationary employee from an eligibility list prepared by the appointing authority. The probationary appointment shall ~~may~~ become a regular appointment after successful completion of a probationary period. The probationary period shall ~~be~~ is one year of continuous and completed service measured from the anniversary date, except where the probationary appointment constitutes a promotion of the employee from another position with the district, in which case the probationary period shall ~~will~~ be six months.

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- A probationary employee may be dismissed without cause, and a regular employee who becomes a probationary employee due to a promotion may be demoted without cause to the pre-promotion position.

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**Regular Appointment:** A probationary appointment shall ~~will~~ become a regular appointment if, based on a written performance evaluation, the APCO determines in writing that the probationary appointment should become a regular appointment. In the absence of such ~~the~~ this evaluation and determination, the appointment shall ~~will~~ be deemed considered a regular appointment after completion of the probationary period.

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**Appointment of Relatives:** The District's policy is to hire, promote, and transfer employees ~~based on the basis of~~ merit and to avoid discrimination in making such decisions.

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- Board members' or current District employee's spouses spouse, registered domestic partner, or other relatives may only be employed within the same department or facility when all of the following are met:
  1. SuchThe employment does not adversely affect safety, morale, security, or supervision, and
  2. SuchThe spouse, registered domestic partner, or relative neither initiates nor participates in making institutional recommendations or decisions which would directly affect employment status of their spouse or relative. These recommendations/decisions include, but are not limited to selection, appointment, retention, tenure, work assignments, promotion, demotion, or salary.
  3. Both employees do not have the same supervisor.
- The Board may prohibit assignment or reassign spouses or relatives if, in its sole discretion, it finds that any of the above criteria are not met.
- "Spouse" and "relatives" refer to persons related by blood or marriage, or any relative residing in the immediate household of the Board member or employee (including, but not limited to: wife, husband, spouse, meaning one of two persons in a marriage, or two people who are registered domestic partners as defined by California law, parent, child, grandparent, brother, sister, in-laws of those counted by marriage or domestic partnership, aunt, uncle, or step-relatives).

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2110.40 **Termination**~~Separation of Appointment~~Employment: Appointments shall be are terminable as follows:

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- 2110.41 Regular appointments are terminable either by dismissal under Policy 2140 or removal under Policy 2090, ~~or by express or implied resignation.~~ All separations of employees from position in the District are designated as one of the following:
- Probationary Release;
  - Release of temporary or extra help employee;
  - Resignation;
  - Retirement;
  - Job Abandonment;
  - Layoff; (see Policy 2120 below)
  - Non-disciplinary separation; or Disciplinary separation.
- 2110.42 Any other appointments are terminable without cause with no right to hearing or appeal, provided that the employee receives written notice of reasons for, and the effective date of, the termination.
- 2110.43 Resignation by an employee, who desires to leave the District service in good standing, shall be submitted in writing to the appointing authority at least two

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weeks in advance of the proposed effective date of resignation. This time limit may be waived at the discretion of the appointing authority.

- 2110.44 An unauthorized absence for more than five consecutive working days shall be grounds for immediate dismissal.
- 2110.45 Upon layoff, an appointment shall be deemed terminated subject to any right of transfer, demotion, or reinstatement as set forth in Policy 2120. Such right shall expire one year from the date of layoff.
- 2110.46 An appointment shall be deemed terminated as of the legal date of death of an employee.

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**Policy Title: Layoffs**  
**Policy Number: 2120**

- 2120.10 **Policy:** The Board may authorize a reduction in the number of employees in the classified and unclassified service as part of any administrative reorganization for more efficiency in District operations, or as part of a program to reduce expenditures due to inadequate revenue.
- 2120.20 **Procedure:** Upon recommendations by the appointing authorities, the Board shall will order which divisions are affected and which class titles in the District are affected. Where there is more than one employee in the affected class, the order of layoff shall will be by status of appointment: first, temporary employees; second, probationary employees; third, part-time regular employees; and fourth, full-time regular employees.
- 2120.21 When two or more employees in an affected class have the same status of appointment in the department, the order of layoff shall be is determined as follows:
- 2120.22 The appointing authority shall will review the employee's performance evaluations for the three years preceding. The employee with a history of unsatisfactory or below average performance within the past three years shall will be laid off first. If there is no difference between the employees, the order of layoff shall will be by seniority. In this instance, employees with the least seniority shall will be laid off first. Seniority shall will be computed on the basis of one point for each month of full-time continuous service or a pro rata amount for each month of part-time continuous service.
- 2120.30 **Notice:** Thirty days prior to the effective date of layoff as ordered by the Board, each employee to be laid off shall will receive a written notice of layoff from the appointing authority. The notice shall will explain the reason for the layoff, the result of the procedures described in Policy 2120.20, and the effective date of layoff. The notice shall further will also inform the employee of the right to voluntary transfer, voluntary demotion, and reinstatement.

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2120.40 **Reinstatement:** An employee who is laid off ~~shall~~will be reinstated to ~~his or her~~their former position within one year of the date of layoff should the appointing authority seek to fill the position during that year.

2120.41 Reinstatement ~~shall~~will be on the same terms and conditions as prevailed at the date of layoff, including appointment status and seniority, except that adjustment ~~shall~~will be made for any accrued benefits that have been paid off during the period of layoff. The payoff of any accrued benefits during the period of layoff ~~shall be~~is considered final and in full satisfaction of any claims covered by the payoff.

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**Policy Title: Performance Evaluation**  
**Policy Number: 2130**

2130.10 **Policy:** The appointing authority ~~shall be~~is responsible for effectively evaluating the performance and conduct of the department's employees. The frequency ~~shall~~will be at least once a year. An effective evaluation provides written documentation, in a regular and timely manner, on the quality of performance and employee developmental needs. Such documentation ~~shall provide~~provides a basis for future personnel decisions.

2130.20 **Performance Standards:** Performance standards ~~shall be~~are established by each appointing authority according to the general needs of the department, and to the particular features of each position description. Employees ~~shall~~will be made aware of the prevailing standards. The standards ~~shall~~ include:

2130.21 Required attendance at work, and authorized exceptions;

2130.22 Proper use of District property;

2130.23 Safety rules, policies, or procedures;

~~2130.24 Standards for personal attire and grooming;~~

2130.25 Standards related to Policy 2140.4, Causes for Disciplinary Action.

2130.30 **Evaluation:** An evaluation ~~shall distinguish~~distinguishes between five levels of performance as to each performance standard, and as to overall performance, as follows:

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- 2130.31 "Outstanding" Performance consistently above the standard.
- 2130.32 "Above Average" Performance occasionally above the standard.
- 2130.33 "Satisfactory". Performance meets the standard.
- 2130.34 "Below Average" Performance occasionally below the standard.
- 2130.35 "Unsatisfactory" Performance consistently below the standard.

2130.40 **Evaluation Period:** The calendar period covered by the evaluation shall should be stated clearly.

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2130.50 **Corrective Action:** When an employee's performance is evaluated as other than "satisfactory", the appointing authority shall must attach a written explanation of the reasons for finding a level of performance other than satisfactory. Further, evaluations of "below average" and "unsatisfactory" shall must be accompanied by a written explanation of suggested corrective actions to be taken by the employee. The appointing authority shall will discuss the evaluation with the employee. Prior to placing the evaluation in the employee's personnel file, the appointing authority shall have the employee must sign an acknowledgement of receipt of the evaluation. The employee may also submit written comments on the evaluation for placement in the personnel file.

2130.60 **Disputed Evaluation:** When an employee disputes an evaluation, the employee may, within fifteen days, file a grievance in accordance with the procedures in Policy 2150.

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**Policy Title: Disciplinary Action**  
**Policy Number: 2140**

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2140.1 **Notice of Intended Disciplinary Action:** A regular employee shall ~~not~~cannot be dismissed, demoted, or suspended without pay unless the appointing authority serves the employee with a "notice of intended disciplinary action" at least seven working days before the action is taken.

2140.1.1 Prior to service of the notice, the appointing authority shall must notify the District counsel of the intended discipline.

2140.1.2 The notice shall may be served personally while the employee is on duty. In ~~ease of unauthorized absence~~ if the notice cannot be served in person, the notice shall be served by certified U.S.P.S. priority mail/return receipt, but ~~service shall be deemed completed ten days from to the employee's last know address. The U.S.P.S. posted date of delivery will serve as the date of mailing service.~~ The notice shall must include:

2140.1.2.1 The intended action and the date it will be taken.

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2140.1.2.2 Reasons for the action, and a concise factual description of the ~~conduct~~ conduct warranting discipline.

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- 2140.1.2.3 Identification of the documents and other evidence on which the action is based, and attachment of copies of the documents. ← Formatted: Indent: Hanging: 0.5"  
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- 2140.1.2.4 A copy of the written materials upon which the proposed action is taken. ← Formatted: Indent: Left: 1.5", Hanging: 1"
- 2140.1.2.5 The date upon which the proposed action is to become effective. ← Formatted: Indent: Hanging: 0.5"
- 2140.1.2.6 Advisement of the right to a pre-discipline hearing and the right to file a written response. ← Formatted: Indent: Left: 1.5"
- 2140.1.2.7 Advisement of the right to representation by someone of the employee's own choosing (e.g., friend, attorney, etc.). ← Formatted: Indent: Hanging: 0.5"  
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- 2140.1.2.8 Notice that failure to respond by the time of the specified time constitutes a waiver of the right to respond prior to final discipline being imposed.
- 2140.2 **Pre-discipline Hearing: (Skelly):** Within five working days from the date of service of the notice of intended disciplinary action, an employee may request a pre-discipline hearing and/or may file a written response to the notice.
  - 2140.2.1 The appointing authority shall schedule a hearing within ten days, unless mutually waived by both parties. The hearing shall will be closed. The appointing authority shall will conduct the hearing informally, and no official record or transcript shall will be made, although the parties may make notes. The employee may be assisted by a representative, and may call witnesses. All participants shall will be allowed time off with pay to attend.
  - 2140.2.2 Within five days from the conclusion of the hearing, the appointing authority shall will serve the employee with a written notice of disciplinary action imposed, if any, and the grounds and evidence on which it is based. The notice may be served either in person or by U.S.P.S. Priority mail to the employee's last known address. The U.S.P.S. posted date of delivery will serve as the date of service. If discipline is imposed, the employee shall will be notified of the right to appeal pursuant to Policy 2155. An appeal shall does not stay imposition of the discipline.
- 2140.3 **Administrative Leave:** An appointing authority may suspend with pay an employee pending initiation and/or imposition of the disciplinary action and/or conclusion of any appeal. Suspension with pay shall be deemed administrative leave with no punitive consequence.



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2140.4 **Causes for Disciplinary Action:** An employee may be disciplined for any good cause, including the following which are indicative rather than all-inclusive:

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2140.4.1 Absence without leave, or abuse of authorized leave.

2140.4.2 Incompetency, neglect of duty, or inefficiency.

2140.4.3 Insubordination, or violation of any lawful or reasonable order given by a supervisor or department head.

2140.4.4 Working under the influence of alcohol or drugs.

2140.4.5 Intentional, material misrepresentation or concealment of any fact in connection with obtaining employment.

2140.4.6 Misappropriation of District funds or property.

2140.4.7 Dishonesty or theft.

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2140.4.8 Failure to obtain or maintain a current license or certification required as a condition of employment

2140.4.9 Conviction of any criminal act involving moral turpitude.

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2140.4.910 Sick leave abuse.

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2140.4.11 Unlawful harassment or unlawful discrimination or retaliation against another employee, an applicant for employment, or anyone using District services.

2140.4.12 Any other conduct of equal gravity with the above.

2140.4.13 Any violation of Policy 2170, Code of Conduct,

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~~2140.5 **Letters of Reprimand:** When informal discussion and corrective action are ineffective in altering the unsatisfactory conduct or performance of any employee, the appointing authority shall deliver a formal letter of reprimand to the employee. The letter shall describe the problem in detail, make reference to relevant rules, policies and laws, demand correction of the problem, and indicate that more serious disciplinary action shall be imposed if the problem persists. Label~~

2140.5 Informal Actions.  
The District may utilize oral counseling, written counseling, oral reprimand and written reprimand as deemed appropriate. These actions have no appeal rights.

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~~2140.5.1 A copy of the letter shall be filed in the personnel record of the employee, and the employee may file a written response pursuant to Policy 2020.20. When permitted under Policy 2150, an employee may initiate a grievance in order to seek revocation or modification of a letter of reprimand.~~

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**Policy Title: Grievance Procedure**  
**Policy Number: 2150**

2150.1 **Policy:** The District hereby ~~establishes~~has established a grievance procedure to deal promptly and equitably with employee grievances that are properly presented. No employee ~~shall~~will be subject to reprisal or disciplinary action for making a grievance in good faith.

2150.2 **Definition:** A grievance is a written objection to a managerial act or omission that allegedly affects adversely or unfairly an employee's wages, hours, or other terms and conditions of employment, and for which the District has provided no other procedure for administrative relief. The subject matter of a grievance may include:

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~~2150.2.1 Working conditions not covered by an MOU;~~

~~2150.2.2 Interpretation of an MOU (memorandum of understanding);~~

~~2150.2.3 Violation of an MOU or these policies by an officer or employee;~~

~~2150.2.4 Work assignments exceeding position classification;~~

2150.2.52 Denial of merit salary increases;

2150.2.63 Interpretation or implementation of District policies affecting wages, hours, and other terms and conditions of employment;

2150.2.724 Disagreements between employees and supervisors over the implementation of District personnel policies.

2150.3 **Initiation and Filing:** Prior to the initiation of a written grievance, the matter ~~shall~~should be discussed informally (Step I) with the employee's immediate supervisor. If not satisfied with the immediate supervisor's oral response, the

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employee may file a written grievance (Step II) with the APCO. A grievance shall must include a description of the following:

- 2150.3.1 — Circumstances giving rise to the grievance;
- 2150.3.2 — The adverse effect on, or unfairness to, the employee;
- 2150.3.3 — The relief sought; and
- 2150.3.4 — The immediate supervisor's response.

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2150.4 **Amendments:** A grievance may be amended in writing at any time without prejudice. It may be withdrawn at any time and may be refiled without prejudice providing that no time limit has run out.

2150.5 **Conference:** The authority with whom the grievance is filed shall will confer with the employee and others involved, and shall respond in writing within ten days explaining his or her their decision and proposed action (end of Step II).

2150.6 **Appeal to the APCO:** This provision shall will apply unless the authority with whom the grievance is filed is the APCO. If not satisfied with the response in Step II, the employee may appeal in writing within ten days to the APCO (Step III). A copy of the Step II response shall will be included with a copy of the grievance and a cover letter.

2150.6.1 The APCO shall will review the grievance with District counsel, and confer with the employee and others involved, and respond within ten days explaining his or her their decision and proposed action (end of Step III). If the grievance is denied, the employee shall will be notified of the right to an appeal pursuant to Policy 2155 (Step IV).

2150.7 **Time Limits:** Grievances shall proceed within the prescribed time limits unless there is an extension of time by mutual consent between the employee and the District. If the employee exceeds any time limit, the grievance shall be deemed is considered resolved upon the basis of the prior managerial response. If the District exceeds any time limit, the grievance shall be is automatically referred to the next step in the procedure.

2150.8 **Resolution:** Resolution of a grievance at any step of the procedure shall be is final and binding on the District and the employee.

2150.9 **Employee Representative:** The employee shall have has the right to consult with and be assisted by a representative, union or otherwise, during all steps of the grievance procedure. Any expenses incurred by the employee in the retention of representation shall bear is at the expense of the employee.

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**Policy Title: Personnel Action Appeals**  
**Policy Number: 2155**

- 2155.1 **Policy:** The District hereby ~~establishes~~ has established a personnel action appeals procedure in order to have an impartial hearing on disputed personnel actions which have been appealed based on the basis of the following policies: 2030 (discrimination); 2090.50 (medical examination); 2140.2 (disciplinary action); and 2150.6 (grievance). At the Board's option, the hearing shall can be conducted by the Board or by a hearing officer assigned pursuant to Policy 2155.3.
- 2155.2 **Request for Appeal:** When a ~~person~~ an employee has a right to appeal under these policies, the ~~person~~ employee may submit to the appointing authority a written request for appeal to the Board. The request for appeal must be submitted within ten days from the date that the person received notification of the right to appeal the appointing authority's final decision.
- 2155.2.1 Upon receiving a request for an appeal, the appointing authority shall must notify the District counsel. The District ~~counsel shall~~ council will schedule a hearing on the appeal at the earliest time that is mutually convenient for the interested parties (District and appellant), their representatives, if any, and the Board or assigned hearing officer.
- 2155.3 **Hearing Officer:** The hearing officer shall will be assigned by the District counsel from a list of willing and available officers appointed by the Board, provided that

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the Board reserves the right to have a hearing officer assigned by the State Office of Administrative Hearings or by the State Mediation and Conciliation Service. The Board shall ~~will~~ appoint hearing officers on the basis of the following criteria:

- 2155.3.1 Education, work experience, and community service;
- 2155.3.2 Relative neutrality toward the points of view of labor and management;
- 2155.3.3 Reputation for integrity and a sense of justice and fairness;
- 2155.3.4 Availability and willingness to serve on the terms set forth in these policies.
- 2155.3.5 An interested party shall ~~have~~ has the right to request disqualification of an assigned hearing officer only when specific grounds for disqualification are alleged in writing to the District counsel. The District counsel shall ~~have~~ has the discretion whether or not to assign another officer to the appeal. Any written materials concerning disqualification shall be part of the record.
- 2155.3.6 Unless under contract, a hearing officer shall ~~will~~ not be compensated but shall be reimbursed by the District for any actual and reasonable expenses related to the appeal.
- 2155.4 **Conduct of the Hearing:** The District counsel shall ~~be~~ is responsible for scheduling and notification as to the time and place of the hearing, and of notifying the hearing officer of the nature of the proceeding.
  - 2155.4.1 Unless otherwise stipulated, the hearing shall ~~will~~ be closed to the public and conducted in an informal manner under the direction and authority of the hearing officer. The hearing need not be conducted according to technical rules of evidence, but the hearing shall ~~will~~ be expedited by the exclusion of irrelevant or repetitious matter.
- 2155.5 **Final Decision:** Within forty-five days of 2155.4.2—~~The~~ the interested parties and their representatives shall have the right to introduce any relevant written or physical evidence, and to call and examine witnesses. The hearing officer may subpoena witnesses pursuant to Section 1985 of the Code of Civil Procedure. Oral testimony may be taken on oath or affirmation administered by the hearing officer. District employees called as witnesses shall ~~serve~~ without loss of pay in accordance with Policy 2162.6.
  - 2155.4.3 An interested party may tape record the hearing or arrange at its own cost the services of a court reporter. Any such record of the hearing shall ~~become~~ becomes a record of the proceedings for purposes of any future judicial review.

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~~{Reference: Government Code Section 1094.6.}~~

\_\_\_\_\_ At the conclusion of the hearing, unless waived by the parties, the officer shall prepare the record of the hearing and shall submit to the Board a written decision of findings of fact, rulings of law, and recommendations for disposition. Copies shall ~~will~~ be sent to the interested parties.

- 2155.5.1 Within thirty days, the Board shall ~~will~~ adopt the hearing officer's decision as its own, provided that the Board reserves the right to modify the officer's decision, or to adopt its own decision, based on an independent review of the record. Failure to act within sixty days shall ~~will~~ be deemed adoption of the officer's decision as rendered. The Board's decision on the appeal shall ~~be~~ final and binding on all parties, and not subject to further administrative review.

Policy Title: Unpaid Leave  
Policy Number: 2160

- 2160.1 **General Leave:** A general leave of absence may be granted to employees only on duly authorized terms and conditions: ~~and at the approval of the APCO.~~ Such leave shall be without compensation or accrual of benefits or seniority. ~~Accrued vacation leave must be used up prior to the effective date of the general leave.~~ Health insurance coverage though the District may be continued at the employee's own expense.

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- 2160.1.1 An appointing authority may grant a limited leave not exceeding ninety consecutive days in any twelve month period. If specifically authorized by the Board, and with the concurrence of the appointing authority, an extended leave not exceeding two years may be granted.

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- 2160.2 **Disability Leave:** ~~An employee who has become temporarily disabled for any reason shall have a right to disability leave not to exceed six months, or until a doctor certifies fitness to return to work, whichever is sooner. Such leave shall be without compensation or accrual of benefits or seniority. Accrued sick leave benefits must be used prior to the effective date of disability leave. If the employee has been covered by District paid health insurance prior to the effective date of disability leave, the employee shall have the right to continue such~~

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~~insurance at the employee's own expense, provided the District shall pay for such insurance if the employee is receiving workers compensation benefits.~~

~~2160.2.1 If not medically fit by the time such leave rights are depleted, the employee may be terminated from employment; provided that if the employee is eligible for disability retirement, the District shall make application for the disability retirement pursuant to Government Code Section 21023.5, unless the employee elects otherwise.~~

~~2160.3 **Maternity Leave:** If a doctor certifies that an employee is disabled due to pregnancy, childbirth, or related medical conditions, the employee shall have a right to maternity leave not to exceed four months. In all other respects, maternity leave shall be granted on the same terms as disability leave. (See also Family and Medical Leave Section 2160.6.)~~

~~2160.3.1 An employee who plans to take maternity leave shall be required to give the appointing authority reasonable notice of the anticipated date and duration of leave.~~

~~[Reference: Government Code Section 12945.]~~

~~2160.5 **Holidays:** All temporary and part-time employees shall receive unpaid holidays.~~

~~2160.1 Unless required by law or District policy, ordinance, resolution, or code, vacation leave credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits do not accrue to an employee on unpaid leave.~~

~~2160.2 **California Family Rights Act Leave** In accordance with the California Family Rights Act (CFRA), employees are provided up to 12 workweeks of unpaid family/medical leave within a 12-month period, or 26 workweeks to care for a covered service member. Please refer to the California Family Rights Act / Pregnancy Disability Leave Policy for detailed information. Also refer to 2162.6 for Military Family Medical Leave.~~

~~2160.3 **Pregnancy Disability Leave** Employees who are disabled because of pregnancy, childbirth or related medical conditions are provided an unpaid leave of absence for the period of disability up to a maximum of 17 1/3 weeks per pregnancy. Part time employees are entitled to pregnancy disability leave on a pro-rated basis. Time off needed for prenatal care, severe morning sickness, doctor ordered bed rest, childbirth and recovery from childbirth will all be counted as pregnancy disability leave. Please refer to the California Family Leave Act / Pregnancy Disability Leave Policy for detailed information.~~

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2160.6 — Open

2160.7 **Family-School Partnership Act Leave:** All regular full time and part time employees, who qualify as a parent, guardian ~~or, step-parent, foster parent, grandparent~~ ~~with custody of a child, or person who stands in loco parentis to one or more children~~ in kindergarten through grade 12, ~~shall be~~ **entitled to request up to 8 hours per month not to exceed 40 hours annually** for the purpose of participating in their children's school activities. Regardless of the number of children, an employee ~~shall~~ **will** only be granted 40 hours total annual leave.

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2160.7.1 Employees ~~shall be~~ **are** required to provide reasonable advance notice of anticipate absences related to school activities.

2160.7.2 Such time off ~~shall be~~ **is** considered unpaid leave unless the employee chooses to utilize vacation, administrative leave, floating holiday or compensatory time off to allow for the time off to be considered paid leave.

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**Policy Title: Paid Leave**  
**Policy Number: 2162**

2162.1 **Sick Leave:** Sick leave is exclusively a benefit for full-time probationary and full-time regular employees. It shall be granted on the following terms:

2162.1.1 An employee shall accrue In accordance with the Healthy Workplaces, Healthy Families Act of 2014, sick leave at will accrue and be used according to the rate of one (1) working day per month of compensated service from date of hire, terms outlined in this policy

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2162.1.2 An appointing authority shall approve sick leave in excess of five consecutive working days only after ascertaining that the absence was caused by illness or accident, and a doctor's certificate may be required.

2162.1.1 Full time employees who are not seasonal, temporary or extra help accrue eight hours of sick leave for each calendar month of paid status; part time employees who are not seasonal, temporary or extra help accrue sick leave in an amount prorated to the lower number of hours they work each calendar year in paid status. Accrued sick leave carries over from year to year.

A seasonal, temporary or extra help employee who works 30 or more days within a year from the commencement of employment with the District accrues one hour of paid sick leave for every 30 hours worked. Accrued and unused sick leave carries over to the following year of employment, but a seasonal, temporary, or extra help employee stops earning sick leave once they have accrued 48 hours or 6 workdays/ shifts, whichever is greater.

2162.1.3 Upon termination for non-cause reasons from the District service after five years of continuous and compensated service, an employee shall will be paid 35% of any accrued, unused sick leave. Valuation shall be based on the basis of the hourly equivalent of said employee's monthly salary at the effective date of termination. Notwithstanding anything to the contrary, any Any employee applying for and receiving PERS Section 20862.8 shall will not be eligible for the sick leave buy-out benefit contained in this Section. Termination for cause shall will result in loss of all accrued sick leave.

2162.1.4 Upon death of any employee, there shall be paid to the employee's estate will be paid the value of all unused and accumulated sick leave. The value of such sick leave shall will be determined by multiplying the total hours accumulated and unused by the hourly wage rate to which the employee was assigned at the time of death.

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2162.1.5 Sick leave ~~shall~~does not accrue during any period of leave of absence in excess of fifteen (15) working days, with the exception of authorized temporary military leave. Address unpaid leave here also

2162.1.6 ~~In order to receive compensation while on~~ Requests to use sick leave, must be made to the employee shall ~~notify his/her~~employee's supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical. ~~Such notification shall be through direct conversation with his/her supervisor. Indirect notifications (messages) are generally not acceptable at least twenty-four (24) hours in advance. If the employee's need to use paid sick leave is unforeseeable, the employee must provide notice to the employee's supervisor as soon as is practicable. For other than medical-related activities, those appointments should be scheduled for the first or last hour of the shift if possible.~~ The APCO is exempt from this Section.

2162.1.7 ~~No~~An employee shall be allowed to ~~may~~ use accrued sick leave ~~until they have been continuously employed for,~~ in a period minimum increment of three (3) calendar months two hours, beginning on the 90th day after the first day of employment with the District subject to the limits and request provisions in this Policy.

2162.1.8 An employee may utilize their ~~accrued~~use paid sick leave when unable to perform their work duties by reason of illness or injury, including maternity, necessity for medical or dental for diagnosis, care, exposure to contagious disease under circumstances by which the or treatment of an existing health condition of, or preventative care of the employees with whom associated, for, an employee or member of the public necessarily dealt with, would be endangered by attendance ~~any~~ of the employee. ~~An~~following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling;

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Or it may be used to care for an employee may utilize up who is a victim of domestic violence, sexual assault, or stalking to: 1) obtain or attempt to ten (10) days of sick leave because of childbirth by a spouse or because of serious illness or death in the immediate family requiring the presence obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee, or his or her child; or 2) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.

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2162.2 **Vacation:** Paid vacation is exclusively a benefit for full-time probationary, full-time and full part-time regular employees. It shall be ~~is~~ granted on the following terms and "days" shall refer to working days. ~~{Reference: Gov. Code 24005.}~~ Regular part-

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time employees are entitled to vacation benefits on a pro rata basis. See Section 2165.5

- 2162.2.1 Accrual ~~shall be~~ computed from the date of hire:
- 2162.2.1.1 During the first and second year of compensated and continuous service, an employee ~~shall accrue~~ accrues ten days, of vacation, ~~(80 hours of vacation accrued at 3.08 hours per pay period)~~ provided that no vacation ~~shall actually will~~ be taken until completion of the first year. ~~Under extraordinary circumstances, vacation may be used prior to completion of a full year of service, but only if the Board finds the circumstances to be extraordinary and approves of the deviation from policy on a case-by-case basis.~~
  - 2162.2.1.3 During the third through tenth year of compensated and continuous service, an employee ~~shall accrue~~ accrues fifteen days of vacation: ~~(120 hours of vacation accrued at 4.62 hours per pay period).~~
  - 2162.2.1.4 During the eleventh year of compensated and continuous service, and each year thereafter, an employee ~~shall accrue~~ accrues twenty days of vacation per year: ~~(160 hours accrued at 6.15 hours per pay period).~~
- 2162.2.2 Accrued unused vacation leave ~~shall be~~ limited to the maximum number of days that the employee could earn during the two most recent service years past. Once an employee has accrued the maximum vacation time allowed, they cannot earn any more vacation until their balance goes below the set level noted above.
- 2162.2.3 Vacation leave ~~shall be taken with~~ must have the prior approval of the appointing authority, ~~provided that if there shall be~~ a reasonable basis for denial of an employee's request for leave. No approval ~~shall be~~ required for vacation by the APCO, but employees ~~shall will~~ be notified of the APCO's intent to take vacation in excess of three consecutive days.
- 2162.2.4 Appointing authorities ~~shall bear~~ responsible for ensuring that employees have the opportunity to take vacation leave each year in order to relieve the stress of employment. No employee ~~shall will~~ be denied the opportunity to take off each year two-thirds of the employee's ~~their~~ annual vacation accrual, nor denied the opportunity to take off at least five consecutive days each year.
- 2162.2.5 Upon death, retirement, layoff, or resignation from the classified service, an employee or ~~said the~~ employee's estate ~~shall will~~ be paid one hundred percent of the value of any accrued, unused vacation leave. Valuation shall

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be on the basis of the hourly equivalent of said employee's monthly salary at the effective date of termination.

2162.2.6      Donation of Accrued Vacation Time

2162.2.6.1      An employee may, upon approval, transfer all or any portion of his/~~her~~their accrued vacation leave ~~time~~ to another employee of the District. Transfer of vacation time from one employee to another pursuant to this subsection ~~shall be~~is permitted only in unusual, unanticipated, emergency situations involving serious illness or injury of an employee or serious illness, injury, imminent death or death of a member of the employee's immediate family. For purposes of this policy, a family member is a spouse, state registered domestic partner, parent (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stand in loco parentis), parent-in-law, sibling, grandparent, or grandchild.

A request for transfer of vacation leave ~~time~~ may be initiated by either the employee in need of additional time or by an employee or employees who wish to donate time to another employee. Participation in this program ~~shall be~~is strictly voluntary. No employee ~~shall be~~is required or expected to participate and no employee ~~shall will~~will be subject to coercion or threat or intimidation of any kind for failure to donate vacation leave time pursuant to this program.

2162.2.6.2      A request for transfer of vacation leave time ~~shall will~~will proceed as follows:

2162.2.6.2.1      The employee(s) making the request ~~shall must~~must do so in writing to the Air Pollution Control Officer on a Vacation Leave Transfer Form.

2162.2.6.2.2      The APCO ~~shall will~~will review the request and ~~shall approve~~approve or deny the request within a reasonable period of time and will notify the donor of his/~~the~~his decision. The APCO's decision to approve or deny the request ~~shall be~~is final and binding on the parties.

2162.2.6.2.3      Approved Vacation Leave Transfer Forms ~~shall should~~should be submitted to the Clerk of the APCO. The Clerk ~~shall will~~will debit the donor employee's vacation leave account by the number of hours donated by the donor. The Clerk ~~shall will~~will then credit the recipient employee's vacation leave account by an

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amount determined as follows: divide the donor's hourly wage rate by the recipient's hourly wage and multiply the resulting quotient by the number of hours donated.

2162.2.6.2.4 The Clerk ~~shall~~will notify the recipient employee of the donation. A donor's name may not be released unless specifically requested by the donor.

2162.2.6.2.5 Donations are subject to applicable tax laws. Recipient employees will be responsible for any applicable state and federal income taxes on the donated time. There is no tax liability to donors.

2162.4 ~~Holidays: Permanent and Regular fill-time and regular part-time and probationary regular fill-time and regular part-time~~ employees of the District shall receive the following paid holidays, which are official District holidays. ~~Permanent Regular~~ part-time employees shall ~~be~~are entitled to compensation on a pro rata basis, applying the percentage of employment against the eight (8) hours granted a full-time employee: ~~All temporary employees shall receive unpaid holidays.~~

2162.4.1 January 1, New Year's Day. If January 1 falls upon a Sunday, the Monday following shall ~~shall~~will be a holiday. If January 1 falls upon a Saturday, the preceding Friday shall ~~shall~~will be a holiday.

2162.4.2 ~~The day in January that is the legal observance of Martin Luther King Jr's birthday.~~

~~2162.4.3 The third Monday in February, which is the legal observance of Washington's Birthday.~~

2162.4.3 President's Day

2162.4.4 ~~The last Monday in May, which is the legal observance of Memorial Day;~~

2162.4.5 ~~July 4, Independence Day. If July 4 falls upon a Sunday, the Monday following shall~~will be a holiday. If July 4 falls upon a Saturday, the preceding Friday shall ~~shall~~will be a holiday.

2162.4.6 ~~The first Monday in September, Labor Day.~~

2162.4.7 ~~The day in October which is the legal observance of Columbus Day.~~

2162.4.8 ~~The day in November which is the legal observance of Veterans Day.~~

2162.4.9 ~~The day in November which is the legal observance of Thanksgiving Day.~~

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- 2162.4.10 The day in November following ~~Day after~~ Thanksgiving: Day
- 2162.4.11 ~~December 24th,~~ Christmas Eve holiday. ~~Except that when~~ When the Christmas holiday falls on a Monday or Thursday, the Christmas Eve holiday ~~shall~~ will be designated as the day following the Christmas holiday. ~~When~~ Christmas Eve falls on a Saturday, the preceding Friday ~~shall~~ will be designated as the Christmas Eve holiday.
- 2162.4.12 ~~December 25,~~ Christmas Day. ~~Except when~~ When the Christmas Day falls on a Saturday or Sunday, the Christmas Holiday ~~shall~~ will be on Monday.
- 2162.4.13 One day per fiscal year designated as an individual a floating holiday to be taken at the employee's discretion; subject to approval by the APCO.
- 2162.4.14 Every day appointed by the President of the United States or the Governor of this state as a special one-time-only holiday. ~~{Reference: Government Code Section 6700.}~~
- 2162.4.15 An employee must work on the regular work day before and the regular work day after a paid holiday or be on an approved paid leave of absence during these times in order to receive pay for the holiday. Approved paid leave of absence is defined as paid sick leave, paid vacation, paid floating holiday, or paid authorized leave of absence. Any exception ~~to the foregoing shall~~ should be for good cause only, and ~~shall~~ will require the approval of the APCO whose decision ~~shall be~~ is final.
- 2162.5 **Jury and Witness Leave:** Any employee who is called for jury duty or subpoenaed to appear as a witness, other than as an expert witness or party to the action, ~~shall~~ will receive paid leave ~~for such purpose on the following terms that follows:~~
- 2162.5.1 The employee ~~shall~~ will receive paid leave provided that any witness fees or jury fees are assigned to the District auditor.
- 2162.5.2 If called as a witness in litigation in which the District is a party, or to testify in an official capacity as a District employee, the employee ~~shall~~ will receive paid leave and an allowance for any necessary travel, provided that any witness fees are remitted to the District. ~~{Reference: Government Code Section 1230.}~~
- 2162.6 **Military Leave:** Military leave ~~with pay for up to thirty days shall~~ will be granted in accordance with state and federal law, provided that the appointing authority is given a copy of the military orders ~~and has, within~~ specifying the date, site and purpose of the activity or mission. Within the limits of military regulations, ~~an~~

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~~opportunity to determine when such leave shall be taken. [References: Military and Veterans Code Section 395.01; 63 Ops. Atty. Gen 483 and 924 (1980).]~~

2162.7 **Family Injuries and Illnesses:** ~~In the event of injury or illness in the employee's family, a full-time regular or full-time probationary employee shall be allowed up to ten days of leave per year, measured from the employee's anniversary date, which shall be chargeable to sick leave, consistent with Section 2162.1. The attending doctor's statement shall be sufficient proof of such illness or injury, if required by orders, the appointing authority may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.~~

**ADOPTED 8/9/01**

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**Military Family Medical Leave Entitlements:** Qualified Exigency Leave. Eligible employees with a spouse, son, daughter or parent in regular Armed Forces or National Guard / Reserves deployed to a foreign country may use their 12-week Family Care leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include addressing needs arising from short-notice deployment, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, addressing needs related to the care of the military member's parent who is incapable of self-care, attending certain counseling sessions, to spend up to 15 calendar days with a military

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member who is one R and R leave, and attending post-deployment reintegration briefings.

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**Policy Title: Additional Benefits and Allowances**  
**Policy Number: 2165**

2165.1 **Claiming Allowances:** Claims by employees for allowances shall ~~should~~ be made on claim forms approved by the District, and a claim shall ~~will~~ not be paid without signed approval by the APCO.

2165.2 **Travel Allowance:** Employees shall ~~will~~ be reimbursed for their actual and necessary traveling expenses while engaged in official business of the District. The amount in cents per mile to be reimbursed for vehicle operation shall be fixed from time to time by the Board.

~~[Reference: Government Code Section 25305.]~~

Expense claims shall be ~~rendered~~ submitted by each employee at least once each calendar quarter.

2165.2.1 All travel expenses shall ~~should~~ be ~~rendered~~ reported on Travel Expense forms, as provided by the ~~Air Pollution Control Officer~~ APCO.

2165.2.2 All expense claims shall ~~should~~ be properly itemized, accompanied by necessary vouchers, and approved by the Air Pollution Control Officer.

2165.2.3 Receipts or vouchers shall ~~must~~ be submitted for each item of expense except as follows:

- 2165.2.3.1 Street cars, buses, ferry fares, bridge and road tolls.
- 2165.2.3.2 Long distance telephone charges, if the date, place and party called are shown.
- 2165.2.3.3 Taxi fares when necessary on official business.
- 2165.2.3.4 Charges incurred installing or removing tire chains.
- 2165.2.3.5 Expenses of \$ 2.00 or less when necessary on official business.
- 2165.2.3.6 Expenses which are reimbursable through per diem.
- 2165.2.3.7 Mileage compensation, for use of privately owned automobiles.
- 2165.2.3.8 Tips, as authorized by this section.



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- 2165.2.4 In instances where receipts cannot be obtained, a statement to that effect and the reason therefore shall must be attached to the required expense form.
- 2165.2.5 All expenses paid on District charge cards, while not reimbursable to the employee, shall must be itemized on an expense form and approved by the Air Pollution Control Officer. ~~Any such expense paid on a District charge card and not itemized as stated, and/or any such expense found to be unallowable under this travel and expense policy, shall be deducted from any reimbursement due, or shall become a lien against the employee's paycheck.~~
- 2165.2.6 Expense forms of District officers and employees traveling at the expense of the District shall must show the purpose of such travel.
- 2165.2.7 Fund advances for lodging, registration fees, and commercial travel may be authorized by the Air Pollution Control Officer for travel expenses, upon presentation of supporting evidence; e.g., an approved travel request, etc.
- 2165.2.8 Residence:
  - 2165.2.8.1 Residence shall must be established for each District officer and employee claiming travel expenses.
  - 2165.2.8.2 No expenses shall bare allowed for travel from residence to established work headquarters unless otherwise approved by the APCO.
  - 2165.2.8.3 The members of the District Board shall will be reimbursed for all expenses incurred while performing their duties, including all mileage.
- 2165.2.9 All District officers and employees traveling on official District business should use appropriate District-owned vehicles whenever possible. Air travel with commercial airlines for travel over longer distances is encouraged, to reduce time away from the job.
- 2165.2.10 Rate of Compensation:
  - 2165.2.10.1 Mileage: Authorized travel on District business by privately-owned automobile shall will be compensated at the current IRS rate per mile traveled, with total reimbursement not to exceed the cost of tourist rate commercial air travel when available. Travel by other than privately-owned automobile shall will be compensated ~~in accordance with~~ according to actual costs incurred, and shall should not exceed the cost of tourist rate commercial air travel. Exceptions to the above cost limitations shall will be approved in advance by the District Board.
  - 2165.2.10.2 Per Diem: Authorized travel to and from official convention or conference headquarters and all other official District travel requiring an officer or employee to be absent from his or her their residence for one or more

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nights, ~~shall~~will, for purposes of providing meals and lodging, be compensated at \$ 75.00 for each full 24-hour period ~~he or she is~~they are away from ~~his or her~~their residence on out-of-district travel and at \$ 65.00 for each full 24-hour period ~~he or she is~~they are away from ~~his or her~~their residence on travel within the District. In determining the number of full days and fractions thereof-away from the place of residence, no fraction less than 1/4 of a day ~~shall~~will be compensated. The fractional days to be allowed for the days of departure and return ~~shall be~~are determined by the quarter of the day during which travel begins and ends. ~~Should~~If it ~~be~~is necessary for an officer or employee attending an official convention or conference to obtain meals and lodging at a specified facility or location, ~~wherein~~when the costs of such meals and lodging exceed the amounts stated ~~herein~~here, the officer or employee may be reimbursed in accordance with ~~according to~~the actual costs incurred, ~~upon submission of~~when the necessary receipts or vouchers ~~are submitted~~are submitted. When lodging and/or meals are paid by District charge card, per diem ~~shall~~does not apply and the necessary receipts and vouchers ~~shall~~should be submitted for the actual costs incurred. The limitations on allowable costs incurred by use of the District charge card shall be as stipulated above for per diem.

2165.2.10.3 Meal Allowance: Officers and employees traveling on District business, who complete the trip within one working day, ~~shall receive~~shall be authorized if the employee or officer is required to be away from ~~his or her~~their normal place of business. When travel is wholly between the hours of 7:00 a.m. and 7:00 p.m., lunch is the only meal expense which may be claimed on a one-day trip. Meal expenses ~~shall~~will be reimbursed at the actual costs of meals up to the following maximums and exclusive of sales tax: Example: Portola EE going over an hour from their office, or a Grass Valley EE going to Plumas County or Truckee.

_____	2165.2.10.3.1 Breakfast	\$ 7.00
_____	2165.2.10.3.2 Lunch	\$10.00
_____	2165.2.10.3.3 Dinner	\$18.50

This limit on meals ~~shall~~does not apply when an employee is attending an official District function where the costs of meals exceed the stated maximums.

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2165.2.10.4 Incidental Expense Allowance: An officer or employee traveling on official District business shall be, in addition to any mileage, per diem, or meal expenses received, compensated for incidental expenses incurred ~~by him~~in connection with such District business. Incidental expenses shall include but ~~are not~~are limited to such items as:

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- 2165.2.10.4.1 Ferry and toll bridge tolls.
- 2165.2.10.4.2 Taxi fares.
- 2165.2.10.4.3 Registration fees at conferences and conventions.
- 2165.2.10.4.4 Parking fees.
- 2165.2.10.4.5 Tips - for meals only, and not to exceed 15% of the cost of the meal.
- 2165.2.10.4.6 Any other expense directly attributable to District business.
- 2165.2.10.5 Personal Expenses: No personal expenses, such as barbering, alcoholic beverages, entertainment, tips (except as permitted for meals), or laundry or dry cleaning shall be allowed
- 2165.2.10.6 Expense Limitation: Notwithstanding any other provision of this section, no per diem or other reimbursement shall be allowed for those additional costs of meals, lodging or other expenses incurred as a result of any additional travel time required due to the selection of travel by means of other than commercial air travel where such commercial air travel is available, unless approved in advance by the District Board.
- 2165.2.11 Authority for Special Expenses: District officers who incur special expenses shall will be reimbursed only if the expense form is properly itemized, accompanied by the necessary vouchers, and contains sufficient justification for the stated expenditure. Such expense shall will be compensated at the rates specified in this section.
- 2165.2.12 Reimbursement to Committees, Examining Boards and Consultants: Meal costs and incidental expenses of person persons serving without compensation on examining boards, commissions, committees, or as consultants to the District may be reimbursed to the District officer or his their designee purchasing such meals or items of incidental expense.
- 2165.2.13 Reimbursement for Business Meals: Meal costs and incidental expenses of officers and their official guests, attending breakfast, lunch, or dinner where official District business is conducted, may be reimbursed.
- 2165.2.14 Reimbursement for Special District Board Expense: The District Board may, on occasion, invite professionals to attend sessions of the Board to provide them with professional guidance and are hereby authorized to expend public funds to pay for those professional person's mileage and/or luncheon expenses or to pay per diem allowance should the consultation take more than one normal working day.

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- 2165.2.15 Reimbursement for Consultant's Expenses: In the event the Air Pollution Control Officer desires to engage a professional person from outside the District agency to serve in a professional consulting capacity and such consultation will take more than one working day, ~~he~~ the APCO may, with prior approval of the District Board, authorize a claim to be drawn against the travel funds of the District for the lodging, meals, and mileage of the consultant.
- 2165.2.16 Dinner Reimbursement for Specified Late Meetings: In the event that a regular meeting of the District Board extends, or is expected to extend, beyond 7:00 p.m., and the District Board recesses temporarily for dinner in anticipation of reconvening and continuing its business during the same evening, officers and regular employees serving ~~thereon~~ or assigned as staff ~~there~~, will be entitled to reimbursement of the dinner expense up to the maximum amount permitted pursuant ~~according~~ to Section 2165.2.10.3.3.

**2165.3 Training and Continuing Education**

- 2165.3.1 Objectives: The Continuing Education Program is designed to encourage employees to continue their self-development by enrolling in classroom courses and/or seminars which will:
  - 2165.3.1.1 Educate them in new concepts and methods in their occupational fields and prepare them to meet the changing demands of their jobs.
  - 2165.3.1.2 Help prepare them for advancement to positions of greater responsibility in their occupational field or in areas deemed critical by the District.
- 2165.3.2 Eligibility of Courses for Tuition Reimbursement: The following criteria shall ~~be~~ used in determining the eligibility of courses for tuition reimbursement.
  - 2165.3.2.1 Courses must be related to the work of the employee's position or occupation.
  - 2165.3.2.2 Courses must have reasonable potential for resulting in savings or in a more efficient service.
  - 2165.3.2.3 Courses must be taken at accredited institutions and/or result in continuing education units. Correspondence courses from reputable institutions will be considered only when equivalent courses are not available at local accredited schools or when the ~~employee's circumstances prevent him or her~~ employee is prevented from attending local courses.
  - 2165.3.2.4 The prerequisite courses for eligible courses are also eligible for a tuition reimbursement. However, except for good cause, reimbursement

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shall will not be made until the appropriate eligible courses have been satisfactorily completed.

2165.3.2.5 Courses which are neither eligible in themselves nor a prerequisite for eligible courses, but which are required for the completion of a Master or a Doctorate Degree in a work-related field, are eligible for tuition reimbursement. However, reimbursement shall will not be made until the Degree is received. Ordinarily such provisions shall not cannot be made for courses required for the completion of a Bachelor or Associate of Arts Degree. With the approval of the Air Pollution Control Officer (APCO), however, exceptions may be made by individual or for a specific job class or series.

2165.3.2.6 Courses are not eligible for tuition reimbursement if they:

2165.3.2.6.1 Are taken to bring unsatisfactory performance up to an acceptable level.

2165.3.2.6.2 Are taken to acquire basic skills or basic knowledge which the employee was deemed to have when appointed.

2165.3.2.6.3 Duplicate available in-service training.

2165.3.2.6.4 Duplicate training which the employee has previously received.

2165.3.3 **Eligibility of Employees for Tuition Reimbursement:** Regular full-time employees performing their jobs satisfactorily are eligible for reimbursement.

2165.3.4 Nature of Reimbursement:

2165.3.4.1 Reimbursement shall be made is available for tuition, books, registration fees and laboratory fees. Expenses for parking, travel, meals and other incidental costs are not reimbursable. All books used, and for which reimbursement is received, shall become the property of the District.

2165.3.4.2 Reimbursement shall will be made to the employee on the completion of the course with a minimum grade of C or its equivalent in an undergraduate undergraduate course, or B or its equivalent in a graduate level course. No reimbursement shall will be made for audited courses or incomplete courses.

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2165.3.4.3 Reimbursement received from other sources for tuition, books, registration and/or lab fees will be deducted from the cost of such expenses in determining the amount which the District will pay.

2165.3.5 Outline of Procedure for Tuition Reimbursement

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- 2165.3.5.1 The employee shall ~~can~~ apply for tuition reimbursement, prior to enrollment, through normal supervisory channels on forms provided by the District.
- 2165.3.5.2 The APCO shall ~~will~~ within ten (10) days either recommend approval of the application, or deny it based on criteria set forth in this policy. If the APCO recommends approval, he/she shall ~~they will~~ forward the application to the Clerk of the APCO.
- 2165.3.5.3 Upon completion of an approved course, the employee shall ~~should~~ obtain from the institution certification of fees paid and grade received and send certification to the APCO as soon as possible. Fees paid shall ~~should~~ be itemized on a standard District Claim Form. The receipt shall ~~should~~ accompany the Claim Form with pertinent information including the signature of the APCO and employee's signature. The employee shall ~~will~~ also evaluate the course and send the evaluation to the APCO. All books for which reimbursement is claimed shall ~~must~~ be delivered to the APCO prior to payment of any claim shall be delivered to the APCO's ~~APCO's~~ office prior to payment of any claim for reimbursement on such item(s), and said books shall become the property of the District.
- 2165.3.6 Specialized Training: When a department head establishes that there is a need for specialized training of employees for the purpose of expanding to ~~expand~~ the capabilities of the department or to keep the department current with respect to changes in the law or the field relevant to that department, the department head is hereby authorized to enter into a contract with the candidate for specialized training. ~~Said~~ ~~The~~ contract may provide for a commitment of a specified period of time which the employee agrees to remain in the District employment after the specialized training. If the employee terminates employment voluntarily within that period of time, the contract may provide for an amount either in whole or on a reducing scale over time which the employee will be required to reimburse the District for the benefits received by the employee as a result of the specialized training.

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~~2165.4 Health Benefits Plan: District-paid health insurance is a benefit exclusively for Board appointed employees and regular employees with work schedules of 30 hours or more per week. The benefit may be used for the employee and his/her dependents.~~

~~2165.4.1 The employee may choose to be enrolled in a District-recognized, PERS-provided health benefits plan. The District will provide information about the various health provider plans available. If the employee is enrolled in a District-recognized, PERS-provided health insurance plan, the District shall pay 100% of the first \$9,600 of the employee's annual premium.~~

~~2165.4.2 At any time the employee may elect not to utilize the District-provided health insurance program. In recognition of the subsequent cost savings to the District, the District will pay the employee 40% of the premium costs saved by the District or \$3,840, whichever is less. Payment will be spread equally over the 26 pay periods. An employee electing to dis-enroll shall not re-enroll until July 1 of the next fiscal year.~~

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2165.5 2165.4 **Retirement Benefits:** Retirement benefits are offered through the District's contract with the Public Employees Retirement System. The contract excludes hourly paid employees such as extra-help and temporary employees, and employees who are part-time for less than twenty hours per week on a regularly assigned basis. PERS qualification rules include exceptions to these exclusions for both full-time and part-time employees (e.g. temporary). The contract includes regular and probationary full-time employees paid on the time base of a biweekly pay period.

2165.54.1 In addition to the employer portion of the premium, the District shall pay 100% of the employee portion of the premium for retirement benefit for employees hired prior to January 1, 2013.

Tier III: PERS "PEPRA" Employees hired on or after January 1, 2013 are enrolled in the 2%@62 formula. Effective January 1, 2013, employees shall contribute one half of the total normal cost (currently 6.5%) of the employer contribution to PERS. This contribution will be made through payroll deduction.

2165.65 **Prorated Health Insurance, Sick Leave, and Vacation for Some Regular Part-time Employees:** Notwithstanding any rule to the contrary, a regular or probationary employee who is assigned regular work hours per week of fifteen or more, but less than forty, shallwill receive prorated benefits as follow:

2165.65.1 The Clerk of the APCO shallwill be informed of the type of appointment (2110.20) and the number of hours per week constituting regular work hours, exclusive of any possible overtime pay, on-call pay, or other special pay. The Clerk of the APCO shallwill prorate benefits using the fraction of a full week (40 hours) that the employee works according to the following schedule:

15 to 19 hours per week:	0.4375 is the fraction.
20 to 24 "	0.5625 "
25 to 29 "	0.6875 "
30 to 34 "	0.8125 "
35 to 39 "	0.9375 "

2165.6.2 **Prorated Sick Leave:** The employee shall accrue sick leave in accordance with Section 2162.1 on the appropriate prorated basis.

2165.65.3 **Prorated Vacation:** The employee shallwill accrue vacation in accordance with Section 2162.3 on the appropriate prorated basis. The rate of vacation accrual shall be based on the full-time equivalent of the employee's continuous and compensated service measured from the date of hire.

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2165.76 **Alternate Commute Program:**

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2165.76.1 Any employee who uses alternative transportation which reduces the use of the single occupancy vehicle to get from home to work (e.g. car pool, ride a bus, van pool, walk, ride a bicycle, etc.) shallwill be compensated at the following rates:

2165.7.1.1 Commute distance 0 to 25 miles: \$1.00 per day

2165.7.1.2 Commute distance greater than 25 miles: \$2.00 per day

2165.76.2 The employee with the greatest number of alternative commute days in the fiscal year shallwill be compensated in the amount of \$250.00.

2165.87 **Deferred Compensation Program:** If employees elect, the District will participate in the PERS Deferred Compensation Program, whereby before-tax salary is deferred to a PERS retirement savings account. The District pay the administrative costs as long as funding is available. Administrative costs do not include deductions made from the employees' Compensation Account for any reason by PERS or its contractors.

~~2165.9 **Dental/Vision Care Program:** The District shall provide a self-funded dental/vision plan for employees and their dependents.~~

~~2165.9.1 The maximum benefit available is \$1,250 per fiscal year per employee. The benefit is available on a reimbursement basis. Employees will only be able to be reimbursed for a service provided with in the fiscal year that the service was provided. At the end of the fiscal year, any unused benefit is forfeited.~~

~~2165.9.2 The benefit may be used by the employee or his dependents and there is no restriction on proportions used for either dental or vision.~~

~~2165.9.3 The Clerk of the APCO shall track the total benefit used by each employee on a fiscal basis and provide a monthly report to the APCO showing the total benefit used by each employee to date.~~

~~2165.108 **District Vehicle Commute Reimbursement** Move this section to Vehicle reimbursement and review~~

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2165.408.1 Through the mutual consent of the APCO and employee, the APCO may allow a district vehicle to be driven to an employee's home if circumstances exist which warrant enhanced security for district vehicles. Under these circumstances, the only personal use of the district vehicle will be for commuting to and from work or a de minimus personal use (such as a stop for a personal errand on the way between a business delivery and the employee's home).

2165.408.2 The employee shallwill reimburse the District in accordance with Internal Revenue Service Publication 15-B, Commuting Rule. The APCO shallwill decide the employee method of reimbursement per said rule.

Board Approved 1/25/16

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**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT** Gretchen Bennitt, Executive Director

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**Policy Title: Health Benefits**  
**Policy Number: 2166**

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2166.1 **Health Benefits Plan:** Except as provided herein, District paid health insurance is a benefit exclusively for Board appointed employees and regular employees with work schedules of 30 hours or more per week, or as defined by the health benefits plan requirements. The benefit may be used for the employee and his/her dependents.

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2166.1.1 The employee may choose to be enrolled in a PERS-provided health benefits plan if such a plan is available to the employee. If the employee is enrolled in a PERS-provided health insurance plan, the District shall pay 100% of the first \$9,600 of the employee's annual premium.

2166.1.2 At any time the employee may elect not to utilize the PERS-provided health benefits plan. In recognition of the subsequent cost savings to the District, the District will pay the employee 40% of the premium costs saved by the District, or \$3,840, whichever is less. Payment will be spread equally over the 26 pay periods. An employee electing to dis-enroll, shall not re-enroll until July 1 of the next fiscal year.

2166.1.3 Employees who retire from the District shall be eligible to be enrolled in a PERS-provided health insurance plan. If the retiree is enrolled in a PERS-provided health insurance plan, the District shall pay 100% of the first \$9,600 of the retiree's annual premium. Employees hired after July 1, 2014 shall still be eligible to be enrolled in a PERS-provided health insurance plan upon retirement, but the District shall pay 0% of the retiree's annual premium, upon retirement.

2166.1.4 Continued funding of a health insurance plan benefit for both employees and retirees is subject to the availability of funds.

2166.1.5 District staff shall provide legal notice within 10 days of a hearing or meeting to inform annuitants (retired employees of the District receiving retirement health benefits) of any modifications to the health benefits for retired employees of the District agendaed for a Board meeting. If any modifications are adopted by the Board, district staff shall make best effort to inform annuitants. If requested, board packet materials related to retirement health benefits will be provided at no charge to the retired employees.

2166.2 **Dental/Vision Care Program:** The District shall provide a self-funded dental/vision plan for employees and their dependents.

2166.2.1 The maximum benefit paid into an Employee's Dental/Vision fund by the District is \$1,250 per fiscal year per employee. The benefit is available on a reimbursement basis. At the end of the fiscal year, any unused benefit is forfeited.

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- 2166.2.2 The benefit may be used by the employee and/or his/her dependents and there is no restriction on proportions used for either dental or vision.
- 2166.2.3 The Business Manager shall track the total benefits used by each employee on a fiscal basis and provide a monthly report to the APCO showing the total benefits used by each employee.
- 2166.3 **Prorated Health Insurance for Regular Part-time Employees:** Notwithstanding any rule to the contrary, a regular or probationary employee who is assigned regular work hours per week of 30 or more shallwill receive prorated benefits as follow:
  - 2166.3.1 The APCO shallwill be informed of the type of appointment (2110.20) and the number of hours per week constituting regular work hours, exclusive of any possible overtime pay, on-call pay, or other special pay. The Business Manager shallwill prorate benefits using the fraction of a full workweek (40 hours) that the employee works according to the following schedule:

30 to 34	"	0.8125 "
35 to 39	"	0.9375

**Board Approved 9/22/14**

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**Policy Title:** 2170  
**Policy Number:** Code of Conduct

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2170.1 **Ethical Responsibilities:** Each officer and employee has an obligation to the citizens and government of the three counties to cooperate in accomplishing the District's goals, to expose corruption wherever discovered, to refrain from disclosing any confidential information, to preserve and safeguard the District's assets, and to act according to the principle that "public office is a public trust".

{Reference: 51 Cal.App.2d 759, 773 (1942).}

2170.2 **Acceptance of Gratuities:** No officer or employee shall accept any fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances which could result in, or give the appearance of resulting in:

- 2170.2.1 The use of public office for private gain;
- 2170.2.2 The preferential treatment of any person, impeding governmental efficiency or economy;
- 2170.2.3 The making of a District decision outside of official channels;
- 2170.2.4 Any adverse effect on the confidence of the public in the integrity of the District or county government.

2170.3 **Drug and Alcohol Abuse:** It is the desire of the Board of Directors that all work environments of District employees be safe and productive and free of the influence of drugs, alcohol and/or other controlled substances. The Board of Directors is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by the inappropriate use of controlled substances.

2170.3.2 The use ~~(except as prescribed by a physician), sale, distribution,~~ possession, ~~manufacture, purchase or transfer of~~ any illegal drugs, prescription drugs, alcohol and/or other controlled substances by any District employee or officer on District property or work sites or while said employee or officer is on District business is prohibited. Law enforcement will be notified, as appropriate, where criminal activity is suspected.

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2170.3.2.1 ~~Employees are also prohibited from being under In the influence of drugs, workplace, or wherever District business is performed, the use of illegal drugs or the consumption of alcohol and/or other controlled substances during hours of work where such substances could impair the fitness is always prohibited. The illegal or unauthorized use of an employee prescription drugs is always prohibited.~~

2170.3.2.2 ~~Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to perform his/her work; a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to determine whether the medication may interfere with safe performance of their job. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to notify their supervisor. An employee is not required to disclose the nature of their medical condition, or to identify the medication they are taking, but must clearly indicate effects, such as impaired alertness, balance impairment, warnings about operation of machinery, etc.~~

2170.3.2.2 Commission of any of the actions described above will subject the employee to disciplinary action up to and including termination of employment.

2170.3.2.3 For the purpose of applying this policy, being under the influence of drugs, alcohol and/or other controlled substances means being impaired in any way from fully and proficiently performing job duties and/or having a detectable amount of said substances in one's body.

2170.3.3 The decision to discipline or terminate an employee found to have used and/or be under the influence of illegal drugs, prescription drugs, alcohol and/or other controlled substances during working hours may be waived or held in abeyance by the appointing authority, pending said employee's attempt at rehabilitation. The APCO has discretion to handle each case individually, with factors, such as the employee's frequency of use, commitment to rehabilitation, and type of substance involved, taken into consideration regarding the waiving of penalties.

2170.3.3.1 Discipline or termination of employment that is waived or held in abeyance pending rehabilitation should be done on the condition, set forth in writing, that the employee:

2170.3.3.1.1 Successfully complete an approved rehabilitation program;

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- 2170.3.3.1.2 Faithfully comply with maintenance and therapeutic measures (e.g., attendance at AA or NA meetings); and,
- 2170.3.3.1.3 Be subject to periodic testing without further reasonable cause.
- 2170.3.3.2 Employees who are found to have brought illegal drugs, prescription drugs, alcohol or other non-prescription controlled substances onto District property or work sites and to have provided them to other employees shall be terminated without recourse to a rehabilitation program.
- 2170.3.3.3 Discipline or termination of employment should not be taken until a thorough investigation has been completed.
- 2170.3.4 To assure that employees, property and equipment are not endangered by other employees who are involved with, or under the influence of drugs, alcohol and/or other controlled substances, any employee whose conduct, appearance speech or other characteristics create a reasonable suspicion of involvement with, or influence of said substances will be taken to a medical facility and be subject to an exam by a qualified physician at District expense. If said the physician determines that a drug/alcohol test is warranted, said the employee will be subject to testing for the presence of alcohol or drugs in their bodies.
  - 2170.3.4.1 Presence of such substances will result in disciplinary action up to and including termination of employment, as described above.
  - 2170.3.4.2 An employee who is suspected of involvement as described above and refuses to cooperate in the physician's exam and/or drug/alcohol testing is subject to termination of employment.
- 2170.3.5 If a qualified physician, as a part of the examination specified in Section 2170.3.4 above, determines that an employee is not capable of working safely, said the employee will be transported to his/her their home by a supervising employee and not allowed to drive himself/herself home.
- 2170.3.6 Immediately prior to reporting for drug/alcohol testing, all employees shall must complete a Consent and Release form to be kept on file in the District office which shall conform to the general format, as shown on Appendix A.

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- 2170.3.7      District employees are required to notify the APCO in writing of any criminal drug statute of which they are convicted for a violation occurring in the workplace no later than five (5) calendar days after such conviction.
- 2170.4      **Conflict of Interest Activities Outside of Employment:** No officer or employee shall engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her their duties with the District. ~~Standards to be applied in this area shall conform to Government Code Sections 1125—1128 and rulings by appellate courts of this state.~~
- Outside employment, activity or enterprise may be prohibited by the Board if it:
- 2170.4.1      Involves the use for private gain or advantage of District time, facilities, equipment, supplies, badges, uniforms, prestige, or influence of District office or employment;
- 2170.4.2      Involves receipt or acceptance of any money or other consideration from anyone other than the District for the performance of an act which would normally be part of the duties in the District service;
- 2170.4.3      Involves the performance for compensation of an act, in other than his or her their capacity as a District officer or employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the District;
- 2170.4.4      Involves such time demands as would render less efficient performance of duties in the District service.
- 2170.5      **Contracts, Sales and Purchases:** Pursuant to ~~Government Code Sections 1090—1097, no~~ No officer or employee shall ~~can~~ be financially interested in any contract, sale or purchase by the District which the officer or employee, in his or her their official capacity, influenced or could have influenced; ~~influence~~, provided that an officer or employee shall will not be deemed financially interested if the interest is remote and fully disclosed.
- 2170.6      **Use of District Property:** Officers and employees are prohibited from using District property directly or indirectly for any purpose unrelated to District business or in any manner deviating from the manner authorized by the APCO or by regulation.
- 2170.7      **Political Activities:** No officer or employee shall may engage in political activity during working hours, or on District premises, unless the Board has specifically opened those premises for political activity by the public.

(Reference: Government Code Section 3207.)

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- 2170.7.1 All officers and employees shall ~~bear~~ be subject to the restriction on political activity in ~~Government Code Sections 3201 and 3302~~ as defined by the State.
- 2170.7.2 Any officer or employee who is paid with federal grant money or loans, or whose principal employment is in connection with a program financed in whole or in part by a federal agency, is subject to the political restrictions of the Hatch Act (~~5 U.S.C. 1501-1508, interpreted as 5 Code of Federal Regulations, Part 151~~).
- 2170.7.3 All officers and employees shall ~~will~~ be informed by District counsel memorandum issued from time to time, of prohibited political activities under state and federal law.

~~2170.8~~ **Sexual Harassment:**

~~2170.8.1~~ **Purpose:** It is legally mandated by State and Federal laws that employees have a right to work in an environment that is free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of discrimination that is prohibited by Title VII of the Civil Rights Act of 1964 and California Government Code Section 12940. Sexual harassment is a costly form of discrimination that can result in expensive litigation that may result in back pay or punitive damage awards, withdrawal of Federal support funds and/or other adverse actions. District employees have a grave responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the District's business and the maintenance of confidence of the people it serves. It is, therefore, the policy of the District that sexual harassment is unacceptable and will not be tolerated.

~~2170.8.2~~ **Definition:** Sexual harassment is generally defined as unsolicited and unwelcomed sexual advances of a severe and/or pervasive nature, be they written, verbal, physical and/or visual, that usually occur when:

~~2170.8.2.1~~ Submission to that conduct or communication is made either explicitly or implicitly a term or condition of employment;

~~2170.8.2.2~~ Submission to, or rejection of, that conduct or communication by an employee is used as a basis for employment decisions affecting the employee; or,

~~2170.8.2.3~~ Such conduct or communication has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment.

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- 2170.8.3 **Definition Examples:** Sexual harassment manifests itself in many forms. The following are a few examples of sexual harassment:
- 2170.8.3.1 **Written:** sexually suggestive or obscene letters, notes or invitations.
- 2170.8.3.2 **Verbal:** sexually derogatory comments, slurs, jokes, remarks or epithets.
- 2170.8.3.3 **Visual:** leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons or posters.
- 2170.8.3.4 **Physical:** assault, attempted rape, impeding or blocking movement, or touching.
- 2170.8.3.5 **Other:**
- 2170.8.3.5.1 Sexual advances which are unwanted (this may include situations which began as reciprocal attractions, but later ceased to be reciprocal).
- 2170.8.3.5.2 Women in nontraditional work environments who are subjected to hazing (this may include being dared or asked to perform unsafe work practices, having tools and equipment stolen, etc.) if requests for sexual favors are not met.
- 2170.8.3.5.3 Employment benefits affected in exchange for sexual favors (may include situations where an individual is treated less favorably because others have acquiesced to sexual advances).
- 2170.8.3.5.4 Implying or actually withholding support for appointment, promotion, transfer or change of assignment; or initiating a rejection on probation or adverse action; or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.
- 2170.8.3.5.5 Reprisals or threats after negative response to sexual advances.
- 2170.8.4 **Policy Publicizing:** All employees shall be informed of the District's sexual harassment policy and complaint process prior to their need to know, and again when any complaint is filed. Also, said policy and complaint process shall be readily available to all employees and members of the general public utilizing the District's facilities and services.
- 2170.8.4.1 All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be



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~~discussed with said employee at that time by the appointing authority.~~

~~2170.8.4.2 An annual bulletin shall be prepared and distributed to all employees reinforming them of the District's sexual harassment policy. Said bulletin shall also include summaries of cases involving sexual harassment, including examples of back pay, punitive damages and personal financial liability of supervisors.~~

~~2170.8.4.3 Within three (3) working days after any complaint has been filed in accordance with this policy, a bulletin shall be prepared and distributed to all employees reinforming them of the District's sexual harassment policy.~~

~~2170.8.5 **Complaint Process:** Any employee who believes they are the victim of sexual harassment may file a formal or informal confidential complaint without fear of reprisal or embarrassment.~~

~~2170.8.5.1 An informal complaint is made verbally by the employee to his/her immediate supervisor. Although filing the complaint with said immediate supervisor is preferred, the employee is free to file his/her complaint with any supervisory employee.~~

~~2170.8.5.2 A formal complaint is made in writing, using the "Employee Grievance Form - Sexual Harassment", attached hereto as "Appendix B", and made a part hereof. Said form should be submitted by the employee to his/her immediate supervisor. Although submitting the formal complaint with said immediate supervisor is preferred, the employee is free to submit his/her formal complaint with any supervisory employee, or with the Chairman of the Board of Directors if the employee's immediate supervisor is the APCO and the APCO is the offending party.~~

~~2170.8.6 **Complaint Response Process:** Any supervisory employee who receives a formal or informal sexual harassment complaint shall at all times maintain the confidentiality of the plaintiff and shall personally deliver said complaint immediately and directly to the Air Pollution Control Officer, or with the Chairman of the Board of Directors if the employee's immediate supervisor is the APCO and the APCO is the offending party.~~

~~2170.8.6.1 Within twenty four (24) hours of the filing of a formal or informal complaint, even if it is withdrawn, an investigation shall be conducted by the APCO.~~

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- 2170.8.6.2 A written record of any investigation of an alleged sexual harassment shall be maintained. Findings will be sent to the APCO.
- 2170.8.6.3 All discussions resulting from said investigation shall be kept confidential.
- 2170.8.6.4 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.
- 2170.8.7 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of an alleged sexual harassment, appropriate action shall be taken by the APCO against the harasser where sexual harassment is found. Whatever punishment is meted out to the harasser, such action shall be made known to the victim of the harassment.
- 2170.8.7.1 Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment. Making the employee whole may involve reinstatement, back pay, promotion, etc.
- 2170.8.7.2 Action taken to remedy a sexual harassment situation shall be done in a manner so as to protect potential future victims.
- 2170.8.7.3 Employees complaining of sexual harassment shall be protected thereafter from any form of reprisal and/or retaliation.

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Appendix A  
**CONSENT AND RELEASE FORM**  
**DRUG/ALCOHOL TESTING**

I hereby authorize the Northern Sierra Air Quality Management District (District), and any laboratories or medical facilities designated by the District, to perform a urinalysis and/or blood test to detect the presence of illicit drugs and/or alcohol in my body. I further authorize the reporting of the results of such test(s) to the District and its authorized personnel. I recognize that the results of such test will be used to determine my suitability for employment or for continued employment with the District.

Any attempt to switch a sample or adulterate a sample will be considered the same as a positive result. The laboratory may use one or more tests for adulteration.

The only drugs, medicine or mind-altering substances, controlled substance, narcotic (including drugs prescribed by a physician marijuana), or prescription drug and over-the-counter medications, by brand name if possible (e.g., Extra Strength Tylenol™, Robitussin-DM™, Allerest™, Mediprin™, etc.), that I have used in the last forty-five (45) days are as follows:

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<u>DRUG/MEDICINE</u>	<u>WHEN USED</u>	<u>ISSUED BY:</u> <u>(IF PRESCRIPTION)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NAME OF EMPLOYEE: \_\_\_\_\_

FACILITY PERFORMING TEST: \_\_\_\_\_

DATE OF TEST: \_\_\_\_\_

SIGNATURE OF APPLICANT/EMPLOYEE \_\_\_\_\_ (Date)

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**SUPERVISOR REQUESTING TEST:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT** Gretchen Bennett, Executive Director

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Appendix B

**EMPLOYEE GRIEVANCE FORM - SEXUAL HARASSMENT**  
Northern Sierra Air Quality Management District

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Employee's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied, or misinterpreted:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Circumstances involved:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Decision rendered by the informal conference:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specific remedy sought:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Policy Title: Employer-Employee Relations**  
**Policy Number: 2180**

**2180.1 Purpose:** This policy implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) captioned "*Local Public Employee Organizations*", by providing orderly procedures for the administration of employer-employee relations between the District and its employee organizations, ~~if any~~. However, nothing contained herein shall be deemed to supersede the provisions of State law, District ordinances, resolutions and policies which establish and regulate the merit system, or which provide for other methods of administering employer-employee relations. This policy is intended, instead, to strengthen merit and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications among employees, employee organizations and the District.

It is the purpose of this policy to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding matters that directly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units when such matters are not preempted by Federal or State law.

**2180.2 Definitions:** As used in this policy, the following terms shall have the meanings indicated:

**2180.2.1 "ADMINISTRATOR"** means the Air Pollution Control Officer of the Northern Sierra Air Quality Management District.

**2180.2.2 "APPROPRIATE UNIT"** means a unit of employee classes or positions, established or modified pursuant to this policy.

**2180.2.3 "CONFIDENTIAL EMPLOYEE"** means an employee, who, in the course of his or her duties, has access to information relating to the District's administration of employer-employee relations.

**2180.2.4 "DISTRICT"** means the NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT and where appropriate herein, refers to the District Board of Directors.

**2180.2.5 "EMERGENCY"** means a situation in which immediate, unilateral action is necessary to protect the public health, safety, or welfare even though such action may not by itself terminate the emergency.

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- 2180.2.6 "DAY" means calendar day unless expressly stated otherwise.
- 2180.2.7 "EMPLOYEE" means any person employed by the District in an authorized position as listed in the current District budget, except Board members.
- 2180.2.8 "EMPLOYEE ORGANIZATION" means any bona fide organization which includes employees of the District, and which has as one of its primary purposes, representing such employees in their relations with the District.
- 2180.2.9 "EXCLUSIVE RECOGNITION" means formal recognition by the District of an employee organization, to the exclusion of other employee organizations, pursuant to a vote of the employees in an appropriate representation unit.
- 2180.2.10 "EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION" means an employee organization which has gained exclusive recognition in an appropriate representation unit pursuant to a vote of the employees in the unit. No other organization may represent employees in such a unit except as provided in Section 2180.11 below.
- 2180.2.11 "IMPASSE" means that the representatives of the District and a recognized employee organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a memorandum of understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.
- 2180.2.12 "MANAGEMENT REPRESENTATIVE" means the Air Pollution Control Officer or any persons duly designated by the District to act as a representative of the District for employer-employee relations.
- 2180.2.13 "MEDIATION" means the efforts of an impartial third person, or persons functioning as an intermediary to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestions, and advice.
- 2180.2.14 "MEET AND CONFER IN GOOD FAITH" means performance, by duly authorized management representatives and by duly authorized representatives of a recognized employee organization, of their mutual obligation to personally meet and confer promptly, upon request by either party, and continue for a reasonable period of time, in order to freely exchange information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation, prior to the adoption by the public agency of its final budget for the ensuing year. This mutual obligation shall not require either party to agree to a proposal or to make a concession.



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- 2180.2.15 "PROFESSIONAL EMPLOYEES" means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including but not limited to attorneys, engineers, planners, and the various types of physical, chemical and biological scientists.
- 2180.2.16 "PROOF OF EMPLOYEE SUPPORT" shall mean the documentation, on forms approved by the District, presented by an employee organization to the Air Pollution Control Officer, indicating approval by the required number of employees whom the employee organization purports to represent. Only signatures of employees currently employed in authorized positions within the proposed representation unit on the date the petition is filed, and whose signatures have been executed within one hundred eighty (180) calendar days prior to the date the petition is filed, shall be accepted as proof of employee approval. The total number of employees in a proposed representation unit shall be determined by using the Position Allocation List, adjusted to reflect the positions occupied as of the closing date of the payroll period immediately preceding the date on which the petition is filed.
- 2180.2.17 "REPRESENTATION UNIT" means a unit composed of District employees organized for the purpose of employee representation, and which has been established in accordance with this policy.
- 2180.2.18 "SCOPE OF REPRESENTATION" means those matters relating to employment conditions and employer-employee relations, including wages, hours, and other terms and conditions of employment; except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.
- 2180.2.19 "SUPERVISORY EMPLOYEE" means any employee other than a management employee regularly having authority in the interest of the District to hire, transfer, suspend, layoff, recall, promote, discharge, assign, evaluate, or discipline other employees or the responsibility to assign work to and direct them or to adjust their grievances or effectively recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not merely routine or clerical in nature, but requires the use of independent judgment.
- 2180.3 **Employee Rights:** Subject to the provisions of this policy, employees of the District shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation of all matters of employee relations. Employees of the District shall also have the

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~~right to refuse to join, support, or participate in the activities of employee organizations. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against because of the exercise of these rights.~~

2180.4 **District Rights:**

2180.4.1 Nothing in this policy shall be construed to restrict any legal or inherent exclusive District rights with respect to matters of general legislative or managerial policy, which include, among others, the exclusive right to determine the methods, means, and personnel by which District operations are to be conducted, as well as to exercise complete control and discretion over its organization, operations and technology of performing its work, including the contracting out of work; to determine the mission, function and necessity of all or part of each of its constituent operations, and take all necessary actions to carry out its mission, functions and necessity, or any part thereof, as well as set standards of service to the public.

2180.4.2 The District also retains the sole right to administer the District Personnel Policy and Ordinance, to classify and reclassify positions, add or delete positions or classes to or from the District budget or Salary Resolution; to establish standards for employment, selection and promotion of employees; to direct its employees, establish policies and regulations, take the disciplinary action for proper cause, to establish work schedules and work assignments, and to relieve its employees from duty for lack of work or other legitimate reasons. The District retains the right to be the sole judge of the qualification and competence of its officers and employees.

2180.4.3 The District reserves the right to take whatever action may be necessary in an emergency situation; however, an exclusively recognized employee organization affected by the action shall be notified promptly of any such emergency action which affects matters within the scope of representation.

2180.5 **Scope of Representation:**

2180.5.1 Upon request, an exclusively recognized employee organization shall have the right to meet and confer in good faith to negotiate wages, hours, and other terms and conditions of employment with the appropriate level of management. Terms and conditions of employment mean items such as health and welfare benefits, leave and transfer policies, safety conditions of employment procedures to be used for evaluation of employees, layoff procedures, and procedures for processing grievances and disciplinary appeals.

2180.5.2 If agreement is reached by the representatives of the District and a recognized employee organization, they shall jointly present to the Board

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for its consideration and ratification a written memorandum of such understanding:

- 2180.5.3 — The District may adopt reasonable codified policies after consultation in good faith with representatives of the employee organizations concerning the administration of employee relations under this policy.
- 2180.5.4 — The District shall give reasonable written notice to each exclusively recognized employee organization of any proposed ordinance, codified policy relating to matters within the scope of representation set forth in this policy.
- 2180.6 — **Filing of Recognition Petition:** An employee organization seeking to be formally recognized as the exclusive employee organization representing the employees in an appropriate unit shall file a petition with the APCO containing the following information and documentation:
  - 2180.6.1 — Name and address of employee organization.
  - 2180.6.2 — Names and titles of its officers.
  - 2180.6.3 — Names of employee organization representatives who are authorized to speak on behalf of the organization.
  - 2180.6.4 — A statement that the employee organization has, as one of its primary purposes, representation of employees in their employment relations with the District.
  - 2180.6.5 — A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and if so, the name and address of each such other organization.
  - 2180.6.6 — Certified copies of the employee organization's constitution and bylaws.
  - 2180.6.7 — A designation of those persons, not exceeding two in number and their address, to whom notice sent by regular United States mail will be deemed sufficient notice to the employee organization for any purpose.
  - 2180.6.8 — A statement that the employee organization has no restriction on membership, based on race, color, creed, sex, age, national origin, or handicap.
  - 2180.6.9 — The job classification or titles of employees in the unit claimed to be appropriate and the approximate number of employees therein.

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- 2180.6.10 — Proof of employee support, as herein defined, means that at least fifty percent (50%) of the employees in the unit claimed to be appropriate, desire the named organization to represent them in employer-employee relations.
- 2180.6.11 — A request that the District formally recognize the petitioner as the exclusively recognized employee organization representing the employees in the unit claimed to be appropriate, for the purpose of meeting and conferring in good faith.
- 2180.6.12 — The petition, including all accompanying documents, shall be declared to be true, correct and complete, to the best of their knowledge, under penalty of perjury, by the duly authorized officers of the employee organization executing it.

- 2180.7 — **District Review of Recognition Petition/Notice to Employees:** Following receipt of the petition, the APCO shall determine whether the petition complies with the requirements of this policy, and the proposed representation unit is an appropriate unit in accordance with Section 2180.9.

If an affirmation determination is made by the APCO on the foregoing two matters, he/she shall, in writing, so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter. Posting the request in a conspicuous location shall constitute written notice to the employees. If either of the foregoing matters are not affirmatively determined, the Administrator shall offer to consult thereon with such petitioning employee organization, and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. The petitioning employee organization may appeal such determination in accordance with Section 2180.14.

- 2180.8 — **Challenging Petitions/Overlapping Units:**

Within thirty (30) days of the date of written notice to the affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally recognized as the exclusively recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some, but not all the classifications or positions set forth in the recognition petition being challenged), by filing documentation evidencing proof of employee support in the unit claimed to be appropriate of at least fifty percent (50%) of the employees in the unit claimed to be appropriate, and otherwise in the same form and manner as set forth in Section 2180.6. If such challenging petition seeks establishment of an

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~~overlapping unit, the APCO shall consult with the petitioning employee organizations for the purpose of ascertaining the more appropriate unit. Thereafter, the Board shall determine the appropriate unit or units in accordance with the standards in Section 2180.9. The petitioning employee organizations shall have fifteen (15) days from the date of notice of such unit determination is communicated to them by the APCO to amend their petitions to conform to such determination or to appeal such determination pursuant to Section 2180.14.~~

~~2180.9 **Appropriate Units:** The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on: (1) the efficient operations of the District and its compatibility with the primary responsibility of the District and its employees to effectively and economically serve the public; and (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share in identifiable community of interest. Factors to be considered shall be:~~

~~2180.9.1 The unit shall include the broadest feasible groups of employees based upon internal and occupational community interest. Fragmentation of units is to be avoided.~~

~~2180.9.2 The effect of the proposed unit on the efficient operation of the District services and on sound employer-employee relations.~~

~~2180.9.3 Consistency with the organizational patterns of the District.~~

~~2180.9.4 The history of employee relations in the unit, among other employees in the District, and in similar public employment.~~

~~2180.9.5 Similarity of duties, skills, and working conditions of employees.~~

~~2180.9.6 No District employment classification title shall be included in more than one representation unit.~~

~~2180.9.7 Professional employees shall not be denied the right to be represented separately from non-professional employees by a professional employee organization consisting of such employees.~~

~~2180.9.8 Mid-Management and Supervisory employees may only be represented in a unit composed solely of such employees.~~

~~2180.9.9 Confidential employees may not be represented in a bargaining unit together with non-confidential employees.~~

~~2180.9.10 The APCO shall not be a member of any unit.~~

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**2180.10 Procedure for Modification of Established Appropriate Units:**

- 2180.10.1 Requests by employee organizations for modifications to established appropriate units may be considered by the APCO only during the period of 120 to 150 days prior to the expiration date of the Memorandum of Understanding. Such documentation shall be submitted in accordance with the requirements set forth in this Section and shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth herein. The APCO shall process such requests as stated below.
- 2180.10.2 The APCO may, on his own motion, propose during the period specified in this Section, that an established unit be modified and shall process such proposal as stated below.
- 2180.10.3 The APCO shall give written notice of the proposed modifications to all affected employee organizations and shall hold a meeting concerning the proposed modifications, at which time all affected employee organizations shall be heard.
- 2180.10.4 Thereafter, the APCO shall determine the composition of the appropriate unit or units in accordance with Section 2180.9 and shall give written notice of such determination to the affected employee organization.
- 2180.10.5 The APCO may after notice to and consultation with affected employee organizations, allocate new classifications, or positions, reallocate classifications or positions, or delete classifications in accordance with the provisions of Section 2180.9.
- 2180.10.6 The allocation of new classifications or the deletion of abolished classifications may be done at any time and may not be considered a modification of the unit if in the determination of the APCO such additions or deletions have no significant impact on the appropriateness of the unit.
- 2180.10.7 If a unit is modified pursuant to the decision of the APCO hereunder, employee organizations may thereafter file petitions for a new appropriate unit or units pursuant to Section 2180.6.
- 2180.10.8 There shall not be more than one election in a twelve (12) month period affecting the same bargaining unit.
- 2180.10.9 Any determinations made by the APCO are subject to appeal as provided in Section 2180.14.

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~~2180.11 Procedure for Decertification of Exclusively Recognized Employee Organizations:~~

- ~~2180.11.1 Proof of employee support alleging that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in an established appropriate unit may be filed with the APCO only during the period of 120 to 150 days prior to the expiration of the agreement. Such documentation may be filed by two or more employees, their representative or an employee organization and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:
  - ~~2180.11.1.1 The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.~~
  - ~~2180.11.1.2 The name of the established appropriate unit and of the incumbent exclusively recognized employee organization sought to be decertified as the representative of that unit.~~
  - ~~2180.11.1.3 An allegation that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.~~
  - ~~2180.11.1.4 Proof of employee support that at least fifty percent (50%) of the employees in the established appropriate unit no longer desire to be represented by the incumbent exclusively recognized employee organization. Such proof shall be submitted for confirmation to the APCO within the time limits specified in the first paragraph of this Section.~~~~
- ~~2180.11.2 The APCO shall initially determine whether the documentation has been filed in compliance with the applicable provisions of this Section. If his/her determination is in the negative, he/she shall offer to consult thereof with the representatives of such petitioning employees or employee organization, and, if such determination thereafter remains unchanged, shall return such documentation to the employees or employee organization with a statement of the reasons therefor in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 2180.14. If the determination of the APCO is in the affirmative, or if his/her negative determination is reversed on appeal, he/she shall give written notice of such Decertification or Recognition documentation to the incumbent exclusively recognized employee organization and to unit employees.~~

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**2180.12 Election Procedure:**

- 2180.12.1 When an initial or decertification petition meets the provision of the policies, an election shall be conducted pursuant to this Section. Within twenty (20) calendar days of the last date that a recognition petition can be filed, as determined by the APCO or as decided by an appeal, the APCO shall arrange for a secret ballot election to be conducted in accordance with the provisions of this policy. All employee organizations that have filed petitions which have been determined to conform to Section 2180.6 shall be included on the ballot. The choice of "No Organization" shall also be included on the ballot. Employees entitled to vote in such election shall be those persons employed in full-time and part-time regular positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the District in the same unit on the date of the election.
- 2180.12.2 The election shall be conducted by the California State Conciliation Service unless both parties agree on another party hereinafter referred to as the Election Supervisor.
- 2180.12.3 Costs of conducting elections, if any, shall be borne in equal shares by the District and each employee organization appearing on the ballot. If the election is called at the request of the District, the District shall bear all normal election expenses. The party desiring observers shall provide for those observers at its own expense.
- 2180.12.4 The Election Supervisor shall have the final authority to make such arrangements and ruling as he/she deems necessary to carry out the election. No later than twenty (20) days prior to the election, the Election Supervisor shall meet with the eligible employee organizations to discuss the election arrangement and policies. Such policies shall be made available to the organizations no later than ten (10) days prior to the election.
- 2180.12.5 An employee organization shall be formally recognized as the exclusively recognized employee organization for the appropriate unit following an election or run-off election if it receives a numerical majority (more than 50%) of the valid votes cast.
- 2180.12.6 In an election where there are more than two choices on the ballot, including the choice of no organization, and none of the choices receive a majority of the votes cast by the employees within the representation unit,



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~~a run-off election shall be conducted between the choices receiving the largest and second largest number of votes.~~

- ~~2180.12.7 Each eligible employee organization shall submit to the Administrator the designation it desires on the ballot no later than twenty (20) calendar days before the election. Such designation shall be the official name of the organization as submitted in their bylaws pursuant to Section 2180.5 or an abbreviated version thereof. If any organization fails to submit such designation, the Administrator shall prepare a designation for use on the ballot. The order in which the eligible choices appear on the ballot shall be determined by lot.~~
- ~~2180.12.8 The ballots shall include the question "Do you wish to be represented in respect to wages, hours, and other conditions of employment by \_\_\_\_?". Following the question the eligible choices shall be listed on the ballot in order determined by lot. The eligible choices shall also include the choice of "No Organization".~~
- ~~2180.12.9 A notice of election in a form approved by the Elections Supervisor shall be posted at locations serving employees in the unit involved at least five (5) days prior to the election.~~
- ~~2180.12.10 If agreed to by the organizations appearing on the ballot, the Administrator, each eligible employee organization and the District are authorized to provide one observer at each polling place. Each party shall be responsible for the presence of his/her observers and no balloting or counting shall be delayed because of the absence of one or more observers.~~
- ~~2180.12.11 Any authorized observer may challenge the eligibility of a vote. It shall be the duty of the Election Supervisor or his/her designee to place the challenged ballot in a sealed envelope indicating that the voter in question has cast a challenged ballot.~~
- ~~2180.12.12 The Election Supervisor shall subsequently determine the eligibility of the voter who cast a challenged ballot and either count or reject said vote. The decision of the Election Supervisor shall not be subject to appeal and shall be final and binding on all parties. The Election Supervisor may employ at no expense to the eligible registered organizations as assistants in the conduct of the election, persons normally employed as elections officials by one of the Counties who are not County employees. The Election Supervisor may also use the services of the Registrar of Voters and his/her staff and such persons that are used by the Election Supervisor are charged with strict neutrality in the conduct of their duties.~~

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- ~~2180.12.13~~ Noting locations shall be agreed to by the parties or designated by the Election Supervisor after consultation with the parties no later than fifteen (15) days before the election. The election will be by secret ballot and voters will be allowed to vote without fear or restraint or coercion.
- ~~2180.12.14~~ At the conclusion of the election, the Election Supervisor, after disposing of the challenged ballots, shall count all the ballots and certify the results of the election. These results shall be final and binding on the parties.
- ~~2180.12.15~~ The Election Supervisor is hereby authorized to make such administrative and procedural policies as he or she deems necessary to carry out the elections. A violation of these policies by a party may serve to void the election. The Election Supervisor shall have the sole authority to make a ruling under this section.
- ~~2180.12.16~~ Any of the above election procedures as set forth in subsections 2180.12.2 through 2180.12.15 may be altered or waived by mutual agreement of the parties.
- ~~2180.13~~ **Granting Exclusive Recognition:** Upon a determination that an employee organization has received a majority of ballots cast in an election, the Board of Directors shall, by resolution, grant exclusive recognition for the appropriate bargaining unit. A new exclusively recognized employee organization shall assume the terms and conditions of any existing memorandum of understanding.
- ~~2180.14~~ **Appeals:** An employee organization aggrieved by an appropriate unit determination by the Administrator may, within ten (10) days of notice thereof, request the intervention of the California State Conciliation Service pursuant to Government Code Sections 3507.1 and 3507.3, or may, in lieu thereof, appeal such determination to the Board of Directors for final decision within ten (10) calendar days of notice of the Administrator's determination.
- ~~2180.15~~ **Meeting and Confering:**
  - ~~2180.15.1~~ Only exclusively recognized employee organizations in established representation units shall be entitled to meet and confer with duly designated management representatives on wages, hours, and other terms and conditions of employment for such units.
  - ~~2180.15.2~~ The District is under no obligation to meet and confer with employee organizations who are not exclusively recognized, or who willfully violate any of the provisions of this policy, or who are engaged in any illegal action against the District.

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- 2180.15.3 Meeting and conferring shall not be required on any subject preempted by Federal or State law, or policy. Proposed amendments to this policy shall be subject to consultation after reasonable notice.
- 2180.15.4 Agreements reached as a result of meeting and conferring shall be incorporated in a written memorandum of understanding signed by the District representative, or the designee when appropriate, and the duly designed representative of the recognized employee organization with whom the agreement has been reached. Signed memorandums of understanding shall be mutually submitted to the Board of Directors, but shall not be in effect or binding on the parties until formally approved by the Board of Directors.
- 2180.16 **Initiation of Impasse Procedures:** If the meet and confer process has reached impasse as defined in the policy, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled within ten (10) calendar days by the Administrator. The purposes of such impasse meeting shall be as follows:
  - 2180.16.1 To identify and specify in writing the issue or issues that remain in dispute.
  - 2180.16.2 To review the position of the parties in a final effort to resolve such disputed issue or issues; and
  - 2180.16.3 If the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.
- 2180.17 **Mediation:**
  - 2180.17.1 Either party may request mediation. Such mediator shall be selected from a panel to be provided by the California State Conciliation Service unless both parties agree to another mediator. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.
  - 2180.17.2 If the parties fail to resolve the dispute through mediation within fifteen (15) calendar days after the mediator commences meeting with the parties, the parties may mutually agree to submit the impasse to fact-finding.
- 2180.18 **Fact-Finding:** If the parties mutually agree to submit the impasse to fact-finding, they may agree on appointment of one or more fact-finders. If they fail to agree on one or more fact-finders, a fact-finding panel of three shall be appointed in the following manner: one member of the panel shall be appointed by the District, one member shall be appointed by the exclusively recognized employee

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organization, and these two shall name a third, who shall be the chairperson. If they are unable to agree upon a third, they shall select by agreement the third member from one or more lists of names to be provided by the California State Conciliation Service. The following constitute the jurisdictional and procedural requirements for fact finding:

- 2180.18.1 — The fact finders shall consider and be guided by applicable Federal and State laws.
- 2180.18.2 — Subject to the stipulations of the parties, the fact finders shall determine and apply the following measures and criteria in arriving at their findings and recommendations:
  - 2180.18.2.1 — As relevant to the issues in dispute, the fact finders shall compare the total compensation, hours, and conditions of employment of the employees involved in the fact-finding proceeding with the total compensation, hours and conditions of employment of other employees performing similar service in public and private employment in the same and comparable communities. "Total compensation" shall mean all wage compensation, including but not limited to premium, incentive, minimum, standby, out of class and deferred pay; all paid leave time; all allowances, including but not limited to educational and uniform benefits; medical and hospitalization benefits; and insurance, job injury, disability pension and welfare benefits.
  - 2180.18.2.2 — The fact finders shall then adjust the results of the above comparisons based on the factors of equitable employment benefits relationships between job classifications and positions within the District, the benefits of District job stability and continuity of employment, and the difficulty, or lack thereof, of recruiting and retaining qualified personnel.
  - 2180.18.2.3 — The fact finders shall then determine recommendations based on the comparisons as adjusted above subject to the financial resources of the District to implement them, taking into account other legislatively determined and projected demands on agency resources, assurance of sufficient and sound budgetary reserves, and statutory or other limitations on tax and other revenues and expenditures.
- 2180.18.3 — The fact finders shall make written findings of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria, adjustments, and limitations specified above. Any member of a fact-finding panel shall be accorded the right to file dissenting written findings of fact and recommendations. The fact-finder or chairperson of the

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~~fact-finding panel shall serve such findings and recommendations on the District and the designated representative of the exclusively recognized employee organization.~~

- ~~2180.18.4~~ If the parties have not resolved the impasse within the (10) days after service of the findings and recommendations upon them, the fact finders or the chairperson of the fact-finding panel shall submit them for consideration by the Board of Directors in connection with the Board's legislative consideration of the issues at impasse.
- ~~2180.19~~ **Board of Directors:** If the parties agree to submit the impasse directly to the Board of Directors, or if the parties do not resolve the impasse through mediation or do not agree to fact-finding, the Board of Directors shall take such action regarding the impasse as its discretion deems appropriate in the public interest. Any legislative action by the Board of Directors on the impasse shall be final and binding.
- ~~2180.20~~ **Cost of Impasse Procedures:** The costs, if any, for the services of a mediator and fact finder or chairperson of a fact-finding panel utilized by the parties, and other mutually incurred costs of mediation or fact-finding, shall be borne equally by the District and the employee organization. The cost for a fact-finding panel member selected by each party and other separately incurred costs shall be borne by such party.
- ~~2180.21~~ **Construction:** This policy shall be administered and construed as follows:
- ~~2180.21.1~~ While this policy shall prevail over any other policy, resolution, rule or memorandum of understanding, nothing in this policy shall be construed to deny to any person, employee, organization, the District, or any authorized officer, body or other representative of the District, the rights, powers and authority granted by Federal or State law.
- ~~2180.21.2~~ This policy shall be interpreted so as to carry out its purpose as set forth in Section 2180.1.
- ~~2180.21.3~~ Nothing in this policy shall be construed as making the provisions of California Labor Code Section 923 applicable to District employees or employee organization.
- ~~2180.21.4~~ Nothing in this policy shall be construed to deny any employee rights set forth in Government Code Section 3500 et. seq
- ~~2180.22~~ **Severability:** If any provisions of this policy or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this policy, or

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~~the application of such provision to persons or circumstances other than those as  
to which it is held invalid, shall not be affected thereby.~~

**To:** Northern Sierra Air Quality Management District Board of Directors

**From:** Gretchen Bennitt, Air Pollution Control Officer

**Date:** May 23, 2022

**Agenda Item:** VI.A

**Agenda Description:** Status on Portola PM2.5 Nonattainment Area

**Issues:** Staff will update the Board on the status of the Portola PM2.5 federal nonattainment area.

**Requested Action:**

1. none

**Attachments:**

1. none

**To:** Northern Sierra Air Quality Management District Board of Directors

**From:** Gretchen Bennitt, Air Pollution Control Officer

**Date:** May 23, 2022

**Agenda Item: VI.B**

**Agenda Description:** Discussion of part-time permanent position for Northern Sierra Air District

**Issues:** The District would like the Board to consider a new part-time permanent position for the Air District. This would allow the District to hire and train an **entry-level** candidate at a lower cost to the District. Additionally, this plays into a key part of the District's succession plan. Since the District has an aging employee population in the Grass Valley office, this would be a valuable opportunity for the employee to garner valuable information from a seasoned employee prior to them vacating their position due to retirement.

Preliminary cost estimate for a part time permanent APCSI (30 hours/week) are:

Permanent Salaries	\$39,460.20
Medicare/FICA	\$ 574.31
CA state Employment	\$ 112.00
PERS Health Insurance (Pro-rated)	\$7,800
Dental/Vision	\$1,250
PERS Retirement (Employer contribution)	\$3,062.11
<b>Total</b>	<b>\$ 52,258.63</b>

**Requested Action:** none

**Attachments:** none



**To:** Northern Sierra Air Quality Management District Board of Directors

**From:** Gretchen Bennitt, Air Pollution Control Officer

**Date:** May 23, 2022

**Agenda Item:** VI.C

**Agenda Description:** Legislative/Introductory Packet

**Issues:** Staff has compiled information in preparation for a meeting with local legislators or other interested parties. The packet has been distributed to board members.

**Requested Action:** Discuss packet and possible modifications to future versions

**Attachments:** Packet will be handed out to Board members