













**Action:**

1. Approved the Summary Minutes from the May 26, 2021, Administration & Finance Committee Special meeting.

**C. Finance Department Activities Update**

**Action:**

1. Received and filed.

**6. REPORTS / DISCUSSION**

**A. VTTM 31620 TUMF Appeal – City of Hemet**

Cameron Brown, WRCOG Program Manager, reported that in the rare instance of a TUMF appeal, the matter is usually resolved at the staff level. In the event that is not possible, the matter is presented to this Committee, which makes a recommendation to the Executive Committee.

Today's appeal involves a Vesting Tentative Tract Map (VTTM) for a project within the City of Hemet. In 2017, WRCOG conducted a review of all Development Agreements and VTTMs and the results were sent to all member agency City Managers. A letter for VTTM 31620 was sent to the City of Hemet on November 26, 2018, and stated that WRCOG had determined a TUMF exemption existed, but had expired based on State law and City code. This was communicated again to the City and the developer, DR Horton, in September 2020. The developer has appealed the denial of exemption on VTTM 31620 and has paid its fee on protest. This item is now being presented to this Committee for discussion and recommendation to the Executive Committee.

Colin Pearce, representative for DR Horton, clarified that there are two tract maps – 31620 and 31620-1. DR Horton paid the TUMF fees on these two VTTMs in protest. The VTTMs were approved and finalized by the City on December 20, 2005, and recorded on December 30, 2005. DR Horton's position is that once the VTTMs were recorded, they became legal binding documents, therefore, any TUMF fees applied would remain in affect and cannot be changed by any later action.

DR Horton received a letter from WRCOG legal counsel denying the appeal, and cited Government Code Section 66452.6, which refers to the fact that an approved, or conditionally approved tentative map, expires 24 months after approved. That statute does apply to tentative maps, but not to recorded maps, so the statute no longer applies. The City of Hemet Municipal Code has a similar provision for the expiration of tentative maps after two years. Conditions and exemptions on the map, which were attached to the final maps, remain in affect irrespective of actions taken down the road.

Government Code Section 66498.1, Subsection B, states that when an agency approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinance policies standards described in Section 66474.2.

Government Code Section 64698.9, Subsection E, also states that the private sector should be able to rely upon an approved vested tentative map prior to expending resources and occurring liabilities without the risk of having the project frustrated by subsequent action by the approving local agency, provided the time periods established by this article have not elapsed.

This time period has not elapsed because the maps were approved and recorded before the expiration of a new time period. There are a number of cases that support DR Horton's position. In one instance with the City of Modesto, after the developer obtained approval of its subdivision map, the City amended its development impact fee ordinance to assess additional fees that were not included in the original ordinance that was in affect at the time the map was recorded. The developer sued and the Court determined that the fees were limited to those in affect when the vesting tentative map was deemed complete plus subsequent increases which were included within the building costs. So additional fees could not be imposed once the map was recorded.

Committee member Mike Lara asked if the noted VTTM numbers are the original numbers within the Development Agreement.

Chris Gray, WRCOG Interim Executive Director, responded that they are the original numbers. WRCOG concurred that the list of projects submitted by the City were TUMF exempt at the time. The maps were approved and recorded in 2005 and there was no subsequent development activity on those maps until one or two years ago.

Committee member Lara asked if this tract currently conditioned to pay TUMF.

Mr. Gray responded that at the time the tract was approved there was a condition that essentially stated that the project was exempt from TUMF.

Steve DeBaun, WRCOG legal counsel, added that there is a Government Code Section and a Hemet Municipal Code provision applicable to this matter. Government Code Section 66498.5B indicates that the rights conferred by a vesting tentative map as provided by this chapter shall last for an initial period of time as provided by ordinance, but shall not be less than one year, or more than two years beyond the recording of the final map. The Hemet Municipal Code defines the initial time period as one year following the recordation of the final map.

It is our conclusion that under state law and local municipal code that the protections provided by the vesting map, particularly those conditions, expired after one year and does not allow for the fee exemption the developer is arguing for.

Mr. Gray indicated that the contention is the conditions of approval, which states the project is exempt from TUMF, expired. For every Development Agreement and every vesting map, there is an initial period of time in which a project is exempt from TUMF. Once that period expires, TUMF is then due.

Mr. Pearce indicated that some development occurred on the property in 2007 and the fees were not imposed on the original developer, so the condition was still in affect more than two years after the map was recorded. There are subdivision improvement agreements for the two tracts which were recorded on December 28, 2005, and January 4, 2006, and a copy of the conditions of approval were attached to each. Those agreements would have extended the conditions indefinitely.

Mr. DeBaun indicated that subdivision improvement agreements do not confer vested rights.

Mr. Gray indicated that while the developer may have been in contact with the City, there is no record that the developer contacted WRCOG until fall 2020 when DR Horton staff called and requested proof of exemption. No development occurred on either map for 12 to 13 years.



**Action:**

1. Recommended that the Executive Committee deny the appeal from DR Horton for the payment of fees for VTTM 31620.

(District 3 / Wildomar) 8 yes; 1 no; 0 abstention. Item 6.A was approved. The City of Beaumont representative voted no. The water district does not vote on TUMF matters.

**B. 2021 TUMF CCI Adjustment Update**

Ivana Medina, WRCOG Senior Analyst, reported that staff are required to present a TUMF Construction Cost Index (CCI) adjustment annually. No CCI was presented in 2020 due to COVID-19. An important aspect of a CCI adjustment is that it adjusts TUMF based upon the rise of construction costs and other market factors, which are evaluated during Nexus Study updates, which occur approximately every four years.

The Executive Committee adopted two indices in the 2016 Nexus Study as the basis for completing CCI adjustments to the TUMF schedule of fees; the Engineering News Record (ENR) CCI and the National Association of Realtors (NAR) median sales price of existing single-family homes.

Since the CCE was not implemented in 2020, the ENR CCI and NAR adjustment encompasses two years since the last CCI adoption. Since then, the ENR CCI increased 3.7% and the NAR increased 17.4%.

The WRCOG Public Works Committee has recommended implementing the 2021 CCI adjustment, including eliminating the current freeze on the Retail land use and adjusting it to the level it would be at without the freeze policy. It was determined that a reduction in Retail land use was not incentivizing development and was actually creating a revenue shortfall in the Program.

The WRCOG Technical Advisory Committee (TAC) recommended that each land use type not be adopted at the full 2021 CCI adjustment rate of approximately 9%, and instead increase by only 3%. Discussion emphasized the desire to continue incentivizing Retail development, but not to delay fee increases because of the repercussions of revenue shortfall, thereby underfunding projects.

The TUMF Program generates approximately \$50M in revenue annually; of that, Retail makes up 3% to 4% of collections. By not charging the full Retail fee, the Program has lost approximately \$6M.

Single-family makes up the large majority of TUMF collections, followed by multi-family.

If the Executive Committee approves a CCI adjustment, an increase in fees would not go into effect until January 1, 2022.

Staff is recommending approval of the TAC's increased fee structure at 3%.

Committee member Chuck Washington indicated that the talk throughout the County is problems with traffic congestion. There is too much housing and not enough infrastructure.

Chris Gray, WRCOG Interim Executive Director, indicated that WRCOG will be having discussions with the PWC on funding different types of projects to help alleviate traffic congestion.

**Action:**

1. Recommended that the Executive Committee approve the 2021 Construction Cost Index adjustment for each land use type.

(Jurupa Valley / Moreno Valley) 9 yes; 0 no; 0 abstention. Item 6.B was approved. The water district does not vote on TUMF matters.

**C. Energy Department Activities Update**

Due to time constraints this item was not heard.

**Action:**

1. None.

**7. REPORT FROM THE INTERIM EXECUTIVE DIRECTOR**

Chris Gray reported that WRCOG is hosting a Love Your Neighborhood community clean-up event on June 26, 2021. General Assembly will be held on June 24, 2021, and the speaker portion will be broadcast only once, per the contract.

**8. ITEMS FOR FUTURE AGENDAS**

There were no items for future agendas.

**9. GENERAL ANNOUNCEMENTS**

There were no general announcements.

**10. NEXT MEETING**

The next Administration & Finance Committee meeting is scheduled for Wednesday, July 14, 2021, at 12:00 p.m., on the Zoom platform. Committee members will have the option of attending this meeting in-person.

**11. ADJOURNMENT**

The meeting of the Administration & Finance Committee adjourned at 1:21 p.m.



# Western Riverside Council of Governments Administration & Finance Committee

## Staff Report

**Subject:** Finance Department Activities Update  
**Contact:** Andrew Ruiz, Chief Financial Officer, [aruiz@wrcog.us](mailto:aruiz@wrcog.us), (951) 405-6740  
**Date:** July 14, 2021

---

**Requested Action(s):**

1. Receive and file.
- 

**Purpose:**

The purpose of this item is to provide an update on the Agency Audit for Fiscal Year 2020/2021 and financials through May 2021.

**Background:**

**Fiscal Year 2020/2021 Agency Audit**

WRCOG's annual Agency audit is tentatively scheduled to begin the week of July 28, 2021. WRCOG utilizes the services of the audit firm Rogers, Anderson, Malody, and Scott, LLC (RAMS), to conduct its financial audit. The first visit is known as the "interim" audit; in August 2021, RAMS will return to finish its second round, which is known as "fieldwork."

**Financial Report Summary Through May 2021**

The Agency Financial Report summary through May 2021, a monthly overview of WRCOG's financial statements in the form of combined Agency revenues and costs, is provided as Attachment 1.

**Prior Action(s):**

None.

**Fiscal Impact:**

This item is for informational purposes only; therefore, there is no fiscal impact.

**Attachment(s):**

[Attachement 1. - May-2021 Agency Financials.pdf](#)



**Western Riverside Council of Governments**  
**Budget to Actuals**  
**For the Month Ending May 31, 2021**

	<b>Approved Budget 6/30/2021</b>	<b>Thru Actual 5/31/2021</b>	<b>Remaining Budget 6/30/2021</b>
<b>Revenues and Transfers in</b>			
Member Dues	311,410	286,640	24,770
General Assembly Revenue	300,000	-	300,000
Interest Revenue - Other	25,000	11,342	13,658
Operating Transfer In	2,208,432	1,840,360	368,072
Clean Cities	175,000	151,000	24,000
Solid Waste	112,970	112,970	-
Used Oil	376,396	376,396	-
Gas Company Revenue	108,400	83,667	24,733
Regional Streetlights Revenue	201,915	201,915	-
WRCOG HERO	136,290	58,530	77,760
PACE Residential	78,000	41,348	36,652
PACE Commercial	200,000	180,904	19,096
CA HERO	1,464,730	1,422,288	42,442
Commercial/Svcs - Admin Portion	41,137	54,491	(13,354)
Retail - Admin Portion	89,632	65,914	23,719
Industrial - Admin Portion	236,729	124,664	112,066
Single Family Residential - Admin Portion	652,270	1,402,870	(750,600)
Multi Family - Admin Portion	267,415	211,552	55,863
Commerical/Service	987,281	1,307,788	(320,507)
Retail	2,151,178	1,581,933	569,245
Industrial	5,681,507	2,991,934	2,689,573
Single Family Residential	15,654,486	33,668,881	(18,014,395)
Multi-Family	6,417,964	5,077,250	1,340,714
LTF Revenue	676,500	676,500	-
Grant Revenue	125,000	100,000	25,000
Adaptation Grant Revenue	409,894	101,277	308,617
Local Jurisdiction Match	100,000	90,000	10,000
<b>Total Revenues and Transfers in</b>	<b>\$ 40,539,536</b>	<b>\$ 52,222,414</b>	<b>\$ (11,682,877)</b>
<b>Expenses</b>			
Salaries	2,053,769	1,727,423	326,346
Benefits	1,027,040	855,866	171,174
Overhead	1,443,294	1,202,745	240,549
Legal	285,600	878,983	(593,383)
Advertising Media	65,667	64,600	1,067
Audit Svcs - Professional Fees	35,000	27,825	7,175
Auto Fuels Expense	1,500	337	1,163
Auto Maintenance Expense	500	516	(16)
Bank Fees	33,885	20,706	13,179
Coffee and Supplies	3,000	3,007	(7)
COG HERO Share Expenses	5,000	793	4,207
Commissioner Per Diem	62,500	42,900	19,600
Communications - Web Site	8,000	12,144	(4,144)

Communications - Cellular Phones	13,500	10,397	3,103
Communications - Computer Services	53,000	33,564	19,436
Communications - Regular Phone	16,000	22,025	(6,025)
Computer Equipment/Supplies	13,000	3,729	9,271
Computer Hardware	10,000	8,143	1,857
Computer Software	80,500	57,481	23,019
Consulting Labor	2,268,780	1,438,144	830,636
Equipment Maintenance - General	8,000	1,250	6,750
Event Support	165,736	76,722	89,014
General Assembly Expenses	300,000	41,373	258,627
Insurance - Gen/Busi Liab/Auto	115,500	111,643	3,857
Meals	7,900	1,207	6,693
Meeting Support Services	9,250	490	8,760
Membership Dues	32,750	22,534	10,216
Office Lease	390,000	360,930	29,070
OPEB Repayment	110,526	110,526	-
Other Expenses	9,750	2,972	6,778
Parking Cost	20,000	32,786	(12,786)
Parking Validations	15,827	2,967	12,860
Postage	5,350	1,320	4,030
Printing Services	5,000	1,830	3,170
Program/Office Supplies	14,700	16,279	(1,579)
Recording Fee	173,525	70,253	103,272
Rent/Lease Equipment	20,000	7,698	12,302
Seminar/Conferences	10,650	492	10,158
Staff Recognition	1,000	1,979	(979)
Storage	9,500	6,228	3,272
Subscriptions/Publications	4,250	1,175	3,075
Supplies/Materials	75,478	13,340	62,138
Training	10,000	1,075	8,925
Travel - Airfare	4,250	9	4,241
Travel - Mileage Reimbursement	11,250	950	10,300
TUMF Project Reimbursement	30,892,416	17,721,297	13,171,119
<b>Total Expenses</b>	<b>\$ 40,468,538</b>	<b>\$ 25,020,653</b>	<b>\$ 15,447,885</b>



# Western Riverside Council of Governments Administration & Finance Committee

## Staff Report

**Subject:** First Amendment to PSA for GIS Assistance for Housing Element Updates  
**Contact:** Christopher Tzeng, Program Manager, [ctzeng@wrcog.us](mailto:ctzeng@wrcog.us), (951) 405-6711  
**Date:** July 14, 2021

### **Requested Action(s):**

1. Recommend that the Executive Committee authorize the Executive Director to execute a First Amendment to the PSA with Houseal Lavigne Associates for GIS technical and advisory support for Housing Element updates to WRCOG member agencies, and to increase the total not to exceed amount from \$480,000 to \$624,000.

### **Purpose:**

The purpose of this item is to request authorization for the Executive Director to execute a First Amendment to the Professional Services Agreement with Houseal Lavigne Associates to provide GIS assistance for Housing Element Updates to member agencies.

### **Background:**

SCAG's REAP (Regional Early Action Planning) Subregional Partnership Program is meant to assist agencies in increasing housing planning and accelerating housing production to support agencies in meeting Housing Element requirements. This contract is part of the approved work plan for the REAP Program and therefore is funded entirely through SCAG. WRCOG is eligible to receive up to \$1.678 million and both of the projects covered in the Professional Services Agreement and subsequent Amendment have been approved by SCAG.

### **Procurement Process**

WRCOG released a Request for Proposal (RFP) 05-20, on December 2, 2020, to solicit interested firms to provide technical assistance to jurisdictions in Western Riverside County and meet the requirements of the Sixth Cycle Regional Housing Needs Assessment (RHNA) and Housing Element. This RFP contained two projects: 1. GIS assistance project, and 2. AFFH/AB 686 assistance. The first project, the GIS assistance project would provide GIS services to assist WRCOG member agencies with Housing Element updates. The goal of the GIS assistance is to enable member agencies to produce more data-informed and regionally consistent Housing Elements that result in a net-positive production of housing supply. The second project, AB 686 assistance, provides technical assistance to WRCOG member agencies in order to meet their AB 686 requirements. AB 686 requires all state and local agencies (including cities, counties, and housing authorities) to ensure their laws, programs, and activities advance fair housing strategies while also creating new requirements in the Housing Elements of municipal General Plans beginning January 1, 2019. Additionally, by January 1, 2021, all housing elements must contain an Assessment of Fair Housing (AFH) as defined by HUD's 2015 AFFH Rule.

WRCOG received three submittals from interested firms. A Proposal Review Committee consisting of three WRCOG staff and one staff from the San Bernardino County Transportation Authority reviewed the proposals and the proposal submitted by Houseal Lavigne Associates (HLA) had the highest scores based on technical approach and the project team's experience conducting Housing Elements in the state of California.

### **Project Included in Professional Services Agreement**

The Executive Committee authorized the Executive Director to execute a PSA with HLA in March 2021 that authorized HLA to begin work on the first project only, the GIS assistance project. This PSA specifically did not authorize HLA to commence the second project, AB 686/AFFH assistance. Ten jurisdictions have requested assistance on the GIS assistance project in order to enhance existing efforts.

WROCG did not authorize Houseal Lavigne to work on the AB 686 work because the California Department of Housing and Community Development (HCD) still had not finalized the requirements for jurisdictions to demonstrate compliance with AB 686 requirements. Additionally, there was preliminary indication that HCD could perform some of the work related to AB 686 or providing additional support to local jurisdictions to reduce the amount of work required to fulfill these requirements. Therefore, the contract awarded to Houseal Lavigne did not include authorization for them to perform any of the work related to the AB 686 requirements.

### **Project Included in First Amendment to PSA**

In April 2021, HCD issued guidance on what is required to demonstrate AB 686 requirements. Member agencies are required to conduct analyses to meet the requirements of AB 686, which is a new State mandate imposed on local governments in California. Additionally, HCD indicated that it was no longer able to perform this analysis for any local governments, which then required WRCOG to authorize Houseal Lavigne to perform this work. We have received requests from four jurisdictions for technical assistance on meeting AB 686/AFFH requirements. WRCOG anticipates additional requests will be made in the coming months.

The increase in the total not to exceed amount as requested in this First Amendment to the PSA, which is \$144,000, is the amount HLA proposed in its initial response to RFP 05-20. The total not to exceed amount of the PSA and this First Amendment, which is \$624,000, would have been requested in the initial PSA if both projects commenced at the same time.

### **AB 686 Deliverables**

The AB 686 / AFFH assistance will provide WRCOG member agencies with the following:

1. A Program that Affirmatively Furthers Fair Housing and Promotes Housing Opportunities throughout the Community for Protected Classes.
2. Conduct an Assessment of Fair housing including:
  - a. a summary of fair housing issues;
  - b. an analysis using available federal, state and local data of fair housing issues;
  - c. an assessment of contributing factors to the issues identified;
  - d. an identification of the jurisdiction's fair housing priorities and goals; and
  - e. an implementation strategy.
3. Prepare Housing Element Land Inventory and Identification of Sites through the Lens of Affirmatively Further Fair Housing.

**Prior Action(s):**

**March 1, 2021:** The Executive Committee authorized the Executive Director to execute a PSA with Houseal Lavigne Associates for GIS technical and advisory support for Housing Element updates to WRCOG member agencies in an amount not to exceed \$480,000 in total.

**Fiscal Impact:**

Expenditures for the projects under this PSA and subsequent Amendment will be reimbursed by SCAG as part of the Subregional Partnership Program and do not have a fiscal impact on WRCOG.

**Attachment(s):**

[Attachment 1 - 1st Amendment PSA - Houseal Lavigne](#)

[Attachment 2. - RFP 05-20 - GIS Assistance for Housing Element Updates](#)



# First Amendment to PSA for GIS Assistance for Housing Element Updates

## Attachment 1

First Amendment to Professional  
Services Agreement between  
WRCOG and Houseal Lavigne  
Associates

**FIRST AMENDMENT TO  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS  
AND  
HOUSEAL LAVIGNE ASSOCIATES**

**1. PARTIES AND DATE.**

This First Amendment is made and entered into this 12th day of July, 2021, by and between the Western Riverside Council of Governments, a California public agency ("WRCOG") and Houseal Lavigne Associates, LLC, an Illinois limited liability company ("Consultant"). WRCOG and Consultant are sometimes individually referred to as "Party" and collectively as "Parties."

**2. RECITALS.**

**2.1 Master Agreement.**

WRCOG and Consultant have entered into that certain Professional Services Agreement dated March 2, 2021 ("Master Agreement").

**2.2 First Amendment.**

WRCOG and Consultant desire to enter into this First Amendment for the purpose of providing additional technical services and compensation in assisting jurisdictions in Western Riverside County with Geographic Information Systems (GIS) planning services and lead to the production of effective Housing Elements.

**3. TERMS.**

**3.1 Additional Compensation.**

The maximum compensation for Services performed under this First Amendment shall not exceed One Hundred Forty-Four Thousand Dollars (\$144,000.00) without written approval of WRCOG's Executive Director. Work shall be performed in manner that is consistent with the amended Scope of Services and Compensation set forth in Exhibits "A" and "B", respectively, as attached to this First Amendment.

The total not-to-exceed-value of the Master Agreement and this First Amendment shall be increased from Four Hundred Eighty Thousand Dollars (\$480,000.00) to Six Hundred Twenty-Four Thousand Dollars (\$624,000.00).

**3.2 Continuation of Existing Provisions.**

Except as amended by this First Amendment, all provisions of the Master Agreement, including without limitation the indemnity and insurance provisions, shall remain in full force and effect and shall govern the actions of the Parties under this First Amendment.

### **3.3 Counterparts.**

This First Amendment may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute one instrument.

### **3.4 Electronic Delivery of Amendment; Electronic Signatures.**

A manually signed copy of this First Amendment which is transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this First Amendment for all purposes. This First Amendment may be signed using an electronic signature.

**[Signatures on the following page]**

**SIGNATURE PAGE TO  
FIRST AMENDMENT TO  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS  
AND  
HOUSEAL LAVIGNE ASSOCIATES**

IN WITNESS WHEREOF, the Parties hereto have made and executed this First Amendment as of the date first written above.

**WRCOG**

WESTERN RIVERSIDE COUNCIL  
OF GOVERNMENTS

By: \_\_\_\_\_  
Christopher Gray  
Interim Executive Director

**CONSULTANT**

HOUSEAL LAVIGNE ASSOCIATES

By: \_\_\_\_\_  
Devin Lavigne  
Principal

Approved to Form:

By: \_\_\_\_\_  
Steven C. DeBaun  
General Counsel

First Amendment to PSA for GIS  
Assistance for Housing Element  
Updates

## Attachment 2

Request for Proposal No. 05-20  
GIS Assistance for Housing Element  
Updates (WRCOG Jurisdictions)

# REQUEST FOR PROPOSAL No. 05-20

GIS Assistance for Housing Element Updates  
(WRCOG Jurisdictions)  
12/02/2020



Western Riverside Council of Governments  
3390 University Avenue, Suite 200  
Riverside, CA 92501  
(951) 405-6700  
wrcog.us

## Table of Contents

1. SUMMARY .....	1
2. SUBMISSIONS.....	1
3. QUESTIONS AND ANSWERS REGARDING THIS RFP .....	2
4. PRE-PROPOSAL MEETING.....	2
5. BUDGET PARAMETERS .....	2
6. SCHEDULE OF EVENTS.....	2
7. WRCOG RIGHTS .....	3
8. ADDENDA.....	4
9. NOTIFICATION OF RIGHT TO PROTEST CONTRACT AWARD.....	4
10. CONFLICTS OF INTEREST .....	4
11. CONTACT .....	4
12. CRITERIA.....	5
13. PROPOSAL INFORMATION, ORGANIZATION, AND CONTENT .....	5
14. REQUEST FOR DETAILED SCOPE OF WORK AND BUDGET .....	8
15. TERMS AND CONDITIONS .....	8
16. WRCOG STANDARD PROFESSIONAL SERVICES AGREEMENT .....	9
17. DISADVANTAGED BUSINESS ENTERPRISES (DBE).....	9
Attachment A: Scoring Criteria.....	10

## 1. SUMMARY

The Western Riverside Council of Governments (WRCOG) is a joint powers authority whose purpose is to unify Western Riverside County so that it can speak with a collective voice on important issues that affect its members. Representatives from eighteen (18) cities in Western Riverside County, the Riverside County Board of Supervisors, and the Eastern and Western Municipal Water Districts have seats on the WRCOG Executive Committee, the policy setting Board for the Agency. The Riverside County Superintendent of Schools is an ex-officio member of the Executive Committee. As a joint powers authority, WRCOG examines a range of regional matters critical to Western Riverside County's future. More information on the range of WRCOG's programs and the operations of the Agency can be found at [www.wrcog.us](http://www.wrcog.us).

Jurisdictions are in the process of updating their Housing Elements to meet the October 21, 2021, submission deadline to the California Housing and Community Development Department (HCD). A few grant programs have been made available to assist jurisdictions update their planning documents and implement process improvements that will facilitate the acceleration of housing production and help with the preparation of its Sixth cycle RHNA and Housing Element requirements. HCD has established a Regional Early Action Planning (REAP) Grant Program that will be administered through the Southern California Association of Governments (SCAG) and is also meant to assist jurisdictions in increasing housing planning and accelerating housing production to support jurisdictions in meeting Housing Element requirements. SCAG has established a Subregional Partnership Program which will make \$1.678 million available to WRCOG. The goals of the Subregional Partnership Program are to align resources with allocation methodology for the Sixth Cycle of RHNA to support local jurisdictions in addressing identified housing needs, and advance the Connect SoCal sustainable development goals including supporting local jurisdictions in promoting housing in priority growth areas to increase access to jobs and transit and reduce environmental impacts.

WRCOG has developed a list of projects to assist the jurisdictions in the WRCOG subregion based on the criteria set forth by SCAG and is in the process of developing the application for submittal to SCAG. It is anticipated that a few of these projects fall within field of GIS. WRCOG is releasing this RFP to solicit GIS services for the following potential projects funded through the REAP Subregional Partnership Program:

- RHNA accommodation: sites inventory and 3-D mapping applications.
- Assembly Bill 686 Housing discrimination: Affirmatively Further Fair Housing / Housing Discrimination Toolkit.

Please note that the funding for these projects is subject to SCAG approval. WRCOG is releasing the RFP in anticipation of the approval of its proposed projects with the goal to commence these projects as soon as approval is received. The Scope of Work provided in Section 14 of this RFP for the potential projects listed above are general and should be a guide to providing a more detailed Scope of Work. WRCOG is relying on the Proposer to utilize its professional expertise to provide the necessary steps to complete the Scope of Work. It should also be noted that the tasks and services described in this RFP are subject to change, so WRCOG maintains the option to change the tasks described as its projects are finalized with SCAG.

## 2. SUBMISSIONS

All Proposal submittals must consist of one electronic Proposal, via e-mail. Proposals must be **submitted** by **December 22, 2020, no later than 2:00 p.m. Pacific Standard Time (PST)** to:

<b>Name</b>	Western Riverside Council of Governments
<b>Phone</b>	(951) 405-6711
<b>Attn</b>	Christopher Tzeng, Program Manager



<b>Email</b>	<a href="mailto:ctzeng@wrcog.us">ctzeng@wrcog.us</a>
--------------	--

Proposals shall include a Table of Contents listing all sections, disclosures, etc., and their corresponding page numbers. **Please review Section 13 for additional details.** It shall be the responsibility of the Proposer to email the Proposal and all other required items to the WRCOG staff member specified in this RFP at or before 2:00 p.m. PST on December 22, 2020. WRCOG will not accept any Proposal received after the Proposal submission time and date.

### 3. QUESTIONS AND ANSWERS REGARDING THIS RFP

Questions must be submitted by Thursday, December 10, 2020, in email to:

<b>Name</b>	Christopher Tzeng, Program Manager
<b>Email</b>	<a href="mailto:ctzeng@wrcog.us">ctzeng@wrcog.us</a>

### 4. PRE-PROPOSAL MEETING

WRCOG will be hosting a pre-Proposal meeting on Tuesday, December 8, 2020, at 2:00 p.m. to discuss this RFP. The meeting will convene via Zoom. Please contact Christopher Tzeng ([ctzeng@wrcog.us](mailto:ctzeng@wrcog.us)) for the Zoom information. Participation is encouraged but not mandatory.

### 5. BUDGET PARAMETERS

WRCOG has provided an estimate to SCAG on the two projects included in this RFP. WRCOG is requesting Proposers to submit a Scope of Work budget based on the estimates provided below. As noted above, the funding for these projects is subject to SCAG approval. The Scope of Work provided in Section 14 of this RFP for the potential projects listed above are general and should be a guide to providing a more detailed Scope of Work. WRCOG is relying on the Proposer to utilize its professional expertise to provide the necessary steps to complete the Scope of Work.

Project	Proposed Budget
1. RHNA accommodation: sites inventory and 3-D mapping applications	\$480,000
2. Assembly Bill 686 Housing discrimination: Affirmatively Further Fair Housing / Housing Discrimination Toolkit	\$145,000

### 6. SCHEDULE OF EVENTS

Event	Date
1. RFP Distribution	December 1, 2020
2. Pre-Proposal Meeting via Zoom	December 8, 2020 (2:00 p.m.)
3. Questions from vendors about scope or approach due	December 10, 2020 (2:00 p.m.)
4. Answers from vendors about scope or approach posted to WRCOG website	December 11, 2020
5. Proposal Due Date	December 22, 2020 (2:00 p.m.)
6. Review of Proposals	December 22, 2020 – January 4, 2021
7. Potential Interviews	Week of January 4, 2021
8. Anticipated decision and selection of vendor(s)	January 11, 2021

9. Anticipated commencement date of work	January 18, 2021
--	------------------

The interview schedule may be staggered, depending on the number of Proposals received, and could span multiple weeks.

**7. WRCOG RIGHTS**

Award of a contract resulting from this RFP will be based upon the most responsive Proposal or Proposals which will be most advantageous to WRCOG in terms of cost, functionality, and effectiveness in meeting goals and objectives, and other factors as specified in this RFP.

A. WRCOG reserves the right to:

- Disqualify any and all Proposals that are not submitted in accordance with the required format described in this RFP.
- Reject any and all Proposals submitted.
- Request additional information.
- Issue Addenda to this RFP.
- Award all or part of the work contemplated in this RFP.
- Remedy errors in the RFP.
- Cancel the entire RFP.
- Issue a subsequent RFP.
- Approve or reject the use of a particular subcontractor / supplier.
- Negotiate with any, all, or none of the Proposers. If WRCOG is unable to negotiate final contract Terms and Conditions that are acceptable to WRCOG, WRCOG reserves the right to award the contract to another Proposer(s).
- Accept other than the lowest priced Proposal.
- Award a contract without interviews, discussions, or negotiations.
- Award a contract to one or more Proposers.

B. WRCOG may, at its discretion, and without explanation to prospective Proposer(s), at any time, choose to discontinue this RFP without obligation to such prospective Proposer(s).

C. All Proposers should be aware of the insurance requirements for Contract Award. The Certificate of Insurance must be provided by the successful Proposer(s) prior to Contract Award. A contract may not be awarded if insurance requirements are not met.

D. WRCOG does not reimburse for the cost of Proposal preparation, even in the event of RFP cancellation.

E. Communication between the Proposer(s) and any member of the Proposal Review Committee during the selection process is prohibited, except in the manner expressly authorized in this RFP. Violation of this restriction is grounds for disqualification of the communicating Proposer's(s') Proposal.

F. Every Proposal submitted is considered a firm offer that must be valid for a minimum of ninety (90) calendar days.

G. If applicable, WRCOG prefers that software developed under WRCOG's contract not incorporate proprietary and / or third-party software components. This does not preclude the development of

deliverables, which interface with commonly-available, off-the-shelf software. However, contractors must determine in advance whether WRCOG already has, or is willing to procure, appropriate licenses for any proprietary and/or third-party software that would be required. Contractors must also provide the impacts of any enhancements and upgrades. WRCOG will require delivery of documentation and source code for all electronic intellectual property developed under a WRCOG contract prior to releasing final payment to the contractor.

**8. ADDENDA**

WRCOG reserves the right to revise the RFP documents. Any WRCOG changes to the requirements will be made by written addenda to this RFP. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any contract resulting from this RFP. Addenda will be posted on the WRCOG website. It is the responsibility of the Proposer(s) to check the WRCOG website to determine if any addenda have been issued. WRCOG will not be bound to any modifications to or deviations from the requirements set forth in this RFP as the result of oral instructions. Proposers shall acknowledge receipt of addenda in their Proposal. Failure to acknowledge receipt of all addenda may cause the Proposal to be deemed non-responsive to this RFP and be rejected without further evaluation.

**9. NOTIFICATION OF RIGHT TO PROTEST CONTRACT AWARD**

Proposer(s) have the right to protest the contract award. A written protest must be filed with WRCOG’s Director of Transportation & Planning within five (5) working days after the decision of award is made. WRCOG will not accept any verbal protests. The protest must be a detailed, written statement of the protest grounds and reference the RFP Number and name of the designated Contracts Administrator. Grounds for a protest are that WRCOG failed to follow the selection procedures and adhere to requirements specified in this RFP or any addenda or amendments, there has been a violation of conflict of interest as provided by California Government Code Section 87100 et seq., or violation of State or Federal law. WRCOG will only consider those specific issues addressed in the written protest. The protest must be submitted to WRCOG via 1) certified mail and 2) e-mail using the contact information provided below.

<b>Name</b>	Christopher Gray, Director of Transportation & Planning
<b>Address</b>	3390 University Avenue, Suite 200, Riverside, CA 92501
<b>Phone</b>	(951) 405-6710
<b>Email</b>	<a href="mailto:cgray@wrcog.us">cgray@wrcog.us</a>

A written response from WRCOG will be directed to the protesting Proposer(s) within fourteen (14) calendar days of receipt of the protest, advising of the decision with regard to the protest and the basis of the decision.

**10. CONFLICTS OF INTEREST**

All Proposers responding to this RFP must avoid organizational conflicts of interest which would restrict full and open competition in this procurement. An organizational conflict of interest means that due to other activities, relationships, or contracts, a Proposer is unable, or potentially unable, to render impartial assistance or advice to WRCOG; a Proposer’s objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or a Proposer has an unfair competitive advantage.

**11. CONTACT**

Any questions concerning technical specifications or Scope of Work requirements must be directed to:

<b>Name</b>	Christopher Tzeng, Program Manager
<b>Phone</b>	(951) 405-6711
<b>Email</b>	<a href="mailto:ctzeng@wrcog.us">ctzeng@wrcog.us</a>

## 12. CRITERIA

Any award to be made pursuant to this RFP will be based upon the Proposal with appropriate consideration given to operational, technical, cost, and management requirements. Evaluation of offers will be based upon each Proposer's responsiveness to the RFP and the total price quoted for all items covered by the RFP.

The following elements will be the primary considerations in evaluating all submitted Proposals and in the selection of a Proposer(s):

- A. Completion of all required responses in the correct format.
- B. Qualifications and experience with similar projects and clients.
- C. Key staff that will actually be working on the proposed tasks.
- D. The extent to which Proposer's proposed solution fulfills WRCOG-stated requirements as set forth in this RFP.
- E. An assessment of the Proposer's ability to deliver the indicated services in accordance with the specifications set out in this RFP.
- F. The Proposer's stability, experience, and record of past performance in delivering relevant services.
- G. Availability of sufficient high-quality personnel with the required skills and experience for the specific approach proposed.
- H. Overall cost of Proposer's Proposal.

## 13. PROPOSAL INFORMATION, ORGANIZATION, AND CONTENT

Proposer's submittal in response to this RFP will be incorporated into a final agreement between WRCOG and the selected Proposer(s). All Proposals shall contain, at a minimum, the following information:

- A. Title Page
- B. Table of Contents
- C. Cover Letter
- D. Firm Capabilities
- E. Approach and Understanding of the Scope of Work Plan
- F. Detailed and Itemized Pricing
- G. Appendix A: References
- H. Appendix B: Project Team Staffing
- I. Appendix C: Company Overview

The page limit for Items A - F is **15 double-sided pages (30 total pages)**. There is no page limit on appendices.

### Title Page

The following must be provided on the title page:

- RFP number
- Title of the project
- Name and address of proposing firms and/or individuals
- Phone and Fax of Proposer
- Primary contact person
- Email address of the primary contact person
- Signature of the individual authorized / obligated to commit the Proposer to this project.

### Table of Contents

A clear identification of the materials by section and page numbers are to be included in the Table of Contents.

### Cover Letter

The cover letter should be brief (two pages maximum) and outline the Proposer's general approach, qualifications, and experience. In order to address the needs of this procurement, WRCOG will accept teams to propose in which proposing firms work cooperatively in presenting integrated solutions. Proposer's(s') team arrangements may be desirable in that they will enable the companies involved to complement each other's unique capabilities, while offering the best combination of performance, cost, and delivery for financial assistance being provided under this RFP. WRCOG will recognize the integrity and validity of Proposer's(s') team arrangements provided that:

- The arrangements are clearly identified and relationships are fully disclosed; **and**
- A primary (lead) individual is designated who will be fully responsible for all contract performance.

### Firm Capabilities

All Proposals must provide a comprehensive, yet concise description of the Proposer's(s') individuals' capabilities including the following:

- A. A track record of providing successful assistance on similar disciplines and tasks highlighted in Section 14.
- B. A track record of providing successful services to similar governmental entities.
- C. Descriptions of the key staff that will actually be working on the proposed tasks and their experience working on similar issues.
- D. If responding as a firm, the ownership, size, and location of the office responsible for providing services to WRCOG.
- E. If responding as a firm, its legal organization (e.g., corporation, partnership) and year of incorporation.
- F. If responding as a firm, a description of the firm's equal employment opportunity and non-discrimination policies.
- G. If responding as firm, a summary of the firm's minority and female recruitment efforts and the percentage of minority and female officers, partners, or the equivalent.
- H. A statement, in one page or less, of any other relevant factors that should be considered by WRCOG

in evaluating the Proposal.

Proposals will be evaluated by a Proposal Review Committee on the basis of the Proposer's(s') skills and experience, proposed cost, presentation and completeness of Proposal, and the ability and willingness to work with WRCOG, its management, and references.

Proposers to this RFP should be mindful that WRCOG's selection process prioritizes experience, knowledge, and abilities of key individuals more so than experience associated with a particular firm. WRCOG has found that successful completion of a project is heavily reliant on the key staff that will be working with WRCOG on a regular basis.

#### Approach and Understanding of the Scope of Work Plan

Proposers are encouraged to propose enhancements or procedural or technical innovations to the Scope of Work that do not materially deviate from the objectives or required content of the project.

**WRCOG is requesting that the response to this portion of the RFP be limited to 15 double-sided pages (30 total pages).** There is no page limit on appendices.

Proposer(s) shall:

- Provide a narrative, which addresses the Scope of Work, and shows understanding of WRCOG's needs and requirements.
- Describe the approach to completing the tasks specified in the Scope of Work. The work plan shall be of such detail to demonstrate the Consultant's ability to accomplish the project objectives.
- Sequentially outline the activities that would be undertaken to complete the tasks and specify who would perform the tasks.
- Furnish an estimate of hours required to complete the specified tasks along with a total anticipated budget.
- Identify methods that consultant will use to ensure quality control as well as budget and schedule control for the project.
- Identify any special issues, problems, or risks that are likely to be encountered in this project and how the Proposer would propose to address them.

Also, please provide hourly billing rates for staff you are proposing to include on this RFP for services not directly identified in the Scope of Work.

#### Appendix A: References

Please provide three (3) references, including names and contact information. References should not include any WRCOG staff or WRCOG Committee members.

#### Appendix B: Project Team Staffing

Please include biographies and relevant experience of key staff who would be assigned to the project. Please describe coverage levels of employees who would be assigned to this project. Affirm that no employees working on the engagement have ever been convicted of a felony.

#### Appendix C: Company Overview

Please provide the following for your company:

- Official registered name (Corporate, D.B.A., Partnership, etc.), Dun & Bradstreet Number, Primary and secondary SIC numbers, address, main telephone number, toll-free number(s), and fax number(s).

- Primary key contact name, title, address (if different from above address), direct telephone, and fax number(s).
- Person authorized to contractually bind the organization for any Proposal against this RFP.
- Brief history, including year established and number of years the company has been offering streetlight and energy assistance and / or services.

#### **14. REQUEST FOR DETAILED SCOPE OF WORK AND BUDGET**

SCAG is administering the Regional Early Action Planning (REAP) Grant Program to assist jurisdictions update its Housing Elements to meet the October 21, 2021, submission deadline and has established a Subregional Partnership Program, which is making \$1.678 million available to WRCOG. In turn, WRCOG has developed a list of projects to assist the jurisdictions in the WRCOG subregion based on the criteria set forth by SCAG and is in the process of developing the application for submittal to SCAG. It is anticipated that a few of these projects fall within field of GIS. WRCOG is requesting detailed Scopes of Work and Budget (see Section 5 for Budget Parameters) for the following potential projects funded through the REAP Subregional Partnership Program:

- RHNA accommodation: sites inventory and 3-D mapping applications
- Assembly Bill 686 Housing discrimination: Affirmatively Further Fair Housing / Housing Discrimination Toolkit

Please note that the funding for these projects is subject to SCAG approval. WRCOG is releasing the RFP in anticipation of the approval of its proposed projects with the goal to commence these projects as soon as approval is received. For purposes of this Proposal, WRCOG requests that a detailed Scope of Work and Budget be provided as part of this submittal. WRCOG has provided an estimate to SCAG on the two projects included in this RFP – see Section 5 Budget Parameters. WRCOG is requesting to submit a Scope of Work a budget based on these estimates.

The Scope of Work for each project listed below are general and should be used as a guide in providing a more detailed Scope of Work. WRCOG is relying on the Proposer to utilize its professional expertise to provide the necessary steps to complete the Scope of Work. It should also be noted that the tasks and services described in this RFP are subject to change, so WRCOG maintains the option to change the tasks described as its projects are finalized with SCAG.

##### Project 1 – RHNA accommodation: sites inventory and 3-D mapping applications

1. Develop Site Inventory & Opportunity Finder tool.
2. Develop Esri ArcGIS Urban Web-based tools for RHNA scenario tools.
3. Develop HCD RHNA summary reporting tool to enable jurisdictions to autogenerate report in HCD Excel form required Excel spreadsheet from HCD.
4. Provide technical assistance on tools developed for this project to jurisdictions.

##### Project 2– Assembly Bill 686 Housing discrimination: Affirmatively Further Fair Housing (AFFH) / Housing Discrimination Toolkit

1. AFFH analysis for Housing Element and summarize in a technical memorandum.
2. Examination of segregation and resident displacement and summarize in a technical memorandum.
3. Draft AB 686 (AFFH/Housing Discrimination) toolkit.

#### **15. TERMS AND CONDITIONS**

Any Proposer or person submitting a Proposal shall state their willingness to agree to the following

terms and conditions:

- A. The awardee must be fully committed to the mission of WRCOG.
- B. Termination - A termination agreement is to be negotiated between the parties that includes provisions on termination for cause and termination for convenience.
- C. Oral Presentations - Any individual or firm who submits a Proposal in response to this RFP must be willing to make oral presentations related to contract-related activities at the request of the WRCOG Executive Committee or management.
- D. Compensation - The total value of this contract is undefined and contains the option of renewal at the discretion of WRCOG. The schedule of compensation will be mutually negotiated. The compensation plan will include payment based upon an assessment of the vendor's attainment of specific, measurable outcomes or "performance benchmarks," which will be mutually developed between WRCOG and the selected Proposer(s).

#### **16. WRCOG STANDARD PROFESSIONAL SERVICES AGREEMENT**

The successful Proposer(s) will be required to sign WRCOG's standard Professional Services Agreement (PSA) in order to receive the contract award. Proposer(s) must identify in their Proposal any concerns or objections they would have with any of the PSA terms and conditions if selected for contract award. Proposer(s) shall propose alternative language for consideration in their Proposal. If WRCOG is unable to negotiate final contract Terms and Conditions that are acceptable to WRCOG, WRCOG reserves the right to award the contract to another Proposer. The agreement may be viewed on WRCOG's website at <http://www.wrcog.us/DocumentCenter/View/334/WRCOG-Professional-Services-Agreement-PDF?bidId>.

#### **17. DISADVANTAGED BUSINESS ENTERPRISES (DBE)**

Though no DBE goal is set for this Project, WRCOG encourages participation from small and Disadvantaged Business Enterprises.



## Attachment A: Scoring Criteria

### GIS Assistance for Housing Element Updates (WRCOG Jurisdictions)

Evaluation Criteria	Max. Possible Points
<p><u>TECHNICAL APPROACH</u></p> <ul style="list-style-type: none"> <li>• Tasks &amp; approach clearly described</li> <li>• Creative/innovative approach</li> <li>• Project intent has been met</li> </ul>	30
<p><u>CONSULTANT FIRMS</u></p> <p><u>Prime Consultant</u></p> <ul style="list-style-type: none"> <li>• Familiar with regional and local issues</li> <li>• Experience with similar projects of the same size and scope</li> </ul> <p><u>Sub-Consultants (if any)</u></p> <ul style="list-style-type: none"> <li>• Each sub provides unique service(s) to the team</li> <li>• Subs are fully capable of performing their tasks</li> </ul>	30
<p><u>PROJECT MANAGEMENT</u></p> <ul style="list-style-type: none"> <li>• Qualifications of key individuals</li> <li>• Time commitment of key individuals</li> </ul>	20
<p><u>PROJECT COSTS</u></p> <ul style="list-style-type: none"> <li>• Realistic cost for services to be performed</li> </ul>	20
<p><u>REFERENCES</u></p> <ul style="list-style-type: none"> <li>• Similar projects completed on time and within budget</li> </ul>	Pass / Fail
<b>TOTAL</b>	<b>100</b>



# Western Riverside Council of Governments Administration & Finance Committee

## Staff Report

**Subject:** Energy Department Activities Update  
**Contact:** Daniel Soltero, Program Manager, [dsoltero@wrcog.us](mailto:dsoltero@wrcog.us), (951) 405-6738  
**Date:** July 14, 2021

### **Requested Action(s):**

1. Receive and file.

### **Purpose:**

The purpose of this item is to provide activity updates from the Regional Streetlight Program and the Western Riverside County Energy Resiliency Plan.

### **Background:**

WRCOG's Energy Department administers multiple regionally beneficial programs to support member agencies, including the Regional Streetlight Program and the Western Riverside County Energy Resiliency Plan.

### **Regional Streetlight Program**

At the direction of the Executive Committee, WRCOG developed a Regional Streetlight Program that allowed 10 member agencies and a Community Service District to purchase streetlights within jurisdiction boundaries which were previously owned and operated by Southern California Edison (SCE).

Once the streetlights were owned by the member agency, the lamps were retrofitted to light-emitting diode (LED) technology to provide more economical operations (i.e., lower maintenance costs and reduced energy use). Local control of the streetlight system provides agencies with opportunities for future revenue generation such as digital-ready networks and telecommunications and information technology strategies.

In November 2019, the Bay Area Council announced the California Resilience Challenge (CRC), a statewide effort led by businesses and a diverse range of partners, that provides grants for local governments to build climate resiliency and to support a shared vision for a resilient California in the face of increasing climate threats. On February 3, 2020, the Executive Committee adopted a resolution authorizing WRCOG's submittal of a proposal to the CRC 2020 Grant Program to develop a Western Riverside County Energy Resiliency Plan to address local energy resiliency against power outage impacts on the subregion's power supply for critical facilities maintained and operated by member agencies. In April 2020, the Bay Area Council, through the CRC, awarded WRCOG a \$200,000 grant to develop the Plan to build resiliency against power shutoffs and/or power issues at subregional critical facilities by developing a blueprint for energy resiliency technologies, projects, and strategies for member

agencies. On February 8, 2021, WRCOG entered into an agreement with AECOM to develop the Western Riverside County Energy Resiliency Plan.

Rebate Presentations: In March 2021, WRCOG remitted the last of the \$3.6M in utility rebates to 10 participating agencies. From 2017 to 2018, WRCOG coordinated with SCE to secure LED rebates for member agencies that acquired SCE-owned streetlights and completed an LED conversion. Upon completion of the LED retrofit project in each member agency, WRCOG staff compiled the required information, prepared, and then submitted the rebate applications to SCE on the agency's behalf; the rebate application process was completed in December 2020.

Shortly after the rebate funds were remitted to member agencies, staff offered a rebate presentation to participating agencies' City Council. In late 2019 and early 2020, staff presented LED streetlight rebates to the Cities of Eastvale and Murrieta. Between March and May 2021, staff presented at City Council meetings for the Cities of Hemet, Lake Elsinore, Menifee, Perris, San Jacinto, and Temecula.

Smart Streetlights Plan: By fall 2020, the Regional Streetlight Program entered the maintenance phase whereby all participating agencies had completed streetlight acquisitions and LED conversion projects. Taking local control of the streetlight system provides the participating agencies with opportunities for future revenue generation such as digital-ready networks and telecommunications, as well as opportunities to increase public services by utilizing streetlights as smart city assets. In order to identify and elaborate on these new opportunities, WRCOG entered into an agreement with Michael Baker International (MBI) in February 2021 to develop a Smart Streetlights Implementation Plan (Smart Streetlights Plan) and Broadband Assessment that will include participants of the Regional Streetlight Program and all WRCOG member agencies.

Between February and May 2021, MBI and WRCOG staff completed a community assessment and coordinated interviews with peer agencies to learn of their smart streetlight and smart city programs. The community assessment was completed and has been used to support member agency identification of readiness to utilize streetlights as smart city assets. Staff submitted a survey to each member agency to gather information on a variety of smart city prerequisites such as number streetlights and traffic signals, types of networking / IT assets maintained by the agency, and if there are any existing policies or plans related to data collection, data privacy, or smart city technologies. At the conclusion of the community assessment a total of 12 agencies responded to the survey, including the Cities of Banning, Calimesa, Eastvale, Lake Elsinore, Menifee, Murrieta, Perris, Riverside, San Jacinto, Temecula, Wildomar, and the Jurupa Community Services District.

Implementation of smart streetlight solutions should solve identified problems, rather than starting off with a solution in mind. The needs of each of WRCOG's member agencies will vary, and any implementation strategy will need to account for these needs. A review of how other locations, "peer agencies," have deployed smart streetlight solutions can provide context for WRCOG member agencies to assess the possibilities of smart city technologies addressing their individual needs. Since March 2021, Staff and MBI conducted online research on five peer agency implementations of smart streetlight technologies and completed four interviews with staff from the Cities of Los Angeles, San Diego, Las Vegas, and Kansas City. Staff are preparing for the final peer agency interview with the City of Atlanta. Additionally, staff and MBI are coordinating an upcoming workshop in July 2021 to provide an in-depth presentation on the research conducted to date, as well as gain agency feedback on community needs and discuss smart city technologies that will be evaluated.

## **Western Riverside County Energy Resiliency Plan**

The purpose of the Western Riverside County Energy Resiliency Plan is to assess subregional critical facilities and identify feasibility of implementing future microgrids and/or other energy resiliency solutions to maintain power supply during environmental events that cause power outages or power issues. To determine if microgrids or other energy resiliency solutions are viable, an in-depth technical feasibility study will be conducted at three critical facilities across the subregion. The results from the feasibility study will be extrapolated and generalized to be applicable at similar critical facilities across the subregion. Additionally, the Plan will contain an implementation framework consisting of the technical feasibility study of the three critical facilities, as well as a financing plan that will identify available funding opportunities for member agencies to implement projects identified through the Plan.

Since February 2021, WRCOG staff have been coordinating with member agencies to gather a list of proposed facilities that can be considered for the Plan. Through this outreach staff are requesting pertinent information including the type of facility, its general or specialized purpose, frequency of use by the public, and general information on historical or frequent power outages. This initial list of subregional critical facilities will provide perspective on the types of facilities to focus on and which are most common across the subregion. As more information and data is gathered, the subregional facilities will be further assessed and prioritized based on a variety of factors, including each facility's criticality to its community, replicability across the subregion, technical compatibility, as well as its vulnerability to power outages. The goal is to overlay a variety of data to help prioritize the subregional facilities and identify three sites for the technical feasibility study that will provide the most impact to its community and is most compatible for implementation. To date, seven member agencies have submitted a response to the facilities' list request; however, staff will continue to follow up with member agencies.

During this data gathering phase of the Plan, staff believe it is important to identify existing and similar resilience plans or projects to gain perspectives on best practices, barriers, and general insight on energy resiliency planning. Additionally, it is important to identify and understand regional vulnerabilities that can result in power outages, such as wildfires, drought, extreme heat, and extreme storm events.

As such, Raimi + Associates and AECOM collaborated on a literature review of existing plans and assessments such as CAPtivate and Resilient IE, the City of Berkeley's Energy Assurance Transformation Project Report, CalAdapt, and the Emergency Management, Disaster Preparedness, and General Plan Safety Elements from each WRCOG member agency.

Key findings from the literature review are that resilience measures (energy efficiency, load management, PV, energy storage) have been implemented at facilities owned by local governments, school districts, and community-based non-profits. Most of the examples are of solar plus storage serving individual buildings. Several studies have been completed that address ways to link multiple buildings into a larger microgrid. Regulatory constraints and associated costs have been barriers to microgrid implementation. Good candidates are locations with large parcels owned by a single entity, such as civic centers, schools, or corporate campuses. Examples of current energy resilience projects were presented with a discussion of the associated positive and negative attributes.

Additionally, staff have held two workshops for member agencies as part of the outreach and engagement tasks of the Plan. The first workshop was held on April 29, 2021, to introduce the project to WRCOG members and other stakeholders, provide background on the subject of energy resiliency based on a review of literature and case studies, and conduct an initial discussion about the project goals and objectives. The initial findings from the first workshop show that many of WRCOG members

have facilities that have been impacted in the last year by power outages. Members would like the Plan to focus on public safety facilities, such as police and fire stations, and water infrastructure such as water wells, pump stations and sewers. The second workshop was held on July 29, 2021, to revisit the goals and objectives, and coordinate with members to identify key resilience issues and community resilience needs. Members identified resilience issues in their communities such as vulnerable populations including seniors and people dealing with homelessness, as well as infrastructure that is impacted by high wind events, wildfires, and drought, such as water wells and communications towers.

**Prior Action(s):**

None.

**Fiscal Impact:**

This item is for informational purposes only; therefore, there is no fiscal impact.

**Attachment(s):**

None.



# Western Riverside Council of Governments Administration & Finance Committee

## Staff Report

**Subject:** Updated Agency Policies and Procedures  
**Contact:** Princess L. Hester, Administrative Services Director, [phester@wrcog.us](mailto:phester@wrcog.us), (951) 405-6704  
**Date:** July 14, 2021

### **Requested Action(s):**

1. Recommend that the Executive Committee approve the updated Agency Policies and Procedures.

### **Purpose:**

The purpose of this item is to request that the Executive Committee approve an updated version of WRCOG's Policies and Procedures.

### **Background:**

WRCOG last updated its Policies and Procedures on June 3, 2019. Staff performed a complete comprehensive review of existing administrative policies and associated documents. Updates to the attached policies are non-substantive and include the latest regulations, align with current systems and structures, and to ensure compliance with governmental best practices.

### **Personnel Policies and Procedures**

Due to an administrative reorganization and the effects of COVID-19, in coordination with WRCOG's legal counsel, Best Best & Krieger, it is necessary to update the Agency's Policies and Procedures to ensure compliance with all applicable laws and regulations

### **Procurement Policy**

WRCOG's Procurement Policy is being updated to ensure uniform procedures for acquiring materials, supplies, and equipment while being considerate of the costs and impacts related to purchases. The updated Policy standardizes contracting authority, contract duration, and environmentally preferable and friendly purchasing practices

### **Request for Proposal Issuance Policy**

The Request for Proposal Issuance Policy is being updated and will serve as a guideline for WRCOG when issuing a Request for Proposal (RFP) for professional services in support of WRCOG programs. The updated Policy outlines the process for issuing RFPs, dollar limits, and the scoring criteria to ensure consistent practices are followed.

## **Device Management Agreement**

As a result of the COVID-19 pandemic, employees were issued electronic devices and equipment allowing connection to WRCOG's systems for remote working. To protect the integrity of the confidential business data that resides within WRCOG's technology infrastructure, employees will be required to sign and acknowledge a Device Management Agreement. The agreement defines standards, procedures, and restrictions for all employees with business uses for electronic devices and equipment issued by WRCOG.

Policies and Procedures are related to all areas of WRCOG's economic development and sustainability framework.

### **Prior Action(s):**

**June 3, 2019:** The Executive Committee approved updated WRCOG Policies and Procedures.

### **Fiscal Impact:**

This item is for informational purposes only; therefore, there is no fiscal impact.

### **Attachment(s):**

[Attachment 1 - WRCOG Personnel Policies and Procedures.docx](#)

[Attachment 2 - WRCOG - Procurement Policy](#)

[Attachment 3 - WRCOG - RFP Policy](#)

[Attachment 4 - WRCOG Device Management Agreement](#)



# **WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS**

## **PERSONNEL POLICIES AND PROCEDURES**

**REVISED**

**August 2, 2021**



# Table of Contents

I.	WRCOG BACKGROUND.....	1
II.	GENERAL PROVISIONS .....	2
	A. Purpose.....	2
	B. Policies Repealed .....	2
	C. Term of Personnel Manual .....	2
	D. Distribution of Personnel Policies.....	2
	E. Right to Revise.....	2
III.	FAIR EMPLOYMENT STANDARDS.....	3
	A. Equal Employment Opportunity.....	3
	B. Policy against Harassment.....	3
	C. Policy against Retaliation .....	5
	D. Internal Complaint Procedure.....	5
	E. Corrective Action .....	6
	F. External Complaint Procedure .....	7
IV.	AT-WILL EMPLOYMENT STATUS .....	8
V.	EMPLOYMENT POLICIES AND PRACTICES .....	9
	A. Recruitment, Selection and Placement .....	9
	B. Promotional Probationary Period for Employees Hired Prior To March 1, 2012 ...	10
	C. Job Duties .....	10
	D. Categories of Employees .....	11
	E. Work Schedules and Workweek.....	13
	F. Telecommuting .....	13
	G. Meal Periods and Rest Breaks.....	13
	H. Timekeeping Requirements.....	14
	I. Biweekly Payments .....	15
	J. Pay for Mandatory Meetings / Training.....	15
	K. Compensatory Time-Off Policy.....	15
	L. Advances .....	15
	M. Salary Review .....	16
	N. Reports and Record Keeping .....	16
	O. Performance Evaluations .....	17
	P. Open-Door Policy .....	18
	Q. Employment of Elected Officials.....	18
	R. Employment of Relatives.....	19
	S. Conflicts of Interest .....	19
	T. Changes in Employment Positions.....	20
	U. Return of Property at Separation.....	22

VI. STANDARDS OF DISCIPLINE AND CONDUCT.....	23
A. Employee Discipline.....	23
B. Prohibited Conduct.....	24
C. Off-Duty Conduct.....	25
D. Political Activity.....	26
E. Drug and Alcohol Abuse.....	26
F. Civility Code.....	31
G. Punctuality and Attendance.....	32
H. Dress Code and Other Personal Standards.....	32
I. Confidentiality.....	33
J. Business Conduct and Ethics.....	33
K. News Media Contacts.....	33
VII. OPERATIONAL CONSIDERATIONS.....	34
A. Computer and Electronic Systems and Devices Policy.....	34
B. Use of Electronic Media.....	35
C. Employee Guidelines for the Use of E-Mail.....	36
D. Prohibited Use of Mobile Phone or Messaging Devices While Driving.....	37
E. Mobile Telephone Policy.....	37
F. Non-Work-Related (Off-duty) Use of Facilities.....	39
G. Security.....	39
H. Workplace Violence.....	40
I. Health and Safety.....	41
J. Smoking.....	41
K. Housekeeping.....	41
L. Parking.....	41
M. Solicitation and Distribution of Literature.....	41
N. Vehicle Operation Policy.....	42
O. Expense Reimbursement.....	42
VIII. TIME-OFF OF WORK AND LEAVES OF ABSENCES.....	44
A. Holidays.....	44
B. Vacation.....	44
C. Vacation Leave Cash-Out Policy.....	46
D. California Paid Sick Leave.....	47
E. Medical Leave under the FMLA and CFRA.....	49
F. Pregnancy Disability Leave.....	55
G. California New Parent Leave.....	59
H. Other Disability Leaves.....	59
I. Bereavement Leave.....	59
J. Kin Care.....	59
K. Workers' Compensation Benefits.....	60
L. Voluntary Time-Bank Policy.....	60
M. Military Leave.....	62
N. Jury Duty and Witness Leave.....	63
O. Time Off for Voting.....	63
P. School Conference Involving Suspension.....	64
Q. External Employee Education Reimbursement.....	64

R. Other Types of Leave .....	65
IX. EMPLOYEE BENEFITS .....	66
A. Health Benefits .....	66
B. Pension Benefits .....	66
C. Other Benefits .....	66
APPENDIX: DEFINITION OF TERMS.....	69

## **I. WRCOG BACKGROUND**

Western Riverside Council of Governments (WRCOG) was formed in 1991 as a joint powers authority, and now consists of 18 cities in the Western portion of Riverside County, the County of Riverside, the Eastern Municipal Water District, Western Municipal Water District, and the Riverside County Superintendent of Schools, as members. WRCOG serves as a forum to discuss and plan strategies to cope with the tremendous growth occurring, and forecast to occur, in the region. The Western Riverside County area is defined as all the unincorporated and incorporated areas of Riverside County westerly of and including the City of Banning and bounded by San Diego County to the south, San Bernardino County to the north, and Orange County to the west.

WRCOG is governed by a General Assembly with voting membership consisting of elected officials from its member agencies. The General Assembly meets annually. The joint powers agreement established an Executive Committee composed of elected officials from each member city, four County Supervisors, and one member from each of Eastern Municipal Water District and Western Municipal Water District's Board of Directors. The Riverside County Superintendent of Schools also sits on the Executive Committee but only in an ex-officio, advisory capacity with no voting privileges. The Executive Committee exercises the powers of the joint powers agreement between sessions of the General Assembly. The agreement further provides for the position of an Executive Director who is designated to be the Chief Administrative Officer acting on behalf of the Executive Committee. The powers and duties of the Executive Director are subject to the authority of the Executive Committee and in pertinent part these duties include to appoint, direct, and remove employees of WRCOG; and to serve as Secretary of WRCOG and of the Executive Committee.

WRCOG has adopted implementing Bylaws that assign the powers and functions to the Executive Committee, including selection and employment of an Executive Director who has administrative supervision over all other employees of WRCOG. The Executive Committee is called upon to establish personnel policies and procedures and provide for compensation of WRCOG staff.

## **II. GENERAL PROVISIONS**

### **A. Purpose**

The purpose of this Personnel Policies and Procedures Manual (Manual) is to (1) act as a compendium of established personnel rules and regulations; (2) guide the Executive Committee and Executive Director in the management of employees of WRCOG; and (3) promote fair and effective communication between WRCOG and staff regarding the terms and conditions of employment.

### **B. Policies Repealed**

In the event that the terms and provisions of this Manual are inconsistent or in conflict with the terms and provisions of any prior WRCOG Personnel Policies and Procedures, resolutions, or rules and regulations governing the same subject, the terms of this Manual are to prevail and such inconsistent or conflicting provisions or prior resolutions, rules, and regulations are hereby superseded and/or repealed.

### **C. Term of Personnel Manual**

This Manual takes effect immediately after adoption by the Executive Committee, and remains in effect unless repealed, in whole or part, by WRCOG. Immediate notice is to be provided to employees of actual changes to terms and conditions of employment or other personnel policies and procedures. WRCOG may, in its sole discretion, add to, delete, or otherwise modify these policies and procedures with such notice.

### **D. Distribution of Personnel Policies**

This Manual will be available to all employees for review through the Human Resources office and will be electronically transmitted to all employees. Some specific policies may be reprinted individually and distributed to employees to call attention to the information provided.

Adoption and amendment of these policies and procedures for unrepresented employees is not subject to the “Meyers–Miliias–Brown Act” for purposes of meeting and conferring regarding wages, hours, and other terms and conditions of employment.

### **E. Right to Revise**

WRCOG reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this Manual, or any other document. Any such changes will be in writing and their adoption must be attested to by the Executive Director, acting as Secretary of WRCOG and the Executive Committee.

The provisions of this Manual set forth the entire agreement between employees of WRCOG as to the duration of employment and the circumstances under which employment may be terminated. Nothing in this Manual, or other personnel documents, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

### **III. FAIR EMPLOYMENT STANDARDS**

#### **A. Equal Employment Opportunity**

WRCOG is committed to providing equal opportunity in all its employment practices in compliance with all applicable laws. This commitment applies to all persons involved in WRCOG administration and prohibits unlawful discrimination by any employee of WRCOG, including supervisors and co-workers, on the basis of race (including traits associated with race, such as hair texture and protective hairstyles), color, religion, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity (including transgender identity), gender expression (including transgender expression), because an individual has transitioned, is transitioning, or is perceived to be transitioning (to live as the gender with which they identify), sex stereotype, sexual orientation, national origin, ancestry, citizenship, age (40 years and older), physical or mental disability (including HIV and AIDS), legally protected medical condition or information (including genetic information), protected medical leaves or medical leave status, military caregiver status, military and/or veteran status, service, or obligation, marital status, domestic partner status, status as a victim of domestic violence, sexual assault, stalking, or crime, enrollment in a public assistance program, or holding or presenting a driver's license issued under section 12801.9 of the Vehicle Code, or any other basis protected by local, state, or federal laws. This policy applies to all areas of employment including, but not limited to, recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, social and recreational programs, layoff, recall, and termination.

WRCOG will make reasonable accommodations that are necessary to comply with state and federal disability discrimination laws. This means that WRCOG will make reasonable accommodations for the known physical or mental disability or known medical condition of an otherwise qualified individual who is an applicant or an employee unless undue hardship would result.

Any applicant or employee requiring an accommodation to perform the essential functions of the job should contact the Executive Director, or his/her designee, and request such an accommodation. Thereafter, WRCOG will conduct an interactive process meeting with the disabled applicant or employee to determine effective reasonable accommodations, if any, that can be made to assist them to perform the essential functions of the position they seek or occupy.

#### **B. Policy against Harassment**

WRCOG is committed to providing a workplace free of unlawful harassment. In accordance with applicable law, WRCOG prohibits harassment based on sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions, gender identity, gender expression, sex stereotype, sexual orientation, gender and transgender) and harassment on the basis of race (including traits associated with race, such as hair texture and protective hairstyles), color, religion, religious creed (including religious dress and religious

grooming), national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition, genetic information, family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, status as a victim of domestic violence, sexual assault, stalking, or crime, enrollment in a public assistance program, or any other basis protected by local, state, or federal laws. All such harassment is unlawful and will not be tolerated, whether it be harassment of employees, applicants, interns, persons providing services pursuant to a contract or volunteers by managers, supervisors, co-workers, or non-employees with whom WRCOG has a business, service or professional relationship, such as vendors and clients. Similarly, WRCOG will not tolerate harassment by its employees of non-employees with whom WRCOG has a business, service or professional relationship, like vendors and clients.

### **Sexual Harassment**

Sexual harassment (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions, gender identity, gender expression, sex stereotype, sexual orientation, gender and transgender harassment) is defined as unwanted sexual advances, or visual, written, verbal or physical conduct of a sexual nature that creates an intimidating, offensive, or hostile working environment or that interferes with an employee's work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment or promotion; (2) submission or rejection of the conduct is used as the basis for an employment decision; or (3) the unwelcomed comments or conduct based on sex unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes many forms of offensive behavior. It can also include gender-based harassment of a person of the same sex as the harasser, gender identity, gender expression, or sexual orientation. Furthermore, sexually harassing conduct need not be motivated by sexual desire. The following is a partial list of violations:

- Unwanted sexual advances, propositions, or requests for sexual favors.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, displaying of suggestive objects, posters, photographs, cartoons, or drawings.
- Verbal conduct: making or using derogatory comments, epithets, slurs, jokes, verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, foul or obscene language, conversation containing sexual comments.
- Written conduct: suggestive or obscene letters, emails, drawings, notes or invitations.

- Physical conduct: unwanted touching, assault, impeding or blocking movements, and violating someone’s “personal space.”
- Retaliation for reporting harassment or threatening to report harassment.

**Other Types of Harassment**

Harassment can take many forms beyond sexual harassment. Harassment on the basis of race (including traits associated with race), color, religion, religious creed (including religious dress and religious grooming), national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by local, state, or federal laws, is also prohibited and will not be tolerated by WRCOG. Such harassment includes but is not limited to the following when based upon an employee’s protected status as noted above:

- Verbal conduct such as making or using derogatory comments, epithets, slurs, jokes, or verbal abuse.
- Visual conduct such as gestures and displaying of objects, posters, photographs, cartoons, or drawings.
- Written conduct such as suggestive or obscene letters, emails, drawings, notes or invitations.
- Physical conduct such as assault, unwanted touching, or blocking normal movement, or violating someone’s “personal space.”
- Retaliation for reporting harassment or threatening to report harassment.

**C. Policy against Retaliation**

State and federal law and WRCOG prohibit retaliation against any employee for making a good faith complaint of discrimination or harassment or for cooperating, assisting, testifying, or participating in any of the discrimination or harassment Internal or External Complaint Procedures below. Claims of retaliation are taken seriously and are subject to the same Internal and External Complaint Procedures below.

**D. Internal Complaint Procedure**

WRCOG’s complaint procedure provides for an immediate, thorough, objective and confidential investigation of any claim of unlawful or prohibited discrimination, harassment and/or retaliation, appropriate disciplinary action against one found to have engaged in prohibited discrimination, harassment and/or retaliation, and appropriate remedies for any victim of discrimination, harassment and/or retaliation.

If you believe you have been discriminated against, harassed and/or retaliated



against on the job, or if you are aware of the discrimination, harassment and/or retaliation of others, you must provide a written, email-typed, or verbal complaint to your supervisor or to any other WRCOG supervisor, Human Resources office, or to the Executive Director as soon as possible. You are not required to complain to any individual who is the one discriminating against or harassing and/or retaliating against you, nor do you have to complain directly to your immediate supervisor. Instead, as indicated, you may report discrimination, harassment and/or retaliation to any other member of management, including but not limited to the Executive Director. Your complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, direct quotations when language is relevant, and any documentary evidence (notes, pictures, text messages, social media, emails, etcetera).

WRCOG will maintain confidentiality to the extent possible. Any supervisor who is informed of a complaint of discrimination, harassment and/or retaliation by an employee, or any other individual, must report said complaint to the Executive Director immediately and must otherwise keep the matter confidential. The Executive Director must also keep the matter confidential and not disclose the matter to any person who is not involved in the investigation or does not have legitimate work-related reasons for knowing of the complaint. Any supervisor or member of management who fails to comply with this paragraph will be subject to disciplinary action, up to and including termination of employment.

All incidents of prohibited discrimination, harassment and/or retaliation that are reported will be subject to an impartial, fair, timely and thorough investigation by either a management representative qualified to perform the investigation or an outside investigator, depending on the circumstances. The investigation will provide all parties appropriate due process and will reach reasonable conclusions based on the evidence collected. WRCOG will document the timely, thorough, and objective investigation of the discrimination, harassment and/or retaliation allegations to ensure reasonable progress is being made in the investigation. WRCOG will inform the employee who initiated the complaint of the progress of the investigation upon request of that employee.

## **E. Corrective Action**

At the conclusion of the timely investigation, if it is determined that prohibited discrimination, harassment, and/or retaliation has occurred, WRCOG will take immediate and effective remedial action commensurate with the circumstances. Corrective action may include, for example: training, referral to counseling, or disciplinary action including but not limited to verbal or written warning, suspension, transfer, demotion, reclassifying, and termination of employment, depending on the circumstances.

The employee who initiated the complaint will be notified when the investigation has been completed and will be informed of the general outcome of the investigation, i.e., whether the complaint has been substantiated or unsubstantiated. However, the employee is not entitled to know the corrective

action, if any, imposed on the accused, as that information is protected by the accused's right to privacy. Appropriate action will be taken to ensure the employee who has been found to have been discriminated against, harassed and/or retaliated against will not be discriminated against, harassed and/or retaliated against in the future, including but not limited to redistribution of this Policy, training, transfer, etc.

## **F. External Complaint Procedure**

In addition to WRCOG's internal complaint procedure, employees who believe that they have been unlawfully discriminated, harassed and/or retaliated against may file a complaint with the federal Equal Employment Opportunity Commission (EEOC), and/or the California Department of Fair Employment and Housing (DFEH).

Contact information for the DFEH can be obtained at [www.dfeh.ca.gov](http://www.dfeh.ca.gov). Contact information for the EEOC can be obtained at [www.eeoc.gov](http://www.eeoc.gov).

#### **IV. AT-WILL EMPLOYMENT STATUS**

Regular employees hired or reclassified from temporary or casual employee status to regular employee status on or after March 1, 2012, or who have completed their probationary period of employment on or after March 1, 2012, irrespective of when first hired, and temporary and casual employees, whenever hired, are employed on an at-will basis. Employment at-will may be terminated at any time by the employee or WRCOG with or without cause, with or without notice, and without right of appeal or hearing. Nothing in these Personnel Policies and Procedures should be interpreted to limit the right of an employee or WRCOG to terminate at-will employment. By way of example, and not limitation, discipline for cause, notice, response and appeal or hearing rights provided in the Employee Standards of Discipline and Conduct section or elsewhere in these Policies and Procedures shall not apply to at-will employees. No manager, supervisor, or employee of WRCOG has any authority to enter into an agreement for employment for any specified period of time or to make an agreement which limits or alters at-will employment status. Only the Executive Director has the authority to make any such agreement, which is binding only if it is in writing.

## **V. EMPLOYMENT POLICIES AND PRACTICES**

### **A. Recruitment, Selection and Placement**

#### **Vacancies**

When a permanent vacancy occurs in an authorized position, the supervisor may recommend that the vacant position be filled with an existing WRCOG employee who is qualified for the position and is willing to accept the employment change. The Executive Director will make a determination whether the vacant position may be filled by an existing WRCOG employee or fill the position through internal or external recruitment. The Executive Director may determine that it is in WRCOG's best interest to leave the position vacant. This paragraph is not to be construed to limit in any way the Executive Director's responsibility to hire the most qualified person available to fill any vacancy.

#### **Salary Placement of New Employees**

New employees of WRCOG are generally hired at the minimum salary range for the position. In the event a potential employee possesses extraordinary skill, training or ability, or where exceptional recruitment difficulties are encountered, the Executive Director has discretion to authorize employment offers at a higher rate than indicated in the job announcement, subject to the budget constraints.

#### **Disqualification**

The Executive Director may disqualify an applicant or refuse to consider any person for employment for any legal reason, including but not limited to the following reasons:

- The applicant does not possess the necessary qualifications established for the position.
- The applicant has practiced or attempted to practice any deception, fraud or omission of material fact in the application or interview, or in securing eligibility for employment.

#### **Offer of Employment**

Offers of employment will be extended to selected candidates only at the direction of the Executive Director (or his/her designee). Employment offers for all positions must be made in writing and are to include starting wage on an hourly, weekly, or monthly basis. In no event shall an employment offer be made in terms of annual salary or otherwise imply a yearly contract.

#### **Keys and Security Cards**

Keys to WRCOG facilities and related security access cards will be issued only to those employees designated by the Executive Director. Keys and security access cards are the property of WRCOG administration and must be surrendered to WRCOG upon termination of employment. Employees are required to immediately report lost or stolen keys and related security cards to the Human Resources office.

## **B. Promotional Probationary Period for Employees Hired Prior To March 1, 2012**

All employees hired prior to March 1, 2012, that are promoted to another position in WRCOG will be probationary employees during the first six months or 1,040 regularly scheduled working hours (whichever occurs later) in the new position. Employees failing to perform satisfactorily in the newly assigned position may be rejected and returned to their former position or to a position requiring similar skill and in a similar pay grade without recourse or any appeal right. If no similar position is available, the employee will be terminated without recourse procedure or any appeal right. (Employees will be informed in writing of this possibility at the time of application for the promotional position.)

If the promotion is from the training level in a job classification series to the full working level, the employee will not be returned to the training level, but rather performance issues may be evaluated further. In this instance, the probationary period may be extended up to a second six months, if a Performance Improvement Plan is initiated. Prior to the end of any extended probationary period, the Executive Director, upon the advice of the probationary employee's immediate supervisor, will determine if the employee can function satisfactorily in the position, and may terminate the employee without recourse or any appeal right if he or she has not substantially completed the Performance Improvement Plan and met expectations.

At-will employees are not entitled to promotional probationary periods. All at-will employees promoted to another position in WRCOG will be required to sign an updated employment contract.

## **C. Job Duties**

Upon hire or the assumption of any new position, a supervisor will explain the job tasks, responsibilities, and performance standards expected of the employee. The job tasks, responsibilities, and performance standards of any position may change at any time during an employee's employment. From time to time, employees may be asked to work on special projects or to assist with other work necessary or important to the operation of WRCOG. Employee cooperation and assistance in performing such additional work is expected.

The Executive Director reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities for both Exempt and Non-Exempt Employees

### **Exempt Employees**

Certain employees may be designated as "Exempt" from certain provisions of the Fair Labor Standards Act (FLSA). Exempt positions are those designated as Professional / Supervisory, Management, or Executive Management. These designations shall conform to the guidelines and criteria set forth in the FLSA pertaining thereto. Employees designated as Exempt are entitled to all benefits

provided to general employees, excluding payment of overtime.

Exempt employees will generally receive their full salaries for any week in which the employees perform work, unless deductions are otherwise authorized by law. Exempt employees are encouraged to direct any questions concerning their salary pay to the Human Resources office.

It is WRCOG's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that Exempt employees are paid properly and that no improper deductions are made, Exempt employees must review your pay stubs promptly to identify and report all errors.

Exempt employees will be credited with 2.3 hours of administrative leave per pay period, up to a maximum of 60 hours. Once an employee has accrued 60 hours of administrative leave, no additional administrative leave will be accrued until administrative leave usage reduces the balance of administrative leave to below 60 hours. Accrued administrative leave from one fiscal year will transfer into the next fiscal year subject to the 60-hour cap.

### **Non-Exempt Employees**

All employees other than those that are designated as Exempt will be considered non-Exempt and will be entitled to overtime pay.

WRCOG provides compensation for all overtime hours worked by non-Exempt employees in accordance with federal law. Only actual hours worked (i.e., not vacation time, sick leave, holidays) will be considered in determining whether an employee is entitled to overtime for any particular workweek.

It is the policy of WRCOG to avoid overtime work whenever possible. Overtime work is to be used only to supply essential member services or perform necessary duties during emergencies or where performance of overtime work by employees is more economical than adding new employees by creation of a new regular or temporary position. All overtime work must be previously authorized by a supervisor.

## **D. Categories of Employees**

### **Regular Employees**

The term "regular employee" includes employees except temporary or casual employees. Regular employees may be either full-time or part-time employees, depending upon the number of hours they work.

Regular employees hired before March 1, 2012, who have completed their probationary period of employment before March 1, 2012, are entitled to the notice, response, and appeal rights set forth in the Employee Standards of Discipline and Conduct section of these Policies and Procedures.

Regular employees hired or reclassified from temporary or casual to regular

employee status on or after March 1, 2012, or who completed their probationary period of employment on or after March 1, 2012, irrespective of when first hired, are at-will and are not entitled to the notice, response, and appeal rights set forth in the Employee Standards of Discipline and Conduct sections of these Policies and Procedures.

### **Full-Time Employees**

Regular full-time employees are those who are scheduled for and do work 40 hours per week, work a 9/80, or work a 4/10 and are eligible for all benefits provided to WRCOG employees.

### **Part-Time Employees**

Regular part-time employees are those who are scheduled for and do work fewer than 40 hours per week, but not fewer than 20 hours. Part-time employees are eligible for WRCOG benefits on a pro-rata basis, except retirement benefits under the California Public Employees' Retirement System (CalPERS) which are not provided unless the employee meets the statutory minimum hours requirement for eligibility for CalPERS benefits.

### **Temporary and Casual Employees**

Temporary employees are employees hired for specific assignments and/or for specific and limited durations. They may work full-time or part-time, but the length of their employment is specified at the time of hire. Employees hired on a temporary basis are excluded from eligibility for all but statutorily required (e.g., State Disability Insurance) benefits. WRCOG retains the discretion to determine the period deemed temporary for the position hired, provided, however, that temporary employees must work less than 960 hours per fiscal year. WRCOG reserves the right to extend the duration of any temporary employment assignment. An extension of the duration of temporary employment does not create, imply, or grant any right to the employee to receive benefits during the extension, nor does it change the temporary nature of the employment. All temporary employment is at-will and may be terminated at any time with or without cause, without prior notice to the employee, and without right of appeal or hearing.

Casual employees are compensated on an hourly basis or per diem, as specified at the time of hire. Casual employees must work less than 960 hours in a fiscal year. Casual employees are not eligible for participation in any benefit program established by WRCOG, except as required by State and/or Federal Law. Casual employees are not eligible for merit or other pay increases and do not receive performance evaluations. Casual employment is at-will and may be terminated at any time with or without cause, without prior notice to the employee, and without right of appeal or hearing.

### **Inactive Status**

Employees who are on any type of leave of absence, work-related or non-work-related, that exceeds four months will be placed on inactive status. During the time the employee is on inactive status, unless required by law, no benefits will accrue

or be earned, and seniority will not continue to accrue.

## **E. Work Schedules and Workweek**

WRCOG employees generally work a 4/10 or 9/80 weekly schedule. Supervisors will assign individual work schedules to each employee. All employees are expected to be at their desks or workstations at the start of their scheduled day, ready to work. WRCOG reserves the right to modify work schedules as deemed necessary.

If an employee needs to change his or her work schedule, the employee must submit a written request to his or her supervisor. The supervisor will review the employee's request with the Executive Director and authorize a change if reasonably possible. Work schedule changes that interfere with normal operations, result in overtime pay, or are without sufficient reason (i.e., for the mere convenience of an employee), will not be approved.

For employees working a traditional 5/40 or a 4/10 weekly schedule, a workweek is defined as beginning on Monday at 12:01 a.m. and ending on Sunday at midnight.

## **F. Telecommuting**

The purpose of the Telecommuting Policy is to provide an additional alternative to the office workplace environment and to maintain WRCOG's employees' current excellent levels of output and performance.

Telecommuting or working from home pursuant to this Policy is a privilege. WRCOG is not obligated to approve telecommuting for any employee, and no employee is obligated to participate. Each arrangement may be terminated at any time and at will by the employee or the employee's immediate supervisor or the Executive Director. See Telecommuting Policy for more information.

## **G. Meal Periods and Rest Breaks**

### **Meal Periods**

Employees who work more than five hours in a workday are provided an unpaid, off-duty meal period of at least 30 minutes. If six hours of work will complete the day's work, you may voluntarily waive your meal period in writing. See Human Resources if you would like to sign and submit a form that waives your right to a meal period if you work no more than six hours in a day. Employees who work more than 10 hours in a day are entitled to a second unpaid, off-duty 30-minute meal period. If an employee works no more than 12 hours, the employee may waive his or her second meal period, but only if the first one was not waived in any manner. Any waiver of the second meal period must be in writing and submitted before the second meal period. See the Human Resources administrator if you would like to sign and submit a form that waives your right to a second meal period, as explained above. If you work more than 12 hours you may not waive and are required to take your second unpaid, off-duty 30-minute meal period.



Your supervisor is responsible for scheduling your meal period, but it should begin no later than the end of your fifth hour of work. For example, an employee who begins working at 8:00 a.m. must begin his or her meal period no later than 1:00 p.m. Employees are encouraged to and should take their meal periods.

During your meal period, you are relieved of all duty and you should not work during this time. When taking your meal period, you should be completely off work for at least 30 minutes. Employees are prohibited from working "off the clock" during their meal period. Those employees who record their time manually must accurately record their meal periods by recording the beginning and end of each work period.

### **Rest Breaks**

Non-Exempt employees who work 3 1/2 or more hours per day are provided one 10-minute rest break for every four hours or major fraction thereof worked. For purposes of this Policy, "major fraction" means any time greater than two hours. For example, if you work more than six hours, but no more than 10 hours in a workday, you are provided, and should take, two 10-minute rest breaks: one during the first half of your shift and a second rest break during the second half of your shift.

Your supervisor is responsible for scheduling your rest breaks, but they should be taken as close to the middle of each work period as is practical.

Employees are encouraged to take their rest breaks; they are not expected to and should not work during their rest breaks. Non-Exempt employees are paid for all rest break periods. Accordingly, you do not need to record your time when taking a rest break.

## **H. Timekeeping Requirements**

All non-Exempt employees are required to record their time at the start and at the end of each work day, including before and after their lunch break.

Non-Exempt employees are required to record their time whenever they leave the building for any reason other than WRCOG business or as otherwise instructed by their supervisor.

Misreporting or altering a time record is prohibited and is subject to disciplinary action. Any errors on an employee's time sheet should be reported immediately to their supervisor. Managers must verify and approve timesheets at the end of each pay period, and make sure timesheets are completed and approved per the payroll schedule.

## **I. Biweekly Payments**

All employees of WRCOG are paid every other Thursday, through direct deposit to their financial institution or by check, for work performed during the previous two-week pay period. If a regular payday falls on a holiday, employees will be paid on the preceding business day before the holiday.

## **J. Pay for Mandatory Meetings / Training**

WRCOG will pay non-Exempt employees for their attendance at mandatory meetings, lectures, and training programs. An employee who is required to attend such meetings, lectures, or training programs will be notified of the necessity for such attendance by his or her supervisor.

## **K. Compensatory Time-Off Policy**

Accrual of compensatory time off is a restricted resource within WRCOG policies and utmost care should be utilized when authorization is given to staff for overtime work.

Non-Exempt employees may, in lieu of overtime pay, accumulate compensatory time off at the rate of 1 1/2 hours for every hour worked over 40 hours in a workweek (see definition above). Only actual hours worked will be considered in determining whether an employee has exceeded 40 hours in a workweek.

In order to receive compensatory time off in lieu of overtime pay, non-Exempt employees must make such request to their supervisor prior to the overtime work actually being performed.

No employee shall be allowed to accumulate more than 60 hours of compensatory time off. Non-Exempt employees who have accumulated 60 hours of compensatory time, and who subsequently work overtime hours, will receive overtime pay.

An employee with accumulated compensatory time will be permitted to use that time within a reasonable period after making a request unless using the compensatory time will unduly disrupt WRCOG operations. Requests for use of compensatory time should be directed to an employee's supervisor. All compensatory time that has been accumulated but not used will be paid out at the end of the fiscal year or grant cycle in accordance with applicable local, State and Federal laws.

As explained in more detail below, if an employee is on an approved medical leave under the Federal Family Medical Leave Act (FMLA) or California Family Rights Act (CFRA), the employee is required to substitute accrued compensatory time off for the unpaid leave.

## **L. Advances**

WRCOG does not permit advances against paychecks or against un-accrued

vacation.

## **M. Salary Review**

Periodically, under the direction of the Executive Director, the salary ranges assigned to each administrative position within WRCOG will be reviewed. The Executive Director may use this information to make recommendations to the Executive Committee. The salary review and any related recommendation may consider the following:

- Existing position descriptions, salaries, benefit levels and number of authorized positions within WRCOG.
- Comparison of salaries paid by other employers, public and private, to employees performing work similar to that performed by WRCOG employees.
- Review of inflation, changes in salary adjustments, and other measure of the economy.
- Other areas as the Executive Director deems appropriate.

Changes in the salary ranges, if any, shall be determined within the sole discretion of WRCOG.

## **N. Reports and Record Keeping**

### **Personnel Files**

The Human Resources office (or designee) is to maintain a personnel record for each employee of WRCOG, which record shall state the name and address of the employee, the position held by the employee, the work unit to which the employee is assigned, the employee's salary or hourly rate, all changes in employment status, and any such other information that may be required by law.

WRCOG is required by law to keep current all employees' names and addresses. Employees are responsible for notifying the Human Resources office in the event of a name or address change.

Employees shall be furnished a copy of any statement written for inclusion in the employee's personnel file concerning the employee's conduct or performance. An employee may prepare material for insertion in his/her personnel file in response or rebuttal to any derogatory material in the file.

### **Personnel Action Forms**

A Personnel Action Form recording personnel action must be completed for each employee hired by WRCOG. The Form is to contain all employee information including benefit selection information. A copy of the completed Form is to be included in the employee's personnel file. The signature of the Executive Director, or the Deputy Executive Director (in his or her absence), is required on Personnel Action Forms as a result of an appointment, promotion, demotion, transfer and/or dismissal.

### **Personnel Records – Access**

Employees have a right to inspect documents in their personnel file, as provided by law, in the presence of a WRCOG representative at a mutually convenient time, but no later than 30 calendar days from the date WRCOG receives a written request. Employees may also request a copy of their personnel files and records related to performance or any grievance concerning the employee. WRCOG shall restrict disclosure of an employee's personnel file to authorized individuals within WRCOG or its designated agents. Any request for information contained in personnel files must be directed to the Human Resources office. Only the Executive Director is authorized to release information about current or former employees. Personnel information will only be disclosed to outside sources as authorized by the employee, in response to requests from authorized law enforcement or local, state, or federal agencies conducting official investigations, or as otherwise legally required.

### **Employee References**

All requests for references must be directed to the Human Resources office. No other manager, supervisor, or employee is authorized to release references for current or former employees unless so designated by the Executive Director. By policy, WRCOG discloses only the dates of employment and the title of the last position held by former employees.

## **O. Performance Evaluations**

It is the administrative policy of WRCOG to evaluate employee performance on a regularly scheduled basis. Performance evaluations are normally conducted by the employee's immediate supervisor and must be discussed with the employee. The employee's immediate supervisor has the responsibility to carefully consider each item of the performance evaluation in relation to the duties outlined in the employee's position description.

Employee performance evaluations may review factors such as the quality and quantity of the work performed by the employee, knowledge of the job, initiative, work attitude, and attitude toward others. The performance evaluations are intended to make employees aware of their progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of the Executive Director and depend upon many factors in addition to performance. Employees will be asked to sign the completed performance evaluation report to acknowledge that it has been presented to them, that they have discussed it with their supervisor, and that they are aware of its contents. The performance evaluation report must be reviewed and signed by the Executive Director, either acting as the direct supervisor, or in acknowledgement and agreement with the assessment made by the immediate supervisor.

A performance evaluation must be completed six months after date of hire or reclassification from temporary or casual status for all new regular employees. The

performance evaluation will be completed on an annual basis for all employees at or around the beginning of the fiscal year. For new employees, a performance evaluation must be completed immediately prior to the completion of their first twelve months of employment.

It is the supervisor's responsibility to ensure that the performance evaluation is prepared and returned to the Executive Director consistent with the timeframes above.

It is the supervisor's responsibility to meet with supervised employees and ensure that performance evaluations are prepared completely and submitted to the Executive Director's office. The performance evaluation will be reviewed, and counter signed by the Executive Director if deemed acceptable.

## **P. Open-Door Policy**

WRCOG welcomes suggestions for improving its administrative functions from new and continuing employees. At some time, employees may have a complaint, suggestion, or question about their job, working conditions, or the treatment they are receiving. Good-faith complaints, questions, and suggestions are all of concern to WRCOG management. These matters will receive serious and deserving consideration. Moreover, WRCOG encourages employees to submit these matters, positive or otherwise, without fear of retaliation. If the matter concerns working conditions or treatment, or other serious complaint, employees should take the following steps:

- Within a week of the occurrence of the matter, or as soon thereafter as is possible, employees should notify their immediate supervisor, who will review and provide a solution or explanation to the employee.
- If the matter persists, employees should, as soon as possible, present their complaint to the Executive Director or designee. The Executive Director or designee will attempt to reach a final resolution. Employees needing assistance with a written complaint should contact the Human Resources office for help.

WRCOG believes that this complaint resolution procedure is important to both employees and management of WRCOG for the resolution of employee matters. WRCOG cannot, however, guarantee that every employee's problem will have the outcome requested / desired by the employee.

## **Q. Employment of Elected Officials**

To ensure efficiency in implementing the administrative management policies of WRCOG, it is necessary to address the employment of elected and appointed officers of WRCOG that serve on its Executive Committee. For the purpose of this Policy, any elected or appointed official cannot be hired as an employee by WRCOG unless that official has not served on WRCOG's Executive Committee for the past 12-months.

## **R. Employment of Relatives**

To ensure efficiency in implementing the administrative management policies of WRCOG, it is necessary to restrict the employment of relatives of elected and appointed officers of WRCOG and the relatives of WRCOG employees. For the purpose of this Policy, a relative is defined as a spouse, registered domestic partner, child, step-child, parent, step-parent, parent-in-law, legal guardian, sibling, sibling-in-law, step-sibling, aunt, uncle, niece, nephew, grandchild, or grandparent, regardless of his or her place of residence, or any other individual related by blood or marriage living within the same household as a WRCOG employee or persons having an equivalent relationship with the employee.

Therefore:

- Relatives of the Executive Director, WRCOG Legal Counsel, and elected officers of WRCOG will not be eligible for employment.
- Relatives of WRCOG-appointed Committee members will not be considered for employment by the Executive Director within the area of responsibility of such WRCOG-appointed Committee.
- Relatives of WRCOG employees will not be employed in the same work unit of WRCOG when such employment would be detrimental to the supervision, safety, security, or morale of the work unit or WRCOG, as determined by the Executive Director, nor will any employee be placed in a position which exercises supervisory authority over a relative.
- In no event is an employee to participate directly or indirectly in the recruitment or selection process for a position in which an employee's relative has filed an employment application.
- With regard to spouses or registered domestic partners, WRCOG may refuse to place one spouse or registered domestic partner under the direct supervision of the other spouse or registered domestic partner, or in the same department, division or facility, for business reasons, including but not limited to supervision, safety, security or morale, and/or to avoid conflicts of interest. If co-employees marry or become registered domestic partners, WRCOG will attempt to make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, and morale.

## **S. Conflicts of Interest**

All employees are required to avoid situations involving actual or potential conflicts of interest. An actual and/or potential conflict of interest exists when personal involvement with a member agency employee, appointed or elected official, or subordinate employee of WRCOG impairs an employee's ability to exercise good judgment on behalf of WRCOG. Supervisor-subordinate personal relationships also create conflicts of interest because such relationships can lead to supervisory problems, possible claims of sexual harassment, and morale problems.

An employee involved in any such relationship is required to disclose the relevant circumstances to his or her immediate supervisor, or any other appropriate supervisor, for a determination about whether a potential or actual conflict exists.

If an actual or potential conflict is determined to exist, the Executive Director may take whatever corrective action he or she deems appropriate under the circumstances. Failure of employee(s) to appropriately disclose facts regarding potential conflicts of interest is grounds for disciplinary action.

## **T. Changes in Employment Positions**

### **Layoff Policy and Procedure**

a. Reductions in Force.

Under some circumstances, the Executive Director may need to restructure or reduce the administrative workforce. If restructuring the administrative operations or reducing the number of employees becomes necessary, the Executive Director will attempt to provide advance notice, if possible, of the nature of the restructure or layoff.

b. Layoffs.

In determining which employees will be subject to layoff, the Executive Director will take into account, among other things, operational requirements, the skill, productivity, ability, and past performance of those involved, and also, when feasible, the employee's length of service. However, the order of the layoff is within the sole discretion of the Executive Director.

c. Reemployment after Layoff.

Regular and probationary employees laid off or demoted in lieu of layoff may be reemployed at the sole discretion of the Executive Director.

### **Promotion**

It is the administrative policy of WRCOG management to fill vacancies in authorized positions with the most qualified individual available and to provide promotional opportunities for qualified employees. For purposes of this Policy, promotion is defined as movement to a higher position in the salary schedule. Employees interested in promotion to a vacant position for which they are qualified must submit an employment application to the Human Resources office, if a recruitment is being conducted for the position.

Employees promoted to a new position are placed within the salary range which represents approximately a five percent increase in the employee's current salary unless otherwise authorized by the Executive Director

Promotional offers are extended to successful candidates only by the Executive Director. Employment offers for all promotional positions will be made in accordance with procedures specified by the Executive Director.

### **Reclassification**

The Executive Director may approve a reclassification of a non-vacant position(s) if it is determined that an employee's duties do not meet the current job description. A reclassification involves the classification of an existing position(s) into a new job title / category and/or pay grade due to a significant change in job content. This reclassification must be based on more than an increase / decrease in work

volume or the addition / deletion of minor duties. A reclassification may result in the placement of a position in a higher, lower, or the same pay grade.

- a. **Reclassification Procedure.** Supervisors seeking the reclassification of a non-vacant position or positions must complete a Reclassification Request Form and submit it to the Executive Director (or his or her designee) and Human Resources.

Such request must include:

1. Identification of the position(s) proposed for reclassification, including the current salary range of the position(s).
2. Identification of the position title and salary range that the position or positions are proposed to be reclassified to.
3. A written justification for the requested reclassification including discussion of the specific job duties, comparison of those duties to the new position title, and an existing or proposed organization chart that conveys where the new position fits within the unit / department / agency.
4. Copies of the current and proposed job description for the position(s) being re-classified.

### **Demotion**

The Executive Director may demote an employee whose performance of required duties fall below standard or for disciplinary purposes. An employee otherwise eligible for a demotion may be terminated if he or she does not possess the desirable qualifications for the position. Employees demoted shall have their salary adjusted consistent with the position to which they are demoted.

### **Suspension**

The Executive Director may suspend an employee from a position at any time for a disciplinary purpose.

### **Reinstatement**

Employees who have resigned from WRCOG employment may be eligible for reinstatement to their former position or to a position which requires similar skill and is in a similar pay grade providing all of the following criteria are met:

- b. There is a vacancy in the position for which the employee seeks reinstatement.
- c. The request for reinstatement is received within six months from the date the employee resigned.
- d. Performance evaluations at the time of resignation were satisfactory.
- e. The former employee provided at least two weeks' notice upon resignation.
- f. The Executive Director approves the reinstatement request and the appointment.

Former employees do not have a right to reinstatement. Reinstatement is at the sole discretion of the Executive Director. WRCOG administrative management



reserves the right to consider the restoration of salary, seniority, and other employee benefits on an individual basis and at the sole discretion of the Executive Director. Employees reinstated on or after March 1, 2012, shall be at-will.

### **Termination**

WRCOG may discharge non-at-will regular employees (those regular employees hired before March 1, 2012) for disciplinary matters including, but not limited to, prohibited conduct. Any employee released from duty will forfeit all employee benefits except benefits accrued under CalPERS and benefits to which the employee is statutorily entitled.

At-will employees (those employees hired on or after March 1, 2012, as well as Temporary and Casual employees) do not serve a probationary period and may be terminated at any time with or without cause, without prior notice, and without right of appeal or hearing.

### **Voluntary Termination**

Voluntary termination results when an employee voluntarily resigns his or her employment at WRCOG or fails to report to work for three consecutively scheduled workdays without notice provided to, or approval by, his or her supervisor. The use of protected sick leave will not be considered in determining whether an employee has voluntarily terminated for failure to report to work.

Employees wishing to voluntarily terminate employment with WRCOG are requested to provide a minimum of two weeks written notice to their immediate supervisor. The written notice is to be considered accepted by Executive Director immediately upon submission by the employee and will be forwarded for processing. Requests to revoke a resignation may be granted or denied at the sole discretion of the Executive Director. Any employee failing to provide a minimum of two weeks written notice is ineligible for consideration for future employment with WRCOG.

### **Death of Employee**

Upon the death of a WRCOG employee, all earned wages and benefits due shall be paid in accordance with the laws of the State of California.

## **U. Return of Property at Separation**

All WRCOG-owned property, including vehicles, computer equipment, cellular phones, keys, identification badges, and credit cards must be returned immediately upon separation of employment.

## **VI. STANDARDS OF DISCIPLINE AND CONDUCT**

### **A. Employee Discipline**

#### **General Disciplinary Standards**

The Executive Director has the right to demote, dismiss, reduce in pay, or suspend without pay any employee for engaging in any of the prohibited conduct indicated herein or for any other reason, including but not limited to engaging in behavior that threatens security, personal safety, employee welfare and/or WRCOG administrative operations.

Disciplinary action may range from informal conversations to termination, depending on the nature of the conduct at issue. The Executive Director is not, however, obligated to first initiate informal actions before taking formal action, nor is the Executive Director obligated to initiate any disciplinary action in any particular order at all. Disciplinary actions may include the following informal and formal actions, at the discretion of the Executive Director:

Counseling: The employee may engage in an informal discussion to review standards, to evaluate strengths and weaknesses, or to offer suggestions or remedies for performance or to address specific issues.

Reprimand: The employee may be given an oral warning to improve performance and/or behavior, or a written notice that indicates that further disciplinary action may be taken unless performance or behavior improves.

Suspension: The employee may be placed on unpaid suspension.

Demotion: An employee may be assigned to a lower paying position.

Termination: The employee may be removed from WRCOG service.

#### **Discipline of Non-At-Will Employees**

The Executive Director must follow the appropriate disciplinary procedures in cases where the contemplated disciplinary action involves a non-at-will employee's rights. In such instances, before a final disciplinary action is taken, the following steps will be taken:

Notice of Proposed Action: A written notice of the proposed disciplinary action will be delivered to the employee by the Executive Director or designee.

Conduct Necessitating the Proposed Action: The written notice will include a description of the prohibited conduct or other behavior that gave rise to the proposed disciplinary action.

Materials Supporting Proposed Action: The employee will be given a copy of, or be provided access to, written materials, reports and documents, if any, upon which the action is based.

Right to Respond: The employee has the right to respond to any notice of proposed disciplinary action within five working days, unless such period of time is extended by the Executive Director. Such response can be made by the employee in person or through a representative. The response can be a) oral, b) written or, c) both, and must be submitted to the Executive Director.

Notice of Determination: The Executive Director will notify the employee by written notice of: a) the discipline; b) the original allegation(s); c) the determination as to the charges; d) the level of disciplinary action to be received; and e) any applicable final admonition(s). The Executive Director will similarly notify the employee if no disciplinary action will be taken. Except where the employee has the right to appeal, the determination of the Executive Director shall be final.

Appeal: In the case of a reduction in pay, suspension without pay in excess of five days, demotion, or termination, the employee may appeal the disciplinary action imposed by the Executive Director to the Administration & Finance Committee or its designee. The appeal procedure shall be determined by the Administration & Finance Committee or designee in accordance with applicable law.

### **Representation**

Any time that an employee is to be disciplined or interviewed regarding a matter in which there is reason to believe that the employee may be disciplined, he or she will have the right to representation. It is the employee's responsibility to request that representation be present, and failure to so request will constitute a waiver of representation at that stage.

The Executive Director or designee has the authority to place any employee on paid administrative leave when, in his or her belief, doing so is in the best interests of WRCOG.

## **B. Prohibited Conduct**

The following conduct is prohibited and will not be tolerated by WRCOG. This list of prohibited conduct is illustrative only. Other types of conduct not appearing on this list that threatens security, personal safety, employee welfare and WRCOG administrative operations also may be prohibited. All such conduct is grounds for disciplinary action.

- Falsifying employment records, employment information, or other WRCOG records.
- Falsifying work time records, either your own or another employee's.
- Theft and/or deliberate or careless damage or destruction of any WRCOG property, or the property of any employee or member agency.
- Removing or borrowing WRCOG property without prior authorization.
- Unauthorized use of WRCOG equipment (time, materials, or facilities).
- Provoking a fight or fighting during working hours or on WRCOG property.
- Participating in horseplay or practical jokes on WRCOG time or on WRCOG premises.

- Carrying firearms or any other dangerous weapons on WRCOG premises at any time.
- Engaging in criminal conduct related to job performance or otherwise having an adverse impact on WRCOG.
- Causing, creating, or participating in a disruption of any kind during working hours on WRCOG property.
- Insubordination, including, but not limited to, failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management.
- Inappropriate use of e-mail or other electronic media.
- Using abusive language at any time on WRCOG premises.
- Failing to notify a supervisor when unable to report to work.
- Failing to obtain permission to leave work for any reason during normal working hours.
- Failing to observe working schedules, including rest and lunch periods.
- Sleeping or malingering on the job.
- Making or accepting personal telephone calls of such length or quantity as to interfere with the quality or quantity of work performed or to create a disruptive work environment for others, whether WRCOG or personal telephone equipment is used, except in cases of emergency.
- Working overtime without authorization or refusing to work assigned overtime.
- Wearing unprofessional or inappropriate styles of dress or hair while working.
- Violating any safety, health, security or WRCOG policy, rule, or procedure.
- Possessing, selling, and/or being under the influence of alcohol, illegal drugs or marijuana while on WRCOG premises or conducting WRCOG business offsite.
- Committing a fraudulent act or a breach of trust under any circumstances.
- Committing or participating in any act of harassment, discrimination, or retaliation of another individual.
- Discourteous treatment of the public or other employees.

### **C. Off-Duty Conduct**

While WRCOG does not seek to interfere with the off-duty and personal conduct of its employees, it discourages certain types of off-duty conduct that may interfere with WRCOG's legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely affect WRCOG. Illegal off-duty conduct by an employee that adversely affects WRCOG's legitimate business interests or the employee's ability to perform his or her job will not be tolerated.

While employed by WRCOG, employees are expected to devote their energies to their jobs with WRCOG. The following types of employment elsewhere are strictly prohibited:

- Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at WRCOG.
- Additional employment that creates a conflict of interest or is incompatible with

- the employee's position with WRCOG.
- Any additional employment that requires the employee to conduct work or related activities on WRCOG property during the employee's working hours or WRCOG facilities and/or equipment.
  - Additional employment that directly or indirectly competes with the quasi-governmental services or the interests of WRCOG.

Employees wishing to engage in additional employment that may create a real or apparent conflict of interest are required to submit a written request to the Executive Director explaining the details of the additional employment. Such work cannot commence until written authorization is provided by the Executive Director. Authorization to engage in additional employment can be revoked at any time.

#### **D. Political Activity**

WRCOG employees are prohibited from engaging in political activities while on duty and/or on the premises of WRCOG, including but not limited to:

- An employee of WRCOG shall not, directly or indirectly, solicit political funds or contributions, knowingly, from other officers or employees of WRCOG. (Government Code Section 3205).
- No employee of WRCOG shall engage in political activity during working hours as defined in Government Code Section 3207.
- No signs, posters or other political advertising materials shall be posted on WRCOG premises at any time.

#### **E. Drug and Alcohol Abuse**

##### **Purpose**

The objective of WRCOG is to promote a safe, healthy, and productive work environment for all employees and to have a work force that is free from the influence of alcohol and controlled substances. Therefore, it is the policy of WRCOG to prohibit its employees from using alcohol or drugs (including marijuana) in connection with their employment in order to maintain a work environment free from the effects of drug and alcohol use. Substance abuse can affect job performance, employee and public safety, and the public's perception of WRCOG and its operations.

Employees who believe that they may have a substance abuse problem are urged to voluntarily seek confidential assistance from the Human Resources office. Thereafter, WRCOG may, in its sole discretion, consider a referral for professional assistance or otherwise permit an employee to take time off to address the substance abuse problem.

WRCOG will be firm in identifying and disciplining those employees who do not voluntarily seek assistance and who continue to use drugs or alcohol in violation of WRCOG's policies. WRCOG has a significant interest in ensuring the health and safety of its employees, in avoiding accidents, to promote and maintain safe

and efficient working conditions for its employees, and to protect its property, equipment, and operations. The use of illegal drugs, marijuana, alcohol, or any other substances which alters an employee's behavior can affect an employee's ability to perform his or her duties safely and effectively, and increase the potential for accidents, absenteeism, substandard performance, poor employee morale, and can damage WRCOG's reputation. As a condition of continued employment with WRCOG, each employee must abide by this Policy.

### **Definitions**

For purposes of this Policy:

"Illegal drugs or other controlled substances" mean any drug or substance that (a) is not legally obtainable; or (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully. Furthermore, despite its legal status in California, marijuana remains an illegal drug under Federal law. Accordingly, marijuana is considered an illegal drug for the purpose of WRCOG's Policy.

"Legal drug" means any drug, including any prescription drug or over-the-counter drug, or marijuana that has been legally obtained and that is not unlawfully sold or distributed.

"Abuse of any legal drug" means the use of any legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.

"Possession" means that an employee has the substance on his or her person or otherwise under his or her control.

"Reasonable Suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

### **Prohibited Conduct**

#### a. Scope

The prohibitions of this section apply whenever the interests of WRCOG may be adversely affected, including any time an employee is:

- On WRCOG premises.
- Conducting or performing WRCOG business, regardless of location.
- Operating or responsible for the operation, custody, or care of WRCOG equipment or other property.
- Responsible for the safety of others in connection with, or while performing,

WRCOG-related business.

b. Alcohol

The following acts are prohibited and will subject an employee to discharge:

- The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol.
- Being under the influence of alcohol.

c. Illegal Drugs

The following acts are prohibited and will subject an employee to discharge:

- The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance.
- Being under the influence of any illegal drug or other controlled substance.

d. Legal Drugs

The following acts are prohibited and will subject an employee to discharge:

- The abuse of any legal drug.
- The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law.
- Working while impaired by the use of a legal drug whenever such impairment might:
  - Endanger the safety of the employee, member of the public, or some other person.
  - Pose a risk of significant damage to WRCOG property or equipment.
  - Substantially interfere with the employee's job performance or the efficient operation of WRCOG, or WRCOG's equipment.

### **Disciplinary Action**

- a. **First Violation**: A first violation of this Policy will result in discipline up to and including termination. In determining the level of discipline, WRCOG may consider whether an employee satisfactorily participates in and completes an approved drug or alcohol abuse 'assistance' or rehabilitation program when recommended by WRCOG.
- b. **Second Violation**: A second violation of this Policy at any time will result in immediate discharge.
- c. **Effect of Discharge on Eligibility for Rehire**: Employees who are discharged for a violation of this Policy will not be eligible for rehire by WRCOG.
- d. **Effect of Criminal Conviction**: An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any WRCOG related activity or event will be deemed to have violated this Policy.

### **Use of Legal Drugs**

WRCOG recognizes that employees may, from time to time, be prescribed legal

drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to WRCOG property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, he or she may not report to work. To accommodate the absence, the employee may use accrued sick leave or vacation time. The employee may also contact the Human Resources office to determine whether or not he or she qualifies for an unpaid leave of absence, such as family care or medical leave. Nothing in this Policy is intended to sanction the use of accrued sick leave or vacation time to accommodate absences due to the abuse of legal drugs. Further, nothing in this Policy is intended to diminish WRCOG's commitment to employ and reasonably accommodate qualified disabled individuals. WRCOG will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability.

### **Unregulated or Authorized Conduct**

- a. **Customary Use of Over-the-Counter Drugs:** Nothing in this Policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this Policy.
- b. **Off-the-Job Conduct:** This Policy is not intended to regulate off-the-job conduct, so long as the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this Policy.

### **Confidentiality**

Disclosures made by employees to the Executive Director concerning their use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to the Executive Director concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

### **Counseling / Employee Assistance**

Employees who suspect they may have alcohol or drug problems, even in the early stages, are encouraged voluntarily to seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact the Executive Director, who will determine whether WRCOG can accommodate the employee by providing unpaid leave for the time necessary to complete participation in the program. Employees should be aware that participation in a rehabilitation program will not necessarily shield them from disciplinary action for a violation of this Policy, particularly if discipline is imposed for a violation occurring before the employee seeks assistance.



### **Pre-Employment Testing**

As part of WRCOG's employment screening process, all applicants to whom an officer of employment with WRCOG is made must undergo and pass urine-controlled substance testing and breath alcohol testing. The offer of employment is conditioned on a negative test result. A negative test result will disqualify the applicant from further consideration for employment. Additionally, if an applicant refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result. Pre-employment testing requirements will be conducted in compliance with current law. Applicants will be informed of WRCOG's drug testing Policy in the employment application.

### **Post-Accident Testing**

All employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident that results in a fatality. This includes all employees directly involved in the accident and any other employee whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility, or where one or more vehicles incurs disabling damage that requires towing from the site, or where the employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of an accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and is subject to termination.

Please note: drug and alcohol testing will not be conducted if the testing is retaliatory pursuant to the federal Occupational Safety and Health Administration's applicable rules.

If an employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

### **Procedures for Drug Testing**

WRCOG will refer the applicant or employee to an independent, National Institute on Drug Abuse (NIDA)-certified medical clinic or laboratory, which will administer the test. WRCOG will pay the cost of the test and reasonable transportation costs to the testing facility. The applicant / employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. All drug testing will be performed by urinalysis. Initial screening will be done by EMIT II. Positive results will be confirmed by gas chromatography / mass spectrometry. Positive results are further reviewed by a Medical Review Officer (MRO) to analyze specimen results.

The clinic or laboratory will inform WRCOG as to whether the applicant / employee passed or failed the drug test. If an employee fails the test, he or she will be considered to be in violation of this Policy and will be subject to discipline accordingly.

### **Acknowledgment and Consent**

Any employee / applicant subject to testing under this Policy will be asked to sign a form acknowledging the procedures governing testing and consenting to (1) the collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to WRCOG of medical information regarding the test results. Refusal to sign the agreement and consent form, or to submit to the drug test, will result in the revocation of an applicant's job offer, or will subject an employee to discipline up to and including termination.

### **Contact Individual**

Any questions regarding this Policy should be directed to the Executive Director.

## **F. Civility Code**

### **Purpose**

The objective of WRCOG is to promote a productive work environment for all employees and have a work force that is free from disruptive behavior.

The following outlines the manner in which employees are to treat their co-workers and members of the public. Violations of this Policy may result in employee discharge or disciplinary action.

- When interacting with others – whether in person, on the telephone or other electronic device, or in written correspondence – all employees and volunteers shall conduct themselves in a courteous, professional, and business-like manner at all times.
- Employees shall use courteous and business-like language when addressing others.
- Employees shall refrain from the use of profanity, unprofessional language, slang, nicknames (even if intended with affection), sarcasm, abrasive tones, or unnecessary volume.
- Employees shall refrain from physical postures or gestures intended to convey acrimony or displeasure, including but not limited to eye rolls, raised hands, and arm crossing.
- Employees providing services to the public shall not keep those awaiting services waiting unnecessarily. Where possible, employees should respond immediately to those requesting service. In no instance should an employee make a member of the public wait for the employee to finish personal business. Where a wait is unavoidable, the employee shall greet the person, and verbally inform him or her of the approximate wait time.
- Employees providing services to the public shall generally not engage in personal or private business in view of the public.

- Employees should not groom, drink (except from a discrete cup), eat, engage in personal reading (e.g., newspapers, computer, smartphone, tablet, etc.), listen to an electronic device for personal reasons (e.g., radio, headphones, Bluetooth ear piece, etc.) in view of the public.
- Employees are prohibited from using profane or offensive language or similarly discourteous treatment to others, whether or not the person at whom the language or conduct is directed objects. The use of profane or offensive language or similarly discourteous treatment shall be reported immediately to the supervisor of the offending party.
- Conduct intended to belittle or ostracize co-workers is unacceptable on WRCOG premises or in the public. During work hours and in work locations visible to the public, employees shall not engage in angry or sarcastic banter, whisper campaigns, or other conduct that could be perceived as an attempt to belittle or ostracize co-workers.

## **G. Punctuality and Attendance**

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized WRCOG business. Late arrival, early departure, or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided when possible. Employees should schedule personal appointments outside their working hours whenever possible.

If an employee is unable to report for work on any day, they must contact their immediate supervisor, or if their immediate supervisor is unavailable, must contact any other manager or supervisor in the office, within one hour of the time they are scheduled to begin working for that day. An employee who does not call or arrive at their scheduled time to begin work is to be considered tardy for that day. Employees also must inform their supervisor of the expected duration of any absence. Excessive absenteeism or tardiness (excluding appropriate use of sick leave), whether excused or not, will not be tolerated and will be reviewed and evaluated during the employee's annual performance evaluation.

If an employee fails to report for work without any notification to a supervisor and his or her absence continues for a period of three scheduled workdays, WRCOG will consider that employee to have abandoned his or her employment. The permitted use of sick leave will not be considered in determining whether an employee abandoned his employment.

All employees are required to keep daily attendance records (time sheets) which are to be signed and submitted to the employee's supervisor on a bi-weekly basis. WRCOG will maintain records of employee attendance and retain the employee's signed and approved time sheets.

## **H. Dress Code and Other Personal Standards**

### **In General**

Employees are expected to wear clothing appropriate for the professional nature of WRCOG's services and the individual type of work performed. Clothing should be neat, clean, and tasteful. The Executive Director may issue more specific guidelines.

### **Casual Day**

WRCOG observes a casual dress day on the last day of the work week, (currently Friday). Employees having WRCOG-related or other public meetings and/or agency member contact may not be permitted to participate in the casual dress day.

Employees participating in a casual dress day are expected to report to work properly groomed. Unacceptable business casual dress includes or tank or halter tops, clothing with a bare midriff, or shorts. The Executive Director may issue more specific guidelines concerning any exceptions to this Policy.

## **I. Confidentiality**

Each employee is responsible for safeguarding the confidential information obtained during employment. In the course of work, employees may have access to sensitive political or confidential information regarding WRCOG, member agencies, agency employees and representatives, or fellow employees. Employees are precluded from revealing or divulging any such information unless it is necessary to do so in the performance of your duties. Access to confidential information is on a "need-to-know" basis and must be authorized by the direct supervisor. Any breach of this Policy will not be tolerated, and disciplinary and legal action may be taken by WRCOG.

## **J. Business Conduct and Ethics**

Employees are encouraged to not accept gifts or gratuities (excluding occasional business meals) from any member government, agency employee, member representative, or other person or vendor conducting business with WRCOG. Employees must receive approval for the payment by others for expenses for business meals or trips from WRCOG administrative management in advance. Such gifts and gratuities must be monitored and, when required, reported as required by (Form 700, etc.).

## **K. News Media Contacts**

Employees may be approached for interviews or comments by the news media. Only contact people designated by the Executive Director may comment to news reporters on WRCOG policy or events relevant to WRCOG.

## **VII. OPERATIONAL CONSIDERATIONS**

### **A. Computer and Electronic Systems and Devices Policy**

#### **Purpose**

The purpose of computer and other electronic systems and devices, including, but not limited to, electronic and voice mail systems, cell phones, text messaging, and internet connections are to provide an efficient and effective means of internal and external communications and information gathering related to WRCOG's business operations. This general Policy addresses access to and the disclosure of information from such electronic systems and devices.

WRCOG computer, electronic and voice mail systems, cell phones, text messaging, internet connection and other electronic communication systems and devices are a business tool. These systems must be used in a professional manner for legitimate business purposes only and, at all times, remain the property of WRCOG.

#### **Access and Disclosure**

Because all electronic systems and devices remain the property of WRCOG and are for official WRCOG use only, records, files, transmissions, messages, passwords, and other products or contents of these systems and devices are not confidential; therefore, employees can have no expectation of privacy in any documents or other materials they write, receive, store, or send in the use of these systems or devices.

Passwords and login credentials do not confer any right of privacy upon any employee of WRCOG. Thus, even though employees may maintain passwords or be provided with login credentials for accessing electronic systems and devices, employees must not expect that any information maintained on electronic systems and devices, including electronic mail and voicemail messages, are private. Employees are expected to maintain their passwords and login credentials as confidential. Employees must not share passwords, or forward login credentials unless authorized by the Executive Director and must not access coworkers' systems without express authorization.

WRCOG administrative management reserves the right to access and disclose all products and contents of these systems and devices for any purpose, at any time, and without notice. WRCOG reserves the right to monitor use of these systems and devices to prevent abuse, enforce other policies, for purposes of legal proceedings, to access information, or for any other business purpose. Access may be necessary at the very least because of situations indicating impropriety, violation of WRCOG policy, legal requirements, suspected criminal activities, breach of system security, or to locate substantive information or monitor employee performance and conduct, among other things.

The contents of these systems and devices may be disclosed within or outside of WRCOG without employee permission.

WRCOG has unlimited access to protect the security of these systems and devices or WRCOG's property rights.

### **Personal Use**

Incidental and occasional personal use of the electronic systems and devices covered by this Policy is permitted within WRCOG, but such use will be treated no differently from official use. There is no expectation of privacy with respect to such personal use, as such use is subject to the same access and review rights of any other use of these systems and devices.

## **B. Use of Electronic Media**

WRCOG uses various forms of electronic communication including, but not limited to, computers, e-mail, telephones, and Internet. All electronic communications, including all software, databases, hardware, and digital files, remain the sole property of WRCOG and are to be used only for WRCOG business and not for any personal use, except as noted above. The following restrictions and provisions should be observed in the use of electronic media:

- Employees are prohibited from using electronic communication and media in any manner that is discriminatory, harassing, or obscene, or constitutes defamation, copyright or trademark infringement, misappropriation of agency secrets, or for any other purpose that is illegal, against WRCOG administrative management policy, or not in the best interest of WRCOG.
- Employees who violate this Policy will be subject to discipline and/or immediate termination.
- Employees are prohibited from installing personal software on WRCOG computer systems, unless approved in writing by the IT Administrator and the employee's immediate supervisor.
- All electronic information created by any employee using any means of electronic communication is the property of WRCOG and remains the property of WRCOG. Personal passwords may be used for purposes of security, but the use of a personal password does not affect WRCOG's ownership of and unfettered access to the electronic information.
- WRCOG will override all personal passwords if necessary for any reason.
- WRCOG reserves the right to access and review electronic files, messages, mail, and other digital archives, and to monitor the use of electronic communications as necessary to ensure that no misuse or violation of WRCOG policy or any law occurs.
- Employees are prohibited from accessing the electronic communications of other employees or third parties unless directed to do so by WRCOG management.
- Employees are prohibited from installing or using anonymous e-mail transmission programs or encryption of e-mail communications.

- Employees who use devices on which information may be received and/or stored, including but not limited to, cell phones, cordless phones, portable computers, fax machines, and voice mail communications are required to use these methods in strict compliance with this Policy and any other confidential communication policy established by WRCOG.
- Access to the Internet, websites, and other types of WRCOG-paid computer access are to be used for WRCOG-related business only, except as noted above. The Executive Director, at his or her sole discretion, may provide for any exceptions to this Policy.
- Information about WRCOG, its member agencies or services, or other types of information that will appear in the electronic media about WRCOG must be approved by the Executive Director before the information is placed on an electronic information resource that is accessible to others.
- Questions about access to electronic communications or issues relating to security should be addressed to the Executive Director.

### **C. Employee Guidelines for the Use of E-Mail**

The following are general guidelines for reference when using e-mail:

- WRCOG's electronic mail system is for official WRCOG business and is not to be used for unrelated purposes, including, but not limited to, the following:
  - a. To send "chain" or similar type "letters."
  - b. To send documents in violation of copyright laws.
  - c. To knowingly open mail not directed to you.
  - d. Use for personal or social purposes other than occasional, incidental use.
  - e. To send messages in violation of WRCOG security policies.
- Avoid "carbon copying" individuals who have **NO** direct involvement or "need to know." Likewise, "e-mail all" should only be used on very rare occasions when every person on the system has a direct need to know. E-mail communications should only be disclosed to authorized employees.
- Avoid "forwarding" e-mail to a third party unless necessary (see "carbon copying"). When forwarding, explain the reason for the forwarding action and edit out any potentially inappropriate contents. If in doubt about the appropriateness of forwarding a given piece of mail, check with the originator for guidance.
- When sending an e-mail requiring "action," be sure to indicate which "TO" addressee(s) is/are to take the action.
- Do not say anything in an e-mail message that could prove embarrassing or compromising to you or others. Despite what you think, e-mail is not a "private" system (see WRCOG policy regarding access and disclosure).
- Avoid potentially contentious exchanges through e-mail.
- Remember that you are solely responsible for the management of your mailbox and its associated folders. E-mail documents will remain in a folder until you "delete " or "trash" them. Even then they still exist in your "wastebasket." E-mail that you wish to maintain for longer periods should be moved to and stored in specified folders and/or converted to hard copy.

- Use common sense in determining when to use e mail, in what is said, and to whom.
- Language which is insulting, offensive, disrespectful, demeaning, or sexually suggestive will not be tolerated. Harassment and/or discrimination of any form, sexual or ethnic slurs, and obscenities, or any representation of obscenities, or to send anonymous communications is strictly prohibited. Sending a carbon copy of these types of offensive e-mail messages to a separate party will not be tolerated. Failure to comply will result in disciplinary action up to and including termination.

It is important to understand that electronic communications are the property of WRCOG, are subject to complete access and review by WRCOG officials, may be subpoenaed by a court of law, and are not subject to a right of privacy.

Please note that nothing in this section infringes on your right to complain of harassment, discrimination, or retaliation, as outlined within this Manual.

#### **D. Prohibited Use of Mobile Phone or Messaging Devices While Driving**

In the interest of the safety of our employees and other drivers, WRCOG employees are prohibited from using cell phones, unless using a hands-free device, and text message and e-mail devices while driving on WRCOG business and/or WRCOG time.

Employees whose job requires that they keep their cell phone turned on while driving must use a hands-free device, or, if no hands-free device is available, safely pull off the road before conducting WRCOG business. Under no circumstances should employees initiate or answer phone calls while operating a motor vehicle while driving on WRCOG business and/or WRCOG time unless the employee is utilizing a hands-free device.

#### **E. Mobile Telephone Policy**

It is the Policy of WRCOG to provide certain employees with mobile telephones for purposes of performing essential company business. For purpose of satisfying the requirements of IRS Notice 2011-72, which establishes criteria for the exclusion from income of the costs and value associated with an employee's use of employer-owned mobile phones as a working condition fringe benefit (as defined under Internal Revenue Code §132(d)), WRCOG hereby establishes the following policy for the usage of WRCOG-owned mobile telephones.

##### **Acquisition and Assignment of Mobile Telephones**

The purchase and assignment of mobile phones by WRCOG for an employee shall be limited to those employees who have a business need. Such need shall be determined by the nature of the employee's job duties and whether the employee is required to be accessible by telephone regardless of the time of day, day of week



or geographical location. The purchase of mobile telephones shall be subject to approval by Executive Director and will be processed by the Chief Financial Officer (CFO).

### **Responsibility**

The CFO shall oversee the use of all WRCOG mobile telephones. The CFO shall assign each mobile telephone to one specific employee and shall monitor the use and return of the mobile telephones. The CFO shall also ensure that all employees assigned a WRCOG mobile telephone have read and signed an agreement which acknowledges that they have read and understand this Policy prior to issuance.

### **Use of Company-Owned Mobile Phones**

- a. **Business Purposes**: WRCOG will provide eligible employees with a mobile phone, subject to the terms and conditions stated herein. Only the employee shall be permitted to use the mobile telephone assigned to him or her. Employees may use WRCOG-owned mobile telephone to occasionally make and receive personal telephone calls; however, the employee's usage of the mobile telephone will be primarily for business purposes.
- b. **Compliance with WRCOG Rules**: Employees are prohibited from using their WRCOG-issued mobile phone in any manner that constitutes a violation of this handbook, including but not limited to, the policies against harassment, discrimination and retaliation.
- c. **No Privacy**: Employees have no right of privacy in their mobile phones. Please refer to the Computer and Electronic Systems and Devices Policy herein for additional information. Cellular transmissions are not secure, and employees shall exercise discretion in relaying confidential information. WRCOG reserves the right to monitor the use of all WRCOG mobile telephones.
- d. **Theft; Vandalism**: Reasonable precautions should be made to prevent theft and vandalism of any WRCOG mobile telephone. In the event that a mobile telephone is lost, stolen, or vandalized due to an employee's failure to use reasonable precautions, WRCOG may require the responsible employee to reimburse WRCOG for the replacement cost of the equipment. Employees should immediately report theft, vandalism, or loss of a WRCOG-issued mobile phone to the CFO.
- e. **Safety**: Employees shall limit the use of mobile telephones while operating an automobile and any such use shall comply with applicable laws and this Manual.
- f. **Responsibility for Payment; Service Plan**: All mobile phones issued by WRCOG and the corresponding number assigned to each mobile phone shall be covered under WRCOG's service plan. WRCOG shall have the right to enter into a contract with one or more service providers for the purposes of obtaining mobile phone coverage that is appropriate for business purposes. WRCOG has the right to replace or alter the terms of its contracts at any time. WRCOG shall be responsible for payment of the charges attributable to the phones and for costs related to the purpose or replacement of a phone, if any.
- g. **Excessive Personal Use**: WRCOG shall routinely review the monthly

statements for an employee's WRCOG-issued mobile phone for purposes of identifying excessive personal use. The responsibility for additional charges and fees not included in the basic service agreement (e.g., roaming charges, overage charges, ring tone, etc.) shall be determined by WRCOG on a case-by-case basis if such charges are excessive and not attributable to a legitimate business purpose.

### **Cessation of Employee Usage**

Change in Status: WRCOG may terminate an employee's use of a WRCOG mobile telephone and demand the return of the mobile telephone at any time for any reason upon written or oral notice to the employee. In addition, an employee will be required to immediately return the WRCOG mobile telephone upon the occurrence of any of the following events:

- a. A change of job status or duties with WRCOG wherein the new position does not necessitate the use of a WRCOG mobile telephone.
- b. Termination of employment or retirement from WRCOG.
- c. The total destruction of the WRCOG mobile telephone.

Return of Company property: Following notification by WRCOG of the termination of the employee's use of a mobile telephone, the employee must return the mobile telephone to the CFO in the same condition in which it was delivered, excepting only ordinary wear and tear, immediately.

Failure to Comply with Policy: If an employee fails to comply with the responsibilities and obligations under this Policy, WRCOG will have the right to take possession of the phone and terminate the phone number assigned to the employee without prior notice to the employee.

### **Amendment; Termination of Policy**

WRCOG reserves the right to amend this Mobile Telephone Policy at any time if deemed necessary or appropriate to conform to federal or state tax requirements. WRCOG may discontinue or terminate this Policy at any time.

## **F. Non-Work-Related (Off-duty) Use of Facilities**

Employees are prohibited from remaining on WRCOG premises or making use of WRCOG facilities while not engaged in performance of their assigned duties. Employees are expressly prohibited from using WRCOG facilities, WRCOG property, or WRCOG equipment for personal use, except as noted herein.

## **G. Security**

WRCOG has developed guidelines to help maintain a secure workplace. Employees should be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits, and service areas. Employees should report any suspicious persons or activities to WRCOG management and building

security. Employees are responsible for securing their desk or the office at the end of the day. When employees are called away from their work area for an extended length of time, they are not to leave valuable and/or personal articles in or around their workstation that may be accessible. The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. Employees should immediately notify their supervisor when unknown persons are acting in a suspicious manner in or around the offices controlled by WRCOG, or when keys, security passes, or identification badges are missing.

## **H. Workplace Violence**

WRCOG recognizes that workplace violence is a concern among employers and employees across the country. WRCOG is committed to providing a safe, violence-free workplace. In this regard, WRCOG strictly prohibits employees, consultants, customers, visitors, or anyone else on WRCOG premises or engaging in a WRCOG-related activity from behaving in a violent or threatening manner. Moreover, WRCOG seeks to prevent workplace violence before it begins and reserves the right to address certain behaviors, even in the absence of violent behavior.

Workplace violence includes, but is not limited to, the following:

1. Threats of any kind.
2. Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others.
3. Other behavior that suggests a propensity towards violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of WRCOG property, or a demonstrated pattern of refusal to follow WRCOG policies and procedures.
4. Defacing WRCOG property or causing physical damage to the facilities.
5. With the exception of security personnel, bringing weapons or firearms of any kind on WRCOG premises, in WRCOG parking lots, or while conducting WRCOG business.

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, customer, consultant, visitor, or anyone else, he or she must notify management or the Executive Director immediately.

Further, employees must notify the Executive Director if any restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, WRCOG will inform the reporting individual of the results of the investigation. To the extent possible, WRCOG will maintain the confidentiality of the reporting employee and of the

investigation. WRCOG may, however, need to disclose results in appropriate circumstances, for example, in order to protect individual safety. WRCOG will not tolerate retaliation against any employee who reports workplace violence.

If WRCOG determines that workplace violence in violation of this Policy has occurred, WRCOG will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or oral warnings, reassignment of responsibilities, suspension with or without pay, demotion or termination. If the violent behavior is that of a non-employee, WRCOG will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

## **I. Health and Safety**

All employees are responsible for their own safety, as well as that of others in the workplace. In order to maintain a safe workplace, every employee must be safety-conscious at all times. All work-related injuries or illnesses must be immediately reported to a supervisor or to the Human Resources office. In compliance with California law, and to promote the concept of a safe workplace, WRCOG maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees in the Human Resources office.

In compliance with Proposition 65, WRCOG will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

## **J. Smoking**

Smoking is not permitted in any enclosed area of the office facility or outdoor areas, except where designated by signage. This prohibition on smoking includes the use of e-cigarettes, cigars, and pipes.

## **K. Housekeeping**

All employees are expected to keep their work areas clean and organized. Common areas such as lunchrooms and restrooms are expected to be kept sanitary. Employees are responsible for cleaning up after meals and proper disposal of trash.

## **L. Parking**

Employees may park their vehicles in permissible areas in the vicinity of WRCOG offices. WRCOG is not responsible for any loss or damage to employee vehicles or contents while parked in public / employee lots or structures, whether publicly or privately owned.

## **M. Solicitation and Distribution of Literature**

In order to ensure efficient operation of WRCOG's business activities and to prevent disruption to employees, solicitations and distribution of literature on

WRCOG-occupied property is prohibited. The following rules are to be strictly observed by all employees.

- Employees are prohibited from engaging in solicitation while on Paid Working Status. For the purposes of this Policy, Paid Working Status means any time the employee is on the clock with the exception of meal and rest breaks.
- Employees engaging in solicitation while not on Paid Working Status are prohibited from engaging in solicitation in a manner that is disruptive to other employees who are on Paid Working Status and/or to the WRCOG's customers.
- Employees may distribute or circulate non-WRCOG written materials only while not on Paid Working Status and only in non-work areas. Non-work areas are defined as anywhere off WRCOG property, with the exception of the break room. If an employee is not certain whether an area is a work or non-work area, he or she should consult his or her immediate supervisor for clarification.
- Solicitation or distribution in any way connected with the sale of any goods or services for profit is strictly prohibited anywhere on WRCOG property at any time. Similarly, solicitation or distribution of literature for any purpose by non-employees is strictly prohibited on WRCOG property at any time.
- WRCOG has bulletin boards located throughout the facility for the purpose of communicating with employees. Postings on these boards are limited to items posted by WRCOG, including statutory and legal notices, safety and disciplinary rules, WRCOG policies, memos of general interest relating to WRCOG, local operating rules, and other WRCOG items. All postings require prior approval of the Executive Director or designee. No postings will be permitted for any other purpose.
- Any employee who does not understand the application of these rules should consult with the Executive Director or designee.

## **N. Vehicle Operation Policy**

No employee is to operate or drive any motor vehicle on behalf of WRCOG unless the employee is licensed for the class of vehicle to be driven, possesses a valid California Driver's License, and maintains adequate insurance. WRCOG retains the right to suspend or terminate an employee whose license is revoked, or who fails to maintain personal automobile insurance coverage, or who is uninsurable under a WRCOG policy when operation of a motor vehicle is an essential function of the employee's position.

## **O. Expense Reimbursement**

WRCOG administrative management will reimburse employees of WRCOG for eligible travel, lodging, meals and other reasonable expenses directly related to the conduct of WRCOG business.

Employees are required to complete an expense reimbursement form in order to obtain reimbursement for expenses. The expense reimbursement form, with

supporting receipts and documentation attached, is to be submitted to the employees' supervisor for approval. WRCOG will reimburse approved employee travel expenses by check. All expense claims must be submitted no later than the earlier of the close of the grant cycle or the end of the fiscal year for reimbursement. Exceptions to the rule can only be approved by the Executive Director. Failure to comply with this Policy will result in discipline, up to and including termination of employment.

## **VIII. TIME-OFF OF WORK AND LEAVES OF ABSENCES**

### **A. Holidays**

All full-time and part-time employees of WRCOG are eligible for paid holidays. Full-time employees will receive eight hours holiday pay at their normal base rate. Part-time employees accrue holiday pay on a pro-rata basis.

The following are approved paid holidays for WRCOG (the day of observance may be changed at the discretion of WRCOG management):

- New Year's Day
- Dr. Martin Luther King Jr.'s Birthday
- Washington's Birthday
- Memorial Day
- June 19 - Juneteenth
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday following Thanksgiving
- Christmas Eve
- Christmas Day
- New Year's Eve

Holidays falling on Saturdays will normally be observed on the preceding Friday. Holidays falling on Sundays will normally be observed on the following Monday. Holidays that occur during an eligible employee's vacation will not be counted as vacation days taken.

To be eligible for holiday pay, employees must work the business day before and after the holiday, unless the employee is absent from work due to use of accrued but unused vacation time or California paid sick leave. All employees are ineligible for holiday benefits while they are on a leave of absence.

### **B. Vacation**

WRCOG employees are entitled to paid annual vacation based on length of credited service with WRCOG. Such vacation allowance is to be available for use on the first day following the pay period in which it is earned provided an employee has completed six months of continuous service from the employee's anniversary date as follows:

- For full-time employees:
  - Date of hiring through three years of service (0 through 6,240 hours), the employee will accrue vacation at a rate of 80 hours (10 days) per year. No vacation may be taken during the first six months of employment.

- Years four through nine of service (8,320 through 18,720 hours) the employee will accrue vacation at a rate of approximately 4.6 hours per pay period, for a total of 120 hours (15 days) per year.
- Years 10 through 14 (20,800 hours through 29,120) the employee will accrue vacation at a rate of approximately 6.2 hours per pay period, for a total of hours per year (20 days).
- Years 15 or more (31,200 hours or more) the employee will accrue vacation at a rate of approximately 7.7 hours per pay period, for a total of 200 hours per year (25 days).
- Part-time employees of WRCOG will receive vacation leave accumulation on a pro-rata basis. Part-time employees of WRCOG who accept full-time employment with WRCOG without a break in service will receive service credit on a pro-rata basis.
- Temporary and seasonal employees of WRCOG are not eligible for vacation leave benefits.

Accrued vacation may not exceed two times an employee's current annual entitlement (i.e., 50 days for an employee with more than fifteen years of service). Once this maximum is reached, all further accruals will cease. Vacation accruals will recommence after the employee has taken vacation and his or her accrued hours have dropped below the maximum.

An employee is not permitted to borrow on future accrual of vacation benefits, except with the approval of the Executive Director. Employees who use any vacation days before they have been accrued and then leave the employ of WRCOG must repay any overdrawn amount to WRCOG at the time of termination. Earned vacation leave may be taken in multiples of one-half hour with the approval of the employee's immediate supervisor and at such time as will not impair the work schedule and efficiency of the work unit. Should employee vacation requests conflict with staffing requirements, supervisors are to arrange a mutually acceptable vacation schedule based on length of employee service.

Accrued, unused vacation will be paid upon termination of employment.

Employees will receive an annual notice of their accrued vacation leave time, on or about July 30th of each year.

### **C. Annual Leave**

WRCOG Directors shall not accrue vacation or sick time. They will instead earn Annual Leave according to each payroll accrual rates based on years of service.

Accrual Rates:

<u>MONTHS OF SERVICE</u>	<u>BI-WEEKLY ACCRUAL</u>
<u>(0 TO &lt; 36 MONTHS)</u>	<u>10.10</u>
<u>(36 TO &lt;108 MONTHS)</u>	<u>12.50</u>
<u>(108 OR MORE MONTHS)</u>	<u>14.00</u>



Effective July 14, 2021, 50% of Directors sick leave balances will be converted to Annual leave. The remaining sick hours may be used until the sick leave is exhausted, or upon retirement, disability retirement, or death of the employee, it may be credited to the employee's balance in the Public Retirement System.

#### D. Vacation Leave Cash-Out Policy

Although WRCOG encourages employees to take time off away from work in order to have a more balanced lifestyle, WRCOG offers a vacation leave cash-out option for eligible employees. This program is intended to provide more flexibility in utilizing your vacation leave benefits, without triggering a taxable event for those employees who may elect to cash out accrued vacation leave but choose not to.

- An election period will be held two times per fiscal year, in December and June, during which time you will have the opportunity to make an **irrevocable** election to cash-out vacation hours.
- You must submit a **new** election for every period in which you wish to cash-out vacation hours accruing in a subsequent period. Due to IRS regulations, elections will not carry over from one period to the next. The election form will be made available to you in December and June by the Human Resources administrator.
- You may elect to cash out up to 80 vacation hours in each election.
- A minimum of 40 hours **MUST** remain in your vacation leave bank immediately after your election. The vacation hours you will accrue in the accrual period subsequent to your election that you elect to cash-out **will not be available** for your use. If your accrual rate changes (such as due to a leave or change in scheduled hours) so that there are insufficient hours accrued in the plan year to cover your election, you will receive only the balance of your elected vacation cash-out available at the time of the cash-out that is in excess of the foregoing minimums. If there are no hours available, no cash-out will occur.
- Your elected cash-out for the First Accrual Period will be paid within one week after the first payday in June of the year in which the vacation leave has accrued. Your elected cash-out for the Second Accrual Period will be paid within one week after the first payday in December of the year in which the vacation leave has accrued.
- The vacation cash-out will be a separate live check. The check will be available in payroll for pickup after 12:00 p.m. on the day the check is due, unless you direct the check to be direct deposited. If the check is not picked-up in payroll by 3:00 p.m. and you have not directed it be direct deposited, it will be mailed to your home.
- If you are a part-time employee, the number of hours you can elect to cash-out is not pro-rated. However, the actual amount you can cash-out is limited by your expected annual accrual. A minimum of 40 hours **MUST** remain in your vacation leave bank immediately after your election.
- The Executive Director, at his or her discretion, may lift the above restrictions

based on the occurrence of an unforeseeable financial emergency in accordance with IRS regulations.

## **E. California Paid Sick Leave**

All eligible employees are entitled to Paid Sick Leave pursuant to California law and WRCOG policy. To be eligible for Paid Sick Leave, employees must work in California for 30 or more days within a year of their hire date. Employees accrue Paid Sick Leave on the first day of employment but do not become eligible to use accrued Paid Sick Leave until the 90th day of employment.

### **Basic Leave Entitlement**

Paid Sick Leave may be taken for below prescribed purposes:

1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member; or
2. To attend legal proceedings, or to obtain medical treatment, counseling or other victims' services for domestic violence, sexual assault, or stalking.

A "family member" for these purposes is defined as a child regardless of age (a biological, adopted, or foster child, stepchild, legal ward, child of a registered domestic partner, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling.

### **Accrual**

WRCOG's full-time employees accrue Paid Sick Leave at a rate of four hours sick leave for each payroll period completed (there are 80 hours in a standard payroll period). Accrued but unused Paid Sick Leave carries over into the following year, except that there is a cap on the maximum amount of accrued Paid Sick Leave allowed. For full-time employees employed by WRCOG prior to November 7, 2016, their total accrued amount of Paid Sick Leave cannot exceed 1,000 hours or 125 days, whichever is greater, at any given time. For full-time employees employed by WRCOG on or after November 7, 2016, their total accrued amount of Paid Sick Leave cannot exceed 240 hours or 30 days, whichever is greater, at any given time. Full-time employees who reach their designated caps will cease to accrue further Paid Sick Leave hours until Paid Sick Leave is used, and the accrued Paid Sick Leave balance falls below the cap, at which point the employee will begin to accrue additional Paid Sick Leave (up to the designated cap).

All non-full-time employees accrue Paid Sick Leave at a rate of one hour for every 30 hours worked. Non-full-time employees may only use a maximum of three days or 24 hours, whichever is greater, of Paid Sick Leave per year. Accrued but unused Paid Sick Leave carries over into the following year, except that there is a cap on

the maximum amount of accrued Paid Sick Leave allowed. A non-full-time employee's total accrued amount of Paid Sick Leave cannot exceed 48 hours or six days, whichever is greater, at any given time. Employees who reach this cap will cease to accrue further Paid Sick Leave hours until Paid Sick Leave is used, and the accrued Paid Sick Leave balance falls below the cap, at which point the employee will begin to accrue additional Paid Sick Leave (up to the designated cap).

### **Separation of Employment**

Employees who voluntarily separate from employment with WRCOG and who have a continuous five years of service (10,400 hours of service) shall receive payment for 50% of any accrued sick leave. Employees who voluntarily separate from employment and have less than five years of continuous service, as well as employees who are involuntarily terminated, are not entitled to receive payment upon separation for accrued sick leave. Unused paid sick days which were not cashed out at separation pursuant to this Policy must be reinstated if an employee separates from employment and then is rehired within one year.

### **Increments**

Employees may use Paid Sick Leave in 30-minute increments.

### **Notice**

To the extent possible, employees must provide reasonable advance notice of their need for Paid Sick Leave under this Policy. If the need for leave is not foreseeable, an employee must provide notice as soon as practicable.

### **Benefits Continuation**

Paid Sick Leave under this Policy will not constitute a break in the employee's continuous service for the purpose of WRCOG benefits and seniority.

### **Relationship with Other Leave Policies**

If a law or regulation provides for greater accrual or use of sick days, the law, regulation, or policy with the greater protection may apply. For questions regarding the interplay between your entitlement to leave under other laws or regulations and your entitlement to leave under the Paid Sick Leave Law, please contact Human Resources.

### **Job Restoration**

Upon expiration of Paid Sick Leave, an employee will generally be reinstated to his or her position with equivalent seniority, benefits, pay, and other terms and conditions of employment.

### **Retaliation and Discrimination Prohibited**

WRCOG strictly prohibits any form of retaliation, harassment, or discrimination against an employee for attempting to use or using Paid Sick Leave under this Policy, and for any other reason prohibited by applicable law. Employees who believe they have been discriminated, harassed, or retaliated against should report their concerns to Human Resources immediately.

### **Paid Sick Leave during Vacation Leave**

Employees who become ill or otherwise need to use Paid Sick Leave while on approved vacation leave may request to have vacation time converted to Paid Sick Leave, provided the employee has accrued Paid Sick Leave available for use.

## **F. Family and Medical Leave under the FMLA and CFRA**

WRCOG complies with the Federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), which requires covered employers to grant unpaid leaves of absence to eligible workers for certain family care and medical reasons. Under circumstances where FMLA and CFRA apply to the employee, WRCOG will apply each leave concurrently. The more generous provisions of the two laws will apply to the employee if the employee is eligible under both FMLA and CFRA.

### **Eligibility**

To be eligible for leave, an employee must (1) have worked for WRCOG for at least 12 months prior to the date on which the leave is to commence; and (2) have worked at least 1,250 hours in the 12 months preceding the leave.

### **Permissible Uses**

FMLA and/or CFRA leave may be requested for the following reasons:

1. The birth of an employee's newborn child or the placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, registered domestic partner, child, parent, grandparent, grandchild, or sibling who has a serious health condition;
3. The employee's own serious health condition that renders the employee unable to perform the functions of the job; or
4. A qualifying exigency that arises because the employee's spouse, domestic partner, child or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty).

Under this policy, "child" means biological, adopted, or foster child, stepchild, child of domestic partner, or a person to whom the employee stands in loco parentis. Additionally, "parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child. "Parent" does not include a parent-in-law.

A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

The right to take CFRA leave is separate and distinct from the right to take a Pregnancy Disability Leave (PDL). In other words, an employee who requires a leave of absence on account of the employee’s disability due to pregnancy, childbirth, or related medical condition, may be entitled to take a PDL. A leave designated as PDL does not run concurrently with a CFRA leave, but may run concurrently with FMLA leave.

### **Military Caregiver Leave Entitlement**

In addition to the above reasons for taking leave, the FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 workweeks of unpaid leave during a single 12-month period to care for a covered service member with a serious injury or illness. This leave applies if the employee is the spouse, son, daughter, parent, or next of kin of the covered service member.

A “covered service member” is either (1) a current member of the Armed Forces (including the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list for a serious injury or illness, or (2) a veteran of the Armed Forces (including the National Guard or Reserves) discharged within five years before the family member first takes this leave, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

A “serious injury or illness” is one that may render (1) a current service member medically unfit to perform military duties, or (2) a veteran medically unfit to perform military duties or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially the veteran’s ability to work. For veterans, it also includes injuries or illnesses that were incurred or aggravated during military service but did not manifest until after the veteran left active duty.

This military caregiver leave is not provided under the CFRA.

### **Substitution of Paid Leave**

Employees are required to substitute accrued vacation time and other paid

personal leave like compensatory time off (except Paid Sick Leave) for all medical leaves. Employees are required to substitute Paid Sick Leave only for the employee's own medical leaves. Employees may elect to substitute Paid Sick Leave to for the birth, adoption or foster care of a child, or to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the employee with a serious health condition, or as otherwise permitted under the California Paid Sick Leave Policy above, upon mutual agreement by WRCOG and the employee.

### **Amount of Leave**

Provided all the conditions of this Policy are met, an employee may take a maximum of 12 weeks of family care and medical leave in a rolling 12-month period measured backwards from the date the employee's leave commences.

Under the CFRA, spouses employed by WRCOG are each entitled to take up to 12 weeks of leave for the birth of a newborn child, for the placement of a child for adoption or foster care. The leave may be taken at the same time or separately, but for each spouse, leave must be completed within 12 months from the date of birth, adoption or foster child placement.

### **Intermittent Leave**

Medical leave for the employee's own serious health condition and the serious health condition of the employee's spouse, domestic partner, parent, grandparent, child, grandchild, or sibling may be taken intermittently or on a reduced schedule when medically necessary. Where the intermittent or reduced schedule leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to disrupt unduly WRCOG's operations. Where the family care leave is to be taken in connection with the birth, adoption, or foster placement of a child, the minimum duration for each period of leave is two weeks, except that the employee may request leave of less than two weeks' duration on any two occasions.

### **Leaves Effect on Pay**

Except to the extent that other paid leave is substituted for family care and medical leave, leave under the FMLA and the CFRA is unpaid. However, employees may be entitled to receive partial wage replacement benefits through the California State Disability Insurance (SDI) when leave is taken for their own serious health condition.

Employees also may be entitled to partial wage replacement benefits through the Paid Family Leave (PFL) for up to eight weeks in any 12-month period during leaves to care for qualifying family members. PFL provides a partial wage replacement for absences from work to care for a seriously ill or injured family member, for bonding with a minor child within one year of the birth or placement of the child in connection with foster care or adoption, or to participate in a qualifying event because of a family member's military deployment. Employee

contributions provide funding for this program. PFL is administered, like SDI, by the California Employment Development Department. PFL must be taken concurrently with applicable leaves and does not entitle an employee to take any additional time off. In addition, an employee must use up to two weeks of any accrued but unused vacation and compensatory time off before the employee will be eligible to receive PFL.

SDI and PFL simply provides benefit payments. Neither are a leave of absence nor provide job protection.

### **Leaves Effect on Benefits**

During an employee's family care and medical leave, WRCOG will continue to pay for the employee's participation in WRCOG's group health plans and other benefit plans, to the same extent and under the same terms and conditions as would apply had the employee not taken leave.

Thus, the employee must continue to pay his or her share of the health plan premiums during the leave. If the employee substitutes paid leave for the unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with WRCOG for the payment of such premiums. All other benefits will be governed in accordance with the terms of each benefit plan and are the sole responsibility of the employee.

If the employee fails to pay his or her share of the premiums during leave, or if the employee fails to return from the leave at the expiration of authorized leave for a reason other than the recurrence, continuation, or onset of a serious health condition for which leave under this Policy is allowed or other circumstances beyond the employee's control, WRCOG can recover any health plan premiums paid by WRCOG on the employee's behalf during any periods of the leave.

Employees on family care and medical leave accrue employment benefits such as sick leave, vacation benefits, or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Use of FMLA / CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Application for Leave**

In all cases, an employee requesting leave must complete the "Leave of Absence Request" form and return it to their direct supervisor. The completed request form should include enough information to make WRCOG aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave, if known. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, or the need

for hospitalization or continuing treatment by a health care provider. Employees also must inform WRCOG if the requested leave is for a reason for which FMLA / CFRA leave was previously taken or certified.

### **Notice of Leave**

Employees must notify WRCOG of their request for medical leave as soon as they are aware of the need for such leave. For a foreseeable leave, the employee must provide 30 calendar days' advance notice to WRCOG of the need for leave. For events that are unforeseeable 30 days in advance, the employee must notify WRCOG as soon as is practicable and generally must comply with WRCOG's normal call-in or notice procedures. If the leave is requested in connection with a planned, non-emergency medical treatment, the employee must make an attempt to schedule such treatment so as to avoid unduly disrupting WRCOG operations and may be requested to reschedule the treatment so as to minimize disruption of WRCOG's business.

### **Medical Certification of Leave**

Any request for medical leave based on the serious health condition of the employee or the employee's spouse, domestic partner, child, parent, grandparent, grandchild, or sibling, must be supported by a "Medical Certification" completed by the applicable health care provider. The medical certification for leave for the employee's own serious health condition must include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) a statement that, due to the serious health condition, the employee is unable to perform the essential functions of his or her position; and (d) in the case of intermittent leave or reduced schedule leave where medically necessary, the probable duration of such a schedule. The medical certification for a family member (as defined above) with a serious health condition must state (a) the date on which the serious health condition or serious injury or illness commenced; (b) the probable duration of the condition or injury or illness; (c) the health care provider's estimate of the amount of time needed for family care; (d) the health care provider's assurance that the health care condition or injury or illness warrants the participation of the employee to provide family care; and (e) in the case of intermittent or reduced schedule leave where medically necessary, the probable duration of such a schedule. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after WRCOG's request for certification, unless it is not practicable under the circumstances to do so, despite the employee's good faith efforts.

The Leave of Absence form and Medical Certification must be obtained from employees' Supervisor and/or the Executive Director.

WRCOG reserves the right to require the employee to obtain a second opinion, and, at its own expense, to require a third opinion, pursuant to and in accordance with applicable state and federal law.



### **Extension of Medical Leave**

An employee who requests an extension of family or medical leave due to the continuation, recurrence or onset of his or her own serious health condition, or of the serious health condition of the employee's spouse, domestic partner, child, parent, grandparent, grandchild, or sibling, must submit a request for extension, in writing, to the employee's immediate supervisor and provide medical certification to support the need for the extended leave. This written request should be made as soon as the employee realizes that he / she will not be able to return to work at the expiration of the leave period. WRCOG will require the employee to obtain recertification (an updated medical certification) from the treating health care provider. The recertification must contain the above information as required for the initial certification.

### **Leave Designation and Notification**

WRCOG will promptly, no longer than within five days of receipt of the Leave of Absence form, inform the employee of whether the eligibility requirements have been met. Upon review of the Medical Certification, WRCOG will promptly notify the employee if the request for leave has been approved. Additionally, WRCOG will advise the employee, in writing, as to how the requested leave is being counted against the employee's FMLA and/or CFRA entitlement and of all rights in accordance with FMLA and/or CFRA.

If an employee does not expressly request FMLA and/or CFRA leave, WRCOG reserves the right to designate a qualifying absence as FMLA / CFRA leave and will give notice of the FMLA / CFRA designation to the employee. If an absence is a qualifying event under FMLA and/or CFRA, the leave will run concurrently with short-term disability, long-term disability, workers' compensation, and/or any other leave when permitted by federal and state law.

### **Return from Leave**

Where the leave is for the employee's own serious health condition, WRCOG requires employees to provide medical certification that he or she is released to return to work and able to do so. WRCOG may delay restoring the employee to employment or terminate the employee without such certificate. If an employee wishes to return to work prior to the expiration date of a family care or medical leave of absence, notification must be given to the employee's supervisor at least five days prior to the employee's planned return.

Employee's timely returning from a leave covered under this Policy are entitled to reinstatement to the same or equivalent position consistent with applicable law.

An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. WRCOG will comply with all applicable laws pertaining to reinstatement of employees, including where required, the reasonable accommodation of employees who have been on an

approved leave.

WRCOG complies with applicable medical leave laws. Under FMLA /CFRA it is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA / CFRA, or discharge or discriminate against any person for opposing any practice made unlawful by FMLA / CFRA or for involvement in any proceeding under or relating to FMLA / CFRA. If an employer has done so, an employee may file a complaint with the U.S. Department of Labor or California Department of Fair Employment and Housing ([www.dfeh.ca.gov](http://www.dfeh.ca.gov)) and may bring a private lawsuit against an employer. FMLA / CFRA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. If you have questions or would like further clarification about your rights under FMLA / CFRA or other types of leave, please contact Human Resources.

### **Failure to Return from Leave**

An employee who fails to report to work on the expected date of return from leave of absence under this policy, without obtaining approval to extend the leave or take additional time off, WRCOG will consider the employee has voluntarily resigned the employment. WRCOG will thereafter complete and process any necessary paperwork to finalize the employment separation.

## **G. Pregnancy Disability Leave**

### **Leaves of Absence and Transfers**

WRCOG recognizes that female employees may be unable to work for temporary but extended periods of time due to pregnancy, childbirth, or related medical conditions. Accordingly, for any employee who is disabled on account of pregnancy, childbirth, or related medical conditions, WRCOG provides Pregnancy Disability leave (PDL) for the period of actual disability, up to a maximum of four months pursuant to the California Fair Employment and Housing Act (FEHA). PDL may be taken intermittently, or on a reduced-hours schedule, as medically necessary.

Duration of pregnancy disability leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months (or 17 1/3 weeks) of leave per pregnancy. Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care, doctor-ordered bed rest, as well as other reasons. The employee's health care provider determines how much time is needed for the employee's disability.

### **Need for Leave/Transfer or Other Reasonable Accommodation Requests**

- Pregnant employees should notify their direct supervisor as soon as possible regarding their intent/need to take a leave of absence, to transfer, or for a

reasonable accommodation due to pregnancy, childbirth or related medical conditions. Such notice should specify the anticipated timing and duration of the leave, transfer, or reasonable accommodation.

- Where the need for a leave of absence, transfer, or reasonable accommodation is foreseeable, employees must provide such notice at least 30 days prior to the date the transfer, or reasonable accommodation is to begin. Further, employees must consult with their direct supervisor and make a reasonable effort to schedule any planned medical treatment or supervision so as to minimize any disruption to WRCOG's operations. (Actual scheduling is subject to the approval of the employee's health care provider.)
- Where 30 days' advance notice is not possible, notice must be given as soon as possible. However, WRCOG will not deny a PDL, transfer, or reasonable accommodation where the need for leave is an emergency or was otherwise unforeseeable on the basis that an employee did not provide sufficient advance notice.
- WRCOG shall respond to the leave or transfer request as soon as practicable and, in any event, no later than 10 calendar days after receiving the request. If the pregnancy leave also qualifies as FMLA leave, WRCOG will respond within five business days, unless extenuating circumstances exist. WRCOG shall attempt to respond to the leave request before the date the leave is due to begin. Once given, approval shall be deemed retroactive to the date of the first day of the leave.

### **Intermittent Leave**

PDL need not be taken in one continuous block. It may be taken on an as-needed basis, intermittently or on a reduced work schedule.

- If it is medically advisable and foreseeable that an employee will be taking intermittent leave or leave on a reduced work schedule, WRCOG may require that the employee transfer temporarily to an available alternative position.
- An "alternative position" is one that provides pay and benefits equivalent to those of the employee's regular position and better accommodates recurring periods of leave than the employee's regular job. It does not have to have equivalent duties. However, the employee must be qualified for the position.
- Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.

### **Temporary Transfers**

An employee may request a temporary transfer to a position with less strenuous or less hazardous duties when the employee's health care provider certifies that such a transfer is medically advisable.

Temporary transfers will be granted where appropriate and when WRCOG is able to reasonably accommodate the transfer, provided that the transfer would not require WRCOG to:

- Create additional employment;
- Discharge another employee;
- Violate a collective bargaining agreement;
- Transfer a more senior employee in order to make room for the pregnant employee's transfer; or
- Promote or transfer the employee or any other employee to a position for which he/she is not qualified.

### **Certifications**

An employee requesting PDL must provide medical certification from her health care provider. Failure to provide the required certification in a timely manner (within 15 days of the leave request) may result in denial of leave benefits until such certification is provided. Any such PDL medical certification from a health care provider shall provide the following information:

- The date on which the employee became disabled due to pregnancy, childbirth, or a related medical condition;
- The probable duration of the period or periods of disability; and
- An explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, her pregnancy, or to other persons.

In the case of a Pregnancy Disability transfer or reasonable accommodation, the medical certification shall provide the following information:

- The date on which the need to transfer or reasonably accommodate became medically advisable;
- The estimated duration of the reasonable accommodation or transfer;
- An explanatory statement that, due to the employee's pregnancy, the transfer or reasonable accommodation is medically advisable; and
- A description of the requested reasonable accommodation or transfer.

Re-certifications are required if PDL is sought after expiration of the time estimated by the health care provider. Failure to submit required re-certifications can result in termination of the leave.

### **Substitution of Paid Leave for Pregnancy-Disability Leave**

An employee taking PDL must substitute any accrued Paid Sick Leave for her PDL. The employee, however, has the option of substituting any accrued vacation or compensatory time off for her leave. Except to the extent that paid leave is substituted for PDL, leave will be unpaid. The substitution of paid leave for PDL

does not extend the total duration of the leave to which an employee is entitled.

### **Leaves Effect on Benefits**

During an employee's PDL, WRCOG will continue to pay for the employee's participation in WRCOG's group health plans, to the same extent and under the same terms and conditions as would apply had the employee not taken leave.

Thus, the employee must continue to pay her share of the health plan premiums during the leave. If the employee substitutes paid leave for the unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with WRCOG for the payment of such premiums.

WRCOG may recover from the employee the premium that WRCOG paid to maintain coverage for the employee under the group health plan if the employee fails to return from leave after the period of leave has expired and the employee's failure to return is for a reason other than (1) the continuation, recurrence, or onset of a health condition that entitles the employee to leave for Pregnancy-Disability, or other circumstances beyond the employee's control; (2) non-pregnancy related medical conditions that require further leave, unless the employee chooses not to return to work following the leave; or (3) any circumstances beyond the control of the employee, including, but not limited to, circumstances where the employer is responsible for the employee's failure to return (the employee is not returned to her same position or to a comparable position)

Employees on PDL, will accrue employment benefits, such as vacation time and sick time only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Employee benefits may be continued during the unpaid portion of the PDL according to the provisions of WRCOG's various employee benefit plans.

### **Return to Work Certification**

Consistent with WRCOG's practice for other employees returning from a disability leave for reasons other than pregnancy, WRCOG requires that an employee returning from matters related to PDL provide a release to return to work from her health care provider stating she can resume her original job or duties.

### **Leave's Effect on Reinstatement**

Employees returning from matters related to PDL generally are entitled to be reinstated in the same position, subject to certain conditions, and consistent with applicable law.

### **Other Terms and Conditions of Leave**

An employee's pregnancy-related disability is considered to be a serious health condition under FMLA and may run concurrently with an employee's FMLA leave. PDL will not run concurrently with CFRA leave. However, when eligible, an employee will be entitled to an additional 12-weeks of CFRA leave for the purpose of bonding with the newborn once the employee is no longer disabled due to her pregnancy.

## **H. Other Disability Leaves**

In addition to medical and pregnancy-related disability leaves described above, an employee may take a temporary disability leave of absence if necessary to accommodate a workplace injury or a disability under the ADA or FEHA. Any disability leave under this section will run concurrently with any medical leave to which the employee is entitled under the FMLA / CFRA / California New Parent Leave.

Disability leaves under this section will be unpaid.

Employees taking disability leave must comply with the above medical leave provisions regarding substitution of paid leaves, notice, and medical certification.

If a disability leave under this section extends beyond 12 weeks in a 12-month period, the employee will not be entitled to any continued employer contributions towards any employee benefit plan unless otherwise required by law. An employee, however, may elect to continue participating in such benefit plans, at the employee's own expense, to the extent permitted by such plans.

The duration of a leave under this section shall be consistent with applicable law, but in no event shall the leave extend past the date on which an employee becomes capable of performing the essential functions of his or her position, with or without reasonable accommodation. For a full explanation of leave duration and reinstatement rights, employees should contact Human Resources.

## **I. Bereavement Leave**

WRCOG grants a leave of absence to employees in the event of the death of the employee's spouse, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law, registered domestic partner, aunt, uncle, niece, nephew or first cousins. An employee with such a death in the family may take up to five scheduled work days of paid time off, with the approval of WRCOG. The Executive Director must approve the use of sick leave for other family not named in the preceding or as defined by Kin Care provisions.

## **J. Kin Care**

Employees may use up to one-half of their yearly paid sick leave accrual to attend to a family member with an illness or for the preventative care of a family member. For purposes of this policy, “family member” includes an employee’s child, parent or guardian, spouse, registered domestic partner, grandchild, grandparent, and sibling. Leave for this purpose may not be taken until it has actually accrued. Please note that employees can use the entire amount of paid sick leave accrued pursuant to the sick leave policies located in the California Paid Sick Leave section of this Handbook to care for defined family members. Please contact Human Resources if you have any questions.

## **K. Workers’ Compensation Benefits**

WRCOG carries workers' compensation insurance coverage as required by law to protect employees injured on the job. This insurance provides coverage for certain medical, surgical, and hospital treatment in addition to payment for a portion of any lost earnings that result from work-related injuries. Compensation payments generally begin on the first day of an employee's hospitalization or on the fourth day following the injury if an employee is not hospitalized. The cost of this coverage is paid completely by WRCOG. Employees may use accrued Paid Sick Leave, if such leave is available, for days in which the employee is not receiving worker’s compensation but suffers from a work-related injury.

## **L. Voluntary Time-Bank Policy**

### **Time-Bank Program**

The Time-Bank Program is a voluntary Program wherein employees of WRCOG can donate accrued but unused California Paid Sick Leave to the Time-Bank of an eligible employee to be used by the eligible employee as necessary in the event of a catastrophic illness or injury and upon the exhaustion of his or her own accrued leave. The maximum amount of time that an eligible employee can carry (employee’s sick time and donated sick time combined) is 480 hours or 12-weeks.

An employee who receives donated time based on a family catastrophic illness or injury must, while using the time, regularly check-in weekly with his / her supervisor and ensure that his / her job duties are being completed.

### **Eligible Employee**

Only employees in regular positions who anticipate exhausting their leave balances are eligible to participate in the Voluntary Time-Bank Program. Employees receiving disability payments or Workers’ Compensation may be eligible for a pro-rated Time-Bank reimbursement such that total payments do not exceed 100% of their regular pay.

### **Catastrophic Illness or Injury**

“Catastrophic illness or injury” is defined as a debilitating medical condition or severe illness or injury which is expected to incapacitate the employee for an extended period (at least 30 calendar days) and which creates a financial hardship because the employee has exhausted all accumulated paid leave. Common illnesses or injuries which are short-term and are without complications are not catastrophic events.

### **Family Catastrophic Illness or Injury**

A “family catastrophic illness or injury” is defined as a debilitating medical condition of an immediate family member where the employee, as the primary care giver, is required to take off from work for at least 30 calendar days. An immediate family member is defined as spouse, registered domestic partner, child, step-child, foster child, parent, grandparent, sibling, or any other person living in the immediate household of the employee.

### **Conditions and Procedures**

- a. Only the Agency head (which includes the Executive Director, Deputy Executive Director, or Chief Financial Officer) may establish a Time-Bank for an employee within the department who is suffering a hardship due to a catastrophic illness or injury.
- b. When the Agency head has determined that an employee would benefit from the establishment of a Time-Bank, the Agency head will contact the employee to determine if the employee desires to participate in the Time-Bank Program. If the employee desires to participate in the Time-Bank Program, the Agency head will contact the Executive Director and establish the Time-Bank. An employee must meet all the following qualifications to donate to the Catastrophic Leave Bank:
  - Regular full-time employees must be in a permanent position with WRCOG. Part-time employees are not allowed to donate.
  - Regular full-time employees must have a minimum of at least 100 hours of accrued California Paid Sick Leave hours *after* donating leave time.
- c. An eligible Regular full-time employee who wishes to donate leave credits may donate a minimum of eight hours and a maximum of 20 hours of California Paid Sick Leave.
- d. All donations to the Time-Bank shall remain confidential and are strictly voluntary.
- e. The Time-Bank will be established on behalf of an individual employee. The Time-Bank will accept transfers of leave credits from one or more employees.
- f. The use of leave credits will be calculated on a dollar-for-dollar value and will be tracked on a first in, first used basis.
- g. The Executive Director will advise the employee needing the donation that participation by the employee in the Time-Bank Program will require the employee to sign the “Employee Section” on the Request for Establishment of a Voluntary Time-Bank Form.
- h. Thereafter, the Executive Director will inform all regular and/or full-time



- employees of (1) the establishment of the Time-Bank for the eligible employee; (2) their opportunity to transfer accrued Paid Sick Leave within the above guidelines; (3) how transfers are submitted; and (4) that the Program can be terminated or modified at any time by WRCOG or the eligible employee. No personal medical information will be provided to employees from whom donations of leave are being requested.
- i. The Executive Director will establish and operate the approved Time-Bank. No donation will be processed until the effective date of the Time-Bank. The effective date for the Time-Bank is either (1) the date the employee exhausted his or her leave balance, or (2) the date the employee submitted both the completed Request for Establishment of a Voluntary Time-Bank Form and the completed Voluntary Time-Bank Physician Statement; whichever date is later.
  - j. Human Resources will ensure that only necessary credits are donated. Donor employees will be required to complete and sign a Voluntary Time-Bank Form. Donations will be processed by Human Resources and will be posted to the employee's sick leave bank on a pay period-by-pay period basis. Unprocessed donations forms will be returned to the donor.

## **M. Military Leave**

WRCOG supports the military obligations of all employees and grants leaves to employees absent from work due to service in the uniformed service in accordance with applicable federal and state laws. Affected employees shall be entitled to all rights concerning Military Service Leave that are provided for in the California Military and Veterans' Code, and established in the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

Under USERRA, "uniformed services" includes the Army, Navy, Air Force, Marine Corps, Coast Guards, Reserves, Army National Guard, Air National Guard, commissioned corps of the Public Health Service, and any other category of people designated by the president in time of war or national emergency. "Service" is defined as:

- Active duty
- Active duty for training
- Initial active duty for training
- Inactive duty training
- Full-time National Guard duty
- Absences for examinations to determine fitness for active duty
- Absences for purposes of performing funeral honors duty.

Employees taking a Military Service Leave under USERRA is entitled to take a cumulative five years of leave. There are limited exceptions to this five-year leave period. Consult Human Resources for further clarifications. In addition to the above federal protections, California provides Military Service Leave to employees who are members of the California National Guard ordered into active state service for

emergency purposes or called to active duty, or who are members of the National Guard in another state and are called into service by the other state or by the president.

Employees who serve in the military and need to take time off for uniformed services, should contact the Human Resources office for information about their rights before and after such leave.

WRCOG will grant a Military Spouse Leave to employees who work 20 hours or more per week, who are spouses of military personnel, and who provide notice that their spouse will be on leave from deployment.

Employees may use accrued vacation or other paid leave (excluding Paid Sick Leave) while taking a Military Service or Military Spouse Leave. WRCOG will pay employees on a Military Service Leave under USERRA or California law their full pay, minus tax withholdings and deductions, for up to 30 days during the leave.

Employees placed on a Military Service Leave or Military Spouse Leave, will be reinstated to their position upon return from leave. However, WRCOG is not obligated to reinstate an employee to same position if (1) WRCOG business circumstances have changed so much that re-employment is impossible or unreasonable, (2) retraining or accommodating a disabled individual would pose an undue hardship for WRCOG, or (3) the employment prior to the leave was for a brief, non-recurrent period, and there was no reasonable expectation that the employment would continue indefinitely or for a significant period of time.

## **N. Jury Duty and Witness Leave**

WRCOG will provide employees time off to serve, as required by law, on a jury or grand jury if the employee provides reasonable advance notice. WRCOG will also provide employees with time off to appear in court or other judicial proceedings as a witness to comply with a valid subpoena or other court order.

All employees will be granted an unlimited paid leave of absence.

Employees are required to provide reasonable advance notice of the need for jury and/or witness leave. Employees also are expected to report to work each day or portion of a day they are not performing jury / witness duty.

## **O. Time Off for Voting**

If an employee does not have sufficient time outside of working hours to vote in an official state-wide election during the time the polls are open, the employee may request time off to vote. If possible, employees should make their request at least two days in advance of the election. Up to two hours of paid time off will be provided, at the beginning or end of the employee's regular shift, whichever will allow the freest time for voting and the least time off of work.

## **P. School Conference Involving Suspension**

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor or the Human Resources office as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

## **Q. School Activities Leave**

WRCOG allows employees to take up to 40 hours of leave each year to participate in a child's school or childcare related activities, such as teacher conferences, to enroll or re-enroll the child(ren) in school or with a licensed child care provider. Time off for these reasons shall not exceed eight hours in any calendar month. Employees may also take time off to address a school or childcare emergency. There is no 8-hour per calendar month limit when taking leave for school or childcare emergencies.

To be eligible to take a leave of absence under this policy, the employee must be a parent, legal guardian, grandparent, stepparent, foster parent, or person standing in loco parentis to a child of the age to attend kindergarten through grade 12 or of the age to attend a licensed childcare provider.

Employees must first use available vacation time and take any remaining time off as unpaid.

## **R. External Employee Education Reimbursement**

Some employees may need to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of WRCOG or the individual employees. Attendance at such activities, whether required by WRCOG or requested by individual employees, requires the written approval of the Executive Director if reimbursement for reasonable expenses is sought. To obtain approval, any employee wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and the nature, purpose, and justification for attendance. Attendance at any such event is subject to the following policies on reimbursement and compensation:

For attendance at events required or authorized by WRCOG, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Acceptable expenses generally include registration fees, materials, meals, transportation, and parking. Reimbursement policies regarding these expenses should be discussed with the Human Resources office in advance. For more information, please see the Executive Director and the specific reimbursement policies.

If WRCOG requires an employee to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of WRCOG, and the employee is a non-exempt employee, attendance at that event will be considered hours worked and will be compensated in accordance with normal payroll practices.

This Policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions may generally lead to improved job performance. While the Executive Director generally encourages all employees to improve their knowledge, job skills, and promotional qualifications, such activities do not qualify for reimbursement or compensation under this Policy unless prior written approval is obtained as described previously.

## **S. Other Types of Leave**

WRCOG offers additional leaves of absence according to applicable state and federal law. Please see the Human Resources office for additional information.

## **IX. EMPLOYEE BENEFITS**

### **A. Health Benefits**

In the event of an increase in medical insurance premium rates, all employees may be required to contribute to the cost of increased premiums to retain coverage.

#### **During Employment**

WRCOG provides health and medical benefits to its employees under the CalPERS Health Benefits Program pursuant to the Public Employees' Medical and Health Care Act (PEMHCA). Employees are eligible to participate in and receive certain employer-paid health benefits under the Program. The level of benefit varies depending upon the date of employment with WRCOG and applicable law. For additional information, please see the applicable Plan Document. Should the terms of this Policy and the applicable Plan Document conflict, the terms of the applicable Plan Document control.

#### **During Retirement**

Employees who retire from WRCOG may be eligible to receive continued health and medical benefits during their retirement. Please see the Human Resources office for additional information.

### **B. Pension Benefits**

#### **CalPERS Plan**

All full- and part-time employees become members of CalPERS at the time of hire.

WRCOG pays only the employer contribution. Employees are responsible for the full membership contribution. The member contribution required depends on when the employee was hired. Please see the Human Resources office for more detailed information.

Applicable state and federal law govern these pension benefits, and to the extent this Policy conflicts with applicable state and federal law, applicable state and federal law control.

#### **Deferred Compensation – 457 Plan**

All full- and part-time employees are eligible to enroll in a 457 Deferred Compensation plan offered by WRCOG as of the first day of employment. This is an employee-funded plan. Maximum employee contribution is in accordance to the amount set by the federal law and as the plan allows. For additional information, please see the applicable Plan Document.

### **C. Other Benefits**

#### **Short-Term Disability Insurance**

WRCOG provides short-term disability insurance for full- and part-time employees. The premiums are fully paid by the employee. Employees are required to enroll in the Program at the time of hire and must remain in the Program while employed at WRCOG. WRCOG agrees to provide these benefits subject to carrier requirements. Selection of the insurance provider(s) and the method of computing premiums is within the sole discretion of WRCOG management.

Contributions are made through a payroll deduction. Disability insurance is payable pursuant to applicable state law when the employee cannot work because of illness or injury not caused by employment at WRCOG, or when the employee is entitled to temporary workers' compensation at a rate less than the daily disability benefit amount. Specific rules and regulations governing disability are available from the Human Resources office, and are governed by applicable state and federal law

### **Dental Insurance**

WRCOG provides dental insurance for full-time employees and their dependents. This benefit will also be provided to part-time employees on a pro-rata basis based on the hours worked. For additional information, please see the applicable Plan Document. Should the terms of this Policy and the applicable Plan Document conflict, the terms of the applicable Plan Document control.

### **Vision Insurance**

WRCOG provides vision insurance for all full-time employees. This benefit will also be provided to part-time employees on a pro-rata basis based on hours worked. For additional information, please see the applicable Plan Document. Should the terms of this Policy and the applicable Plan Document conflict, the terms of the applicable Plan Document control.

### **Cafeteria Plan**

- a. **Benefits**: WRCOG has established a cafeteria plan in accordance with Section 125 of the Internal Revenue Code in order to provide a variety of benefits to eligible employees and their covered dependents. For additional information, please see the applicable Plan Document. Should the terms of this Policy and the applicable Plan Document conflict, the terms of the applicable Plan Document control.
- b. **Health Benefit Incentive Policy**: Employees who wish to waive enrollment in a group health plan offered by CalPERS pursuant to PEMHCA and who demonstrate to the satisfaction of WRCOG their enrollment in another group health plan, shall receive cash incentive in lieu of health benefits. For additional information, please see the applicable Plan Document. Should the terms of this Policy and the applicable Plan Document conflict, the terms of the applicable Plan Document control.



## **APPENDIX**

### **DEFINITION OF TERMS**

The terms used in these Policies and Procedures have the operational meaning assigned to them below (except as may be otherwise stated in the individual policies and/or by applicable local, state or federal law):

**Applicant:** Any person submitting a formal completed application for employment with WRCOG.

**At-will employee:** At-will employees are those so designated by these Policies and Procedures or individuals that are employed by WRCOG pursuant to the terms of an individual employment contract which sets forth terms and conditions of employment. At-will employees may be terminated at any time, with or without cause, with or without advance notice, and without right of appeal or hearing.

**Authorized position:** A specific work position within WRCOG which is or may be held by an employee.

**Casual employee:** An employee of WRCOG scheduled on an irregular basis or on a regular basis for an average of 20 or fewer hours per week, not to exceed 960 hours in a calendar year. Such employees are at-will.

**Compensation:** Salary, wages, fees, benefits, allowances or other monies paid to or on behalf of an employee for personal services.

**Continuous employment:** Employment which is uninterrupted except by authorized absences.

**Days:** Calendar days, unless otherwise stated.

**Demotion:** The movement of an employee from one authorized position to another having a lower maximum base rate of pay.

**Disciplinary action:** Includes, but is not limited to, the discharge, demotion, reduction in pay, suspension, and/or oral or written reprimands of an employee.

**Electronic systems and devices:** Electronic systems and devices include, but are not limited to, electronic voice mail systems, cell phones, text messaging, computers and internet connections.

**Employment list:** A list of names of persons who may be considered for employment with WRCOG under specified conditions. Employment lists will be prepared as needed as determined by the Executive Director.

**Employee:** A person who is occupying a position in WRCOG's service or who is on an authorized leave of absence from such position.

**Executive Committee:** A committee comprised of four of the County Supervisors (with



the fifth being an alternate), the Mayor or Councilmember designee from each one of the member cities, one designated Board Member from each one of the member water districts, one designated Tribal Councilmember from the Morongo Band of Mission Indians, and the Riverside County Superintendent of Schools.

**Executive Director:** The Chief Administrative Officer of the Executive Committee, as set forth in the JPA. The powers and duties of the Executive Director are subject to the authority of the Executive Committee and include to appoint, direct and remove employees of WRCOG.

**Fiscal Year:** The fiscal year for WRCOG begins on July 1 and ends on June 30 of the next year.

**Immediate supervisor:** The most immediate person to whom an employee reports for work assignments and direction.

**Intern:** This is a paid and/or non-paid voluntary position for the purpose of on the job training.

**Job classification:** The descriptive title of a certain type of job performed by a WRCOG employee. Inherent in each classification are certain duties, responsibilities, and degrees of authority.

**Layoff:** The separation of an employee from WRCOG service which has been made necessary by lack of work or funds, reorganization, and other reasons not related to the fault, delinquency, or misconduct on the part of the employee.

**Performance evaluation:** A review and evaluation of an employee's performance and capabilities in the employee's authorized position by the employee's immediate supervisor or other manager.

**Personnel Policies and Procedures Manual:** A group of personnel policies and procedures concerning employment with WRCOG.

**Position:** A group of current duties and responsibilities assigned or delegated by competent authority and requiring the full- or part-time services of one employee.

**Promotion:** The movement of an employee from one position to another having a higher maximum salary rate with an increase in duties and responsibilities over the employee's present position.

**Reduction in pay:** A temporary or permanent decrease in salary.

**Regular employee:** A non-at-will employee hired before March 1, 2012, who has successfully completed the probationary period before March 1, 2012, and has been retained as hereafter provided in these Policies, and an at-will employee hired or reclassified from temporary or casual employee status to regular employee status on or after March 1, 2012, or an employee hired before March 1, 2012, but who completes the Probationary Period on or after March 1, 2012.

**Reinstatement:** The restoration without examination of a former employee or probationary employee to a position in which the employee formerly served as a regular non-probationary employee.

**Resignation:** Voluntary termination of employment by an employee.

**Salary range:** Categories which determine the minimum and maximum salary payable for each employment position.

**Supervisor:** A person who has responsibility for the direction of the work of a specific employee.

**Suspension:** Unpaid suspension is the temporary separation from service of an employee without pay for disciplinary purposes. Paid suspension is leave, with pay, wherein the employee is fully or partially relieved of duty, with pay and benefits, pending investigation of employee conduct or for other reasons deemed appropriate by WRCOG management.

**Temporary employee:** An employee hired for a specified purpose for a limited period of time, not to exceed 960 hours in a fiscal year. Such employees are at-will.

**Termination:** The involuntary separation of employment with WRCOG.

**Transfer:** The movement of an employee within a work unit or between work units from one position to another position having the same maximum salary, involving the performance of similar duties, and requiring substantially the same basic qualification.

**Vacancy:** An unfilled authorized position in WRCOG employment.

**Work unit:** A group of staff reporting to a single supervisor.

**WRCOG:** Western Riverside Council of Governments.

**Years of service:** A year of service with WRCOG is 12 consecutive months totaling 2,080 hours of compensated employment. Compensated employment includes wages, vacation, and sick leave utilized. Years of service expire six months after termination of employment with WRCOG.



# **WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS**

## **Purchasing and Procurement Policy; Environmentally Preferable Purchasing and Environmentally Friendly Practices**

July 14, 2021

## PURCHASING

### Purpose.

To assure purchases are accomplished in a manner providing the greatest value at the minimum cost to the public, and in an effort to protect the local environment, this Policy provides uniform procedures for acquiring materials, supplies, and equipment while being considerate of the associated environmental costs and impacts related to purchases. All purchases of materials, equipment, or supplies to be paid by the Western Riverside Council of Governments (WRCOG) must adhere to the methods, authority, and dollar limits of this Policy outlined below, except for contracts entered into prior to the effective date of this Policy.

### Scope and Intent.

The authorizations set forth in this section are controlling throughout the entirety of this document and shall be held to be controlling when not specifically referenced. This Policy is adopted in efforts to:

- A. Provide for the cost effective use of public funds while also protecting the environment.
- B. Reduce unnecessary landfill waste and pollution through ecologically sound practices.
- C. Purchase goods and services that minimize negative environmental impacts for WRCOG and the community.
- D. Prioritize the purchasing and usage of recyclable products, which includes agricultural-based materials that are unbleached, lead-free, chlorine-free, mercury free, sustainably sourced, and environmentally friendly.

### Responsibilities of the Executive Director.

The Executive Director or designee is responsible for (i) procurement of materials, supplies, and equipment; (ii) administration of this Policy; and (iii) ensuring the lowest reasonable cost that provides the maximum benefit to WRCOG, with efforts to minimize negative environmental costs.

## GENERAL PURCHASE PROVISIONS.

### Purchase Orders, Contracts, and Invoices.

- A. Purchase Order and Contract Approval. In general, purchases for WRCOG are processed once the appropriate procurement process is completed, and a vendor is selected.
- B. A Purchase Order will be generated for each procurement. Significant material, supply, and equipment purchases usually require the execution of a contract in addition to a purchase order.
- C. Prior to the payment of invoices or other demands for payment, the Executive Director or

designee shall review and approve, as appropriate, all invoices with all related documentation to ensure the proper and accurate disbursement of WRCOG funds.

- D. Under no circumstances shall any individual split orders or otherwise alter the process of purchasing materials, supplies, or equipment so as to circumvent the limits or provisions contained in this Policy.

Emergency Purchases.

In case of emergency, as reasonably determined by the Executive Director, the Executive Director may secure in the open market, at the lowest obtainable price, supplies, materials, or equipment required regardless of the amount of the expenditure.

During an emergency, the Executive Director may purchase supplies, materials, or equipment after it has been determined that the purchase constitutes an emergency purchase intended to prevent or mitigate the occurrence of one or more of the above referenced events. The Executive Director shall notify the Executive Committee Chairperson, if available, immediately after the decision to make an emergency purchase has been made.

Check Preparation.

All checks of any amount shall bear the signature of at least two of the following: the Executive Director, the Chief Financial Officer, or the Executive Committee Chairperson.

Exceptions to the Purchasing Policy Requirements; Waiver.

The provisions and limitations contained in this Policy do not apply to the payment for public utility service and accordingly the Executive Director or designee is authorized to disburse funds for these items in the appropriate amounts. The Executive Director may waive any of the requirements of this Policy other than the requirements of Section 2.3, provided such a waiver serves the best interests of WRCOG and does not violate any local, state, or federal law.

CONTRACTS FOR MATERIALS, SUPPLIES, AND EQUIPMENT

Purchases less than \$5,000.

Purchases of materials, supplies, and equipment having a total estimated value of less than \$5,000 may be made without formal or informal competitive bidding or competitive quotes. However, a reasonable effort is to be made at all times to ensure the most favorable terms for WRCOG in the procurement of all such materials, supplies, and equipment.

Purchases of \$5,000 to \$10,000.

Purchases of materials, supplies, and equipment having an estimated value of \$5,000 to \$10,000 may be made in the open market based on a minimum of three (3) verbal quotes obtained via telephone or in person, or based on competitive written quotations as described below. Purchases described in this section may be made with less than three (3) verbal quotes if reasonable efforts to obtain three (3) or more verbal quotes have failed to produce the required number of responsive quotes. In any event, a

reasonable effort is to be made at all times to insure the most favorable terms for WRCOG in the procurement of all such materials, supplies, and equipment.

Purchases over \$10,000.

Purchases of materials, supplies, and equipment having an estimated value of more than \$10,000 may be made in the open market based on a minimum of three (3) competitive written quotes.. Purchases described in this section may be made with less than three (3) competitive quotes if reasonable efforts to obtain three (3) or more written quotes have failed to produce the required number of responsive quotes. The competitive written quote process is further described as follows:

A. Notice Inviting Competitive Quotes. Requests for competitive quotes shall be solicited by written requests mailed, faxed, or e-mailed to prospective vendors. This notice inviting competitive quotes shall contain a clear and concise description of the desired materials, supplies, and equipment. The notice inviting competitive quotes shall also include a deadline for the submission of responsive quotes.

B. Record of Competitive Quotes. A written record of the responses from all vendors contacted shall be maintained with the respective purchase request. If appropriate, signed and dated telephone conversation records shall suffice for vendors that respond only by telephone.

C. Award of Competitive Quotes. Awards of purchases made under this section shall be to the lowest responsible vendor that complies with the specifications contained in the notice inviting competitive quotes. Awards made to vendors that did not provide the lowest cost shall be accompanied by written documentation explaining the reason or reasons for the award.

D. Period of Performance. Agreements shall be written for a period not to exceed three years from the date of award with no more than two options to renew or amend. Contracts shall not exceed a period of five consecutive years without prior approval from WRCOG's Executive Committee. Prior to obtaining this approval, the Executive Director shall provide written documentation to the Executive Committee regarding an extension of a contract beyond five years. No contract shall be extended beyond five years without Executive Committee approval.

E. Exceptions. The Executive Director shall have the authority to waive the requirements of this section in the following circumstances provided that the reasons for such a waiver are documented as part of the purchasing process:

- (i) The acquisition of materials, supplies and equipment in which WRCOG did not receive at least three quotes.
- (ii) The acquisition of materials, supplies and equipment when it is in the best interest of WRCOG to purchase name brand or sole source materials, supplies, or equipment, as determined by the Executive Director. Materials, supplies and equipment shall be considered obtainable from only one vendor when only one vendor offers it for sale, lease, or rental, or when only one vendor is able to provide the materials, supplies or equipment within the time frame and/or under the terms and conditions which reasonably meet the needs of WRCOG. Sole source purchases are appropriate when there is no suitable substitute for the desired materials, supplies and equipment.
- (iii) An emergency in accordance with procedures of Section 2.2 herein.

## ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES

### General.

In efforts to implement green initiatives, as requested by the California Department of Resources Recycling and Recovery (Cal Recycle), WRCOG is tasked to implement the Policy efforts contained herein. WRCOG will respect the following considerations in current and future program purchases and any correlated responsibilities, as applicable.

WRCOG will make efforts to:

Institute practices that expand current efforts to encourage reuse, recycling, and mitigate landfill waste to the best capacity fiscally available.

Purchase office supplies, toner cartridges, furniture, equipment, automotive parts, and other basic necessities that are remanufactured, refurbished, or are otherwise reusable, so long as they maintain equivalent quality to their non-renewable counterparts.

Purchase goods and services that are durable, reusable, refillable, and have extended longevity, when applicable.

Avoid the purchasing and consumption of single-use and disposable products unless no reasonable alternative is available.

Request the elimination of unnecessary packaging from vendors.

Specify preferences for packaging and materials that are reusable, recyclable, compostable, or returnable, when applicable.

Encourage the reuse, return, or safe disposal of electronic equipment once WRCOG finds it necessary to replace or discard such equipment, when possible.

When renewing out of date materials including, but not limited to, signage, pamphlets, program equipment, business cards, and printed materials, maintain their safe disposal or recycling in efforts to reduce landfill waste.

When printing or copying documents, default to dual sided / duplex printing to reduce the use and purchase of paper.

Attempt to source paper from sustainably-harvested forests or utilize recycled paper from green manufacturers.

### Energy.

Purchase energy-efficient equipment with the most up-to-date technological functions, which includes high efficiency space heating and cooling.

Replace interior lighting fixtures with energy-efficient equipment such as Light Emitting Diodes (LED) lightbulbs and motion sensor light switches.

Purchase U.S. EPA Energy-Star certified products when available; otherwise, use products that are within the upper 25% of efficiency standards, as required by the Federal Energy Management Program.

Set sleep modes on all electronics – computers, copiers, fax machines, printers, and laptops – so as to reduce the use of energy by 70% in comparison to full-power modes.

Maintain current and upcoming energy programs, particularly the Regional Streetlight Program and the Western Riverside Energy Partnership (WREP), to utilize the most updated technology available and affordable, so as to achieve short- and long-term energy saving goals.

Utilize all current energy programs and partnerships, maximizing the usage of clean, renewable energy and mitigating unnecessary utilities costs.

### Environment and Recycling.

Purchase paper and paper products that are responsibly sourced and easily recyclable.

Utilize minimally polluting, alternative fuel vehicles when applicable and available, and purchase future Agency vehicles to be of any variety to include, but not limited to, compressed natural gas, bio-based fuels, hybrids, electric, and fuel cells.

Purchase compostable, biodegradable, or recyclable plastic products in preference over other single-use and landfilling products.

Select products with minimal levels of volatile organic compounds, formaldehyde, and halogenated organic flame retardants when purchasing building materials and furniture, with preference to those with high recycled or recyclable content.

When working with oil and oil-related projects, require that, to the extent feasible, all involved materials, including sponges, drain containers, kits, and canisters, among other items, are reusable.

Require that, to the extent feasible, community programs that pertain to recycling, environmental protection, and waste reduction utilize updated ecological technology and reusable / recyclable materials.

Utilize janitorial supplies or request that cleaning services use Green Seal and EcoLogo™ certification standards to mitigate hazardous cleaning waste.

## RESPONSIBILITIES

### General.

The health and safety of workers and citizens is of utmost importance and takes precedence over all other practices. Nevertheless, WRCOG recognizes its duty to act in a fiscally responsible, as well as a timely, manner.

Nothing contained in this Policy shall be construed as requiring a department, purchases, or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, risk the health or safety of workers and citizens, or are not readily available at a reasonable price in a reasonable period of time.



Nothing contained in this Policy shall be construed as requiring WRCOG, any department, purchaser, or contractor to take any action that conflicts with local, state or federal requirements.

WRCOG has made significant investments in developing a successful recycling system and recognizes that recycled content products are essential to continuing viability of that recycling system and for the foundation of an environmentally sound production system. Therefore, to the greatest extent practicable, recycled content shall be included in products that also meet other specifications, such as chlorine free or bio-based.

Utilize Measure D Funds, Waste Import Mitigation Funds, or Recycled Product Procurement Funds, to support and implement the Policy to the extent allowable and eligible.

#### Implementation.

The Executive Director shall implement this Policy in coordination with other appropriate WRCOG staff.

Successful bidders will be required to certify in writing that any environmental attributes claimed in competitive bids are accurate. In compliance with State law, vendors will be required to specify the minimum or actual percentage of recovered and post-consumer materials in their products, even when such percentages are zero.

Upon request, WRCOG staff making a procurement selection from competitive bids shall be able to provide justification for product choices that do not meet the environmentally preferable purchasing criteria in this Policy.

Encourage vendors, contractors, and grantees to comply with applicable sections of this Policy for products and services provided to WRCOG.

#### Program Evaluation.

The Administration and Energy and Environmental Departments shall periodically evaluate the success of this Policy's implementation and report to the Executive Director of WRCOG.

#### DEFINITIONS

Defining Environmentally Preferable Products.

When determining whether a product is environmentally preferable, the following product attributes should be considered:

- i. Bio-based
- ii. Biodegradable
- iii. Carcinogen-free
- iv. Bio accumulative toxic (PBT)-free
- v. Chlorofluorocarbon (CFC)-free
- vi. Heavy metal (lead, mercury, cadmium) free
- vii. Low volatile organic compound (VOC) content
- viii. Made from renewable materials
- ix. Compostable

- x. Low toxicity
- xi. Recycled content
- xii. Reusable
- xiii. Reduced packaging
- xiv. Refurbished
- xv. Reduced greenhouse gas emission
- xvi. Energy, resource, and water efficient



# **WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS**

## **Request for Proposal Issuance Policy**

July 14, 2021

This Policy serves as a guideline for WRCOG when issuing a Request for Proposal (RFP) for professional services.

WRCOG regularly issues RFP's for a variety of professional services in support of WRCOG programs. Example services include consultant support for the Streetlight Program, Community Choice Aggregation Feasibility Study, On-Call Engineering Services, TUMF, and review of Development Impact Fees.

WRCOG's policy relating to the issuance of contracts in the Accounting Practices and Procedure Manual (Manual) specifies:

*The Executive Director may issue a contract under \$100,000 under his Single Signature Authority, which does not require any approval by the Administration & Finance Committee or the Executive Committee. Contracts greater than \$100,000 but less than \$200,000 require approval of the Administration & Finance Committee but not the Executive Committee. All Contracts greater than \$200,000 require the approval of the Executive Committee.*

WRCOG's (Manual), guides the Agency's actions related to many fiscal matters. The Manual addresses accounting issues such as accounts payable, accounts receivable, budgeting, and contracts. The Manual does not provide guidance regarding the issuance of an RFP, or a request for qualifications (RFQ). Staff updates the internal Manual regularly to address regulatory changes and maintain internal consistency with other documents such as the WRCOG Employee Policies and Procedures Manual. The Financial Manual is to be updated when this RFP Policy is adopted and following any futures updates to this Policy.

No RFP/RFQ is required for procurements under \$100,000, which is within the Executive Director's Single Signature Authority. However, WRCOG may still choose to issue an RFP for services less than this amount, depending on individual circumstances and the best interests of WRCOG.

An RFP is required for procurements between \$100,000 and \$200,000, unless the Executive Director makes a finding that one or more of the following conditions exist:

- The required services are time-critical, and release of an RFP would cause an undue delay;
- The service requires unique expertise or knowledge of the region, which is not generally available; therefore, an RFP is unlikely to generate a significant number of responses; and/or
- WRCOG is responding to a request from a member agency.

If a contract is intended to be issued without an RFP based on one or more of the above circumstances, the Staff Report requesting approval of the contract in question must cite the applicable circumstance(s) and the facts supporting application of an exception to the RFP requirement.

An RFP is required for any contract in excess of \$200,000, unless waived by the Administration and Finance Committee .

The scoring criteria identified below will be used for RFPs. Prior to release of an RFP, each criteria will be assigned a weighting factor or a percentage of the total weight. The RFP should identify the factors to be considered in scoring.

Scoring Criteria

1. Technical approach;
2. Qualifications of proposer and project staff;
3. The overall quality and logic of the organization and staffing plan;
4. Project cost; and
5. Any other criteria determined relevant to a specific RFP.

References will be required, and judged on a pass/fail basis

Proposals will be evaluated utilizing the predetermined weighing factors/percentages in establishing a ranking for each proposal. As cost is only one element of the overall evaluation and scoring, the proposal offering the best value, and recommended for award, may not be the lowest cost proposal. Price reasonableness of a proposal will be established through independent cost estimates, or other due diligence conducted prior to recommendation for award.

In some instances, as part of the selection process, WRCOG may request a short list of the highest ranked proposers to present to staff or one of WRCOG's Committees. If provided for in the RFP documents, WRCOG may request best and final offers from a short list of the highest ranked proposers.

The successful proposer will be required to sign WRCOG's Standard Professional Services Agreement to receive the contract award. Proposers will be required to identify in their proposals any concerns or objections to the agreement's terms and conditions. Proposers will be required to propose any alternative language requested for consideration in their proposals. WRCOG should generally not consider objections to the agreement terms and conditions, or proposed alternative language not included in a proposal. If WRCOG cannot negotiate final contract terms and conditions acceptable to WRCOG, the Agency reserves the right to award the contract to another proposer.

**DEVICE MANAGEMENT AGREEMENT  
WITH  
THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS**

This Device Management Agreement defines standards, procedures, and restrictions for all employees with business uses for electronic devices and equipment issued by the Western Riverside Council of Governments. This Agreement aims to protect the integrity of the confidential business data that resides within WRCOG's technology infrastructure, including internal and external cloud services. This Agreement applies to all WRCOG employees, including full and part-time staff, Fellows, Interns, and other agents who use any electronic device to access, store, or backup data. This Agreement applies, but is not limited to, all devices and accompanying media, text messaging, voice mail systems that fit the following classifications:

- Smartphones
- Other mobile/cellular phones
- Tablets
- E-readers
- Portable media devices
- Laptop/notebook/ultrabook computers
- Wearable computing devices
- Any other mobile device capable of storing company data and connecting to a network

This policy does not supersede the WRCOG Policies and Procedures Manual.

Name \_\_\_\_\_ you have been issued the following equipment as part of your employment with WRCOG.

Workplace Equipment	Home Office Equipment	Cellular Phone Model & Number
Laptop		
Desktop	Monitor	
Monitor	Printer	
Keyboard & Mouse	Docking Station	
Docking Station	Webcam	
Speakers		

NOW, THEREFORE, the parties hereto agree as follows:

1. Responsibilities.

All electronic communications, including all software, databases, hardware, and digital files, remain the sole property of WRCOG and are to be used only for WRCOG business and not for personal use.

2. Duties and Obligations of Employee.

Apple Id.

- A. Employee will provide passwords and user access to WRCOG, including
- B. Employee will report immediately to his/her manager and WRCOG any incident or suspected incidents of unauthorized data access, data loss, and/or disclosure of company resources, databases, networks, etc.
- C. Employee will make no modifications to the hardware or software that change the nature of the device in a significant way.
- D. Employee will not install any applications that are not approved by IT.
- E. Employee will maintain and use a separate device for personal uses

3. Cessation of Employee Usage.

WRCOG may terminate an employee's use of WRCOG systems and demand the return of equipment, including cellular phones, at any time for any reason upon written or oral notice to the employee. In addition, an employee will be required to immediately return electronic equipment upon the occurrence of any of the following events:

- A. Change of job status or duties with WRCOG
- B. Termination of employment or retirement from WRCOG
- C. Upon request by WRCOG for any reason

4. Return of Company Property.

Following notification by WRCOG of the termination of the employee's use of equipment, the employee must return the equipment in the same condition in which it was delivered, excepting only ordinary wear and tear.

5. Failure to Comply with Policy.

If any employee fails to comply with the responsibilities and obligations under this Agreement, WRCOG will have the right to take possession of the equipment and terminate access without prior notice to the employee.

\_\_\_\_\_  
Dr. Kurt Wilson, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee, Title

\_\_\_\_\_  
Date



# Western Riverside Council of Governments Administration & Finance Committee

## Staff Report

**Subject:** Housing Legislation Update  
**Contact:** Chris Gray, Deputy Executive Director, [cgray@wrcog.us](mailto:cgray@wrcog.us), 951-405-6710.  
**Date:** July 14, 2021

### **Requested Action(s):**

1. Direct staff to submit a Letter of Opposition to SB 12.

### **Purpose:**

The purpose of this item is to identify key housing-related legislation and discuss potential advocacy activities related to housing legislation.

### **Background:**

Since the beginning of the legislative session in January 2021, members of the Assembly and State Senate have introduced hundreds of housing-related bills. These bills cover a wide variety of topics including but not limited to by-right development, housing bonds, allowing residential uses in commercial zones, changes to how residential impact fees are calculated, wildfires, and other topics.

Some key bills are listed below:

SB 6, as amended, Caballero. Local planning: housing: commercial zones: The Bill would make housing developments an “authorized use” in commercial zones. A development project in a commercial zone could be streamlined in the development review process, if 50% or more of the site has been vacant for a period of at least three years. This Bill shares many of the same goals that were part of AB 3107 from the 2020 session.

SB 9, as amended, Atkins. Housing development: approvals: The Bill has been introduced by the Speaker Pro Tem and has several legislative coauthors, including Senators Caballero, Weiner, and Rubio. The Bill would allow for lot splits to occur in single-family residential neighborhoods and the construction of duplexes will also be allowed by-right.

SB 10, as amended, Wiener. Planning and zoning: housing development: density: The Bill would permit local government agencies to pass an ordinance to zone a parcel up to 10 units of residential density if the parcel is located in an area that is deemed a transit rich area, job rich area, or an urban infill site. SB 10 shares similar goals to SB 902 that was introduced in 2020 and was opposed by several prominent unions and a list of cities.

SB 12, as amended, McGuire. Planning and zoning: wildfires: The Bill will impose certain fire hazard



planning responsibilities on local governments. The Bill will require cities and counties to make specified findings on fire standards, prior to permitting a development in very high hazard fire severity zones (VHFHSZ) and incorporates fire hazard planning into Regional Housing Needs Assessment (RHNA) allocation objectives and methodology. The Bill requires the State and local government to identify lands that they are responsible for fire prevention and suppression. The Bill also revises the RHNA methodology with the seventh housing element. The RHNA allocation will be reduced in each region if the goal of housing needed by a city or county must identify lands within the VHFHSZ to meet its RHNA requirement.

The Riverside County Building Industry Association is requesting that WRCOG submit a letter in opposition to SB 12. A copy of the proposed letter is an attachment to this staff report for reference.

AB 602, as amended, Grayson. Development fees: impact fee nexus study: The Bill would require, after January 1, 2022, that a city, county, or special district that conducts an impact fee nexus study to follow specific standards. The Bill would also stipulate that the nexus study identify the existing level of service and the fee imposed on a housing development project are directly tied to the square footage of the proposed unit(s) in the project.

AB 687, as introduced, Seyarto. Joint powers authorities: Riverside County Housing Finance Trust: The Bill would authorize the creation of the Western Riverside County Regional Housing Trust. The Bill would enable member agencies of WRCOG to voluntarily enter into a joint powers agreement for the purposes of creating and operating an agency to fund housing projects in Western Riverside County. The Trust would assist with the creation of housing opportunities for the homeless population and persons and families of extremely low, very low, and low income as defined in the Health and Safety Code. The Trust may receive funding from public and private sources and will have the ability to authorize and issue bonds. The Trust would be governed by a separate Board of Directors made up of elected officials representing the County of Riverside and cities within the WRCOG subregion.

Assembly Constitutional Amendment (ACA) 7 as introduced, Muratsuchi. All local land-use controls and zoning regulations to remain within the communities: voter approval: ACA 7 would ensure all decisions regarding local land use control and zoning regulations are made within the affected communities, in accordance with local law. The measure will continue to allow either local or state law to control where state and local law conflicts, regarding the development of an infrastructure project. The author states that it is in the best interest for California that the complex decisions related to developments are made at the local level. Local communities are best equipped to make development decisions based on their unique individual city's development plan.

All of the bills above are currently progressing through the legislature except for ACA 7, which was introduced in April. Because ACA 7 is not likely to pass this year, a coalition of various Mayors has developed and circulated a proposed resolution which advocates for local control of land use decisions. This resolution is attached for reference. Based on the information provided, staff believes that this resolution could be an attempt to lay the groundwork for a future ballot initiative, similar to ACA 7, which would limit the ability of the State of California to enact legislation that would override local decision-making as it relates to land use approvals.

**Prior Action(s):**

**June 10, 2021:** The Planning Directors Committee received and filed.

**Fiscal Impact:**

This item is for informational purposes only; therefore, there is no fiscal impact.

**Attachment(s):**

[Attachment 1 - Reso\\_-\\_Supporting\\_Local\\_Control\\_of\\_Zoning\\_and\\_Housing\\_Issues.pdf](#)

[Letter of opposition to SB 12.docx](#)

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

RESOLUTION OF THE COUNCIL OF THE CITY OF \_\_\_\_\_  
EXPRESSING SUPPORT FOR ACTIONS TO FURTHER STRENGTHEN LOCAL  
DEMOCRACY, AUTHORITY, AND CONTROL AS RELATED TO LOCAL  
ZONING AND HOUSING ISSUES

WHEREAS, the legislature of the State of California each year proposes, passes, and has signed into law a number of bills addressing a range of housing issues; and

WHEREAS, the legislature of the State of California does not allow sufficient time between each legislative cycle to determine if the legislation is successful in bringing about the change for the State of California's housing issues; and

WHEREAS, the majority of these bills usurp the authority of local jurisdictions to determine for themselves the land use policies and practices that best suit each city and its residents and instead impose mandates that do not take into account the needs and differences of jurisdictions throughout the State of California; and

WHEREAS, the ability of local jurisdictions to determine for themselves which projects require review beyond a ministerial approval; what parking requirements are appropriate for various neighborhoods within their jurisdiction; what plans and programs are suitable and practical for each community rather than having these decisions imposed upon cities without regard to the circumstances of each individual city; and what zoning should be allowed for residential properties is a matter of great import to the City of \_\_\_\_\_ among other items related to local zoning and housing issues; and

WHEREAS, the City Council of the City of \_\_\_\_\_ feels strongly that our local government is best able to assess the needs of our community and objects to the proliferation of State legislation that deprives us of that ability;

NOW, THEREFORE, the Council of the City of \_\_\_\_\_ resolves as follows:

Section 1. The City of \_\_\_\_\_ is opposed to the current practice of the legislature of the State of California of continually proposing and passing multitudes of bills that directly impact and interfere with the ability of cities to control their own destiny through use of the zoning authority that has been granted to them.

Section 2. The City of \_\_\_\_\_ will explore various ways to protect the ability of cities to retain local control over zoning as each individual city within the State of California is best suited to determine how the zoning in their city should be allocated in order to meet the housing needs of the community.

Section 3. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his/her certification to be entered in the Book of Resolution of the Council of this City.



## Western Riverside Council of Governments

County of Riverside • City of Banning • City of Beaumont • City of Calimesa • City of Canyon Lake • City of Corona • City of Eastvale  
City of Hemet • City of Jurupa Valley • City of Lake Elsinore • City of Menifee • City of Moreno Valley • City of Murrieta • City of Norco  
City of Perris • City of Riverside • City of San Jacinto • City of Temecula • City of Wildomar • Eastern Municipal Water District  
Western Municipal Water District • Riverside County Superintendent of Schools

July 6, 2021

The Honorable Mike McGuire  
State Capitol, Room 5061  
Sacramento, CA 95814

**Subject: Letter of Opposition Unless Amended for Senate Bill 12**

Dear Senator McGuire:

The Western Riverside Council of Governments (WRCOG) has taken an Oppose Unless Amended position on Senate Bill 12. The Bill would require the safety elements of WRCOG jurisdictions, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires. Western Riverside County is highly susceptible to wildfires, and we agree that measures must be taken to help mitigate substantial property loss and damage during wildfires. WRCOG has even taken a subregional approach in assisting its member agencies to better plan for this with a comprehensive climate adaptation plan.

Western Riverside County has experienced rapid growth in recent years, and it is expected to continue. The Department of Finance predicts that Riverside County, and in-turn Western Riverside County, will be the state's second largest county by the year 2050. The population of Western Riverside County is expected to increase by over 615,000 people between 2020 and 2045. In addition, the State is requiring jurisdictions in Western Riverside County to plan for, and ultimately build, over 95,000 residential units by October 2029 to meet Regional Housing Needs Assessment allocations and help the State meet its housing goals.

SB 12 removes large portions of land that is currently available to assist WRCOG jurisdictions in meeting the housing goals established by the State. Additionally, WRCOG jurisdictions have already accounted for these lands in planning for the 95,000 residential units the State has mandated to plan for and eventually build. The California Building Industry Association (CBIA) estimates that this Bill will eliminate the use of land for almost half of all new homes planned in California. Further, SB 12 applies retroactively to homes already approved before local agencies were required to consider these factors, placing local agencies at risk of litigation from property owners.

A coalition consisting of CBIA, California Business Properties Association, California Forestry Association, CalChamber, California Builders Alliance, Associated General Contractors, California Apartment Association, and others have outlined a number of amendments that would help meet the goals of mitigating wildfire losses while allowing much needed housing to be built in California. These amendments include considering the building of fire-resistant communities, the impact of modern building codes and designs that increase fire safety, ensuring future solutions are not "one size fits all" and allow for local modifications, and gathering data that allows for the development of informed future regulations. We encourage you to consider these amendments for inclusion in SB 12.

Senator McGuire  
July 12, 2021  
Page 2

Thank you for considering WRCOG's concerns regarding SB 12. Should you or your staff have any questions regarding this letter, please do not hesitate to contact us at (951) 405-6701 or at [kwilson@wrcog.us](mailto:kwilson@wrcog.us).

Sincerely,

Karen Spiegel  
Chair  
Western Riverside Council of Governments

Dr. Kurt Wilson  
Executive Director  
Western Riverside Council of Governments



# Western Riverside Council of Governments Administration & Finance Committee

## Staff Report

**Subject:** Appointment of one WRCOG Representative to a SCAG Policy Committee  
**Contact:** Chris Gray, Deputy Executive Director, [cgray@wrcog.us](mailto:cgray@wrcog.us), (951) 405-6710.  
**Date:** July 14, 2021

### **Requested Action(s):**

1. Recommend that the Executive Committee appoint one representative to a SCAG Policy Committee for a term commencing August 2, 2021, through December 31, 2022.

### **Purpose:**

The purpose of this item is to provide a listing of elected officials who have expressed interest in serving on a SCAG Policy Committee, and to request that this Committee provide an appointment recommendation to the Executive Committee for consideration.

### **Background:**

WRCOG's Executive Committee appoints a number of elected officials to represent the Agency and/or the subregion's interests on a number of committees. These include the following:

- California Association of Councils of Governments (CALCOG) (one appointment plus an alternate)
- Riverside County Solid Waste Advisory Council / Local Task Force (two appointments plus two alternates)
- Santa Ana Watershed Project Authority's (SAWPA) One Water One Watershed (OWOW) Steering Committee (one appointment)
- San Diego Association of Governments' (SANDAG) Borders Committee (one appointment plus an alternate)
- Southern California Association of Governments' (SCAG) Policy Committees (six appointments)

Per policy, all WRCOG appointees serve for a two-year term. Also per policy, priority in selection is to be given to elected officials to serve on WRCOG as Executive Committee members or alternates.

This current vacancy exists due to the passing of Council member Jordan Ehrenkranz, who was appointed to the Community, Economic, and Human Development Policy Committee.

WRCOG has notified all eligible elected officials of this opportunity to serve. A listing of individuals who have expressed interest in serving as a WRCOG appointee will be presented at the meeting for consideration.

### **Prior Action(s):**

None.

**Fiscal Impact:**

Stipends are allocated in the Fiscal Year 2021/2022 Agency Budget under the General Fund; however, stipends for attendance at SCAG meetings are provided by SCAG.

**Attachment(s):**

None.