Supplemental Item
March 5, 2014 Meeting

DATE: February 27, 2014

TO: Children and Families Commission of Orange County

FROM: Christina Altmayer, Executive Director

SUBJECT: Corrections to Agenda Items No. 2 and No. 3

This supplemental item includes corrections to Agenda Item No. 2 and No. 3 on the March 5, 2014 Commission agenda.

Agenda Item No. 2 - Review of Administrative Policies and Procedures
The Salary and Benefits Policy Resolution has been corrected to clarify the language related to the accrual of vacation hours. The revisions are shown on attached excerpt of the Salary and Benefits Policy Resolution, Section V. Vacation.

Agenda Item No. 3 - Executive Director Employment Agreement
The correct recommended action should read: "Approve changes to the employment agreement between the Commission Executive Director and the Children and Families Commission of Orange County."

ATTACHMENT:
1. Revised Language to Agenda Item 2

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Commissioners
Sandra Barry, Chair
Kimberly Chavalas Cripe, Vice Chair
Katherine Ahn, D.D.S.
Hugh Hewitt
Maria E. Minon, M.D.
Janet Nguyen
Sandra Pierce
Mark Refowitz
Michael F. Ryan

Executive Director
Christina Altmayer

Revised language to Agenda Item 2
Attachment 3
Page 9

V. Vacation:

All employees with a year or less of employment, earn (80) hours of vacation annually, accruing at a rate of approximately 3.08 hours per pay period. After an employee's second anniversary and until the third anniversary, vacation is accrued at 120 hours. After an employee's fourth anniversary and until the tenth anniversary, vacation is accrued at 160 hours. After the tenth anniversary, all employees shall accrue 200 hours of vacation annually. At the Executive Director's discretion, prior County of Orange tenure may be applied towards determining Commission term of service.

Deleted: During the first three years

Deleted: all employees

Deleted: third

Deleted: tenth

Employees cannot accrue more than 320 hours of vacation leave.

Vacation may not be accrued in excess of the maximum accrual cap (320 hours) for an employee's continuing length of service. Once an employee's unused and accrued vacation reaches the maximum cap, the employee will not become eligible for any additional time except to the extent that the prior vacation time has been used.

Employees who are out on a leave of absence do not accrue vacation time while they are on their leave. Vacations must be scheduled and approved by your supervisor at least 15 workdays in advance. Also, the Commission, at its sole discretion, may require you to take your vacation at a particular time, and may also refuse an employee's application for vacation. The Commission pays all accrued but unused vacation pay when an employee leaves his/her employment.

Agenda Item No. 2
March 5, 2014 Meeting

DATE: February 21, 2014

TO: Children and Families Commission of Orange County

FROM: Christina Altmayer, Executive Director

SUBJECT: Review of Administrative Policies and Procedures

SUMMARY:
The Children and Families Commission of Orange County's Administrative Policies and Procedures were originally adopted in November 2001 and are periodically reviewed and updated as needed. The Commission approved the majority of the updated policies in 2013. This item presents the final section and recommended updates for the Personnel Management, Section 7.0 of the Administrative Policies and Procedures.

DISCUSSION:
The Personnel Management Section 7.0 of the Commission's Administrative Policies and Procedures were reviewed and edited to ensure that the policies are current and consistent with Commission direction. The 2006 Personnel and Salary Resolution has been updated to delete or modify outdated language. The new Salaries and Benefit Policy (Attachment 3) includes new sections relating to performance evaluations leave provisions, and discrimination and harassment.

A new Code of Conduct (Attachment 2) was developed for inclusion in the Administrative Policies and Procedures. The Code was modeled after the County Health Care Agency's Code of Conduct, and articulates the expectations of employees that represent the Commission. Two new policies have been added to establish guidelines for electronic devices and communication, and to establish a reasonable dress code. A summary of all the changes to the Personnel Management Policies are included in Attachment 1. The updated Personnel Management Policies and Procedures are on file with the Clerk of the Commission and available for public review upon request.

STRATEGIC PLAN & FISCAL SUMMARY
There is no funding request for this item.

PRIOR COMMISSION ACTIONS
- September 2013 - Approved updated Administrative Policies Section 6.0
- July 2013 – Approved updated Administrative Policies Section 3.0

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Executive Director
Christina Altmayer

- May 2013 - Approved updated Administrative Policies Sections 1.0, 2.0, 4.0, 5.0, 8.0
- July 2010, April 2008 – Approved updated Administrative Policies
- May 2006 – Approved specific policies to comply with new legislation requirements related to AB 109
- November 2001 - Approved updated Administrative Policies

RECOMMENDED ACTIONS:
Approve updated Administrative Policies and Procedures Section 7.0 – Personnel Management

ATTACHMENTS:
1. Personnel Management Policies – Summary of Changes
2. Code of Conduct Children & Families Commission of Orange County
3. Salary and Benefits Policy Resolution

Contact: Kelly Pijl

Administrative Policies & Procedures Attachment 1

Personnel Management Policies - Summary of Changes

Policy Number	Policy Title	Summary of Change
7.1	Personnel and Salary Resolution • Salaries & Benefits Policy • Code of Conduct	• Updated the Salaries & Benefits Policy approved in 2006 to delete or modify outdated language and add the following sections: - Performance Evaluation - Leave and Time Off Provisions - Unlawful Discrimination and Harassment • Updated the Salary Range Structure • Family Friendly Workplace Added language from the California Family Rights Act of 1993 regarding leave. • Added a Code of Conduct • Deleted references to County of Orange Personnel and Salary Resolution Memorandum of Understanding (MOU) that does not apply to the Commission employees. • Added County of Orange Benefits Office contact information. • Clarified language related to maximum amount of allowable vacation time that may be accrued by a Commission employee
7.2	Discrimination, Harassment and Violence Prohibition	• Added specific Equal Employment Opportunity (EEO) language and information for filing complaints to the California Fair Employment and Housing Commission (FEHC). • Replaces 2009 County of Orange EEO Policy.
~~7.3~~	~~Family Friendly Workplace~~	Deleted the separate policy and included the Family-Friendly Workplace language in the Personnel and Salary Resolution (7.1)
7.3	Electronic System	New policy to establish criteria, guidelines and regulations for electronic devices and communication

Policy Number	Policy Title	Summary of Change
7.4	Payroll and Timekeeping	• Added language to include flexible or alternate work schedules • Added language allowing employees to volunteer at approved organizations • Updated procedures
7.5	Conflict of Interest	No Change
7.6	Gift Ban	No Change
7.7	Controlled Substance	No Change
7.8	Dress Code	New policy to establish a reasonable code for office attire

CODE OF CONDUCT

Pending approval by the Children & Families Commission of Orange County – March 5, 2014

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INTRODUCTION

VISION

Orange County's young children need safe, supportive and nurturing environments to be healthy and ready to succeed in life. The Commission's vision statement reflects its unique position within Orange County to better the lives of young children and their families.

All children are healthy and ready to learn.

MISSION

The Commission's mission statement is a broad, comprehensive statement of its purpose and function in the community. The mission enables the Commission to act as an advocate for all young children in Orange County, serving roles as convener, planner, and program sponsor.

Provide leadership as a funder, convener, and planer to support healthy development and learning for Orange County's young children.

GOALS

- **Healthy Children**: Promote the overall physical, social, emotional and intellectual health of young children
- **Early Learning**: Provide early learning opportunities for young children to maximize their potential to succeed in school
- **Strong Families**: Support and strengthen families to promote good parenting for the optimal development of young children
- **Capacity Building**: Promote an effective and quality delivery system for young children and their families.

ORGANIZATIONAL VALUES

- **Integrity**: We adhere to the highest standards, ensuring public trust through transparency in decision-making and commitment to the voters' intent.
- **Excellence**: We support high quality programs and services, continually striving to optimize operational practices.
- **Collaboration**: We work with community partners, sharing knowledge and accomplishing shared goals.
- **Results-Oriented:** We are responsible for achieving positive outcomes for young children, establishing demanding metrics of success for all programs and services.
- **Innovation:** We constantly challenge ourselves and our partners to advance creative solutions to benefit young children and their families.

CORE FUNCTIONS

- Fund service and programs to achieved desired results
- Act as a catalyst and leader for coordinating, integrating and leveraging existing resources
- Build community and organizational capacity to support children and families

INTRODUCTION TO THE CODE OF CONDUCT

The Children and Families Commission of Orange County is committed to providing quality services and supporting an environment that encourages excellence. This Code of Conduct was created in 2013 and reviewed by the Orange County Human Resources Agency to ensure the document is relevant to the Commission's work force.

The Code of Conduct is intended to:

- Communicate Commission expectations of professional and ethical behavior
- Communicate the Commission's commitment to promote compliance with laws, regulations, contractual obligations and standards of care consistent with community standards
- Familiarize all staff with the basic legal principles and ethical standards of behavior expected throughout the Commission

The Code of Conduct complements but does not replace policies and procedures approved by the Commission.

All employees, consultants, volunteers and designated individuals are part of the work force. The entire work force engaged in our work environment or acting on behalf of the Commission are expected to follow the Code of Conducts, all applicable statutes, regulations, contractual obligations and Commission policies and procedures. In the absence of a Commission policy on a particular subject matter, the general principles of this Code of Conducts shall be used as a guideline.

When seeking guidance and direction concerning a workplace issue or concern, employees are encouraged to refer to the Commission's policies and procedures, or to contact their supervisor, manager or other management staff within the chain of command.

The Code of Conduct is a "living document" which will be updated periodically to reflect the work environment. At a minimum, the Code of Conduct will be reviewed on an annual basis.

AT-WILL EMPLOYEE

Employment by the Commission is at-will. Employees are free to resign, with or without giving reasons, at any time. Similarly, the Commission is free to terminate employment, with or without reasons, at any time. The Commission further reserves the right to change compensation, duties, assignments, responsibilities or job location at any time, with or without cause. No other policy, practice, procedure or rule shall be construed as contrary to this at-will employment policy. Any modification to the at-will nature of employment must be in writing and signed by the governing Board of the Commission.

STANDARDS OF CONDUCT

INDIVIDUAL CONDUCT

Treat colleagues, service providers, consultants, and volunteers with respect, dignity, and courtesy. The Commission's greatest strength is in the talent of the work force that fosters the Commission's success and reputation.

Commission Staff and Representatives:

- Report to work on time and obtain proper approval for any overtime work needed or requested.
- Obtain appropriate management approval to work flexible or alternate work schedules and recognize that such allowances are a privilege, subject to removal or modification by the Commission at any time.
- Maintain a working environment free from all forms of harassment, discrimination, or intimidation, sexual or otherwise, showing respect and consideration for each other. Discriminatory treatment, harassment, abuse, violence or intimidation is not tolerated.
- Promote and maintain positive and cooperative relationships within the Commission, as well as with other organizations, government programs, vendors, contractors, community groups, and industry to enhance services and resources.
- Maintain integrity in our dealings with service providers, consultants, other employees and the community.
- Provide equal employment opportunities to all applicants and employees pursuant to the Commission's policies.
- Conform to the professional standards and best practices of our respective professions/disciplines and exercise sound judgment in the performance of duties.
- Support and comply with Commission policies regarding appropriate use of volunteer time.
- Comply with the Commission's dress code policy requiring a reasonable standard of dress which rules out any extreme in dress, accessory, fragrances or hair.
- Provide as much advance notice as possible when utilizing vacation or sick leave benefits, including at least 15 work days notice for use of vacation time.
- Comply with the work and safety policies in accordance with the Commission's policies and procedures including but not limited to the drug and alcohol policy prohibiting the use of alcohol or prohibited drugs in the workplace or working under the influence of alcohol or prohibited drugs.

- Do not bring dangerous weapons to the workplace or to other work locations including parking lots. A dangerous weapon is a firearm or any other instrument capable of causing bodily harm when used in a manner and under circumstances that manifest intent to harm, or intimidate another person, or that would cause a reasonable person to have concern for their safety or the safety of another.

- Provide the Commission work force with clear direction about what is expected and encourage questions seeking clarification.

- Promote open lines of communication throughout the work force to create a healthy productive environment.

- Take reasonable precautions to protect the privacy of our consultants, commissioners, committee members, and colleagues. Recognize that we:

    - Have access to information on a "need to know" basis only and use the minimum amount of information that is necessary to complete the task.

    - Only release sensitive and confidential information to authorized persons.

    - Verify the identity, address and location of the receiving party when sensitive information is disclosed.

    - Never access confidential or sensitive information for personal reasons.

    - Do not discuss sensitive or confidential information in or around a public area, including elevators, hallways, restrooms, lobbies or break rooms.

    - Properly dispose of confidential and sensitive information in a secure shredding bin according to established retention schedules.

- Only use Commission resources to perform Commission duties and assignments in a productive and professional manner. Commission resources include but are not limited to staff time during work hours, Commission equipment and supplies as well as information.

- Follow acceptable use of Commission Electronic Systems and communications. Refrain from engaging in unacceptable use of Commission electronic systems and communications, including displaying or sending derogatory, defamatory, harassing, violent, or offensive content.

- Shall not enter into any personal relationships with a consultant, service provider, Commission member, coworker or any person that may compromise the work force member's objectivity, accountability or judgment.

ADHERING TO LAWS AND REGULATIONS

Conduct business in an ethical and honest manner in accordance with relevant federal, state, and local laws, regulations and standards.

Commission Staff and Representatives:

- Comply with all requirements of Proposition 10 legislation statutes, regulations and guidelines.
- Do not engage in any illegal activity or unethical behavior

CONFLICTS OF INTEREST

Avoid conflicts of interest or the appearance thereof between personal interests and the best interests of the Commission. A conflict of interest arises when the personal interests or activities of a work force member appears to or does in fact influence his/her ability to act in the best interest of the Commission.

Commission Staff and Representatives:

- Avoid commitments or activities that hinder, distract or interfere with the ability to properly perform duties for the Commission or conflict with the known interests of the Commission. Examples include, but are not limited to:
    1. **Using prestige or influence of Commission employment for personal gain**. This could include using a position with the Commission to steer business to a supplier who offers a discount on future purchases intended for personal use.
    2. **Using confidential information acquired through employment for private gain or advantage**. Private gain is not limited to financial profit. For example, accessing confidential information from work and sharing it with a family member in a custody dispute would provide a personal benefit.
    3. **Accepting money or other consideration for performing an act required for the job**. For example, accepting a reward, gift certificate or other item of monetary value from a citizen, service provider, or consultant arising from their interaction with the Commission.
- In addition to avoiding direct conflicts of interest, the appearance of a conflict of interest is avoided by:
    1. Conducting ourselves appropriately as a local public agency.
    2. Preventing situations wherein individuals may realize a personal, financial or similar benefit by virtue of their position in public outreach.

3. Not accepting or providing benefits that create conflict between personal interests and Commission interests. These benefits include, but are not limited to, accepting meals, gifts, refreshments, transportation, entertainment or any item of monetary value provided or received in connection with assigned duties as set forth for designated employees (employees required under the Orange County Conflict of Interest Code to file a "Statement of Economic Interests") in the Orange County Gift Ban Ordinance, enacted by the Orange County Board of Supervisors.

4. Not soliciting, establishing, and/or maintaining social, sexual or financial relationships with a service provider, consultant, or employee.

- Disclose to the supervisor or manager involvement in any relationships that may compromise objectivity, accountability or judgment, or give the appearance thereof.

- Report any potential conflicts of interest to the Commission Executive Director or their designee in accordance with the Commission Conflict of Interest Policy. Concerns or questions regarding potential conflicts of interest should be brought to the attention of a supervisor, manager and/or Executive Director.

PROTECT ASSETS

Protect the Commission's property and assets.

Commission Staff and Representatives:

- Accountable for the proper expenditure of public funds and for the proper use of Commission assets and property which include employee time, material, supplies and information. The Commission's assets and property are to be used for business-related purposes only.

- Obtain appropriate authorization prior to committing or spending Commission funds.

- Have a duty to participate in efforts to prevent fraud, waste and abuse, and ensure that public resources are used ethically, prudently, appropriately and only for designated purposes.

- Dispose of surplus, obsolete, or inoperable property in accordance with the Commission's procedures. Unauthorized disposal, including scrapping, selling or transferring of property without appropriate approval, is a misuse of assets.

- Safely store, secure, document, transport, relocate any Commission controlled and fixed assets and report missing assets promptly to the Office Manager.

- Use computer systems, networks, and software consistent with the Commission's licenses and/or rights, and store equipment, data files and software in a secure manner.

- Adhere to cash and check handling policies and ensure the segregation of duties to ensure that all monies and payments received by the Commission are properly collected, deposited and recorded.
- Report any observed misuse of Commission property or funds to an appropriate supervisor or manager.

RECORDS MAINTENANCE

Maintain accurate and appropriate records in accordance with all federal, state, and county requirements, local laws, regulations, standards, and the Commission's Policies and Procedures. These records include business data in every medium (hard copy and electronic).

Commission Staff and Representatives:

- Maintain complete, accurate records and prepare them in a timely manner.
- Ensure that business records/transactions are maintained in an accurate and confidential manner to protect privacy, prevent unauthorized access and to provide factual information.
- Maintain documentation guidelines for recordkeeping according to the legal requirements for the records, and in accordance with the Commission's record retention schedule.
- Maintain integrity of all records and ensure that records are not altered, damaged, removed or destroyed prior to the specified destruction date.
- Comply with all laws governing confidentiality of information.
- Ensure that timecards, mileage claims, reimbursement claims, and other cost records and reports are completed and processed in a timely manner and reflect accurate information.
- Ensure that all public records requests are completed in an accurate and timely manner.

COMPLIANCE PROGRAM

STATEMENT OF NON-RETALIATION

Establish a safe open environment to identify and resolve compliance concerns or issues. In support of this value, the Commission has a strict non-retaliation policy. Committing or condoning retaliation for good faith reporting of a known or suspected Code of Conduct violation, or for participation in an investigation of an alleged violation, will not be tolerated. Any work force member who commits or condones any form of retaliation may be subject to discipline up to and including suspension or discharge.

Examples of prohibited retaliatory behavior include but are not limited to:

- Name calling such as labeling a co-worker a snitch or tattle tale for reporting a compliance concern
- Intentionally isolating a work force member because of suspicion he/she reported a compliance concern
- Telling a work force member not to report a compliance concern with or without coercion
- Other types of conduct intended to discourage work force members from reporting or discussing compliance concerns.

The phrase "in good faith" means that the reporting party honestly or truthfully believes or perceives the information reported to be true. Individuals who knowingly and intentionally report false or misleading information may be subject to discipline.

RESPONSIBILITIES OF EMPLOYEES

The Commission can succeed only through the efforts of a dedicated work force that conducts themselves with honesty and integrity, and in compliance with all applicable laws and regulations. Although each individual is ultimately responsible for his or her conduct, the Commission is committed to maintaining a work environment that encourages the highest ethical standards.

It is an expectation that all staff, consultants, and volunteers adhere to the Code of Conduct. Highlights of responsibilities are as follows:

- Complying with the Code of Conduct, Commission policies and procedures, contractual obligations, and all applicable laws and regulations. Failure to comply with

this section may potentially subject an employee to civil and criminal liability, sanctions, penalties and/or disciplinary action.

- Immediately notifying a supervisor/manager upon receiving verbal or written notice that he or she has been convicted of a criminal offense involving the welfare of a child, including but not limited to, child abuse or neglect.
- Creating a culture within the Commission that promotes the highest standards of ethics and compliance.
- Reporting any observed non-compliance with the Commission's policies and procedures, laws or regulations to an appropriate supervisor and/or manager.
- Immediately reporting any suspected data security or privacy incidents through the chain of command to permit a timely investigation and response.
- Employees are obligated to report and cooperate with the investigation of possible violations related to:
    - The Code of Conduct
    - Commission Policies and Procedures
    - Laws and Regulations
- Supervisors and managers are responsible and accountable for:
    - Ensuring staff have sufficient information to comply with laws, regulations, and policies
    - Providing appropriate and necessary training
    - Responding in an appropriate and timely manner to issues or concerns brought to their attention by employees
    - Maintaining an open and safe environment for staff to address compliance concerns.

Questions regarding responsibilities should be directed through the chain of command. By self-reporting, employees cannot exempt themselves from the consequences of their own misconduct; however, self-reporting may be taken into account in determining the appropriate level of corrective action.

CONFIDENTIAL DISCLOSURE PROGRAM

Commission staff members have an obligation to report in good faith any known or suspected violation of the following:

- Any federal, state, or local law or regulation
- The Code of Conduct
- Commission policies and procedures

Commission staff members should first report concerns to their supervisor, manager, or other management staff within the chain of command because many issues can be addressed more efficiently at the program level. However, staff may also contact other appropriate entities. The Commission promotes the "no wrong door" approach to compliance concerns to reduce barriers to reporting. If misconduct is observed at work, staff is encouraged to tell someone so the issue can be resolved.

EMPLOYEE SIGNATURE

The undersigned has read, understands and agrees to the provisions in the Commission's Code of Conduct:

_____

Employee Signature

Attachment 3

RESOLUTION NO. 14-____
March ___, 2014

A RESOLUTION OF THE CHILDREN & FAMILIES COMMISSION OF ORANGE COUNTY REVISING AND ADOPTING THE SALARY AND BENEFITS POLICY PURSUANT TO HEALTH AND SAFETY CODE SECTION 130140(d)(6)

WHEREAS, in order to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development, the legislature adopted legislation set forth in the California Children and Families Act of 1998, Health and Safety Code Section 130100, *et seq.* (as amended, the "Act") implementing the Children and Families First Initiative passed by the California electorate in November, 1998 and establishing the California Children and Families Commission and County Children and Families Commissions, including this Orange County Children and Families Commission ("Commission"); and

WHEREAS, the Commission adopted a Strategic Plan to define how funds authorized under the Act and allocated to the Commission should best be used to meet the critical needs of Orange County's children prenatal to five years of age as codified in the Act; and

WHEREAS, California Statutes, Health and Safety Code section 130140(d)(6) requires that the Children and Families Commission of Orange County has adopted, in a public hearing, policies and procedures establishing the salaries and benefits of employees of the Commission. On December 6, 2000 (Agenda Item No. 4), the Commission approved Personnel & Salary Resolution No. 00-014, which established basic terms of employment for Commission employees including employee classification, pay, and benefits. Additionally, on May 3, 2006, the Commission approved an updated policy to be implemented with Commission authorization which satisfies the AB 109 requirement; and

WHEREAS, the purpose of this policy is to require compliance with all applicable State and Federal salary and benefits laws and to set forth the rules and guidelines necessary to govern the appointment, classification, compensation, and other terms of employment for all persons employed by the Commission; and

WHEREAS, it is the policy of the Commission that salaries and benefits of Commission employees shall be established in accordance with the Salary and Benefits Policy and that salary and benefits of Commission employees shall conform with established Commission policies; and

WHEREAS, there has been presented at this meeting the Salary and Benefits Policy (the "Policy"); and

WHEREAS, the Commission has conducted a public meeting following published notice of the agenda regarding the proposed Policy; and

WHEREAS, the Commission has considered public comment, if any, with respect to the Policy and wishes at this time to adopt the Policy and to make certain other determinations with respect thereto.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY AS FOLLOWS:

Section 1 Recitals. The Commission finds and determines the foregoing Recitals are true and correct and are a substantive part of this Resolution.

Section 2 Adoption of Updated Salary and Benefits Policy. In accordance with the requirements of Section 130140(d) (6) of the Act, the Commission, following the public hearing thereon, hereby adopts the updated Salary and Benefits Policy with the purpose and intent that such Policy conforms to said requirements of the Act. The Executive Director is hereby authorized and directed to cause said Policy to become part of the Administrative Policy Guidelines of the Commission and to be incorporated therein, and to make conforming changes, as applicable, to such Guidelines.

Section 3 Impact on Administrative Policy Guidelines. Any policies, regulations, rules or procedures heretofore or hereafter adopted by the Commission which are inconsistent with the Policy shall be ineffective and of no force and effect to the extent of such inconsistency. In particular, and without limiting the foregoing, this resolution and the Policy shall govern any interpretation or implementation of the Administrative Policy Guidelines of the Commission in effect as of the date hereof. Except to the extent provided by law, nothing in this resolution or the Policy is intended to create legal rights in any third parties.

Section 4 Inconsistent with Employment Agreement. To the extent this Policy is inconsistent with any term or provision of an individual employment agreement, the term or provision of the employment agreement shall govern.

Section 5 Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The Commission Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

Section 6 The Clerk of the Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this _____ day of March, 2014 by the following vote:

The foregoing resolution was passed and adopted by the following vote of the Children & Families Commission of Orange County on March __, 2014 to wit:

AYES Commissioners:
NOES: Commissioner(s):
EXCUSED: Commissioner(s):
ABSTAINED: Commissioner(s)

_____
CHAIRMAN

SALARY AND BENEFITS POLICY

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SALARY AND BENEFITS POLICY DEFINITIONS

The following terms as used in this Policy shall, unless the context clearly indicates otherwise, have the respective meanings herein set forth:

AT WILL EMPLOYEES shall mean employees who have entered into an At Will agreement or have been appointed to At Will positions.

BOARD shall mean the governing board of the Children and Families Commission of Orange County.

CFCOC or COMMISSION shall mean the Children and Families Commission of Orange County

EMPLOYEE shall mean a person employed by the CFCOC and covered by terms of this Resolution except where the natural construction of this Resolution otherwise indicates.

EXECUTIVE DIRECTOR shall mean the principal officer for the discharge of duties provided by law or particular delegated functions as designated by the Board.

The Children and Families Commission of Orange County Salary and Benefits Policy:

It is the policy of the Children and Families Commission of Orange County that the following rules and regulations be established to govern the appointment, classification, compensation and other terms, conditions, rules and regulation of employment for all persons employed by the Commission.

I. At-Will Employment:

Employment by the Commission is at-will. Employees are free to resign, with or without giving reasons, at any time. Similarly, the Commission is free to terminate employment, with or without reasons, at any time. The Commission further reserves the right to change compensation, duties, assignments, responsibilities or job location at any time, with or without cause. No other policy, practice, procedure or rule shall be construed as contrary to this at-will employment policy. Any modification to the at-will nature of employment must be in writing and signed by the governing Board of the Commission.

II. Executive Director:

A. The Executive Director shall be appointed by, and serve at the discretion of, the governing Board of the Commission. The Executive Director's compensation and other terms and conditions of employment shall be determined by the governing Board of the Commission and may be set forth in a written contract of employment between the Board and the Executive Director. In the event of any conflict between such contract of employment and these or any other rules established by the governing Board of the Commission, the provisions of the contract of employment shall govern.

B. The Executive Director shall be responsible for the appointment, compensation, promotion, discipline and dismissal of all subordinate employees and shall have the authority to implement and administer all personnel policy and rules of the governing Board of the Commission. The Executive Director may enter into contracts of employment with subordinate employees not inconsistent with these or any other rules adopted by the governing Board of the Commission.

III. Performance Evaluation

The Commission strives to provide a professional work environment that encourages and supports fair and equitable treatment of its employees. The Commission recognizes the importance of employee performance appraisals in sustaining effective staff, and further, encourages an open, ongoing dialogue between managers, supervisors, and employees. The purpose of the employee performance evaluation process is to provide an opportunity for the manager and employee to review and evaluate performance standards and objectives.

Performance evaluations are completed generally once a year and may be done more frequently at the discretion of the manager or Executive Director. Evaluations shall be conducted at an appropriate and logical date.

The Commission shall adopt uniform performance evaluation criteria designed to give a fair evaluation of the quality and quantity of work performed by an employee. Evaluations shall be prepared and recorded in the employee's personnel file. The Commission will discuss with each employee the criteria evaluated and the rating of the employee for each criterion prior to the evaluation becoming part of the employee's personnel file.

IV. Employee Titles, Classification and Pay:

A. The number of authorized employment positions shall be set by the governing Board of the Commission. Employee job descriptions, titles and classifications shall be

adopted by, or under the general supervision of, the Executive Director, and shall be filed, along with any modifications thereto, with the Clerk of the Commission.

B. Employee pay or pay scales shall be determined by the Executive Director; provided however, that total pay and benefits for all Commission employees, including the Executive Director, shall not exceed in any year the amount set forth in the line item for "Staff" in each year's Proposed Budget. The Salary Range Structure is illustrated on Table 1.

The official work period for Commission employees shall start on a Friday and end on the second Thursday thereafter. Employees shall receive compensation at a biweekly rate for each pay period worked.

SALARY RANGE STRUCTURE

Table 1

Children and Families Commission of Orange County Salary Structure		
Employee Title	**Hourly Minimum**	**Hourly Maximum**
Administrative Manager I	25.50	50.70
Administrative Manager II	35.47	63.04
Executive Assistant	14.42	54.27
Staff Analyst I	$15.67	$25.94
Staff Analyst II	$19.78	$32.75
Staff Analyst III	$22.23	$36.80
Senior Staff Analyst	$24.68	$40.85
Staff Specialist	22.07	29.52
Executive Positions		
Executive Director	Salary established by Commission via employment contract.	

V. Vacation:

During the first three years of employment, all employees earn (80) hours of vacation annually, accruing at a rate of approximately 3.08 hours per pay period. After an employee's third anniversary and until the tenth anniversary, vacation is accrued at 120 hours. After the tenth anniversary, all employees shall accrue 200 hours of vacation annually. At the Executive Director's discretion, prior County of Orange tenure may be applied towards determining Commission term of service.

Employees cannot accrue more than 320 hours of vacation leave.

Vacation may not be accrued in excess of the maximum accrual cap (320 hours) for an employee's continuing length of service. Once an employee's unused and accrued vacation reaches the maximum cap, the employee will not become eligible for any additional time except to the extent that the prior vacation time has been used.

Employees who are out on a leave of absence do not accrue vacation time while they are on their leave. Vacations must be scheduled and approved by your supervisor at least 15 workdays in advance. Also, the Commission, at its sole discretion, may require you to take your vacation at a particular time, and may also refuse an employee's application for vacation. The Commission pays all accrued but unused vacation pay when an employee leaves his/her employment.

VI. Sick Leave:

During the first three years of employment, an employee shall earn approximately 72 hours of sick leave per year, accrued at a rate of 2.77 hours per pay period. After an employee has worked for the Commission for three years, the employee shall earn approximately 96 hours of sick leave per year, accrued at a rate of 3.69 hours per pay period. Sick leave does carry over to subsequent years, however it is not cashed out when an employee leaves his/her employment.

VII. Holidays:

Commission employees shall receive paid time off for the same holidays observed by the County of Orange. Payment for such holidays shall be on the same general terms and conditions applicable to County of Orange employees.

VIII. Retirement:

Employees shall be members of the Orange County Employees Retirement System. Visit the Benefits Center Web Site at www2.benefitsweb.com/countyoforange.html or call the Benefits Resource Line toll-free at 866-325-2345 to speak with a Benefits Specialist.

IX. Additional Benefits:

Commission benefits are offered pursuant to County of Orange policy except where distinguished by Commission policies (e.g. vacation accrual, sick leave). Accordingly, employees shall receive the following additional benefits on the same general terms and conditions as County of Orange employees in positions deemed comparable by the Executive Director:

A. Deferred Compensation Plan
B. Optional Benefit Plan
C. Disability/Salary Continuance Benefit
D. Life Insurance
E. Accidental Death and Dismemberment
F. Disability Insurance
G. Health and Dental Insurance
H. Transportation Allowance
I. Retiree Medical Program

Visit the Benefits Center Web Site at www2.benefitsweb.com/countyoforange.html or call the Benefits Resource Line toll-free at 866-325-2345 to speak with a Benefits Specialist.

X. Fair Labor Standards Act:

For employees who are not exempt from the overtime requirements of the Fair Labor Standards Act, the workweek shall be the same as that applicable to employees generally of the County of Orange. Overtime shall be paid on the same terms and conditions applicable to non-exempt County of Orange employees holding comparable positions. Employees designated as exempt by the Executive Director shall be compensated on a salary basis and shall not be entitled to overtime pay.

XI. Part-time and Temporary Employees:

Employees designated as Part-time or Temporary shall not accrue vacation, sick or other leave. Nor shall they be eligible for any employee benefits other than those mandated by law. Such employees shall remain ineligible for such benefits even if it is later determined by a court or other agency that the employees have been incorrectly designated as Part-time or Temporary by the Commission.

XII. Family Care and Medical Leave:

Under the Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act of 1993 (CFRA), if the Commission employs greater than 50 employees, and if the employee has more than 12 months of service with the Commission, and the employee has worked at least 1,250 hours in the 12-month period before the date the employee wants to begin leave, the employee may have a right to an unpaid family care or medical leave (FMLA/CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of a child or for the employee's own serious health condition or that of a child, parent or spouse.

Even if the employee is not eligible for FMLA/CFRA leave, if the employee is disabled by pregnancy, childbirth or related medical conditions, the employee is entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If the employee is FMLA/CFRA-eligible, she has certain rights to take BOTH a pregnancy disability leave and a FMLA/CFRA leave for reason of the birth of a child. Both leaves contain a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under the law.

If possible, the employee must provide at least 30 days advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for the employee or of a family member). For events that are unforeseeable, the Commission must be notified, at least verbally, as soon as the employee learns of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy.

The Commission may require certification from the employee's health care provider before allowing a leave for pregnancy or the employee's own serious health condition or certification from the health care provider of a child, parent or spouse who has a serious health condition before allowing the employee a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If the employee is taking a leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks and the employee must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain benefits If more information regarding eligibility for a leave and/or the impact of the leave on seniority and benefits is desired, please contact the Benefits Center Web Site at www2.benefitsweb.com/countyoforange.html or call the Benefits Resource Line toll-free at 866-325-2345 to speak with a Benefits Specialist.

XIII. Other Leave and Time Off Provisions

In accordance with State law, the Commission permits employees to take time off to attend to certain issues such as a child's suspension from school; seeking relief from domestic violence, appearing for jury duty and witness duty, and to vote in elections.

When an employee is requesting a leave or full or partial time off, a written request shall be provided to his/her manager stating the dates of the leave requested, the type of leave requested, specific cause for the leave, and any other information necessary for the request to be evaluated. Absent emergency circumstances, the written request must be completed in advance.

XIV. Unlawful Discrimination and Harassment

The Commission is an equal opportunity employer and makes employment decisions on the basis of merit. The Commission will not unlawfully discriminate against qualified applicants or employees with respect to any terms or conditions of employment based on race, color, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, age, religion, physical or mental disability, medical condition, pregnancy, marital status, citizenship status, military or veteran status, genetic information, or any other basis protected by applicable federal, state, or local law.

The Commission will provide reasonable accommodations to otherwise qualified employees or applicants with known physical or mental disabilities, unless it would create an undue hardship. Employees who require accommodation to perform the essential functions of their job should request an accommodation. Employees should specify in what way they are limited in their ability to perform the job and what accommodation they believe is needed. The Commission will review the situation with the employee to identify possible accommodations, if any, that will allow the employee to perform the essential functions of

the job. If a reasonable accommodation can be identified that will not impose an undue hardship, the Commission will make the accommodation. If there is more than one possible accommodation, the Commission will decide which one will be provided.

The Commission is committed to providing a safe and fair workplace, free from discrimination, harassment, or violent behavior of any kind. Examples of harassment include, but are not limited to:

- Verbal Harassment: Epithets, jokes, comments, or slurs that identify a person the basis of his or her protected characteristic or tend to disparage others based on a protected characteristic.
- Visual Harassment: Gestures, posters, notices, bulletins, cartoons, photography, or drawings that tend to disparage others based on a protected characteristic.
- Physical Harassment: Assault, impeding or blocking movement, physically interfering with normal work or movement, leering, making express or implied job threats or promises, mimicking, stalking, or taunting based on another's protected characteristic.
- Making hiring, promotion, project assignment, or any other decision or action based on race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, age (if 40 or over), or pregnancy, childbirth, breastfeeding or related medical conditions of any female employee;
- Creating an intimidating, hostile, or offensive work environment that interferes with an employee's job performance, including jokes, remarks, gestures, conversations, discussions, behavior, meetings, written communications, or office décor singling out any of the aforementioned characteristics for ridicule or criticism;
- Making unwelcome sexual advances or requests for sexual favors including, but not limited to, verbal or physical conduct of a sexual nature;
- Making submission to or rejection of such advances or requests a criterion for any decision affecting the employee's continued employment, advancement or other job-related benefits;
- Making threats of any kind; using physical aggression or intimidation, belligerence or excessive arguing; and/or defacing Commission property;
- Possession of a weapon of any kind while on Commission premises or conducting any Commission business.
- Staff shall file complaints in writing concerning discrimination, harassment, and violence violations to the Executive Director, as soon as possible following the

occurrence of such an event (or in the event the complaint concerns conduct of the Executive Director, to Commission Counsel.

- The Executive Director (or Commission Counsel) will review the complaint and implement an investigation, disciplinary action, and follow-up with either or both parties, as appropriate
- No employee shall be subject to retaliation for reporting any violation, or participating in any investigation under this policy provided they have don so in good faith.

Disciplinary Action

It is the policy of the Commission that appropriate disciplinary action shall be taken for acts that violate this policy. It is also the prerogative of the Commission to interpret the above definitions of discriminatory, harassing, or violent behavior as broadly as deemed appropriate by the Commission.

It is the policy of the Commission to take steps in order to prevent the above behaviors in any way they deem appropriate.

Any employee who believes he or she has been subjected to unlawful harassment or discrimination shall promptly report it to a manager or supervisor. Employees found to have engaged in discrimination or harassment may be subject to disciplinary action up to and including termination of employment.

Employees or applicants for employment may also file complaints about sexual harassment or other illegal employment discrimination with the California Fair Employment and Housing Commission (FEHC) at 1390 Market Street, Suite 410, San Francisco, CA 94102, Telephone: 415-557-2325; or with the Commission's Santa Ana Office: 28 Civic Center Plaza, Room 538, Santa Ana, CA 92701, Telephone 714-558-4159

XV. Implementation and Administration of Rules:

The Executive Director has full authority to interpret and administer these rules. In doing so, the Executive Director may look to rules and practices of the County of Orange applicable to similarly situated employees.

APPENDIX

Classes designated as Executive Management as of January 1, 2006

8010E9 CFCOC Executive Director

Classes designated as Administrative Management January 1, 2006:

8006MA Administrative Manager I
8007MA Administrative Manager II
8362MX Executive Assistant
8005MX Senior Staff Analyst
8001MX Staff Analyst I
8003MX Staff Analyst II
8004MX Staff Analyst III

Classes designated as General Employees
8543GE Staff Specialist