AGENDA

ORANGE COUNTY POWER AUTHORITY
MEETING OF THE BOARD OF DIRECTORS

Tuesday, December 14, 2021

10:00 a.m.

This meeting will proceed as a teleconference meeting in compliance with waivers to certain provisions of the Ralph M. Brown Act provided for under California Government Code section 54953(e)(1)(A) in relation to the Covid-19 state of emergency and recommended social distancing measures. There will be no location for in-person attendance. The Orange County Power Authority is providing alternatives to in-person attendance for viewing and participating in the meeting. Further details are below.

Note: Any member of the public may provide comments to the Orange County Power Authority Board of Directors on any agenda item or on a matter not appearing on the agenda, but within the jurisdiction of the Board. Please indicate whether your comment is on a specific agenda item or a non-agenda item when requesting to speak. When providing comments to the Board, it is requested that you provide your name and city of residence for the record. Commenters are requested to address their comments to the Board as a whole through the Chair. Comments may be provided in the following manner:

Requests to Speak. In-person public attendance will not be provided. To provide comments during the meeting, join the Zoom meeting by computer, mobile phone, or dial-in number. Members of the public who have requested to speak will be recognized at the appropriate time during the Zoom meeting and may speak through Zoom video conference or telephonically. On Zoom video conference by computer or mobile phone, use the “Raise Hand” feature. This will notify the Clerk that you wish to speak during a specific item on the agenda or during non-agenda Public Comment. If joining the meeting using the Zoom dial-in number, you can raise your hand by pressing *9. Members of the public will not be shown on video but will be able to speak when called upon.

Comments shall be limited to three minutes when speaking. If you have anything that you wish to be distributed to the Board, please provide it via comments@ocpower.org, who will distribute the information to the Members.

The public may participate using the following remote options:

ZOOM MEETING

You are invited to a Zoom webinar.

Please click the link below to join the webinar:

Launch Meeting - Zoom

Dial-in: 1-669-900-6833

Webinar ID: 848 9227 2434

Passcode: 466173
1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CLOSED SESSION

   1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
      Significant Exposure to Litigation (Government Code section 54956.9(d)(2))
      One (1) potential case

5. CONSENT CALENDAR
   All items listed under the Consent Calendar are considered to be routine and may be
   enacted by one motion. Prior to the motion to consider any action by the Board of
   Directors, any public comments on any of the Consent Items will be heard. There will be
   no separate action unless members of the Board of Directors request specific items be
   removed from the Consent Calendar.

   1. MINUTES FOR THE REGULAR BOARD MEETING OF NOVEMBER 9, 2021
      Recommended Action:
      Approve as submitted.

   2. MINUTES FOR THE SPECIAL BOARD MEETING OF NOVEMBER 23, 2021
      Recommended Action:
      Approve as submitted.

   3. APPROVE AMENDMENT NO. 2 TO PROFESSIONAL SERVICES
      AGREEMENT WITH MAHER ACCOUNTANCY
      Recommended Action:
      Approve Amendment No. 2 to the Professional Services Agreement (“Second
      Amendment”) between OCPA and Maher Accountancy to renew the accounting
      and annual audit assistance services from January 1 through December 31, 2022.

   4. RESOLUTION APPROVING THE COUNTY OF ORANGE
      MEMBERSHIP IN THE ORANGE COUNTY POWER AUTHORITY
      Recommended Action:
Adopt Resolution No. 2021-08 a “Resolution of the Board of Directors of the Orange County Power Authority Approving the County of Orange Membership in the Orange County Power Authority.”

5. **ADOPT RESOLUTION ESTABLISHING REGULAR MEETING SCHEDULE FOR 2022**

   **Recommended Action:**
   Adopt resolution establishing regular meeting schedule of the Orange County Power Authority Board of Directors for the 2022 calendar year.

6. **REGULAR CALENDAR**
   *The following items call for discussion or action by the Board of Directors. The Board may discuss and/or take action on any item listed below if the Board is so inclined.*

   1. **ADOPT PERSONNEL POLICIES MANUAL AND AUTHORIZE ORANGE COUNTY POWER AUTHORITY’S EMPLOYEE BENEFITS PROGRAM**
      **Recommended Action:**
      2. Authorize OCPA Employee Benefits Program.

   2. **UPDATE REGARDING PRODUCT NAME SELECTION**
      **Recommended Action:**
      Receive and file update regarding product name selection.

7. **DIRECTOR COMMENTS**
   Board Members may briefly provide information to other members of the Board and the public, ask questions of staff, request an item to be placed on a future agenda, or report on conferences, events, or activities related to Authority business. There is to be no discussion or action taken on comments made by Board Members unless authorized by law.

8. **STAFF REPORT**
   Staff may briefly provide information to the Board and the public. The Board may engage in discussion if the specific subject matter of the report is identified, but the Board may not take any action other than to place the matter on a future agenda. Otherwise, there is to be no discussion or action taken unless authorized by law.

9. **PUBLIC COMMENTS**
   Opportunity for members of the public to address the Board on any items not on the agenda but within the jurisdiction of the Board.

10. **ADJOURNMENT**

    *Compliance with the Americans with Disabilities Act*
    Board of Directors meetings comply with the protections and prohibitions of the Americans with Disabilities Act. Individuals with a disability who require a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may contact 949-263-2612. Requests for disability-related modifications or
accommodations require different lead times and should be provided at least 72-hours in advance of the public meeting.

**Availability of Board Documents**
Copies of the agenda and agenda packet are available at [www.ocpower.org](http://www.ocpower.org). Late-arriving documents related to a Board meeting item which are distributed to a majority of the Board prior to or during the Board meeting are available for public review as required by law. Late-arriving documents received during the meeting are available for review by making a verbal request to the Board Secretary in the Zoom meeting room.
1. CALL TO ORDER

Chair Carroll called to order the regular of the Orange County Power Authority Board of Directors at 10:01 a.m. on Tuesday, November 9, 2021.

The meeting was conducted using teleconference and electronic means consistent with California's public health orders and guidelines and per the Governor's Executive Orders N-25-20 and N-29-20. There was no location for in-person attendance. Due to the nature of the teleconference, all votes were cast via roll call. To protect public health, public members were able to provide live comments on agenda items using Zoom. The agenda items were considered in the order presented.

2. PLEDGE OF ALLEGIANCE

Director Sonne led the Pledge of Allegiance.

3. ROLL CALL

Present:    Director Farrah N. Khan    City of Irvine
           Director Mike Posey    City of Huntington Beach
           Director Susan Sonne    City of Buena Park
           Vice-Chair Fred Jung    City of Fullerton
           Chair Mike Carroll    City of Irvine

Also Present:  Brian Probolsky    Chief Executive Officer
                Antonia Castro-Graham    Chief Operating Officer
                Tiffany Law    Chief Financial Officer
                Ryan Baron    General Counsel, Best, Best and Krieger

4. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)
Name: California Public Utilities Commission Resource Adequacy Proceeding

Chair Carroll opened the floor to public comments about the Closed Session item.
The following public speakers were concerned about discussing a litigation item in a closed session.

- Christa Martin, Advisory Council Member with WAVE
- Katherine Treseder, Irvine resident and UCI Professor
- Ayn Craciun, Climate Action Campaign
- Doug Elliott, Irvine resident
- Shanin Ziemer, Community Advisory Committee

OCPA Counsel Ryan Baron explained that he chose the closed session because it allows him to provide attorney-client privileged information that must remain confidential due to market sensitivity. He advised discussion in closed sessions rather than speaking to Directors individually or sending a confidential memo so that the public would know about the topic. He assured speakers that providing confidential advice regarding CPUC resource adequacy proceedings is standard, and other CCAs have followed the same procedure.

**Adjourn to Closed Session**
At 10:17 a.m., Chair Carroll adjourned the Regular Meeting of the Orange County Power Authority to a closed session. All Directors were present.

**Reconvene Meeting**
At 11:26 a.m., the Orange County Power Authority meeting reconvened in open session with the following in attendance: Director Khan, Director Posey, Director Sonne, Vice-Chair Jung, Chair Carroll, Chief Executive Officer Probolsky, Chief Operating Officer Graham, Chief Financial Officer Law, and General Counsel Baron.

General Counsel Baron stated there were no reportable actions.

5. **CONSENT CALENDAR**

5.1. **MINUTES FOR THE REGULAR BOARD MEETING OF OCTOBER 12, 2021**

**Recommended Action:** Approve as submitted.

5.2 **FINDINGS TO CONTINUE HOLDING REMOTE/TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL 361**

**Recommended Action:** Find and determine that the COVID-19 State of Emergency remains in effect; the Board has reconsidered the circumstances of the State of Emergency; state or local officials continue to impose or recommend measures to promote social distancing, and meetings of OCPA’s legislative bodies may be held remotely in compliance with Government Code section 54953 (e) for the next 30 days.
5.3 APPOINTMENT OF AT-LARGE COMMUNITY ADVISORY COMMITTEE MEMBERS

**Recommended Action:** Appoint Senait Forthal and Scott Kitcher to the Community Advisory Committee to serve as at-large members.

**Public Comments on the Consent Calendar**

Ayn Craciun, Climate Action Campaign, congratulated the new members of the Community Advisory Committee.

Shanin Ziemer thanked the Board for filling the Community Advisory Committee seats, congratulated the new members, and requested the minutes reflect her request for the CAC to have a standing position on the agenda.

Sylvia Walker, Irvine, requested the Zoom meetings continue after the end of the pandemic.

**ACTION:** Director Posey made a motion, seconded by Director Khan, and unanimously carried to:

Approve all recommendations on the Consent Calendar.

6. REGULAR CALENDAR

6.1 DISCUSSION OF ORANGE COUNTY POWER AUTHORITY SERVICE OPTIONS AND ENERGY MARKET UPDATE

CEO Brian Probolsky opened the discussion on service options by explaining that per the current plan, OCPA will procure energy within each of three rate tariffs: 1) 100% renewable energy, 2) 50% renewable energy, and 3) a proportion of renewable energy that meets California's prevailing renewable energy procurement mandate. He anticipates that the RPS mandates will increase to 52% by 2027, making tier two redundant.

Kirby Dusel, Vice President of Pacific Energy Advisors, explained how the RPS mandates are measured, dividing the various renewable energy products permissible under RPS rules into the following three buckets, all of which OCPA is likely to use.

**Bucket 1** – Generally located in-state; highest cost RPS product; unlimited use in meeting RPS mandates (The most expensive, adding $4 to $5 per month to energy bills)
Bucket 2 – Firmed/shaped imports into CA (REC and energy quantities are balanced annually); GHG emissions equivalent to natural gas generation; use is limited by RPS

Bucket 3 – Unbundled RECs (RECs are sold separately from energy); lowest cost RPS product; also carries GHG emissions equivalent to natural gas generation; use is limited by RPS (The lowest cost, but has limited use)

Mr. Dusel described AB 1110, known as the Power Source Disclosure Program. The bill mandates energy providers to use a power content label, similar to nutrition labels on food. Given the complexity of content, he recommended thinking about how these labels will look when sent to customers.

Mr. Dusel presented a table showing energy products offered throughout the state by other CCAs. The two most common are the voluntary 100% green option and a product that tracks or is slightly more costly than the prevailing renewable energy procurement mandate (RPS), trending upward each year. OCPA offerings include the same two. The 100% renewable energy option will be the most expensive at a premium of $4 to $5 per month. Next, he provided a graph that was a snapshot of wholesale power cost trends and how those will affect OCPA's buying power and exit fees.

Per Mr. Dusel, customers will have a choice to participate in any of the available energy supply options. Over time, the Authority will continue to increase renewable energy supplies to meet or exceed mandates. He explained RPS compliance periods, which span years for planning flexibility purposes.

CEO Probolsky added that each member city may designate a preferred option. OCPA can absorb energy option changes by customers, but it would be harder to adjust if an entire municipality wanted to make a change.

Public Comments

Kathleen Robinson, UCI Cal PERT, suggested additional public discussions of rates, market conditions, portfolio options, and any trade-offs for achieving the 100% renewable energy product.

Ayn Craciun, Climate Action Campaign, thanked the Authority for providing rate projections and requested more public discussion of launch factors and supported exceeding minimums.

Christa Martin of WAVE asked for more public discussion of rates and energy market conditions, portfolios, and trade-offs.
Shanin Ziemer suggested addressing the redundancy inherent in the middle tier by changing it to 80% or minimum plus ten and opposed offering only two options.

Kyler Chin of the Sunrise Movement spoke to the urgency of addressing climate change.

Jose Trinidad Castaneda, a resident of Buena Park, asked about the power choices that member cities will make.

Linda Kramer requested more meetings and gave information about the power offerings and goals of other CCAs.

Director Posey explained that OCPA must move towards carbon-free energy while remaining competitive. He favored a middle tier with competitive pricing that is also mindful of greenhouse gas reduction. OCPA will also stay competitive by offering a more comprehensive array of clean energy choices than customers currently receive.

Director Sonne added that income generated by OCPA would return to local communities as opposed to the shareholders of investor-owned utilities. She asked for information about the impact of the three options on commercial customers.

Vice-Chair Jung requested a study session on service options.

Chair Carroll supported incentivizing customers toward the 100% tier by including a middle choice as an initial buy-in.

CEO Probolsky stated that onboarding Calpine for back-end operations is the next step as far as timing, and there are no timing constraints on the power purchase side.

ACTION: By consensus, the Board agreed to receive and file the agenda item on service options, and the energy market update.

6.2. **MEMORANDUM OF UNDERSTANDING WITH THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA)**

COO Antonia Graham stated staff has been researching medical and ancillary benefits providers for inclusion in an OCPA benefits package. The best choice is the Special District Risk Management Authority (SDRMA), a public agency. SDRMA requires the OCPA Board of Directors to enter into the Memorandum of Understanding included within the agenda packet as a prerequisite to offering pricing and underwriting parameters.

Ayn Craciun requested any late-arriving documents for this item.
ACTION: Director Posey made a motion, seconded by Director Sonne, to:

Adopt Resolution 2021-09, A Resolution of Board of Directors of the Orange County Power Authority Approving the Form of and Authorizing the Execution of a Memorandum of Understanding and Authorizing Participation in the Special District Risk Management Authority's Health Benefits Program.

The motion carried by the following vote:

  Ayes: Directors Posey, Sonne, Jung, Carroll
  Noes: None
  Absent: Director Khan

7. DIRECTOR COMMENTS

Director Sonne requested agenda review before every board meeting, a standing agenda item for reports from the CAC and for a warrant request and check register, more rate discussion, and broader outreach.

Director Posey requested an agenda item to develop protocol for placing items on the agenda, an agenda review process, agenda placement for the Community Advisory Committee when they have something to report, a check register, and engaging a public relations firm to work on messaging.

8. STAFF REPORTS

Due to the length of the meeting, CEO Probolsky deferred his staff report.

9. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Jose Trinidad Castaneda requested more OCPA presence at events.

Kathleen Treseder, Irvine resident, supported financial details on the agenda.

Senait Forthal thanked the Board for appointing her to the CAC and spoke about the OCPA mission to increase carbon-free energy use and access.

Shanin Ziemer added to the comments about outreach, suggesting that CAC members promote OCPA at public events.

Linda Kramer suggested attendance at the December 1, 2021, all-CCA meeting and how networking among CCAs can lead to combined purchasing power and additional rate tier offerings and recommended better use of volunteers.

An anonymous caller spoke about the public comments of others.
10. ADJOURNMENT

Vice-Chair Jung made a motion, seconded by Director Sonne, to adjourn the meeting. The next Regular Meeting of the Orange County Power Authority will be held on December 14, 2021, at 10:00 a.m.

_______________________________
Brian S. Probolsky, Authority Secretary
1. CALL TO ORDER
Chair Carroll called to order the special of the Orange County Power Authority Board of Directors at 9:01 a.m. on Tuesday, November 23, 2021.

The meeting was conducted utilizing teleconference and electronic means consistent with public health orders and guidelines in California and in accordance with the Governor’s Executive Orders. There was no location for in-person attendance. Due to the nature of the teleconference, all votes were cast via roll call. In an effort to protect public health, members of the public were able to provide live comments on agenda items using Zoom. The agenda items were considered in the order presented.

2. PLEDGE OF ALLEGIANCE
Director Khan led the Pledge of Allegiance

3. ROLL CALL
   Present: Director Farrah N. Khan City of Irvine
            Director Mike Posey City of Huntington Beach
            Director Susan Sonne City of Buena Park
            Vice Chair Fred Jung City of Fullerton
            Chair Mike Carroll City of Irvine
   Also Present: Brian Probolsky Chief Executive Officer
               Antonia Castro-Graham Chief Operating Officer
               Tiffany Law Chief Financial Officer
               Ryan Baron General Counsel, Best Best and Krieger

4. REGULAR AGENDA

4.1 FINDINGS TO CONTINUE REMOTE/TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL 361

ACTION:
Director Posey made a motion, seconded by Director Sonne, and unanimously carried to:

Find and determine that the COVID-19 State of Emergency remains in effect; the Board has reconsidered the circumstances of the State of Emergency; state or
local officials continue to impose or recommend measures to promote social distancing; and meetings of OCPA’s legislative bodies may be held remotely in compliance with Government Code section 54953 (e) for the next 30 days.

4.2. DISCUSSION OF AND PROVIDE DIRECTION ON ORANGE COUNTY POWER AUTHORITY POWER SUPPLY OPTIONS

CEO Brian Probolsky introduced the item and Kirby Dusel, Vice President of Pacific Energy Advisors, to talk about the retail service offerings.

Mr. Dusel began by pointing out that the Authority’s Implementation Plan contemplated that OCPA would provide three retail service options as follows:

- 100% Renewable Energy
- 50% Renewable Energy (middle tier)
- Proportion of renewable energy meeting the State’s prevailing renewable energy procurements mandate (RPS tracking)

The third (minimum) option will continue to rise due to annual increases in the RPS Procurement Mandates as follows.

- Interim Annual RPS (minimum) Procurement Mandates:
  - 38.5% in 2022
  - 41.3% in 2023
  - 44.0% in 2024 (end of Compliance Period 4)
  - 52.0% in 2027 (end of Compliance Period 5)

Mr. Dusel presented a chart comparing offerings by other CCAs in the state and provided examples of projected monthly bills for the average medium commercial customer, small commercial customer, and residential customer. The Authority’s member agencies may choose a preferred option into which customers will be enrolled when service begins. This was referred to as the default. After enrollment, individual customers will have a choice to participate in any of the available energy supply options. Over time, the Authority will continue to increase renewable energy supplies to continue to meet or exceed mandates.

In response to discussions by the Board, Kirby Dusel confirmed that OCPA can set the middle tier so that it will move proportionate to the upward movement of the RPS rate. He also said that the middle tier could “split the difference” and be pegged directly in between the lowest and the highest tiers, for example at 70%. This would allow customers to move toward the renewables without having to select the maximum. He gave examples of where other CCAs have started off and said most customers remain with the tier they are defaulted into.

Public Comments
Alejandro (no last name provided) spoke in favor of 100% renewables and against other options.
Rachel Abalos of Irvine spoke in favor of 100% renewables as the default option.

Roger Gloss, Orange County for Climate Action, suggested moving up the middle tier encourage customers to move up.

Melissa Maasri gave her credentials and in favor of 100% renewables as the default option and methods to select alternative options.

Kyler Chin, Sunrise Movement spoke about the urgency of climate change and in favor of the 100% renewable default option.

Ayn Craciun spoke about rates.

Linda Kraemer thanked all for the special meeting and for considering three rate tiers. She advocated renewables and carbon-free goals.

Craig Preston, acknowledged the need for three tiers, in support of 100% renewables and for an education campaign.

Terry LePage, of Irvine, speaking for the Green Faith Ministries of Irvine United Congregational Church, said burning of fossil fuels is a moral issue. She asked for 100% renewables and no less than the middle tier.

Keith Linker, Irvine resident, favored the 100% renewable tier and acknowledged economics considerations.

Ashton Gilbert, of Santa Ana, Citizens Climate Lobby, favored the 100% renewables option.

An anonymous caller with 347 as the last three digits of her phone number, asked about delivery of energy across one grid.

Luis Huang recommended three rates and explained them.

Danny Gray, Dana Point resident and employed by Alcon, favored 100% renewable and being realistic about the need for three tiers.

Michele M. (no last name), Transforming Justice Orange County, was thankful for discussion, recognized the middle tier and encouraged educated about 100% renewables.

Sandra Smallshaw of Huntington Beach supported the middle tier and stated the base tier is not good enough.
Board Discussion
The directors discussed the RPS mandates which will be 38.5% in 2022, the rate level of the middle tier, and the Authority’s power to create the tiers and select the default rate.

Director Khan made a motion to define a policy that sets the goal of achieving 100% renewable energy by a certain date, for example, 2030, and following that up with a strong education campaign. Director Khan made a second motion to select 70% renewables as the middle tier and as the default.

General Counsel Baron explained that the first motion would have to be deferred until next meeting for Brown Act compliance. He quoted the JPA which gave each member entity the power to set a default for its customers, required the Board to set the bottom tier at the RPS rate, and set the top at the 100% renewables level. He added that any modifications to the JPA would require a two-thirds vote of the Board.

Board members asked staff to bring back information as to whether SCE exceeds the RPS mandates.

John Dalessi of Pacific Energy Advisors stated that member entities could have until January to choose a default option, but for this meeting, must define the three tiers.

ACTION
After further discussion, Chair Carroll restated and seconded Director Khan’s motion. The motion carried unanimously as follows:

Direct staff to create three tiers with 100% renewables as the maximum, 38.5% as the minimum, and with a middle tier directly mid-point between the maximum and minimum tiers and that floats up as the RPS rate forces up the minimum.

4.3. CREATION OF AD HOC COMMITTEES

COO Antonia Graham presented a staff report and explained the benefit of establishing Ad Hoc Committees. This item would create a Marketing and Outreach Committee and a Budget and Finance Committee, with more committees to be added at a later date.

The Board discussed creating standing committees. General Counsel Baron explained that action on standing committees would have to take place at another meeting. The law requires the committees to have a limited purpose, which means the committees must be ad-hoc, temporary, at this time.

Ayn Craciun and Luis Huang spoke about transparency.
ACTION
Director Posey made a motion, seconded by Chair Carroll and unanimously carried to:

Establish an ad hoc Marketing and Outreach Committee for OCPA’s launch and appoint Directors Sonne and Posey as members.

Establish an ad hoc Budget and Finance Committee for OCPA’s launch and appoint Director Khan and Vice Chair Jung as members.

4.4. CONSIDERATION OF BOARD AGENDA POLICY

Antonia Graham, Chief Operating Officer, presented a draft policy authorizing the Chair of the Board or any two Board Members to submit an agenda item to the Chief Executive Officer at least ten business days prior to the next regularly scheduled Board Meeting. Items submitted less than ten business days before the scheduled regular meeting date may be postponed to a later meeting to allow for sufficient research and staff input.

The following speakers opposed the recommendation, preferring that a single board member be able to propose an agenda item or recommending that the item be deferred to the next meeting:

- Melissa Maasri
- Sylvia Walker
- Doug Elliott
- Branda Lin
- Anonymous caller with number ending in 347
- Kathleen Treseder
- Sandra Smallshaw

ACTION
Board Member Posey made a motion, seconded by Board Member Sonne, and unanimously carried that:

Any Board Member may submit an agenda item to the Chief Executive Officer at least ten business days prior to the next regular board meeting. Items submitted less than ten business days before the regular meeting date may be postponed to a later meeting.

5. DIRECTOR COMMENTS

Director Khan encouraged members agencies to be ready to establish their default rates at the next meeting, December 14, 2021.

Director Posey spoke about progress being made on marketing and outreach.
Chair Carroll thanked staff for the work they have been doing and gave some examples. He also said there may be a rate-setting meeting in December.

6. STAFF REPORT

CEO Brian Probolsky spoke of several accomplishments including renewal of contracts, working with Calpine on the back-office functions, making product decisions, the progress of some of the consultants such as Reveille that launched the new website, presenting to the cities of Tustin and Orange, RA sales agreements, and the decision by the Orange County Board of Supervisors to join the OCPA. The Orange County Board of Supervisors appointed Supervisors Don Wagner as primary, and Doug Chaffee as alternate representatives of Orange County on the OCPA Board and that this will result in adding 130,000 potential customers from unincorporated areas.

7. PUBLIC COMMENTS

Ayn Craciun, Climate Action Campaign, spoke about renewable energy credits (RECs), why the International Brotherhood of Electrical Workers (IBEW), opposes them, and about JPA requirements.

Danny Gray and Jose Trinidad Castaneda complemented the Board on the new website.

Branda Lin spoke of attendance by Community Advisory Committee members, the website, and a video from 2020 that is not on the website.

Kathleen Treseder, Irvine resident, requested an investigation into anonymous public comments at a previous meeting, and about a speaker from a July 13, 2021, meeting.

8. ADJOURNMENT

At 11:32 a.m. Vice Chair Jung and Director Posey made a motion to adjourn the meeting. The next meeting is scheduled for December 14, 2021.

___________________________________
Brian S. Probolsky, Chief Executive Officer
Orlando County Power Authority  
Staff Report – Item 5.3

To: Orange County Power Authority Board of Directors  
From: Tiffany Law, Chief Financial Officer  
Subject: APPROVE AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT WITH MAHER ACCOUNTANCY  
Date: December 14, 2021

RECOMMENDED ACTION

Approve Amendment No. 2 to the Professional Services Agreement (“Second Amendment”) between OCPA and Maher Accountancy (“Maher”) to add a new not-to-exceed amount of $162,500 for the accounting and annual audit assistance services from January 1 through December 31, 2022.

BACKGROUND

On December 22, 2020, OCPA entered into a Professional Services Agreement (“Agreement”) with Maher to provide accounting and annual audit assistance services to OCPA.

On September 30, 2021, OCPA entered into a First Amendment (“First Amendment”) to the Agreement with Maher which expires on December 31, 2021.

ANALYSIS AND DISCUSSION

Maher services strengthen OCPA’s internal controls, have less fiscal impact than hiring in-house staff, and provide institutional knowledge based on years of experience with other Community Choice Aggregators. Maher will continue to provide general accounting, budget tracking, invoice processing, employee payroll and benefits, and accruals accounting services to OCPA for a fixed monthly fee. Additionally, Maher will assist with coordination of Pisenti & Brinker for the annual audit and audited report preparation.

The Second Amendment represents an annual increase of $27,500 or 20.4% from the First Amendment due to a volumetric increase in accounting services after the commercial phase launch in April 2022 and the residential phase launch in October 2022.

FISCAL IMPACT

The proposed Second Amendment is for an average monthly retainer of $12,500 and an annual audit assistance fee of $12,500 in CY 2022. The total balance of $162,500 will be included in the FY 2021-22 and FY 2022-23 budgets.

ATTACHMENT

Amendment No. 2 to the Professional Services Agreement with Maher Accountancy
SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN ORANGE COUNTY POWER AUTHORITY AND MAHER ACCOUNTANCY

THIS SECOND AMENDMENT (“Second Amendment”) is entered into effective as of December 14, 2021 (“Amendment Effective Date”), by and between the ORANGE COUNTY POWER AUTHORITY, a California joint powers authority (“Authority”) and MAHER ACCOUNTANCY, a California corporation (“Consultant”). Authority and Consultant are sometimes individually referred to herein as the “Party” and collectively as the “Parties.”

RECITALS

A. The Parties entered into that certain Professional Services Agreement between Orange County Power Authority and Maher Accountancy dated December 22, 2020 (“Agreement”), and a First Amendment to the Agreement dated September 30, 2021.

B. Pursuant to the Agreement, Consultant provides Community Choice Aggregation implementation and development services to Authority, specifically accounting services.

C. The Parties desire to execute this Second Amendment to increase and clarify the compensation payable to Consultant for its services and for other purposes as set forth below.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, the Parties agree to the following terms and conditions:

1. Amendment 1 to the Agreement. The Parties hereby agree to amend the Agreement as follows:

   a. Section 1.2. Section 1.2 of the Agreement is amended to extend the term of the agreement from December 31, 2021 to December 31, 2022.

   b. Section 3.1. Section 3.1 of the Agreement is amended to insert a new not-to-exceed amount payable by the Authority to Consultant for Consultant’s services of One Hundred Sixty Two Thousand Five Hundred Dollars ($162,500).

   c. Exhibit B. Exhibit B of the Agreement is replaced in its entirety by the revised Exhibit B, attached hereto.

2. Capitalized Terms. Any capitalized terms not defined herein shall have the meanings set forth in the Agreement.

3. Counterparts. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.
4. **Full Force.** Except as expressly set forth herein, the Agreement shall remain unmodified and in full force and effect.

**IN WITNESS WHEREOF,** the Parties have executed this First Amendment to the Professional Services Agreement between Orange County Power Authority and Maher Accountancy as of the date first set forth above.

**ORANGE COUNTY POWER AUTHORITY**

Name: _______________________________
Title: _______________________________
Date: _______________________________

**MAHER ACCOUNTANCY**

Name: _______________________________
Title: _______________________________
Date: _______________________________

APPROVED AS TO FORM:

_________________________________
General Counsel
EXHIBIT B

COMPENSATION (REVISED)

Maher Accountancy Service Fees:

- Pre-launch (January-March 2022) - $10,000/month
- Commercial phase (April-September 2022) - $13,000/month
- Residential phase (October-December 2022) - $14,000/month
- One-time audit assistance (Fiscal Year 2021/22 Audit Period) - $12,500

Total Not-to-Exceed $162,500
To: Orange County Power Authority Board of Directors

From: Brian Probolsky, Chief Executive Officer

Subject: RESOLUTION APPROVING THE COUNTY OF ORANGE MEMBERSHIP IN THE ORANGE COUNTY POWER AUTHORITY

Date: December 14, 2021

RECOMMENDED ACTION

Adopt Resolution No. 2021-09 a “Resolution of the Board of Directors of the Orange County Power Authority Approving the County of Orange Membership in the Orange County Power Authority.” (2/3 Vote Required)

BACKGROUND

In May 2020, the Board adopted a New Member Policy to guide the process for other regional municipalities to seek membership with OCPA and as guidance for staff and the Board. As part of the new member process, Staff has been working with the County of Orange to determine its membership interests. The Orange County Board of Supervisors voted on November 16, 2021 to join OCPA, approve the Joint Powers Agreement, and approve the first reading of a community choice aggregation ordinance. The Board of Supervisors appointed Supervisor Donald Wagner (3rd District) as the primary Director and Supervisor Andrew Do (1st District) as the Alternate Director. The second reading of the ordinance was approved on December 7, 2021.

Staff recommends the Board approve the County’s membership in OCPA. In addition to the New Member Policy, Section 4.1 of the Joint Powers Agreement sets forth the procedures by which the County may participate in OCPA, including the requirement for the OCPA Board of Directors to approve the County’s membership by resolution. The Board may also require the interested member agency to satisfy any other additional considerations as may be imposed by the Board or by applicable law or regulation. Section 3.9.4.1 requires a two-thirds (2/3) vote of the Board to add a party to the JPA.

Per the Resolution, the County may be seated on the Board as early as the December meeting. OCPA will serve those unincorporated areas of the County in both Southern California Edison and San Diego Gas & Electric territories. Due to California Public Utilities Commission (CPUC) rules, OCPA will launch customers within the County unincorporated area no earlier than 2023.

In order for OCPA to provide service to the County, Public Utilities Code section 366.2 requires OCPA to adopt at a public hearing an amendment to its Implementation Plan and Statement of Intent. Staff intends to call a special meeting in December to recommend approval of the amendment and receive direction from the Board to file the amendment with the CPUC on or before January 1, 2022, as required by the agency’s rules.
FISCAL IMPACT

Impacts to staffing will be evaluated for fiscal year 2023. Additional operating costs will be for fiscal year 2023 are anticipated to be covered by additional County customer revenues.

ATTACHMENT

Resolution No. 2021-09 “Resolution of the Board of Directors of the Orange County Power Authority Approving the Addition of the County of Orange as a Member of the Orange County Power Authority.”
RESOLUTION NUMBER 2021-08

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE ORANGE COUNTY POWER AUTHORITY
APPROVING THE COUNTY OF ORANGE MEMBERSHIP
IN THE ORANGE COUNTY POWER AUTHORITY

A. The Orange County Power Authority (“OCPA”) was formed on November 20, 2020 pursuant to the Orange County Power Authority Joint Powers Agreement (“JPA Agreement”).

B. The County of Orange (“County”) desires to participate in OCPA’s community choice aggregation program and as a member of OCPA, and has voted to approve the JPA Agreement, adopted a resolution expressing intent to participate in OCPA, and adopted an ordinance pursuant to California Public Utilities Code § 366.2.

C. In accordance with Section 4 of the JPA Agreement, the OCPA Board of Directors may approve the County as a party to the JPA Agreement and member of OCPA with a 2/3 vote of the Directors of the entire Board of Directors.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Orange County Power Authority as follows:

Section 1. The Board of Directors hereby approves the County of Orange as a party to the JPA Agreement and member of the Authority.

Section 2. This Resolution shall be effective immediately after its adoption by the OCPA Board of Directors.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Orange County Power Authority held on December 14, 2021.

__________________________
Secretary
Orange County Power Authority
To: Orange County Power Authority Board of Directors

From: Brian Probolsky, Chief Executive Officer

Subject: ADOPTION OF 2022 MEETING SCHEDULE

Date: December 14, 2021

---------------------------------------------------------------------------------------------------------------------

RECOMMENDATION

Adopt Resolution 2021-09 A Resolution of the Board of Directors of Orange County Power Authority Establishing Regular Meetings of the Board of Directors for 2022.

BACKGROUND

The Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) provides that the legislative body of each local agency shall provide, by ordinance, resolution, bylaws, or other rule, the time and place for holding its regular meetings. For the 2021 calendar year, the Board of Directors held their meetings on the 2nd Tuesday of month except when holidays required an adjustment, either at the Orange County Power Authority offices, 3349 Michelson Dr #200, Irvine, CA 92612 or virtually due to the COVID-19 pandemic. Moving forward, staff recommends maintaining the same schedule and virtual meeting format, as long as AB 361 is in place and it is not safe to return to in-person meetings due to the pandemic.

FISCAL IMPACT

None

ATTACHMENT

Resolution No. 2021-09: A Resolution of the Board of Directors of Orange County Power Authority Establishing Regular Meetings of the Board of Directors for 2022.
RESOLUTION NO. 2021-09
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE ORANGE COUNTY POWER AUTHORITY
ESTABLISHING REGULAR MEETINGS OF THE
BOARD OF DIRECTORS FOR 2022


B. The Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) provides that the legislative body of each local agency shall provide, by ordinance, resolution, bylaws, or other rule, the time and place for holding its regular meetings.

C. The Board of Directors seeks to establish the time and meeting location for all regular meetings of the Board of Directors for calendar year 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Orange County Power Authority as follows:

Section 1. For calendar year 2022, regular meetings of the Board of Directors shall take place on the dates set forth below and shall begin at 10:00 A.M. All regular meetings shall take place at the Orange County Power Authority offices, 3349 Michelson Dr #200, Irvine, CA 92612; provided that pursuant to AB 361 related to COVID-19 (or any additional Executive Orders issued or statutory changes made after the effective date of this Resolution), OCPA’s meetings may be held fully or partially by videoconference or teleconference as authorized by applicable law.

Regular Meeting Dates
Tuesday January 4, 2022
Tuesday February 8, 2022
Tuesday March 1, 2022
Tuesday April 5, 2022
Tuesday May 3, 2022
Wednesday June 29, 2022
Tuesday July 12, 2022
August 2022 – No Meeting
Tuesday September 6, 2022
Tuesday October 25, 2022
Tuesday November 15, 2022
Tuesday December 13, 2022

Section 2. The Board of Directors shall have the power to change the time or location of any regular meetings by amending or replacing this resolution, or cancel such meetings, or call special meetings with proper notice. Special and adjourned meetings of the Board of Directors may be called and held in the manner authorized by the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.), as may be amended from time to time.
Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Orange County Power Authority held on December 14, 2021.

__________________________
Secretary
Orange County Power Authority
To: Orange County Power Authority Board of Directors

From: Brian Probolsky, Chief Executive Officer

Subject: ADOPT PERSONNEL POLICIES MANUAL AND AUTHORIZE ORANGE COUNTY POWER AUTHORITY EMPLOYEE BENEFITS PROGRAM

Date: December 14, 2021

RECOMMENDED ACTION

2. Authorize OCPA Employee Benefits Program.

BACKGROUND

Personnel Policies

As Orange County Power Authority (OCPA) continues to hire employees, it is necessary to create a set of comprehensive personnel policies for the organization to establish clear expectations and guidelines for staff. With the assistance of Management Partners, a local government management consulting firm, the completed draft personnel policy manual document is attached for review and adoption. The content of the policy document incorporates sample language from other Community Choice Aggregation (CCA) employee handbooks (Silicon Valley Clean Energy, Central Coast Community Energy, East Bay Community Energy) and best practice documents obtained from Liebert Cassidy Whitmore and the Society for Human Resources Management (SHRM). The draft manual has been reviewed by OCPA labor and employment counsel who has indicated it complies with federal and state labor law.

OCPA will notify employees if and when eligibility for Family Medical Leave Act (FMLA) is established in the future. At the time of adoption, OCPA will not meet this provision. The FMLA Eligibility section contained in the policy document states, “for FMLA leave eligibility, OCPA must directly employ at least 50 full or part-time employees within a 75-mile radius for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.”

Employee Benefits

OCPA continues to recruit for staff positions. Establishing a competitive employee benefits program is critical to OCPA’s efforts to attract and retain talented staff. We engaged Management Partners to assist our staff in conducting an employee benefits analysis of six comparable CCA agencies. A proposed employee benefit program has been prepared for the Board’s review and discussion. Approval of the proposed benefits program will also allow OCPA to establish insurance plans for 2022 enrollment.

ANALYSIS AND DISCUSSION

OCPA’s proposed benefit program consists of a retirement plan, group health insurance plans for medical, dental, and vision coverage, cash payment in lieu of health insurance, flexible spending
accounts, paid time off (PTO), holiday pay and holiday closure, life insurance, short-term and long-term disability insurance, wellness reimbursement, executive leave, automobile and technology allowances, PTO cash-out option and employee assistance program. In addition, there are mandated benefits programs such as workers’ compensation, Consolidated Omnibus Budget Reconciliation Act (COBRA) and unemployment insurance. Eligibility to participate in OCPA’s benefits program is determined by employee classification and length of service with OCPA.

Attachment 2 contains the proposed Orange County Power Authority employee benefit program developed as a result of the analysis of the benchmarking data. The approach used to set OCPA’s proposed benefit program is to align OCPA’s employer contributions with the amounts provided by comparison agencies in each benefit category.

Once authorized, the benefit program will be used in recruitment notices and advertisements to help attract highly qualified candidates to fill newly established positions. The Chief Executive Officer has obtained estimates for group health insurance and is in the negotiation process with employee benefits providers to bring contracts forward for Board of Directors approval.

**FISCAL IMPACT**

The projected annual budgetary staffing costs for FY 2021-22 is $1.53 million or 3.8% of revenue vs. approved annual budgetary staffing costs of $1.26 million or 3.6% of revenue. The overall impact is $270k or 0.2 percentage point of revenue.

**ATTACHMENT**

2. OCPA Employee Benefits Program
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Welcome to the Orange County Power Authority

Dear Orange County Power Authority employee:

Congratulations on your employment with the Orange County Power Authority (OC Power)! We at OC Power share great pride and passion in the work we do, and we’re glad you’re joining us to help advance our mission for the benefit of our ratepayers, our environment, and our communities.

As an employee of OC Power, you are our most valuable resource. We are committed to fostering an open, cooperative and dynamic environment. It is our hope that you find OC Power a rewarding place to work.

Information regarding the procedures, practices, policies and benefits of OC Power is contained within this policy manual. We encourage you to read this manual carefully, and review it from time to time.

The Orange County Power Authority’s policies may change at any time, and employees are expected to comply with the most current versions. You will be informed of any changes as they occur. If you would like further information or have questions about any of the information outlined in this manual, please feel free to reach out to me or your supervisor.

On behalf of the OC Power Board of Directors and staff, I extend a warm welcome as you join our team!

Sincerely,

Brian Probolsky
Chief Executive Officer
100 GENERAL INFORMATION

101 Effect and Applicability of Personnel Policies
These policies establish specific classification, compensation, and other procedures governing the Orange County Power Authority’s (“OCPA”) employees. This policy defines and describes the rights, privileges, benefits, and prohibitions which accrue to and are placed upon OCPA employees covered under this policy.

These Personnel Policies (“Policies”) do not create any contract right, or any express or implied contract of employment. OCPA retains the full discretion to modify these Policies at any time in accordance with law.

Although employees should refer to this document for any questions regarding employment, it is not possible to anticipate every situation or question that might arise. This document is not an employee’s only source of information on employment-related issues. Employees may have questions that the document does not answer. In those situations, employees should talk with a representative of Human Resources.

101.1 Applicability and Future Revisions: Authority’s Discretion to Modify These Policies
Circumstances will require that the policies, rules, and benefits described in this document change from time to time. These policies may be reviewed and/or amended as necessary. OCPA will attempt to keep employees advised of any changes made to this document.

Nothing contained in this policy shall be deemed to prevent the Board from entering into written agreement(s) concerning the employment or separation from employment of any employee with whom the power of appointment or removal or the approval thereof is vested in the Board of Directors. In the event a conflict arises between any provision in such written employment or separation agreement approved by the Board of Directors and any provision of this policy, the said agreement shall prevail; otherwise, this policy shall be deemed applicable.

101.2 Employee Acceptance of Policies and Revisions to Policies
As a condition of employment, OCPA requires that each employee read and, if necessary, request clarification regarding these Policies. Each employee must sign a statement of receipt acknowledging that: a) they have received a copy, or have been provided access to the Policies; and b) they understand that they are responsible for reading and becoming familiar with the contents of the Policies and any subsequent revisions to the Policies.
102 Delegation of Authority

102.1 Delegation of Appointment and Personnel Action Authority to Chief Executive Officer
The Board delegates to the Chief Executive Officer the authority to authorize employment, establish job responsibilities, and perform other personnel actions as to all subordinate employees in accordance with all federal and state laws and regulations and these Policies. The Chief Executive Officer may delegate responsibility to appropriate staff members to perform personnel actions in accordance with this section.

103 Classification of Employees
Creation or deletion of a classification(s) or modifications to the salary schedule shall require Board approval.

103.1 At-Will Working Relationship
All employment with Orange County Power Authority is “at-will.” “At-will” means that either OCPA or the employee may terminate the employment relationship at any time, with or without cause, and with or without notice. The Board of Directors shall have the sole authority to enter into representations or agreements that are inconsistent with the at-will status of any employees, including any agreement providing for employment for a specified period of time. Any such representation or agreement must be in writing and signed by a designee of the Board of Directors and the employee.

103.2 Exempt Employees
Upon hire, an employee’s Federal Fair Labor Standards Act (FLSA) status will be designated as either “exempt” or “non-exempt.” Exempt employees are those employees whose duties and responsibilities allow them to be “exempt” from overtime provisions as provided by the FLSA and any applicable state laws.

Exempt status applies to certain administrative, professional, and executive staff. Exempt employees qualify for exemption from overtime regulations under state and federal law and their salaries already consider that they may work long hours.

103.3 Non-Exempt Employees
“Non-Exempt” status applies to all other regular employees who primarily perform work that is subject to the overtime provisions of the (FLSA). Employees working in non-exempt positions are compensated for the actual amount of time spent on their job. Non-exempt California employees are eligible for overtime compensation after eight (8) hours worked in one (1) day or forty (40) hours worked in one (1) week, at one and one-half (1½) times their regular pay. (See section 602.4.)

No non-exempt employee shall receive overtime pay for the time spent outside normal work hours in attending meetings of any kind unless the employee’s manager specifically requires the employee’s attendance and the employee is otherwise eligible for overtime compensation.

103.4 Full-Time and Part-Time Employees
A full-time employee is one whose position is budgeted to work at least forty (40) hours per week. Full-time employees receive all benefits provided in these Policies. A part-time employee is one whose position is budgeted to work less than forty (40) hours per week. Part-time
employees may have different rights to leave and other benefits under the law or these Policies, depending on the number of hours they work.

103.5 Temporary Employees
Temporary employees are hired with the understanding that their employment will not continue beyond a stated date or beyond completion of a specified project or projects. Temporary employees will generally not be employed for more than one thousand (1,000) hours. Temporary employees are not eligible for benefits covered in this document, other than those required by law.

103.6 Interns
Interns are employees who are students gaining supervised practical experience in a professional field. Interns may be paid or unpaid but are not eligible for any benefits listed in this document other than those required by law.
200 EQUAL EMPLOYMENT OPPORTUNITY

201 Equal Employment Opportunity Policy
OCPA affords equal employment opportunity for all qualified employees and applicants as to all terms of employment, including compensation, hiring, training, promotion, transfer, discipline and termination. OCPA does not unlawfully discriminate on the basis of race (including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), color, religion, religious creed (including religious dress and religious grooming practices), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity (including transgender identity, gender expression (including transgender expression), because an individual has transitioned (to live as the gender with which they identify), is transitioning, or is perceived to be transitioning), sex stereotyping, national origin, ancestry, citizenship, age (40 years and over), mental disability and physical disability (including HIV and AIDS), legally protected medical condition or information (including genetic information), protected medical leaves (requesting or approved), military and/or veteran status, service, or obligation, reserve status, national guard status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by local, state or federal laws.

Any such discrimination is unlawful and all persons involved in the operations of OCPA are prohibited from engaging in this type of conduct. Employees or applicants who believe they have experienced any form of employment discrimination or abusive conduct are encouraged to report the conduct immediately by using the complaint procedures provided in these Policies, or by contacting the U.S. Equal Employment Opportunity Commission, or the California Department of Fair Employment and Housing. Contact information for both agencies can be found on the internet.

202 Policy Against Discrimination, Harassment and Retaliation; Complaint Procedure

202.1 Purpose
OCPA has a strong commitment to prohibiting and preventing discrimination, harassment and retaliation in the workplace. OCPA has zero tolerance for any conduct that violates this Policy.

Conduct need not arise to the level of a violation of state or federal law to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. This Policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation. OCPA encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible. Any retaliation against an employee because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited. Individuals found to have retaliated in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including termination.

202.2 Covered Individuals and Scope of Policy
This Policy is intended to protect all employees, regardless of rank or title, from bullying and unlawful harassment or discrimination. This Policy expressly includes and is intended to capture conduct directed by elected officials to OCPA employees. This Policy applies to all terms and
conditions of employment, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

202.3 Definitions

202.3.1 Protected Classification
This Policy prohibits harassment, discrimination or retaliation because of an individual’s protected classification as set forth in the EEOC Policy in section 201, above. This Policy prohibits discrimination, harassment or retaliation because of: (1) an individual’s protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

202.3.2 Protected Activity
This Policy prohibits discrimination, harassment, or retaliation because of an individual’s protected activity. Protected activity includes: (1) making a request for an accommodation for a disability; (2) making a request for accommodation for religious beliefs; (3) making a complaint under this Policy; (4) opposing violations of this Policy; or (5) participating in an investigation under this Policy.

202.3.3 Discrimination
This Policy prohibits treating covered individuals differently and adversely because of the individual’s protected classification, whether actual or perceived; because the individual associates with a person who is member of a protected classification, whether actual or perceived; or because the individual participates in a protected activity as defined in this Policy.

202.4 Harassment

202.4.1 Sexual Harassment
Sexual harassment (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions, gender identity, gender expression, transgender status, those who are transitioning or have transitioned, sexual stereotypes, sexual orientation, and gender harassment) is defined as unwanted sexual advances, or visual, written, verbal or physical conduct of a sexual nature that creates an intimidating, offensive, or hostile working environment or that interferes with an employee’s work performance. Such conduct constitutes harassment when:

1) submission to the conduct is made either an explicit or implicit condition of employment or promotion;
2) submission or rejection of the conduct is used as the basis for an employment decision; or
3) the unwelcomed comments or conduct based on sex unreasonably interferes with an employee’s work performance or creates an intimidating, hostile, or offensive work environment.

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

- Unwanted sexual advances, propositions or requests for sexual favors;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
• Visual conduct: leering, making sexual gestures, displaying of suggestive objects, posters, photographs, cartoons, or drawings;
• Verbal conduct: making or using derogatory comments, epithets, slurs, jokes, verbal abuse of a sexual nature, graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual, foul or obscene language, conversation containing sexual comments;
• Written conduct: suggestive or obscene letters, emails, drawings, notes or invitations;
• Physical conduct: unwanted touching, assault, impeding or blocking movements, and violating someone’s “personal space”; and
• Retaliation for reporting harassment or threatening to report harassment.

202.4.2 Other Types of Harassment
Harassment can take many forms beyond sexual harassment. Harassment on the basis of race (including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), color, religion, religious creed (including religious dress and religious grooming practices), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity (including transgender identity, gender expression (including transgender expression), because an individual has transitioned (to live as the gender with which they identify), is transitioning, or is perceived to be transitioning), sex stereotyping, national origin, ancestry, citizenship, age (40 years and over), mental disability and physical disability (including HIV and AIDS), legally protected medical condition or information (including genetic information), protected medical leaves (requesting or approved), military and/or veteran status, service, or obligation, reserve status, national guard status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by local, state or federal laws, is also prohibited and will not be tolerated by OCPA. Such harassment includes but is not limited to the following when based upon an employee’s protected status as noted above:
• Verbal conduct such as making or using derogatory comments, epithets, slurs, jokes, or verbal abuse;
• Visual conduct such as gestures and displaying of objects, posters, photographs, cartoons, or drawings;
• Written conduct such as suggestive or obscene letters, emails, drawings, notes or invitations;
• Physical conduct such as assault, unwanted touching, or blocking normal movement, or violating someone’s “personal space”; and
• Retaliation for reporting harassment or threatening to report harassment.

202.4.1 Guidelines for Identifying Harassment
Harassment includes any conduct that would be unwelcome or unwanted to an individual of the recipient’s same protected classification. The following guidelines should be followed to determine if conduct is unwelcome or unwanted:

(a) It is no defense that the recipient “appears” to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
(b) Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.

(c) Even visual, verbal, or physical conduct between two people who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.

(d) Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual would find it offensive (e.g., gifts, over-attention, endearing nicknames, hugs).

202.5 Retaliation
Retaliation occurs when an employer takes adverse conduct against a covered individual because of the individual’s protected activity as defined in this Policy. “Adverse conduct” may include but is not limited to: (1) disciplinary action; (2) counseling; (3) taking sides because an individual has reported harassment or discrimination; (4) spreading rumors about a complainant or about someone who supports or assists the complainant; (5) shunning or avoiding an individual who reports harassment or discrimination; or (6) making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

202.6 Complaint Procedure
A covered individual who believes he or she has been subjected to discrimination, harassment or retaliation may make a complaint – orally or in writing – to any supervisor or manager, without regard to any chain of command. Any supervisory or management employee who receives a harassment complaint shall immediately notify the Chief Executive Officer. Upon receiving notification of a harassment complaint, the Chief Executive Officer will complete and/or delegate the following steps:

(a) Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with: (1) the complainant; (2) the accused; and (3) other persons who have relevant knowledge concerning the allegations in the complaint.

(b) Review the factual information gathered through the investigation to determine whether the alleged conduct violates the Policy, giving consideration to all factual information and the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incident(s) occurred.

(c) Report a summary of the determination as to whether this Policy has been violated to appropriate persons. If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.
(d) If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.

(e) Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

If the Chief Executive Officer is accused of or a witness to the events at issue, then the Board of Directors will be responsible for initiating an investigation, delegating steps, and/or taking corrective action.

202.6.1 Option to Report to Outside Administrative Agencies
An individual has the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, in the government section of the telephone book or employees can check the posters that are located on OCPA bulletin boards for office locations and telephone numbers.

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

202.6.3 Conclusion of Investigation
At the conclusion of the timely investigation, if it is determined that prohibited harassment, discrimination, and/or retaliation has occurred, OCPA will take immediate and effective remedial action commensurate with the circumstances. Corrective action may include, for example: training, referral to counseling, or disciplinary action including, but not limited to, verbal or written warning, suspension, transfer, demotion, and termination of employment, depending on the circumstances. With regard to acts of harassment by clients or vendors, corrective action will be taken after consultation with the appropriate management personnel.

The employee who initiated the complaint will be notified when the investigation has been completed and will be informed of the general outcome of the investigation, i.e., whether the complaint has been substantiated or unsubstantiated. However, the employee is not entitled to know the corrective action, if any, imposed on the accused harasser as that information is protected by the accused harasser’s right to privacy. Appropriate action will be taken to ensure the employee who has been found to have been harassed, discriminated, and/or retaliated against will not be harassed and/or retaliated against in the future, including but not limited to redistribution of this policy, training, transfer, etc.

202.6.4 Responsibilities and Proactive Approach
Each non-manager or non-supervisor is responsible for:
1. Treating all individuals in the workplace or on worksites with respect and consideration.
2. Modeling behavior that conforms to this Policy.
3. Participating in periodic training.
4. Cooperating with OCPA's investigations pursuant to this Policy by responding fully and truthfully to all questions posed during the investigation.
5. Taking no actions to influence any potential witness while the investigation is ongoing.
6. Reporting any act he or she believes in good faith constitutes harassment, discrimination or retaliation as defined in this Policy, to their immediate supervisor, or department head, or the Chief Executive Officer.

In addition to the responsibilities listed above, each manager and supervisor is responsible for:
1. Informing employees of this Policy.
2. Taking all steps necessary to prevent harassment, discrimination and, retaliation from occurring, including monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
3. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
4. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
5. Informing those who complain of harassment or discrimination of their option to contact the EEOC or DFEH regarding alleged Policy violations.
6. Assisting, advising, or consulting with employees and the Chief Executive Officer regarding this Policy.
7. Assisting in the investigation of complaints involving employee(s) in their departments and, when appropriate, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with these Policies, up to and including termination.
8. Implementing appropriate disciplinary and remedial actions.
9. Reporting potential violations of this Policy of which he or she becomes aware to the Chief Executive Officer, regardless of whether a complaint has been submitted.

203 Reasonable Accommodation and Interactive Process

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

(a) qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions;

(b) employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider;

(c) employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and

(d) employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.
203.2 Supporting Documentation or Certification

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

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

203.2.3 Certification of Victim Status
An employee who is a victim of domestic violence, sexual assault or stalking who requests an accommodation to provide for their safety while at work must provide both of the following:

(a) A written statement signed by the employee or an individual acting on the employee’s behalf, certifying that the accommodation is to address victim-safety concerns while at work; and

(b) A certification demonstrating the employee’s status as a victim of domestic violence, sexual assault, or stalking, which can be in the form of: a police report indicating the employee’s victim status; a court order separating the perpetrator from the employee or that the employee has appeared in court for that purpose; or documentation from a medical professional or counselor that the employee is undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence, sexual assault, or stalking.

203.3 Fitness for Duty Examinations

203.3.1 Applicants
After OCPA extends a conditional offer of employment to an applicant, OCPA may require the applicant to submit to a fitness for duty examination that is job-related, necessary for efficient operations of OCPA, and required of all applicants for the job classification. OCPA will notify an applicant or employee who is required to pass a medical examination of their right to obtain a second opinion at their expense and that they may submit such second opinions to OCPA for consideration.

203.3.2 Current Employee
An employee may be required to submit to a fitness for duty examination to determine if the employee has a disability and is able to perform the essential functions of their job when there is significant evidence that:

(a) the employee’s ability to perform one or more essential functions of their job has declined; or

(b) could cause a reasonable person to question whether an employee is still capable of performing one or more of their essential job duties, or is still capable of performing those duties in a manner that does not harm themselves or others.

203.3.3 Role of Health Care Provider
OCPA may request the applicant’s or employee’s health care provider to conduct a fitness for duty exam on the applicant or employee, or may request an OCPA-selected health care provider to do so at OCPA’s expense. OCPA will allow an employee paid time off to attend the exam. OCPA will provide the health care provider with a letter requesting a fitness for duty examination and a written description of the essential functions of the job. The examination will be limited to determining whether the applicant or employee can perform the essential functions of their position and any work restrictions and/or functional limitations that apply to the applicant or employee. The health care provider will examine the employee and provide OCPA with non-confidential information regarding whether:

(a) The applicant or employee has a disability within the meaning of the California Fair Employment and Housing Act;

(b) The applicant or employee is fit to perform essential job functions;

(c) Workplace restrictions or functional limitations apply to the applicant or employee, and the duration of the work restrictions or functional limitations;

(d) There are any reasonable accommodations that would enable the employee to perform essential job functions; and

(e) The employee’s continued employment poses a threat to the health and safety of themselves or others.

Should the health care provider exceed the scope of OCPA’s request and provide confidential health information, without valid consent of the applicant or employee, OCPA will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that OCPA has requested.

203.3.4 Authorization for Use of Medical Information
During the course of a fitness for duty examination, OCPA will not seek or use information regarding an employee’s medical history, diagnoses, or course of treatment without an employee’s written authorization.

203.3.5 Medical Information from the Employee or Applicant
If an employee or applicant submits medical information to OCPA from their own health care provider, OCPA will not forward that information to the health care provider who conducted the examination for OCPA, without the employee’s or applicant’s written authorization. Upon receipt
of the written authorization, OCPA will request an OCPA-paid health care provider to determine whether the information alters the original fitness for duty assessment.

203.4 Interactive Process

203.4.1 When to Initiate the Interactive Process
OCPA will initiate the interactive process when:

(a) An applicant or employee with a known physical or mental disability or medical condition requests reasonable accommodation(s);

(b) OCPA otherwise becomes aware of the need for an accommodation through a third party (e.g., a doctor’s note requesting an accommodation), or by observation of the employee’s work;

(c) OCPA becomes aware of the possible need for an accommodation because the employee with a disability has exhausted workers’ compensation leave, Family and Medical Act leave, or other leave rights, but the employee and/or the employee’s health care provider indicate that further accommodation is still necessary for recuperative leave or other accommodation;

(d) An employee disabled by pregnancy, childbirth or related medical conditions requests a reasonable accommodation or transfer based on the advice of her health care provider;

(e) An employee with a physical or mental disability, regardless of cause, fails to return to work following pregnancy disability leave;

(f) An employee-victim of domestic violence, sexual assault, or stalking requests a reasonable accommodation(s) for their safety at work;

(g) An employee requests an accommodation to address a conflict between religious belief, observance or practice and any employment requirement; or

(h) An employer is aware of the need for a reasonable accommodation for an employee’s or applicant’s religious beliefs, observance or practices.

203.4.2 Interactive Communication
After the occurrence of any of the above-stated circumstances that trigger the need to conduct an interactive process meeting, OCPA will promptly arrange for a discussion or discussions, in person or via conference telephone call, with the applicant or employee and their designated representative (if any). The purpose of the interactive communications will be to discuss in good faith all feasible potential reasonable accommodations. All communications will be documented by OCPA in writing.

203.4.3 Determination
After the interactive process communications, OCPA will review the information received, and determine: whether all available information has been reviewed; whether all potential accommodations that the applicant or employee has suggested have been considered; whether additional discussions with the applicant or employee would be helpful; whether the applicant’s or employee’s preferences have been taken into account; if there is a reasonable accommodation that would enable the applicant or employee to perform essential job functions.
without harming themselves or others; and if the accommodations would pose an undue hardship to OCPA, in its sole discretion. An applicant or employee will be informed of OCPA’s determination in writing.

203.5 Access to Medical Information Regarding Fitness for Duty
Medical records and information regarding fitness for duty, or the need for an accommodation, will be maintained separately from non-medical records and information. Medical records and information regarding fitness for duty and the need for accommodation will be accessible only by the Chief Executive Officer or their designee, OCPA’s legal counsel, first aid and safety personnel in case of emergency, and supervisors who are responsible for identifying reasonable accommodations. Medical records and information contained therein may be released pursuant to state and federal law.

204 Whistleblower Protection

204.1 Policy
OCPA prohibits all of the following:

(a) Taking any retaliatory adverse employment action against an employee because the employee has or is believed to have disclosed information to any government or law enforcement agency, including to OCPA, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;

(b) Preventing an employee from disclosing information to a government agency, including to OCPA, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;

(c) Retaliating against an employee for refusing to participate in any activity that would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation; and

(d) Retaliating against an employee because the employee’s family member has, or is perceived to have engaged in any of the protected activities listed in (a)-(c) above.

204.2 Policy Coverage
This Policy governs and protects Authority officials, officers, employees, or applicants for employment.

204.3 Definitions
(a) “Protected activity” includes any of the following:
   1) Filing a complaint with a federal or state enforcement or administrative agency that discloses any information that the employee has reasonable cause to believe violates state or federal law or a violation or noncompliance with a local, state, or federal rule or regulation;
   2) Participating in or cooperating in good faith with a local, federal or state enforcement agency that is conducting an investigation into alleged unlawful activity;
   3) Testifying in good faith and with reasonable cause as a party, witness, or accused individual alleged unlawful activity;
4) Associating with another covered individual who is engaged in any of the protected activities enumerated here;
5) Making or filing in good faith and with reasonable cause an internal complaint with OCPA regarding alleged unlawful activity;
6) Providing informal notice to OCPA regarding alleged unlawful activity;
7) Calling a governmental agency’s “Whistleblower hotline” in good faith;
8) Filing a written complaint under penalty of perjury that OCPA has engaged in gross mismanagement, a significant waste of public funds, or a substantial and specific danger to public health or safety; and
9) Refusing to participate in any activity that the employee reasonably believes would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation.

(b) “Adverse action” may include, but is not limited to, any of the following:
1) Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of actual or potential protected activity;
2) Refusing to hire an individual because of actual or potential protected activity;
3) Denying promotion to an individual because of actual or potential protected activity;
4) Taking any form of disciplinary action because of actual or potential protected activity;
5) Altering work schedules or work assignments because of actual or potential protected activity;
6) Condoning hostility and criticism of co-workers and third parties because of actual or protected activity;
7) Spreading rumors about a person because of that person’s actual or perceived protected activity; and
8) Shunning or unreasonably avoiding a person because of that person’s actual or perceived protected activity.

204.4 Complaint Procedure
An applicant or employee, who feels they have been retaliated against in violation of this Policy should immediately report the conduct according to the complaint procedure in OCPA’s Policy Against Discrimination, Harassment or Retaliation so that the complaint can be resolved fairly and quickly. Supervisors and managers have the same responsibilities as defined in the Policy Against Discrimination, Harassment or Retaliation.
300 CLASSIFICATION POLICIES

301 Classification Plan

301.1 Classification Plan
The Chief Executive Officer, or their designee, shall ascertain and record the duties and responsibilities of all positions and, after consulting with the Board, shall recommend a classification plan ("plan") including job descriptions for such positions. The plan and any revisions thereof shall become effective upon approval of the Board.

Following the approval of the classification plan, the Chief Executive Officer shall allocate every position to one of the classifications established by the plan.

When a new position is created, such position may not be filled until the classification plan has been amended to provide for the new position.

Classification specifications are intended to be descriptive and explanatory of the kind of work performed by all employees in the classification.

A job class may contain one or more positions. Creation or deletion of classification(s) or modifications to the salary schedule shall require Board approval, and all classification specification changes must be reviewed by the supervisor of the position prior to approval. All employees having supervisory and/or managerial responsibilities shall have access to the current classification specifications for their own position, and any position they supervise or manage.

301.2 Reclassification
The Chief Executive Officer, or their designee, may initiate a job audit to determine whether the duties of a position have changed to such an extent that they necessitate reclassification of the position from the existing classification to a more appropriate classification. Upon completion of the job audit, the Chief Executive Officer shall make a recommendation regarding reclassification to the Board.
400 RECRUITMENT, SELECTION, AND APPOINTMENT

401 Recruitment, Selection and Appointment Policy
The Chief Executive Officer, or their designee, is the only authorized employee to conduct recruitments and make job offers on behalf of OCPA. With the exception of OCPA Counsel, the Chief Executive Officer shall have OCPA to appoint, remove, promote and demote any employees of OCPA.

The Chief Executive Officer, or their designee, will consult with operating departments on the specifics of each recruitment, including but not limited to: the type of recruitment; content of the job announcement; desired qualifications; and the structure and content of the recruitment process.

The Chief Executive Officer shall advise the Board of any reorganization of offices, positions, departments or units under their direction as may be indicated in the interest of efficient, effective and economical conduct of OCPA’s business, subject to the Board’s budget authority.

401.1 Job Announcement
The Chief Executive Officer, or their designee, will prepare a job announcement to announce a proposed recruitment. The announcement may be posted on OCPA’s website and other locations OCPA deems appropriate, depending upon whether the recruitment is open to the public or current employees only.

The announcement will include the title for the position, and brief description of the essential job duties of the position. It will also include the minimum qualifications, the last date that OCPA will accept applications, any pertinent information regarding selection and any medical or drug testing to be performed following a conditional job offer. OCPA may include any other information determined to be of value at its discretion.

401.2 Application Forms
Job applications shall require information describing an individual’s training, experience, and other pertinent information as deemed necessary to assess qualifications for the job. Applicants may be required to provide supplementary information, including but not limited to: answers to job-related questions, resume, licenses, certifications, diplomas, letters of recommendation and references. All applications must be completed in full and signed, physically or electronically, by the person applying. The Chief Executive Officer or their designee will not process any application which is not fully completed and signed. Should an applicant be appointed to a position, the supplemental information shall become a part of the individual’s permanent employment records.

401.3 Disqualification of Applications
The Chief Executive Officer or their designee may reject any application which is not properly completed or incomplete, received after the application deadline, or indicates that the applicant does not meet the minimum qualifications for the position. Whenever an application is rejected, notice of such rejection shall be mailed or emailed to the applicant.

401.3.1 Criminal Conviction Check
After OCPA makes a conditional offer of employment, the Chief Executive Officer, or their designee, may then request information about criminal convictions, except for misdemeanor marijuana-related convictions that are over two years old, or convictions that have been judicially sealed, eradicated, or expunged. Unless required by law, OCPA will not deny employment to any applicant solely because he or she has been convicted of a crime. OCPA may, however, consider the nature, date and circumstances of the offense, evidence of rehabilitation, as well as whether the offense is relevant to the duties of the position.

401.4 Appointments
The Chief Executive Officer, or their designee, will make all appointments except for those classifications that report to the governing body. The Chief Executive Officer, or designee, has discretion to decide in what manner a vacancy shall be filled. Vacancies may be filled by reinstatement, promotion, transfer, demotion, or appointment of temporary employees. The Board will make appointments for those classifications that report to it.

401.4.1 Promotional Appointments
An employee who receives a promotion to a higher-level classification shall be provided an increase to their current base rate of pay at the time of promotion.

401.4.2 Grant-Funded and Limited-Term Positions
Appointments to certain grant-funded and/or limited-term positions as designated by the Chief Executive Officer may be made by the Chief Executive Officer or their designee.
500 EMPLOYMENT OF RELATIVES OR SPOUSES/DOMESTIC PARTNERS

501 Employment of Relatives, Spouses/Domestic Partners

501.1 Policy
OCPA regulates the employment and placement of relatives, spouses/domestic partners so as to avoid conflicts of interest and to promote safety, security, supervision, and morale.

501.2 Definitions
“Relative” means child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.

“Spouse” means one of two persons to a marriage, or two people who are registered domestic partners, as those terms are defined by California law.

“Supervisory relationship” means one in which one employee exercises the right or responsibility to control, direct, reward, or discipline another by virtue of the duties and responsibilities assigned to their Authority appointment.

501.3 Employment of Relatives
OCPA will not appoint, promote or transfer a person to a position within the same work division in which the person’s relative already holds a position, if any of the following would result in:

(a) A direct or indirect supervisory relationship between the relatives;

(b) The two employees having job duties which require performance of shared duties on the same or related work assignment;

(c) Both employees having the same supervisor; or

(d) A potential for creating an adverse impact on supervision, safety, security, morale or efficiency.

501.4 Spouses/Domestic Partners
OCPA will not appoint, promote, or transfer a person, to the same department, division, or facility in which the person’s spouse or registered domestic partner already holds a position, if such employment would result in any of the following:

(a) One spouse/domestic partner being under the direct supervision of the other spouse or domestic partner; or

(b) Potential conflicts of interest or hazards for married persons or those in domestic partnerships which are greater than for those who are not married or in domestic partnerships.

501.5 Applicant Disclosures
Each applicant is required to disclose the identity of any relative who is a current employee of
OCPA. An applicant’s failure to disclose a relative who is an employee may result in rejection of the applicant or future disciplinary action against the applicant after employment, up to and including termination of employment for cause.

An applicant for a position who has a relative employed by OCPA may not be denied the right to file an application for employment and to complete background checks. If the applicant successfully completes all pre-hire conditions, then he or she may be employed in a department, division, or office in which a member of his or her family member is not employed, subject to this policy. Such employment may be denied if employment would potentially create a conflict of interest or would have a potentially adverse impact on morale, supervision, or safety, even where a direct reporting relationship is not involved. Applicants who are family members of members of the Board of Directors or the Chief Executive Officer are presumed to have a conflict of interest regardless of the position for which the applicant applied.

501.6 Marriage/Domestic Partnership After Employment

Transfer: If two OCPA employees later become spouses/domestic partners, the Chief Executive Officer or their designee shall have discretion to transfer one of the employees to a similar position in another work division, if such a position is available that will cure the actual or potential conflict of interest. Although the wishes of the two employees will be considered, the Chief Executive Officer, or designee, retains sole discretion to determine which employee will be transferred based upon OCPA needs for supervision, safety, security or morale. Any such transfer that results in a salary reduction is not disciplinary or retaliatory.

Separation: In the event two employees of OCPA decide to marry, and there is no transfer that would resolve an actual or potential conflict of interest as determined by the Chief Executive Officer or their designee, as the case may be, in their sole discretion, then, the employees shall be given the opportunity to determine which of them shall voluntarily resign. If the employees are unable to or fail to choose which employee will resign, then the Chief Executive Officer or their designee will so choose and their decision will be final and binding.
600 COMPENSATION AND PAYROLL PRACTICES

601 Work Schedules and Attendance

601.1 Work Schedules
OCPA’s normal business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. Individual work schedules may vary or change depending upon assignment and operational needs, and approval of an employee’s supervisor, the Chief Executive Officer or their designee.

601.2 Meal and Rest Periods for Non-Exempt Employees
California law requires that each non-exempt employee be given at least a 30-minute lunch break each day, and that this break begins within the first five hours of the workday. Accordingly, taking a duty-free lunch period of at least 30 minutes is mandatory. If an employee works more than 10 hours, they are entitled to a second, unpaid meal period of at least 30 minutes. Depending on the circumstances, the employee may be able to waive their second meal period if they took the first one.

Employees will be provided one 30-minute lunch each day, to be taken approximately in the middle of the workday. However, under special circumstances an employee may be granted permission by their supervisor to extend their lunch break. All meal periods must be recorded on employee time cards.

An employee is allowed one ten-minute rest period for every four hours of work or major portion thereof. While there is no set schedule for breaks, an employee is able to take restroom breaks and get refreshments as desired.

If, at any time, an employee is unable to take a lunch break and/or rest period because of workload, they should immediately inform their supervisor so that appropriate arrangements can be made.

Employees are expected to observe their assigned working hours and the time allowed for meal and rest periods.

602 Payment of Wages

602.1 Work Week
The Fair Labor Standards Act (FLSA) requires designation of an employer’s workweek. In accordance with this requirement, OCPA’s workweek is designated as beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. on Saturday.

602.2 Payroll Cycles
Paydays are the 5th and the 20th of the month. OCPA offers a direct deposit option. There are 24 pay periods in a year. The workday (a 24-hour, consecutive period) begins at 12:00 a.m. and ends at 11:59 pm. If a regular payday falls on a weekend or holiday, employees will be paid on the first day of work prior to the regularly scheduled payday.

Employees must review their own paychecks for errors. Employees finding a mistake on a paycheck should report it to his or her supervisor as soon as possible. Employees
are prohibited from making changes to another employee’s time card for any reason, and employees who engage in editing, modifying, or changing another employee’s timecard may be subject to discipline up to and including the termination of employment.

**602.3 Payroll deductions, wage attachments and garnishments**

OCPA makes certain deductions from every employee’s paycheck. Among these are applicable federal, state, and local income taxes and Medicare taxes. Additionally, employer-paid term life insurance premiums in excess of $50,000 coverage are considered a taxable benefit to the employee.

By law, OCPA is also required to honor legal attachments and garnishments of an employee’s wages or salaries and will withhold the specified amount to satisfy the terms of the attachment.

**602.4 Overtime provisions for Non-Exempt Employees**

Overtime is all hours a non-exempt employee actually works over 40 hours in their designated work week. Only actual hours worked will be counted toward the 40-hour threshold for purposes of calculating overtime pay; paid leave will not be counted. Non-exempt employees who are directed to work overtime must do so.

**602.4.1 Prior Approval Required for Overtime**

Non-exempt employees are not permitted to work overtime except as directed and authorized by their supervisor, or in case of emergency, as determined by OCPA. Working overtime without prior authorization or approval is grounds for discipline. In emergency situations that necessitate working overtime, the employee must notify a supervisor as soon as possible, and in no event later than the end of that day upon which the emergency occurred. If the supervisor denies the request to work overtime, the employee must obey the supervisor’s directive and cease working. Failure to follow these overtime approval procedures may subject the employee to disciplinary action, up to and including termination, for violating overtime approval procedures.

**602.4.2 Payment of Overtime**

OCPA provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law:

- All hours worked in excess of eight (8) hours in one workday or forty (40) hours in one workweek will be treated as overtime.
- One and one-half (1 ½) times regular rate of pay for hours worked in excess of a normal work period, which is forty (40) hours for the workweek, or in excess of eight (8) hours and not more than twelve (12) hours for the workday, and for the first eight (8) hours on the seventh consecutive day of work in one (1) workweek.
- Two (2) times your regular rate of pay for hours worked in excess of twelve (12) hours in one (1) workday and/or in excess of eight (8) hours on the seventh consecutive workday in the same work week.

**602.5 Accurate Time Reporting**

All employees must accurately report all work time to the nearest five minutes.

**602.6 No Volunteering of Work Time**

All time spent for the benefit of OCPA must be reported as hours worked on time records so that the employee is paid for all work. Non-exempt employees may not “volunteer” work time to perform duties that are the same or similar as their stated or regular job duties. Employees have
no authorization to work without compensation. No supervisor has authority to request non-exempt employees to volunteer work time.

602.7 Compensatory Time Off
An overtime-eligible employee may opt to accrue compensatory time-off (CTO) in lieu of cash payment for overtime worked if their supervisor agrees prior to overtime work being performed, and the employee has made the request for CTO in lieu of overtime in writing.

1. Accrual Rate: CTO accrues at the rate of 1 ½ hours for each hour, or fraction thereof, worked after 40 hours of actual work within the employee’s designated work week. Time in paid leave status does not count toward CTO. CTO cannot be accumulated in excess of 80 hours at any given time.

2. Employee Request to Use CTO: OCPA will grant an employee’s request to use accumulated CTO provided that: 1) the department can accommodate the use of CTO on the day requested without undue disruption to department operations; and 2) the employee makes the request in writing to the supervisor no later than five days prior to the date requested. If the employee does not provide five days’ notice, or if the department cannot accommodate the time off without undue disruption, OCPA will provide the employee the opportunity to cash out the amount of CTO requested at the end of the current pay period.

3. Authority Cash Out: OCPA reserves the right to cash out accumulated CTO at any time.

4. Value of CTO Cash Out: During employment, CTO is cashed out at the employee’s current regular rate of pay (including all applicable salary differentials and special pays). Employees separating from OCPA service shall be compensated for all accrued, unused CTO at their current regular rate of pay.

603 Work Hour Deviations

603.1 Advance Request to Deviate from Regular Work Hours
A non-exempt employee is required to seek advance permission from their supervisor for any foreseeable absence or deviation from regular working, break, or meal times.

603.2 Notification of Unforeseen Late Arrival or Absence
A non-exempt employee who is unexpectedly unable to report for work as scheduled must notify their immediate supervisor no later than the beginning of the employee’s scheduled work time and report the expected time of arrival or absence. If the immediate supervisor is not available, the employee must notify the Chief Executive Officer, or their designee.

603.3 Unauthorized Absence is Prohibited
Arriving late to work or leaving early in connection with scheduled work times, breaks, or meal periods is prohibited, absent authorization. A non-exempt employee who fails to timely notify the supervisor of any absences as required by this Policy, or who is not present and ready to work during scheduled work times will be deemed to have an unauthorized tardy or absence and will not receive compensation for the period of absence.

603.4 Excessive Tardiness/Absenteeism and Abuse of Leave
Excessive tardiness occurs when a non-exempt employee who, without authorization, is late to work or late to return from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of unapproved absences for reasons that are not
permitted by state or federal law, exceeds three days in any three-month period. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination.

Abuse of leave is a claim of entitlement to leave when the employee does not meet the requirements for taking the leave, and may be grounds for discipline, up to and including termination. Should OCPA suspect that there is an abuse of leave by an employee, OCPA may require that the employee submit a physician’s certificate to support the absence.

**604 Time for Lactation**

604.1 Lactation Break Time and Location
OCPA will provide a reasonable amount of break time to accommodate any employee desiring to express breast milk for the employee’s infant child each time the employee has a need to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee.

Those desiring to take a lactation break at times other than their provided break times must notify a supervisor prior to taking such a break. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances. Break time for a nonexempt employee that does not run concurrently with rest time already authorized for the employee is unpaid. However, if the employee performs any work during such break, she must accurately record all time worked and OCPA will compensate her for such time.

OCPA will provide a room or other appropriate location in close proximity to the employee’s worksite, that is not in a bathroom, to express milk in private. The room or location will meet the following requirements:

- Be shielded from view and free from intrusion while being used to express milk;
- Be safe, clean, and free of hazardous materials;
- Contain a surface on which to place a breast pump and personal items;
- Contain a place to sit; and
- Have access to electricity needed to operate an electric battery-powered breast pump.

An employee occupying such private area shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.

In addition, OCPA will provide access to a sink with running water and a refrigerator suitable for storing milk (or other cooling device suitable for storing milk) in close proximity to an employee’s workspace. No expressed milk shall be stored at OCPA beyond the employee’s work day/shift, and all expressed milk should be clearly labeled.

In the event that more than one employee needs use of the lactation room, OCPA will discuss alternative options with the employees to determine what arrangement addresses their needs, such as finding an alternative space or creating a schedule for such use.

Employees who are nursing have a right to request a lactation accommodation. Such requests may be made verbally or in writing, should indicate the need for an accommodation in order to
express breastmilk at work, and should be directed to the Chief Executive Officer, or their
designee. OCPA shall respond to such requests in a reasonable manner, not exceeding five
business days. If OCPA cannot provide break time, location, or other reasonable
accommodations in accordance with this policy, it will inform the requesting employee in writing.
Because lactation accommodation needs may change over time, employees may request
changes to existing accommodations by a written request to the Chief Executive Officer, or their
designee, that describes the nature of the change that is requested.

OCPA prohibits any form of retaliation or discrimination against an employee for exercising or
attempting to exercise any rights provided under the above policies. Any such conduct or
violations of the above-referenced policies should be reported to the Chief Executive Officer or
his designee. Employees also have the right to file a complaint with the California Labor
Commissioner for violation of a lactation accommodation right described in the policy above.

605 Benefits

OCPA has developed and invested in a comprehensive employee benefits program. The
benefits program consists of programs that may include retirement, health, dental, and vision
coverage, and life insurance. Eligibility to participate in these programs is determined by
employee classification, length of continued service with OCPA or by law. OCPA reserves the
right to change or eliminate any benefit program at any time that is not required by law.

Information describing employee benefits will be provided upon joining the benefits plan. During
any leave of absence such as personal leave, Workers’ Compensation leave or other disability
leave, health benefits will continue through the end of the month. For the duration of any
pregnancy disability leave of absence, or New Parent Leave, health and life insurance benefits
will be continued for the duration of leave. For more information regarding eligibility,
contributions, benefits, and tax status, contact the Chief Executive Officer, or designee. All
eligible participants will receive a summary plan description.

605.1 Retirement Benefits

605.1.1 Deferred Compensation Plans

OCPA shall establish a 401(a) defined contribution retirement plan. OCPA shall pay a matching
contribution of ten percent (10%) to each employee’s mandatory contribution in lieu of Social
Security taxes, fully vested from date of hire.

Employees may elect to participate in a 457(b) deferred compensation retirement plan. Employees may participate optionally and participants contribute tax-deferred salary deductions in a participant-directed account. Contributions are limited to an annual maximum dollar amount, as established under the Internal Revenue Code (IRC). OCPA’s employer contribution to the 457(b) plan shall match the employee’s voluntary contribution, up to a maximum of four percent (4%) of base salary.

605.2 Health and Wellness Benefits

605.2.1 Medical, Dental, and Vision Insurance

OCPA shall provide employees covered by this policy an option to enroll in an employer-sponsored group health insurance plan. Covered employees will have the option of enrolling themselves and their eligible dependents into OCPA’s group health insurance plan as approved by the Board. Employees become eligible for coverage on the first (1st) day of the month.
following one (1) complete calendar month after hire date. OCPA shall contribute 95% of the health insurance premium for the Kaiser HMO 15 medical plan, HMO dental plan and VSP Option 5 vision plan with the employee contributing the remainder of the total premium cost. Employees who select a higher cost health insurance option, either PPO or HMO, cover the cost difference.

605.2.2 Cash Payment in Lieu of Health Insurance
Employees who opt out of enrollment in OCPA’s group health insurance plan, in lieu of the above health plan allowance, receive $500 monthly in cash (subject to taxation as wages) added to their paycheck. In order for an employee to be permitted to opt out of OCPA’s group health insurance plan coverage, they must submit proof of comparable coverage by another source.

605.2.3 Flexible Spending Account
OCPA will make available the option for full-time employees covered under this policy to participate in a Flexible Spending Account (FSA) to use a pre-tax payroll deduction to pay for eligible medical and dependent care expenses per Internal Revenue Code Sections 125 and 129.

C-level executives will receive an employer-paid FSA contribution of $200 per month.

605.2.4 Wellness Reimbursement
OCPA will reimburse employees up to $1,000 per year for qualified health and wellness expenses, including fitness expenses (such as class or program fees, or equipment).

605.2.5 Employee Assistance Program (EAP)
OCPA provides employer-paid confidential counseling and work/life services assistance for employees and eligible dependents.

605.3 Life Insurance and Disability

605.3.1 Life Insurance
Employees covered by this Policy shall be provided a basic group term life insurance policy in the amount of $200,000.

This insurance is payable in the event of your death, in accordance with the policy, while you are insured. You may change your beneficiary whenever you wish by submitting the appropriate documents to Human Resources. Refer to the literature provided by our insurance provider for details on your life insurance coverage.

605.3.2 Short-term Disability Insurance
Each employee contributes a percentage of his or her pay up to a maximum amount determined by the State of California for State Disability Insurance (SDI) coverage. This is an employee-only contribution.

This insurance provides low-cost disability protection if illness or injury not caused by the job prevents an employee from working. Paid Family Leave provides income if an employee is unable to work due to the need to care for a qualified family member or to bond with a new child.

No action will be taken against any employee in any manner for requesting or taking any time off as provided in the document or for testifying in a disability proceeding. Employees must file a
claim with the California Employment Development Department to receive any payment from SDI.

605.3.3 Long-term Disability Insurance
OCPA provides an employer-subsidized private long-term disability plan for employees. The benefit is up to 60% of monthly earnings subject to terms of long-term disability insurance carrier and cap based on salary.

605.4 Allowances

605.4.1 Automobile Allowance
C-level executives shall receive a gross monthly automobile allowance of five hundred dollars ($500) per month. This taxable allowance is intended to be in lieu of reimbursement on an itemized basis for mileage, gas, maintenance of a vehicle, etc. Employees who receive an automobile allowance shall not be separately reimbursed for mileage driven in their personal vehicle.

605.4.2 Technology Allowance
Exempt employees shall receive a $100 monthly taxable technology allowance to use toward their personal discretionary technological purchases and expenses in furtherance of employment (e.g., mobile phone, tablet, data plan, laptop computer). This taxable allowance is intended to cover all technology-related costs that Employee incurs in the course and scope of employment with OCPA.

605.5 Workers’ Compensation
OCPA provides workers’ compensation insurance benefits to all employees who experience an injury or illness that arises out of the course and scope of employment. Workers’ compensation insurance provides six basic benefits: medical care, temporary disability benefits, permanent disability benefits, supplemental job displacement benefits or vocational rehabilitation, and death benefits. Entitlement to workers’ compensation benefits is controlled by applicable law, and as detailed in the company’s Work-Related Accident and Injury Policy, employees are required to immediately report all work-related accidents, injuries and illnesses.

All work-related accidents, injuries or illnesses involving employees, even those that are not serious, must be immediately reported to their supervisor. Employees who experience a work-related accident, illness or injury will be required to complete the appropriate forms (DWC-1) and cooperate with OCPA in complying with its recording, reporting and investigation obligations.

If the work-related accident, injury or illness results in the employee being placed on a leave of absence, OCPA’s various leave policies will apply to that absence. OCPA strives to bring employees back to work as soon as possible following a work-related accident, injury or illness. Thus, while employees are on a leave of absence, they should stay in contact with their supervisor regarding their expected return to work.

Pursuant to OCPA’s Disability and Reasonable Accommodation Policy, when requested, OCPA will provide a reasonable accommodation for any known physical or mental disability of a qualified individual, provided the requested accommodation does not create an undue hardship on OCPA or pose a direct threat to the health or safety of others in the workplace or of the
requesting employee. Once OCPA is aware of the need for an accommodation, OCPA will engage with the employee in an interactive process to identify possible accommodations.

OCPA or its insurer will not be liable for payment of workers’ compensation benefits for any injury that arises out of voluntary participation in any off-duty recreational, social, or athletic activity that is not part of work-related duties.

605.6 COBRA
The Consolidated Omnibus Budget Act (“COBRA”) allows employees and dependents to continue health insurance coverage under EBCE’s health plan when a “qualifying event” would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee’s hours or a leave of absence; an employee’s divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or the beneficiary pays the full cost of coverage at EBCE’s group rates (100%), plus an administrative fee. If a “qualifying event” occurs, employees and/or dependents(s) will be provided with a written notice which contains important information about rights and obligations.

605.7 Unemployment Compensation
OCPA contributes annually to the California Unemployment Insurance Fund on behalf of employees.
700 PERFORMANCE EVALUATION POLICIES

701 Performance Evaluations

701.1 Performance Evaluations
OCPA encourages open dialogue between an employee and their supervisor on an informal, regular basis. This type of regular interaction increases job satisfaction for both the employee and OCPA. It is not necessary or recommended that employees wait until a formal performance appraisal period to discuss job performance. Employees are encouraged to freely ask their supervisor for feedback when desired.

Formal performance evaluations will be conducted annually or with greater frequency, dependent on length of service, job position, past performance, changes in job duties, or recurring performance problems. After the review, the employee will be asked to sign the evaluation report to acknowledge that it has been presented to them and discussed with them by their supervisor, and that they are aware of its contents. The Chief Executive Officer, or their designee, will review and approve all performance evaluations prior to inclusion in an employee’s personnel file.

Positive performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of OCPA and depend upon many factors in addition to performance. Wage and salary increases are based on merit alone, and not length of service. Compensation reviews do not necessarily mean that a salary increase will be given.

701.2 Performance Evaluation Meeting
The supervisor will meet with the employee to discuss the evaluation. The employee shall sign the evaluation to acknowledge its contents and that they have met with their supervisor to discuss the evaluation. The employee’s signature shall not mean that they endorse the contents of the evaluation.

701.3 No Appeal Right
An employee does not have the right to appeal or submit a grievance regarding any matter relating to the content of a performance evaluation. Instead, the employee may comment on the evaluation in a written statement which will then be placed with the evaluation in the employee’s personnel file. The written statement must be submitted within 10 days after the employee receives the evaluation.
800 STANDARDS OF CONDUCT

801 Professional Business Conduct and Ethics

By accepting employment, individuals have a responsibility to OCPA and their fellow employees to adhere to certain codes of behavior and conduct. The purpose of these rules is not to restrict or impair any right to free speech, but rather to be certain that a common understanding exists as to what OCPA considers acceptable and unacceptable conduct. It is intended that the following rules of conduct will assist in creating a positive, productive workplace and serve the best interests of OCPA.

Obvious examples of unacceptable activities are noted below; this list is not exhaustive. Other policies in this document, such as Section 1206, Policy Against Violence in the Workplace and Section 200, subsection 202, Policy Against Discrimination, Harassment and Retaliation, address unacceptable and criminal behavior as well. Violations of these policies are subject to disciplinary action up to and including termination as outlined in Section 1101 Causes for Discipline.

Employees are asked to keep in mind, at all times, the value of professional conduct and give proper regard to the welfare and rights of co-workers. Occurrences violating this section may result in disciplinary action up to and including immediate suspension or termination:

Unacceptable Activities:

1. Falsification of timekeeping records.
2. Dishonesty; falsification or misrepresentation on an application for employment or other work records; lying about sick or personal leave; falsifying reasons for a leave of absence or other data requested by OCPA; alteration of OCPA records or other OCPA documents.
3. Theft or inappropriate removal or possession of OCPA property or the property of fellow employees.
4. Boisterous or disruptive activity in the workplace.
5. Negligence or any careless action leading to damage of OCPA-owned or customer-owned property or which endangers the life or safety of another person.
6. Obscene or abusive language toward any supervisor, employee, customer, or member of the public; indifference or rudeness towards a customer or fellow employee; any disorderly/antagonistic conduct on OCPA premises.
7. Insubordination or other disrespectful conduct; refusing to obey instructions properly issued by a supervisor pertaining to an employee's work; refusal to assist on a special assignment.
8. Violation of security or safety rules or failure to observe safety rules and/or practices; failure to wear required safety equipment; tampering with OCPA equipment or safety equipment.
9. Creating or contributing to unsanitary conditions.
10. Smoking in prohibited areas.
11. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
12. Unauthorized absence from work station during the workday; sleeping or loitering during working hours.
13. Originating, spreading, and taking part in malicious gossip or false rumors about employees of OCPA.
14. Unauthorized disclosure of confidential information; giving confidential or proprietary information to competitors or other organizations or to unauthorized OCPA employees; breach of confidentiality of personnel or OCPA information.
15. Violation of OCPA rules or policies; any action that is detrimental to OCPA’s efforts to operate successfully.
16. Unsatisfactory or careless work; failure to meet production or quality standards as explained to an employee by their supervisor.
17. Soliciting during working hours and/or in working areas; selling merchandise or collecting funds of any kind for charities or others without authorization during business hours, or at a time or place that interferes with the work of another employee on OCPA premises.
18. Conducting a lottery or gambling on OCPA property.
19. Failure to immediately report any damage or accident involving OCPA equipment and vehicles.
20. Failure or refusal to comply with the work schedule, including mandatory overtime.

801.1 Customer and Public Relations
The success of OCPA depends upon the quality of the relationships between OCPA, its employees, customers, suppliers and the general public. Customers’ impression of OCPA and their interest and willingness to do business with OCPA is formed by how they are served. Employees are considered ambassadors of OCPA. The more goodwill employees promote, the more customers will respect and appreciate the services OCPA provides.

The following actions are encouraged and considered representative of the level of customer relations service expected of Authority employees:

1. Customers are to be treated courteously and given proper attention at all times. Customers’ questions or concerns are never to be considered an interruption or an annoyance. Customer inquiries, whether in person or by telephone, must be addressed promptly and professionally.
2. Telephone callers are never to be placed on hold for an extended period of time. Calls are to be directed to the appropriate person and assurance is to be made that the call was received.
3. Employees are expected to act competently and deal with customers in a courteous and respectful manner. If unable to help a customer, employees are expected to assist in finding an employee who can.
4. All correspondence and documents are to be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates commitment to those encountered during the course of business activities.
5. If a problem develops with a customer, or if a customer is experiencing a level of dissatisfaction an individual employee is unable to resolve, requesting a supervisor to intervene is required.

801.2 Media Contact
OCPA designates individuals as contacts for OCPA and only those individuals may comment on Authority policy, or on behalf of OCPA. Employees who are contacted by a news organization for an OCPA statement on any matter are expected to direct media inquiries to a supervisor.

801.3 Social Media Guidelines
Various forms of communication occur through social media, such as Facebook, Twitter, LinkedIn, Reddit, Yelp, Instagram, Snapchat, blogs, media sharing and multimedia host sites
such as YouTube. Employees should keep in mind that social media sites do not provide a private setting. Employees who communicate information through social media therefore must not expect that such information is private.

Employees must remember that all existing policies apply to information disseminated through social media. These guidelines are intended to help employees understand some of the unintended outcomes of sharing information through social media.

801.4 Confidentiality
Employees are responsible for safeguarding confidential information obtained during their employment with OCPA. Additionally, customers, employees and vendors entrust OCPA with important information related to businesses or personal information. The nature of this relationship requires maintenance of confidentiality.

It is an employee’s responsibility to maintain strict confidentiality where personal, proprietary, or sensitive business information is concerned, unless it is necessary to do so in the performance of duties. Such confidential information includes, but is not limited to, the following examples:

- Customer lists and customer history
- Pending projects and proposals
- Marketing strategies
- Compensation data
- Budget information
- Periodic business reports and summaries
- Bid proposals and contract negotiations
- Statistical data
- Research and development programs
- Mergers/dissolutions
- Employee data
- Financial information
- Pricing information
- Passwords
- Business plans

Disclosure of confidential information may lead to disciplinary action, up to and including termination, as well as other possible legal action.
900 LEAVES OF ABSENCE

901 Paid Time Off (PTO) and Holidays
Each provision in this Section shall apply to all OCPA positions unless covered by alternate means.

901.1 Paid Time Off (PTO) Eligibility
Paid Time Off (PTO) is an all-purpose time-off policy for eligible employees to use for vacation, personal business, sick leave, the diagnosis, care, treatment of an existing health condition or preventative care of an employee, family member or for employees who are victims of domestic violence, sexual assault or stalking to seek aid, treatment, or related assistance. A “family member” for these purposes is defined as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling. Regular full-time employees are eligible to earn and use PTO as described in this policy.

PTO begins accruing upon your date of hire. Employees may begin using PTO as it is accrued.

901.2 Accrual of PTO
All full-time employees scheduled 40 hours per week are eligible to accrue PTO per pay period. Regular, full-time employees scheduled to work 40 hours per week accrue at least 180 hours per year, or 7.5 hours of PTO per pay period in their first year of employment. Full-time employees scheduled less than 40 hours per week will accrue PTO on a pro-rata basis on the number of hours scheduled. After your first anniversary, and thereafter until your 10th year of employment, you will receive an additional eight (8) hours per year which will accrue at an additional rate of .33 hours per pay period.

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when you start to earn PTO. You will not earn PTO while you are out on a leave of absence, except to the extent you use PTO to cover your leave period. Employees accrue PTO hours on PTO hours used. Therefore, your benefit year may be extended if you go out on a leave of absence other than a military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Part-time and temporary employees, as well as paid interns, will be granted 24 hours of PTO upon hire and on January 1st of each year thereafter. Part-time and temporary employees, as well as paid interns, may begin using PTO upon completion of 30 days worked for OCPA.

901.2.1 Maximum PTO Accrual
Employee can accumulate PTO up to a balance of twice the annual PTO for which they are entitled. Once that limit is reached, employees will no longer accrue PTO unless and until some PTO is used. Accrued PTO carries over into the next calendar year.
901.3 Scheduling of PTO
All requests for time off (PTO or unpaid) shall be submitted to the employee’s immediate supervisor or manager with as much advance notice as possible.

PTO can be used in minimum increments of one (1) hour for non-exempt employees.

Exempt employees may use PTO in ½ day (four hour) increments. Exempt employees may be required to use PTO for partial day absences in increments of 4 hours or greater, when the employee is absent for personal reasons and is unavailable for work.

Authority to approve the request is at the sole discretion of the requesting employee’s immediate supervisor based on the nature of the request and the operational demands of the department.

If you have an unexpected need to be absent from work you should notify your direct supervisor before the scheduled start of your workday, if possible. Your direct supervisor must also be contacted on each additional day of unexpected absence.

To schedule planned PTO, you need to request advance approval from your supervisor. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Employees will request advance approval from their supervisor if they need to cancel or adjust any previously approved PTO. Example: an employee received approval for eight hours of PTO time. A change in plans requires the employee to cancel the request for PTO and work a regular eight hours or a half day of four hours. The employee will inform the supervisor in writing and, if approved, the previously approved. PTO will be voided or reduced, based on the new request.

901.4 Payment of PTO
PTO is paid at your base pay rate at the time of absence. It does not include overtime or any special forms of compensation such as incentives, commissions, or bonuses.

A paid absence is counted as hours worked for the purposes of computing a 40-hour week but is not counted as a basis for computing overtime.

PTO will be used to supplement any payments that you are eligible to receive from disability insurance or workers’ compensation. The combination of any such disability payments and PTO cannot exceed your normal weekly earnings. All accrued, unused PTO will be paid at the termination of employment.

901.5 PTO for Sick Leave
Because OCPA’s PTO plan provides for accrual that is as or more generous than California’s sick leave law, OCPA is not required to have a separate sick leave accrual plan. Employees may use PTO for sick leave for their own serious health condition or for the health condition of a family member as defined above or for time off in connection with obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking. Employees may designate up to one-half of their accrued PTO as “Kin Care” for these purposes. Employees will not be subject to discipline for designating time as Kin Care.
901.6 PTO Buyback Provision
On or before the pay period which includes December 20th of each calendar year, an employee may make an irrevocable election to cash out up to 50% of accrued PTO leave (in whole hour increments). The employee will receive full value for the amount of PTO leave the employee irrevocably elected to cash out.

901.7 Unused PTO Leave Upon Separation
Upon termination of employment, employees are paid at their regular rate of pay for unused PTO that has been earned through your last day of work.

901.8 Holidays

901.8.1 Observed Holidays
The recognized holidays to be observed by OCPA in each calendar year shall be as follows:

- New Year’s Day (January 1st)
- Martin Luther King Jr. Day (third Monday in January)
- President’s Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4th)
- Labor Day (first Monday in September)
- Veterans Day (November 11th)
- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve (December 24th)
- Christmas Day (December 25th)
- New Year’s Eve (December 31st)

Unless otherwise determined by OCPA, the actual dates for each of the foregoing holidays shall occur on the dates set by applicable state and federal statutes.

If any of the foregoing holidays falls on a Sunday, the following Monday shall be considered the holiday. If any of the foregoing holidays falls on a Saturday, the preceding Friday shall be considered the holiday, unless this too is a holiday, then the holiday shall be one day sooner.

901.8.2 Holiday Closure
Additionally, offices will remain closed December 26 through January 1, unless a supervisor specifically requires an employee to work.

901.9 Pay for Holidays
Employees shall be paid for the number of hours the employee was scheduled to work had it not been a holiday. In order to receive compensation for holidays as provided herein, an employee must be on paid status for all of the regularly assigned work schedule immediately prior to and following the holiday. For the purposes of this section, an employee who is absent on paid time off leave shall be deemed to be employed at such time.

If a holiday falls on an employee’s regularly scheduled time off, the employee may take the holiday on another day during the workweek with prior approval of their supervisor. If an
employee is on Industrial Injury Leave during the holiday, it shall not be counted as both Industrial Injury Leave and holiday.

901.10 Effect of Holiday on PTO
If one or more holidays falls within a PTO leave that an employee is taking, such holiday shall not be charged as PTO leave.

902 Family and Medical Care Leaves

902.1 Leave Pursuant to Family Medical Leave Act ("FMLA") and California Family Rights Act ("CFRA")
OCPA provides family and medical care leave for eligible employees as required by State and federal law. Unless otherwise stated in this Policy, “Leave” means leave pursuant to the FMLA and CFRA. Unless otherwise provided by law, OCPA will run each employee’s FMLA and CFRA leave usage concurrently.

902.2 Leave Entitlements and Duration
Eligible employees are entitled to take up to 12 weeks of leave in a 12-month period under the CFRA and up to 12 weeks per calendar year of FMLA. In most cases, FMLA leave due to pregnancy, childbirth or a related medical condition and Pregnancy Disability Leave ("PDL") run concurrently (see, section 903, below). PDL of up to four months is provided to an employee who is actually disabled due to pregnancy. However, pregnancy related disability is specifically excluded as a reason for CFRA leave and therefore leave under PDL and leave under CFRA are separate and distinct entitlements and do not run concurrently. An employee disabled due to pregnancy may take up to four months of PDL leave, and, if eligible may be entitled to an additional 12 weeks of CFRA leave to care for a child after the birth. The maximum possible combined leave for both PDL leave and CFRA leave for the reason of the birth of a child is four months and 12 workweeks. Employees may also take intermittent leave to care for themselves or to care for a family member with a serious health condition. There is no minimum amount of leave that must be taken for either FMLA or CFRA leave. If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.

902.3 Definitions Under FMLA and CFRA
(a) 12-month Period: OCPA uses a twelve (12) month period measured forward method of determining the timeframe in which this leave may occur. This is defined as a 12-month period which begins on the first day the eligible employee takes leave under FMLA and ends 12 months after that date. For example, if John begins leave on November 1, 2021, then his 12-month period is measured from November 1, 2021, to October 31, 2022.

(b) Family Member: Family member for FMLA leave means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence, a parent which means a biological, adoptive, step or foster father or mother, or any other individual who
stood in loco parentis to the employee when the employee was a son or daughter, and spouse, which means a husband, wife, or other person as recognized under State law for the state in which the marriage was entered into or, if the marriage was not entered into in any state, then the place in which the marriage was entered into; “Family member” for CFRA leave means an employee’s minor children, dependent adult children, the children of a domestic partner, parents, spouse, domestic partner, grandchildren, grandparents, and siblings.

(c) **Serious Health Condition:** An illness, injury impairment, or physical or mental condition that involves:
1. Inpatient Care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider;
2. Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a “serious health condition” only under the FMLA. Under California law, an employee disabled by pregnancy is entitled to pregnancy leave. (See Policy 905, Leave Because of Pregnancy, Childbirth, or Related Medical Condition.);
3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
4. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by health care provider.

(d) **Health Care Provider means:**
1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California or another state or jurisdiction;
2. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
3. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
4. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
5. Any health care provider from whom an employer or group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

**902.4 Reasons for Leave**
Leave is only permitted for the reasons listed below.

(a) The birth of a child or to care for a newborn of an employee;

(b) The placement of a child with an employee in connection with the adoption or foster care of a child;

(c) Leave to care for a child, parent, or spouse, who has a serious health condition;
(d) Under the CFRA only, leave is permitted to care for a domestic partner, grandparent, grandchild, or sibling who has a serious health condition. Leave for this purpose does not apply to FMLA leave and will run concurrently with leave used under the FMLA;

(e) Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of their position;

(f) Leave for a variety of “qualifying exigencies” arising out of the fact that an employee’s spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation;

(g) Under the CFRA only, leave for a variety of “qualifying exigencies” arising out of the fact that an employee’s domestic partner is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation. Leave for this purpose does not apply to FMLA leave and will not be run concurrently with leave usage under the FMLA; or

(h) Leave to care for a spouse, son, daughter, parent, or “next of kin” who is a covered servicemember of the U.S. Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty, or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period.

902.5 Eligibility
An employee is eligible for leave if:

(a) The employee has been employed by OCPA for at least 12 months; and

(b) The employee has been employed by OCPA for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave; and

(c) For FMLA leave eligibility, OCPA must directly employ at least 50 full or part-time employees within a 75-mile radius for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year. The workweeks do not have to be consecutive. The phrase “current or preceding calendar year” refers to the calendar year in which the employee requests the leave or the calendar year preceding this request. This criteria is not required and does not apply in order for an employee to be eligible for CFRA leave.

902.6 Employee Benefits While on Leave
Leave under this Policy is unpaid. While on unpaid leave, employees will continue to be covered by OCPA’s group health insurance for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job. If the employee is disabled by pregnancy, coverage will continue up to four months each leave year. If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, OCPA will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).
While on unpaid leave, employees will continue to be covered by OCPA’s benefits plans that are not part of its group health plan for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job.

Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using their paid leave) or direct payments (if the employee is not using their paid leave).

902.7.1 **Employee Must Use Paid Leave When Using FMLA/CFRA Leave**

Employees must use and exhaust their accrued leaves concurrently with family and medical care leave to the same extent that employees have the right to use their accrued leaves with two exceptions:

(a) Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee’s salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and

(b) An employee must agree to use accrued sick leave to care for a child, parent, spouse, domestic partner, grandparent, grandchild, or sibling.

902.7.2 **Authority’s Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves**

If an employee takes a leave of absence for any purpose which also qualifies under the FMLA and/or CFRA, OCPA will designate that leave as running concurrently with the employee’s 12-week FMLA and/or CFRA leave entitlement.

902.7 **Medical Certification/Recertification**

Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:

(a) **Employee’s Own Serious Health Condition:** Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of their position. Upon expiration of the time period, which the health care provider originally estimated the employee needed for their own serious health condition, the employee must obtain recertification if additional leave is requested.

(b) **Family Member Serious Health Condition:** Employees who request leave to care for a child, parent, domestic partner, spouse, grandparent, grandchild, or sibling who has a serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, spouse, grandparent, grandchild, or sibling and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent, domestic partner, spouse, grandparent, grandchild, or sibling. The term “warrants the
participation of the employee” includes, but is not limited to, providing psychological comfort, arranging third party care for the covered family member, and directly providing or participating in the medical care. Upon expiration of the time period which the health care provider originally estimated the employee needed for their family member’s serious health condition, the employee must obtain recertification if additional leave is requested.

(c) When an employee has provided at least 30 days’ notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to OCPA within the time frame requested by OCPA (which must allow at least 15 calendar days after the employer’s request), unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts.

(d) Certifications must be complete and provide sufficient information to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, the Chief Executive Officer, or their designee, will give the employee written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee’s diligent, good faith efforts to address the deficiencies.

(e) If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established in this Policy, OCPA may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.

**902.8 Employee Notice of Leave**

Although OCPA recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for leave. If leave is foreseeable, at least 30 days’ notice is required. In addition, if an employee knows that they will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform their supervisor as soon as possible that such leave will be needed. For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

**902.9 Reinstatement Upon Return from Leave**

(a) **Reinstatement to Same or Equivalent Position**: Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits and pay. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

(b) **Date of Reinstatement**: If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the
reinstatement date differs from the original agreement of the employee and OCPA, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of their readiness to return.

(c) Employees may be required to periodically report on their status and intent to return to work: This will avoid any delays to reinstatement when the employee is ready to return.

(d) Fitness for Duty Certification: As a condition of reinstatement of an employee whose leave was due to the employee’s own serious health condition which made the employee unable to perform their job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

902.10 Required Forms
Employees must complete the applicable forms to receive family and medical care leave. The forms may be found in the administrative offices of OCPA.

903 Leave Because of Pregnancy, Childbirth, or Related Medical Condition

903.1 Amount of Leave
An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid leave for up to the number of hours she would normally work within four calendar months (one-third of a year or 17 1/3 weeks). For a full-time employee who works 40 hours per week, “four months” means 693 hours of leave entitlement, based on 40 hours per week multiplied by 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro rata amount of leave equivalent to their average hours worked per week multiplied by 17 1/3.

There is no qualification period for pregnancy disability leave.

903.2 Notice and Certification Requirements
Requests for pregnancy disability leave must be submitted in writing with reasonable advance notice of the medical need for the leave. All leaves must be confirmed in writing and be supported by a written certification from the attending physician stating that:

(a) The employee is disabled from working by pregnancy, childbirth or a related medical condition;

(b) The date on which the employee became disabled by pregnancy, childbirth or a related medical condition;

(c) The estimated duration or end date of the leave.

903.3 Compensation During Leave
Pregnancy disability leave is unpaid unless the employee elects to use accrued PTO or CTO.
903.4 Benefits During Leave

Group Health Insurance: An employee on pregnancy disability leave may continue to receive any group health insurance coverage that was provided before her leave, beginning on the date the pregnancy disability leave begins and continuing for up to four months in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. OCPA may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave.

PTO Leave: PTO leave does not accrue while an employee is on unpaid pregnancy disability leave.

903.5 Reinstatement

Upon the conclusion of pregnancy leave, the employee will be reinstated to her original or a comparable position, so long as it was not eliminated for a legitimate business reason during the leave. If the employee’s original position is no longer available, the employee will be assigned to a comparable, open position.

If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, OCPA will initiate an interactive process with the employee in order to identify a potential reasonable accommodation in accordance with these Policies. (See Reasonable Accommodation and Interactive Process.)

904 Other Leaves

904.1 Executive Leave

Effective the pay period which includes January 1 of each year, C-level executive employees shall receive an Executive Leave benefit of eighty (80) hours per year. Such leave shall be available for employees to use from the beginning of the first pay period beginning in the calendar year through the end of the last pay period beginning in the calendar year. Such hours shall not accrue from year to year. This leave has no cash value and cannot be cashed out. If, at the end of the calendar year, the employee has any of this leave on the books, with the pay period including January 1, they will be provided with whatever amount of leave is necessary to bring their bank up to 80 hours. Newly hired or newly promoted C-level executives who are exempt from FLSA overtime will receive a prorated amount of executive leave for the year in which they are hired.

904.2 Jury Duty Leave/Subpoenaed Leave or Court Ordered Witness Leave

Any employee who is summoned to serve on a jury, or subpoenaed or ordered to be a witness, must notify their supervisor or department head as soon as possible. Any employee who is released from jury service prior to the end of their scheduled work hours must report to work unless otherwise authorized by their supervisor. Paid jury duty is limited to a maximum of 80 hours in a calendar year. If an employee, despite reporting the limit to the Court, is required to serve beyond 80 hours they can request the Chief Executive Officer or their designee to approve an exception to the limit on paid Jury Duty Leave.

904.2.1 Non-exempt Employees
All non-exempt employees will be paid for actual work hours missed because of time spent in jury service or court (up to 80 hours unless otherwise approved). The time spent on jury duty is not work time for purposes of calculating overtime compensation. OCPA will offset from pay the amount the employee receives from the Court for jury fees.

904.2.2 Exempt Employees
All FLSA-exempt employees will continue to receive their normal salary (up to 80 hours unless otherwise approved) while on jury duty or as serving as a witness only for any workweek in which they perform any work duties. OCPA will offset the amount from pay the employee receives from the Court for jury fees.

904.3 Other Court or Administrative ProceedingAppearances

904.3.1 Regarding OCPA Duties
Any employee who is subpoenaed to appear in court in a matter regarding an event or transaction that occurred in the course of their job duties must give their supervisor as much advance notice as possible. OCPA will determine whether the matter involves an event or transaction that occurred in the course of the employee’s job duties. If so, time spent to appear in court will be without loss of compensation, and the time spent will be considered work time. OCPA will offset the amount from pay the employee receives for witness fees.

904.3.2 Regarding Employee-Initiated Proceedings
Any employee who is required to appear in court because of civil or administrative proceedings that they initiated is not entitled to receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay, or may use accrued PTO for time spent related to those proceedings. The time spent in these proceedings is not considered work time.

904.3.3 Regarding Crime Victim/Victim Family Member Court Attendance Leave
Any employee who is a victim of a crime that is a serious or violent felony, or a felony involving theft or embezzlement, may take leave from work to attend judicial proceedings related to that crime, if the employee provides OCPA a copy of the notice of the scheduled proceeding in advance. If advance notice is not feasible, then the employee must provide OCPA, within a reasonable time after the leave is taken, documentation from the District Attorney, victim’s rights office, or court / governing agency that shows that the judicial proceeding occurred when the leave was used. An employee who is an immediate family member of such a crime victim, including: a registered domestic partner, the child of the registered domestic partner, spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather of the crime victim is also entitled to leave from work to attend judicial proceedings relating to that crime. The leave is unpaid unless the employee elects to use PTO, or CTO.

904.3.4 Regarding Crime Victim/Family Member Victim’s Rights Proceedings Leaves
Any employee who is a victim of a crime listed in Labor Code section 230.5(a)(2)(A) (domestic violence, sexual assault or stalking) may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue, if the employee provides the employer reasonable advance notice. If advance notice is not feasible, then the employee must provide OCPA, within a reasonable time after the leave is taken, certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code section 230.5(a)(2)(A). An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is
entitled to this leave if the above notice or certification requirements are met. The leave is unpaid unless the employee elects to use PTO or CTO.

904.4 Leave for Victim of Domestic Violence, Sexual Assault, or Stalking to Obtain Restraining Orders or Injunctive Relief
Any employee who is a victim of domestic violence, sexual assault or stalking may take leave from work to obtain or attempt to obtain any relief, including, but not limited to a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or their child, if the employee provides advance notice of the need for leave. If advance notice is not feasible, the employee must provide any of the following certifications within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use accrued PTO or CTO.

904.4.1 Leave for Victim of Domestic Violence, Sexual Assault, or Stalking to Obtain Medical Attention or Counseling or Safety Planning
Any employee who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to attend to any of the following: obtaining medical attention or psychological counseling; obtaining services from a shelter, program or crisis center; or participating in safety planning or other actions to increase safety, if the employee provides advance notice of the employee’s intention to take time off for these purposes. If advance notice is not feasible, the employee must provide any of the following to OCPA within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use accrued PTO or CTO.

904.5 Bereavement Leave
Employees shall receive up to forty (40) paid hours in any one instance for absence necessitated by the death of immediate family members. Such leave shall not be accrued from year to year. The immediate family shall be defined to mean father, father in-law, mother, mother in-law, stepparent, brother, stepbrother, sister, stepsister, wife, husband, registered domestic partner (as defined by California Family Code section 297), child, stepchild, grandparent, grandparents’ in-law, grandchild, legal guardian, or other individuals whose relationship to the employee is that of a dependent, or a person who stood in loco parentis (in place of a parent) to the employee.

904.6 Military Leave
Military leave will be granted in accordance with state and federal law. An employee requesting leave for this purpose shall promptly provide the department head with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the department head may determine when the leave is to be taken and may modify the employee’s work schedule to accommodate the request for leave.
**904.7 School or Licensed Daycare Activity Leave**
Any employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to one or more children who are in kindergarten or grades 1 through 12, or who are in a licensed child care facility, shall be allowed up to 40 hours each school year, not to exceed eight hours in any calendar month of the school year, to: participate in activities of their child’s school or licensed child care facility; find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a child care provider or school emergency. The employee must provide reasonable advance notice to their supervisor of the planned absence. The leave is unpaid unless the employee elects to use accrued PTO or CTO. The employee must provide documentation from the school or licensed child care facility as verification that the employee participated in school or child care facility activities on a specific date and at a particular time.

**904.8 Paid Administrative Leave**
OCPA has the right to place an employee on leave with full pay for non-disciplinary reasons at any time when the Chief Executive Officer, or their designee, has determined that the employee’s and/or OCPA’s best interests warrant the leave.

**904.9 Leave of Absence Without Pay Must Be Authorized by Law or These Policies**
Unless authorized by law or an OCPA policy, an employee is not entitled to a leave of absence without pay. An authorized leave of absence without pay is not a break in service for purposes of calculating seniority. Unless required by law, PTO, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits do not accrue to an employee on unpaid leave. Unless required by law, OCPA will not maintain contributions toward group insurance or retirement coverage for the employee on such leave. During the period of authorized unpaid leave, all service and leave credits shall be retained at the levels existing as of the effective date of the leave.

**904.10 Industrial Injury Leave**
Employees who are absent from work by reason of an injury or illness covered by workers’ compensation shall continue in pay status under the provisions of this Section.

**904.10.1 Coordination of Benefits**
When the employee authorizes, the difference between the amount granted pursuant to such workers’ compensation and the employee’s regular pay will be deducted from the employee’s accumulated PTO, if any. The employee will continue in pay status and receive their pay until their accumulated PTO and CTO have been depleted.

**904.10.2 Accrual of PTO Leave Continues While on Paid Leave**
During the time the employee is in fully paid status while absent from work by reason of injury or illness covered by workers’ compensation, he or she shall continue to accrue PTO as though he or she were not on leave of absence.

**904.10.3 Unpaid Leave and Continuation of Health Care Benefits**
Any employee subject to this Policy who depletes their accumulated PTO or CTO while absent from work by reason of an injury or illness covered by workers’ compensation may receive an unpaid leave of absence and continuation of health care benefits consistent with state and/or federal law.
904.11 Time Off to Vote
Any employee who does not have sufficient time outside of working hours to vote may request up to two hours of paid leave either at the beginning or end of scheduled working hours to enable them to vote. The employee must request time off to vote from their supervisor at least two days prior to election day.

904.12 Alcohol and Drug Rehabilitation Leave
OCPA provides an unpaid leave to assist employees who recognize that they have a problem with alcohol or drugs that may interfere with their ability to safely and competently perform their job. If an employee recognizes a problem with alcohol and/or drugs and decides to enroll voluntarily in a rehabilitation program the employee will be given unpaid time off. Employees are eligible to request this leave after 90 days of continuous employment. The leave is unpaid unless the employee elects to use PTO or CTO.

For the duration of the absence, health and life insurance benefits ordinarily provided by OCPA, and for which an employee would be otherwise eligible, will be continued for a maximum period of 12 weeks from the start of the leave. During this time, the employee will be required to contribute their portion of the premium on the same basis as would have been required during active work status, including payment of any premium for elected dependent coverages.

Beyond this coverage period, if an employee must remain on leave and wishes to continue these benefits, they may do so by electing to continue the benefit through COBRA provisions, and by paying the applicable premiums.

904.13 Bone Marrow and Organ Donation Leave
Employees who have been employed for at least 90 days and who are donating an organ may take a paid leave of absence not exceeding 30 business days (which may be taken in one or more periods) in any 12-month period. Employees who are donating their bone marrow to another person may take a paid leave of absence not exceeding 5 business days (which may be taken in one or more periods) in any 12-month period. An additional unpaid leave of up to 30 business days in a 12-month period may be granted to an employee donating an organ.

Requests for leave must be made in writing as far in advance as possible. Employees must provide a written medical certification from their health care provider to the Chief Executive Officer that shows that they are a bone marrow or organ donor and that there is a medical necessity for the donation.

Bone Marrow and Organ Donation leave is a paid leave; however, employees are required to use up to 5 days of accrued PTO for bone marrow donation, and up to 2 weeks of accrued PTO for organ donation.

For the duration of the absence, health and life insurance benefits ordinarily provided by OCPA, and for which an employee would be otherwise eligible, will be continued for a maximum period of 12 weeks from the start of the leave. During this time, the employee will be required to contribute their portion of the premium on the same basis as would have been required during active work status, including payment of any premium for elected dependent coverages.

When ready to return to work after a Bone Marrow or Organ Donation leave, an employee’s medical care provider must provide certification to OCPA that the employee is able to safely perform all of the essential functions of their position with or without reasonable
accommodation. Except as otherwise allowed by law, employees are entitled, upon return from leave, to be reinstated in the position held before the Bone Marrow or Organ Donation leave, or to be placed in a comparable position with comparable benefits, pay, and terms and conditions of employment.
1000 SEPARATION OF EMPLOYMENT

1001 Resignation, Job Abandonment, Layoff, and Separation

1001.1 Types of Separation
OCPA strives to ensure a smooth transition for all employees whose employment terminates. All separations of employees from positions in OCPA employment are designated as one of the following types:

1. Release of temporary employees;
2. Resignation;
3. Retirement;
4. Job abandonment;
5. Layoff and work reductions;
6. Involuntary separation.

1001.2 Release of Temporary Employees
A temporary employee may be separated at any time, without cause.

1001.3 Resignation
An employee who wishes to voluntarily resign their OCPA employment in good standing is asked to provide the professional courtesy of two weeks’ written notice of resignation. The notice given will be noted on the employment record and will be considered in any discussion regarding rehire or reference information. A resignation becomes final when OCPA accepts the resignation in writing. Once a resignation has been accepted, it is final and irrevocable, unless an exception is made by the CEO or their designee.

Once notice has been given, accrued and unused PTO normally may not be taken, unless an exception is granted by the CEO or their designee. A resignation can be accepted even if it is submitted less than two weeks prior to the planned resignation date.

1001.4 Retirement
An employee planning to retire may provide a written notice to the department head prior to the effective date of the retirement. A notice of retirement becomes final when the department head accepts the notice of retirement in writing. Once a notice of retirement has been accepted, it is final and irrevocable.

1001.5 Job Abandonment
An employee is deemed to have resigned from their position if he or she is absent for three consecutive scheduled work days/shifts without prior authorization and without notification during the period of the absence. The employee will be given written notice, at their address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for the employee’s unauthorized absence.

An employee who promptly responds to OCPA’s written notice, within the timeframe set forth in the written notice, can arrange for an appointment with their supervisor before final action is taken to explain the unauthorized absence and failure of notification. An employee separated for job abandonment will be reinstated upon proof of justification for such absence, such as severe accident, severe illness, or mental or physical impairment which prevented notification. No employee separated for job abandonment has the right to a post-separation appeal.
1001.6 Layoff and Work Reductions
Whenever in the judgment of the Board of Directors a reduction in personnel is necessary for economic or operational reasons, any employee may be laid off or demoted for non-disciplinary reasons.

Depending on the scope of the reduction (i.e., OCPA-wide, job classification, position), employees will be selected for layoff based on a combination of factors, including, but not necessarily limited to: past performance and productivity, qualifications, attendance, ability and willingness to work the required days and hours, and the ability to work cooperatively with others in the affected work unit.

The weight given to the above factors may vary depending upon the particular needs of the affected work unit and OCPA as a whole at the time of the layoff. Seniority shall be considered only when, in the sole discretion and opinion of the OCPA, all other factors are equal between two or more employees in the affected work unit. Seniority will be computed based on an employee’s total continuous service with OCPA. For this purpose, continuous service before and after any break in service of less than 30 days or an approved leave of absence, will be counted.

1001.7 Involuntary Separation
Involuntary separation from service means that the termination action is being initiated by the Orange County Power Authority, rather than by the employee. In general, employees who are discharged by OCPA are not eligible for rehire. However, employees who are terminated due to layoff or restructuring may be eligible for rehire or recall at OCPA’s discretion.

An employee may be separated for disciplinary reasons pursuant to the policy and procedures for dismissal in Section 1101 Causes for Discipline.

Any employee separated because of an inability to accommodate after the reasonable accommodation and interactive process is concluded will be given a written pre-separation notice of the reasons for the separation, the evidence supporting the decision to separate for non-disciplinary reasons, and an opportunity to respond before the separation takes effect.

1001.8 Payment of Final Wages
Final wages for time worked, plus any pay for eligible unused but accrued PTO (see Section 901.4), will be paid in the employee’s final paycheck, due to the employee on their last day of work if involuntarily separated or within 72 hours of their last day of work if resigned.

1001.9 Return of OCPA Property
All OCPA property in the employee’s possession must be returned prior to termination of employment, including keys, key fobs, identification cards, computer equipment, credit cards, cell phones, and any other OCPA equipment.

1001.10 Exit Interviews
Should an employee resign voluntarily, the Chief Executive Officer, or their designee, may conduct an exit interview whenever feasible. This interview allows the departing employee to communicate views on their work with OCPA and the job requirements, operations and training needs.
1001.11 Job References/Verification of Employment
All reference inquiries and verifications of employment must be referred to and approved by the Chief Executive Officer or their designee. Unless the Chief Executive Officer receives a written waiver signed by the employee, OCPA will release only the employee’s dates of employment and last position held, and status of rehire eligibility. In addition, and in accordance with California State Law AB2770, OCPA Authority will disclose if an employee or past employee is not eligible for rehire due to a determination that the employee had engaged in sexual harassment.

Employee authorization is required before releasing salary information to financial institutions. It is our policy that only the Chief Executive Officer, or their designee, is authorized to respond to requests for employee references and verification of employment from financial institutions, etc.

No other supervisor or employee is authorized to provide references for current or former employees. If such a request is received, the information request should be forwarded to a supervisor or the Chief Executive Officer’s designee.
1100 DISCIPLINE

OCPA expects each employee to demonstrate integrity and contribute to the quality and reliability of OCPA's services within the scope of their job responsibilities. Not only will this promote efficiency and productivity, but it will also create a pleasant and cooperative work environment. The statement of unacceptable conduct contained in Section 801 does not alter OCPA's policy that all positions are at-will. Employees and the Orange County Power Authority each remain free to terminate the employment relationship at any time, with or without reason or advance notice.

1101 Causes for Discipline

Employees are expected to conduct themselves with reasonable and proper regard for the welfare and rights of all employees, for the best interests of the organization, and to perform their duties competently. Any employee who fails to adhere to OCPA's Professional Business Conduct and Ethics as outlined in Section 801, or whose performance is unsatisfactory, may be subject to discipline, up to and including termination.

1101.1 Progressive Discipline

At all times, OCPA expects employees to perform to the best of their abilities and to conduct themselves appropriately. If an employee performs at an unsatisfactory level, violates a policy, or commits inappropriate acts, he or she will be subject to discipline.

Because all employees at the Orange County Power Authority are at-will employees, the employee or OCPA may terminate the employment relationship at any time, with or without cause, and with or without notice. However, OCPA, at its discretion, may also administer a progressive discipline system. Progressive discipline is not mandatory, and OCPA reserves the right to deviate from any order or form of progressive discipline. Progressive discipline is also inapplicable to staff reductions and layoffs.

1102 Problem Resolution and Complaint Procedure

At some time, employees may have a concern or question about the job, working conditions, or the treatment they may have received. Good-faith complaints and questions are of concern to OCPA and will be addressed to the extent practicable.

Employees are asked to take concerns first to their immediate supervisor, and then to the Chief Executive Officer or their designee, if the supervisor is unable to resolve the conflict.

This procedure, which OCPA believes is mutually beneficial, cannot result in every problem being resolved to the satisfaction of the complainant. However, employee input is valued and all employees should feel free to raise issues of concern, in good faith, without the fear of retaliation.
1200 MISCELLANEOUS POLICIES

1201 Personnel Files

1201.1 Confidential Personnel Files
OCPA maintains a personnel file for each employee. Files are kept for at least three years after separation of employment. A personnel file will contain only material that OCPA deems necessary and relevant or that is required by law. Personnel files are the property of OCPA, and access to the information they contain is restricted to protect employee privacy interests.

1201.2 Notification of Changes
Each employee is responsible to promptly notify OCPA of any changes in their contact and benefits information, including: mailing address; telephone number; persons to contact in an emergency; and number and names of dependents.

1201.3 Access to Applicant or Employee Medical Information
All medical information about an employee or applicant is kept in separate medical files and is treated as confidential. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for Authority business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

1201.4 Employee Access to Personnel File
Inspection of File: A current employee may inspect their own personnel file at reasonable times and at reasonable intervals, within 30 days of a written request. A former employee is entitled to inspect their personnel records one time per year. A current or former employee and/or their representative who wishes to review their personnel file should make a written request to the Chief Executive Officer. The inspection must occur in the presence of the Chief Executive Officer or their designee and: (1) at a location where the employee works and at a time other than the employee’s work time; or (2) at another agreed upon location without loss of compensation to the employee.

Copies: A current or former employee is entitled to receive a copy of their personnel records within 30 days after the employer receives a written request. A current or former employee who wishes to receive such a copy should contact the Chief Executive Officer in writing. OCPA may charge a fee for the actual cost of copying.

Representative’s Inspection: If the current or former employee wishes to have another person/representative inspect their personnel file, he or she must provide the person/representative with written authorization. The Chief Executive Officer will notify the employee and/or representative of the date, time, and place of the inspection in writing.

No Removal of File Documents: No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.
1201.5 Limitations on Access or Copying of Personnel File
Prior to making a copy of personnel records or allowing inspection, OCPA may redact the names of nonsupervisory employees. Under no circumstances will OCPA provide access or copying of the following categories of personnel file documents: records relating to the investigation of a possible criminal offense; letters of reference; ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

1202 Limitations on Outside Employment

1202.1 Outside Employment Restrictions
Employees are permitted to engage in outside employment subject to the following restrictions:
   a) Any outside employment is secondary to the OCPA employment and shall not interfere with proper performance of OCPA employment. Employees are to report to work on time and ready to work. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside employment causes or contributes to job related problems at OCPA, then the employee will be asked to discontinue outside employment and may be subject to disciplinary action, up to and including termination.
   b) Employees shall not be permitted to use OCPA paid time off to perform work for another employer.
   c) Employees shall not accept pay or other compensation from anyone for work done during time for which he or she is reimbursed by the OCPA.
   d) Employees are prohibited from working for any contractor or company that has a contract with the OCPA, during the period of contracted services for the OCPA.
   e) Employees shall not solicit or conduct outside employment during work time or that requires the use of OCPA equipment, facilities, confidential information or materials.

1203 Limitations on Political Activity

1203.1 No Targeted Solicitation of OCPA Officers or Employees
Members of the Board and employees of OCPA may not directly or indirectly solicit political contributions from other employees or Board members unless the solicitation is part of a solicitation made to a significant segment of the public which may incidentally include members of the Board and employees of OCPA.

1203.2 No Political Activity on OCPA Property or During Work Hours
OCPA employees and officials are prohibited from engaging in political activity during working hours or on OCPA property.

1204 Prohibitions on Drugs and Alcohol in the Workplace

1204.1 Purpose and Scope
The purpose of this Policy is to promote a drug and alcohol-free workplace and to eliminate drug and alcohol-related inefficiencies and risks. This Policy applies to all OCPA employees, whether they are on OCPA property, or they are performing OCPA-related business elsewhere, except as this Policy is superseded by federally mandated drug and alcohol policies. Compliance with

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this Policy is a condition of employment. Disciplinary action will be taken against those who violate this Policy.

1204.2 Drug- and Alcohol-Free Awareness Program
OCPA’s employee assistance provider offers counseling and treatment of drug- or alcohol-related problems. The employee assistance provider has information about: (a) the dangers of drug or alcohol abuse in the workplace; (b) the penalties that may be imposed for drug or alcohol abuse violations; (c) OCPA’s Policy of maintaining a drug- and alcohol-free workplace; and (d) any available drug or alcohol counseling, rehabilitation or employee assistance programs.

1204.3 Prohibited Conduct
The following are prohibited conduct:

(a) The manufacture, distribution, sale, dispensation, possession, or use of any controlled substance, narcotic (including marijuana), or prescription drug that has not been lawfully prescribed to the employee in either OCPA workplaces or wherever OCPA business is performed.

(b) Working or being subject to call in if impaired by alcohol or any controlled substance, narcotic (including marijuana), or prescription drug that has not been lawfully prescribed to the employee.

(c) An employee’s failure to notify their department head before beginning work when taking medications or drugs, including but not limited to: prescription drugs, over the counter medications, marijuana, or illegal drugs or narcotics which could interfere with the safe and effective performance of duties.

(d) An employee’s failure to notify the Chief Executive Officer or their designee of any criminal conviction for a drug violation that occurred in the workplace within five days after such conviction.

(e) An employee’s criminal conviction for a drug violation that occurred in the workplace.

1205 Use of OCPA Equipment or Resources

1205.1 Policy and Applicability
OCPA equipment and resources may only be used to conduct OCPA business, except for incidental personal use that is consistent with this Policy. As a result, OCPA equipment and resources are non-public forums. Every employee is required to adhere to this Policy.

1205.2 Authority Equipment or Resources
OCPA equipment or resources means any OCPA-owned or supplied item or resource, including, but not limited to: intellectual property (e.g., photographs, plans, drawings, formulas, customer lists, designs, formulas), vehicles, telephones, cell phones, pagers, tools, machines, supplies, copy machines, facsimile machines, desks, office equipment, computers (including hardware and software), file cabinets, lockers, Wi-Fi, internet, intranet, OCPA’s network, data systems, routers, voice mail, servers, and email or voice mail communications stored in or transmitted through OCPA electronic resources or equipment.
1205.3 No Expectation of Privacy
OCPA periodically and without prior notice, monitors, reviews, accesses, or retrieves data from its equipment or resources, including electronic communications and content contained in or transmitted through its networks or electronic resources. Employees must provide OCPA with their usernames or passwords for any OCPA-issued equipment or resource. The existence of passwords or the attempted deletion of electronic files by an employee does not restrict OCPA’s access. As a result, employees should have no expectation of privacy in their use of any OCPA equipment or resources.

1205.4 Appropriate Use Only – No Misuse
Employees may only use OCPA equipment or resources in compliance with this Policy. Employees are expected to avoid any use or communication which is unrelated to OCPA business, or that is destructive, wasteful, or illegal. OCPA has discretion to restrict or rescind employee access to OCPA equipment or resources. The following are examples of misuse of equipment or resources:

(a) Any use that violates applicable law and/or OCPA policies, rules or procedures;

(b) Exposing others to material which is offensive, harassing, obscene or in poor taste. This includes information which could create an intimidating, offensive or hostile work environment;

(c) Any use that may create or further a hostile attitude or give offense on the basis of race, color, religion, sex, gender, gender expression, gender identity, national origin, ancestry, citizenship, age, marital status, physical or mental disability, medical condition, genetic information, sexual orientation, veteran status or any other basis protected by law;

(d) Communication of confidential information to unauthorized individuals within or outside of OCPA;

(e) Unauthorized attempts to access or use OCPA data or break into any OCPA or non-OCPA system using OCPA-owned equipment;

(f) Theft or unauthorized transmission or copying of paper or electronic files or data;

(g) Initiating or sustaining chain/spam letters, e-mail or other unauthorized mass communication;

(h) Misrepresentation of one’s identity for improper or illegal purposes;

(i) Personal commercial or business activities (e.g., “for sale” notices, personal ads, etc.);

(j) Transmitting/accessing obscene material and/or pornography;

(k) E-Commerce;

(l) Online gambling;

(m) Installing or downloading unauthorized software or equipment;
(n) Violating terms of software licensing agreements; and

(o) Using OCPA equipment or resources to access and/or use dating web resources, personal social media, or games of any type.

(p) Any unauthorized access to OCPA equipment or resources, including using keys or key cards, using or disclosing the username or password of another person or employee to gain access to their email or other electronic resources, or making OCPA equipment or resources available to others who would otherwise have no authorized access.

(q) Using OCPA equipment or resources to speak on OCPA’s behalf without authorization.

1205.5 Authority Email Address Must be Used for Authority Business
OCPA’s email system is an official communication tool for Authority business. OCPA establishes and assigns official email addresses to each employee as OCPA deems necessary. Employees must send all OCPA communications that are sent via email to and from their official Authority email address. Employees are prohibited from using their private email address (e.g., Gmail, Yahoo, MSN/Hotmail, etc.) when communicating OCPA business via email. Should an email related to OCPA business be sent to an employee’s personal email account, the email should be immediately forwarded to the employee’s OCPA email account and responded to accordingly.

1205.6 Incidental Use of OCPA Communications Equipment Permitted
Employees may use OCPA telephones, cell phones, internet access, and e-mail for incidental personal communications provided that the use:

(a) Is kept to a minimum and limited to break times or non-working hours;

(b) Does not interfere or conflict with OCPA operations or the work performance of any Authority employees;

(c) Allows the employee to more efficiently perform OCPA work;

(d) Is not abusive, illegal, inappropriate, or prohibited by this Policy (for example, no social media use, no electronic dating, no gaming); and

(e) Clearly indicates it is for personal use and does not indicate or imply OCPA sponsorship or endorsement.

1206 Policy Against Violence in the Workplace – Zero Tolerance Policy
OCPA recognizes that workplace violence is a concern among employers and employees across the country. OCPA is committed to providing a safe, violence-free workplace. In this regard, OCPA strictly prohibits employees, consultants, customers, visitors, or anyone else on OCPA premises or engaging in OCPA-related activity from behaving in a violent or threatening manner. Moreover, OCPA seeks to prevent workplace violence before it begins and reserves the right to address certain behaviors, even in the absence of violent behavior.
OCPA believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures for responding to any situation that presents the possibility of violence.

Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the worksite, ranging from threats and verbal abuse to physical assaults and even homicide, that can affect and involve employees, clients, customers and visitors. If any employee observes or becomes aware of any of any workplace violence related actions or behavior by an employee, customer, consultant, visitor, or anyone else, he or she should notify the Chief Executive Officer or their designee immediately. Further, employees should notify the Chief Executive Officer or their designee if any restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, OCPA will inform the reporting individual of the results of the investigation. To the extent possible, OCPA will maintain the confidentiality of the reporting employee and of the investigation. OCPA may, however, need to disclose results in appropriate circumstances, for example, in order to protect individual safety. OCPA will not tolerate retaliation against any employee who reports workplace violence.

If OCPA determines that workplace violence in violation of this policy has occurred, then OCPA will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or oral warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, OCPA will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

1207 Appearance Standards

1207.1 Basis for Standards
Appearance standards are highly personal and implicate a variety of laws and constitutional standards. OCPA recognizes a relationship between the type of work performed, workplace safety, level of public contact and personal expression, and seeks to strike a reasonable balance.

These appearance standards are designed to promote OCPA’s legitimate and non-discriminatory goals to promote workplace safety and a professional image that is consistent with the employee’s job duties and level of public contact.

1207.2 Dress Code
Employees are required to dress appropriately for the jobs they are performing, and clothing should be neat and clean in appearance. Clothing should be free of slogans, pictures, or words that may be offensive or inappropriate.

Visible tattoos may not contain offensive or inappropriate images, words, or other matter and must be free from images or words that are obscene, sexually explicit or offensive, discriminatory as to sex, race, religion, national origin, extremist, and/or gang-related.
Receipt and Acknowledgement of Policies

The Orange County Power Authority requires that each employee sign a statement of receipt acknowledging that he or she has received a copy, or has been provided access to these Policies.

Your signature below acknowledges you have received a copy, or have been given access to the Orange County Power Authority’s Policies. It also acknowledges your understanding that you are responsible for reading and becoming familiar with the contents of these Policies and any subsequent revisions to these Policies.

I understand and agree that it is my responsibility to read and familiarize myself with the Policies and procedures contained in this document.

I further understand that my employment is at-will, and neither OCPA nor I have entered into a contract regarding the duration of my employment. I am free to terminate my employment with OCPA at any time, with or without cause. Likewise, OCPA has the right to terminate my employment with or without cause, at the discretion of OCPA. No employee of OCPA can enter into an employment contract for a specified period of time or make any agreement contrary to this Policy without the written approval from the Chief Executive Officer.

I acknowledge that OCPA reserves the right to revise, modify, delete or add to any and all policies, procedures, work rules or benefits stated in this document or in any other document, except for the Policy of At-will Employment. I further understand that any written changes to these Personnel Policies will be distributed to all employees so that I will be aware of any new policies or procedures. I understand that no oral statements or representations can in any way change or alter the provisions of this document.

I further acknowledge receipt of OCPA’s anti-harassment and discrimination policy set forth in these Policies, and I certify that I have read it, understand it, and agree to comply with its terms and conditions.

I understand that any violation of the policy may result in serious disciplinary action, including immediate termination.

Employee’s Printed Name: _________________________ Position: ______________________

Employee’s Signature: ____________________________ Date: _______________________
Attachment 2 – Proposed OCPA Benefits Program

Displayed below is OCPA’s proposed benefits program based on the comparison agency contribution amounts for each of the benefits categories.

**Proposed OCPA Benefits Program**

<table>
<thead>
<tr>
<th>Benefit Category</th>
<th>OCPA – Proposed Benefits Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement Benefits</td>
<td>401(a) defined contribution plan mandatory 10% employer contribution. Replaces 6.2% contribution to Social Security. Fully vested from date of hire. 457(b) deferred compensation plan employee option. Employer match up to 4%.</td>
</tr>
<tr>
<td>Health Insurance (medical, dental, vision)</td>
<td>95% health insurance premium (Kaiser HMO 15 Plan + Dental HMO + VSP Option 5) for all employees and dependents. Employees who select a higher cost health insurance option (either PPO or other HMO) cover the cost difference.</td>
</tr>
<tr>
<td>Opt-out cash payment in lieu of health insurance</td>
<td>$500 per month</td>
</tr>
<tr>
<td>Flexible Spending Account (FSA)</td>
<td>Available – employee funded by payroll deduction. Employer contributes $200 per month for C-level executives. Employee may contribute additional funds to the IRS FSA Health or Dependent Care cap.</td>
</tr>
<tr>
<td>Paid Time Off (PTO)</td>
<td>Year 1: 180 hours per year Year 2+: increases an additional 8 hours per year, up to 10 years of employment</td>
</tr>
<tr>
<td>PTO Cash-out Option</td>
<td>Annual election to cash out up to 50% of annual accrued PTO hours</td>
</tr>
<tr>
<td>Maximum PTO Accrual</td>
<td>Twice the annual accrual</td>
</tr>
<tr>
<td>Paid Holidays per year</td>
<td>12 holidays</td>
</tr>
<tr>
<td>Holiday Closure</td>
<td>The week of Christmas Day through New Year’s Day (four or five days)</td>
</tr>
<tr>
<td>Life Insurance</td>
<td>Employer-paid basic group term policy, not to exceed $200,000 coverage</td>
</tr>
<tr>
<td>Short-term Disability</td>
<td>Employee-only contribution to California SDI program</td>
</tr>
<tr>
<td>Long-term Disability</td>
<td>Employer subsidized: 60% pay replacement to max of $12,000/month</td>
</tr>
<tr>
<td>Wellness Reimbursement</td>
<td>Up to $1,000/year for qualified health and wellness expenses</td>
</tr>
<tr>
<td>Executive Leave</td>
<td>80 hours annually for C-level executives</td>
</tr>
<tr>
<td>Technology Stipend</td>
<td>$100 per month for all FLSA-exempt employees</td>
</tr>
<tr>
<td>Auto Stipend</td>
<td>$500 per month for C-level executives</td>
</tr>
<tr>
<td>Employee Assistance Program (EAP)</td>
<td>Employer-paid confidential counseling and work/life services assistance for employees and eligible dependents</td>
</tr>
<tr>
<td>Tuition Reimbursement Program</td>
<td>None proposed, since professional development and work-related equipment are part of ordinary budgeted business expenses</td>
</tr>
</tbody>
</table>
To: Orange County Power Authority Board of Directors

From: Brian Probolsky, Chief Executive Officer
      Brenda Springer, Reveille Inc.

Subject: UPDATE REGARDING PRODUCT NAME SELECTION

Date: December 14, 2021

RECOMMENDED ACTION

Receive and file update regarding product name selection.

BACKGROUND

On November 23, 2021, The OCPA Board elected to proceed with three product offerings. Staff in collaboration with our consulting team has been researching and analyzing how other CCAs have marketed their offerings. Today we are bringing forward an update to this process in anticipation of meeting with the Board Outreach subcommittee to finalize product names.

ANALYSIS AND DISCUSSION

Prior to launch beginning in February customers will be engaged via an outreach campaign including specific program details. Over the coming weeks individual product names will be integrated into the Calpine back office and customer support systems which are currently being built out. Simultaneously our branding and marketing teams will develop associated digital and print graphic elements associated with the new product names.

Staff will return to the Board to share final product branding elements in January 2022.

FISCAL IMPACT

None

ATTACHMENT

None