Silicon Valley Clean Energy Authority
Executive Committee Meeting
Thursday, July 21, 2016
2:00 pm
Sunnyvale Community Center  |  Recreation Center
Conference Room
550 E Remington Drive
Sunnyvale, CA

AGENDA

Call to Order

Roll Call

Public Comment on Matters Not Listed on the Agenda
The public may provide comments on any item not on the Agenda. Speakers are limited to 3 minutes each.

Consent Calendar
1a) Approve Minutes for the July 7, 2016, Executive Committee Meeting

Regular Calendar
2) Office Space Update (Discussion)
3) Job Classifications for Remaining Positions (Discussion)
4) Personnel Policies (Discussion)

Committee/Staff Remarks

Adjourn

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Clerk for the Authority at (408) 730-7483. Notification 48 hours prior to the meeting will enable the Authority to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.105 ADA Title II).
Call to Order
Andrea Pizano called the meeting to order at 3:04 p.m.

Roll Call
Present:
Director Daniel Harney, City of Gilroy
Director John McAlister, City of Mountain View
Director Howard Miller, City of Saratoga
Director Rob Rennie, Town of Los Gatos
Director Rod Sinks, City of Cupertino

Absent:
Director Liz Gibbons, City of Campbell

Public Comment on Matters Not Listed on the Agenda
Bruce Karney, Carbon Free Mountain View, voiced his interested in early enrollment as an incentive for people to choose the 100% renewable option.

Regular Calendar
1) Regular Meeting Time and Date for Executive Committee
By consensus the Board decided future meeting dates to be the 4th Wednesday of the month from 2-4pm; current meetings scheduled for July 21 and August 4 will also move to 2-4pm.

2) Executive Committee Chair and Vice Chair (Action)
CEO Habashi recommended that Director Sinks serve as Chair and Director Rennie serve as Vice Chair of the Executive Committee.

By consensus, Director Sinks was selected as Chair and Director Rennie selected as Vice Chair.

3) Office Space Criteria
CEO Habashi presented the staff report and responded to Board questions.

The Board discussed the size of the space needed as well as short term vs. long term needs.
CEO Habashi reported that staff will present a monthly cash flow report in August.

4) **Staffing Plan**

Operations Manager Melody Tovar presented the staff report and responded to Board questions.

The Board discussed using contracted staff (Human Resources, general counsel, etc.) and reviewed the recommended org charts and staff plan.

Operations Manager Tovar asked for clarification on if the Board was focused on the approval of the first group of staff, specific to the timing of the positions, and not the positions themselves. Director Miller confirmed that they are happy with the overall plan and would request that there is check-in as time progresses.

Chair Sinks opened public comment.
No speakers.
Chair Sinks closed public comment.

5) **Job Classifications for Initial Hiring (September – December 2016)**

CEO Habashi opened discussion on the job classifications and responded to Board questions.

Chair Sinks opened public comment.
No speakers.
Chair Sinks closed public comment.

6) **Benefit Package**

CEO Habashi presented the proposed benefit package and responded to Board questions.

The Board discussed health coverage options and the purpose of the package.

Chair Sinks opened public comment.

Bruce Karney, Carbon Free Mountain View, spoke about the need for a rewarding benefits package for potential SVCE talent.

Chair Sinks closed public comment.

**Board Member Announcements**
Chair Sinks reported that he would like to give a presentation summarizing the content of the Silicon Valley Energy & Sustainability Summit at the next BOD meeting.

**Adjournment**
Chair Sinks adjourned the meeting at 4:41 p.m.
Summary

The Director of Administration and Finance works under the general direction of the Chief Executive Officer and has responsibility for a wide range of matters to support Silicon Valley Clean Energy’s (SVCE’s) internal functions including banking and budget oversight, accounting, contract management, information technology (IT) and security, office management and communications systems, human resources, and Board/Committee support. The incumbent provides mid-level support to the Chief Executive Officer (when he/she is unavailable) serving as a decision-maker as needed for administrative staff or on behalf of the team/organization. The position requires knowledge of business operations for an organization of approximately 25 people, vendor and contract management, public agency governance, finance and credit, customer service, and human resource/employment practices.

Job Description

The Director of Administration and Finance manages the planning, staffing and oversight of SVCE’s internal operations and serves as a member of the senior management team. The Director manages the day-to-day functions of SVCE’s internal operations and ensures consistent and efficient implementation of Agency operational and employment policies.

Supervisory Responsibilities

The Director of Administration & Finance manages the supervision of SVCE internal staff in the Administration and Finance team and external vendors and contractors/consultants.

Essential Duties and Responsibilities (Illustrative Only)

- In collaboration with the CEO, develops the strategic plan and implements goals and objectives, policy priorities, and procedures consistent with the SVCE’s mission, vision, and key performance measures. Utilizes performance planning techniques and analysis to evaluate the performance of SVCE and its staff in meeting established goals and objectives; reports findings and recommends improvements or policy changes to the CEO and Board as directed.
- In collaboration with the CEO, develops the budget and is responsible for ongoing budget management, audits and review, recommending adjustments where necessary; assures appropriate expenditure of funds, assists with credit terms and loan structures, and monitors high-priority program expenses and projects. Assists with presentation of the budget and annual audit to the Board and public.
- Conducts research, analyzes data, and evaluates issues and programs in order to analyze the impact of alternative policies and procedures on administrative and operational problems encountered; assists in evaluating, implementing and managing business strategies and sustainable business practices.
- Develops, writes and presents staff reports and recommendations to the Board.
- Oversees and supervises administrative and support functions including Board and committee agendas and materials, personnel and payroll functions, contract claims processing and tracking, and other office support functions. Reviews reports developed by staff to recommend approval or suggest changes.
- Reviews and evaluates ongoing employment developments and compliance with local, Federal and State human resource laws; recommends policy amendments where necessary or beneficial.
- Acts as Custodian of Records for SVCE, including, but not limited to, meeting records, legal and business records, correspondence and personnel files. Responds to Public Records Act requests and other public
agency service requirements. Answers complex inquiries and complaints from the public, community
groups, private and public agencies, and others.

- Establishes and oversees the Agency's human resource function including: recruitment, classification,
compensation and benefits, training, compliance and development/implementation of personnel policies.
Closely works with other department directors to evaluate and track staff performance and staff
development needs. Research and implement short and long-term staff development plans.

- Manages consultants and contractors where necessary, including: development of vendor RFPs and
contracts; review and selection of contractors; contract negotiations; development of performance
standards and scopes of work; contract execution; and managing relationships with vendors and
consultants.

- Manages requirements for continual operations including facility and capital needs, such as but not
limited to: lease agreements, permits, insurance policies, equipment, communications and IT systems,
and other activities required to ensure proper Agency function and compliance. Anticipates SVCE's
infrastructure needs and plans for the future.

- Assists in relations with, and provides staff support to, the Board of Directors and committees of the
Board, coordinating Board activities, and resolving concerns. Directs and prepares Agency operation-
related documents for Board review, and manages resulting implementation plans.

- Attends Board meetings and follows up on Board direction as necessary including implementation of CEO
recommendations and Board actions.

- Interacts with General Counsel on any legal matters related to Agency operations or governance.

- Establishes and maintains relationships with appropriate agencies, consultants, professional groups and
programs associated with SVCE management and operations.

Minimum Qualifications

Experience/Education

Education or experience equal to a Bachelor's or Master’s degree in business or public administration,
organizational development, operations management, economics or a closely related field. A minimum of six (6)
years of progressively responsible experience in a professional, personnel management, or fiscal staff position.
Experience in managing staff and operations of a public utility or service organization with ratepayer customers.
Public sector experience is strongly desired.

Knowledge of:

- Principles of business operations and management, strategic planning, budgeting and finance, human
resource management and compliance, and general project management.

- Personnel administration including recruitment, selection and training. Management techniques to train and
supervise employees and implement employment policies

- Board of Director functions and public agency governance procedures

- Public finance and accounting principals; budget development and knowledge of various credit facilities.

- Above average working knowledge of current software programs, including Microsoft Word, Power Point,
Excel, Outlook, and Adobe Acrobat Professional

Ability to:

- Plan, organize and manage all aspects of internal business operations of SVCE

- Represent and communicate SVCE operational policies and procedures to internal Agency staff, the Board
of Directors and external parties and vendors
• Identify complex problems, develop and implement solutions
• Establish and maintain effective working relationships with persons encountered during the performance of duties
• Perform data collection, interpretation and analysis pertaining to administrative, human resource, governance and fiscal matters
• Develop and manage complex budgets and financing strategies
• Communicate verbal and written ideas clearly and logically
• Analyze administrative problems and stay current on IT systems, software and procedures
• Effectively direct, supervise and coordinate the work of assigned staff
• Manage IT services and information security for Agency records, customer data, employees and outside consultants
• Manage multiple priorities, meet deadlines, and quickly adapt to changing priorities in a fast paced dynamic environment
• Work well under pressure
• Be thorough and detail-oriented
• Demonstrate patience, tact, teamwork and commitment to superior service and performance
• Communicate effectively verbally, in writing, and through presentations

Working Conditions
The physical demands described here are representative of those required for the position. Position requires sitting, walking, standing, bending, and twisting in the performance of daily activities. The position requires hand manipulation and repetitive hand movement and fine coordination in using a computer keyboard. The position requires near and far vision in reading reports and use of a computer. Acute hearing is required in supporting meetings and providing phone and in-person customer service. The position occasionally requires lifting and/or moving objects up to 20 pounds. SVCE will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

Licenses/Certificates:
Possession and continued maintenance of a valid class C California driver’s license or the ability to provide alternate transportation as approved by the CEO and a safe driving record.
Summary
The Administrative Analyst supports Silicon Valley Clean Energy (SVCE) by performing analytical and administrative support services for the Agency and its Departments as may be needed. The analyst conducts research, performs statistical analysis, and supports Agency budget development, general operations and special projects as assigned by the Director of Administration.

Job Description
The Administrative Analyst performs work under the supervision of the Director of Administration & Finance. The position provides high level administrative, project coordination, and analytical support to SVCE staff and works collaboratively with all SVCE teams.

Supervisory Responsibilities
This position has no supervisory responsibilities.

Essential Duties and Responsibilities (Illustrative Only)
- Conducts and summarizes comprehensive analytical studies of complex administrative, operational, financial and/or other organizational issues.
- Performs statistical and other research as assigned.
- Prepares and delivers oral and written reports based on information obtained through research and analysis.
- Drafts recommended administrative procedures and/or operational policies in the assigned area of responsibility.
- Coordinates and assembles a variety of administrative/financial/statistical information for manager's review.
- Prepares a variety of professional reports, presentations, and correspondence in assignment area.
- Receives and responds to questions from the public, outside agencies, SVCE staff and Board
- Analyzes and initiates recommendations to improve and facilitate Agency programs, departmental procedures and outcomes.

Minimum Qualifications

Experience/Education
Education and experience equivalent to a Bachelor's degree from an accredited college or university in economics, finance, business administration, public administration or related field, and two (2) years of professional administrative and analytical experience, particularly in a public agency.

Knowledge of
- Theory, principles and practices of organizational administration and finance.
- Principles and practices of analysis and research methodology.
- Pertinent local, State and Federal rules, regulations and laws.
- Principles and practices of project management and budget development, work planning and organization.
- Office management protocols, procedures, software and equipment.
Ability to

- Manage multiple priorities and quickly adapt to changing priorities in a fast paced dynamic environment.
- Plan, organize and perform analytical duties, ensuring that projects and reports are completed in a timely and accurate manner.
- Collect, interpret and utilize narrative and statistical data pertaining to area of responsibility.
- Communicate effectively, orally and in writing.
- Work independently and as a team member; recognize and set priorities to meet deadlines.
- Use database, spreadsheet, and web interface and/or internet applications depending on assignment.
- Be thorough and detail-oriented.
- Work accurately and swiftly under pressure.
- Demonstrate patience, tact, and courtesy at all times

Working Conditions

The physical demands described here are representative of those required for the position. Position requires sitting, walking, standing, bending, and twisting in the performance of daily activities. The position requires hand manipulation and repetitive hand movement and fine coordination in using a computer keyboard. The position requires near and far vision in reading reports and use of a computer. Acute hearing is required in supporting meetings and providing phone and in-person customer service. The position occasionally requires lifting and/or moving objects up to 20 pounds. SVCE will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

Licenses/Certificates:

Possession and continued maintenance of a valid class C California driver’s license or the ability to provide alternate transportation as approved by the CEO and a safe driving record.
Summary
The Administrative Assistant supports Silicon Valley Clean Energy (SVCE) staff by providing clerical and general administrative level duties, such as meeting and calendar coordination, office supply orders, front desk coverage, records management, materials preparation, and other duties as assigned.

Job Description
The Administrative Assistant performs work under the supervision of a Director or a mid-level supervisor depending upon the assignment. The incumbent provides administrative support to SVCE staff and works collaboratively with all SVCE teams to ensure smooth office operations, meeting coordination, and customer service.

Supervisory Responsibilities
This position has no supervisory responsibilities.

Essential Duties and Responsibilities (Illustrative Only)
- Coordinate meeting and staff event scheduling including conference room and audio-visual reservations, ordering/preparing refreshments, preparation of printed material, set-up, clean-up, etc.
- Respond to and direct incoming calls; provide over-the-counter customer service as needed
- Schedule and set up conference calls and web-based meetings (via conference phone, Skype, GoToMeeting, etc.)
- Manage and coordinate calendars for staff, consultants, Board, and vendors
- Coordinate venue, registration and travel logistics for Board meetings and other off-site meetings
- Maintain, track and coordinate office, kitchen and operational supplies
- Receive and distribute mail
- Organize and maintain files (both hard copy and electronic)
- Prepare and/or proof documents, reports, notices, filings, spreadsheets and presentations as requested
- Provide support with receiving, processing and tracking invoices
- Assist with maintaining and updating social media sites and website
- Take meeting minutes and notes as requested
- Other office and administrative support duties as may be required

Minimum Qualifications

Experience/Education
Education and experience equivalent to an Associate degree and two (2) years of progressively responsible experience as an administrative support professional working in complex work environments, particularly in a public agency. A background in business administration, accounting, and office management is preferred.

Knowledge of
- Modern technology, systems, and software designed to assist in the computerized management of
information

- Data processing applications and systems, and the principles of modern office management
- Principles of office administration and secretarial practices and procedures, including business correspondence, correct English usage, grammar, spelling, vocabulary, and punctuation
- Records management principles and practices, and research methods and techniques
- Business mathematics and financial record keeping and report production
- Customer service practices, principles, and techniques for dealing with the public in person and over the telephone regarding sensitive and/or confidential issues

Ability to

- Develop a thorough knowledge of the role, organization, policies, and procedures of SVCE
- Perform technical and responsible office administrative, working independently and accurately
- Identify and secure confidential, highly sensitive records and written or verbally communicated information, and record such information accurately
- Retain and recall information to respond to inquiries, and efficiently search files and retrieve data as required
- Organize, plan, and prioritize own workload and adjust to changes in workload and assignments to meet critical deadlines under pressure
- Problem solve, compile and analyze data, and use sound judgment
- Establish and maintain effective working relationships with those encountered during performance of duties
- Type at a rate sufficient to perform assigned duties
- Use database, spreadsheet, and web interface and/or internet applications depending on assignment
- Communicate effectively in English, both verbally and in written form, sufficient to convey information and instructions to the public and other employees in situations requiring tact, courtesy, and poise
- Understand information requests of others and respond courteously, efficiently, and accurately
- Be thorough and detail-oriented.
- Demonstrate patience, tact, and courtesy at all times

Willingness to

- Work occasional overtime or on weekends and evenings

Working Conditions

The physical demands described here are representative of those required for the position. Position requires sitting, walking, standing, bending, and twisting in the performance of daily activities. The position requires hand manipulation and repetitive hand movement and fine coordination in using a computer keyboard. The position requires near and far vision in reading reports and use of a computer. Acute hearing is required in supporting meetings and providing phone and in-person customer service. The position occasionally requires lifting and/or moving objects up to 20 pounds. SVCE will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

Licenses/Certificates:

Possession and continued maintenance of a valid class C California driver’s license or the ability to provide alternate transportation as approved by the CEO and a safe driving record.
Summary
The Community Outreach Manager works under general direction from the Director of Marketing and Public Affairs and has a wide range of responsibilities related to the implementation of marketing efforts for the Public Affairs team of SVCE.

Job Description
The Community Outreach Manager plans, tracks, and implements marketing campaigns by managing media buys and managing the development of ad content. In addition to managing the implementation and creation of marketing outreach programs, the Community Outreach Manager also oversees and reviews social media campaigns and posts. The Community Outreach Manager tracks and manages the SVCE Communications Budget expenditures.

Supervisory Responsibilities
This position requires supervisory responsibilities.

Essential Duties and Responsibilities (Illustrative Only)
- Plans and executes strategic marketing campaigns, collateral and promotional material that support business and community development goals.
- Plans, organizes, and implements a wide variety of events including community meetings, press conferences and ribbon cutting ceremonies.
- Provides supervision to assigned Public Affairs team staff members, including initial and annual performance evaluations.
- Distributes press releases.
- Tracks, coordinates and makes recommendations for SVCE sponsorships.
- Tracks and coordinates print mailing campaigns with print vendor.
- Plans, manages and reviews social media campaigns and posts.
- Reviews and updates copy and digital SVCE collateral.
- Organizes and plans local photoshoots.
- Updates website as needed.
- Prepares e-newsletters.
- Prepares and distributes miscellaneous documents as needed such as information packets for interested parties.
- Staffs SVCE community events and meetings.
- Acts as liaison with third party contractors specific to the Public Affairs team.

Minimum Qualifications

Experience/Education
Education and experience equivalent to a Bachelor’s degree in communications, marketing, public affairs or a related field and at least three (3) years of experience in the implementation of marketing efforts. Supervisory
experience and work in a public agency or utility are desirable.

Knowledge of:

- The organization and operations of a local government joint powers authority agency and concepts of public administration.
- The history of Community Choice Aggregation legislation and implementation in California and the history, implementation, and operation of SVCE.
- Principles, techniques and methods of public information, integrated marketing communication, community and media relations, and public education.
- Methods, operational characteristics, services, and activities necessary for effective community outreach.
- Best practices for event planning.
- Techniques and methods of preparing and reviewing information, news release, and information materials including graphics and written copy.
- Principles, practices, and methods of writing, publishing, and disseminating a variety of informational materials: of graphic design, photography, and printing.
- E-mail marketing platforms such as Constant Contact.
- Principles of management, supervision, training, and performance evaluation.
- Microsoft Office Suite, Adobe Illustrator, Adobe InDesign, Adobe Photoshop, and Adobe Acrobat as well as web development tools such as Joomla, Dreamweaver, and/or HTML.

Ability to:

- Take responsibility and work independently, as well as through collaborative efforts.
- Convey complex information in a simple and understandable manner.
- Manage multiple priorities, meet deadlines, and quickly adapt to changing priorities in a fast-paced dynamic environment.
- Achieve goals and provide accurate, timely, and meaningful progress updates.
- Work well under pressure.
- Be thorough and detail-oriented.
- Demonstrate patience, tact, and courtesy.
- Identify and solve problems effectively and expeditiously.
- Establish and maintain effective working relationships with persons encountered during the performance of duties.
- Direct, supervise, and coordinate the work of assigned staff.
- Communicate effectively verbally, in writing, and through presentations.
- Make effective and dynamic presentations to community groups, governmental bodies, and the SVCE Board and staff to achieve desired results.
- Exercise sound judgment, creative problem solving, effective dispute resolution, and commercial awareness.
- Provide excellent customer service and communicate clearly and effectively with customers.
- Understand, anticipate, and appreciate customer needs and concerns.

Working Conditions

The physical demands described here are representative of those required for the position. Position requires sitting, walking, standing, bending, and twisting in the performance of daily activities. The position requires hand manipulation and repetitive hand movement and fine coordination in using a computer keyboard. The position requires near and far vision in reading reports and use of a computer. Acute hearing is required in supporting...
meetings and providing phone and in-person customer service. The position occasionally requires lifting and/or moving objects up to 20 pounds. SVCE will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

**Licenses/Certificates:**
Possession and continued maintenance of a valid class C California driver’s license or the ability to provide alternate transportation as approved by the CEO and a safe driving record.
Summary
The Director of Power Resources, under direction of the Executive Officer, has responsibility for a wide range of matters to support the Silicon Valley Clean Energy (SVCE) resource planning, analysis, and management of the Utilities’ energy supply portfolio and procurement efforts. The Director of Power Resources works with the public, legislative and regulatory agencies, project developers, brokers, and consultants providing direction and information on specific programs and projects. Responsibilities include research and due diligence with respect to potential power supply opportunities, negotiation and administration of power purchase agreements, contractor performance monitoring and dispute resolution, invoice validation, issue identification and compliance oversight. The Director of Power Resources is also responsible for the preparation of certain regulatory compliance reports focused on resource procurement, climate impacts, annual greenhouse gas inventory and emissions reporting, and preparation of informational material for the SVCE Board and public regarding power supply resource allocations. The Director of Power Resources Director will direct development and administration of energy programs, such as feed-in tariff, incentives to accelerate local solar development, and a demand response program.

Job Description
The Director of Power Resources performs assignments under direction of the Chief Executive Officer and works closely with SVCE’s technical team including external consultants. This position interfaces with developers and brokers of power and other interested parties to assist with the identification of power supply opportunities that are appropriate for SVCE’s power mix. The incumbent may be responsible for administering request for proposal (RFP) processes, SVCE’s ‘open season’ process (for renewable energy procurement), and assessing unsolicited proposals. The position will be responsible for developing staff reports, for submittal to the SVCE Board and reviewing and analyzing proposal materials from developers and brokers of conventional and renewable electricity.

Supervisory Responsibilities
The Director of Power Resources supervises positions assigned to the Power Resources team.

Essential Duties and Responsibilities (Illustrative Only)
- Direct and participate in the administration of RFP processes, the open season process and the assessment of unsolicited proposals
- Review and analyze proposals for electric power supply submitted to SVCE by developers and brokers
- Assist in preparation and presentation of information and recommendations to assist SVCE staff and Board in assessing and identifying ‘best fit’ market opportunities for SVCE
- Prepare materials for the SVCE Board and its Committees as well as SVCE staff to facilitate policy discussions related to procurement and resource planning
- Assist in preparation and updates of reports of wholesale energy products and resource planning studies to yield a portfolio of supply resources to best meet the agency’s needs
- Lead or participate in interactions with power developers and brokers during pre-contract discussions, contract negotiations and Board discussion
- Assist with the administration of SVCE power contract portfolio, evaluate the SVCE resource portfolio and recommend adjustments
• Lead or participate in the negotiation and writing of contracts for the purchase and/or sales of electric resources
• Manage performance auditing and monitoring for existing SVCE contracts
• Manage the administration of SVCE’s various renewable energy certificate accounts within the WREGIS system
• Direct the preparation of compliance reports and materials related to SVCE power supply, including those required by the California Public Utilities Commission (CPUC), California Energy Commission (CEC), The Climate Registry, and the Department of Energy (DOE)
• Manage the development and implementation of customer energy management programs, such as feed-in tariff, incentives to accelerate local solar development, and demand response programs
• Keep abreast of developments in resource planning processes and in energy resource technologies, seeking out new technologies from public or private sources, evaluating new supplies as appropriate
• Represent SVCE on external agencies’ task forces and working groups as assigned

**Minimum Qualifications**

**Experience/Education**

Education and experience equivalent to a Bachelor’s degree in engineering, finance, economics or accounting, supplemented by a minimum of five (5) years of progressively responsible experience at an electric utility, municipal utility, a Community Choice Aggregation program or in a closely related field. Technical experience in the utility industry is required. A Master’s degree is desirable.

**Knowledge of:**

• Energy generation technologies including carbon neutral electric energy, conventional energy, and renewable energy such as wind, biomass, geothermal, solar, concentrating solar, and hydroelectric
• Procurement process and use of renewable energy certificates to support mandatory and voluntary compliance programs
• The California Independent System Operator (CAISO) settlement process
• The structure and content of standard power purchase agreements for various resource types
• California’s Renewables Portfolio Standard, Power Content Label and Power Source Disclosure program
• Power scheduling
• Power purchase agreement structures, general terms and conditions and basic requirements.
• Principles and practices of customer energy management including solar and other renewable technologies, demand management, and energy conservation.
• The Western Renewable Energy Information System (WREGIS)
• Regulatory reporting and compliance requirements of the California Public Utilities Commission (CPUC).
• Microsoft Office software including Excel, Word and PowerPoint
• Principles of management, supervision, training and performance evaluation

**Ability to:**

• Take responsibility and work independently, as well as coordinate collaborative efforts and achieve work goals with and through first line supervisors
• Convey complex information in a simple and understandable manner
• Manage multiple priorities, meet deadlines, and quickly adapt to changing priorities in a fast paced dynamic environment
• Achieve goals and provide accurate, timely, and meaningful progress updates
• Work accurately and swiftly under pressure
• Be thorough and detail-oriented
• Demonstrate patience, tact, and courtesy
• Identify and solve problems effectively and expeditiously
• Establish and maintain effective working relationships with persons encountered during the performance of duties, including developers and power brokers, commercial partners, SVCE staff team and Board Directors
• Direct, supervise and coordinate the work of assigned staff
• Communicate effectively verbally, in writing, and through presentations
• Prepare high quality research, reports and request for proposals
• Perform quantitative data and statistical analysis (including Levelized Cost of Service (LCOE) and Net Present Value (NPV)) and effectively communicate results to others
• Effectively interpret and apply contract language and commercial agreements
• Evaluate contractor performance and potential project opportunities, and project siting, permitting and interconnection issues
• Exercise sound judgment, creative problem solving, effective dispute resolution, and commercial awareness
• Provide excellent customer service and communicate clearly and effectively with customers
• Understand, anticipate, and appreciate customer needs and concerns

**Working Conditions**
The physical demands described here are representative of those required for the position. Position requires sitting, walking, standing, bending, and twisting in the performance of daily activities. The position requires hand manipulation and repetitive hand movement and fine coordination in using a computer keyboard. The position requires near and far vision in reading reports and use of a computer. Acute hearing is required in supporting meetings and providing phone and in-person customer service. The position occasionally requires lifting and/or moving objects up to 20 pounds. SVCE will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

**Licenses/Certificates:**
Possession and continued maintenance of a valid class C California driver's license or the ability to provide alternate transportation as approved by the CEO and a safe driving record.
Summary
The Power Contracts and Compliance Manager, under general direction of the Director of Power Resources, has responsibility for contract monitoring, facilitation, and management as well as invoice review and validation to support Silicon Valley Clean Energy (SVCE) power supply contracts.

The position may assist in the administration of power procurement processes, ongoing correspondence with counterparties including contract development and performance tracking, and compliance with regulatory requirements related to power supply.

Job Description
The Power Contracts and Compliance Manager performs assignments under general direction of the Director of Power Resources as part of the Power Resources team and works closely with SVCE’s technical team including external consultants. This position provides support to the Director of Power Resources by developing and reviewing contracts for power supply and reviewing, validating and processing power supply invoices for payment, and supporting filings required to ensure compliant operations.

Supervisory Responsibilities
This position may have lead worker and/or supervisory responsibilities.

Essential Duties and Responsibilities (Illustrative Only)

Power Supply Contract Facilitation

- Under direction of the Director of Power Resources, establish standard operating procedures, protocols and safeguards to ensure procurement team decision making processes are aligned with agency goals.
- Assist with drafting of new vendor and supplier agreements.
- Serve as point of contact for counterparties in negotiations for supply agreements.
- Assist with creation of materials to facilitate Board review of potential supplier agreements include staff reports, supporting information, and presentation materials.
- Manage stakeholder relationships, including PPAs, interconnection, staff and consultants, permitting agencies, community and public relations.
- Assist with the administration of RFP processes, the open season process and the assessment of unsolicited proposals.
- Conduct research and other due diligence to compile relevant information as needed for staff, technical consultants, legal consultants and Board members.
- Track all steps needed to reach contract finalization, up to, and including, contract execution.
- Maintain current knowledge of regulatory/legislative trends and changes as well as current and future market conditions.
- Prepare materials to facilitate SVCE policy discussions related to procurement and resource planning.

Performance Monitoring
- Monitoring and management of assigned counterparty relationships to support performance and contract
compliance.
• Performance auditing and monitoring for power supply contracts, including contract milestones and deliverables.
• Manage vendor and contractor agreements
• Maintain and update files as needed

Invoice Management and Validation
• Identify opportunities for portfolio optimization, budget savings, congestion cost avoidance and project development
• Interface with power suppliers and contractors regarding timely invoicing
• Receive, file and process invoices in a timely and correct manner
• Perform validation on invoices as assigned to insure accurate charges and credits have been applied
• CAISO statement validation and CAISO cost recovery from counterparties as provided for in contract terms
• Track invoice payments and prepare related reports to management, technical team and external accountant
• Resolve, or provide support in resolving invoice and billing issues
• Provide information to assist external accountant with problem resolution

Compliance and Power Supply Planning
• May assist in preparation and presentation of information and recommendations to assist SVCE staff and Board in assessing and identifying ‘best fit’ market opportunities for SVCE.
• May assist in tracking changes during contract negotiation for the purchase and/or sales of electric resources and Renewable Energy Credits (RECs).
• Manage SVCE’s various renewable energy certificate accounts within the WREGIS system.
• Prepare or assist with compliance reports and materials related to SVCE power supply, including those required by the California Public Utilities Commission (CPUC), California Energy Commission (CEC), The Climate Registry and the Department of Energy (DOE).

Minimum Qualifications

Experience/Education

Education and experience equivalent to a Bachelor’s degree in engineering, business, economics or accounting, supplemented by a minimum of five (5) years of progressively responsible experience at an electric utility, municipal utility, Community Choice Aggregation program or in a closely related field. Technical experience in the management of contracts is required.

Knowledge of:
• Principles and practices of contract management
• Energy generation technologies including carbon neutral electric energy, conventional energy, and renewable energy such as wind, biomass, geothermal, solar, concentrating solar and hydroelectric
• Procurement process and use of renewable energy certificates to support mandatory and voluntary compliance programs
• The California Independent System Operator (CAISO) settlement process
• The structure and content of standard power purchase agreements for various resource types
• Renewable energy project development including environmental and local use permitting, interconnection agreements and processes
- California’s Renewables Portfolio Standard, Power Content Label and Power Source Disclosure Programs
- Power scheduling
- Power purchase agreement structures, general terms and conditions and basic requirements
- The Western Renewable Energy Information System (WREGIS)
- Regulatory reporting and compliance requirements of the California Public Utilities Commission (CPUC)
- Microsoft Office software including Excel, Word, PowerPoint and Project
- Principles of team leadership, supervision, and training

**Ability to:**
- Take responsibility and work independently, as well as work as a team member
- Convey complex information in a simple and understandable manner
- Manage and track multiple priorities, meet deadlines, and quickly adapt to changing priorities in a fast paced dynamic environment
- Achieve goals and provide accurate, timely, and meaningful progress updates
- Work accurately and swiftly under pressure
- Be thorough and detail-oriented
- Demonstrate patience, tact, and courtesy
- Identify and solve problems effectively and expeditiously
- Establish and maintain effective working relationships with persons encountered during the performance of duties, including counterparties, consultants, SVCE team members, and Board Directors
- Communicate effectively verbally, in writing, and through presentations
- Prepare high quality research, reports and other written work products
- Perform quantitative data and statistical analysis and effectively communicate results to others.
- Effectively interpret and apply contract language and commercial agreements
- Evaluate contractor performance; potential project opportunities; and project siting, permitting and interconnection issues
- Exercise sound judgment, creative problem solving, effective dispute resolution, and commercial awareness

**Working Conditions**
The physical demands described here are representative of those required for the position. Position requires sitting, walking, standing, bending, and twisting in the performance of daily activities. The position requires hand manipulation and repetitive hand movement and fine coordination in using a computer keyboard. The position requires near and far vision in reading reports and use of a computer. Acute hearing is required in supporting meetings and providing phone and in-person customer service. The position occasionally requires lifting and/or moving objects up to 20 pounds. SVCE will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

**Licenses/Certificates:**
Possession and continued maintenance of a valid class C California driver’s license or the ability to provide alternate transportation as approved by the CEO and a safe driving record.
DRAFT 1: JOB DESCRIPTION

POWER RESOURCE PLANNING AND PROGRAMS ANALYST

Summary

The Power Resource Planning and Programs Analyst, under general direction of the Power Contracts and Compliance Manager, has responsibility for power portfolio monitoring, tracking and resolution of CAISO Statement discrepancies, risk mitigation, and operations reporting as well as invoice review and validation to support the SVCE power supply portfolio. The position may assist in the administration of procurement processes, ongoing correspondence with counterparties including performance tracking, and other duties to support supply planning, program development and compliance.

Job Description

The Power Resource Planning and Programs Analyst performs assignments under general direction as part of the Power Resources team and works closely with SVCE’s technical team including external consultants, portfolio manager, and scheduling coordinator. This position provides support by developing reports and reviewing CAISO Statements, analyzing transactions, and identifying imbalance energy impacts and monitoring Congestion Revenue Rights (CRR) positions for existing and potential power supply contracts as well as reviewing, validating and processing power supply invoices for payment. This position also provides analysis to support power resource planning, regulatory compliance, and the development of customer energy programs.

Supervisory Responsibilities

This position does not have lead worker and/or supervisory responsibilities

Essential Duties and Responsibilities (Illustrative Only)

Power Supply Contract Facilitation

- Under direction, establish standard operating procedures, protocols and safeguards to ensure procurement team decision making processes are aligned with agency goals
- Evaluate congestion impacts of contracted physical paths and identify financially advantageous paths for nomination to the annual, monthly, and quarterly CAISO allocations and auctions
- Responsible for developing and monitoring positions and completing risk analysis for energy generation and trading portfolio
- Work with consultants, vendors, scheduling coordinator, and senior management to analyze risk and value around complex transactions and portfolio positions, including power generation, load forecasts and load scheduling, hedging strategies
- Interact with IT consultants and scheduling software vendor for process improvements to resolve system and application issues
- Work with accounting and settlement groups to deliver critical financial reporting information
- Serve as point of contact for counterparties in ensuring compliance with supply agreements
- Assist with creation of materials to facilitate Board review of counterparty performance with supplier agreements, and staff reports
- Assist as needed with the administration of RFP processes, the open season process and the assessment of unsolicited proposals
- Conduct research and other due diligence to compile relevant information as needed for staff, technical
consultants, legal consultants and Board members

- Maintain current knowledge of regulatory/legislative and market trends and changes as well as current and future market conditions
- Prepare materials to facilitate SVCE policy discussions related to procurement and resource planning

**Performance Monitoring**

- Monitoring and management of assigned counterparty relationships to support performance and contract compliance
- Performance auditing and monitoring for power supply contracts, including contract milestones and deliverables
- Manage vendor and contractor agreements
- Maintain and update files as needed

**Invoice Management and Validation**

- Identify opportunities for portfolio optimization, budget savings, congestion cost avoidance and project development
- Interface with power suppliers and contractors regarding timely invoicing
- Receive, file and process invoices in a timely and correct manner
- Perform validation on invoices as assigned to insure accurate charges and credits have been applied
- CAISO statement validation and CAISO cost recovery from counterparties as provided for in contract terms
- Track invoice payments and prepare related reports to management, technical team and external accountant
- Resolve, or provide support in resolving invoice and billing issues
- Provide information to assist external accountant with problem resolution

**Compliance and Customer Program Development**

- Analyze trends and projections to facilitate program development and resource planning
- May review and analyze proposals for electric power supply submitted to SVCE by developers and brokers and provide summary information for staff and technical team
- May assist in tracking and preparation of compliance reports and materials related to SVCE power supply

**Minimum Qualifications**

**Experience/Education**

Education and experience equivalent to a Bachelor’s degree in engineering, business, economics, operations research, or accounting, supplemented by a minimum of three (3) years of progressively responsible experience in electric utility power settlements, a Community Choice Aggregation or Direct Access program or in a closely related field. Technical experience in the management of CAISO Settlements is required.

**Knowledge of:**

- Energy generation technologies including carbon neutral electric energy, conventional energy, and renewable energy such as wind, biomass, geothermal, solar, concentrating solar, and hydroelectric
- Procurement process and use of renewable energy certificates to support mandatory and voluntary compliance programs
- The California Independent System Operator (CAISO) settlement process
• The structure and content of standard power purchase agreements for various resource types
• Renewable energy project development including environmental and local use permitting, interconnection agreements and processes
• California’s Renewables Portfolio Standard, Power Content Label and Power Source Disclosure program
• Power scheduling and settlement
• The Western Renewable Energy Information System (WREGIS)
• Regulatory reporting and compliance requirements of the California Public Utilities Commission (CPUC).
• Microsoft Office software including Excel, Word and PowerPoint, Project

Ability to:
• Take responsibility and work independently, as well as work as a team member
• Convey complex information in a simple and understandable manner
• Manage and track multiple priorities, meet deadlines, and quickly adapt to changing priorities in a fast paced dynamic environment
• Achieve goals and provide accurate, timely, and meaningful progress updates
• Work accurately and swiftly under pressure
• Be thorough and detail-oriented
• Demonstrate patience, tact, and courtesy
• Identify and solve problems effectively and expeditiously
• Establish and maintain effective working relationships with persons encountered during the performance of duties, including counterparties, consultants, SVCE team members, and Board Directors
• Communicate effectively verbally, in writing, and through presentations
• Prepare high quality research, reports and other written work products
• Perform quantitative data and statistical analysis and effectively communicate results to others.
• Effectively interpret and apply contract language and commercial agreements
• Evaluate contractor performance; potential project opportunities; and project siting, permitting and interconnection issues
• Exercise sound judgment, creative problem solving, effective dispute resolution, and commercial awareness

Working Conditions
The physical demands described here are representative of those required for the position. Position requires sitting, walking, standing, bending, and twisting in the performance of daily activities. The position requires hand manipulation and repetitive hand movement and fine coordination in using a computer keyboard. The position requires near and far vision in reading reports and use of a computer. Acute hearing is required in supporting meetings and providing phone and in-person customer service. The position occasionally requires lifting and/or moving objects up to 20 pounds. SVCE will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

Licenses/Certificates:
Possession and continued maintenance of a valid class C California driver’s license or the ability to provide alternate transportation as approved by the CEO and a safe driving record.
Summary
The General Counsel & Director of Government Affairs works under direction from the Chief Executive Officer and has responsibility for a wide range of Silicon Valley Clean Energy (SVCE) legal and regulatory matters, with particular emphasis on Agency contracting; municipal law; regulatory affairs; legislative affairs; project finance and energy supply transactions; ethics; and, oversight of and collaboration with external legal counsel as may be needed to augment legal support for Agency operations, regulatory proceedings and complex power supply agreements.

Job Description
The General Counsel & Director of Government Affairs provides legal advice and guidance regarding a range of legal and policy matters affecting SVCE, including regulatory affairs, State legislative developments, project finance, municipal law and contract law. The incumbent also researches and prepares written and oral advice for the Chief Executive Officer and Board of Directors on related legal issues and performs managerial and project management tasks as necessary. The General Counsel & Director of Government Affairs represents, and oversees the representation of SVCE before various regulatory and legislative bodies in matters affecting community choice aggregators (CCAs) and other electric utilities. Working with staff, any necessary outside counsel and consultants, this includes but is not limited to: ratemaking proceedings, investigations, various rulemakings, compliance matters and proposed legislation, drafting applications, briefs, legal memoranda, and discovery requests/responses. The Director also supervises the preparation of the testimony and exhibits of expert witnesses; examines and cross-examines witnesses, and presents oral argument as may be needed; participates in regulatory and contract negotiations and settlement discussions. The incumbent develops and responds to legislative policy and works with internal staff and external contractors to implement proposed legislative activities. The General Counsel & Director of Government Affairs also directs and works collaboratively with external counsel from a wide range of related specialties.

Supervisory Responsibilities
The General Counsel & Director of Government Affairs manages the activities of the Regulatory/Legislative Analyst and any external legal resources and/or other external consultants supporting the functions of the Division.

Essential Duties and Responsibilities (Illustrative Only)
- Renders legal advice, administers legal services and works collaboratively with internal staff and external counsel and contractors on a variety of regulatory, legislative and legal matters affecting SVCE and/or its customers.
- Represents and oversees representation of SVCE in energy-related administrative proceedings before the CA Public Utility Commission and other regulatory bodies.
- Represents and oversees representation of SVCE in energy-related legislative activity at the State Capitol and locally as needed.
- Reviews and recommends Agency policies, priorities and responses related to regulatory and legislative actions.
- Prepares and reviews SVCE contracts for content and form.
- Updates SVCE Board of Directors on regulatory and legislative developments.
- Works with the CEO and appropriate staff to negotiate, draft, and close a range of SVCE transactions.
including vendor contracts, power purchase agreements, and credit agreements.

- Participates in SVCE management activities, including assisting in strategic planning, budget and forecast analysis, contractual reporting, annual audit, and other tasks as required.

**Minimum Qualifications**

**Experience/Education**

Juris Doctor degree from a leading university; supplemented by seven (7) years of progressively responsible experience as an attorney working on complex regulatory or energy matters at a reputable law firm or as in-house counsel; or an equivalent combination of education, training, and experience. Background in energy regulation, finance/economics, energy contracting, or engineering desirable. Current active membership in the State Bar of California required.

**Knowledge of:**

- Energy procurement transactions, municipal law, ethics, and other areas of law.
- Energy-related regulatory participation and legislative affairs.
- Structuring, financing, and implementing complex energy projects, including drafting and negotiating power purchase agreements and security agreements.
- Finance transactions, including bond and loan transactions.

**Ability to:**

- Focus, direct and manage the efforts of subordinate staff and external legal, regulatory and legislative resources.
- Manage multiple priorities and quickly adapt to changing priorities in a fast paced dynamic environment.
- Take responsibility and work independently, as well as coordinate team efforts.
- Draft and review complex legal briefings, legal opinions, white papers, and related correspondence
- Be thorough and detail-oriented.
- Work accurately and swiftly under pressure.
- Demonstrate patience, tact, and courtesy.
- Establish and maintain effective working relationships with those encountered during the performance of duties.

**Working Conditions**

The physical demands described here are representative of those required for the position. Position requires sitting, walking, standing, bending, and twisting in the performance of daily activities. The position requires hand manipulation and repetitive hand movement and fine coordination in using a computer keyboard. The position requires near and far vision in reading reports and use of a computer. Acute hearing is required in supporting meetings and providing phone and in-person customer service. The position occasionally requires lifting and/or moving objects up to 20 pounds. SVCE will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

**Licenses/Certificates:**

Current, active membership in the State Bar of California. Possession and continued maintenance of a valid class C California driver’s license or the ability to provide alternate transportation as approved by the CEO and a safe driving record.
DRAFT 1: JOB DESCRIPTION
REGULATORY/LEGISLATIVE ANALYST

Summary
The Regulatory/Legislative Analyst works under general direction from the General Counsel & Director of Government Affairs and has responsibility for a wide range of Silicon Valley Clean Energy (SVCE) regulatory and legislative matters, with particular emphasis on representation of SVCE’s interests at the California Public Utilities Commission (CPUC). The Regulatory/Legislative Analyst evaluates proposed regulatory policies to assess the impact on SVCE, develops SVCE positions on issues, and develops analyses, written reports, and presentation materials to support SVCE’s position. The Regulatory/Legislative Analyst may be assigned to assist in the work of other SVCE teams, and in that role may represent SVCE in administrative proceedings before applicable regulatory agencies. This position performs related work and other analytic tasks for SVCE as required.

Job Description
The Regulatory/Legislative Analyst works independently to perform assignments under the general direction of the General Counsel & Director of Government Affairs. The incumbent participates as an SVCE representative before various regulatory agencies, including the CPUC, in matters affecting community choice aggregators (CCAs) and other electric utilities, including in ratemaking proceedings, rulemakings, and proposed rules and regulations. The Regulatory/Legislative Analyst is tasked with reviewing and drafting comments and briefs; providing technical and/or analytic input on regulatory matters; preparation of data requests, testimony, and hearing exhibits; participation in administrative hearings; and researching and preparing legislative policy responses at the State and local levels.

Supervisory Responsibilities
This position may have some staff supervisory responsibilities if Division expands and may have oversight responsibility for external contractors depending on the project.

Essential Duties and Responsibilities (Illustrative Only)
- Develop high-level policy and responses for key regulatory issues affecting SVCE, including strategy and prioritization of regulatory and legislative action for General Counsel and CEO consideration.
- Represent SVCE in regulatory proceedings through preparation of data requests, written responses, position papers, analytical models, testimony, and exhibits.
- Track, review, analyze and summarize filings prepared by utilities and other entities that could impact SVCE and its customers.
- Track, analyze and interpret regulatory proposals, legislation, and other policy issues with an eye toward impact on and response from SVCE.
- Under direction of the General Counsel & Director of Government Affairs, work closely with technical experts and external regulatory counsel to develop effective and persuasive communications before the CPUC, CA Energy Commission, CA Legislature and any other legal or regulatory body as may be needed.
Minimum Qualifications

Experience/Education

Education and experience equal to a Master’s degree in economics, business administration, environmental science, or public policy, and a minimum of four (4) years of progressively responsible experience in regulatory and legislative affairs at an electric utility or regulatory agency with emphasis on electric procurement issues, energy efficiency or closely related field.

Knowledge of:

- California electric utility regulatory issues, CPUC regulatory practices, protocols, and procedures.
- California utility rate design, electric resource planning, demand resource solutions and regulatory relations.
- California legislative process and protocols
- Communications portals and web-based resources for regulatory and legislative activity
- Depending upon the assignment, principles and practices in the areas of energy efficiency, energy resources and procurement, or other to be determined areas.

Ability to:

- Manage multiple priorities and quickly adapt to changing priorities in a fast paced dynamic environment.
- Take responsibility and work independently, as well as coordinate team efforts within SVCE and the greater CCE community.
- Superior writing skills, especially related to regulatory filings, briefings, legislation, and related regulatory and legislative correspondence
- Orally communicate complex topics in easy to understand presentations before the Board, staff and other audiences
- Be thorough and detail-oriented.
- Work accurately and swiftly under pressure.
- Demonstrate patience, tact, and courtesy at all times

Working Conditions

The physical demands described here are representative of those required for the position. Position requires sitting, walking, standing, bending, and twisting in the performance of daily activities. The position requires hand manipulation and repetitive hand movement and fine coordination in using a computer keyboard. The position requires near and far vision in reading reports and use of a computer. Acute hearing is required in supporting meetings and providing phone and in-person customer service. The position occasionally requires lifting and/or moving objects up to 20 pounds. SVCE will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

Licenses/Certificates:

Possession and continued maintenance of a valid class C California driver's license or the ability to provide alternate transportation as approved by the CEO and a safe driving record.
SVCE Employee Handbook Table of Contents:

**EMPLOYEE HANDBOOK** .................................................................................................................. 1

---

SVCE Employee Handbook Table of Contents: .................................................................................... 2

**Article I.  WELCOME TO SILICON VALLEY CLEAN ENERGY** .................................................. 5

   **Section 1.01  Agency Structure** ................................................................................................. 5

**Article II.  EMPLOYMENT** ............................................................................................................. 5

   **Section 2.01  Nature of Employment** ......................................................................................... 5
   **Section 2.02  Equal Opportunity in Employment** ........................................................................ 5
   **Section 2.03  Fair Employment Practices:** ................................................................................ 6
   **Section 2.04  Classification Plan** ................................................................................................ 6
   **Section 2.05  Recruitment** .......................................................................................................... 7
   **Section 2.06  Appointments** ....................................................................................................... 9
   **Section 2.07  Status Changes** ..................................................................................................... 10
   **Section 2.08  Americans With Disabilities Act** .......................................................................... 10
   **Section 2.09  Supplemental Employment** .................................................................................. 16
   **Section 2.10  Access to Personnel Files** .................................................................................... 16
   **Section 2.11  Employment Reference Checks** ............................................................................ 17
   **Section 2.12  Personnel Data Changes** ...................................................................................... 17
   **Section 2.13  Exit Interviews** ..................................................................................................... 17
   **Section 2.14  Social Security Number Privacy** ........................................................................... 17

**Article III.  EMPLOYEE CONDUCT** ............................................................................................... 18

   **Section 3.01  Business Ethics and Conduct** ............................................................................... 18
   **Section 3.02  Conflicts of Interest** ............................................................................................. 18
   **Section 3.03  Non-Disclosure** .................................................................................................... 19
   **Section 3.04  Use of Phone and Mail Systems** .......................................................................... 20
   **Section 3.05  Alcohol and Drug Abuse** ..................................................................................... 20
   **Section 3.06  Prohibition Against Harassment, Discrimination & Retaliation** ......................... 24
   **Section 3.07  Discipline** ........................................................................................................... 30
   **Section 3.08  Appeals And Hearings** ......................................................................................... 35
Section 3.09  Grievance Procedure ................................................................. 35
Section 3.10  Cell Phone Policy ................................................................. 37
Section 3.11  Electronic Communications ............................................. 38
Section 3.12  Internet Usage .................................................................. 38
Section 3.13  Personal Appearance ....................................................... 39
Section 3.14  Solicitation ....................................................................... 40
Section 3.15  Workplace Monitoring ..................................................... 40
Section 3.16  Computer and Email Usage .............................................. 41
Section 3.17  Social Media ..................................................................... 42
Section 3.18  Return of Property ............................................................. 43

Section 3.19  Expectation of Privacy ....................................................... 43

Section 4.01  Expectation of Privacy ....................................................... 43
Section 4.02  Problem Resolution .......................................................... 43
Section 4.03  Life-Threatening Illnesses in the Workplace .................... 44
Section 4.04  Visitors in the Workplace .................................................. 45
Section 4.05  Workplace Violence ......................................................... 45
Section 4.06  Performance Evaluations .................................................. 47
Section 4.07  Risk Management .............................................................. 47
Section 4.08  Telecommuting ................................................................. 49
Section 4.09  Reimbursement Of Expenses .......................................... 49
Section 4.10  Credit Cards .................................................................... 49
Section 4.11  Use of Equipment/Parking at SVCE Facilities .................... 50
Section 4.12  Recycling ....................................................................... 51

Section 5.01  Employee Benefits ............................................................ 52
Section 5.02  Workers’ Compensation Insurance .................................... 52
Section 5.03  Employee Assistance Program ......................................... 53
Section 5.04  Benefits upon Termination ................................................. 53
Section 5.05  Rest and Meal Periods ....................................................... 53

Article IV. WORKING CONDITIONS............................................................. 43

Article V. BENEFITS................................................................................. 52

SVCE Policies 3
Article I.  WELCOME TO SILICON VALLEY CLEAN ENERGY

Section 1.01  Agency Structure

SVCE is a local government joint powers authority that is governed by a Board of Directors, representing each of the member agencies. Each Director is an elected official that is appointed to the SVCE Board of Directors by their agency. Currently, SVCE includes the County of Santa Clara, and the Cities and Towns of Cupertino, Los Gatos, Campbell, Gilroy, Los Altos, Los Altos Hills, Monte Sereno, Morgan Hill, Mountain View, Saratoga, and Sunnyvale.

There are four Board Officers elected by vote of the Board of Directors at public meetings to service as Chair, Vice Chair, Treasurer, and Secretary. SVCE’s internal staff is supervised by the Chief Executive Officer.

Article II.  EMPLOYMENT

Section 2.01  Nature of Employment

(a) Employment with SVCE is entered into voluntarily and both you and SVCE are free to end the employment relationship at any time, for any or no reason, with or without cause or advance notice and without employee right of appeal so long as there is no violation of applicable federal or state law. This is referred to as employment "at-will."

(b) Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between SVCE and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at SVCE’s sole discretion.

(c) These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Chief Executive Officer of SVCE.

Section 2.02  Equal Opportunity in Employment

(a) In accordance with and in support of equal employment opportunity as specified under Title VII of the Civil Rights Act of 1964, as amended, it is the policy of the Silicon Valley Clean Energy Authority (SVCE) Board of Directors to provide all applicants for employment and all employees with equal opportunity in employment without regard to race, religion, color, sex (including gender, gender identity, gender expression and pregnancy), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, uniformed service member
status, marital status, pregnancy, age, medical condition, genetic information and genetic characteristics, and physical or mental disability or any other protected classification under the law except that SVCE may inquire whether the applicant can perform the essential job function with or without reasonable accommodation.

The Board of Directors of SVCE hereby resolves as follows:

(I) That it is the responsibility of the Chief Executive Officer to ensure that this equal employment opportunity policy is communicated to all present employees, prospective employees, recruitment sources, and the community.

(II) That every employee of Silicon Valley Clean Energy is hereby directed to lend his and her support and cooperation in making equal employment opportunity an integral part of SVCE’s program of personnel administration.

Section 2.03 Fair Employment Practices:

(a) No question in any test, application form, or in any other personnel proceeding shall be so framed as to attempt to elicit information concerning race, religion, color, sex (including gender, gender identity, gender expression, and pregnancy), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition, genetic information and genetic characteristics, and physical or mental disability or any other classification under the law, except that SVCE may inquire whether the applicant can perform the essential job function with or without reasonable accommodation.

(b) Violation of Rules: Violation of the provisions of these Rules may be grounds for disciplinary action.

Section 2.04 Classification Plan

(a) Preparation of Plan: Human Resources staff shall ascertain and record the duties and responsibilities of all positions and, after consulting with the Chief Executive Officer (CEO) and heads of departments affected, shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions defined by class specification including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

(b) Adoption and Revision of Plan: The classification plan shall be adopted and may be
amended from time to time by resolution of the Board of Directors.

(c) Allocation of Positions: Following the adoption of the classification plan, the Human Resources staff shall allocate every regular position to one of the classes established by the plan. Allocation factors directly relate to duties, responsibilities, and minimum qualifications, and do not include the amount of work performed or other factors related to compensation.

(d) New Positions: When a new position is created, before it may be filled, the CEO or his/her designee, shall notify the Human Resources staff and except as otherwise provided by these rules, no person shall be appointed or employed to fill any such position until the classification plan has been amended as necessary to provide therefore.

(e) Reclassification: Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the CEO or his/her designee to an appropriate class, whether new or already created.

Section 2.05  Recruitment

(a) Announcement Notices: All examinations for regular positions shall be publicized by posting announcements on official bulletin boards and by such other methods as the CEO, or his/her designee, deems advisable. Special recruitment shall be conducted, if necessary, to insure that all segments of the community are aware of forthcoming examinations. The announcement shall specify the title and pay of the position for which the examination is announced; the nature of the work to be performed; typical duties; qualification requirements for the position; the manner of making application, components of the testing process, and any other pertinent information. Certified copies of college transcripts, motor vehicle driver records, and other documents required during the application process will be identified in the announcement notice.

(b) Request for Application Forms: Applications will only be provided during the period set forth in the announcement. Internal lists of subsequent job openings will not be maintained.

(c) Application Forms: Completed applications are required for all open and promotional positions. All applications must be signed by the person applying. Resumes are not accepted in lieu of completed applications.

(d) Disqualification: The CEO, or his/her designee, shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications shall be rejected if the applicant is physically unfit for the performance of duties of the position; is addicted to the habitual excessive
use of drugs or intoxicating liquor; has been convicted of a crime involving moral turpitude; has made any false statement of any material fact, or practiced any deception or fraud in the application. Whenever an application is rejected, notice of such rejection with statement of reason shall be mailed to the applicant by the CEO or his/her designee. Defective applications may be returned to the applicant with notice to amend the same providing the time limit for receiving applications has not expired.

(e) Disqualification – Nepotism: It is the policy of SVCE to remain free from nepotism while not discriminating against the applicant. The following provisions apply:

(i) Members of the immediate family Board of Directors may not be employed by SVCE during the Board member’s term of office.

(ii) Members of an immediate family may not be employed simultaneously by SVCE in positions where family influence and/or relationship might affect supervision, safety, security, or morale in a manner detrimental to the conduct of SVCE business, or where such relationships may result in conflicts of interest.

(iii) “Immediate family” is defined as spouse, domestic partner, parents, siblings, children, grandparents, grandson or granddaughter grandchildren, step children, mother-in-law, father-in-law.

(iv) Notwithstanding subsection b, if a member of the immediate family of a SVCE employee, other than a designated employee, becomes an employee within the same department, as that SVCE employee, the following conditions to such employment arrangement shall apply:

(v) No employee shall participate in any part of the hiring process when a member of that employee’s immediate family is an applicant for a position with SVCE.

(vi) No employee shall participate in any part of the promotional process when a member of that employee’s immediate family is an applicant for promotion within SVCE.

(vii) No employee shall be assigned as a direct supervisor of a member of the employee’s immediate family.

(viii) No employee shall participate in any part of the performance review process for a member of that employee’s immediate family.

(ix) No employee or designated employee shall employ, appoint, recommend for appointment or in any other manner participate or attempt to participate in the hiring, promotion, demotion, termination or discipline of any member of his or her immediate family.

(f) Receipt of Applications: Applications must be received by the final filing date as set forth in the announcement notice. Applications received through facsimile (fax) transmission by the final filing date are acceptable on the condition that the original
application is received no later than one week following the closing date.

Section 2.06 Appointments

(a) Appointments fall into the following categories:

(i) Regular Full-Time: Appointment on a full-time basis (40 hours per week) to an authorized position.

(ii) Regular Part-Time: Appointment on a part-time basis (less than 40 hours per week) to an authorized position with partial benefits.

(iii) Temporary: Appointment on an “as needed” basis for work which is anticipated to be of a temporary or intermittent nature, either on a full-time or part-time basis. Less than full-time appointments are based on an hourly rate of pay and do not include benefits except as prescribed by law. No special credit or consideration for service shall be given to a temporary appointee in qualifying for a regular appointment.

(iv) Exempt: Employees excluded from specific provisions of federal and state wage and hour laws. As a public agency, some California wage and hour provisions do not apply to SVCE.

(v) Non-Exempt: Employees are entitled to overtime pay under the specific provisions of federal Fair Labor Standards Act (FLSA) and to the extent they apply, state wage and hour laws.

(vi) Limited Term/Extra Hire (CEA and Unrepresented only): The Chief Executive Officer may make a limited term appointment when services are required for a specified period of time or for a specific project. They are not eligible for employee benefits, except as required by law. Limited term appointments include but are not limited to:

1) Positions that have no long range funding or for which funding is uncertain.

2) A specific period of time not to exceed two (2) years, or for the life of a specific project where the funding source will exceed two (2) years but will cease at the end of the project.

All limited term employees are subject to the same terms and conditions of employment that apply to regular full-time employees, except as provided in this section. Limited term appointments shall be made from current employment eligibility lists.

Limited term employees shall expire at the end of the specified term or conclusion of the specified project unless terminated earlier. Upon expiration or termination of the limited term appointment, the appointee shall have not further right to continued employment with SVCE. The Chief Executive Officer shall have the authority to terminate a limited term appointment at any time when funds are no longer available, or when the project workload is complete. With Board of Directors approval, a limited-term appointment
may be converted (prior to expiration) to a regular full-time appointment. A limited term employee holds employment at will and may be released without cause and without right of appeal.

(b) Position Requisitions: Whenever a vacancy is to be filled, the department in which the vacancy exists shall complete a personnel requisition form and submit it to the Chief Executive Officer.

Section 2.07 Status Changes

(a) Transfer: No person shall be transferred to a position for which he/she does not possess the minimum qualifications. Upon approval by the CEO, an employee may be transferred at any time from one position to another in the same class. If the transfer involves a change from one department to another, the Chief Executive Officer, or his/her designee, must approve.

(b) Demotion: Upon request of the employee, and with the consent of the Chief Executive Officer, demotion may be made to a vacant position. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications.

(c) Suspension: The Chief Executive Officer may suspend an employee from his position at any time for a disciplinary purpose.

(d) Reinstatement: With the approval of the Chief Executive Officer, an employee who has resigned with a record of satisfactory service may be reinstated within two years of the effective date of resignation to a vacant position in the same class. Upon reinstatement, former service credit with the SVCE shall be restored for the purpose of determining benefit accruals. Leave hours will not be restored and for all other purposes the employee shall be considered as though he/she had received an original appointment.

Section 2.08 Americans With Disabilities Act

(a) Purpose: The purpose of this policy is:

(i) To prohibit and eliminate any discrimination in employment against a qualified individual with a disability;

(ii) To define what constitutes “disability”;

(iii) To define who is a “qualified individual with a disability”;

(iv) To define discrimination on the basis of disability; and

(v) To establish a procedure for investigating and resolving internal Disability discrimination complaints.

(b) Policy: Discrimination on the basis of disability against an applicant or an employee who
is a qualified individual with a disability, by a supervisor, management employee, or co-worker is not condoned and will not be tolerated. This policy applies to the job application process and to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training.

(i) All complaints of discrimination on the basis of disability will be promptly and objectively investigated. Disciplinary action up to and including termination will be instituted for behavior described in the definition of discrimination on the basis of disability set forth below. Any retaliation against a person for filing a discrimination charge or making a discrimination complaint is prohibited.

Definitions:

(c) Disability: (i) a physical or mental impairment that substantially limits one or more major life activity; or (ii) having a record of such an impairment; or (iii) being regarded as having such an impairment.

(d) Physical or Mental Impairments: Physical or mental impairments include, but are not limited to: vision, speech and hearing impairments; emotional disturbances and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer, asthma; Hepatitis B; HIV infection; and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

(e) The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality and bisexuality; compulsive gambling, kleptomania; pyromania; pedophilia; exhibitionism; and voyeurism; pregnancy; height, weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

(f) Substantial Limitation of Major Life Activities: An individual is disabled if he or she has a physical or mental impairment that (i) renders him or her unable to perform a major life activity, or that (ii) substantially limits the condition, manner or duration under which he or she can perform a particular major life activity in comparison to other people.

(g) Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(h) In determining whether physical or mental impairment substantially limits the condition, manner or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be
considered:

(i) The nature and severity of the impairment;

(ii) The duration or expected duration of the impairment; and

(iii) The permanent or long-term impact (or expected impact) of or resulting from the impairment.

(i) In determining whether a physical or mental impairment substantially limits an individual with respect to the major life activity of “working” the following factors should be considered:

(i) The geographical area to which the individual has reasonable access;

(ii) The job from which the individual has been disqualified because of an impairment and the number and types of jobs within that geographical area utilizing similar training, knowledge, skills or abilities from which the individual is also disqualified because of the impairment; and/or

(iii) The number and types of other jobs within that geographical area not utilizing similar training, knowledge, skills or abilities (to the job from which disqualified) from which the individual is also disqualified because of the impairment (broad range of jobs in various classes).

(j) Having a Record of Impairment: An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such an impairment.

(k) Regarded as Having a Disability: An individual is disabled if he or she is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

(l) Qualified Individual with a Disability: A “qualified individual with a disability” is a person who (i) satisfies the job related requirements for the position, and (ii) can perform the “essential functions” of the position despite their disability, or who (iii) with “reasonable accommodation” can perform the essential functions of the position.

(m) Satisfied Job-Related Requirements: Satisfying the job-related requirements of the position means that the disabled individual possesses the appropriate educational background, employment experience, skills, and license required for the position.

(n) Essential Factors: Essential functions are the fundamental duties of a position. Marginal or peripheral functions of a position are not essential functions. A function may be essential because:
(i) the reason the position exists is to perform that function;

(ii) of the limited number of employees available among whom the performance of that job function can be distributed; and

(iii) it is highly specialized and requires specific expertise or skill to perform.

(o) The following factors shall be considered in determining whether a function is essential; the agency’s judgment as to which functions are essential; written job descriptions; the amount of time spent on the job performing the function; the consequences of not requiring the performance of the function; the terms of a collective bargaining agreement or MOU; and the work experience of past and present incumbents in the position.

(p) Accommodation: If the individual cannot perform the essential functions despite their disability, is to determine whether reasonable accommodation would enable the individual to perform the essential functions of the position. Accommodation is any change in the work environment or in the way things are customarily done that enables a disabled individual to enjoy equal employment opportunities. Accommodation means modifications or adjustments:

1) To a job application process to enable an individual with a disability to be considered for the position;

2) To the work environment in which a position is performed so that a disabled person can perform the essential functions of the position; and

3) That enable disabled individuals to enjoy equal benefits and privileges of employment as other similarly situated employees without disabilities enjoy.

(q) Accommodation includes making existing facilities and equipment used by employees readily accessible to and usable by individuals with disabilities. Accommodation applies to:

(i) All employment decisions and to the job application process;

(ii) All services and programs provided in connection with employment; non-work facilities provided by the agency to all employees; and known disabilities only.

(r) Accommodation is not required if:

(i) It eliminates essential functions of a position from the disabled individual’s job; or

(ii) Adjustments or modifications requested are primarily for the benefit of the disabled individual.

(s) Undue Hardship: Agency will not provide an accommodation that imposes an “undue
hardship” on the operation of the agency’s business. Undue hardship means significant difficulty or expense incurred in the provision of accommodation. Undue hardship includes but is not limited to financial difficulty. Undue hardship refers to any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the business.

(i) Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. The following factors will be considered in determining whether an accommodation would create an undue hardship: the nature and cost of the accommodation; the financial resources of the agency; the number of employees’ and the type of operations of the agency, including the composition and functions of its work force.

(t) Determining the Appropriate Accommodation: If a qualified individual with a disability requests the provision of a reasonable accommodation, the agency shall engage in an informal, interactive process with the disabled person which identifies the precise limitations resulting from the disability and the potential accommodations that could overcome those limitations.

(u) The accommodation process shall generally involve five steps. First, the agency shall analyze the particular job at issue and determine its purpose and essential functions. Second, the agency shall consult with the disabled individual to ascertain the precise job-related limitations imposed by the individual’s disability. Third, the agency shall consult with the disabled individual to identify potential accommodations. Fourth, the agency shall assess the effectiveness of each potential accommodation with regard to enabling the individual to perform the essential functions of the position. Finally, the agency shall consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the agency.

(v) Discrimination on the Basis of Disability: Discrimination on the basis of disability means:

(i) To limit, segregate, or classify a job applicant or employee in a way that may adversely affect opportunities or status because of the applicant’s or employee’s disability;

(ii) To participate in a contract which could subject an applicant or employee with a disability to discrimination;

(iii) To use any standards, criteria or method of administration which could have the effect of discriminating on the basis of disability;

(iv) To deny equal jobs or benefits because of a disability;

(v) To fail to make reasonable accommodations to known physical or mental limitations of an
otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship;

(vi) To use a selection criteria which excludes a disabled person unless the criteria is job-related and consistent with business necessity; and

(vii) To fail to use employment tests in a manner that ensures that the test results accurately reflect the applicant’s or employee’s skills or aptitude for a particular job.

(w) Complaint Procedure: A job applicant or employee who believes he or she has been discriminated against on the basis of disability may make a written complaint as soon as possible after the incident to:

(i) Complainant’s immediate supervisor;

(ii) The Chief Executive Officer; or

(iii) The Human Resources Staff, who has been designated to coordinate agency’s efforts to comply with federal and state laws concerning employment discrimination on the basis of disability.

(iv) In order to facilitate the investigation, the complainant is encouraged to submit the complaint within 30 days of the alleged incident(s). Where reasonable circumstances prevent the filing of the complaint within this time period, complaints received after this time period may be accepted.

(x) The complaint shall include:

(i) A description of the offending behavior(s) or violations;

(ii) Date(s), time(s) and location(s) of incident(s);

(iii) Name(s) of alleged offender(s);

(iv) Name(s) of witnesses, if any; and

(v) Remedy desired.

(y) The complainant’s immediate supervisor shall refer all complaints received to the CEO or his/her designee.

(z) Upon receipt of a complaint, the CEO or his/her designee shall investigate all charges. The investigation shall include interviews with:

(i) The complainant;

(ii) The person(s) allegedly engaged in discrimination; and

(iii) Any other person believed to have relevant knowledge concerning the complaint.

(aa) Upon completion of the investigation, the CEO, or his/her designee, shall review the
information gathered through the investigation to determine whether the alleged
conduct constitutes discrimination, giving consideration to all factual information, the
totality of the circumstances, including the nature of the alleged discriminatory conduct
and the context in which the alleged incidents occurred.

(bb) The CEO or his/her designee shall then prepare a written report setting forth the result
of the investigation and the determination as to whether discrimination occurred. The
results of the investigation shall be conveyed to appropriate persons including to the
complainant, the person(s) allegedly engaged in discrimination, the supervisor, and the
Chief Executive Officer.

(cc) If it is determined that discrimination occurred, swift and appropriate disciplinary
action will be commensurate with the severity and/or frequency of the offense.

(dd) Reasonable steps shall be taken to protect the victim and other potential victims from
further discrimination.

(ee) Reasonable steps shall be taken to protect the victim from retaliation as a result of
communicating the complaint.

Section 2.09 Suppemental Employment

(a) Employees may hold supplemental jobs as long as they meet the performance standards
of their job with SVCE. All employees will be judged by the same performance
standards and will be subject to SVCE's scheduling demands, regardless of any existing
supplemental work requirements.

(b) If SVCE determines that an employee's supplemental work interferes with performance
or the ability to meet the requirements of SVCE as they are modified form time to time,
the employee may be asked to terminate the supplemental employment if he or she
wishes to remain with SVCE.

(c) Supplemental employment that constitutes a conflict of interest is prohibited. Employees
may not receive any income or material gain from individuals outside SVCE for
materials produced or services rendered while performing their jobs.

(d) An employee who wishes to engage in supplemental employment must complete the
Request to Engage in Supplemental Employment Form, which must be signed by the
employee's supervisor and the CEO or his/her designee.

Section 2.10 Access to Personnel Files

(a) SVCE maintains a personnel file on each employee. The personnel file includes such
information as the employee's job application, resume, records of training,
documentation of performance appraisals and salary increases, and other employment
records. Personnel files are the property of SVCE and access to the information they contain is restricted. Generally, only the supervisor, the CEO and his/her designee are allowed to view the information in a file.

(b) With reasonable advance notice, employees may review their own personnel files in SVCE’s offices and in the presence of a designee.

Section 2.11 Employment Reference Checks

(a) To ensure that individuals who join SVCE are well qualified and have a strong potential to be productive and successful, it is the policy of SVCE to check the employment references of all applicants. Regarding current or former SVCE employees, SVCE will respond in writing or verbally only to those reference check inquiries that are submitted in writing. The CEO and Human Resources staff are the only employees authorized to respond to reference checks. No other employee is authorized to release references for current or former employees without express permission of the Chief Executive Officer or the Human Resources staff.

Section 2.12 Personnel Data Changes

(a) It is the responsibility of each employee to promptly notify SVCE of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents who are enrolled in benefit plan(s) or are beneficiaries of benefit plan(s), emergency contacts, educational accomplishments and other such status reports should be accurate and current at all times.

Section 2.13 Exit Interviews

(a) SVCE will generally schedule exit interviews at the time of voluntary employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to SVCE, or return of SVCE-owned property. Since employment with SVCE is based on mutual consent, both the employee and SVCE have the right to terminate employment at will, with or without reason or cause, at any time. Employees will receive their final pay no later than the pay period following termination.

Section 2.14 Social Security Number Privacy

(a) Officers and employees are permitted to access and use certain personal information, such as Social Security Numbers, only as necessary and appropriate for such persons to carry out their assigned tasks for SVCE and in accordance with SVCE’s policy.

(b) The unauthorized access, viewing, use, disclosure, or the intentional public display of such information and the unauthorized removal of documents from SVCE’s premises...
that contain social security number information is prohibited.

(c) If you come into contact with Social Security Numbers or other sensitive personal information without authorization from SVCE or under circumstances outside of your assigned tasks, you may not use or disclose the information further, but must contact your supervisor and turn over to him or her all copies of the information in whatever form.

(d) When necessary, documents containing social security information will be properly destroyed through shredding or other means prior to disposal to ensure confidential social security information is not disclosed.

(e) For more information about whether and under what circumstances an employee may have access to this information, review the job description for that position or contact the employee's supervisor or the CEO or his/her designee.

Article III. EMPLOYEE CONDUCT

Section 3.01 Business Ethics and Conduct

(a) The successful business operation and reputation of SVCE is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

(b) As a public agency, the continued success of SVCE is dependent upon the public’s trust and we are dedicated to preserving that trust. SVCE Employees will comply with all applicable laws and regulations and expects its directors, officers and employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest or unethical conduct.

(c) In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor, the Human Resources staff and, if necessary, with the Chief Executive Officer for advice and consultation.

(d) Compliance with this policy of business ethics and conduct is the responsibility of every SVCE employee.

Section 3.02 Conflicts of Interest

(a) Transactions with outside firms must be conducted within a framework established and controlled by the executive level of SVCE. Business dealings with outside firms should
not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive-level approval.

(b) An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of SVCE’s business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

(c) No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Human Resources staff, the Chief Executive Officer or their supervisor as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

(d) Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which SVCE does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving SVCE.

(e) Political Activity: SVCE employees are public employees because SVCE is a joint powers authority under California Code Section (add) with a governing body, the Board of Directors, made up of publicly elected representatives of its member jurisdictions. California law prohibits public employers from prohibiting the political activities of its officers or employees. However, the law permits SVCE to develop guidelines prohibiting officers and employees from engaging in political activity during work hours, on agency premises and while in uniform.

Section 3.03 Non-Disclosure

(a) Upon commencement of employment, each SVCE employee must sign the SVCE Non-Disclosure Agreement. The protection of confidential business information and trade secrets is vital to the interests and the success of SVCE. Such confidential information includes, but is not limited to, the following examples:

(i) Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment, even if they do not actually benefit from the disclosed information.

(ii) For more information, please see SVCE’s Customer Confidentiality.

SVCE Policies 19
Section 3.04 Use of Phone and Mail Systems

(a) Personal use of the telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls and may be required to reimburse SVCE for any charges resulting from their personal use of the telephone.

(b) The use of SVCE-paid postage for personal correspondence is not permitted. The mail system is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at the workplace, except those that may be protected under the law. Regardless of protected rights, personal use of mail should be limited.

(c) To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

Section 3.05 Alcohol and Drug Abuse

(a) Purpose: The purpose of this policy is to comply with the Drug Free Work Place Act of 1988 as passed by Congress. To comply with the federal Drug-Free Workplace Act of 1988, SVCE is required to:

(i) Establish a drug free awareness program for employees.

(ii) Provide a notice to all employees specifying that drugs are illegal in the workplace and that action will be taken for violations.

(iii) Make employment conditional upon compliance with this policy and require the employee to notify the employer within five working days of a conviction due to a drug related offense occurring in the workplace.

(iv) Notify the applicable granting federal agency within ten days of an employee’s conviction due to a drug related offense occurring in the workplace.

(v) Sanction employees for violation and/or require participation in a treatment program.

(vi) Make a good faith effort to maintain a drug free work place by following the above requirements.

(b) In addition to the fact that such requirements are established by law, a drug free policy is appropriate in that it helps ensure that employees are able to perform their duties safely and efficiently. While Silicon Valley Clean Energy has no intention of intruding into the private lives of its employees, it does believe that involvement with drugs and alcohol can take its toll on job performance and employee safety. A key element of this policy is rehabilitation. Employees who believe they have a problem are urged to contact the Human Resources Contractor for referral to community resources.

(c) The key focus of this policy is prevention through educating employees on the dangers of
alcohol and drug abuse, and rehabilitation for those who have such problems. Any disciplinary actions will be evaluated on a case-by-case basis and shall be used as a last resort after rehabilitation efforts have failed.

(d) Policy: It is SVCE’s policy that employees shall not drink alcohol or use drugs in the course of SVCE business, which shall include lunch time if the employee plans to return to work. Nor shall they possess alcohol or drugs while on SVCE property, or at work locations, or in uniform, nor shall employees sell or provide drugs or alcohol to any employee or to any person while such employee is on duty. Nor shall any employee have their ability to work impaired as a result of the use of alcohol or drugs when reporting for work.

(e) While use of medically prescribed drugs is not a violation of this policy, failure by the employee to notify his or her supervisor before beginning work when taking drugs which foreseeably interferes with the effective performance of duties or operation of SVCE equipment, can result in discipline up to and including termination. In the event there is a question regarding an employee’s ability to safely and effectively perform assigned duties while using such medication, clearance from a qualified physician may be required.

(f) Refusal to submit immediately to an alcohol and/or drug analysis when requested by SVCE or law enforcement personnel, as a result of reasonable suspicion, may constitute insubordination and may be grounds for discipline up to and including termination.

(g) Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further SVCE work and shall be detained for a reasonable time until he or she can be safely transported from the work site. Higher standards may be required based upon specific job requirements as determined by SVCE management.

(h) Application: This policy applies to all SVCE employees. This policy applies to alcohol and to all substances, drugs or medications, legal or illegal, which could impair an employee’s ability to effectively and safely perform the functions of the job.

(i) Employee Responsibilities: An employee must:

   (i) *Not report to work while his or her ability to perform job duties is impaired due to alcohol or drug use.*

   (ii) *Not directly, or through a third party, sell or provide drugs or alcohol to any person, including any employee while either employee or both employees are on duty.*

   (iii) *Submit immediately to an alcohol and/or drug test when reasonable suspicion of alcohol and/or drug use exists on the job and when requested by a responsible SVCE representative.*
(iv) Notify his or her supervisor before beginning work when taking any medications or drugs, prescription or non-prescription, which may foreseeably interfere with the safe and effective performance of duties including operation of SVCE equipment.

(v) Provide within 24 hours of request bonafide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen is positive.

(vi) Notify Silicon Valley Clean Energy within five working days after being convicted of any drug related offense.

(vii) Notify the appropriate first-line supervisor upon observation of another SVCE employee whose behavior and/or physical characteristics are reasonably suspicious and possibly harmful to himself/herself and/or others.

(j) Management Responsibilities and Guidelines

(i) Directors and supervisors are responsible for understanding this policy and applying it without bias or prejudice.

(ii) Directors and supervisors must avail themselves of training on the employer's role in handling the special problems of employees who suffer from alcohol or drug dependency.

(iii) Directors and supervisors may request that an employee submit to a fitness-for-duty examination when there is reasonable suspicion that an employee is impaired, and is unable to perform the job duties required in a safe and efficient manner. When doing so, the Director or supervisor is required to document, in writing, the facts and circumstances leading to the reasonable suspicion that the employee was impaired and could not perform safely on the job. (Note: First-line supervisors should consult with their supervisors, department directors and Human Resources staff, and a joint decision based on joint observation should be made as to whether or not the employee should undergo a fitness for duty medical examination.)

(iv) When there is a reasonable suspicion that the employee is impaired, the Director or supervisor must attempt to detain the employee until the employee can be safely transported from the workplace. If the employee refuses to submit to the fitness-for-duty examination, or attempts to leave before safe transport can be found, the Chief Executive Officer or supervisor shall remind the employee of the requirements and disciplinary consequences of this policy.

(v) Directors and supervisors shall notify the CEO or designee, when there is reasonable suspicion that an employee may have illegal drugs in his or her possession. If the CEO or designee concurs that there is reasonable suspicion of illegal drug possession, they shall notify the appropriate law enforcement agency.

(vi) Directors and supervisors must use the reasonable suspicion standards in determining whether a fitness-for-duty examination is warranted. Examples of what could lead to a reasonable
suspicion of impairment are: 1) slurred speech; 2) alcohol odor on breath; 3) unsteady walking and movement; 4) size of pupils and their reaction to light; 5) an accident involving SVCE property; 6) verbal altercation; 7) unusual behavior; 8) possession of alcohol or drugs; and 9) information obtained from a reliable person with personal knowledge. The above is not an exclusive list.

(k) Physical Examination and Drug Screening Procedures: The drug and/or alcohol screening may test for any substance which could impair an employee’s ability to effectively and safely perform the functions of his/her assigned job duties, including but not limited to prescription medications, heroin, cocaine, barbiturates, amphetamines, marijuana, and alcohol. The examination will be conducted by a licensed physician in a local medical facility. The drug testing will be conducted by a licensed toxicologist in a laboratory identified as having met all legal requirements for performing such tests. The initial type of screening to be performed can be either a blood or urine analysis at the employee’s option. Positive results must be confirmed in accordance with federal regulations including prescribed test levels.

(l) Fit-For-Duty Examinations

(i) A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including discharge.

(ii) If the drug screen is positive, the employee may provide, within 24-hours of request, bonafide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee’s name.

(iii) If an alcohol or drug test is positive, the supervisor or the Chief Executive Officer and the Human Resources staff shall review the employee’s record to make a determination as to the possibility of rehabilitation for the purpose of returning the employee to his or her assignment; or, after following rehabilitation, whether to reassign the employee or precede with disciplinary action, up to and including discharge. A positive test for an illegal drug will be considered impairing to the employee's ability to perform his or her job, and therefore the corrective provisions of this policy will apply.

(m) Confidentiality: Laboratory reports or test results shall not appear in the employee’s general personnel folder. Information of this nature will be contained in a separate confidential medical folder and securely kept under the control of the CEO, or his/her designee. Reports of test results may be disclosed to the CEO or his/her designee, strictly on a need-to-know basis, and to the tested employee upon request. Disclosures without the employee’s consent may also occur when:

(i) The information is compelled by law or by judicial or administrative process.
(ii) The information is to be used in administering an employee benefit plan.

(iii) The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

(n) Appeal Process, Fit-For-Duty Examinations: Employees whose tests results are positive, and who are consequently facing disciplinary action may appeal pursuant to the provisions of the Memorandum of Understanding and/or Personnel Rules.

(o) Summary: SVCE will conduct drug and alcohol awareness programs. These programs will include prevention and detection methods, with emphasis on maintaining a drug free work place. Additionally, printed material will be given to all employees explaining the dangers of alcohol and drug abuse. All employees will be given a copy of this policy.

Section 3.06 Prohibition Against Harassment, Discrimination & Retaliation

(a) Policy Statement: Silicon Valley Clean Energy is committed to providing a work environment in which employees are treated with respect and dignity. SVCE has zero tolerance for harassment, discrimination and retaliation by employees and non-employees be it a single act or multiple acts. SVCE prohibits all forms of harassment, discrimination and retaliation on the basis of protected classifications or activities that occur on the job or in the work site, including acts of employees and non-employees. Violations of this Zero Tolerance Policy will not be tolerated and perpetrators will be subject to sanction or disciplinary action up to and including discharge. All employees share in the responsibility of ensuring a working environment free of harassment, discrimination and retaliation as defined in this Policy. SVCE will respond promptly and effectively to reports of harassment, discrimination and retaliation.

(b) Definitions:

(i) The “protected classifications” this Policy references are: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition (meaning any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer or genetic characteristics), marital status, sex (including gender, gender identity, gender expression and pregnancy), sexual orientation (including heterosexuality, homosexuality, and bisexuality), citizenship status, uniformed service member status, pregnancy, age, medical condition, genetic information and genetic characteristics, and physical or mental disability or any other protected classification under the law except that SVCE may inquire whether the applicant can perform the essential job function with or without reasonable accommodation.

(ii) “Discrimination” includes decisions regarding applicants, employees, volunteers, persons providing services pursuant to a contract or that are made on the basis of any one or more protected classifications, or that are based upon the perception that a person has a protected
classification.

(iii) “Harassment” is unwelcome, annoying, disturbing or tormenting conduct based upon either the fact or the perception that an applicant, employee, volunteer, or person providing services has a protected classification or is perceived to have a protected classification. To constitute harassment the conduct has the purpose, result or effect of interfering with an individual’s work performance, or creating an intimidating, hostile, or offensive work environment.

(iv) “Sexual harassment” shall be defined as unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when such conduct is made explicitly or implicitly a term or condition of employment, is used as a basis for employment decisions, or has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment includes making a threat or insinuation that a lack of sexual favors will result in reprisal or the withholding of support. Sexual harassment includes same-sex conduct regardless of whether the conduct is based on gender orientation. Sexual harassment can be committed by employees or non-employees. Examples of harassment include the following:

1) Written Harassment: suggestive, threatening, demeaning, or obscene words; letters; notes; invitations which are based on or relate to a protected classification or the perception that a protected classification is present.

2) Verbal Harassment: derogatory or demeaning comments; slurs; jokes; inappropriate comments regarding appearance, dress (including dress that is consistent with gender identity), or physical features; making threats; spreading rumors; epithets; propositioning, or otherwise offensive words which are based on, or relate to a protected classification or the perception that a protected classification is present.

3) Physical Harassment: assault; touching; impeding or blocking movements; or any physical interference with normal work; pinching; patting; grabbing; or inappropriate gestures which are based on or relate to a protected classification or the perception that a protected classification is present.

4) Visual Harassment: leering; sexually oriented gestures; or display of sexually suggestive or derogatory objects including but not limited to pictures, drawings, cartoons, posters or calendars; derogatory, prejudicial, stereotypical, or offensive displays which are based on or relate to a protected classification or the perception that a protected classification is present.

5) Quid Pro Quo Sexual Harassment: threats of reprisal, implying or actually withholding support of appointments or suggesting that punitive action will be taken if requests for sexual favors are not met.
(c) No Retaliation

(i) This Policy prohibits adverse conduct taken against a person because that person engages in any of the following “protected activities:” initiated or pursued a complaint under this Policy; filed a complaint of discrimination or harassment with any outside agency; testified in an investigation; assisted another to complain; refused to follow directions that the person reasonably believes to be discriminatory; or provided information or otherwise assisted in an investigation. “Adverse conduct” includes: taking sides because an individual has reported harassment or discrimination; spreading rumors about a complaint; shunning or avoiding an individual who reports harassment or discrimination; or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

(ii) The following individuals are protected from retaliation as defined in this Policy: those who make good faith reports that harassment or discrimination has occurred; those who refuse to follow an order reasonably believed to be discriminatory; those who are accused of harassment or discrimination; those who associate with an individual who is involved in reporting harassment or discrimination; and/or those who participate in the complaint procedure described below.

(d) Complaint Procedure

(i) Those who believe that they are the victim of, or witness to, any form of discrimination or harassment or retaliation must immediately report the incident to their supervisor, the Chief Executive Officer, or his/her designee. Supervisory personnel have a duty to immediately report violations that come to their attention and to take appropriate action.

(ii) Confidentiality will be maintained to the fullest extent possible, taking into account the following:

1) SVCE recognizes that confidentiality is important to all parties involved in an investigation. Complete confidentiality cannot occur; however, due to the need to fully investigate and take effective remedial action.

2) An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview with others, except as otherwise directed by a supervisor or the CEO or his/her designee. Any individual who discusses the content of an investigatory interview in violation of this Policy will be subject to discipline.

3) SVCE will not disclose a completed investigation report, except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order. The CEO or his/her designee will retain investigation reports in a confidential manner for at least five years after the date of completion.
4) In order to proceed under this complaint procedure, the basis of the complaint must be behavior, practice or action that is believed to have been taken because of the victim’s protected classification or because the activity is prohibited by this Policy. Examination of the nature and circumstances of each complaint will determine whether the alleged acts or practices constitute discrimination, harassment, or retaliation.

5) Complaints may be submitted in writing or verbally and may include a suggested method of resolution and corrective action.

6) The person complaining need not report his or her complaint through any chain of command. Instead, he/she has the choice of submitting the complaint to his/her supervisor, the Chief Executive Officer, or the Human Resources staff. A person also has the option to file a complaint with: 1) the California Fair Employment and Housing Commission (www.dfeh.ca.gov; 800-952-5210) and/or 2) the U.S. Equal Employment Opportunity Commission (www.eeoc.gov; 800-669-4000).

7) Upon receipt of the complaint, the CEO or his/her designee will promptly investigate the charges including contacting the person who allegedly engaged in the prohibited conduct. The investigation will be thorough, prompt, objective and non-judgmental. The investigator will inform the accused person of the basis of the complaint and provide him/her an opportunity to respond.

8) Upon completion of the investigation, the Chief Executive Officer, in consultation with the Human Resources staff, will determine what, if any, disciplinary action will be recommended to the Chief Executive Officer. If inappropriate behavior is found, action will be taken to end the inappropriate behavior. Both parties will be notified of the conclusion of the investigation.

9) If it is determined that prohibited conduct occurred, sanctions or disciplinary action up to and including discharge will be taken. Disciplinary action taken under this procedure may be appealed.

(e) Responsibilities

(i) The Chief Executive Officer is responsible for enforcing this policy.

(ii) The Human Resources staff is responsible for ensuring that all complaints of harassment are investigated in a confidential, thorough, and prompt manner, including presentation of recommendations for any necessary action to the Chief Executive Officer.

(iii) The Chief Executive Officer is responsible for informing all employees, including supervisors, of this Policy and for taking the steps necessary to set a positive example of conduct consistent
with this Policy.

(iv) Every employee, volunteer, applicant, elected or appointed official or person providing services pursuant to a contract is responsible for reporting any act he or she reasonably believes to be a violation of this Policy to the immediate supervisor, the Chief Executive Officer, or Human Resources staff; treating all SVCE – affiliated persons with dignity and respect; responding fully and truthfully to all questions posed during an investigation; and not disclosing the substance of any investigatory interview.

(f) Penalties: Violation of this policy shall generally constitute just and reasonable cause for discipline, up to and including termination. In addition, an individual may be found to be personally liable when they engage in or take no action to prevent harassment or retaliation. SEXUAL RELATIONSHIPS BETWEEN SUPERVISORS AND SUBORDINATE EMPLOYEES ARE PROHIBITED.

(g) Policy Statement: This policy is intended to avoid conflicts of interest between work-related and personal/family obligations; reduce favoritism or even the appearance of favoritism; prevent personal/family conflicts from affecting the workplace; and decrease the likelihood of sexual harassment and/or gender discrimination in the workplace. As a result, Silicon Valley Clean Energy prohibits sexual relationships between supervisors and subordinate employees, as defined in this Policy.

(h) Definitions: The following definitions apply to each section of this Policy.

(i) A sexual relationship” exists when two SVCE employees become personally involved with each other to the point that there is any of the following: sexual intimacy, marriage, or domestic partnership.

(ii) Resources “Departments” are defined as: Administration & Finance, Marketing & Public Affairs, Power & Energy Programs General Counsel & Government Affairs.

(iii) “Supervisor” is defined as any person who has the discretion and authority to direct others as to the performance of SVCE’s work. The definition of “Supervisor” includes those who periodically serve as acting supervisors. As related to supervision, to “direct” is defined as the giving of orders by an employee to another employee for which failure to follow the orders is grounds for discipline.

(i) Policy/Procedure

(i) Public trust, safety and organization morale require that supervisory employees avoid the appearance of a conflict between their professional responsibilities and any involvement that they may have in a sexual relationship with other SVCE employees. In order to promote efficient operation of the SVCE and to avoid misunderstandings, complaints of favoritism, other
problems of supervision, security, morale, and possible claims of sexual harassment and/or
gender based discrimination, sexual relations between supervisors and subordinate employees
are prohibited.

(ii) In the event that a relationship exists between a supervisor and a subordinate employee, the
supervisor has the affirmative obligation to disclose the relationship to his/her supervisor. Failure to disclose the relationship by the supervisory employee in the relationship is separate
grounds for discipline.

(j) Enforcement: SVCE reserves the right to reasonably investigate situations in the
workplace to determine whether there is a possible violation of this Policy. If SVCE
determines that a Policy violation exists, prior to discipline, SVCE will make every effort
to resolve the situation administratively. If an administrative remedy is impractical or
otherwise inappropriate, remedial and/or disciplinary measures may be utilized to
mitigate issues that arise relevant to the enforcement of this Policy.

(k) SVCE retains the right to refuse to place employees engaged in sexual relationships
prohibited by this Policy in the same Department if the placement has the potential for
creating an adverse impact on supervision, safety, security, morale or involves potential
conflicts of interest.

(l) In the event of a prohibited sexual relationship, SVCE will attempt to transfer one of the
affected employees to a similar classified position in another SVCE Department, should
such a position exist, be available, and should the employee possess the skills and
qualifications necessary to perform the essential duties of the position. Although the
wishes of the involved parties as to who will be transferred will be given consideration
by SVCE, the controlling factor will be the positive operation and efficiency of SVCE. If
any such transfer results in a reduction in salary or compensation, applicable and legally
required due process procedures shall be applied.

(m) In lieu of a transfer from one department to another, or in situations in which no similar
counterpart classification exists the affected employees may continue to be employed
within the same SVCE Department subject to approval by the Chief Executive Officer or
his/her designee. However, any such continuing employment is predicated upon both
subject employees not reporting to the same immediate supervisor; not being supervised
by each other; not working the same shift at the same work site; or, otherwise becoming
involved in a work environment having the potential for adverse impact on supervision,
safety, security or morale.

(n) If continuing employment of employees engaged in sexual relationships prohibited by
this Policy cannot be accommodated consistent with SVCE interest in promotion of
safety, security, morale and efficiency, then SVCE retains sole discretion to discipline one of the employees. Prior to discipline, SVCE will make every effort to resolve the situation administratively.

(o) The provisions of this Policy are not applicable to individuals employed by SVCE on or before the date of adoption of this Policy in their current state of sexual relationship. However in the event that a relationship exists between a supervisor and a subordinate employee, the supervisor has the affirmative obligation to disclose the relationship to his/her supervisor. In addition, any of the following after the effective date of this Policy, even as to current employees, will result in the applicability of the Policy: a) a new sexual relationship; b) a change in marital status; or c) a change in status that makes an employee a supervisor or acting supervisor.

(p) Furthermore, employees in existing sexual relationships are subject to any and all employment-related actions by SVCE, pursuant to existing SVCE policies and procedures to address conduct, and which negatively impact the work environment.

Section 3.07 Discipline

(a) Policy: It shall be the policy of Silicon Valley Clean Energy to establish consistency in procedures relating to employee discipline.

(b) Procedure: The CEO, or his/her designee, shall be contacted whenever a supervisor has reason to believe that an employee has violated a rule of conduct or other policy, procedure, practice, or regulation, whether formal or informal, resulting in a cause for disciplinary action. The determination of corrective action, if any, will be made after an investigation with department management of the alleged violation.

(c) If a determination is made that corrective action is necessary, the Chief Executive Officer, or his/her designee, shall be advised of any disciplinary action. A pre-disciplinary meeting (Skelly) will generally precede a proposed disciplinary action involving a loss or reduction of pay.

(d) Forms of Disciplinary Action: The following forms of disciplinary action are listed in order of the least severe (verbal reprimand) to the most severe (discharge).

(i) Verbal Reprimand - is considered informal discipline with the purpose of notifying the employee that his/her performance or behavior must be improved. This verbal warning defines the area in which improvement is required, sets up goals and/or objectives leading to this improvement and informs the employee that failure to improve will result in more serious disciplinary action.

(ii) The verbal reprimand is the first official step of disciplinary action. It is designed to address
minor infractions of rules and practices. It is, in effect, a statement to the employee that he/she has (1) violated a rule or work practice that he/she should have been aware of, and (2) that he/she will be expected to abide by all such rules or practices in the future.

(iii) Written Reprimand - is an official record of discipline, usually issued after a previous verbal reprimand. The employee is advised that his/her behavior is seriously below standard and that continuation or repetition of that behavior shall result in more serious disciplinary action. The written reprimand shall cite violations of SVCE’s rules of conduct or causes for disciplinary action. The written reprimand is considered the first formal step in the disciplinary procedure.

(iv) Suspension - is an ordered absence from duty without pay for a prescribed period of time. An employee may be suspended without pay for up to thirty (30) calendar days. A suspension without pay is a serious action by management involving loss of pay and possibly supplemental benefits (depending on length of suspension). An employee generally receives less severe discipline prior to a suspension.

(v) Reduction in Pay - is a temporary reduction in salary to a lower salary step for a specified period of time. The employee does not have stoppage of income and may be able to have the reduction lifted by good performance. The department does not lose the services of this employee. As with suspension, an individual should have been warned or reprimanded prior to taking this action.

(vi) Demotion - is a permanent change in classification of an employee to a position of lower responsibility and pay for unsatisfactory performance or disciplinary reasons. If a demotion is recommended:

1) The letter of demotion should be specific as to the reason(s) for the action;
2) The employee’s new duties must be consistent with those described in the class specification for the position.

(vii) Discharge - is the most severe form of disciplinary action. Removal from employment may be caused by a serious violation of the “causes for disciplinary action,” or due to violation of work rules and practices. This action should only be taken when management is thoroughly satisfied that the employee has been given every reasonable opportunity to meet performance or behavior standards and clearly failed to do so.

(e) Causes for Disciplinary Action: Any of the following may be deemed sufficient cause for disciplinary action. The listing herein is not intended to be limiting.

(i) Unauthorized possession of SVCE or an employee’s personal property

(ii) Willful abuse, damage, or defacing of SVCE property.

(iii) Misuse of SVCE materials, equipment, or property.
(iv) Neglect of duty.

(v) Insubordination.

(vi) Violation or disregard of published safety rules or common safety practices.

(vii) Sleeping on the job.

(viii) Refusal or failure to perform work as assigned.

(ix) Refusal or failure to follow a direct order of a supervisor.

(x) Loitering or willfully wasting time during working hours.

(xi) Gross negligence that negatively affects the quality of service or finished product.

(xii) Fighting on SVCE property or during working hours.

(xiii) Gambling on SVCE property.

(xiv) Possession of alcoholic beverages, illegal/unauthorized drugs, or being under the influence of intoxicating beverages/drugs on SVCE property or during working hours.

(xv) Illegal conduct.

(xvi) Unauthorized selling on SVCE property or during working hours.

(xvii) Unauthorized possession of weapons.

(xviii) Falsifying pay or production records.

(xix) Excessive absenteeism/tardiness.

(xx) Absence without approved leave.

(xxi) Offensive treatment of the public or other employees.

(xxii) Fraud in securing employment.

(xxiii) Dishonesty.

(xxiv) Incompetence - As used herein, the term “incompetence” shall mean that the employee lacks adequate ability, knowledge, skill or fitness to perform the duties in a satisfactory manner, which is within the scope of the employee’s employment.

(xxv) Job abandonment.

(f) Pre-disciplinary Proceedings: The California Supreme Court’s Skelly decision provides a public employee with certain procedural protections before discipline which impacts pay or benefits may be imposed. Disciplinary action may be taken prior to Skelly under extraordinary or emergency circumstances. The following procedure satisfies the requirements of Skelly:
(i) The employee receives notice of maximum disciplinary action that may be imposed.

(ii) The notice states the reasons for the proposed disciplinary action.

(iii) The notice contains the charges upon which the proposed disciplinary action is based.

(iv) The employee is allowed access to the materials upon which the proposed disciplinary action is based.

(v) The employee is afforded the right, either orally or in writing, or both, to respond to the proposed charges.

(g) Notice Requirements: The notice requirements of Skelly are as follows:

(i) The Skelly notice should be in writing.

(ii) The letter should set a date, time, and place for the employee and/or his/her representative to respond to the charges if he/she elects to do so. The Skelly meeting should be at least ten (10) working days following the letter to provide the employee an opportunity to respond. The letter should also contain a request that the employee give notice if he/she elects to waive the right to respond orally.

(iii) The letter should contain the maximum penalty which may be imposed.

(iv) The reasons for the proposed disciplinary action must be set out in detail. The part of the Skelly letter setting out the misconduct with which the employee is charged must be factual so that any person reading the letter will be able to determine the exact misconduct charged.

(v) The factual allegations of misconduct must specifically cite violations of the SVCE’s “causes for disciplinary action” as described herein.

(vi) The letter must advise the employee of his/her right to respond to the charges, either orally in writing, and that the employee has a right to have any documents upon which the charges are brought.

(vii) The letter must advise the employee of his/her right to representation if he/she elects to do so.

(viii) The letter should advise the employee that discipline may be imposed whether or not he/she responds to the charges.

(ix) Copies of the Skelly letter should be sent to:

   1) The Chief Executive Officer
   2) The Human Resources staff
   3) The employee’s supervisor
   4) The employee’s union representative, if any
(h) Skelly Meeting: The Skelly meeting should be conducted as follows:

(i) The authority who may impose the discipline should chair the meeting. The person chairing the meeting should not have been involved in the initial decision to discipline.

(ii) The meeting chairperson should establish that the employee has received the Skelly notice and understands the charges set forth therein.

(iii) The chairperson should make available any documents which were considered in determining the proposed charges and disciplinary action.

(iv) The employee or his/her representative should be given the opportunity to respond to the proposed charges.

(v) The employee or his/her representative should be given the opportunity to make final comments regarding the proposed action.

(vi) The chairperson should close the meeting by indicating that he/she will consider all statements and/or documents which may have been presented prior to determining the final action.

(vii) The person conducting the meeting will subsequently determine whether the charges have been established and the severity of the disciplinary action.

(i) Action Letter: The person conducting the meeting should promptly prepare a letter containing all of the following:

(i) Factual findings. This part of the letter may, for charges which have been established, repeat the charges as set out in the Skelly notice letter. If a charge has not been established or if facts in mitigation of a charge’s seriousness have been disclosed the letter should so state.

(ii) The specific provision(s) of Section 15.4 of these rules which were violated.

(iii) The discipline imposed may not exceed the maximum stated in the Skelly letter.

(iv) A statement that the employee may appeal the action consistent with the provisions of respective memoranda of understanding or other SVCE rule, regulation, or policy.

(j) FLSA Exempt Employees: Subsection 541.118(a)(5) of the Fair Labor Standards Act (FLSA) provides that pay deductions for disciplinary reasons may only be imposed if such penalties are imposed in good faith for infraction of safety rules of major significance. This provision has been interpreted by the U.S. Department of Labor (DOL) because the salary test has a general rule that an employee need not be paid in any workweek during which no work is performed.

(i) The form of discipline to be imposed for a violation of these rules herein will be determined based upon the circumstances of the particular case and will be implemented in a manner consistent with and authorized by state and federal law, including applicable provisions of the FLSA.
Although suspensions of less than five working days are not permitted for other than safety rule infractions of major significance, consideration may be given to “equivalent discipline” including reductions in the number of accumulated leave hours.

Section 3.08 Appeals And Hearings

(a) Form of Appeal: All appeals to the Appointing Authority shall be in writing and shall be signed by the employee.

(b) Filing of Appeal: The filing of an appeal to the Appointing Authority shall be accomplished by the submission of the signed written document to the CEO or his/her designee who shall be responsible for the issuance of proper notifications.

(c) Representation: An employee submitting an appeal to the Appointing Authority may be represented by a person of his/her choosing or may elect to represent him/herself; provided, however, that when an employee is to be represented by another person the name of that person shall be made known to the Appointing Authority at least three days prior to the scheduled hearing or meeting. Substitution of representation may only be as permitted by the Appointing Authority.

(d) Who May Appeal: Any employee subject to the merit and fitness provisions of Section 2.52.040 of the Municipal Code may file an appeal with the Appointing Authority as the final step of the appeal procedure, for suspensions exceeding thirty (30) days in any twelve (12) month period, or after notice of dismissal. Appeals from dismissal may be filed only by employees currently holding regular status at the time of dismissal.

(e) Hearings on Appeals: If deemed necessary, hearings may be held on appeals by the Appointing Authority. The conduct of such hearings shall be as determined necessary by the Appointing Authority to best evaluate each appeal on its merits.

Section 3.09 Grievance Procedure

(a) Definition: A grievance is a good faith dispute or difference of opinion of an employee involving the meaning, interpretation, or application of the express provisions of a Memorandum of Understanding, SVCE Policy, or existing work rules, affecting the employee, concerning a matter within the scope of representation.

(b) Step 1: An employee (grievant) who has a grievance shall bring it to the attention of his/her immediate supervisor within ten (10) calendar days of the occurrence of the act which is the basis for the dispute. If the grievant and immediate supervisor are unable to resolve the matter within ten (10) calendar days of the date it is raised, the grievant has the right to submit a formal grievance to his/her next higher supervisor.

(c) Step 2: If the grievance is not settled at Step 1, the grievant may submit a written
grievance to the next higher supervisor within ten (10) calendar days after the supervisor’s oral answer in Step 1. The written grievance shall contain the following information:

(i) The name, job classification, and department of the grievant.
(ii) The name of the grievant’s immediate supervisor.
(iii) A statement of the nature of the grievance including date and place of occurrence.
(iv) The specific provision, policy, or procedure alleged to have been violated.
(v) The remedy sought by the grievant.
(vi) If the grievant is not self-represented, the name of the individual or recognized employee organization designated to represent the grievant.
(vii) Signature of grievant and date.
(viii) The supervisor or designee shall discuss the grievance within ten (10) calendar days with the grievant and/or designated representative at a time mutually agreeable to the parties. If a settlement is not reached, a written answer to the grievance shall be provided within ten (10) calendar days of the meeting.

(d) Step 3: If the grievance is not settled at Step 2, the grievant may submit the grievance in writing to the grieving’s Department Head, or, alternatively, if the Department Head responded at Step 2, to the Chief Executive Officer within ten (10) calendar days of the Step 2 written answer. The Chief Executive Officer shall discuss the grievance within ten (10) calendar days with the grievant and/or designated representative at a time mutually agreeable to the parties. If a settlement is not reached, a written answer shall be provided within ten (10) calendar days of the meeting.

(e) Step 4: If the grievance is not settled at Step 3, the grievant may submit the grievance to advisory arbitration within 14 calendar days after receipt of the decision at Step 3.

(f) Advisory Arbitration: The parties shall attempt to agree upon an advisory arbitrator within seven (7) calendar days after receipt of the notice of referral. In the event that the parties are unable to agree upon an advisory arbitrator within said seven (7) day period, the parties shall jointly request the State Mediation and Conciliation Service to submit a panel of five (5) advisory arbitrators. Each party retains the right to reject one panel in its entirety and request that a new panel be submitted. Both the grievant/designated representative and the SVCE shall have the right to strike two (2) names from the panel. The parties shall alternatively strike names until one remains. The person remaining shall be the advisory arbitrator.
(i) The advisory arbitrator shall be notified of his/her selection and shall be requested to set a time and place for the hearing, subject to the availability of the grievant/designated representative and the SVCE representative.

(ii) The SVCE or the grievant/designated representative has the right to request the arbitrator to require the presence of witnesses or documents. The SVCE and the grievant retain the right to employ legal counsel.

(iii) The advisory arbitrator shall submit his/her recommendation in writing within thirty (30) days following the close of the hearing or the submission of briefs by the parties whichever is later.

(g) More than one grievance may be submitted to the same advisory arbitrator if both parties mutually agree in writing.

(i) The fees and expenses of the advisory arbitrator and the cost of a written transcript shall be divided equally between the SVCE and the grievant, provided, however, that each party shall be responsible for compensating its own representatives and witnesses.

(h) Limitations on Authority of Advisory Arbitrator: The advisory arbitrator shall have no right to amend, modify, ignore, add to, or subtract from the provisions of the Memorandum of Understanding, SVCE policies, or work rules. The advisory arbitrator shall consider and decide only the question of fact as to whether there has been a violation, misinterpretation, or misapplication of the specific provisions of the applicable document. The advisory arbitrator shall be empowered to determine the issue raised by the grievance as submitted in writing at the second step. The advisory arbitrator shall have no authority to make a recommendation on any issue not so submitted or raised. The advisory arbitrator shall be without power to make recommendations contrary to or inconsistent with, in any way, applicable laws or rules and regulations of administrative bodies that have the force and effect of the law. The advisory arbitrator shall not in any way limit or interfere with the powers, duties and responsibilities of the SVCE under law and applicable court decisions. The recommendation shall be advisory only to the Appointing Authority. The Appointing Authority will make the final decision.

Section 3.10 Cell Phone Policy

(a) If an employee is provided a cell phone, a tablet, a data plan or any other related device by SVCE such items are provided as business tools only to assist employees in communicating with management and other employees, their SVCE associates, and others with whom they may conduct business.

(b) Whether such devices are provided by SVCE or the employee is using his or her own, employees who have access to a cell phone or other device while in their car should remember that their primary responsibility is driving safely and obeying the rules of the
road, which include the restrictions on texting and/or using a cell phone or other device while driving, without the use of a hands-free device.

Section 3.11 Electronic Communications

(a) SVCE employees have access to computers, fax machines, and other electronic communications equipment; Computer programs available to employees include e-mail, the internet, telnet, and other communications available now and/or in the future. The use of electronic communications equipment and/or programs is for the purpose of official business of the SVCE.

(b) SVCE has the right to access, disclose, and monitor all electronic communications. Under no circumstances is SVCE’s electronic communication system to be used to send copies of documents in violation of copyright laws or which access to is restricted by workplace rules, regulations, and procedures, or by Federal or State security laws or regulations.

Section 3.12 Internet Usage

(a) The Internet can be a very effective resource in gathering information needed to conduct SVCE business. For this reason, SVCE provides employees with browsing access to it. However, all Internet usage, albeit professional and/or personal, results in considerable challenges with security, network capacity and performance, viruses, and the potential for misuse.

(b) Accordingly, this policy sets guidelines for using SVCE resources in accessing the Internet that retain its value for obtaining information while also assuring its appropriate use in conducting SVCE business.

(c) SVCE’s internet access exists solely for the purpose of conducting SVCE business and is not intended for personal use.

(d) Employees who want to have personal Internet email or access should contract for this from any number of non-profit or commercial providers and use it at home. However, limited and appropriate personal use of SVCE’s Internet connection is allowed provided that:

   (i) It does not occur during an employee’s assigned working hours.

   (ii) It is used in accordance with all other guidelines and restrictions set forth in this policy.

(e) Use of SVCE Internet Connection:

Good judgment and common sense should always prevail regarding the appropriate use of the SVCE’s Internet connection. Under this standard it is not possible to list all the allowed and prohibited uses of SVCE’s Internet connection. However, use of the SVCE’s Internet
SVCE Policies 39

connection for any reason is expressly prohibited under the following circumstances:

(i) Compromises the integrity of SVCE and its business operations in any way.

(ii) Commits any illegal act.

(iii) Violates SVCE’s Harassment or Ethics Policy.

(iv) Results in private gain or advantage for the employee (such as conducting business related to economic interests outside of SVCE employment).

(f) Monitoring Internet Use. SVCE will prepare monthly summary reports on Internet activity which will be provided to Department Heads and SVCE Administration for their review. More detailed ad hoc reports on Internet use for each user, including sites visited and the duration of each visit, are available to Department Heads upon request. Under the State’s public records disclosure laws, these reports may be subject to public disclosure.

(i) General: Each employee should exercise good judgment in using the Internet. Personal use should be brief and infrequent during work hours and limited to off-work hours or breaks whenever possible.

(ii) Each employee with access to SVCE’s Internet connection is responsible for understanding and following these guidelines. Unauthorized or improper use of SVCE’s Internet connection may result in terminating access to it. Depending on the severity of the unauthorized or improper use, disciplinary action, including termination may occur.

(g) Connection Security and Passwords: Each employee has a uniquely assigned user name and password for security purposes. While this cannot guarantee privacy, confidentiality or data security, it is an important component of SVCE’s overall system protection. Employees should never share passwords with others. This is especially important since employees are responsible for all Internet use conducted under their username.

(h) SUMMARY: The use of the Internet is an important research tool for our organization. It helps us do our work in an effective and efficient manner. However, the Internet can result in network issues. The reason for these guidelines is to ensure that common sense and organizational purpose are embodied in our Internet use and that SVCE is consistent with best business practices.

Section 3.13 Personal Appearance

(a) SVCE, as a condition of employment, expects to receive from employees neat and clean grooming and attire appropriate to the job assignment.
(b) Managers are responsible for insuring that employees project a professional image and adhere to this policy. The employee's supervisor or department head is responsible for establishing a reasonable dress code appropriate to the position. An employee should consult their supervisor with questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability upon request or an exception can be made for someone in a protected class.

Section 3.14 Solicitation

(a) In an effort to ensure a productive and harmonious work environment, persons not employed by SVCE may not solicit or distribute literature in the workplace at any time for any purpose.

(b) SVCE recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during paid working time. Working time does not include lunch periods or any other periods in which employees are not in paid status.

(c) In addition, the posting of written solicitations on workplace bulletin boards is prohibited. Bulletin boards are reserved for official organization communications on such items as:

Section 3.15 Workplace Monitoring

(a) Workplace monitoring may be conducted by SVCE to ensure quality control, employee safety, security, and customer satisfaction.

(b) Employees who regularly communicate with customers via the telephone may have their conversations monitored or recorded with notice to both parties. Telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances our customers' image of SVCE as well as their satisfaction with our service.

(c) Computers furnished to employees are the property of SVCE. As such, computer usage and files, including e-mail usage and related files, may be monitored or accessed.

(d) SVCE or others (such as a building owner or manager) may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct and discourage and prevent acts of harassment and workplace violence.

(e) Because SVCE is sensitive to the legitimate privacy rights of employees, every effort will be made to conduct workplace monitoring in an ethical and respectful manner. For more information, see section 301 Expectation of Privacy.
Section 3.16  Computer and Email Usage

(a) SVCE provides various technology resources to authorized employees. These include, but are not limited to computers, computer files (including data), computer hardware, peripheral equipment (such as printers, modems, fax machines and copiers), the email system, the voice mail system, instant messaging systems, telephones (including mobile phones), personal organizers, pagers and software (including software that grants access to external resources, such as the Internet). Technology resources furnished to employees are SVCE property intended for business use. Employees must not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer, email and other technology resource usage may be monitored. It may also be necessary to access or monitor technology resources for administrative, maintenance, business continuity or other business purposes. As a result, employees do not have a reasonable expectation of privacy in the use of technology resources; including information created, transmitted or stored using technology resources.

(b) SVCE strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, SVCE prohibits the use of technology resources in ways that are disruptive, offensive to others, or harmful to morale. Under no circumstances may technology resources be used to transmit, receive or store any information that is discriminatory, harassing, defamatory, obscene, indecent, threatening or that otherwise violates policies prohibiting discrimination, harassment or violence in the workplace.

(c) For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

(d) E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other nonbusiness matters, except such matters that may be statutorily protected.

(e) SVCE purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, SVCE does not have the right to reproduce such software for use on more than one computer.

(f) Employees may only use software on local area networks or on multiple machines according to the software license agreement. SVCE prohibits the illegal duplication of software and its related documentation. Because SVCE employees handle a great deal of
sensitive and confidential information, it is important that staff members keep their computers secure at all times. This includes when the employee is away from their desk or when the employee is away from the office, including leaving for the day. To ensure consistent security, employees should do the following:

(i) When leaving their desk, press control, alt, delete and enter. The screen will go into lock mode and they will have to unlock (control, alt, delete and password) when they return.

(ii) When leaving for the day, the employee can:

1) Log off, especially if they plan to use VPN once they leave; or
2) Put the computer into sleep mode; or
3) Turn the computer off.

(g) Although an employee may be away from their desk only briefly, it is important to keep all SVCE electronic files secure, especially when the employee’s desk is in a public area. However, there are often visitors to other areas of the office, so maintaining consistent computer security throughout the building is very important.

(h) In addition, if using Last Pass or another product to store passwords, employees must sign out of that program when leaving for the day.

(i) Employees should notify their immediate supervisor or the Chief Executive Officer or any member of management upon learning of violations of this policy. For more information, please see SVCE’s Information Technology Security Policy.

Section 3.17 Social Media

To protect SVCE’s interests, employees must adhere to the following rules:

(a) Other than for SVCE business purposes, employees may not post on a blog or social networking site during their working time or at any time using SVCE equipment or property. SVCE’s electronic communication systems are for business use only.

(b) If an employee identifies himself or herself as an employee of SVCE on any social networking site for purposes other than SVCE business purposes, the communication must include a disclaimer that the views expressed do not necessarily reflect the views of the SVCE management.

(c) All rules regarding confidential business information apply in full to blogs and social networking sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed on a blog or social networking site. The transmission of confidential or proprietary information without the permission of SVCE is prohibited.
If an employee mentions SVCE in a blog or elsewhere in online social media, or it is reasonably clear that the employee is referring to SVCE or a position taken by SVCE, and also expresses a political opinion or an opinion regarding the SVCE’s positions, actions, or products, the post must specifically disclose the employee’s relationship with SVCE and note that the opinion expressed is a personal opinion and not SVCE’s position.

Any conduct which is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a social networking site. For example, posted material that is discriminatory, defamatory, libelous or malicious is forbidden. SVCE’s policies, including but not limited to the Equal Employment Opportunity, Sexual Harassment, Harassment and Workplace Violence policies, apply equally to employee comments on social networking sites even if done on nonworking time.

Section 3.18 Return of Property
Employees are responsible for all SVCE property, materials, or written information issued to them or in their possession or control. All SVCE property must be returned by employees on or before their last day of work. Where permitted by applicable laws such as the Fair Labor Standards Act which requires at least minimum wage for all work performed, SVCE may withhold from the employee’s check or final paycheck the cost of any times that are not returned when required. SVCE may also take all action deemed appropriate to recover or protect its property.

Article IV. WORKING CONDITIONS

Section 4.01 Expectation of Privacy
(a) SVCE reserves the right to search, without employee consent, all areas over which SVCE maintains control or joint control with the employee.

(b) Therefore, employees have no expectation of privacy in SVCE or joint controlled workplace areas which include, but are not limited to, offices, cubicles, work locations, employer provided or designated parking areas, desks, computers (including electronic files), voicemail, e-mail, SVCE-issued cell phones, lockers, rest or eating areas, or SVCE vehicles.

(c) Desks, lockers, and other storage devices, including electronic storage, may be provided for the conveniences of employees but remain the sole property of SVCE. Accordingly, they, as well as any articles found within them, can be inspected by any supervisor or other authorized representative of SVCE at any time, either with or without prior notice.

Section 4.02 Problem Resolution
(a) SVCE is committed to all employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from supervisors and management.

(b) SVCE is committed to fair treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive feedback.

(c) If a situation occurs when employees believe that a condition of employment or a decision affecting them or SVCE is unjust or inequitable or deemed to constitute gross mismanagement or significant waste of funds, an abuse of authority and/or a substantial and specific danger to public health or safety, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

(i) Employee presents problem to immediate supervisor at SVCE after incident occurs. If supervisor is unavailable or employee believes it would be inappropriate to contact that person, employee may present the problem to the Human Resources department. The supervisor or the Human Resources department to which complaint is made will respond to the problem during discussion or after consulting with appropriate management, when necessary. The supervisor or the Human Resources Department should document the discussion.

(ii) Employee presents problem to the Chief Executive Officer if the problem is unresolved. The Chief Executive Officer counsels and advises employee, assists in putting problem in writing, visits with employee’s manager(s) if necessary, and directs employee to a designated Board member for review of problem.

(iii) Employee presents problem to the designated Board member in writing.

(iv) The designated Board member reviews and considers problem and informs the employee of decision and forwards copy of written response to manager for a file separate from the employee’s file. The designated Board member has full authority to make any adjustment deemed appropriate to resolve the problem.

(d) No employee will be penalized or be subject to retaliation, formally or informally, for voicing a complaint in a reasonable, business-like manner, or for using the problem resolution procedure.

(e) Not every problem can be resolved to everyone’s total satisfaction, but only through understanding and discussion of problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment.

Section 4.03 Life-Threatening Illnesses in the Workplace
(a) Employees with life-threatening illnesses, such as cancer, heart disease, and HIV/AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. SVCE supports these endeavors as long as employees are able to meet acceptable performance standards.

(b) State law prohibits the release of confidential medical information to SVCE. An employee with a serious medical condition that may impact attendance or work performance should request an accommodation (see Disability Accommodation section).

Section 4.04 Visitors in the Workplace

(a) To provide for the safety and security of employees and the facilities at SVCE, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

(b) All visitors should enter SVCE at the main entrance. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

Section 4.05 Workplace Violence

(a) Silicon Valley Clean Energy (SVCE) is firmly committed to providing a workplace that is free from violence and the threat of violence. In keeping with this commitment, SVCE has established a strict policy that prohibits any employee from threatening or committing any act of violence in the workplace. Employees are also prohibited from having in their possession weapons including firearms and knives, other than pocket knives or knives commonly used as tools, in the workplace.

(b) Definitions:

(i) Workplace Violence includes, but is not limited to, harassment, threats, physical attack, or property damage.

(ii) Threat is the expression of an intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional, or future.

(iii) Physical Attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects.

(iv) Property Damage is intentional damage to property that includes property belonging to the
SVCE, employees, visitors, or other persons.

(c) Zero Tolerance: Violence or the threat of violence, against or by any employee or any other person is not acceptable.

(i) Should a non-employee, on SVCE property, demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.

(ii) Should an employee, during working hours, demonstrate or threaten violent behavior, he/she may be subject to disciplinary action up to and including discharge.

(d) Violent Acts: The following actions are considered violent acts:

(e) Striking, punching, slapping or assaulting another person.

(i) Fighting or challenging another person to fight.

(ii) Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.

(iii) Engaging in dangerous, threatening or unwanted horseplay.

(iv) Possession, use, or threat of use, of a gun, knife, or other weapon of any kind in the workplace, including parking lots, work sites, SVCE vehicles, or while engaged in activities for SVCE in other locations.

(v) Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.

(f) Reporting Violent Acts: Any employee who is the victim of any violent, threatening, or harassing conduct in the workplace, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a SVCE employee or a non-employee, shall immediately report the incident to their immediate supervisor or other appropriate person in the chain of command. A written report shall immediately be prepared and delivered to the CEO or his/her designee. Failure to report a workplace violence situation or file a written report shall be cause for disciplinary action up to and including discharge.

(g) Workplace Violence Written Report: The written report shall be objective and include facts including time, observations, statements made by the parties involved in the workplace violence encounter, names of witnesses to the incident, and other relevant information that may be beneficial to the investigation.

(h) No Retaliation: No one, acting in good faith, who initiates a complaint or reports an incident under this policy, will be subject to retaliation or harassment.

(i) Investigation: Upon notification of a workplace violence report, the Human Resources
staff shall immediately conduct an investigation. A written report including findings and recommendations shall be submitted to the Chief Executive Officer.

(j) Due Process: Any employee, if found to be a perpetrator, will be provided due process prior to any disciplinary action.

Section 4.06 Performance Evaluations

(a) Evaluation of Employee Performance: It is the responsibility of supervisors to prepare periodic evaluations of performance results to measure and record the employee’s actual performance. Strengths and weaknesses will be documented and recommended courses of action outlined for correction and improvement. The purpose of periodic performance evaluations is to provide continuing feedback to employees concerning performance. The performance evaluations shall measure, as objectively as possible, both quantity and quality of work, the manner in which the service is rendered, and the observance of regulations and procedures properly governing the performance of duties.

(b) Performance Evaluation Forms: Performance evaluations shall be based upon forms approved by the CEO or his/her designee. Service ratings shall be based upon the independent judgment of one or more supervisory personnel, including the immediate supervisor of the employee being rated. Performance evaluation forms will be provided 30 days prior to the date scheduled to be returned to the CEO or his/her designee. The completed performance report shall be presented to the employee for review and signature, and then forwarded to the CEO or his/her designee.

(c) Annual Evaluations - Merit Increases: Performance ratings shall accompany all requests for merit increases. Employees at the “E” step shall have their performance evaluated on their annual anniversary date in the classification, or a modified date agreed upon by the Chief Executive Officer.

(d) Non-timely Evaluations - Merit Increase: If a performance evaluation is not submitted prior to a scheduled merit increase, the employee will automatically advance to the next higher salary step.

(e) Performance Evaluations – Disagreement: Employees shall have the right to attach a statement disagreeing with the performance ratings received. The statement will be filed with the performance evaluation.

Section 4.07 Risk Management

(a) Risk Management Goals:

(i) To reduce or eliminate the risk of loss;

(ii) To apply responsive claims management techniques to losses that do occur;
(iii) To protect SVCE budget from catastrophic losses, or an annual accumulation of losses, that would cause financial hardship.

(b) Responsibilities: Chief Executive Officer is responsible for the overall risk management program. The Human Resources staff is responsible for day-to-day administration of SVCE’s insurance coverage, claims processing, and risk control programs. All employees are responsible for notifying their supervisor, Chief Executive Officer, safety committee member or human resources if they discover a condition that exposes employees, members of the public or their property to injury or damage. Each department head is responsible for ensuring compliance to the risk management policy requirements stated herein.

(c) Insurance Coverage: Insurance for risks with catastrophic loss potential shall be purchased whenever it is economically feasible and prudent, within the judgment of Chief Executive Officer. Deductibles and self-insurance retention limits shall be established at amounts consistent with SVCE’s financial resources.

(d) Reserve accounts shall be maintained as restricted funds to cover costs associated with self-insured liability. All employees who use their personal vehicles to conduct SVCE business must provide proof of insurance to Human Resources every six months, prior to the expiration date of their coverage. The amount of coverage must meet or exceed California DMV requirements.

(e) Accident Investigation & Claims Administration: Chief Executive Officer and department heads will review all major accidents, incidents and claims. The review process shall be conducted periodically as needed but not less than quarterly. Human Resources will review all incident reports and claims and will notify the appropriate claim administrator in a timely manner. Managers and supervisors will review all accident reports, incident reports and claims within their area of responsibility to identify and implement appropriate methods for preventing future occurrences. Each manager and supervisor will ensure that requested information is provided to Human Resources and/or appropriate adjustment firms in a timely manner.

(f) Contractual Liability: Liability will be transferred to others whenever appropriate, possible and practical. This includes the use of hold harmless and indemnity clauses in all SVCE agreements, contracts, leases and rental agreements, and the use of insurance clauses that provide adequate protection to SVCE. SVCE Attorney, in consultation with the Human Resources Manager and the program administrator of SVCE’s liability insurance provider, shall review indemnity requirements for all SVCE public works projects, contractors, facility users and other parties with whom SVCE contracts. The specific department head and/or project manager shall be responsible for ensuring that
certificates of insurance and endorsements have been obtained and maintained per the contract or agreement.

Section 4.08 Telecommuting

Silicon Valley Clean Energy has an interest in providing a positive work-life balance and in contributing to a healthy environment. To this end, SVCE allows employees whose jobs are conducive to working remotely the ability to work from home or other location for a specified portion of the work week. Remote work must be approved in advance by an employee’s supervisor.

Section 4.09 Reimbursement Of Expenses

(a) Personal Vehicles: Employees who are required to use their personal vehicles for SVCE business shall be reimbursed for such use at an appropriate rate to be determined by a schedule adopted by the Board of Directors. Submission of a request for reimbursement must be approved by the Chief Executive Officer.

(b) Reimbursements: Employees who are required to advance personal funds for conferences, meetings, or the purchase of minor materials and supplies or for other approved services during the performance of or arising out of the duties assigned to the employees work shall be reimbursed for funds so expended. The Chief Executive Officer may prescribe such administrative rules and regulations governing the allowable kinds and amounts of such reimbursable expenditures and the methods and procedures usable to substantiate and process submitted claims.

Section 4.10 Credit Cards

(a) Purpose: SVCE credit cards are assigned for SVCE purchases only. They are for purchases up to $X where obtaining purchase orders or setting up a billing is impractical or not available. The Chief Executive Officer can approve exceptions on a case by case basis. The credit card is not intended to replace any of the SVCE’s existing purchasing policies or Administrative Procedures.

(b) Employee Eligibility: The employee’s supervisor may request credit cards for employees authorized to make purchases through the SVCE’s purchase order system. Requests for approval are submitted to the Finance Director with final approval by the Chief Executive Officer. Requests should include:

(i) Justification for issuing a credit card to the employee and an explanation of why alternate established purchasing methods are insufficient;

(ii) Suggested maximum purchase dollar limit;

(iii) Business transaction types expected for card use.
(c) When the issue of the credit card is approved, the employee is required to sign a Credit Card Usage Agreement and returned to Chief Executive Officer.

(d) Proper Use of Credit Cards: The SVCE credit card will have the employee name and SVCE logo embossed on the card. Authorization to use this card is restricted to you or designated staff in your division as authorized by your supervisor. The card is to be used for OFFICIAL SVCE BUSINESS and MAY NOT BE USED FOR PERSONAL PURCHASES.

(i) Cardholders must ensure that sufficient funds are budgeted prior to making any purchase and that transactions will not exceed the card purchasing limit.

(ii) Employees using SVCE credit cards are responsible for adhering to the SVCE’s purchasing procedure and Expense Reimbursement procedure per the Administrative Procedures.

(iii) Cardholders must retain the original purchase receipts detailing the transaction and purchases to allow reconciliation with monthly credit card statements. Cardholders are to review the statement for accuracy and for any possible fraudulent use. While the cardholder will be held responsible to account for all items appearing on the statement, the Cardholder’s supervisor will approve payment of statements.

(iv) Security of the credit card number should be your primary concern when placing telephone, internet or mail orders. Do not release the credit card number unless you are confident that the merchant is reputable and the internet site is secured.

(v) If you place an order through the mail or internet, obtain a copy of your order form. Attach the order form and sales receipt, if available, to the statement in which the charge appears.

(vi) If any cardholder should lose or have his/her credit card stolen or you notice any fraudulent charges, it is his/her responsibility to notify your supervisor, the bank and the Administration & Finance Department immediately.

Section 4.11 Use of Equipment/Parking at SVCE Facilities

(a) Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using SVCE property, employees are expected to exercise care, request required maintenance, and follow all operating instructions, safety standards, and guidelines.

(b) Employees should notify the supervisor if any equipment, machines, tools, or vehicles (if any) appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about
an employee’s responsibility for maintenance and care of equipment or vehicles (if any) used on the job.

(c) The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations during the performance of duties are violations of SVCE policy.

(d) SVCE may provide parking for its employees. If the employee uses SVCE parking facilities the employee is hereby informed and on notice that he/she leaves their vehicle at their own risk and SVCE is not responsible for damage or loss to the employee’s vehicle or to any article or personal property left in the vehicle, including but not limited to, damage or loss caused by fire, theft, or accident. No bailment, obligation or duty is created by parking at SVCE’s facilities.

Section 4.12 Recycling

(a) SVCE supports environmental awareness by encouraging recycling and waste management in its business practices and operating procedures. This support includes a commitment to the purchase, use, and disposal of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the earth’s environment.

(b) Special recycling receptacles will be set up to promote the separation and collection of the following recyclable materials at SVCE:

(i) Paper and cardboard recycling
(ii) Plastic, glass, and aluminum recycling
(iii) Printer cartridges
(iv) Batteries

(c) The simple act of placing a piece of paper, can, or bottle in a recycling container is the first step in reducing demand on the earth’s limited resources. Success of this program depends on active participation by all of us. Employees are encouraged to make a commitment to recycle and be a part of this solution.

(d) SVCE encourages reducing and, when possible, eliminating the use of disposable products. Source reduction decreases the consumption of valuable resources through such workplace practices as:

(i) Reusing paper clips, folders, and binders
(ii) Printing documents two-sided and in black and white ink when possible Reusing non-confidential printed documents as scrap paper Reusing packaging material Reusing wooden
(iii) Turning off lights and computers when not in use

(iv) By recycling, SVCE is helping to solve trash disposal and control problems facing all of us today.

Article V. BENEFITS

Section 5.01 Employee Benefits

(a) Eligible employees at SVCE are provided a wide range of benefits. A number of programs (such as Social Security, workers’ compensation, state, disability and unemployment insurance) cover all employees in the manner prescribed by law.

(b) Regular hire employees are reimbursed for medical, dental and vision insurance they obtain up to a limit set by the SVCE Board. Employees must provide evidence of coverage in a group plan in order to be reimbursed. Part-time regular hire employees are allocated benefits amounts based upon their FTE, as long as the FTE is 20 hours or more in a week.

(c) In addition, SVCE provides life insurance and Long Term Disability insurance for regular hire employees paid for entirely by SVCE.

(d) SVCE pays up to 10% of employee wages for regular hire employees into a defined contribution 401(a) retirement plan. Employees may elect a payroll deduction up to IRS tax limits into a 457(b) retirement savings plan. Other benefits for regular hire employees include a Flexible Spending Account (FSA) for dependent care and health savings.

(e) SVCE will participate in the social security program, contributing 50% of the cost of employee participation.

(f) SVCE will pay for 50% of Medicare program cost.

Section 5.02 Workers’ Compensation Insurance

(a) SVCE provides a comprehensive workers’ compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to the applicable legal requirements, worker’s compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

(b) Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage.
as quickly as possible.

(c) Workers’ compensation is intended to cover only work-related injuries and illnesses. Owing to this, neither SVCE nor the insurance carrier will be liable for the payment of workers’ compensation benefits for injuries that occur during an employee’s voluntary participation in any off-duty recreational, social, or athletic activity sponsored by SVCE.

Section 5.03 Employee Assistance Program

(a) SVCE cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. Although employees may solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

(b) Through the Employee Assistance program (EAP), SVCE provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles and emotional distress. The EAP is available to all employees and their immediate family members offering problem assessment, short-term counseling and referral to appropriate community and private services.

(c) The EAP is strictly confidential and is designed to safeguard the employees’ privacy and rights. Information given to the EAP counselor may be released only if requested by the employee in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee’s participation in the program is entered into their personnel file.

(d) There is no cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

(e) Minor concerns can become major problems if you ignore them. No issue is too small or too large, and a professional counselor is available to help you when you need it.

Section 5.04 Benefits upon Termination

(a) Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid.

Section 5.05 Rest and Meal Periods
(a) When staffing and operating conditions permit, non-exempt employees are permitted periodic break periods during their work day. Non-exempt employees will be paid for all such break periods. The employee’s supervisor will advise the employee of the time and duration of breaks and the employee is expected to return to work promptly at the end of any break period.

(b) Generally, a non-exempt employee will be entitled to one (1) 15-minute rest break for every four (4) hours worked. In a typical eight (8) hour workday, this includes one (1) rest break during the first half of the shift and one (1) rest break during the second half of the shift. Rest breaks may not be used at the beginning or end of a shift to provide for late arrival to or early departure from work and may not be used to extend the meal period.

(c) All full-time employees are generally entitled to one meal period of 30 minutes in length each workday. Some work units may schedule longer meal periods up to and including 60 minutes. Part-time employees will be provided a meal period consistent with their part-time schedule. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time, as long as meal period is at least 30 minutes in length. Non-exempt employees required to work during a meal period will be compensated for time worked, including overtime, if applicable. Employees will normally be accorded rest and meal breaks consistent with this policy. However, SVCE reserves the right and the flexibility to schedule, modify or to cancel rest and meal breaks, as staffing and operating conditions require.

Section 5.06 Paydays

(a) All employees are paid biweekly, 4 business days after the conclusion of a pay period. Pay periods are 2 weeks beginning on Saturday and end on Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

(b) If a regular payday falls during an employee’s leave, the employee’s paycheck will be available upon his or her return from leave or, upon request, mailed to the employee’s address on file with SVCE.

(c) Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to SVCE. Employees will receive an itemized statement of wages when SVCE makes direct deposits.

Article VI. LEAVES

Section 6.01 Vacation, Sick, Personal Time off
(a) Time off with pay for vacation, sick or personal reasons is available to eligible employees in the following employment classification(s):

(b) Regular full-time employees

(c) Regular part-time employees (on a pro-rated basis per FTE)

(d) The amount of paid Leave time employees receive each year is 200 hours. Part-time regular employees will accrue time off according to their FTE.

(e) Maximum leave accrual is 400 hours.

(f) Leave benefits do not accrue when an employee is on unpaid leave or during other periods of unpaid absence, except as defined by law.

(g) Once employees enter an eligible employment classification, they begin to earn paid leave time according to the schedule.

(h) Paid leave time can be used in minimum increments of one hour. To take time off for vacation, employees must request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

(i) Time off is paid at the employee's base pay rate at the time of leave for the amount of hours absent. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

(j) As stated above, employees are encouraged to use available paid leave time. In the event that available leave time is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. If the total amount of unused leave time reaches a "cap" further leave accrual will stop. When the employee uses paid leave time and brings the available amount below the cap, leave accrual will begin again.

(k) Upon termination of employment, employees will be paid for unused leave time that has been earned through the last day of work.

Section 6.02 Pregnancy Disability Leave and Paid Family Leave

(a) If an employee is disabled by pregnancy, childbirth or related medical conditions, they are eligible to take a pregnancy disability leave (PDL). If an employee is affected by pregnancy or a related medical condition, they are also eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is medically advisable and can be reasonably accommodated. In addition, if it is medically advisable and can be reasonably accommodated for the employee to take intermittent leave or work a reduced schedule, SVCE may require the employee to
transfer temporarily to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave.

(b) PDL is for any period(s) of actual disability caused by the employee's pregnancy, childbirth or related medical condition up to four months (or 88 work days for a full-time employee on a traditional schedule) per pregnancy. PDL is covered by State Disability Insurance (SDI) and provides partial salary replacement while an employee is on an approved pregnancy disability leave.

(c) PDL does not need to be taken in one continuous period of time, but can be taken on an as-needed basis.

(d) Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth is covered by PDL.

(e) Generally, SVCE treats an employee's pregnancy disability the same as other disabilities of similarly-situated employees. This affects whether the employee's leave will be paid or unpaid.

(f) The employee is required to obtain a certification from their health care provider of their pregnancy disability or the medical advisability for a transfer. The certification should include: 1) the date on which the employee became disabled due to pregnancy or the date of the medical advisability for a transfer; 2) the probable duration of the period(s) of disability or the period(s) for the advisability of a transfer; and, 3) a statement that, due to the disability, the employee is either unable to work at all or to perform any one or more of the essential functions of their position without undue risk to them or to other persons; or a statement that, due to their pregnancy, a transfer to a less strenuous or hazardous position or duties is medically advisable.

(g) At the employee's option, they can use any accrued time off as part of the PDL before taking the remainder of the leave on an unpaid basis. SVCE requires, however, that the employee use any available leave during the PDL. The substitution of any paid leave will not extend the amount of PDL available to an employee.

(h) If the employee does not return to work on the originally scheduled return date nor request in advance an extension of the agreed upon leave with appropriate medical documentation, the employee will be deemed to have voluntarily terminated their employment with SVCE. Failure to notify SVCE of their ability to return to work when it occurs, or their continued absence from work because their leave must extend beyond the maximum time allowed, may be deemed a voluntary termination of employment.
with SVCE, unless the employee is entitled to Paid Family Leave (PFL) administered by the State of California.

(i) As an additional maternity leave benefit, state PFL is provided for up to 30 work days (six weeks) for bonding with a newborn or newly adopted child. PFL provides for partial salary replacement during the employee’s leave.

(j) Upon the employee’s return from a covered PDL and/or PFL, they will be reinstated to the same position, unless that position has been eliminated, in which case a similar position will be offered.

(k) Taking a PDL and/or PFL may impact certain of the employee’s benefits and seniority date. For more information regarding eligibility for a leave and the impact of the leave on seniority and benefits, please contact the CEO or his/her designee.

Section 6.03 State Paid Family Leave Benefits

(a) An employee who is off work to care for a child, spouse, parent, or registered domestic partner with a serious health condition, or to bond with a newborn or newly adopted child, may be eligible to receive benefits through the California "Paid Family Leave" ("PFL") program, which is administered by the Employment Development Department ("EDD").

(b) These benefits solely are financed through employee contributions to the PFL program. That program is solely responsible for determining if an employee is eligible for such benefits. There generally is a waiting period during which time no PFL benefits are available. The EDD can provide additional information about any applicable waiting period.

(c) If an employee needs to take time off work to care for a child, parent, parent-in-law, grandparent, grandchild, spouse or registered domestic partner with a serious health condition or to bond with a new child they should advise the CEO or his/her designee, and they will be given information about the EDD’s PFL program and how to apply for benefits. Employees also may contact their local Employment Development Department Office for further information. The employee must contact the CEO or his/her designee prior to their return to work. A return to work certificate may be required.

(d) When an employee applies for PFL benefits, SVCE will determine if the employee has any accrued leave available. If the employee has accrued but unused leave available, then the employee may use his/her leave during the waiting period and any PFL time.

Section 6.04 Military Leave:
Military leave shall be granted in accordance with the provisions of California statutory law. All employees entitled to military leave shall give their supervisor an opportunity, within the limits of the military requirement, to determine when such leave shall be taken.

Section 6.05 Jury Duty:

Employees called for jury duty shall be paid for regular work time upon receipt by the CEO or his/her designee of confirmation that the employee reported to jury duty by the Jury Commissioner.

Section 6.06 Temporary Disability Benefits:

Any employee sustaining an injury arising out of, or in the course of, the performance of his job and who cannot perform the duties and responsibilities normally assigned to that job is entitled to receive temporary disability payments as prescribed by California statutory law.

(a) Any employee entitled to receive temporary disability payments may elect to supplement such payments with an amount not to exceed that which is the employee’s weekly earning or weekly earning capacity by use of accrued leave hours.

Section 6.07 Attendance:

(a) Employees shall be expected to perform their given work assignments until the end of that work period. An employee who is not able to do so shall notify his/her supervisor of that fact at the earliest possible time after that fact is known to him/her. Abuse of attendance requirements may be grounds for appropriate disciplinary action.

Section 6.08 Attendance Records:

(a) Attendance records shall be maintained for each employee and shall form the basis for payroll and accounting requirements.

Section 6.09 Overtime

(a) Overtime pay shall be made when an employee is authorized by their supervisor to work in excess of forty hours during the normal work week.

(b) Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work. SVCE reserves the right to assign mandatory overtime, as needed.

(b) Non-Exempt Overtime

(i) All approved work performed by employees in excess of 40 hours in a seven day work week, shall be paid in accordance with federal and state wage and hour requirements, as they apply to public agencies.
(c) Exempt Employees

(i) Management and unrepresented professional employees designated exempt under the Fair Labor Standards Act are ineligible for overtime payment. However, no deduction from leave balances are made when such employee is absent from work less than a regular working day.

Section 6.10 State Disability Insurance

(a) SVCE employees are covered by Short-Term Disability Insurance (SDI) as an employee-paid payroll deduction and administered through the State of California Employment Development Department. Under the SDI plan, a disability is any illness or injury, either physical or mental, which prevents an employee from doing the regular or customary duties of their job. It also includes elective surgery, pregnancy, childbirth, or related medical conditions. SDI is designed to partially replace wages that are lost due to a disability not caused by work. SVCE will integrate an employee's leave accruals, if any, with SDI payments so that an employee can receive an amount when combined would equal full pay. Also see Pregnancy Disability Leave and Paid Family Leave and State Paid Family Leave.

Section 6.11 Holidays

(a) SVCE will grant 64 hours per year on federal holidays to all employees in an eligible employment classification. The observed holidays will be posted annually. Additionally, the day after Thanksgiving and Christmas Eve will be considered holidays.

(b) Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

(c) Eligible employee classification(s):

(i) Regular full-time employees

(ii) Regular part-time employees

(d) If eligible non-exempt employees work on a recognized holiday, they will receive holiday pay plus wages at their straight-time rate for the hours worked on the holiday unless the work on the holiday puts them into overtime status for the work period.

(e) Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

Section 6.12 Time Off to Vote

(a) SVCE encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their
regular work schedule. If employees are unable to vote in an election during their nonworking hours, SVCE will grant up to 1 hours of paid time off to vote.

(b) Employees must request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

(c) Employees must submit a voter’s receipt on the first working day following the election to qualify for paid time off.