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Policy	Number: 1.1.0	Date of Approval: 12/16/15	Adopted By: Motion 12/16/15
Title: Terminology Matrix Policy	**Prepared By:** Steve McGrath	**Revised By:**	**Page:** 1 of 2
Purpose: Definition of Terms: Ordinance, Policy and Procedure, etc.			

At Harbor Commission direction, or as needed:

Document	Purpose	Who Drafts	Who Approves
District Ordinances	Provide legal foundation for activities within the District.	General Manager with input from the Board of Commissioners, staff and consultants, with review by District Legal Counsel.	Board of Commissioners at a public meeting.
District Policies	Provide broad framework of direction for the District. Set standards for District performance.	General Manager with input from the Board of Commissioners, staff and consultants. May require review by District Counsel.	Board of Commissioners at a public meeting. Consistent with all of the documents above.
District Resolutions	Formal statement of the Board's position on a topic or issue. May give formal approval to an action item or delegate authority.	General Manager with input from the Board of Commissioners, staff and consultants. May require review by District Counsel.	Board of Commissioners at a public meeting. Consistent with all of the documents above.
Board Policy Manual	Policies related to the organizational management of the Board's operation. Includes but not limited to parliamentary procedures, election of officers, Board committee structure and formation.	General Manager at the direction of the Board of Commissioners. May require review by District Counsel.	Board of Commissioners at a public meeting. Consistent with all of the documents above.
Board Handbook	Compilation of documents to provide Commissioners with background of District governance. Includes but not limited to District Ordinances, District Policies and Board Policy Manual.	Inclusion of documents at direction of Harbor Commission or General Manager	Board of Commissioners at a public meeting

At General Manager direction, or as needed:			
Document	**Purpose**	**Who Drafts**	**Who Approves**
Department Procedures	Implement District policies. Provide specific instructions to staff on day to day tasks. Sets performance standards for management and field staff.	General Manager/Department Heads/Site Managers	General Manager. Consistent with all of the documents above.
Staff Guidelines	Provide very specific direction on day to day field level tasks. May include training materials and are more specific than Procedures.	Department Heads/Site Managers	Department Heads. Consistent with all of the documents above.
Staff Handbooks	Provide training documentation for specific job processes. Usually referred to by field staff to carry out routine job tasks.	Department Heads/Site Managers	Department Heads/Site Managers. Consistent with all of the documents above.

Policy Title: San Mateo County Harbor District Code of Ethics and Values	**Number:** 1.1.1	**Date of Approval:** May 20, 2020
Other Revisions: 7/15/2015	**Prepared By:** James B. Pruett	

Statement of Policy

The Harbor District designed its Code of Ethics and Values (the "Code"), to provide clear, positive statements of ethical behavior reflecting the core values of the District and the communities it serves. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the District.

1.1 Goals of the Code of Ethics and Values

- To make San Mateo County a better place to live, work and play.
- To make the Harbor District a better public agency, built on mutual respect and trust.
- To promote and maintain the highest standards of personal and professional conduct among all involved in District government including, Harbor Commissioners, District staff, volunteers, and members of the District's committees (herein referred to as District representatives).

The Code is a touchstone for members of the Board of Commissioners and staff in fulfilling their roles and responsibilities.

1.2 Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The San Mateo County Harbor District has adopted this Code to promote and maintain the highest standards of personal and professional conduct in the District's government. All District representatives and others who participate in the District's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the District's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

1.3 Applicability

This Code shall apply to all District representatives as defined in section 1.1

1.4 Sanctions

Any representative found to be in violation of this Code may be subject to Censure by the District Board. Any member of any advisory Committee found in violation may be subject to dismissal from the Committee. In the case of an employee, appropriate action shall be taken by the General Manager or by an authorized designee.

1.5 Core Values

As participatory representatives in the District's government, we subscribe to the following Core Values:

1. As a Representative of the San Mateo County Harbor District, I will be ethical. In practice, this value looks like:

    a. I am trustworthy, acting with the utmost integrity and moral courage.
    b. I am truthful, do what I say I will do, and am dependable.
    c. I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests, that impair my independence of judgment or action.
    d. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
    e. I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting-decisions or any improper or unauthorized representations on behalf of the District.
    f. I show respect for persons, confidences, and information designated as "confidential".
    g. I use my title(s) only when conducting official District business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.
    h. I will avoid actions that might cause the public or others to question my independent judgment.
    i. I maintain a constructive, creative, and practical attitude toward the District's affairs and a deep sense of social responsibility as a trusted public servant.

2. As a Representative of San Mateo County Harbor District, I will be professional. In practice, this value looks like:

    a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.

b. I approach my job and work-related relationships with a positive collaborative attitude.
c. I keep my professional education, knowledge and skills current and growing.

3. As a Representative of the San Mateo County Harbor District, I will be service-oriented. In practice, this value looks like:

   a. I provide friendly, receptive, courteous service to everyone.
   b. I am attuned to, and care about, the needs and issues of citizens, public officials, and District workers.
   c. In District-related matters, I am interested, engaged, and responsive.

4. As a Representative of the San Mateo County Harbor District, I will be fiscally responsible. In practice, this value looks like:

   a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the District, especially its financial stability.
   b. I demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
   c. I make good financial decisions that seek to preserve programs and services for District residents.
   d. I have knowledge of and adhere to the District's Purchasing, Contracting and Allocation of Funds Policies.

5. As a Representative of the San Mateo County Harbor District, I will be organized. In practice, this value looks like:

   a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals.
   b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
   c. I am respectful of established District processes and guidelines.

6. As a Representative of the San Mateo County Harbor District, I will be communicative. In practice, this value looks like:

   a. I positively convey the District's care for and commitment to its citizens.
   b. I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.

c. I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response, which adds value to conversations.

7. As a Representative of the San Mateo County Harbor District, I will be collaborative. In practice, this value looks like:

    a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
    b. I work towards consensus building and gain value from diverse opinions.
    c. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of the team.
    d. I consider the broader regional and statewide implications of the District's decisions and issues.

8. As a Representative of the San Mateo County Harbor District, I will be progressive. In practice, this value looks like:

    a. I exhibit a proactive, innovative approach to setting goals and conducting the District's business.
    b. I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.
    c. I promote intelligent and thoughtful innovation in order to forward the District's policy agenda and District's services.

San Mateo County Harbor District

Policy Title: Records Management and Retention	**Number:** 2.1.4	**Date of Approval:** 9/15/2021
Other Revisions: 7/17/96; 10/18/17	**Prepared By:** Julie van Hoff	

A. Purpose

The purpose of this policy is to: provide guidelines to staff regarding the retention or disposal of District records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; and ensure compliance with legal and regulatory requirements.

Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

The General Manager is authorized by the Board of Harbor Commissioners to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below.

B. Requirements for Destruction of Records

The District adopted this Records Management and Retention Policy by Resolution 21-11. This Policy includes record retention schedules that comply with guidelines provided by the Secretary of State pursuant to Government Code Section 12236 (records-management-8.pdf (ca.gov)) and other state and federal laws and regulations. All District records are classified by category and this policy establishes a standard protocol for destruction or disposition of records.

Pursuant to Government Code Section 60201(b)(1), the District adopted Resolution 21-12 finding that destruction or disposition of any record that is not expressly required by law and/or by this policy to be filed and preserved will not adversely affect any interest of the District or of the public.

The District will prepare a comprehensive records inventory and include a record type, the media (e.g. electronic, paper file or both) used to store the record, years covered by each record, if the record should be active (readily available) or inactive (warehoused), and volume (cubic feet of space).

The District will maintain a list, by category, of the types of records destroyed or disposed of that reasonably identifies the information contained in the records of each category.

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C. Summary Guidelines

Appendix A contains a listing of District records along with the relevant legal authority if applicable. Identified legal authority abbreviations are as follows: California Government Code (GC) §, California Code of Civil Procedures (CCP), California Code of Regulations (CCR), Code of Federal Regulations (CFR), California Elections Code (EC) , Health and Safety Code (HSC), Internal Revenue Service (IRS), California Labor Code (LC), California Penal Code (PC), California Revenue and Taxation Code (RTC), and United States Code (USC),

Appendix A provides detail retention requirements of District records. The following summary information maybe referenced when a record is not specifically identified in Appendix A.

1) Duplicate records, papers and documents may be destroyed at any time without Board authorization, advice of the General Counsel, or copying to photographic or electronic media.

2) Originals of records, papers and documents more than three years old that were prepared or received in any manner other than pursuant to State or Federal law or regulation may be destroyed without the necessity of copying to photographic or electronic media except for records identified in Appendix A of this policy. This includes, but is not limited to unaccepted bids, and letters, memoranda, emails of Board members and staff (as long it is not related to a Capital Project), and speaker forms.

3) **In no instances are records, papers or documents to be destroyed where there is a continuing need for such records** for such matters as pending litigation, special projects, etc.

4) Paper records/documents which are not expressly required by law to be filed and preserved may be destroyed if the records/documents are electronically stored.

5) Any accounting record which exceeds the date of the audited financial reports plus four years and which the District is not required to retain for a longer period of time, may be authorized for destruction, provided that:

    a) There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;

    b) There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;

    c) Said audit report or reports were prepared pursuant to procedures outlined in Government Code section 26909 and other State or Federal audit requirements, and that;

d) Said audit or audits contain the expression of an unqualified opinion.

6) **All payroll and personnel records shall be retained as outlined in the chart below.** In general, employee files must be retained for the length of employment plus 10 years, employee medical files for the length of employment plus 30 years, and retirement information is to be kept indefinitely. Medical Records shall be filed separately. Records must be protected in a locked room with a locked cabinet and/or secured in electronic files with access control. When applicable, employee files shall include:

   a) Accident reports, injury claims and settlements.*

   b) Medical histories.*

   c) Injury frequency charts.*

   d) Applications, changes and terminations of employees.

   e) Insurance records of employees.

   f) Timecards/payroll reports

   g) Classification specifications (job descriptions).

   h) Performance evaluation forms.

   i) Earning records and summaries.

   j) Retirement information.

   k) Education and Training certificates.

   l) Personnel Action Forms.

   m) Employment Contracts.

   n) Letters of Discipline.

   o) Surety Bonds.

   *items shall be filed in a separate employee folder

7) Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if electronically stored; terms and conditions of bonds warrants, and other long-term agreements should

be retained until final payment, and thereafter may be destroyed in less than 10 years if electronically stored.

8) Recordings of Board meetings will be kept for a period of two years from the date of the recorded meeting, after which they will be destroyed.

9) Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of ten years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus ten years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

10) Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District, plus ten years.

D. Definitions

- **Non-Records** - Material not usually included within the definition of records, such as unofficial copies of documents kept only for convenience or reference, working papers, appointment logs, stocks of publications and processed documents. Also, documents such as rough notes, calculations or drafts assembled or created and used in the preparation or analysis of other documents.
- **Permanent Records** – Records that are required in perpetuity, usually identified by statute or other written guidance. Examples include Board Agendas Resolutions and Articles of Incorporation.
- **Perpetual Records** – Records retained for an indefinite period of time and then stored or destroyed after some event takes place. Examples include policy files kept until the policy is changed, contract files kept until the contract terminates, etc.
- **Program Records** - Records that relate to the primary function of the agency in response to its daily mission. Examples include lien files, election files, medical records, etc.
- **Public Records -** Any information relating to the conduct of the public's business prepared, owned, used, or retained by local agency regardless of physical form or characteristics.
- **Record-** consists of a “writing,” as defined by subdivision (f) of Section 6252 (“ any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.”)
- **Records Retention Schedule** - A list of all records produced or maintained by the District and the actions taken with regards to those records. The retention schedule is the District’s legal authority to receive, create, retain, and

dispose of official public records. It assists the District by documenting which records require office or temporary storage, which records have historic or research value, and which records should be destroyed because they no longer have any administrative, fiscal, or legal value. In the event of litigation, courts accept a retention schedule as establishing the District's "normal course of doing business".

- **Record Type-**a group of similar records arranged under a single filing system or kept together as a unit. They deal with a particular subject (budget, personnel, etc.), result from the same activity (audit, complaint, etc.), or have a special form (blueprints, maps, etc.).
- **Retention Period** – The length of time a record must be retained to fulfill its administrative, fiscal and/or legal function. A record should be disposed of as soon as possible in accordance with this policy which includes the Board approved Records Retention Schedule.

APPENDIX A

Category (Department/ Section)	Type of Record	Description or Example	Retention Period	Legal Authority
Admin/Board	Affidavits of Publication/ Posting	May include: public or legal notices, certificates, or affidavits.	Calendar Year End + 4 years	GC 60201 CCP 343
Admin/Board	Board Agendas	Includes agendas for Regular Board meetings & Special Board meetings	Permanent	GC 60201; District preference
Admin/Board	Board Resolutions	Original signed Resolutions	Permanent	GC 60201(d)(1) and (2)
Admin/Board	Board Minutes	Includes minutes for Regular Board meetings & Special Board meetings	Permanent	GC 60201(d)(3)
Admin/Board	Board Agenda Packets	Includes all written correspondence given to public at a noticed meeting by the Board, staff, public, and individual Harbor Commissioners	Permanent	GC 60201; District preference
Admin/Board	Recording of Board meetings	Includes tapes, videos, voice recordings	2 years after meeting- legally 30 days if used for creation of minutes	GC 54953.5(b); 64 Ops. Atty. Gen 317; District preference
Admin/Board	Articles of Incorporation	May include, but is not limited to original charter, petitions for incorporation, constitution, by-laws, amendments	Permanent	GC 60201 (d)(1)
Admin/Board	Annexations / Reorganizations/ Boundary Changes	Notices, Resolutions, Certificates of Completion	Permanent	GC 60201 (d)(1)
Admin/Board	Closed session materials*	Includes all written correspondence provided at closed session	Permanent	GC 60201
Admin/Board	Economic Interest Statements – Form 700 (copies)	Copies of original statements of elected officials forwarded to Fair Political Practices Commission	Calendar Year End +7 years	GC 81009(e), (f), (g)
Admin/Board	Election, Campaign Statements	FPPC Forms 460,470, etc.	Permanent	GC 81009(b) and (g)
Admin/Board	Election, Certificates of Election	Original reports and statements	Permanent	GC 81009(a) and (d)

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Category (Department/ Section)	Type of Record	Description or Example	Retention Period	Legal Authority
Admin/Board	Ethics Training	Records that indicate both the dates of training and the entity that provided the training	5 years after training	GC 53235.2(b)
Admin/Board	FPPC Form 801/802	Gift to Agency Report/ Tickets provided Report	7 years	GC 81009(e); 2 CCR 18944.1
Admin/Board	Oaths of Office	Elected and public officials-Board Members	Current + 6 years	29 USC 1113; GC 3105(f)
Admin/Board	Statement of Facts – Roster of Public Agencies Filing (State of California)	Form #SEC/STATE NP/SF 405	Until superseded/ Calendar Year End+4 years	GC 60201 CCP 343
Admin/Board	Code of Ordinance	Law and legal principles of the District	Permanent until 5 years after superseded, repealed, invalid or unenforceable	GC 60201 (d)(2)
Admin/Board	Policies	Policy Handbook; as approved by Board	Adopted and Amended Policies Permanently available as part of Board Package	GC 60201(d)(10) ; District preference
Admin/Board	Strategic Plans	Final Adopted Plan	Permanent	GC 60201(d)(10) ; District preference
Admin/Risk Mgmt.	Claims Against the District*	Relates to any pending claim or litigation or any settlement or other disposition of litigation	Close/ Completion/ Exhaustion of Appeals + 2 years	GC 60201(d)(4)
Admin/Risk Mgmt.	Accidents / Damage to District Property*	Accident Reports, claim submittal, insurance reimbursement	Close/ Completion+ 2 Years (file copy in capital asset file if applicable)	CCP 337.15 GC 60201(d)(4)
Admin/Risk Mgmt.	Insurance: Liability/ Property	May include liability, property, general liability, auto liability, professional liability, excess liability	Expiration + 10 Years	CCP 337.15
Admin/Risk Mgmt.	Litigation/Lawsuits/ Arbitration*	Case Files	Close/ Completion/ Exhaustion of Appeals+ 2 Years	GC 60201(d)(4)
Admin/GM/DOO	General Manager and Director of Operations information regarding	Direction to staff on how to approach/resolve various issues; planning,	Completion of project + 10 years	CCP 337.15

Category (Department/ Section)	Type of Record	Description or Example	Retention Period	Legal Authority
	Construction Projects	supervision, observation of construction		
Admin/General	Berth/Mooring Licensee Files	Berthing License Agreement, insurance, registration, contact information, invoices	Completion + 4 years	GC 60201(d)(9) and (10); CCP 337
Admin/General	Commercial Vessel Files	Commercial Services Activity Permit, Fish Sales Permit	Completion + 4 years	GC 60201(d)(9) and (10); CCP 337
Admin/General	Master Plans	Facilities Master Plan	Permanent	GC 60201(d)(8); District preference
Admin/General	Public Records Request & Response (PRR)	Public's written request for records and records released	2 years if informational PRR; same amount of years as case file if PRR is related to a claim against the District or litigation	GC 60201 (d)(5); CCP 337
Admin/General	Records Management Disposition Certificate	Documentation of final disposition of District records	Permanent	GC 60201; District preference
Admin/Capital Projects	California Coastal Commission Permits	Launch ramps, dredging, wharf/pier repairs, buildings, etc.	Permanent	GC 60201; District preference
Admin/Capital Projects	Inspections	Inspection reports for piers, fuel tanks, etc.	1 year or Until superseded, whichever is later	GC 60201; GC 911.2; GC 945.6
Admin/Capital Projects	Environmental Quality Soil Reports/ Geotechnical Reports	Final Reports	Permanent	GC 60201; District preference
Admin/Capital Projects	Property Acquisition/ Disposition	District owned. Deeds (original required) and supporting documents regarding sale, purchase, exchange, of property by District	Permanent while District has an interest, destroy 10 years after disposition	GC 60201(d)(8); CCP 337.15
Admin/Capital Projects	Appraisals	Documentation on value of a capital asset	Permanent	GC 60201(d)(8); District Preference
Admin/Capital Projects	Bids, Notices & Affidavits	Accepted and construction competed	Close/ Completion + 10 years;	GC 60201(d)(9); CCP 337.15
Admin/Capital Projects	Bonds, Surety	Documentation created and/or received in connection with performance of	Completion of project plus 10 years	CCP 337.15

Category (Department/ Section)	Type of Record	Description or Example	Retention Period	Legal Authority
		work/services		
Admin/Capital Projects	California Environmental Quality Act (CEQA) / National Environmental Policy Act (NEPA)	Exemptions, Environmental Impact Report, Mitigation monitoring, negative declaration, notices of completion and determination, comments, statements of overriding consideration	Permanent	CCP 337.15; 4 CCR 15095; District Preference
Admin/Capital Projects	Capital Improvements, Construction	Agreements/Contracts, Changes Orders, Consultant Proposals (Successful), Final As-Built Drawings, Maps, Inspection Reports, Material Testing, Permits, Preliminary Design Report, Rights of Way/Easements, Surveys, CAD files, Invoices, Certified Payroll, Grant Documents	Close/ Completion + 10 years	CCP 337.15
Admin/Finance	Grants other than Capital grants	Grants documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, bid/quotes, certified payroll, invoices	Close/ Completion+4 Years (but refer to grant for any close out procedures)	GC 60201(d)(7); CCP 337
Admin/Finance	FEMA Claims	Storm damage, wildfires, etc.	After agency audit, if required, minimum 3 Years (but refer to grant for any close out procedures); if used for capital project/asset permanent while District has an interest, destroy 10 years after disposition	CCP 343; 2 CFR 200.333 et seq; 29 CFR 97.42; OMB Circular A-133; FEMA Guidelines
Admin/Finance	Accounts Payable	Invoices, purchase orders, contracts, checks. May contain independent contractor's compensation, expense reimbursement, or	After Audit + 7 years (except for Capital Expenditures-Permanent while District has an	GC 60201(d)(7), (9) and(12); CCP 337; District preference

Category (Department/ Section)	Type of Record	Description or Example	Retention Period	Legal Authority
		District credit card records	interest, may destroy 10 years after disposition of asset)	
Admin/Finance	Accounts Receivable- no balance due	Checks received, reports, deposits, receipts	After Audit + 4 Years (except for capital project/asset grant receipts; then permanent while District has an interest, may destroy 10 years after disposition)	CCP 337; District preference
Admin/Finance	Accounts Receivable- balance due	Checks received, reports, deposits, receipts, notes	Last billing date + 4 Years after audit	CCP 337; District preference
Admin/Finance	Investments; bank transfers & wires	Authorizations, statements	Permanent	CCP 337; District preference
Admin/Finance	Audited Financial Reports	Final Audited Financial Report and Management Comments	Permanent	GC 60201; District preference
Admin/Finance	Adopted Final Budget	Final Operating & Capital Improvement Budget	Permanent	GC 60201; District preference
Admin/Finance	Special District Financial Transactions Report	Annual Report to State of California	Permanent	GC 60201; District preference
Admin/Finance	State Lands Trust Report	Annual Report to State Lands Trust	Permanent	GC 60201; District preference
Admin/Finance	Debt Instruments (Bonds, COPs, Loans)	Certificates / Notices / Transcripts / Registers / Official Statement / Reconciliations, Paid or cancelled bonds / Monthly Statements	Close/ Completion+ 10 Years	GC 60201(d)(7); CCP 336a; CCP 337.15; CCP 337.5
Admin/Finance	California State Tax Records	Forms filed annually and quarterly and year-end report	Calendar Year +6 Years	RTC 19704
Admin/Finance	Federal Tax Records	Forms filed annually and quarterly (e.g. 1096, 1099, W-3, W-2)	Calendar Year +4 Years	26 CFR 1.6001-1(e); 26 CFR 31.6001-1(e)(2)
Admin/Finance	Intra-Agency Agreements	Final executed contract	Expiration of agreement +4 years	GC 60201(d)(9); CCP 337
Admin/Finance	Contracts- not associated with Capital Assets	Final executed contract, insurance certificates, addendum, amendments	Expiration of agreement + 4 years	GC 60201(d)(9); CCP 337

Category (Department/ Section)	Type of Record	Description or Example	Retention Period	Legal Authority
Admin/Finance	Lease to 3rd parties w/lease improvements	Final executed contract, permits, as built drawings, construction documents	Permanent while District has an interest, may destroy 10 years after disposition	CCP 337.15; GC 60201(d)(9)
Admin/Finance	Leases to 3rd parties without lease improvements	Includes Original Lease plus any amendments, letters to cure default, etc.	Expiration of lease plus 4years	GC 60201(d)(9); CCP 337.15
Admin/ Communications	Special Event Permits/ Film Permits	Final executed contract	After Audit + 4 Years	GC 60201(d)(9); CCP 337
Admin/ Communications	Commercial Activity Permits/ without fixed structure	Final executed contract	Expiration of permit plus 4 years	GC 60201(d)(9); CCP 337
Admin/ Communications	Commercial Activity Permits/ with fixed structure	Final executed contract	Permanent while District has an interest, may destroy 10 years after disposition	GC 60201(d)(9); CCP 337.15
Admin/ Communications	Electronic Communications	Email, text messages, instant messages	If communication references records within another category, then as long as required by that category; otherwise 2 years	GC 60201; District preference
Admin/ Human Resources	Accident/Illness Reports / SDI (State Disability Insurance)*	For Employee Medical Records & Employee Exposure Records regarding exposure to toxic substances or harmful physical agents – includes Material Safety Data Sheets (MSDS) Does NOT include: health insurance claims; first aid records of one-time treatments for minor injuries;	Length of Employment+30 Years	29 CFR 1910.1020 (d) ; 8 CCR 3204(d)(1)(A) ;
Admin/ Human Resources	Cal-OSHA Logs	Form 300, 300A, 301, etc., Citations, Violations	Calendar Year End+5 Years	29 CFR 1904.33; 29 CFR 1904.44; 8 CCR 14300.33(a);
Admin/Human Resources	DMV Driver Information Reports / DMV Pull Notices*		5 Years	49 CFR 382.401(b)(1)

Category (Department/ Section)	Type of Record	Description or Example	Retention Period	Legal Authority
Admin/Human Resources	Drug Tests*	Results, random testing	5 Years	49 CFR 40.222(a)(1)(ii); 49 CFR 382.401
Admin/Human Resources	Employee Bonds / Public Official Bonds		Length of Employment +4 Years	PC 801.5,803(c); District preference
Admin/Human Resources	Employee Files – Official Personnel File*	Personnel – Application, release of records authorizations, certifications, reassignments, outside employment, disciplinary actions, terminations, evaluations, pay rate changes, insurance records, time cards, job descriptions, personnel action forms, employment contracts, employee surety bonds, earnings records and summaries, W-2 Not a public record (Not including Medical Files)	Length of Employment +10 Years	29 USC 1113; GC 12946; 29 CFR 1602.31 & 1627.3(b); District preference
Admin/Human Resources	Employee Files – Medical File	Medical records are part of personnel file Includes, Leave of Absence Paperwork, Workers' Compensation, Doctor's notes, Respiratory Fit Tests Includes medical records made or maintained by a physician, nurse, or other health care personnel, or technician pertaining to employees exposed to toxic substances or harmful physical agents. It does not include first-aid records of one-time treatment made onsite by a non-physician or observation of minor scratches, cuts, burns, splinters, which do not involve medical treatment, loss of consciousness, restriction of work or	Length of Employment +30 Years	8 CCR 3204(d)(1)(A)

Category (Department/ Section)	Type of Record	Description or Example	Retention Period	Legal Authority
		motion, or transfer to another job– not a public record.		
Admin/Human Resources	Employment Applications / Recruitment Files – Not Hired	Applications submitted for existing or anticipated job openings, including any records pertaining to failure or refusal to hire applicant	Close/ Completion+3 Years	GC 12946; 29 CFR 1602.32; 1627.3; 2 CCR 11013; 8 CCR 11040(7)(c)
Admin/Human Resources	I-9 Forms	Single form	Length of Employment+2 Years	8 CCR 274a.2
Admin/Human Resources	Employment – Surveys and Studies	Includes surveys of classification, wage rates	Length of Employment+2 Years	GC 12946; 29 CFR 516.6(a)(2); 29 CFR 1602.14
Admin/Human Resources	Employment – Training Records (See separate rules for Ethics and Safety Training)	Sexual Harassment, etc	Length of Employment +7 Years	GC 12946; District preference
Admin/Human Resources	Workers' Compensation Reports	Loss Analysis Reports, Safety Reports, Work-injury claims (including denied claims	After Settlement+30 Years	GC 12946; 29 CFR 1904.33(a); 8 CCR 14300.33(a); 8 CCR 10102; 8 CCR 3204(d)(1);
Admin/Human Resources	Memorandum of Understanding	Final executed MOU	Permanent	GC 60201(d)(9), (10), and (12); 29 CFR 516.5(b); District preference
Admin/Human Resources	Job Description/ Classification	Approved Job Descriptions/ Classifications	Permanent	GC 60201(d)(10) ; 29 CFR 1627.3(b); 8 CCR 3204; District preference
Admin/Payroll	CalPERS reports	Retirement reports/records supporting employee retirement earnings	Permanent	29 USC 1059 GC 60201(d)(10) and (12); District preference

Category (Department/ Section)	Type of Record	Description or Example	Retention Period	Legal Authority
Admin/Payroll	Deferred Compensation (457) Plan reports	457 reports and plan documents/records supporting employee & employer contributions/statements	Permanent	29 USC 1059 GC 60201(d)(10) and (12); District preference
Admin/Payroll	Unemployment Claim Files		Audit+7 years	GC 60201(d)(12) ; 22 CCR 1085-2(c)
Admin/Payroll	Timecards/Pay	Records that may be necessary to determine retirement benefits due (file with employee personnel folder)	Length of Employment+10 Years	29 USC 1059; GC 60201(d)(10) and (12); R&T 19530; Labor Code 1174; 26 CFR 31.6001-1(e); 29 CFR 516.6
Operations	Asset-Surplus Property	Auction; disposal-Listing of property; sealed bid sales	After Audit + 4 years	CCP 337
Operations	Investigation Files/ Incident Reports/ Daily Log		Close/ Completion + 4 Years	CCP 343
Operations	Safety Meetings, agendas, Safety training material, sign-in sheets		Calendar Year End+1 Year	8 CCR 3203
Operations	Hazardous Materials – Permits, Hazardous Materials Storage, Disposal, Manifests, Hazardous Waste Generator Permit & Disposal Records		Permanent	8 CCR 3204 (d) (1) (A)

*denotes records that are confidential and shall be kept in a secure place with limited access.

San Mateo County Harbor District

Policy Title: Conflict of Interest	**Number**: 2.1.5	**Date of Approval:** 8/19/2026
Other Revisions: Chapter 20.20 Code of Ordinance 8/17/22	**Prepared By**: Rachelle Modena	

STATEMENT OF POLICY

The Political Reform Act, Government Code 81000, et seq., requires state and local government agencies to adopt and declare conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, Title 2 California Code of Regulations §18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act.

Therefore, the terms of Title 2 California Code of Regulations §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A in which members of the Board of Commissioners, employees and consultants are designated, and in which disclosure categories are set forth, constitute the Conflict of Interest Code of the San Mateo County Harbor District. A summary of some of the key provisions follows.

A. Definitions.

1. Designated Persons.

The persons holding positions listed in Appendix A are designated persons. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on their economic interests.

2. Disclosure Categories.

Category 1.

Designated Persons assigned to Category 1 shall report as follows:

> All interests in real property in the District's jurisdiction, as well as investments and business positions in, and income, including gifts, loans and travel payments, from any source. (Form 700, Schedule B).

Category 2.

Designated Persons assigned to Category 2 shall report as follows:

Investments and business positions in, and income, including gifts, loans and travel payments, from any source. (Form 700, Schedule C,D,E).

Category 3.

Designated Persons assigned to Category 3 shall report as follows:

Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source provides information technology or telecommunications goods, products or services including computer hardware or software companies, computer consultant services, IT training companies, data processing firms and media services. (Form 700, Schedule C,D,E).

Category 4.

Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source provides leased facilities, products, equipment, vehicles, machinery or services (including training or consulting services) of the type utilized by the Agency. (Form 700, Schedule C,D,E).

B. Designated Persons.

Designated persons shall file statements of economic interests with the Clerk of the County of San Mateo. Those designated persons are elected, appointed to or hired into the following positions:

- Harbor Commissioners
- General Manager
- Director of Operations
- Director of Administrative Services
- Harbormaster
- Consultants (e.g. Legal Counsel).

C. Economic Interest Filing Requirements.

1. Assuming Office Statements.

   All persons assuming designated positions as shown in Section B shall file statements within 30 days after assuming the designated positions.

2. Annual Statements.

All Designated Persons shall file statements no later than April 1.

3. Leaving Office Statements.

All persons who leave designated positions as shown in Section B shall file statements within 30 days after leaving office.

D. Prohibitions.

1. Prohibition on Receipt of Honoraria.

No designated persons shall accept any honorarium from any source, if the designated person would be required to report the receipt of income or gifts from that source on the designated person's statement of economic interests. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code §89506.

2. Prohibition on Receipt of Gifts in Excess of $590.

No designated persons shall accept gifts with a total value of more than $630 in a calendar year from any single source, if the designated person would be required to report the receipt of income or gifts from that source on the Designated Person's statement of economic interests. This gift limit is adjusted for inflation every odd-numbered year.

3. Loans to Public Officials.

No Commissioner shall, from the date of the election to office through the date that the Commissioner vacates office, receive a personal loan from any Commissioner, employee, or consultant of the District or over which the District has direction and control.

No Commissioner shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any person who has a contract with the District or over which the District has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the Commissioner's status.

E. Disqualification.

No designated persons shall make, participate in making, or in any way attempt to use the designated persons official position to influence the making of any governmental decision which the designated person knows or has reason to know will have a

reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the designated person or the designated person's immediate family or on:

1. Any business entity in which the designated person has a direct or indirect investment worth $2,000 or more;

2. Any real property in which the designated person has a direct or indirect interest worth $2,000 or more;

3. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating $500 or more in value provided to, received by or promised to the designated person within 12 months prior to the time when the decision is made;

4. Any business entity in which the designated person is a director, officer, partner, trustee, employee, or holds any position of management; or

5. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating $500 or more provided to, received by, or promised to the designated person within 12 months prior to the time when the decision is made.

F. Violations.

The Conflict of Interest Code has the force and effect of law. Designated Persons violating any provision of the Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code §81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of the Code or of §87100 or §87450 has occurred may be set aside as void pursuant to §91003.

G. References

An Overview of Conflicts of Interest Under the Political Reform Act
https://fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/Conflicts%20Guide%202022.pdf

GOVERNMENT CODE TITLE 9. POLITICAL REFORM [81000 - 91014]
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=&title=9.&part=&chapter=4.&article=1

APPENDIX A

Designated Persons	Disclosure Categories
Board Members	1, 2, 3, 4
General Manager	1, 2, 3, 4
Harbormasters	1, 2, 3, 4
Director of Operations	1, 2, 3, 4
Director of Administrative Services	1, 2, 3, 4
Consultants (e.g. Legal Counsel)	1, 2, 3, 4

San Mateo County Harbor District

Policy Title: Digital Signature	**Number**: 2.1.6	**Date of Approval:** March 20, 2024
Other Revisions:	**Prepared By**: Rachelle Modena	

STATEMENT OF POLICY:

California has adopted statutes regulating the use of electronic signatures including California Civil Code section 1633.1 et seq., otherwise known as the "Uniform Electronic Transactions Act" ("UETA"), California Government Code section 16.5 and Code of Regulations sections 22000-22005. This Policy and the guidelines and procedures included hereunder are intended to comply entirely with all applicable laws and regulations including, without limitation, the aforementioned. To the extent that any procedure, policy, or guideline contained herein conflicts with applicable law, District staff, officials, and agents and all other persons subject to this Policy are required and expected to comply with the requirements of the applicable law(s).

To reduce the use of paper and allow the District to collect and preserve signatures on documents quickly, securely, and efficiently, the District opts to accept electronic signatures affixed to documents in which a signature is required or used, provided that: (1) the electronic signatures are "digital" signatures that comply with the requirements of California Government Code section 16.5 and applicable state regulations, (2) the signatories are willing and wanting to utilize digital signatures, and (3) the digital signatures are created by technologies authorized by the California Secretary of State and made available by the District.

A. The following list, which is not exhaustive, includes examples of the types of documents signatories may digitally sign:

1. Contracts
2. Memorandums of Understanding
3. Leases/Commercial Activity Permits
4. Human Resource Forms
5. Official Board Documents
6. Berth Agreements

B. The use, or the District's acceptance, of a digital signature is at the option of the District and the signer(s). Nothing in this Policy requires the District to use or permit the use of a digital signature or accept the submission of a document containing a digital signature. The District shall only contract with digital signature providers that offer their digital signature services with a certificate issued by a Digital Signature Certification Authority. The Director of Administrative Services or designee shall ensure that any electronic signature utilized by the District conforms with criteria required by law and that the level of security is sufficient for the transaction being conducted. **Definitions**

1. "Digital Signature" means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.
2. "Digital Signature Certification Authority" means an entity authorized by the Secretary of State to issue digital certificates that are required for a digital signature under California law

and that is listed on the Secretary of State's "Approved List of Digital Signature Certification Authorities-if available."

3. "Digital Signature Provider" means an entity that provides document signing services using digital technology.
4. "Electronic Signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record, including a digital signature.

Legal References:

CIVIL CODE
1633.1-1633.17 Uniform Electronic Transactions Act
GOVERNMENT CODE
16.5 Electronic signatures
811.2 Definition of public entity
CODE OF REGULATIONS, TITLE 2
22000-22005 Public entity use of electronic signatures

San Mateo County Harbor District

Policy Title: Display of Flags on District Flagpoles	Number: 2.1.7	Date of Approval: July 17, 2024
Other Revisions: None	Prepared By: Staff	

I. PURPOSE

A. The San Mateo County Harbor District Board of Harbor Commissioners desires to establish guidelines regarding,

1. The indoor and outdoor display of the United States Flag, the California State Flag, the Prisoners of War/Missing In Action (POW/MIA) Flag, and the Harbor District Flag at Harbor District facilities and Harbor District-owned or maintained flagpoles; and
2. The indoor and outdoor display of Commemorative Flags, as defined, at the District Office, Harbor District facilities and Harbor District-owned or maintained flagpoles, including those flagpoles on public rights -of - way.
3. The outdoor display of Coastal Warning Display Signals at Harbor District facilities and Harbor District-owned or maintained flagpoles.

B. In adopting this Policy, the Harbor Commission desires to reflect the dignity of the flags flown on Harbor District flagpoles or displayed at District-owned or District maintained facilities.

C. In adopting this Policy, the Harbor Commission declares that flagpoles owned or maintained by the Harbor District, including those in the public rights-of-way, are not intended to serve as a forum for free expression by the public, but rather as a non-public forum for the Harbor District's and Harbor Commission's expression of official sentiments

II. FLAGS GENERALLY

A. <u>The United States and California State Flags shall be displayed as follows:</u>

1. The United States Flag and the California State Flag shall be prominently displayed upon or in front of each public building belonging to the District.
2. Any United States Flag or California State Flag that the District purchases must be made in the United States.

3. The United States Flag may only be flown at half-staff in accordance with the guidelines set forth in this Policy. The California State Flag shall be flown at half-staff if the United States Flag is flown at half-staff or by order of the Governor.

B. Flagpoles at the District Office,

1. There shall be three flagpoles at the Harbor District Office to fly the following four flags in the manner described below: United States Flag, the Prisoners of War/Missing in Action (POW/MIA) Flag, the California State Flag, and the Harbor District Flag.

2 The Harbor District shall fly at half-staff if either the United States or California Flag is at half-staff. The General Manager may order just the Harbor District Flag to fly at half-staff for a District employee killed in the line of duty or who has died as a direct result of injuries incurred while in performance of his/her official duties. The flag shall be flown at half-staff either until sunset of the day of the funeral or for no more than seven days.

3. The United States Flag, State of California Flag, and the District Flag shall be displayed in the Boardroom of the Harbor Commission.

C. Flagpoles at District Facilities other than the District Office. At facilities the District owns or maintains (other than facilities maintained by other governmental entities), there must be at least one flagpole where the United States Flag shall be flown, and the State of California Flag must be flown as described in this Section II. If flags are displayed indoors, those flags are limited to the flag of the United States, State of California and Harbor District.

D. Public Right-of-Way Owned and Maintained by the Harbor District. On Harbor District streetlamps and poles in the public right-of-way, only the United States Flag, California State Flag, the Prisoners of War/Missing In Action (POW/MIA) Flag, the Harbor District Flag and banners of District-sponsored events and programs may be flown and displayed.

III. COMMEMORATIVE FLAGS

A. As an expression of official government speech, the Harbor Commission may authorize the display of a Commemorative Flag to fly below the District Flag at the District Office flagpoles only. Commemorative Flags shall not be flown on other flagpoles or light poles at District-owned or maintained flagpoles/poles, including those flagpoles/poles on public rights -of -way.

B. The Harbor Commission shall only consider a request to display a Commemorative Flag if the request is made by at least one member of the Board of Harbor Commission. Requests to fly a Commemorative Flag by members of the public will not be considered.

C. At a noticed and agendized Harbor Commission meeting, the Harbor Commission will consider the member's request to display a Commemorative Flag in light of this policy. A majority of the total membership of the Harbor Commission must affirmatively approve the flying of the Commemorative Flag.

D. Commemorative Flags shall be displayed for a period of time that is reasonable or customary for the underlying subject or event as determined by the Harbor Commission, but no longer than thirty consecutive days.

E. Commemorative Flags may be temporarily donated for the District's use and, if donated, are subject to inspection by the General Manager's office. Such donated flags must be clean, without holes and tears, and be made of an all-weather fabric. Commemorative Flags must be the same size or smaller than the United States, California and District Flags that are flown. The Harbor District will not be responsible for the condition of a donated Commemorative Flag once flown and may dispose of any Commemorative Flag not retrieved within 30 days after it has been flown. The Harbor District may purchase Commemorative Flags to fly on the District Office flagpole, at the direction and authorization of the Harbor Commission.

F. If any other flag is flown at half-staff, the Commemorative Flag will also be flown at half-staff.

G. A Commemorative Flag, as defined in this Policy, means a flag that symbolizes a historical event, cause, or group of people that the Harbor Commission choses to honor or commemorate. The following are not Commemorative Flags and will not be considered by the Harbor Commission:

1. Flags symbolizing a particular religious movement or creed to avoid the appearance of the Harbor District endorsing religion or a particular religious movement or creed;

2. Flags advertising a business conducted, goods sold or services rendered;

3. Flags symbolizing a political party or candidate to avoid the appearance of Harbor District endorsing a particular political party or candidate;

4. Flags advocating a certain outcome in any election; and

5. Flags related to international affairs.

IV COASTAL WARNING DISPLAY SIGNALS

A. Coastal Warning Signals shall be displayed anytime the National Weather Service (NWS) in the United States issues a warning to mariners about hazardous marine weather conditions, including high winds, tall waves, rough seas, heavy rain, thunderstorms and other dangers.

B. The Pillar Point Harbormaster shall ensure the Coastal Warning Display Signals are displayed as detailed in Section V.B.

V. PROCEDURES FOR FLYING FLAGS

A. Flags

1. No other flag shall be placed above the United States Flag, unless a gaff is present, and no other flag shall be larger than the United States Flag. Other flags may be flown at the same height and in the same size, in accordance with this Policy. Where both the United State Flag and the California State Flag are flown, they shall be of the same size. The United States Flag shall be flown on the gaff if present.

2. Flags should be hoisted briskly and lowered ceremoniously. The United States Flag should be hoisted first and lowered last.

3. Flags at District-owned or managed facilities shall be raised at 8:00 a.m. and lowered at approximately 5:00 p.m. at facilities owned or managed by the District 365 days per year. At the District Office. flags shall be raised at 8:00 a.m. and lowered at approximately 5:00 p.m. on all days on which the District office is open for business, and on national and state holidays. Flags may be displayed twenty-four 24 hours a day provided they are illuminated during darkness.

4. Flags shall not be displayed during inclement weather, unless all-weather flags are used and are illuminated during darkness.

5. When flags are displayed on a single pole, the order from top to bottom shall be: The United States Flag, the California State Flag, the Harbor District Flag (if displayed), and the POW/MIA Flag (if displayed).

6. When the flags are flown from adjacent flag poles, the United States Flag shall be flown at the highest point of honor, which is the furthest point to the left from the standpoint of the observer ("the flag's right"). In the case of the District Office, this shall mean facing west towards the main doors of the

District Office, the United States flag shall be flying from the farthest flagpole to the left. The California State Flag shall be placed in the second position of honor, which is the next further flagpole to the left. The Harbor District Flag, if displayed, shall be placed in the third position of honor. Any Commemorative Flag approved by the Harbor Commission shall be placed in the third position of honor under the District Flag.

7. When a flag is displayed at half-staff, it shall first be hoisted to the peak, held for a moment, then lowered to half-staff position. Before being lowered at the end of the day or when taken down, the flags shall again be hoisted to the peak for a moment and then fully lowered.

B. Coastal Warning Display Signals

Coastal Warning Display Signals shall be displayed as detailed in Figure 1 and flown at the highest point of the mast on the flagpole with a yardarm and gaff, or illuminated upon an advisory issued by the National Weather Service:

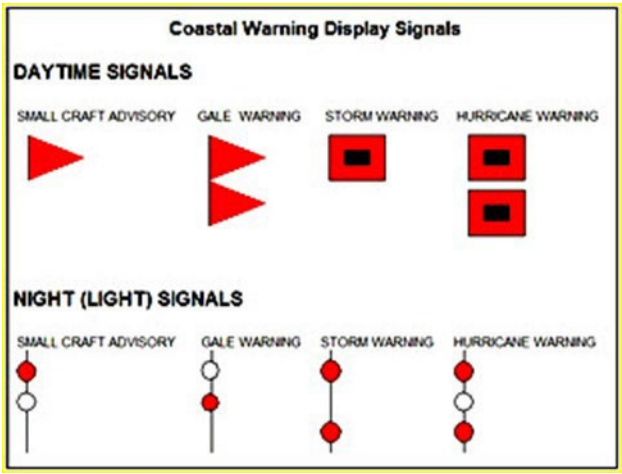

Figure 1

San Mateo County Harbor District

Policy Title: Policy on Standing Committees	**Number:** 3.0	**Date of Approval:** 10/16/19
Other Revisions: 01/06/16; 03/02/16; 12/07/16; 01/10/19	**Prepared By:** S. McGrath	

1. Purpose

A. Committees will be created to facilitate in-depth examination of issues. Committees do not set policy – they only make recommendations to the Board.

2. Selection of Board Members on Committees

A. At the first meeting after the election of officers and the appointment of the President for the calendar year, the President will appoint two Commissioners to each of the standing and ad-hoc committees.

3. Selection of Chair

A. Board members on the Committee will select a chair. If Commissioners assigned to a committee are unable to agree upon who will chair the committee, the Harbor Commission Board President will decide.

4. Term of Committee Members

A. Each committee member shall serve for a term of one year.

B. Commissioners may be reappointed to subsequent terms.

5. Decorum

A. If a commissioner assigned to a committee consistently works against the mission and goals of the committee the Board President will appoint a replacement commissioner to the committee.

6. Meeting Management

A. Each Committee will decide its own meeting dates and times. To the greatest extent possible, meeting times will be consistent.

B. At least one Commissioner must be present at each meeting.

C. Each Committee will meet at least once every four months. The exact number of meetings will be determined by the needs of the Committee.

D. The Committee will set each agenda for the committee. In the event of disagreement, the Committee Chair sets the agenda.

E. The Harbor Commission may direct an item be placed on the Committee's agenda.

F. Meeting sessions will be limited to two hours.

G. Committee discussions should always attempt to reach consensus. Recommendations sent to the Commission will be approved by a vote of the Committee. In the event of a tie vote, no recommendation will be forwarded to the Board.

H. A quorum will consist of a simple majority of committee members.

I. A staff member will generally attend each committee meeting to provide administrative support, and background as necessary.

J. A written meeting report to the Board will be produced after each committee meeting.

K. Agendas, Committee packets, presentations, and meeting reports will be published on the Harbor District website.

L. In accordance with the Brown Act, meetings of standing Committees will be publicly noticed and the agendas will be published at least 72 hours in advance of the meeting. Agendas will be published on the Harbor District website at least 72 hours in advance of the meeting.

M. Every committee member is expected to attend meetings and to participate in committee activities.

N. Each member is expected to study the issues or problems that come before the committee in order to contribute to the resolution process.

San Mateo County Harbor District

Policy	**Number**: 3.1.1	**Approved Date:** August 16, 2017	**Revision Date**:
Title: District-Provided Electronic Devices for Commissioners	**Prepared By**: S. McGrath L. Hodges	**Approved By**:	**Page:** 1 of 4
Purpose: To establish uniform guidelines for acquisition, use and recovery of Electronic Devices provided to Commissioners by the San Mateo County Harbor District.			

Statement of Purpose:

The purpose of the District-Provided Electronic Devices for Commissioners Policy is to establish uniform guidelines pertaining to electronic devices provided to the Board of Harbor Commissioners by the San Mateo County Harbor District.

1) **General Policy Provisions:**

On request, Commissioners will be provided with a District owned 1) smart phone; 2) tablet or laptop computer; and 3) additional associated equipment for Electronic Devices, as requested by the Commissioner and deemed necessary by the General Manager, such as protective case, mouse or keyboard (collectively, "**Electronic Devices**"). These Electronic Devices will be subject to the following restrictions to ensure that public resources are properly used:

<u>Issuance and Ownership</u>

a) Electronic Devices will be supplied and owned by the District. Commissioners will not be reimbursed for acquisition costs of Electronic Devices.
b) Commissioners may be issued previously used Electronic Devices for the remainder of the Electronic Devices' useful life.
c) The District may require the delivery of any Electronic Device at any time to the District office.
d) Electronic Devices will be returned to the District on or before the last day of service of the Commissioner.
e) District issued Electronic Devices will be broad band enabled and provided with a reasonable data plan as determined by the General Manager.
f) The General Manager will determine how often Electronic Devices are replaced based on industry standards.

Responsibility for Loss

a) The District will provide reasonable insurance for Electronic Devices, as determined by the General Manager.
b) Commissioners will be responsible for uninsured loss or damage to Electronic Devices and Associated Equipment, other than normal wear and tear.
c) Commissioners must report any lost or stolen Electronic Device, Associated Equipment or data to the General Manager as soon as discovered.

Software and Maintenance

a) Electronic Devices are to be supported and maintained by the District's approved I.T. provider ("**District IT**") only.
b) District e-mail accounts will be established on the Electronic Devices prior to delivery, and will only be accessible from the Electronic Devices thereafter.
c) District IT will install applications as available to enable regular back-up of data, including emails and text messages, from Electronic Devices to the District server.
d) Commissioners will be provided with access to a folder on the District's server for delivery and storage of documents.
e) No software or applications may be installed without approval of the General Manager. Software should be installed directly by District IT.
f) Electronic Devices will be password protected. On receipt, Commissioners will be given the opportunity to re-set the password to security standards as developed by District IT.

Usage

a) Except for limited, occasional, or incidental personal use, use of Electronic Devices and Associated Equipment is limited to the conduct of District business. Commissioners' usage of Electronic Devices, including personal use, shall conform with the District's Computers, Electronic Communications and Social Media Policy, Policy No. 6.2.4, as amended from time to time.
b) Commissioners will not permit anyone else including, but not limited to, the Commissioner's family and/or associates, to use the Electronic Devices.

c) Commissioners should comply with all applicable federal, state, and local laws, including District policies and Government Code Section 8314 (which prohibits the use of public resources for campaign or personal use), in using Electronic Devices. When provided with evidence of inappropriate or illegal use, including but not limited to violations of this Policy, the General Manager may revoke a Commissioner's Electronic Device privileges until the next meeting of the Board of Commissioners, at which time the Commission may elect to discuss the matter and take action.

Privacy

a) All communications, information, and content, including, but not limited to, emails, text messages, photos, videos, voicemail, and call logs, created, sent, received, deleted, stored, or otherwise located on an Electronic Device (collectively "**Records**") are property of the District and may be subject to the Public Records Act. Records may be disclosed in compliance with applicable law and District policies without the consent of Commissioners.
b) Deleting a Record from an Electronic Device does not necessarily mean the Record cannot be retrieved from the District's computer system. The District may backup copies of all Records.
c) There is no expectation of personal privacy on Electronic Devices. The District may, at any time, review the contents of all Records at the District office, through automated computer programs, or by other means.
d) Commissioners must disclose their passwords to the District upon request.

2) Smart Phones:

a) The Commissioners may choose industry standard smart phones as approved by the General Manager, which for 2017 will be the equivalent of an Apple iPhone 7 or Samsung Galaxy S7 model. The phone may be on either the Apple iOS or Android operating platforms.
b) Once a Commissioner is issued a District-provided smart phone, that phone will be the primary contact number for phone communications between staff and the Commissioner.

c) Commissioners shall comply with all federal, state and local laws and regulations regarding the use of mobile devices while operating a vehicle. Commissioners who are charged with traffic violations resulting from the use of their smart phones while driving will be responsible for fines or other penalties associated with citations that result from such actions.

3) Personal Tablets and Laptop Computers:

a) The Commissioners may choose an industry standard personal tablet or laptop computer suitable for general business purposes, and as approved by the General Manager, which for 2017 will be the equivalent of an iPad 4, Samsung Tab S3, MacBook Air or Microsoft Surface Pro 4. The tablet or laptop computer may be on either the Apple iOS or Microsoft Windows operating system.

San Mateo County Harbor District

Policy Title: Brown Act Compliance Public Meeting	**Number**: 3.2	**Date of Approval:** April 16, 2025	
Other Revisions 1/18/2023 (Resolution 23-02) 12/20/2017 (Resolution 17-21) 12/20/2023	**Prepared By**: J. Pruett		**Legal Review** Trisha Ortiz RWG

STATEMENT OF POLICY

The District is committed to transparency and encouraging public participation. To that end the District is dedicated to ensuring compliance with the Brown Act (California Government Code Section 54950 et seq) which ensures both. This Policy is intended to reflect existing law. Nothing in this Policy is intended to contradict any other District policy.

All members of the public are invited and encouraged to attend all open meetings of a District legislative body subject to the Brown Act. Every Public Meeting will provide an opportunity for members of the public to address the legislative body on any item under the legislative body's jurisdiction. In addition, the public will have the opportunity to comment before or during the legislative body's consideration of any item on the Meeting's agenda.

1. Definitions

For the purposes of this Policy, the following definitions shall apply:

a. "Disruptive Speech" refers to individuals who provide public comment, either in person or remotely, which, due to the disruptive and offensive nature of the comment, violates Board Protocols, is not related to a matter within the subject matter jurisdiction of the Harbor District or Advisory Body, is harassing and discriminatory and therefore requires the District to take all reasonable steps to prevent discrimination and harassment from occurring in the workplace for District employees staffing the meeting, and/or is not related to the agenda item being discussed, as may be applicable.

b. "Presiding Officer" refers to the officer presiding over the meeting of the legislative body. For the Board of Harbor Commissioners, the Presiding Officer is the President of the Board or other Board member selected to preside over the meeting in the President's absence. For Advisory Bodies (ad hoc committees), the presiding officer is the Chair or the Vice Chair or other member selected to preside over the meeting in the Chair's absence.

c. "Public Commenter" or "Public Commenters" means individuals who provide public

comment, in-person or remotely, during a noticed and public meeting of the Harbor Commission or Advisory Body.

d. "Remote Public Comment" or "Remote Public Commenters" means a Public Commenter who provides public comment via Zoom, telephone, or other remote viewing platform during a noticed and public meeting of the Harbor Commission or Advisory Body. Remote Public Commenter includes project consultants appearing by Zoom or any other similar software. remote to present their application and/or respond to questions.

e. "True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

f. "Zoom" refers to the videoconferencing software used by the District to conduct public meetings remotely whether that software be Zoom or any other similar software.

2. **Public Meeting Types.**

a. Regular Meetings. Regular Meetings of the Board of Commissioners shall be held at 10:00 AM on the third Wednesday of each calendar month, at 504 Avenue Alhambra, El Granada, CA 94018. The agenda for Regular Meetings must be published at least 72 hours prior to the start of the meeting.

b. Special Meetings. Special Meetings of the Board may be called by the Board President or by a majority of the Board. The agenda for Special Meetings must be published at least 24 hours prior to the start of the meeting.

c. Emergency Meetings. In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an Emergency Special Meeting without complying with the 24-hour notice. An emergency situation means both: (1) "an emergency", which is a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the Harbor Board; and (2) "a dire emergency", which is a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

d. Standing Committee Meetings. Standing Committees Meetings are subject to the notice and open meeting provisions of the Brown Act. An agenda for a Standing Committee Meeting must be published 72 hours prior to the start of the committee meeting.

e. Workshops. A meeting where a majority of the Harbor Board may be present to discuss and receive comments on a particular topic. No binding decision is

permitted at a workshop. A workshop at which a majority of the board is present, the agenda must be published at least 72 hours prior to the start of the workshop.

3. **General Principles.**

Without limiting the requirement for compliance with the Brown Act and/or other District policies, the following are general principles by which the District will conduct public meetings:

a. Procedural Rules. Robert's Rules of Order shall serve as a general guide to procedural matters and motions.

b. Adjournment. Harbor Commission meetings shall conclude no later than four (4) hours after the meeting is called to order, except:

   i. A meeting may conclude prior to the four-hour time limit by majority vote of the Board.

   ii. A meeting may be extended beyond the four-hour limit by majority vote of the Board. An extension may only be requested to discuss specified items listed on the agenda. The motion to extend the meeting must include the specified items to be handled.

Any items not completed at a regularly scheduled Harbor Commission meeting shall be continued to the next regular business meeting or by majority vote to a specified meeting.

Occasionally, the Harbor Commission may adjourn in memory of someone or public cause (Safe Boating Week). Such a request is usually handled through the Board President.

4. **Public Comments.**

These Guidelines are intended to assure that members of the public have the opportunity to speak before final action on an item and that the Harbor Commission has adequate time to complete its work as set forth on an agenda. The time frames set forth herein are meant to give people an idea of what to expect.

While the total time for public comment on an agenda item or the time for individual comment may be reasonably limited to allow the Harbor Commission time to complete its work, the Presiding Officer may adjust these time frames as appropriate for any particular item or agenda to ensure that the intent of the law and of these guidelines are met.

a. Public Comment: General Rules.

   i. Public comment will generally be taken in the following order and in

accordance with the published agenda:

1. Public comment on non-agenda items, items on the Consent Calendar, and matters of Harbor Commission interest.
2. Public comment on action items.
3. Public comment on study session items shall be taken before Harbor Commission discussion.

iii. Oral communications may be used only to address items that are within the Harbor Commission's subject matter jurisdiction.

iv. Members of the public who wish to give public comment during the meeting must do so in accordance with procedures published with the agenda. The speaker must identify the agenda item number and/or subject matter on which the speaker desires to comment.

v. Speakers shall use the microphone provided for the public and speak in a recordable tone, either personally or with assistance, if necessary.

vi. All remarks should be addressed to the Harbor Commission as a body and not to any individual member nor to staff or any other member of the public.

vii. In order to assure the opportunity for all those desiring to speak before the Harbor Commission, there is no yielding of time to another speaker.

Identifying information requested is optional and is collected so that that the Harbor District can respond to speakers when appropriate after the meeting. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included on the speaker card or in any communication to the Harbor District, will become part of the public record. A speaker may list their name on the card as "anonymous" or use a pseudonym and leave the address blank. The Presiding Officer will call on speakers by the name listed on the speaker card, so if a speaker lists their name as "anonymous" or another pseudonym, the speaker should be prepared to respond to that name when called to the podium by the Presiding Officer.

The Deputy Board Secretary will give any speaker cards to the Presiding Officer so that the speakers may be identified in an orderly way. The Deputy Board Secretary may also facilitate public comment at the Presiding Officer's discretion. Once the public comment period has begun, no additional speakers will be added to the list to speak. This is because the amount of time allotted to speakers is

dependent upon the total number of speakers, as determined by the number of speaker cards submitted prior to the start of the public comment period.

c. Public Comment: Non-Agenda Matters and Consent Calendar.

   i. The General Rules for all public comments apply (see Section 4.a).

   ii. The time for public comment on this portion of the agenda is generally thirty (30) minutes. Regardless of the number of speakers, a speaker shall not exceed 2 (two) minutes but the time allotted might be less than 2 (two) minutes when there are more than fifteen (15) speakers, at the discretion of the Presiding Officer. When there are numerous speakers, the Presiding Officer may extend the time for public comment for non-agenda and consent items or continue public comment on non-agenda matters to the end of the meeting.

   iii. Matters Not on the Agenda. The Brown Act does not allow the Harbor Commission to discuss non-agendized matters because it does not give the public adequate notice. Accordingly, the Harbor Commission is limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment's notice, so the General Manager may direct staff to respond at a later time.

   iv. Consent Calendar. There is generally a Consent Calendar on all regular meeting agendas, which includes those matters that the General Manager, in consultation with the Board President and Vice President, deems to be of a routine nature and will be enacted by one motion and one vote. The public may contact the General Manager prior to the Harbor Commission Meeting with questions about matters on the consent calendar.

d. Public Comment: Action/Discussion Items. The public may comment on each remaining discussion item listed on the agenda for action as the item is addressed by the Harbor Commission.

   i. The General Rules for all public comments apply (see Section 4.a)

   ii. Action/Discussion Items. The total time for public comment on items on this part of the agenda is generally thirty (30) minutes. Regardless of the number of speakers, a speaker shall not exceed 2 (two) minutes but the time for individual speakers may be less than 2 (two) minutes when there are more

than 15 (fifteen) speakers, at the discretion of the Presiding Officer.

e. Public Comment: Study Session Items.

i. Public comment on study sessions shall be taken before Harbor Commission discussion and general public comment rules shall apply (Section 4.a). The total time for public comment on study sessions is generally thirty (30) minutes. Regardless of the number of speakers, a speaker shall not exceed two (2) minutes but the time for individual speakers may be less than 2 (two) minutes at the discretion of the Presiding Officer.

ii. Public comment on study sessions may be taken following Harbor Commission deliberation, at the Presiding Officer's discretion.

5. **Public Participation.**

The Harbor Commission welcomes and encourages public participation and comment on any matter within its subject matter jurisdiction. It is the Harbor District's intent to create and maintain an environment where people feel comfortable participating in the public process in an atmosphere of respect for all who participate in the District's public meetings. To maintain civility and respect and to allow the Harbor Commission to complete its work in a timely manner, the Harbor Commission requests that all attendees and participants show respect for every speaker regardless of their viewpoint, and to refrain from conduct that may inhibit others from addressing the Commission. Disrespectful conduct, such as hissing, booing, whistling, cheering, chanting, and judgmental hand gestures, are all inappropriate. The Harbor Commission also discourages profane remarks or personal attacks or insults to any member of the Board, staff, other attendees or speakers, or the general public. Accordingly, the Harbor Commission requests the cooperation of all in maintaining a meeting environment where people can feel comfortable and are encouraged to participate in the public process, expressing their views and opinions, and an atmosphere of respect for all.

a. Disruptive Behavior.

The following behaviors when they cause actual disruption of a Harbor Commission or Advisory Body meeting are considered "disruptive behavior," and provide grounds for the Presiding Officer to declare a speaker out of order, limit speaking time or topics, expel a person from the meeting if they refuse to cease their disruptive behavior, call for security to physically remove or arrest any persons who persist in actual disruption which includes, but not limited to:

i. making public comments that are not related to a matter within the subject matter jurisdiction of the legislative body;

ii. making public comments that are not related to the agenda item being discussed;

iii. making public comments that are harassing and discriminatory and therefore require the District to take all reasonable steps to prevent discrimination and harassment from occurring in the workplace for District employees staffing the meeting;

iv. making comments that constitute a true threat of force as defined by Government Code Section 54957.95.

b. Disruptive Speech Procedures

i. Issuance of Warning. Upon first utterance of a comment suspected to be Disruptive Speech by a Public Commenter, the Presiding Officer shall interrupt the Public Commenter, notify the Public Commenter that their comments fall within one or more of the categories listed above, and instruct the Public Commenter that they may continue speaking if they refrain from disruptive behavior.

The presiding officer will stop the Public Commenter's time clock when issuing the warning and will restart the clock once the warning is given and allow the Public Commenter to continue, subject to Section 5.b.ii.

The District may immediately and temporarily mute the Public Commenter's microphone to allow for communication of this notice. The Public Commenter's microphone shall be turned back on once the notice has been given.

ii. Terminate Speaker Time. If, after having received a warning described in Section 5.b.1, the Disruptive Speech continues, the Presiding Officer shall direct the ejection of the speaker from the Boardroom pursuant to Section 5.b.iii. The Public Commenter whose speaking time was terminated pursuant to this section shall not be permitted to further address the Harbor Board or Advisory Body during the balance of the meeting.

iii. Ejection of Speaker. The Presiding Officer may eject a Public Commenter from the meeting, or off the Zoom link if appearing remotely, only if the Public Commenter actually disrupts the conduct of the meeting and has already

received a warning, failed to cease the Disruptive Speech, and had their speaking time terminated during the meeting in accordance with this Policy.

iv. Enforcement. Disruptive behavior as described more fully above may result in removal from a Harbor Commission meeting and/or arrest and prosecution. Any law enforcement officer on duty may serve as the Sergeant-at-Arms of the Commission meetings. The Sergeant-at-Arms may carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order at the Harbor Commission meetings.

c. Written Comment. Written comments must be submitted to the Deputy Secretary (depsec@smharbor.com). For regularly scheduled meetings with a published agenda posted 72 hours prior, written comments must be submitted at least 24 hours prior to the public meeting. For special meetings with a published agenda posted 24 hours prior, written comment must be submitted at least 4 hours prior to the special meeting. Timely submissions will be provided to each Commissioner and posted with the agenda prior to the posted meeting.

d. Cooling off Period/Clearing Commission Boardroom. In the event one or more individuals at a Commission meeting continues, after a warning by the Presiding Officer, to engage in disruptive or unruly behavior to the extent that it is preventing Commission members or others from adequately participating in the meeting, the Presiding Officer may order a cooling off period and/or clear the Boardroom of all members of the public (with the exception of members of the press who are not participating in the disruption) or may adjourn the meeting to another time or place so that the meeting may continue uninterrupted.

6. **Boardroom Capacity**. The Harbor Commission Boardroom is limited to 34 people. Entrance to the Boardroom will be appropriately regulated by the General Manager or designee on occasions when the Boardroom capacity is likely to be exceeded. While the Harbor Commission is in session, members of the public shall not remain standing in the Boardroom except to address the Commission. Standing outside Boardroom door in the main hallway is not permitted. Sitting on the floor shall not be permitted.

7. **Accessibility**. The Harbor District makes every reasonable effort to accommodate the needs of the disabled. Any person needing assistance should contact the Deputy Secretary (depsec@smharbor.com).

8. **Alternate Facilities for Council Meetings**. The President, with majority vote of the Harbor Commission, may approve from time to time that a meeting be held at a facility other than the Harbor Commission Boardroom and provide advance notice to the

public.

9. **Remote Public Participation During Council Meetings**. To maximize transparency and public access and as a convenience, members of the public may attend public meetings remotely via videoconference or phone. Instructions to participate remotely will be provided on the published agenda. Members of the public who choose to participate remotely do so at their own risk. The District cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. In the event remote participation technology is unavailable, the meeting will proceed in person without remote participation.

10. **Broadcasting Meetings.**

    a. Each meeting subject to the Brown Act and conducted in the Harbor District Boardroom at 504 Avenue Alhambra will be broadcasted in real time through an online platform. Information about how to view or hear a broadcast will be posted on each agenda.

    b. Live broadcasting is being provided as a convenience to the public and to improve public awareness and outreach. If the District is unable to provide a broadcast due to technological difficulties or other issues, the meeting will continue in person.

11. **Recording.** Each meeting subject to the Brown Act and conducted in the Harbor District Board Room at 504 Avenue Alhambra, will be recorded and posted online at www.smharbor.com. The recording will be maintained in accordance with the District Records Retention Policy.

12. **Agenda.**

    a. At least 72 hours prior to the time of all Regular and Standing Committee Meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted in a place that is freely accessible to members of the public (California Government Code 54954.2 (a)(1)). The agenda shall be posted on the District website at the same time.

    b. The agenda for a Special Meeting shall be posted at least 24 hours before the meeting in the same location as for Regular Meeting agendas (California Government Code Section 54956).

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San Mateo County Harbor District

Policy	**Number**: 3.3	**Date:** April 18, 2018	**Revision**:
Title: Rules for the Preparation and Distribution of Meeting Agendas	**Prepared By**: S. McGrath	**Approved By**: Resolution 18-06	**Page:** Page 1 of 3
Purpose: To guide the development of agendas for the Board of Commissioners			

STATEMENT OF POLICY

I. General:

The following rules for the preparation of the agenda for Harbor Commission Meetings are based on the premise that it is in the interest of good government that the public and the San Mateo County Harbor District be fully informed on all matters upon which the District is called upon to act; that the Harbor Commission relies upon the members of the Harbor District staff to prepare proper reports and thorough research and investigation require adequate time to carry out their duties and responsibilities.

Additionally, District Policy 6.2.5 'Harassment, Discrimination and Retaliation Prevention' is specifically referenced herein to affirm that the District has zero tolerance for harassment, discrimination or retaliation in the application of any of the District's policies, procedures or rules.

II. Preparation of Agenda:

A. The General Manager shall prepare an agenda for each regular and special meeting of the Board of Harbor Commissioners, which, for regular meetings, shall include, but not be limited to:

i. An opportunity for members of the public to address the Board on items not on the agenda;
ii. An opportunity for Commissioners to make comments or public statements;
iii. A Consent agenda of routine items that may be approved by one motion;
iv. A Discussion agenda of matters of public significance, items requiring Board action or items requiring Board direction to staff;
v. A Future Agenda Items section for Board discussion and action on items to be placed on future agendas.

B. Authority to place matters on the Agenda:

The following persons shall have the authority to place matters on the agenda:

1. The Board of Harbor Commissioners, by majority vote (Board).
2. A committee of the Harbor District, on a matter within the scope of the committee, and approved by the committee as a whole.
3. The General Manager of the Harbor District.
4. The legal counsel of the Harbor District.

C. Unless specifically directed otherwise by the Board, the General Manager will determine the schedule for placement of items on the agenda of a future meeting, depending on the availability of staff and/or consultant resources and the complexity of the subject.

D. All matters placed on the agenda shall be identified by author.

E. If a Commissioner wishes to place an item on a future agenda, he or she shall first suggest the item under the Future Agenda Items portion of the Harbor District meeting agenda; and shall make a motion to that effect. If the motion is passed by the Board, the item will be placed on a future agenda.

F. Once the agenda has been posted to the District's website, an item may not be removed therefrom except by the majority vote of the Commission at the time the item is called at the meeting.

III. Posting of Agenda:

A. The agenda shall be posted in compliance with the provisions of the “Brown Act”, Government Code §54950 et sequitur, and in accordance with District Policy 3.2, ‘Brown Act Compliance’.

IV. Distribution of the Agenda:

A. When distributing agenda packages and other materials to Commissioners, those materials should be provided to all Commissioners at the same time. Agenda packets, except for closed session materials, must also be made available to the public once distributed to the Commission.

B. Copies of the agenda, and notice of Board packet availability, shall be distributed to:

1. All members of the Board of Harbor Commissioners.
2. Each of the Harbor Masters.
3. Legal Counsel of the Harbor District.
4. Members of the public who have requested, in writing, the printed agenda and packet, providing that they have paid the fee to cover the cost of distribution.
5. Members of the public who have requested addition to the electronic distribution list of agenda and board packet availability.

C. At the Commission Meetings, copies of the agenda and Board packet shall be made available for the public attending the meeting.

San Mateo County Harbor District

Policy Title: Legislative Advocacy	**Number:** 3.4	**Date of Approval:** 03/28/19
Other Revisions: N/A	**Prepared By:** Julie van Hoff	

1. Purpose

The purpose of the policy is to guide San Mateo County Harbor District (District) officials and staff in considering legislative or regulatory proposals that are likely to have an impact on the District, and to allow for a timely response to important legislative issues. Although the expenditure of public funds for the purpose of supporting or opposing a ballot measure or candidate is prohibited, the expenditure of public funds is allowed to advocate for or against proposed legislation or regulatory actions which will affect the public agency expending the funds.

The purpose for identifying Legislative Advocacy Policy is to provide clear direction to District staff with regard to monitoring and acting upon bills during state and federal legislative sessions. Adherence to Legislative Advocacy Policy will ensure that legislative inquiries and responses will be administered consistently with “one voice” as to the identified Advocacy Priorities adopted by the Board of Commissioners. The Legislative Advocacy Policy and Advocacy Priorities will provide the District General Manager, or other designee, discretion to advocate in the District’s best interests in a manner consistent with the goals and priorities adopted by the Board of Commissioners. This policy is intended to be manageable, consistent, and tailored to the specific needs and culture of the District.

2. Policy Goals

A. Advocate for the District’s legislative interests at the State, County, and Federal levels.

B. Inform and provide information to the Board of Commissioners and District staff on the legislative process and key issues and legislation that could have a potential impact on the District.

C. Serve as an active participant with other local governments, the California Special Districts Association, and local government associations on legislative and regulatory issues that are important to the District and the region.

D. Seek grant and funding assistance for District projects, services, and programs to enhance services for the community.

3. Policy Principles

A. The Board of Commissioners recognizes the need to protect District interests and local control, and to identify various avenues to implement its strategic and long-term goals. It is the policy of District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Commissioners.

B. This policy provides the District General Manager, or other designee, the flexibility to adopt positions on legislation in a timely manner, while allowing the Board of Commissioners to set Advocacy Priorities to provide policy guidance. The Board of Commissioners shall establish various Advocacy Priorities and, so long as the position fits within the Advocacy Priorities, staff is authorized to take a position without board approval.

C. Whenever an applicable Advocacy Priority does not exist pertaining to legislation affecting the District, the matter shall be brought before the Board of Commissioners at a regularly scheduled board meeting for formal direction from the Board of Commissioners. The Board of Commissioners may choose to establish a standing committee of two Commissioners, known as the "Legislative Advocacy Committee", with the authority to adopt a position when consideration by the full Board of Commissioners is not feasible within the time-constraints of the legislative process.

D. Generally, the District will not address matters that are not pertinent to the District's local government services, such as social issues or international relations issues.

4. Legislative Advocacy Priorities

A. It is the policy of District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Commissioners. This process involves interaction with local, state, and federal government entities both in regard to specific items of legislation and to promote positive intergovernmental relationships. Accordingly, involvement and participation in regional, state, and national organizations is encouraged and supported by the District.

B. Monitoring legislation is a shared function of the Board of Commissioners and General Manager or designated staff. The Legislative Advocacy Procedures are the process by which staff will track and respond to legislative issues in a timely and consistent manner. The General Manager, or other designee, will act on legislation utilizing the following procedures:

1. The General Manager or other designee shall review requests that the District take a position on legislative issues to determine if the legislation aligns with the District's current approved Advocacy Priorities.

2. The General Manager or other designee will conduct a review of positions and analysis completed by the California Special Districts Association and other local government associations when formulating positions.

3. If the matter aligns with the approved priorities, District response shall be supplied in the form of a letter to the legislative body reviewing the bill or measure. Advocacy methods utilized on behalf of the District, including but not limited to letters, phone calls, emails, and prepared forms, will be communicated through the General Manager or designee. The General Manager or designee shall advise staff to administer the form of advocacy, typically via letters signed by the General Manager, or designee, on behalf of the Board of Commissioners.

4. All draft legislative position letters initiated by the General Manager or designee shall state whether the District is requesting "support", "support if amended", "oppose", or "oppose unless amended" action on the issue, and shall include adequate justification for the recommended action. If possible, the letter should include examples of how a bill would specifically affect the District, e.g. "the funding the District will lose due to this bill could pay for X capital improvements."
   a. Support – legislation in this area advances the District's goals and priorities.
   b. Oppose – legislation in this area could potentially harm, negatively impact or undo positive momentum for the District, or does not advance the District's goals and priorities.

5. The General Manager may also provide a letter of concern or interest regarding a legislative issue without taking a formal position on a piece of legislation. Letters of concern or interest are to be administered through the General Manager or designee.

6. When a letter is sent to a state or federal legislative body, the appropriate federal or state legislators representing the District shall be included as a copy or "cc" on the letter. The appropriate contacts at the California Special Districts Association and other local government associations, if applicable, shall be included as a cc on legislative letters.

7. A position may be adopted by the General Manager or designee if any of the following criteria is met:
   a. The position is consistent with the adopted Advocacy Priorities;
   b. The position is consistent with that of organizations to which the District is a member, such as the California Special Districts Association; or

c. The position is approved by the Board of Commissioners or the Legislative Advocacy Committee.

8. All legislative positions adopted via a process outside of a regularly scheduled Board Meeting shall be communicated to the Board of Commissioners at the next regularly scheduled Board Meeting. When appropriate, the General Manager or other designee will submit a report (either written or verbal) summarizing activity on legislative measures to the Board of Commissioners.

5. Advocacy Priorities

A. Revenue, Finances, and Taxation

Ensure adequate funding for special districts' safe and reliable core local service delivery. Protect special districts' resources from the shift or diversion of revenues without the consent of the affected districts. Promote the financial independence of special districts and afford them access to revenue opportunities equal to that of other types of local agencies. Protect and preserve special districts' property tax allocations and local flexibility with revenue and diversify local revenue sources.

Support opportunities that allow the district to compete for its fair share of regional, state, and federal funding, and that maintain funding streams. Opportunities may include competitive grant and funding programs.

Opportunities may also include dedicated funding streams at the regional, state, or federal levels that allow the district to maximize local revenues, offset and leverage capital expenditures, and maintain district goals and standards.

B. Governance and Accountability

Enhance special districts' ability to govern as independent, local government bodies in an open and accessible manner. Encourage best practices that avoid burdensome, costly, redundant or one-size-fits-all approaches.

Protect meaningful public participation in local agency formations, dissolutions, and reorganizations, and ensure local services meet the unique needs, priorities, and preferences of each community.

Oppose additional public meeting and records requirements that unnecessarily increase the burden on public resources without effectively fostering public engagement and enhancing accountability of government agencies.

Promote local-level solutions, decision-making, and management concerning service delivery and governance structures while upholding

voter control and maintaining LAFCO authority over local government jurisdictional reorganizations and/or consolidations.

C. **Human Resources and Personnel**

Promote policies related to hiring, management, and benefits and retirement that afford flexibility, contain costs, and enhance the ability to recruit and retain highly qualified, career-minded employees to public service. As public agency employers, support policies that foster productive relationships between management and employees.

Maintain special districts' ability to exercise local flexibility by minimizing state mandated contract requirements. Oppose any measure that would hinder the ability of special districts to maximize local resources and efficiencies through the use of contracted services.

D. **Infrastructure, Innovation, and Investment**

Encourage prudent planning for investment and maintenance of innovative long-term infrastructure. Support the contracting flexibility and fiscal tools and incentives needed to help special districts meet California's changing demands. Promote the efficient, effective, and sustainable delivery of core local services.

Prevent restrictive one-size-fits-all public works requirements that increase costs to taxpayers and reduce local flexibility.

San Mateo County Harbor District

Policy Title: Code of Conduct for Elected and Appointed Officials	Number: 3.5	**Date of Approval:** 05/20/20
Other Revisions:	**Prepared by:** SMCHD Human Relations Standing Committee	

Guiding Principles

Respect for the community that we serve.

Respect for the democratic process.

Respect for one another as individuals.

Respect for the validity of different opinions.

1. **Introduction:**

   A. The Board of Harbor Commissioners adopts this Code of Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the San Mateo County Harbor District.

   B. This Code Conduct is designed to describe the manner in which Board Members should treat one another, District staff, constituents, and others they come into contact with in representing the San Mateo County Harbor District. As elected representatives of the citizens of San Mateo County, it is essential that each Commissioner's behavior be consistent with the level of responsibilities and duties of governance entrusted to them by the people of San Mateo County.

   C. The constant and consistent theme throughout of the Code of Conduct is "respect." Commissioners can experience tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Commissioners to do the right thing in even the most difficult situations.

2. **Relation to Policy 1.1.1: San Mateo County Harbor District Ethics and Values:** This policy is intended to be complementary to Policy 1.1.1. The San Mateo County Harbor District Ethics and Values Policy is applicable to all District staff and Commissioners, while this policy (Policy 3.5) builds upon Policy 1.1.1. and is only applicable to Commissioners and appointed officials.

3. **Fair and Equal Treatment**: Board members, in the performance of their official duties and responsibilities, will not discriminate against or harass any person on the

basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability. A Board member will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group in similar circumstances. (See, e.g., Article 1, Section 31 of the California Constitution; Age Discrimination in Employment Act of 1967 (29 U.S.C., Section 621-634); Americans with Disabilities Act of 1990 (42 U.S.C., Section 12101 et. Seq.); Fair Employment and Housing Act (Government Code, Section 12900 et. Seq.); Rehabilitation Act of 1973 (29 U.S.C., Section 701 et. Seq.); Title VII of the Civil Rights Act of 1964 (42 U.S.C., Section 2000c ct. Seq.); Labor Code Section 1102.)

4. General Policy:

A. The citizens of San Mateo County are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

1. comply with both the letter and spirit of the laws and policies affecting the operations of government;

2. are independent, impartial and fair in their judgment and actions;

3. use their public office for the public good, not for personal gain; and

4. conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect.

B. Therefore, Members of the Board of Harbor Commissioners and all Committees shall conduct themselves in accordance with the following ethical standards:

1. Use of Formal Titles: The Board should refer to one another formally during Board meetings such as President, Vice President, Commissioner followed by the individual's last name.

2. Honor the Role of the Presiding Officer in Maintaining Order and Equity: It is the responsibility of the President of the Board as Chair, or the Commissioner acting in that capacity, to keep the comments of Board Members on track during public meetings. Board Members should honor efforts by the President of the Board to focus discussion on current agenda items. If there is disagreement about the agenda or the President's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

3. Practice Respect and Decorum in Discussions and Debate: Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. Free debate does not require nor justify, however, public officials to make

belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. During public discussions, Board Members should be respectful of others and diverse opinions, and allow for the debate of issues.

4. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of San Mateo County and users of District facilities and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.

5. Comply with both the Spirit and the Letter of the Law and District Policy. Board Members shall comply with the laws of the nation, the State of California and the San Mateo County Harbor District Code of Ordinances, Resolutions, and Policies in the performance of their public duties.

6. Conduct of Board Members. The professional and personal conduct of Board Members while exercising their office must be above reproach and avoid even the appearance of impropriety. Board Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Board, the staff or public.

7. Conduct at Public Meetings. Board Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the Board/Committee; or otherwise interfering with the orderly conduct of meetings.

8. Decisions Based on Merit. Board Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

9. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have:

   a. a material financial interest,
   b. an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or
   c. a strong personal bias.

   A Board Member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the General Counsel and reasonably cooperate with the General Counsel to analyze the potential conflict. If advised by the General Counsel to seek advice from the Fair Political

Practices Commission (FPPC) or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the President of the Board and General Counsel a copy of any written request or advice and conform his or her participation to the advice given. In providing assistance to Board Members, the General Counsel represents the District and not individual members.

In accordance with the law, Board Members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

10. Gifts and Favors. Board Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

11. Confidential Information. Board Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Board Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

12. Use of Public Resources. Board Members shall not use public resources which are not available to the public in general (e.g., District staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.

13. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of the Board shall not appear on behalf of the private interests of third parties before the Board or a Committee of the District.

14. Advocacy. Board Members shall represent the official policies or positions of the Harbor District to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent the Board or Harbor District, nor will they allow the inference that they do. Board Members have the right to endorse candidates for all Harbor District Commission seats or other elected offices. It is inappropriate to mention or display endorsements during Board or Committee meetings, or other official District meetings.

15. Independence of Committees. Because of the value of the independent advice of Committees to the public decision-making process, members of Board shall refrain from using their position to unduly influence the deliberations or outcomes of Committees for which they are not assigned.

16. Positive Workplace Environment. Board Members shall support the maintenance of a positive and constructive workplace environment for District employees and for citizens and businesses dealing with the District. Board Members shall recognize their special role in dealings with District employees to in no way create the perception of inappropriate direction to staff.

17. Demonstrate effective problem-solving approaches. Board Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the District as a whole.

C. Elected and Appointed Officials' Conduct with the Public in Public Meetings**:** Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

1. Be Welcoming to Speakers and Treat Them with Care and Gentleness. While questions of clarification may be asked, the official's primary role during public testimony is to listen.

2. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers. The President of the Board will determine and announce limits on speakers at the start of the public hearing process.

3. Practice Active Listening. It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Board Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

4. Maintain an Open Mind. Board Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

5. Ask for Clarification, but Avoid Debate and Argument with the Public. Only the President of the Board – not individual Board Members – can interrupt a speaker during a presentation. However, a member can ask the President for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

D. Elected and Appointed Officials' Conduct with District Staff**:**
Governance of the Harbor District relies on the cooperative efforts its elected officials, who set policy, appointed officials who advise the elected, and District staff who implement and administer the Board's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the Harbor District.

1. Treat all Staff as Professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

2. Do Not Disrupt District Staff from their Jobs. Board Members should not disrupt District staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend District staff meetings unless requested by staff – even if the Board Member does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

3. Never Publicly Criticize an Individual Employee. Board Members should never express concerns about the performance of a District employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the General Manager through private correspondence or conversation.

4. Do Not get Involved in Administrative Functions. Elected and appointed officials acting in their individual capacity must not attempt to influence District staff on matters within the staff's jurisdiction and authority.

5. Do Not Solicit Political Support from Staff. Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from District staff. District staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

6. No Attorney-Client Relationship. Board Members shall not seek to establish an attorney-client relationship with the General Counsel, including his or her staff and attorneys contracted to work on behalf of the District. The General Counsel represents the District and not individual members. Members who consult with the General Counsel cannot enjoy or establish an attorney-client relationship with the attorney.

7. Request for Staff Resources**.**

    a. Board Member's requests for research or other staff work must be directed to the General Manager or General Counsel regarding legal matters.

b. If more than one hour of staff time will be required to complete a requested task or project, the item will be agenized to ask the Harbor Board if time should be spent on preparing a report on the proposed item.
c. Staff responses prepared to Board inquiries shall be distributed to all Board Members.

5. Enforcement:

A. Acknowledgement of Code of Conduct. Board Members who do not sign an acknowledgement that they have read and understand the Code of Conduct shall be ineligible for intergovernmental assignments or Council subcommittees.

B. Ethics Training for Local Officials. Board Members who are out of compliance with State or District mandated requirements for ethics training shall not represent the District on intergovernmental assignments or District subcommittees, and may be subject to sanctions.

C. Behavior and Conduct. The San Mateo Harbor District Code of Conduct expresses standards of ethical conduct expected for members of the Board of Harbor Commissioners and Committee members. Commissioners themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The President of the Board and Chairs of Committees have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Conduct are brought to their attention.

6. Required Ethics Training:

A. AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. The training must occur within two months of assuming office and be renewed within two months of the expiration of the current certificate.

B. The training must cover general ethics principles relating to public service and ethics laws including:

1. Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);

2. Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources, and prohibitions against gifts of public funds;

3. Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act);

4. Laws relating to fair processes, including fair contracting requirements, common law bias requirements, and due process.

7. Sanctions:

A. Disciplinary Action. Disciplinary action may be imposed by the Board of Harbor Commissioners upon Board Members who have violated the District Code of Conduct for Elected or Appointed Officials. Disciplinary action or sanctions are considered when a serious violation of District policy has occurred by a Board Member. In determining the type of sanction imposed, the following factors may be considered:

1. Nature of the violation,

2. Prior violations by the same individual, and

3. Other factors which bear upon the seriousness of the violation.

B. Types of Sanctions. At the discretion of the Board, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

1. Public Admonishment. A reproof or warning directed to a Board Member about a particular type of behavior that violates District policy.

2. Revocation of Special Privileges. A revocation of a Board Member' s Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community- generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.

3. Censure. A formal statement or resolution by the Board of Harbor Commission officially reprimanding a Council Member.

C. Implementation:

1. The Code of Conduct is an expression of the standards of conduct for Board Members expected by the District. It is most effective when Board Members are thoroughly familiar with it and embrace its provisions.

2. All Board Member's shall sign a statement acknowledging they have read and understand the Code of Conduct. In addition, the Code of Conduct shall be periodically reviewed by the Board of Harbor Commissioner and updated it as necessary.

Acknowledgement:

I affirm that I have read and understand the San Mateo County Harbor District Code of Conduct for Elected and Appointed Officials.

_____ _____

Signature Date

APPROVED AS TO FORM:

_____

General Counsel

San Mateo County Harbor District

Policy Title: Pay Period, Time Records, Pay Date	**Number**: 4.1.2	**Date of Approval:** December 20, 2023
Other Revisions: 6/6/97, 4/10/11, 2/12/01	**Prepared By**: Julie van Hoff	

STATEMENT OF POLICY:

This Policy defines the District's Pay Period, Time Record Requirements and Pay Dates as required by California Labor Code Section 207.

A. LEGAL REFERENCES:

California Labor Code Section 207 states "Every employer shall keep posted conspicuously at the place of work, if practicable, or otherwise where it can be seen as employees come or go to their places of work, or at the office or nearest agency for payment kept by the employer, a notice specifying the regular pay days and the time and place of payment, in accordance with this article."

B. DEFINITIONS:

Unless otherwise expressly provided herein, words and terms used in this Policy shall have the same meaning as that ascribed to such words and terms in the Teamster's or Operating Engineers Memorandum of Understanding, as may be amended from time to time.

1) “Exempt Employees” shall mean and include all management employees who are not eligible for overtime pay and are paid on a salary basis.
2) “Full-Time, Regular Employees” shall mean non-exempt employees who work forty hours (40) per week, or eighty hours (80) per Pay Period.
3) “Leave Time” shall refer to any form of time off, whether paid or unpaid
4) “Non-Exempt Employees” shall mean and include all employees who are not defined as management employees. These employees are eligible for overtime pay.
5) “Pay Date” is on or before the Friday following the end of the Pay Period, but no later than seven calendar days from the end of the Pay Period.
6) “Pay Period” is a two-week span beginning Sunday and ending Saturday as identified in an Annual Payroll Schedule distributed by the Accounting

Manager and posted at SMCHD\File Share - Documents\District\Payroll Calendar.

C. DISTRICT'S PROCESS & STANDARDS

1) All Employees

Employees shall complete accurate Time Records. Time Records shall be submitted bi-weekly, at the end of each Pay Period but not later than midnight on Sunday after the pay period, using the electronic timekeeping system. By entering their time into the time keeping system, the employee certifies the accuracy of all time recorded for compensation. Failure to submit an accurate Time Record by the deadline may lead to disciplinary action.

Time records are reviewed and approved by the employee's manager. The Manager should approve time records no later than 1000 (10:00 a.m.) Monday morning, following the Pay Period ending date as published on the Annual Payroll Schedule. Managers should ensure the employees' time is accurate and the proper pay code is used.

When an employee uses Extended Illness Bank (EIB) leave, the employee must also submit a medical provider's note to Human Resources.

Unless otherwise agreed by the employee's manager or as outlined in the Teamster's or Operating Engineers Memorandum of Understanding, Paid Time Off, Floating Holidays, and Compensatory Time (COMP Time) should be entered into the time keeping system and/or any other process that the employee's manager deems necessary for scheduling purposes at least 14 days in advance. Requests to take leave time may be denied by the employee's manager to meet operational needs. Leave time requests may be submitted up to twelve months in advance to the employee's manager for approval.

An employee's manager may ask an employee to keep track of hours spent doing certain projects and/or activities. Instructions will be provided to the employee upon direction to track hours for such projects and/or activities.

2) Exempt Employees

Exempt Employees shall enter leave time taken (e.g. PTO, Holiday Float, EIB, Bereavement Leave, Jury Duty, etc.) into the time keeping system. The time keeping system pays the Exempt Employee their bi-weekly salary automatically and does not require input of hours worked.

3) Non-exempt Employees

It is the responsibility of every non-exempt (i.e. overtime eligible) employee to accurately record time worked. Federal and State laws require the District to keep

an accurate record of time worked to calculate employee pay and benefits. Time worked is the time actually spent on the job performing assigned duties, and hours in standby status.

In accordance with Federal law, the District rounds time worked to the nearest one-quarter hour/fifteen minutes.

Employees shall enter all hours worked on their daily shift onto the date the shift started even if the scheduled shift results in hours flowing into the following day.

Overtime is defined in the Teamsters & Operating Engineers Memorandum of Understanding. The District shall include an explanation of overtime work into the time keeping system for reference.

Employees who are regular full-time employees should record a minimum of 40 hours per week or 80 hours per pay period, depending on the employee's agreed upon schedule. If an employee does not work the hours scheduled, they must use available leave hours (e.g. PTO, COMP, Holiday Float, EIB, etc.) to meet the minimum.

Any full-time, regular employee failing to complete and submit a time record, will be paid for 80 hours of work and adjustments to leaves balances will be made upon receipt of actual time records.

Any part-time employee failing to complete and submit a time record will be paid for estimated hours worked based on hours the District reasonably knows the employee to have worked during the pay period and the employee’s prior pay periods. Once actual time records are received, adjustments will be made on the next pay period. In the event the District discovers it has overpaid an employee based on the actual time records received, the employee shall dutifully cooperate with the District to remit the amount overpaid to the District.

San Mateo County Harbor District

Policy Title: Voluntary Payroll Deductions	**Number:** 4.1.3	**Date of Approval:** 2/24/26
Other Revisions: 12/2/98	**Prepared By:** Julie van Hoff	

STATEMENT OF POLICY:

The purpose of this policy is to establish guidelines for administering voluntary payroll deductions in a consistent and accurate manner and in compliance with federal and California law and applicable Memorandums of Understanding (MOUs).

1. Scope

This policy applies to all District employees including permanent full-time, temporary, and part-time employees-and to Commissioners who elect to participate in voluntary payroll deduction programs permitted by law and approved by the District.

This policy does not apply to mandatory deductions required by statute (e.g., income taxes, CalPERS, Medicare). Health Benefit deductions and cash in lieu pay-outs are governed under District Policy 6.4.1.

2. Eligible Voluntary Deductions

The District may allow voluntary payroll deductions for the following types of programs subject to administrative feasibility and system compatibility:

A. Union Membership Dues and Fees (consistent with Government Code §3550):
   - The District will honor written authorizations submitted by Operating Engineers and Teamsters Unions as required by California Government Code §1153.
   - The District will rely on the union's certification regarding authorization status.
   - This deduction is a flat fee and the amount is provided by the Union.

B. Deferred Compensation and Roth Contributions to 457 Plan
   Voluntary pre-tax or Roth contributions to the District's 457 plan, subject to IRS limits and plan rules.
   - An employee may choose to have deductions calculated as a percentage of their wages or a flat dollar amount.

C. Flexible Spending Account (submission of authorization for voluntary deduction available only during open enrollment, upon hire, or within 30 days of a qualifying event)
   - An employee provides an annual flat dollar amount and the

District Accountant calculates a bi-weekly deduction.

3. Requirements

A. Authorization

All voluntary payroll deductions require a written request and consent from the employee. Employees must complete and sign the appropriate District form authorizing the District to deduct the stated amount from the employee's payroll deposits. Forms may be requested from the District's Human Resources Technician or Accountant.

B. Remittance

The District will remit amounts deducted from an employee's payroll deposit to the applicable voluntary deduction program on a bi-weekly basis.

If an employee's payroll deposit is insufficient to cover the voluntary deduction(s), the District is not responsible for advancing the unpaid amount.

Under IRS regulations (26 CFR § 1.125-3), employees have four options regarding their participation in a Flexible Spending Account (FSA) when they go out on unpaid leave of absence. The employee may: (1) revoke coverage; (2) pre-pay their contributions to the FSA through wage deductions in advance of their leave; (3) pay their FSA contribution to the District while on leave; or (4) repay or catch up on their unpaid FSA contributions through wage deductions upon their return from leave.

Under the fourth "catch up" option, the District and the employee may agree in advance that the FSA coverage will continue during the period of unpaid leave, and that the employee will not pay until the employee returns from leave. Where an employee is electing to use the catch-up option, the District and the employee must agree in advance of the coverage period to the terms under 26 CFR § 1.125-3(A-3)(a)(3)(i). When an employee fails to make required payments while on leave, the District is permitted to utilize the catch-up option to recoup the employee's share of payments when the employee returns from leave. If the District chooses to continue coverage under these circumstances, then the prior agreement of the employee is not required.

C. Deadlines and Changes

Requests to start, stop or modify a voluntary payroll deduction must be submitted in writing to the District's Accountant no later than the last day of the payroll cycle to be effective for the next pay date. Employees are responsible for submitting the appropriate form to start, stop or modify a voluntary deduction. The employee must contact their Union to change Union membership dues and fees.

D. Recordkeeping

The District will keep records of the employee's voluntary-deduction authorization forms and all information required by the federal Fair Labor Standards Act (FLSA) and its implementing regulations (29 CFR Part 516), in addition to any recordkeeping requirements under state law.

San Mateo County Harbor District

Policy Title: Travel and Reimbursement Policy for Employees	**Number:** 4.2.1	**Date of Approval:** August 20, 2025
Other Revisions: 06/21/2006; 09/13/2016	**Prepared By:** Julie van Hoff	

STATEMENT OF POLICY

It is the policy of the San Mateo County Harbor District ("District") to prescribe the manner in which District employees may be reimbursed for expenditures related to District business. This policy applies to all employees (not including Harbor Commissioners). Its provisions are intended to result in no personal gain or loss to an employee and to conform with the requirements of an Accountable Plan under IRS Publication 463, ensuring non-taxable reimbursements for business-related travel and reimbursements.

1. Definitions

- **Commuting Miles**: Miles driven from home to the primary work location; not reimbursable.
- **Per Diem**: Daily allowance for meals and incidental expenses based on rates and location published by the U.S. General Services Administration.
- **Travel**: Travel outside the home and/or workplace, longer than a normal workday, and requiring overnight rest, typically at least 50 miles from home or work (waivable by General Manager).
- **Reimbursable Mileage**: Mileage incurred for approved business travel, or transportation to/from District locations are reimbursed at the current IRS Standard Mileage rate for a privately owned vehicle.
- **Privately Owned Vehicle (POV)**: An employee may request or be required to use their POV for business purposes. Prior authorization by the Site Manager is required prior to use.

2. Approval Process for Travel/Conference/Training/POV Use

Prior approval for travel, conference, training and use of a POV for business purposes is required. Following is a summary of the approval process.

General Manager, Directors, Harbormasters or Site Managers, can pre-approve costs up to $2,500 for a single item (e.g. hotel costs, conference cost) or $5,000 for the total trip when using a District Purchasing Card (see 4.3.1 Purchasing & Procurement

Policy). Future changes to 4.3.1 Purchasing & Procurement Policy approval amounts will automatically be incorporated into this policy.

Costs above $2,500 for a single item (e.g. hotel costs, conference cost) or $5,000 for the total trip cannot be charged on a District Purchasing Card and will require a purchase order. The District Directors may pre-approve travel for costs up to $10,000 and the General Manager may pre-approve travel costs for up to $50,000. Anything above these limits requires the approval of the Board of Harbor Commissioners.

3. Process for Requesting Reimbursement

Employees must submit a completed District-approved reimbursement form with:

- Detailed explanation of the costs and business purpose;
- Receipts for all non-per diem expenses (e.g. hotels & airfares not charged on District Purchasing Card, parking fees and tolls);
- Mileage driven on the lesser of home-to-destination or worksite-to-destination distance;
- Daily per diem for Meals & Incidentals. Travel days will be paid at the "First and last day of travel rates" per the US GSA referenced below, which is 75% of per diem rate (as of the date of this policy adoption). Meals that are included in conference/training costs shall be deducted from the daily per diem rate. Meal per diem breakdowns are published at- https://www.gsa.gov/travel/plan-a-trip/per-diem-rates/mie-breakdowns

Approval Process

- Completed Reimbursement Forms must be submitted to the employee's Manager for review and approval within 60 days of incurring the expense. If the reimbursement amount is less than $5,000, the approved form should be sent to the Accounting Manager for final review and processing.
    a. If the reimbursement amount exceeds $5,000, the employee's Manager will send the form to the department Director for review and approval.
    b. If the reimbursement amount exceeds $10,000, the department Director will send the form to the General Manager for additional approval. Once approved by the employee's Manager, the department Director, and the General Manager, the form will be sent to the Accounting Manager for final review and processing.

General Manager claims above $5,000 (Hotel, Travel, Per diem) must be submitted to the Accounting Manager and then the Board Treasurer for review. The Board of Harbor Commissioners reviews and approves General Manager reimbursement claims above

$5,000. For claims under $5,000, the Director of Administrative Services reviews and approves claims and then sends them to the Accounting Manager for processing.

4. Allowable Expenses with pre-authorization

- **Parking Fees, Tolls, Taxis, Ride-hails, Trains, Buses, Ferries**: Reimbursed with receipts.
- **Meals, Tips, & Incidentals**: Per-Diem rates apply when associated with travel (see definition above); 75% per diem for partial travel days. Meals included in conference/training costs are not reimbursable. Incidentals include fees and tips for porters, restaurant staff, taxi drivers, baggage carriers, and hotel staff.
- **Meals (without overnight travel)**: Reimbursed with itemized receipt when attending pre-approved business meal for District purposes.
- **Lodging**: Reimbursed with receipts. Group or Government Rates preferred.
- **Rental Car & Gas**: Reimbursed with receipt. Economy size car only. General Manager may issue a waiver based on business needs.
- **Mileage for approved use of POV**: Reimbursed at IRS rate based on the lesser of home-to-destination or worksite-to-destination distance. Cost cannot exceed the cost of round-trip Economy class airfare plus baggage fees and local transportation.
- **Air Travel**: Reimbursed with receipts. Only Economy class plus baggage fees will be reimbursed. Economy class may include seat selection, but seat upgrade fees or priority boarding fees will not be reimbursed.
- **Booking**: When possible, travel should be coordinated by a District designee to maximize savings. To minimize costs, travel arrangements should be made sufficiently in advance.

5. Non-Allowable Expenses

The District will not reimburse:

- Laundry, cleaning (except trips over one week);
- Tobacco products;
- Alcoholic beverages;
- Entertainment (movies, sports, gyms);
- Meals/lodging already included in registration fees;
- Hotel cancellation fees, unless cancellation was at the request of the District;

- Fines, traffic violations;
- Unapproved rental vehicles or unapproved use of POV;
- Spouse or non-employee expenses;
- Loss or damage to personal items;
- Personal grooming services;
- Personal postage;
- Late credit card fees due to employee delays.

6. Payment Process

- Reimbursements will be processed through the District payroll system.

7. Pre-Payment

- Pre-payment is available for per diem meals and use of POV. Requests for pre-payment must be submitted three weeks' prior to expenditure by written notice to the Accounting Manager.
- Employees must reimburse the District for unused pre-paid expenses.

8. Reporting

California Government Code § 53065.5 requires that all Special Districts, at least annually, disclose any reimbursement paid by the District within the immediately preceding fiscal year of at least one hundred dollars ($100) for each individual charge for services or product received. “Individual charge” includes, but is not limited to, one meal, lodging for one day, transportation, uniform related reimbursement, or a registration fee paid for any employee. The Accounting Manager posts this report to the District’s website.

9. Penalties for Policy Violations

The Accounting Manager may revoke purchasing card privileges if misuse, over-spending, or delinquent accounting occurs.

Penalties for misuse of public resources or falsification include:

- Loss of reimbursement privileges;
- Restitution to the District;
- Civil penalties under Government Code Section 8314;
- Criminal prosecution under Penal Code Section 424, punishable by up to four years in prison.

San Mateo County Harbor District

Policy Title:	**Number**:	**Date of Approval:**
Commissioner Reimbursement	4.2.4	March 20, 2024
Other Revisions: 9/1/2010; 9/7/2016 (Resolution 25-16)	**Prepared By**: Rachelle Modena	

1. PURPOSE

A. Provide guidance to Board members seeking reimbursement for actual, ordinary and necessary expenses incurred in the performance of official duties; and

B. Ensure compliance with California Government Code (CGC) §53232 et. seq.; and

C. Ensure compliance with Internal Revenue Service Taxable Fringe Benefits Guide, Federal per Diem Rate Publication 1542, Internal Revenue Code §162, the Federal Travel Regulation Chapter 300 Part 300-3, and Travel, Gift, and Car Expenses Publication 463.

2. STATEMENT OF POLICY

A. Authorized Expenses

CGC §53232 and IRS allows for the following District-related expenses to be paid on behalf of a Board Member.

i. Actual, ordinary and necessary expenses:

- Actual expenses are documented by original receipts;
- Ordinary expenses incurred in the performance of official duties are defined as common and accepted by other Local Government Agencies; or
- Necessary expenses incurred in the performance of official duties are helpful and appropriate for a Local Government Agency.

  Actual cost of meals will be reimbursed up to the IRS published Standard Meal Allowance.

ii. Standard Meal Allowance/Incidentals:

As an alternative to providing receipts to document actual expenses for meals and incidentals, a Commissioner may elect to claim the standard per diem rate for the area/city travel took place.

B. Approval

i. Pre-approval Not Required

Expenses incurred in connection with the following types of activities constitute authorized and reimbursable expenses, and do not require pre-approval by the Board, as long as the other requirements of this Policy are met.

- Communicating with representatives of regional, state and national governments on Board-adopted policy positions;

- Attending conferences or educational seminars designed to improve the skills and knowledge of Commissioners, so long as the skills and knowledge relate to their position with the District; or

- Participating in regional, state and national organizations whose activities or agenda directly affect the District needs.

ii. Pre-approval Required

The following require pre-approval by the Board of Harbor Commissioners in an open public meeting:

- Out-of-State travel expenses, or
- Activities that are not included in this policy.

If the Board does not approve an expense, the Board Member may travel at his or her own expense per CGC §53232.

C. Reasonable Rates for Travel

Travel is defined as being away from the Board Member's home, on District Business, for a substantial amount of time; **and** the Board Member needs to sleep or rest away from his or her home (from IRS publication 463). Board members are encouraged to make travel arrangements sufficiently in advance to obtain discounted transportation and lodging rates. Transportation

- Airplane, Train, Bus -Coach fares will be reimbursed along with baggage charges*. Original receipts required.*
- Board Member's Car- IRS reimbursable mileage rate- adjusted annually on October 1, *Starting location & ending location required*
- Rental Car-economy size. *Original receipts for rental and gas required.*
- Taxi, Commuter Bus, Ferries, Airport Shuttles, Tolls and Parking- *Original receipts required.*

As per CGC §53232- Board members shall use government and group rates offered by a provider of transportation travel when available.

D. Lodging

If lodging is in connection with a conference or organized educational activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the Board member at the time of booking. If the group rate is not available, the Board member shall use comparable lodging.

As per CGC §53232- Board members shall use government and group rates offered by a provider of lodging services for lodging when available.

Original receipts are required.

E. Meals & Incidental Expenses

Meals & Incidental Expenses will be reimbursed as follows:

i. If Choosing Actual Costs: If choosing actual costs for meals, receipts with items purchased listed must be submitted for reimbursement not to exceed per diem.

ii. If choosing to receive standard per diem: Standard Meal Allowances (a.k.a per diem) will be reimbursed based on the specific county or city rate, as published by the IRS at https://www.gsa.gov/travel/plan-book/per-diem-rates. Per diem amounts are adjusted annually on October 1st.

iii. If a meal is included in education, training, conference or seminar registrations fees, the meal would not be eligible for reimbursement.

iv. For travel days, the Standard Meal Allowance would be 75% of the total daily published per diem amount.

v. Incidental expenses are included in the Standard Meal Allowance and include fees and tips to porters, baggage carriers, and hotel staff.

vi. Reimbursement for meals and incidental expenses (per diem) do not require a receipt. Receipts should be retained by the Commissioner for future potential auditing purposes.

3. REPORTING REQUIREMENTS

A. CGC §53232 requires Board members to provide brief reports on meetings attended at the expense of the District at the next regular meeting of the Board, or if the Board member is not in attendance at the next regular meeting.

B. Board members must provide an expense report form for actual and necessary expenses incurred in the performance of official duties. Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. The expense reports shall: 1) document that expenses meet the existing policy for expenditure of public resources; 2) shall be

submitted within a reasonable time after incurring the expense; and 3) the reports shall be accompanied by the receipts documenting each expense.

4. ETHICS

For a Board member to be eligible to receive reimbursement, the Board member must attend at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years. All Board member reimbursements must be in compliance with "Ethics laws" that include, but are not limited to, the following:

A. Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.

B. Laws relating to claiming perquisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

C. Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.

   Note: All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1. In addition, an annual report will be posted on the District's website identifying all reimbursements made for over $100 as required by CGC §53065.5.

D. Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.

5. PENALTIES

Penalties for misuse of public resources or falsifying expense reports in violation of expense reporting polices may include, but are not limited to, the following:

A. The loss of reimbursement privileges.

B. Restitution to the local agency.

C. Civil penalties for misuse of public resources pursuant to CGC §8314.

D. Prosecution for misuse of public resources, pursuant to §424 of the Penal Code.

San Mateo County Harbor District

Policy Title:	Number:	Date of Approval:
Purchasing & Procurement Policy	4.3.1	6/21/23
Other Revisions:	**Prepared By:**	
7/17/96; 10/18/17	Julie van Hoff	

STATEMENT OF POLICY:

The San Mateo County Harbor District's procurement policy is in furtherance of the following goals and general principles:

- To promote the greatest economy and efficiency for the District,
- To provide safeguards to maintain a procurement policy of quality and integrity,
- To instill public confidence in the procurement process of the District and adherence to proper standards of conduct by all District personnel,
- To ensure fair and equitable treatment for all vendors who seek to deal with the District,
- To foster maximum open and free competition in the expenditure of public funds, and
- To maintain procurement policies and procedures to ensure compliance with applicable local, state, and federal laws and regulations.

All procurement transactions, regardless of whether negotiated or advertised and without regard to dollar value, must be conducted so as to provide maximum open and free competition. All purchases and contracts, whether by informal quotes, formal quotes, competitive bidding or requests for proposals, shall be made on a competitive basis to the greatest extent practicable. This assists in ensuring that the District is receiving the best value for the money and reduces the chances of corruption (e.g. kickbacks).

Positive efforts must be made by the District to utilize San Mateo County businesses and sources of supplies and services to the extent allowed by law and every effort must be made to allow such sources the maximum feasible opportunity to compete for contracts with the District.

The use of appropriate intergovernmental agreements is encouraged in order to reduce duplicative efforts and to achieve cost economies.

This policy includes provisions necessary to accept federal funding. Any expenditure that is made with federal funds must comply with the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. (See 2 CFR § 200).

Violations of this Policy could lead to disciplinary measures up to and including possible termination of employment.

SUMMARY OF KEY CONSIDERATIONS:

Threshold Categories:

Petty Cash	up to $100
Purchase Cards	up to $2,500
Purchase Cards for Travel & Training	up to $5,000
Purchase Orders	no threshold

Authority:

Harbor Commission	above $50,000
General Manager	up to $50,000
Directors	up to $10,000
Harbormasters	up to $5,000

PROCESS AND PROCUREMENT THRESHOLDS:

Public Works/Construction

Type of Procurement	Informal Procurement (at least one informal quote)	Formal Procurement (competitive bidding)
Public Works/Construction: Repairs	Up to $5,000	$5,000 or more
Public Works/Construction: New Construction	Up to $10,000	$10,000 or more

Continued on next page.

Materials, Supplies, Equipment and Services*

*The Federal Process is in Parenthesis

1. Type of Procurement	Informal Procurement (at least one informal quote) (Federal: Micro-Purchase)	Simplified Procurement (at least 3 quotes or proposals) (Federal: Simplified Acquisition)	2. Formal Procurement (competitive bidding/proposals) (Formal Procurement: Sealed Bids/Proposals)
Materials, Supplies, Equipment	Up to $10,000	$10,000-$50,000	$50,000 or more**
General Services, Consultants or Professional Services	Up to $10,000	$10,000-$50,000	$50,000 or more**
Architecture, Engineering and Other Services Pursuant to Government Code § 4526	Up to $10,000	n.a.	$10,000 or more

**For materials, supplies, equipment, general services, consultants or professional services the Harbor Commission may authorize the use of Simplified Acquisition method or three quote method for purchases up to $250,000.

GENERAL CODE OF CONDUCT:

A. Conflicts of Interest

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract where they have a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, has a financial interest in or would receive a direct or material benefit arising from a contract. District employees, officers or agents shall not be financially interested in any contract made by them in their official capacity, as such terms are defined in California Government Code Sections 1090 et seq. and 87100 et seq., and relevant case law.

Prohibited interests include interests of immediate family members, domestic partners, and their respective employers or prospective employers.

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to sub-contracts, except when the District has established a standard to allow officers, employees and agents to accept unsolicited items of a nominal value.

The District strictly adheres to the laws and regulations of the Fair Political Practices Commission (FPPC) that apply to purchasing, all of which are available at http://www.fppc.ca.gov./. The following is to highlight the FPPC regulations regarding gifts for all personnel who may be engaged in the District's purchasing or procurement functions and who are also designated in the District's conflict of interest code and are required to disclose gifts.

> $590 Gift Limit. Gifts from any other single source may not exceed $590 (2022-2023 limit) in a calendar year. For officials and employees who file statements of economic interests (Form 700) under the District's conflict of interest code ("designated employees"), this limit applies only if the official or employee would be required to report income or gifts from that source on the Form 700, as outlined in the "disclosure category" portion of the District's conflict of interest code.

Compliance with legal prohibitions on conflicts of interest, including the Political Reform Act and Government Code §1090, is required by all employees and District officials. It is a violation of State law for any employee or District official to be a party to, or have a financial interest in, any District contract made by them in their official capacity. See, Government Code Sections 1090, 1091 and 1091.5.

PROCUREMENT PROCEDURES:

A. Public Works/Construction

Formal competitive bidding as required by the California Public Contracts Code must be used for work or services which fall within the definition of the term "public works contract," which is an agreement for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind. As set forth in the Procurement Thresholds chart above, competitive bidding is required whenever the estimated expenditure for such work exceeds $5,000 for repairs or whenever the estimated expenditure for such work exceeds $10,000 for new construction, except as otherwise provided as set forth in Public Contract Code § 20723.

All bid documents and contracts for a public work must comply with all statutory requirements for public works bids and contracts. All bids for construction work must be presented under sealed cover and must be accompanied by one of the following forms of bidder's security: 1) cash, 2) a cashier's check made payable to

the District, 3) a certified check made payable to the District, 4) a bidder's bond executed by an admitted surety insurer, made payable to the District. The security of an unsuccessful bidder shall be returned in the manner set forth in Public Contracts Code Section 20724.

If the estimated expenditure for such work falls under the Informal Procurement thresholds as set forth in the Procurement Thresholds chart above, the District shall obtain at least one informal quote. (See further, Public Contract Code §20720 through 20724).

B. Architectural, Engineering and Other Services Pursuant to Government Code Section 4526 Over $10,000.

The District shall use competitive Request for Proposal procedures for qualifications-based procurement of the professional services listed in Government Code Section 4526 (currently applicable to architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services). Selection shall be based on demonstrated competence and on professional qualifications necessary for the satisfactory performance of the services required and at fair and reasonable prices to the District.

District staff shall ensure that as required by Public Contract Code Section 20103.6, the procurement of architectural design services requiring an expenditure in excess of ten thousand dollars ($10,000), shall include in any request for proposals for those services, a disclosure of any contract provision that would require the contracting architect to indemnify and hold harmless the District against any and all liability, whether or not caused by the activity of the contracting architect. The District shall ensure that the disclosure statement is prominently set forth in bold type. In the event that the District fails to comply, the District shall (1) be precluded from requiring the selected architect to agree to any contract provision requiring the selected architect to indemnify or hold harmless the District against any and all liability not caused by the activity of the selected architect, (2) cease discussions with the selected architect and reopen the request for proposals or invitations to bid from a qualification list, or (3) mutually agree to an indemnity clause acceptable to both parties.

C. Architectural, Landscape Architectural, Engineering, Environmental, Land Surveying, and Construction Project Management Services Up to $10,000.

For architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services, the District shall obtain at least one informal quote. Selection shall be made on the basis of demonstrated competence, experience, professional qualifications and suitability for the satisfactory performance of the services required in order to determine which quote provides the greatest overall benefit to the District.

D. Equipment, Materials, and Supplies; General Services, Consultants, Professional Services Over $50,000.

Formal competitive bidding must be used when purchasing equipment, supplies, or materials over $50,000, but a competitive proposal process using a "best value" approach may be used in circumstances where it is determined by the General Manager to be in the best interest of the District. "Best value" means a process in which the overall combination of quality, price, and other elements such as reliability, standardization, vendor track record, warranty, and life cycle costs are considered together to determine which proposal provides the greatest overall benefit to the District.

Formal competitive requests for proposals will be used to retain general services, consultants and professional services. Selection shall be made on the basis of demonstrated competence, experience, professional qualifications and suitability for the satisfactory performance of the services required in order to determine which proposal provides the greatest overall benefit to the District.

On a case-by-case basis, and in particular when a procurement involves a combination of goods and services, the General Manager shall make the determination of whether a competitive bid or request for proposals shall be used and whether a "best value" approach in evaluating the bid or proposal is in the best interest of the District.

The Harbor Commission may make a determination that a formal competitive process is not required for procurements up to $250,000. Anything over $250,000 requires a formal competitive bidding process.

E. Equipment, Materials, and Supplies above $10,000 and up to $50,000.

Three written quotes or proposals must be obtained when purchasing materials, equipment, or supplies when the estimated expenditure is above $10,000 and up to $50,000. The quotes or proposals must allow the District to compare prices and other terms. The District shall use the "best value" approach in the selection of the vendor. Adequate outreach will be made to ensure open and free competition, and that small businesses, and local vendors are notified of contract opportunities.

F. General Services, Consultants, Professional Services above $10,000 and up to $50,000.

Three written quotes or proposals must be obtained when retaining general services, consultants and professional services. The quotes or proposals must allow the District to compare prices and other terms to the extent practicable. Selection shall be made on the basis of demonstrated competence, experience, professional qualifications and suitability for the satisfactory performance of the services required in order to determine which quote or proposal provides the greatest overall benefit to the District.

G. Equipment, Materials and Supplies; General Services, Consultant and Professional Services Under $10,000.

For equipment, materials and supplies, the District shall obtain at least one informal quote. The District shall use the “best value” approach in the selection of the vendor.

For general services, consultants and professional services, the District shall obtain at least one informal quote. Selection shall be made on the basis of demonstrated competence, experience, professional qualifications and suitability for the satisfactory performance of the services required in order to determine which quote or proposal provides the greatest overall benefit to the District.

Employees who make District purchases shall submit the following documentation whenever practicable utilizing the District's Enterprise Resource Planning (ERP) software system within a reasonable timeframe to ensure vendors can be paid timely and properly:

1. Quote – Mainly required for new vendors. If the purchase is for a recurring vendor or is under contract, submitting a quote isn’t necessary.

2. Invoice – the vendor bill/invoice showing all goods and services ordered, the date and amount due.

3. Packing Slip – the purpose of this document is to show support from the vendor that the goods ordered were delivered. When accepting goods, ensure they are in an acceptable condition before signing anything from the delivery person.

H. Simplified Acquisition Procurement.

When utilizing the simplified acquisition method for procurement, the District shall obtain at least three quotes unless the service or the materials, supplies or equipment are so unique that other quotes are unrealistic or obtaining three quotes is impractical or would be contrary to the best interests of the District as determined by the General Manager.

I. Formal Procurement.

The formal procurement method requires following documented procedures as further described in paragraphs J and K below. Formal procurement methods may also require public advertising.

J. Sealed Bids (Formal procurement method).

Sealed bids (or competitive bidding) is a competitive procurement process and requires preparation of bid documents that clearly set forth all requirements which must be fulfilled in order for the bid to be responsive. Appropriate plans,

specifications and other descriptive information as it relates to the materials, supplies and equipment, as appropriate, shall be prepared for the publication of a notice inviting sealed bids. The contract documents shall be prepared utilizing the District's standard forms, with such modifications as may be appropriate for the particular materials, supplies or equipment or for construction services. All bids shall be presented under sealed cover on forms furnished by the District. Sealed bids shall be opened at the time and place stated in the advertisement for bid. The award of the contract shall be made as required by law and/or as set forth in the notice inviting sealed bids.

K. Request for Proposals (formal procurement method).

Request for Proposals are generally used when conditions are not appropriate for the use of sealed bids. This is a procurement method in which either a fixed price or time and materials type of contract is awarded. Requests for Proposals may state the qualitative factors in addition to price, which will be used to evaluate and/or rank the Proposals. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical.

L. Purchase Card.

A Purchase Card may be used on the authority of the Site Manager for single purchases up to $2,500 and up to $5,000 for training & travel expenses. The Purchase Card monthly limit shall not exceed $15,000.

Staff should obtain pre-approval from Site Managers prior to making card purchases, or as soon as practicable. Pre-approval means the Site Manager approves the need to purchase, vendor, amount, and delivery details for the transaction prior to the purchase. All cardholders should discuss with their Site Managers and each site should maintain a list of transactions which the Site Manager deems pre-approved.

Prior to using District Purchase Cards, cardholders are required to sign the "District Purchase Card Code of Conduct" which is maintained by the Administrative department.

District Purchase Cards should only be used to purchase equipment, materials, and supplies, or travel/training related expenses. This purchasing method is generally reserved for operating, repair and maintenance supplies, gasoline purchases for District vehicles and vessels, travel or training related expenses, or online purchases that do not accept other payment types. To the extent practicable, District Purchase Cards should not be used to pay for Public Works projects or any professional services expenses.

Staff shall not make Purchase Card purchases prior to approval unless:

1. No manager is on duty, and a manager cannot be reached, and it is a purchase necessary for operations. An email shall be sent to the Manager prior to the purchase explaining the need for such purchase; or

2. It is a routine purchase such as gasoline for vessels. A list of preapproved routine purchases will be provided to the Accounting Manager by the Site Manager and approved by the General Manager.

3. There is a need for an emergency purchase. In such cases, Staff shall notify the Manager of the purchase by email within 24 hours of the purchase.

Employees that use a District Purchase Card must submit the following documentation utilizing the District's Enterprise Resource Planning (ERP) software system within a reasonable time frame and when practicable:

1. Quote- If buying goods on-line it requires a quote or order confirmation along with appropriate authorization. The Manager must approve the quote or order confirmation in the ERP software system.

2. Receipt - Support that the transaction was paid with the District Purchase Card and should show the final amount charged.

   Packing Slip – The purpose of this document is to show support from the vendor that the goods ordered were delivered. When accepting goods, ensure they are in an acceptable condition before signing anything from the delivery person.

M. Execution of Contract Documents

All District contracts and amendments will be in writing and executed prior to beginning performance under the contract. Under no circumstances shall a contractor begin work prior to a signed contract and submittal of required insurance certificates. The General Manager may execute all contracts on behalf of the District that are duly approved within the General Manager's authority. When a contract requires Board approval, the General Manager is authorized to sign on behalf of the Harbor Commission once such contract is approved by the Board.

N. Contract Administration

The District shall administer all contracts to ensure that contractors conform to the terms, conditions, and specifications of all contracts and to ensure all purchases are received in a timely manner. Each contract file shall contain documentation concerning the contract administration, including, but not limited to, monitoring of

the contract budget, change orders and final disposition. Undocumented actions on all contracts must be committed to written memoranda and promptly included in the contract file.

The District must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

The District is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. A Federal awarding agency will not substitute its judgment for that of the District unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

The District must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

O. Emergency Contracts

The General Manager is authorized by the Board of Harbor Commissioners to take all necessary and proper measures in emergency conditions to keep District services and facilities operational. When emergency conditions do not permit a delay resulting from a competitive solicitation for bids, the General Manager is authorized to make emergency purchases without giving notice for bids. The General Manager shall promptly report on the reasons and necessity for proceeding without a competitive solicitation for bids to the Board of Harbor Commissioners at the next available meeting (not later than 7 days after the action) or at the next regularly scheduled meeting (not later than 14 days after the action). The Board of Harbor Commissioners will review the emergency action at every regularly scheduled meeting thereafter until the emergency action is terminated and will vote, by four-fifths vote, that there is a need to continue the action.

P. Exceptions to the Procurement Process.

The bidding and/or procurement requirements set forth in this Policy shall not apply in the following circumstances, except for Section L. Purchasing Card shall apply if using a District Purchasing Card:

1. When the purchase order or contract is for utility or communication services; insurance; freight and courier services; postage; education and training expenses; subscriptions and memberships in professional organizations;

attendance at meetings or conventions; and hotel and travel accommodations.

2. When the needed materials, supplies, equipment, or services are proprietary items of original equipment manufacturers and/or their authorized exclusive distributors.

3. When the equipment is a component for equipment or a system of equipment previously acquired by the District, and is necessary to repair, maintain or improve the District's utilization of the equipment.

4. Any contract with another governmental entity involving the purchase of supplies, equipment or services.

5. Ancillary information technology purchases such as software and/or hardware.

6. When the requesting department determines in writing, after conducting a good faith review of the available sources, that there is only one source for the required materials, equipment, supplies, or services or that a sole source procurement is necessary to ensure compatibility with existing District equipment. The department requesting sole source procurement shall provide written evidence to support a sole source determination. Such evidence shall be approved by the General Manager. The General Manager may require that negotiations be conducted as to price, delivery and terms. The General Manager may also require the submission of cost or pricing data in connection with an award under this section.

7. Cooperative purchase procurements of materials, supplies, equipment, or services with other Governments may be used under the following circumstances:
    a. The General Manager determines it is to the District’s advantage to combine its purchases with those of another governmental entity in order to effect economies by bidding combined requirements and the governmental entity actually soliciting the bids employs a bidding procedure adequate to ensure competition among responsible bidders;
    b. Materials, supplies, equipment, vehicles or services can be purchased in cooperation with other governmental entities or associations; or
    c. Materials, supplies, vehicles, equipment or services can be purchased from a vendor offering the same prices, terms and conditions as in a previous award from another governmental entity either by competitive bid or through a negotiated process.

8. Upon determining that conformance with the bidding and/or procurement requirements as set forth in this Policy would be contrary to the best interests of the District and/or Public, or upon determining that compliance with the policy would be impractical, the General Manager may waive, in writing, any or all of the requirements of this Policy up to $50,000. Written justification must be provided to the Board at the next public meeting following the decision of "best interest of the District or Public" is made.

   This section does not apply to the procedures for Public Works/Construction contracts or Architecture, Engineering and Other Services contracts Pursuant to Government Code § 4526.

ADDITIONAL REQUIREMENTS FOR COMPETITION RELATED TO FEDERAL AWARDS:

When procuring supplies, materials, equipment and services that are funded, in part or in whole, by federal grants, awards or funds, the District shall follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards as set forth in 2 CFR, Part 200, including Appendix II. Accordingly, the District shall also comply with the following requirements.

Q. GENERAL PROCUREMENT STANDARDS

A. Code of Conduct. The following "Code of Conduct" shall govern the performance, behavior and actions of the District, including employees, consultants or agents who are engaged in any aspect of procurement, including, but not limited to, purchasing goods and services, awarding contracts and grants, and the administration and supervision of contracts subject to this Section "Additional Requirements for Competition Related to Federal Awards" :

1. No employee, officer or agent of the District shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict of interest would arise when any employee, officer, or agent of the District, any member of their immediate family, their partner, or an organization which employs or is about to employ any of the parties indicated herein, has a real or apparent financial or other interest in or a tangible personal benefit from a firm considered for the contract.

2. The District's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts. Such a conflict shall not arise where

the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value.

3. Violations of this Code of Conduct could lead to disciplinary measures up to and including possible termination of employment.

The General Manager shall enforce the provisions of this Code of Conduct for procurements under a federal award.

B. Solicitation Procedures.

1. Acquisition of unnecessary or duplicative items must be avoided. Consideration should be given to consolidating or dividing procurements to obtain a more economical purchase. When appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

2. To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services, the District shall enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

3. Procuring federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs shall be utilized.

4. Value engineering clauses may be used in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

5. Contracts shall only be awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

6. Records will be maintained sufficiently to detail the history of procurement. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

7. Time and material type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and material type contract means a contract where the cost to the District is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expense, and profit. Each time and material contract will set a ceiling price that the contractor exceeds at its own risk. A higher degree of oversight is required in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

8. The District alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. The federal awarding agency will not substitute its judgment for that of the District unless the matter is primarily a federal concern. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

C. Competition.

1. All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and §200.320.

2. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals will be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include, but are not limited to:

    a. Placing unreasonable requirements on firms in order for them to qualify to do business,
    b. Requiring unnecessary experience and excessive bonding,
    c. Noncompetitive pricing practices between firms or between affiliated companies,
    d. Noncompetitive contracts to consultants that are on retainer contracts,
    e. Organizational conflicts of interest,
    f. Specifying only a brand name product instead of allowing an equal product to be offered and describing the performance or other relevant requirements of the procurement, or

g. Any arbitrary action in the procurement process.

3. Procurements shall be conducted in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

4. All solicitations will incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standard to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used as a means to define the performance or other relevant requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated. Bids and proposals shall identify all the requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

5. The District shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the District shall not preclude potential bidders from qualifying during the solicitation period.

6. Noncompetitive procurements can only be awarded in accordance with 2 CFR §200.320(c).

D. Methods of Procurement to Be Followed.

The District shall use one of the following methods of procurement.

1. Procurement by Micro-Purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold as set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions) and adjusted periodically for inflation or the District's Procurement Threshold set forth in

this Policy, whichever is more restrictive. To the extent practicable, the District must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the District considers the price to be reasonable.

2. Procurement by the Simplified Acquisition Procedures. Simplified acquisition procedures are those relatively simple and informal procurement methods for securing services, supplies or other property that do not cost more than the simplified acquisition threshold as set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. 1908 and periodically adjusted for inflation or the District's Procurement Threshold set forth in this Policy, whichever is more restrictive unless the Harbor Commission authorizes the use of the Simplified Acquisition method for purchases up to $250,000. If the simplified acquisition procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

3. Formal Procurement by Sealed Bids (Formal Advertising). When the value of the procurement for property or services exceeds the federal's simplified acquisition threshold or the District's Simplified Acquisition Procurement threshold as set forth in this Policy, whichever is more restrictive, formal procurement procedures are used. In such case, documented procedures are required. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with 2 CFR § 200.319 or 2 CFR § 200.320(c). The following formal methods of procurement are used for procurement of property or services (sealed bid or proposals) as the District determines to be appropriate:

    a. Sealed Bids. Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.

        i. For sealed bidding to be feasible, the following conditions should be present:
            1. A complete, adequate, and realistic specification or purchase description is available;
            2. Two or more responsible bidders are willing and able to compete effectively for the business; and
            3. The procurement lends itself to a firm-fixed-price contract and the selection of the successful bidder can be made principally based on price.

        ii. If sealed bids are used, the following requirements apply:
            1. The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known

suppliers, providing them sufficient time prior to the date set for opening the bids;

2. The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services for the bidder to properly respond;
3. All bids will be publicly opened at the time and place prescribed in the invitation for bids;
4. A firm-fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
5. If there is a sound documented reason, any or all bids may be rejected.

b. Procurement by Proposals. A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

   i. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
   ii. The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;
   iii. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and
   iv. The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.

E. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.

1. The District must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

2. Affirmative steps must include:

   a) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
   b) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
   c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
   d) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
   e) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
   f) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps above in this section.

F. Domestic Preferences for Procurements.

(a) As appropriate and to the extent consistent with law, the District should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

G. Procurement of Recovered Materials.

The District as an agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

H. Contract Cost and Price.

1. The District must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the District must make independent estimates before receiving bids or proposals.

2. The District must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

3. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the District. The District entity may reference its own cost principles that comply with the Federal cost principles.

4. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

I. Federal Awarding Agency or Pass-Through Entity Review.

1. The District must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take

place prior to the time the specification is incorporated into a solicitation document. However, if the District desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

2. The District must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
    a) The District's procurement procedures or operation fails to comply with the procurement standards in this part;
    b) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
    c) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a “brand name” product;
    d) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
    e) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
3. The District is exempt from the pre-procurement review of this section above if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

    a. The District may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

    b. The District may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the District that it is complying with these standards. The District must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

J. Bonding Requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the District that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

1. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

2. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.

3. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

K. Contract Provisions.

The District's contracts must contain the applicable provisions described below:

1. Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
   All contracts in excess of $10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.
2. Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

3. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

4. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

5. Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a

small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

6. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

7. Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

8. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

9. Incorporate provisions set forth in 2 CFR §200.323, §200.216 and §200.322

REFERENCES TO LAW

This policy shall automatically incorporate revisions to legal requirements set forth by the Code of Federal Regulations, California Government Code, California Public Contract Code, and any other applicable laws.

Code of Federal Regulations (CFR) Title 2 Subtitle A Chapter 11 §200.318-§200-327 Procurement Regulations.

California Public Contract Code Article 46. Harbor Districts §20720 - §20724

1. POLICY

The District borrows primarily to fund long-term capital improvement projects. While the issuance of long-term debt may not be utilized to fund operating expenses, short-term public borrowing and interfund loans may be used for operations. The District paid off its debt in Fiscal Year 2015/16 and is debt free as of the adoption of this policy.

This Debt Policy sets forth debt management objectives for the District and establishes general parameters for issuing and administering the District's debt. It primarily addresses debt securities issued by the District in public or private capital markets. This Debt Policy is intended to comply with Government Code Section 8855(i), effective January 1, 2017, and shall govern all debt incurred by the District. The Harbors and Navigation Code Section 6090-6094 also provides regulations specific to Harbor Districts.

For purposes of this Debt Policy, "debt" shall be interpreted broadly to mean bonds, notes, certificates of participation, financing leases, or other financing obligations, but the use of such term in this Debt Policy shall be solely for convenience and shall not be interpreted to characterize any such obligation as an indebtedness or debt within the meaning of any statutory or constitutional debt limitation where the substance and terms of the obligation comport with exceptions thereto.

While this policy provides guidelines for general use, it allows for exceptions in extraordinary conditions. In the event there are proposed exceptions to Debt Policy guidelines when a debt issue is structured, those exceptions will be discussed in the applicable staff reports at the time the debt issue is docketed for District Harbor Commission consideration. Any approval of debt by the District Harbor Commission that is not consistent with this Debt Policy shall constitute a waiver of this Debt Policy.

The template used to prepare this policy received the Association of Public Treasurers of the United States and Canada's Debt Policy Certificate of Excellence Award in 2014. The policy should be resubmitted periodically for peer review and certification to confirm compliance with best practices and industry standards. While a certification does not serve as a substitute for adoption by District Harbor Commission, it does demonstrate staff's due diligence in the preparation and updating of the policy.

1.1. Purpose

This Debt Policy establishes guidelines for the issuance and management of the District's debt and borrowing. This Debt Policy confirms the commitment of the District Harbor Commission, management, and staff to adhere to sound financial management practices.

1.2. Objectives

The policy assists the District in the pursuit of the following equally important objectives, while providing full and complete financial disclosure and ensuring compliance with applicable state and federal laws:

- Minimize debt service and issuance costs;
- Maintain access to cost-effective borrowing;
- Achieve the highest possible credit rating while maintaining operational flexibility and reasonable tax and rate burdens;
- Achieve full and timely repayment of debt;
- Ensure compliance with applicable State and Federal laws.

1.3. Budget Integration

The District funds a significant portion of capital improvements on a cash or "pay-as-you-go" basis. While the "pay-as-you-go" method is often considered the preferred means of financing because it avoids interest payments, it may not be entirely equitable. "Pay-as-you-go" requires current users to pay taxes over long periods of time in order to accumulate reserves sufficient to pay for future capital improvements. Prudent use of debt financing rather than "pay-as-you-go" funding better allocates costs of the capital improvement to those who benefit from it.

The decision to incur new indebtedness is integrated into the Capital Improvement Program (CIP) Budget adopted by District Harbor Commission on an annual basis. The CIP is a plan for the community's long-term capital improvement needs and incorporates District Harbor Commission adopted goals and priorities. As the District's infrastructure ages, the CIP also helps to identify the long-term maintenance and asset management funding needs of the District. The Director of Administrative Services works directly with the various District Departments to ensure necessary capital improvements are included in the CIP. Since many capital improvement projects take more than one year to design and construct, the CIP is a five-year plan. This allows District Harbor Commission to better forecast and anticipate upcoming capital improvements.

1.4. Financing Priorities

The Director of Administrative Services shall be responsible for analyzing a financing proposal to determine if it is beneficial to the District and conforms to the District's long-term financial planning objectives. An analysis of proposed debt may include:

- Confirmation that the capital project is eligible for debt financing;
- Review of all available financing instruments for the project, consideration of alternative debt structures, and determination of the most cost-effective option;
- Determination of total cost of the capital project including its design, construction cost, cost of furnishings, fixtures and equipment;
- Identification of the revenue source(s) to fund the annual debt service;
- Analysis of the municipal bond market, including economic and interest rate trends;
- Cost analysis of debt service reserve fund requirements, debt insurance and debt ratings;
- Evaluation of timing of when the District should enter the capital markets.

1.5. Biennial Review

Recognizing that cost-effective access to the capital market depends on prudent management of the District's debt program, a biennial review of the debt policy should be performed. The debt policy will be included in the fiscal policy section of the annual Operating Budget and Five-Year CIP adopted by District Harbor Commission. Any substantive changes to the policy shall be brought to District Harbor Commission for consideration and approval.

2. METHODS OF FINANCING

The Director of Administrative Services will investigate all possible project financing alternatives including, but not limited to, bonds, loans, state bond pools, and grants.

2.1. Cash Funding

Beginning in Fiscal Year 2015/16 the District has funded all of its capital improvements on a "pay-as-you-go" basis. As part of a "pay as you go" strategy, the District will first look for grant funding for capital projects.

2.2. Bank Loans/Lines of Credit and Leases

Although the District does not typically utilize bank loans or lines of credit for the financing of capital projects, financial institution credit is an option for municipal issuers and may be evaluated as a financing option. These "loans and lines of credit" are often structured as leases or installment payment obligations in order to comply with the California Constitution.

2.3. Other Debt
The District will evaluate other financing programs, including but not limited to State financing such as the California Parks Department Division of Boating and Waterways (DBW) Boating Facilities Development and Financing Programs.

2.4. Public Market Financing
The District may issue any debt which is allowed under federal and state law including but not limited to general obligation bonds, certificates of participation, revenue bonds, assessment district bonds, special tax bonds, tax increment bonds, revenue anticipation notes, and conduit financings. While conduit financings constitute a limited obligation of the issuer, the same level of due diligence prior to issuance is required. The District will consider requests for special district formation on a case-by-case basis.

Although short-term borrowing such as (i) revenue anticipation notes and (ii) equipment financings has not been part of the District's past practice it may be undertaken by the District in appropriate circumstances.

2.5. Joint Powers Authority (JPA)
In addition to some of the long-term and short-term financing instruments described in Sections 2.1 through 2.4, the District may also consider joint arrangements with other governmental agencies.

3. FINANCING TEAM – ROLES AND SELECTION PROCESS
3.1. Financing Team
The Financing Team is the working group of District staff and outside consultants necessary to complete a debt issuance including but not limited to bond counsel, disclosure counsel, underwriter, municipal advisor, trustee, pricing consultant, and/or arbitrage analyst.

Typically, the Director of Administrative Services, the Accounting Manager, the District's Legal Counsel, and the District General Manager, and appropriate Department Head(s) form the District staff portion of the Financing Team. Other staff members or designees may be appointed to the Financing Team.

3.2. Consultant Selection
The District will consider the professional qualifications and experience of consultants as they relate to the particular debt issue or other financing under consideration. In certain instances, the District will conduct a request for proposal/qualification process to select such consultants. Other professionals may be selected by the General Manager on an as-needed basis if the cost is within his/her authority.

If the District contemplates the possibility of selling bonds through a negotiated sale from the initial analysis phase, the Director of Administrative Services shall first retain the municipal advisor in order to have professional advice on the appropriate method of sale. If a negotiated sale is selected, Director of Administrative Services shall then select an underwriter or private placement lender, as applicable.

3.3. Roles of Consultants
While each financing may require different consultants, bond counsel, disclosure counsel, and municipal advisor are required. Bond Counsel prepares the necessary resolutions, ordinances, agreements and other legal documents necessary to execute a bond financing and provides an opinion on the validity of the debt and the tax-exempt nature of interest on the debt, if applicable. Disclosure counsel prepares the offering documents, such as the official statement and continuing disclosure undertaking. While bond counsel can act as disclosure counsel, the District typically retains separate counsel. The municipal advisor assists with bond document negotiations, transaction structuring including call provisions, timing of issuance, cash flow, debt insurance and savings analysis, and obtaining ratings on the proposed debt issuance.

3.4. Roles of Staff

Staff not only plays an important role in the issuance of debt, but their roles continue through the life of the debt. The Director of Administrative Services is responsible for analyzing financial proposals (including structure, credit enhancements, reserve funds, call options, and derivatives products), selecting consultants, and submitting new or refunding debt options to District Harbor Commission for approval. The Director of Administrative Services maintains relationships with rating agencies, invests proceeds and ensures proceeds are spent for their intended purposes. In regard to disclosure, the Director of Administrative Services approves all disclosure documents, including offering documents, annual continuing disclosure filings (including audited financial statements), event filings and voluntary disclosures whether posted on the Electronic Municipal Market Access (EMMA) or submitted directly to a bond owner in a private placement.

The District's Legal Counsel reviews all documents including offering documents to ensure all material litigation, settlements, and court orders are presented. The District's Legal Counsel is also a member of the Disclosure Review Group (see Section 7.5), using his or her knowledge of the District to comment on disclosure documents.

The Director of Administrative Services identifies departments and staff to contribute information for the offering documents. In addition, the Director of Administrative Services is responsible for organizing the Disclosure Review Group, scheduling meetings, distributing disclosure documents, and soliciting comments from the group. After any disclosure document has been approved by the Disclosure Review Group, the Director of Administrative Services is responsible for filing the documents on EMMA or submitting the documents to a bond owner representative. In addition, the Director of Administrative Services is responsible for ensuring compliance with other bond covenants, legal requirements, and the retention of relevant bond documents.

4. STRUCTURE AND TERM

4.1. Term of Debt

Debt will be structured for the shortest period possible, consistent with a fair allocation of costs to current and future users. The standard term of long-term debt borrowing is typically 15-30 years. Consistent with its philosophy of keeping its capital facilities and infrastructure systems in good condition and maximizing a capital asset's useful life, the District will make every effort to set aside sufficient current revenues to finance ongoing maintenance needs and to provide reserves for periodic replacement and renewal. Generally, no debt will be issued for periods exceeding the useful life or average useful lives of projects to be financed.

4.2. Debt Repayment Structure

In structuring a debt issue, the District will manage the amortization of the debt and, to the extent possible, match its cash flow to the anticipated debt service payments. In addition, the District will seek to structure debt with aggregate level debt service payments over the life of the debt. Structures with unlevel debt service will be considered when one or more of the following exist:

- Natural disasters or extraordinary unanticipated external factors make payments on the debt in the early years prohibitive;
- Such structuring is beneficial to the District's aggregate overall debt payment schedule;
- Such structuring will allow debt service to more closely match project revenues during the early years of the project's operation.

4.3. Bond Maturity Options

For each issuance of bonds, the District will select serial bonds or term bonds, or both. On the occasions where circumstances warrant, capital appreciation bonds ("CABs") may be used. The decision to use term, serial or CABs is typically driven by market conditions.

4.4. Interest Rate Structure

The District will issue securities on a fixed interest rate basis except in limited circumstances. Fixed rate securities ensure budget certainty through the life of the issue and avoid the volatility of variable rates.

The District prefers to issue bonds at par. The District will, however, evaluate the use of premiums or discounts on a case-by-case basis as recommended by the municipal advisor at the time of pricing or sale.

4.5. Credit Enhancement

Credit enhancement may be used to improve or establish a credit rating on a District debt obligation. Types of credit enhancement include letters of credit, bond insurance, and debt service reserve fund insurance.

The Director of Administrative Services will recommend the use of a credit enhancement if it reduces the net cost of the proposed financing or if the use of such credit enhancement furthers the District's overall financial objectives.

4.6. Debt Service Reserve Fund

Debt service reserve funds are established to make principal and interest payments to bondholders in the event that pledged revenues are insufficient to do so. The District will fund debt service reserve funds when it is in the District's overall best financial interest.

The size of the reserve fund is generally the lesser of 1) 10 percent of par, 2) 125 percent of average annual debt service and 3) 100 percent of maximum annual debt service.

In lieu of holding a cash funded reserve, the District may substitute a debt service reserve fund insurance policy or other credit instrument in its place. The decision to cash fund a reserve fund rather than to use a credit facility is dependent upon the cost of the credit instrument and the investment opportunities.

Additionally, the District may decide not to utilize a reserve fund if the Director of Administrative Services, in consultation with the underwriter and municipal advisor, determines there would be no adverse impact to the District's credit rating or interest rates.

4.7. Call Options/Redemption Provisions

A call option or optional redemption provision gives the District the right to prepay or retire debt prior to its stated maturity date. This option may permit the District to achieve interest savings in the future through the refunding of the bonds. Often the District will pay a higher interest rate as compensation to the buyer for the buyer assuming the risk of having the bond called in the future. In addition, if a bond is called, the holder may be entitled to a premium payment ("call premium").

Because the cost of call options can vary depending on market conditions, an evaluation of factors will be conducted in connection with each issuance. The Director of Administrative Services shall evaluate and recommend the use of a call option on a case-by-case basis.

4.8. Debt Limits

Establishing debt limits and performing periodic review of debt capacity provides assurances that debt will be affordable. Debt capacity should be analyzed in conjunction with the preparation of the annual CIP Budget.

California Government Code Section 43605 states the District shall not incur bonded indebtedness payable from the proceeds of property tax which exceeds 15 percent of the assessed value of all real and personal property within the District. This provision, however, was enacted when assessed valuation was based upon 25 percent of market value. Effective with the 1981-82 fiscal year, each parcel is now assessed at 100 percent of market value (as of the most recent change in ownership for that parcel). In order to reflect the intent of the debt limit stipulation in Section 43605, the 15 percent has been adjusted to one-fourth of that level, or 3.75 percent of the assessed value of all real and personal property within the District.

The cumulative annual debt service of all debt issues supported by the District is restricted to no more than 25 percent of annual Revenue.
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4.9. Derivatives

Derivative products may have application to certain District borrowing programs. In certain circumstances these products can reduce borrowing costs and assist in managing interest rate risk. However, these products carry with them certain risks and introduce complexity not faced in standard debt instruments.

The Director of Administrative Services shall evaluate the use of derivative products on a case-by-case basis to determine whether the potential benefits are sufficient to offset any potential costs.

4.10. Refundings

The District shall refinance debt to achieve savings as market opportunities arise. The Director of Administrative Services shall remain cognizant of fluctuations in interest rates for the purpose of identifying refunding opportunities and prepare a present value analysis identifying the economic effects of a refunding to determine the value of refunding.
Refundings may be undertaken in order to:

- Take advantage of lower interest rates and achieve debt service costs savings;
- Eliminate restrictive or burdensome debt covenants;
- Restructure debt to either lengthen the duration of debt or free up reserve funds.

Generally, the District shall strive to achieve a minimum of three percent net present value savings for a current refunding and a minimum of five percent net present value savings for an advance refunding, in each case as a percentage of outstanding principal amount. Upon the advice of the Director of Administrative Services and with the assistance of the municipal advisor and bond counsel, the District will consider undertaking refundings for other than economic purposes upon a finding that such a restructuring is in the District's overall best financial interest.

5. METHOD OF ISSUANCE AND SALE

5.1. Method of Sale

Debt issues in public capital markets are sold to a single underwriter or to an underwriting syndicate, either through a competitive sale or a negotiated sale. Debt may also be privately placed with one or a handful of institutional or sophisticated investors in a private placement. The selected method of sale will be that which is most beneficial to the District in terms of lowest net interest rate, most favorable terms in financial structure, and market conditions.

The District will use competitive sales as the primary means of selling debt. The District, however, reserves the option of pursuing a negotiated sale or private placement if there is evidence of volatile market conditions, complex security features, or other overriding factors. If the negotiated sale option is utilized, the Director of Administrative Services, with the approval of District Harbor Commission, will negotiate the best possible interest rates for the District. The overall objective is to obtain the lowest possible interest cost and provide pricing transparency.

5.2. Initial Disclosure Requirements

The District acknowledges its disclosure responsibilities. Under the guidance of Disclosure Counsel, the District will distribute or cause an underwriter to distribute its Preliminary Official Statement and final Official Statement (neither is typically required in a private placement, although in some cases a "private placement memorandum" may be required by the investor).

The Financing Team shall be responsible for soliciting "material" information (as defined in Securities and Exchange Commission Rule 10b-5) from District departments and identifying contributors who may have information necessary to prepare portions of the Official Statement or who should review portions of the Official Statement. In doing so, the Financing Team shall confirm that the Official Statement accurately states all "material" information relating to the decision to buy or sell the subject debt and that all information in the Official Statement has been critically reviewed by an appropriate person. "Material information" is any information that a reasonable investor would

consider in making the decision to purchase or sell the debt. In connection with an initial offering of securities, the District and other members of the Financing Team will:

- Identify material information that should be disclosed in the Official Statement;
- Identify other persons that may have material information (contributors);
- Review and approve the Official Statement;
- Ensure the District's compliance, and that of its related entities, with federal and state securities laws.

The District's Director of Administrative Services shall contact the individuals and departments identified as contributors as soon as possible in order to provide adequate time for them to perform their assigned tasks. Contributors shall assist in reviewing and preparing the Official Statement using their knowledge of the District and, if appropriate, by discussing the Official Statement with other members of the contributors' department to ensure accuracy.

The Director of Administrative Services shall review the Official Statement, identify any material differences in the presentation of financial information from the financial statements and ensure there are no misstatements or omissions of material information in any sections that contain information prepared by the Accounting Manager or of relevance to the finances of the District. The District's Legal Counsel (or designee) shall review the Official Statement descriptions of (i) any material current, pending or threatened litigation, (ii) any material settlements or court orders and (iii) any other legal issues that are material information for purposes of the Official Statement.

After the Financing Team completes the Official Statement, it shall critically evaluate the Official Statement for accuracy and compliance with federal and state securities laws, and shall, if appropriate, ask questions of any contributor or other person who reviewed or drafted any section of the Official Statement. The Financing Team may solicit information or review from additional contributors before approving the Official Statement. Once the Financing Team has completed its evaluation and members of the Disclosure Review Group (see Section 7.5), the Official Statement must be presented to the District Harbor Commission for approval.

The approval of an Official Statement shall be placed on the Discussion portion of the District Harbor Commission agenda and shall not be considered as a Consent Calendar item. The staff report will summarize the steps followed to complete the Official Statement and review the District Harbor Commission's responsibilities with respect to the Official Statement, providing the District Harbor Commission the opportunity to review a substantially final Official Statement. The District Harbor Commission shall undertake such review as deemed necessary by the District Harbor Commission to fulfill the District Harbor Commission's securities law responsibilities.

For any privately placed debt with no Official Statement, the Director of Administrative Services shall provide the Financing Team a draft staff report describing the issue and such other documents. The Financing Team and Disclosure Review Group (see Section 7.5) shall review and approve the staff report before the transaction is approved by the District Harbor Commission.

6. CREDITWORTHINESS OBJECTIVES

Ratings reflect the general fiscal soundness of the District or the applicable District credit and the capabilities of its management. Typically, the higher the credit ratings are, the lower the interest cost is on the District's debt issues. To enhance creditworthiness, the District is committed to prudent financial management, systematic capital planning, and long-term financial planning. The District recognizes that external economic, natural, or other events may, from time to time, affect the creditworthiness of its debt.

The most familiar nationally recognized bond rating agencies are Standard and Poor's, Moody's Investors Service, and Fitch Ratings. When issuing a credit rating, rating agencies consider various factors including but not limited to:

- District's fiscal status;
- District's general management capabilities;

- Economic conditions that may impact the stability and reliability of debt repayment sources;
- District's reserve levels;
- District's debt history and current debt structure, if any;
- Project being financed;
- Covenants and conditions in the governing legal documents.

6.1. Bond Ratings

Not all financings are eligible for a bond rating. The Financing Team will assess whether a credit rating should be obtained for an issuance sold in the public capital markets. The District typically seeks a rating from at least one nationally recognized rating agency on new and refunded issues being sold in the public market. The Director of Administrative Services, working with the Financing Team, shall be responsible for determining which of the major rating agencies the District shall request provide a rating. When applying for a rating on an issue, the District shall prepare a formal presentation of the relevant credit criteria that will be reviewed by the Financing Team and Disclosure Review Group before its presentation to a rating agency.

6.2. Rating Agency Communications

The Director of Administrative Services is responsible for maintaining relationships with the rating agencies that assign ratings to the District's various debt obligations. This effort shall include providing the rating agencies with the District's financial statements, if applicable, as well as any additional information requested.

7. POST ISSUANCE ADMINISTRATION

7.1. Investment of Proceeds

The Director of Administrative Services shall invest debt proceeds and debt service reserve funds in accordance with each issue's indenture or trust agreement, utilizing competitive bidding when possible. All investments will be made in compliance with the District's Investment Policy objectives of safety, liquidity and then yield. Unexpended debt proceeds shall be held by the bank trustee whenever possible. The trustee will be responsible for recording all investments and transactions relating to the proceeds and providing monthly statements regarding the investments and transactions. Investment of proceeds shall be in compliance with applicable federal tax law rules. See Arbitrage Compliance and Post-Issuance Compliance.

7.2. Use of Debt Proceeds and Internal Controls

The Director of Administrative Services is responsible for ensuring debt proceeds are spent for the intended purposes identified in the debt documents and that the proceeds are spent in the time frames identified in the tax certificate prepared by the District's bond counsel. The District typically completes the infrastructure projects financed with debt proceeds itself. Therefore, the District's internal controls related to District Harbor Commission award of contracts, purchase orders and accounts payable are utilized. The Director of Administrative Services will authorize the use of debt proceeds to reimburse expenditures and review unspent debt proceeds remaining after each draw.

The Accounting Manager will maintain records setting forth the date and amount of each disbursement of proceeds together with evidence with respect to each disbursement (e.g. name of payee, invoices, purchase orders, contracts, checks), and confirm each expense is consistent with the legal documents. The Accounting Manager is responsible for reconciling trustee and fiscal agent bank statements on a monthly basis.

Although the District is an infrequent issuer, it recognizes each debt issue may be different and that there may be circumstances that require deviation from the standard practice of the District contracting and managing construction. In these situations, the Director of Administrative Services, working with the Accounting Manager, will develop debt specific procedures, maintaining as many of the District's internal controls as possible.

7.3. Arbitrage Compliance

The District shall follow a policy of full compliance with all the arbitrage and rebate requirements of the federal tax code and Internal Revenue Service regulations. The District shall engage qualified third parties for the preparation of arbitrage and rebate calculations. All necessary rebates will be filed and paid when due.

7.4. Ongoing Disclosure and EMMA

The District shall comply with the requirements of the Continuing Disclosure Undertaking(s) entered into at the time of each debt issue. The Director of Administrative Services shall be responsible for providing ongoing disclosure information. Disclosure for publicly issued debt is filed with the Municipal Securities Rulemaking Board's (MSRB's) Electronic Municipal Market Access (EMMA) system, the central depository designated by the Securities and Exchange Commission for ongoing disclosure by municipal issuers. Private placement disclosure is delivered to the appropriate bondholders by email or other agreed-upon procedures.

In order to comply with 2018 amendments to Rule 15c2-12, the District will maintain an inventory of "financial obligations" (as defined in Section 8).

The Director of Administrative Services will prepare the annual disclosure reports in accordance with the Continuing Disclosure Undertakings. The Director of Administrative Services will identify material information that should be disclosed and identify other persons that may have knowledge of material information.

Once the annual disclosure reports are in final draft form, the Director of Administrative Services will submit them for review by the Disclosure Review Group described in Section 7.5 of this policy. After review and approval by the Disclosure Review Group, the Director of Administrative Services will post the disclosure on EMMA using the user name and password issued by the Municipal Securities Rulemaking Board.

In addition to annual reports, Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) obligates the District to enter into a written undertaking to disclose, in a timely manner to the MSRB, notice of certain specified events with respect to the District's securities. The list of applicable events is set forth in each continuing disclosure undertaking.

The Director of Administrative Services may file notice with the MSRB of specified events listed in the Continuing Disclosure Undertakings without prior review and approval of the Disclosure Review Group if the District is contractually obligated to file and the disclosure document contains no discretionary content.

If any member of the Disclosure Review Group concludes that an event may have occurred, the Director of Administrative Services shall be contacted, and shall notify the Disclosure Review Group to discuss the potential event.

7.5. Disclosure Review Group

The District will establish a Disclosure Review Group to ensure the accuracy of its initial and continuing disclosure information and the District's compliance with all applicable federal and state securities laws. The Disclosure Review Group shall review and approve, to the best of its ability, the District's disclosure documents listed in this policy.

Members - The members of the group shall include the following:

- Director of Administrative Services;
- District Legal Counsel or designee;
- District General Manager or designee;
- Department Heads (applicable to specific issue);
- Accounting Manager;
- Communications Analyst (press releases and other communication);

The Disclosure Review Group is an internal working group of District staff and not a decision-making or advisory body subject to the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.).

Meetings - The Disclosure Review Group shall meet as often as necessary to fulfill its obligations, but not less than once per calendar year when the District has debt. The Director of Administrative Services shall be responsible for convening meetings of the Disclosure Review Group, although any member of the Disclosure Review Group may instruct the Director of Administrative Services to convene a meeting.

Review and Approval - The Disclosure Review Group shall critically evaluate a disclosure document for accuracy and compliance with federal and state securities laws, and shall, if appropriate, ask questions. The Disclosure Review Group may send the disclosure document back for revisions.

Disclosure Documents - Disclosure documents shall include, but are not limited to, the following:

A. Preliminary and final official statements;
B. Private placement memoranda and remarketing memoranda;
C. Any filing made by the District with the MSRB, whether made pursuant to a continuing disclosure undertaking to which the District is a party or made voluntarily;
D. Rating agency presentations;
E. Management's discussion and analysis and transmittal letter portions of the District's audited financial statement;
F. Press releases and other communications that are reasonably likely, in the determination of the Disclosure Review Group, to reach investors or the securities market.

Any person preparing a document for release to the public that may be considered a disclosure document shall notify the Director of Administrative Services of such information and its proposed or mandatory dissemination date. If the document is not on the list of disclosure documents and the Director of Administrative Services determines it is reasonably likely to reach investors or the securities market, the Director of Administrative Services shall inform the Disclosure Review Group. Disclosure Counsel may be consulted for advice.

Training - The Director of Administrative Services shall arrange for periodic disclosure training sessions for the Disclosure Review Group. Such training sessions shall include the District's disclosure obligations under applicable federal and state laws and the disclosure responsibilities and potential liabilities of members of District staff and members of the District Harbor Commission. Such training sessions may be conducted using a recorded presentation. District Harbor Commission members, at a minimum, will be informed of the disclosure responsibilities at his or her new member orientation and prior to approving a debt issue.

7.6. Post-Issuance Compliance

The District must maintain compliance with all undertakings, covenants, and agreements of each debt issuance on an ongoing basis. This typically includes ensuring:

- Revenues are annually appropriated to meet debt service payments;
- Taxes/fees are levied and collected where applicable;
- Debt service payments are transferred timely to the trustee;
- Insurance requirements are met;
- Rate covenants are satisfied.

There are other periodic reporting requirements associated with debt issues such as the CDIAC Proposed Issuance and Post-Sale report.

The District shall comply with all covenants agreed to in the legal documents (including tax certificates) entered into at the time of the debt offering as well as conditions contained in governing law. The Director of Administrative Services will coordinate verification and monitoring of compliance.

Section 9 of this document will be updated when the District issues debt and will include important compliance dates. The District will utilize EMMA's email reminder system to calendar these reporting requirements and notify the Director of Administrative Services as well as other staff members of upcoming obligations. Section 9 will also include an inventory of the District's financial obligations for purposes of Rule 15c2-12.

7.7. Retention

A copy of all relevant documents and records will be maintained by the Financing Team for the term of the debt (including refunding debt, if any) plus ten years. Relevant documents and records will include sufficient documentation to support the requirements relating to the tax-exempt status, including the following:

- Bond transcripts, official statement and other offering documents.
- All documents relating to capital expenditures financed by debt proceeds. Such documents will include construction contracts, purchase orders, invoices and payment records. Such documents will include documents relating to costs reimbursed with debt proceeds.
- Records will be maintained identifying the assets or portion of assets that are financed with debt proceeds.
- All contracts and arrangements involving private use (including private management) of the debt financed assets.
- All reports relating to the allocation of debt proceeds and private use of debt financed assets.
- All records of investments, investment agreements, arbitrage reports, return filings with the IRS and underlying documents, trustee statements, rating correspondence, and continuing disclosure.

7.8. Investor Relations

While the District shall post its annual financial report as well as other financial reports on the District's website, this information is intended for the citizens of San Mateo County. Information with the intention of reaching the investing public, including bondholders, rating analysts, investment advisors, or any other members of the investment community shall be filed on the EMMA system.

7.9. Additional Requirements for Financial Statements

It is the District's policy to hire an auditing firm that has the technical skills and resources to properly perform an annual audit of the District's financial statements. More specifically, the firm shall be a recognized expert in the accounting rules applicable to the District and shall have the resources necessary to review the District's financial statements on a timely basis.

8. GLOSSARY AND MUNICIPAL SECURITIES TERMINOLOGY

Ad Valorem Tax: A tax calculated "according to the value" of property. Such a tax is based on the assessed valuation of real property and a valuation of tangible personal property.

Advance Refunding: Refunding bonds that are issued more than 90 days prior to the date upon which the refunded bonds will be redeemed. Proceeds of the advance refunding bonds are placed into an escrow account with a fiduciary and used to pay interest and principal on the refunded bonds and then used to redeem the refunded bonds at their maturity or call date. Under current federal tax law, advance refundings cannot be accomplished with tax-exempt bonds.

Arbitrage: The gain that may be obtained by borrowing funds at a lower (often tax-exempt) rate and investing the proceeds at higher (often taxable) rates. The ability to earn arbitrage by issuing tax-exempt securities has been severely curtailed by the Tax Reform Act of 1986, as amended.

Assessed Valuation: The appraised worth of property as set by a taxing authority through assessments for purposes of ad valorem taxation.

Assessment District Bonds: Bonds issued for public improvements benefiting property within assessment districts created pursuant to the Improvement Act of 1911 and the Municipal Improvement Act of 1913.

Bond: A security that represents an obligation to pay a specified amount of money on a specific date in the future, typically with periodic interest payments.

Bond Anticipation Notes (BANS): Short-term notes issued usually for capital projects and paid from the proceeds of the issuance of long-term bonds. Provide interim financing in anticipation of bond issuance.

Bond Counsel: An attorney retained by the issuer to give a legal opinion concerning the validity of securities. The bond counsel's opinion usually addresses the subject of tax exemption. Bond counsel may prepare or review and advise the issuer regarding authorizing resolutions, trust indentures and litigation.

Bond Insurance: A type of credit enhancement whereby an insurance company indemnifies an investor against default by the issuer. In the event of failure by the issuer to pay principal and interest in full and on time, investors may call upon the insurance company to do so. Once issued, the municipal bond insurance policy is generally irrevocable. The insurance company generally receives its premium when the policy is issued.

Call Option: The right to redeem a bond prior to its stated maturity, either on a given date or continuously. The call option is also referred to as the optional redemption provision. Often a "call premium" is added to the call option as compensation to the holders of the earliest bonds called.

Capital Appreciation Bond: A municipal security on which the investment return on an initial principal amount is reinvested at a stated compounded rate until maturity, at which time the investor receives a single payment representing both the initial principal amount and the total investment return.

Capital Improvement Program Budget: A forecast of the District's capital needs over a five-year period based on various long-range plans, goals, and policies. Capital projects are typically large-scale endeavors in terms of cost, size and benefit to the community.

Certificates of Participation: A security representing a proportionate interest in payments such as lease payments by one party (such as a District acting as a lessee) to another party (often a trustee).

Competitive Sale: A sale of bonds in which an underwriter or syndicate of underwriters submit sealed bids to purchase the bonds. Bids are awarded on a true interest cost basis ("TIC"), providing that other bidding requirements are satisfied. Competitive sales are recommended for simple financings with a strong underlying credit rating. This type of sale is in contrast to a Negotiated Sale.

Comprehensive Annual Financial Report: Government's annual financial statement.

Conduit Financing: The issuance of securities by a governmental entity to finance a project that will primarily benefit a third party. The security for this type of financing is the credit of the third party. Usually such securities do not constitute general obligations of the issuer since the private entity is liable for generating the pledged revenues for repayment. Industrial development bonds and multifamily housing revenue bonds are a common type of conduit refinancing.

Continuing Disclosure: The requirement established by the Securities and Exchange Commission pursuant to Rule 15c2-12 that requires underwriters of most publicly-sold debt to ensure that issuers enter into a written undertaking to provide annual financial and operating data

and event notices to the Municipal Securities Rulemaking Board for access by the general marketplace.

Credit Rating Agency: A company that rates the relative credit quality of a bond issue and assigns a letter rating. These rating agencies include Moody's Investors Service, Standard & Poor's, and Fitch Ratings.

Current Refunding: Refunding bonds that are issued 90 days or less before the date upon which the refunded bonds will be redeemed.

Debt Limit: The maximum amount of debt that is legally permitted by a jurisdiction's charter, constitution, or statutes.

Debt Service: The amount necessary to pay principal and interest requirements on outstanding bonds for a given year or series of years.

Default: The failure to pay principal or interest in full or on time and, in some cases, the failure to comply with non-payment obligations after notice and the opportunity to cure.

Derivative: A financial instrument which derives its own value from the value of another instrument, usually an underlying asset such as a stock, bond, or an underlying reference such as an interest rate index.

Disclosure Counsel: An attorney retained to provide advice on issuer disclosure obligations, to prepare the official statement and to prepare the continuing disclosure undertaking.

Discount: The difference between a bond's par value and the price for which it is sold when the latter is less than par.

Electronic Municipal Market Access (**EMMA):** A system operated by the Municipal Securities Rulemaking Board that serves as the official clearinghouse for municipal securities disclosures (both initial and continuing) and related market data (https://emma.msrb.org/)

Financial Obligation: Defined in Rule 15c2-12 as a (A) debt obligation, (B) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (C) guarantee of a debt obligation or derivative instrument. The term financial obligation does not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with Rule 15c2-12.

Financing Team: The working group of District staff and outside consultants necessary to complete a debt issuance.

General Obligation Bond: In California, a bond secured by an unlimited ad valorem property tax pledge. For local agencies, a general obligation bond requires a favorable two-thirds vote by the electorate. GO bonds usually achieve lower rates of interest than other financing instruments since they are considered to be a lower risk.

Indenture: A contract between the issuer and the trustee stipulating the characteristics of the financial instrument, the issuer's obligation to pay debt service, and the remedies available to the trustee in the event of default.

Industrial Development Bonds: Securities issued to finance the construction or purchase of industrial, commercial or manufacturing facilities to be purchased by or leased to a private user. These securities are backed by the credit of the private user and generally are not considered liabilities of the governmental issuer.

Issuance Costs: The costs incurred by the bond issuer during the planning and sale of securities. These costs include but are not limited to fees and expenses of municipal advisors, bond counsel and disclosure counsel, District staff costs, printing and advertising costs, rating agencies fees, and other expenses incurred in the marketing of an issue.

Lease: An obligation wherein a lessee agrees to make payments to a lessor in exchange for the use of certain property. The term may refer to a capital lease or to an operating lease.

Lease Revenue Bonds: Bonds that are secured by an obligation of one party to make annual lease payments to another.

Municipal Advisor: A consultant who provides the issuer with advice on the structure of the bond issue, timing, terms and related matters for a new bond issue.

Municipal Securities Rulemaking Board (MSRB): A self-regulating organization established on September 5, 1975 upon the appointment of a 15-member board by the Securities and Exchange Agreement. The MSRB, comprised of representatives from investment banking firms, dealer bank representatives, and public representatives, is entrusted with the responsibility of writing rules of conduct for the municipal securities market.

Negotiated Sale: A sale of securities in which the terms of the sale are determined through negotiation between the issuer and the purchaser, typically an underwriter, without competitive bidding. Negotiated sales can also occur on a private placement basis. See Private Placement. The negotiated sales process provides the issuer with control over the financing structure and issuance timing. Negotiated sales are recommended for unusual financing terms, periods of market volatility and weaker credit quality. A thorough evaluation of market conditions will be performed to ensure reasonable final pricing and underwriting spread.

Net Interest Cost (NIC): A method of computing the interest expense to the issuer of bonds, which may serve as the basis of award in a competitive sale of a new issue of municipal securities. NIC takes into account any premium or discount applicable to the issue, as well as the dollar amount of coupon interest payable over the life of the issue. NIC does not take into account the time value of money (as would be done in other calculation methods, such as the “true interest cost” (TIC) method). The term “net interest cost” refers to the overall rate of interest to be paid by the issuer over the life of the bonds.

Official Statement (Prospectus): A document published by the issuer in connection with a primary offering of securities that discloses material information on a new security issue including the purposes of the issue, the terms of the securities, how the securities will be repaid, and the financial, economic and social characteristics of the security for the bonds. Investors may use this information to evaluate the credit quality of the securities.

Original Issue Discount Bonds: Bonds sold at a substantial discount from their par value at the time of the original sale. See Discount.

Par Value: The face value or principal amount of a security.

Preliminary Official Statement: A version of the Official Statement prepared by or for an issuer of municipal securities for potential customers prior to the pricing of the securities. Under SEC Rule 15c2-12, the difference between a Preliminary Official Statement and a final Official Statement is that the final Official Statement includes “pricing information,” i.e., offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, any other terms or provisions required by an issuer of such securities to be specified in a competitive bid, ratings, other terms of the securities depending on such matters, and the identity of the underwriter(s).

Premium: The excess of the price at which a bond is sold over its face value.

Present Value: The value of a future amount or stream of revenues or expenditures.

Pricing Consultant: The Pricing Consultant provides a fairness letter to the District or its agent regarding the pricing of a new issue of municipal securities. Municipal advisors often provide this service to issuers as part of their duties.

Private Activity Bonds: A bond where bond proceeds are used for private purposes. If deemed a private activity bond, the interest is not tax exempt unless the use of the proceeds meets certain requirements of the Internal Revenue Code.

Private Placement: A bond issue that is structured specifically for one or a handful of purchasers. Private placements are typically carried out when a bond's credit characteristics or other structural terms preclude public offerings. A private placement is considered to be a negotiated sale.

Refunding: A procedure whereby an issuer refinances an outstanding debt issue by issuing a new debt issue.

Rule 10b5: Rule adopted by the Securities and Exchange Commission that requires the disclosure of all material facts and prohibits the misstatement of material facts if the omission or misstatement would be misleading.

Rule 15c2-12: Rule adopted by the Securities and Exchange Commission setting forth certain obligations of (i) underwriters to receive, review and disseminate official statements prepared by issuers of most primary offerings of municipal securities, (ii) underwriters to obtain continuing disclosure undertakings from issuers and other obligated persons to provide ongoing annual financial information on a continuing basis, and (iii) broker dealers to have access to such continuing disclosure in order to make recommendations of municipal securities in the secondary market.

Reserve Fund: A fund established by the indenture of a bond issue into which money is deposited for payment of debt service in case of a shortfall in current revenues.

Revenue Bond: A bond which is payable from a specific source of revenue and to which the full faith and credit of an issuer is **not** pledged. Revenue bonds are payable from identified sources of revenue, and do not permit the bondholders to compel a jurisdiction to pay debt service from any other source. Pledged revenues often are derived from the operation of an enterprise.

Secondary Market: The market in which bonds are sold after their initial sale in the new issue market.

Serial Bonds: Bonds of an issue that mature in consecutive years or other intervals and are not subject to mandatory sinking fund provisions.

Tax and Revenue Anticipation Notes (TRANS): Short-term notes issued in anticipation of receiving tax receipts and revenues at a future date. Proceeds allow the municipality to manage the periods of cash shortfalls resulting from a mismatch between timing of revenues and timing of expenditures.

Term Bonds: Bonds that come due in a single maturity whereby the issuer may agree to make periodic payments into a sinking fund for mandatory redemption of term bonds before maturity or for payment at maturity.

True Interest Cost (TIC): Under this method of computing the interest expense to the issuer of bonds, true interest cost is defined as the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the new issue of bonds. Interest is assumed to be compounded semi-annually. TIC computations produce a figure

slightly different from the “net interest cost” (NIC) method because TIC considers the time value of money while NIC does not.

Trustee: A bank retained by the issuer as custodian of bond proceeds and official representative of bondholders. The trustee ensures compliance with the indenture. In many cases, the trustee also acts as paying agent and is responsible for transmitting payments of interest and principal to the bondholders.

Underwriter: A broker-dealer that purchases a new issue of municipal securities from the issuer for resale in a primary offering. The bonds may be purchased either through a negotiated sale with the issuer or through a competitive sale.

9. DEBT SUMMARY

The District does not have any outstanding debt as of the date of the adoption of this Policy.

Note: The Securities and Exchange Commission (the “SEC”), the agency with regulatory authority over the District’s compliance with the federal securities laws, has issued guidance as to the duties of the District Harbor Commission with respect to its approval of the POS. In its “Report of Investigation in the Matter of County of Orange, California as it Relates to the Conduct of the Members of the Board of Supervisors” (Release No. 36761 / January 24, 1996) (the “Release”), the SEC stated that, if a member of the District Harbor Commission has knowledge of any facts or circumstances that an investor would want to know about prior to investing in the bonds, whether relating to their repayment, tax-exempt status, undisclosed conflicts of interest with interested parties, or otherwise, he or she should endeavor to discover whether such facts are adequately disclosed in the Official Statement. In the Release, the SEC stated that the steps that a member of the District Harbor Commission could take include becoming familiar with the POS and questioning staff and consultants about the disclosure of such facts.

San Mateo County Harbor District

Policies and Procedures	**Number**: 4.3.3	**Date:** 12/05/01	**Revision**: 02/03/2016
Title: Emergency Expenditures	**Prepared By**: Steve McGrath	**Approved By**: Harbor Commission	**Page:** Page 1 of 1
Purpose: To establish emergency expenditure policy			

STATEMENT OF POLICY

This policy establishes and clarifies the basis for the District's emergency expenditures

In the event of an emergency occurrence for which:

a) An immediate expenditure decision must be made to address the emergency concern in the interests of health, welfare and safety, and

b) The emergency expenditure exceeds the General Manager's established authority of $25,000, and

c) Which occurs prior to a regular Harbor Commissioner meeting,

The General Manager shall have the discretion to make the emergency expenditure decision and take other steps necessary to address the emergency concern. The General Manager shall make all reasonable attempts to first contact the President of the Board of Harbor Commissioners, or the Vice President of the Board if the President is unavailable, before deciding to proceed. The General Manager shall report to the Harbor Commission at the next scheduled Board Meeting as to the circumstances of the emergency expenditure.

San Mateo County Harbor District

Title: Investment Policy	Number: 4.4.1	Date of Approval: 03/19/2026
Other Revisions: 9/15/04 Reso 19-04 8/16/06 Reso 54-06 9/02/09 Reso 18-09 8/19/15 Reso 36-15	**Prepared By**: Julie van Hoff	

STATEMENT OF POLICY

WHEREAS, the Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (Cal. Gov. Code, §53630.1); and

WHEREAS, the legislative body of a local agency may invest surplus moneys not required for the immediate necessities of the local agency in accordance with the provisions of California Government Code §53600 et seq.; now

THEREFORE be it resolved, that it shall be the policy of the San Mateo County Harbor District ("District") to conduct its investments using the prudent investor standard, which provides that when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency (Cal. Gov. Code, § 53600 et seq.).

SCOPE

This investment policy governs all money of the District. Money that is not required for the immediate needs of the District shall be invested in accordance with this Policy. The District does not currently have debt and therefore does not manage investment of debt proceeds. Prior to the issuance of debt the District shall revise this policy to incorporate methods used for the investment of such proceeds.

OBJECTIVES

When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives, in priority order, of the investment activities shall be:

Safety

Safety of principal is the foremost objective of the investment program. The safety and risk associated with an investment refer to the potential loss of principal, interest, or a combination of these amounts. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. Credit risk and interest or market risk shall be minimized. To attain this objective, diversification is required so that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity

An adequate percentage of the portfolio will be maintained in liquid short-term investments which can be converted to cash if necessary to meet disbursement requirements. A short-term investment is defined as any investment which matures within a one-year period. The investment portfolio will remain sufficiently liquid to enable the District to meet all operating requirements, which might be reasonably anticipated.

Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio. Return on investments becomes a consideration only after the basic requirements of safety and liquidity have been met.

Public Trust

The District shall avoid any transactions that might impair public confidence.

DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from California Government Code ("GOV') §§ 53600, et seq. Management responsibility for the investment program is hereby delegated to the Director of Administrative Services (in consultation with the Board Treasurer), who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, wire transfer agreements, collateral/depository agreements and banking services contracts, as appropriate. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Director of Administrative Services. The Director of Administrative Services shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate staff. The Director of Administrative Services is a trustee and a fiduciary subject to the prudent investor standard. (Cal. Gov. Code, § 53600.3)

ETHICS AND CONFLICTS OF INTEREST

Harbor Commissioners and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment policy, or which could impair their ability to make impartial investment decisions.

AUTHORIZED FINANCIAL INSTITUTIONS AND BROKERS/DEALERS

The Director of Administrative Services will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength, experience and minimal capitalization, and that are authorized to provide investment services.

Banks, savings associations, federal associations, or federally insured industrial loan companies shall have received an overall rating of not less than “satisfactory” in its most recent evaluation by the appropriate federal financial supervisory agency of its record of meeting the credit needs of California’s communities, including low- and moderate-income neighborhoods, pursuant to §2906 of Title 12 of the United States Code.

California Government Code §§53601.5 and 53601.6 shall apply to all investments that are acquired. In addition, a list will be maintained of approved security broker/dealers who are authorized to provide investment and financial advisory services in the State of California in accordance with Government Code §53601.5. For brokers/dealers of government securities and other investments, the Director of Administrative Services shall select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the Director of Administrative Services shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for the District’s account with that firm has reviewed the District's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the District that are appropriate under the terms and conditions of the Investment Policy.

DEPOSIT OF FUNDS

As far as possible, all money belonging to or in the custody of the District including money paid to the District to pay the principal, interest or penalties of bonds, shall be deposited for safekeeping in state or national banks, savings associations or federal associations, state or federal credit unions or federally insured industrial loan companies in California (as defined by Cal. Gov. Code § 53630); or may be invested in the investments set forth in the table below. Under California Government Code §§ 53637 and 53638, the money shall be deposited in any authorized depository with the objective of realizing maximum return, consistent with prudent financial management.

INVESTMENTS AUTHORIZED UNDER CALIFORNIA GOVERNMENT CODE

The following table was derived from the California Debt and Investment Advisory Commission -Local Agency Investment Guidelines

GOV Section	Investment Type	Maximum Maturity	Authorized Limit (%)	Required Minimum Rating
53601 (a)	Local Agency Bonds	5 years	None	None
53601 (b)	U.S. Treasury Obligations	5 years	None	None
53601 (c) 53601 (d)	State Obligations- CA and Others	5 years	None	None
53601 (e)	CA Local Agency Obligations	5 years	None	None
53601 (f)	U.S. Agency Obligations	5 years	None	None
53601 (g)	Bankers' Acceptances	180 Days	40%	None
53601 (h)(2)(c)	Commercial Paper- Non-Pooled Funds	397 Days	25%*	Highest letter and number rating by an NRSRO
53601 (i)	Negotiable Certificates of Deposit	5 Years	30%	None
53630 et seq	Non-Negotiable Certificates of Deposit	5 Years	None	None
53601.8 53635.8	Placement Service Deposits	5 Years	50%	None
53601.8 53635.8	Placement Service Certificates of Deposit	5 Years	50%	None
53601 (j)	Repurchase Agreement	1 Year	None	None
53601 (j)	Reverse Repurchase Agreements and Securities Lending Agreements	92 days	20% of the base value of the portfolio	None
53601(k)	Medium Term Notes	5 Years	30%*.	A
53601 (l) 53601.6(b)	Money Market Mutual Funds & Mutual Funds**	5 Years	20%	Multiple
53601 (n)	Collateralized Bank Deposits	5 Years	None	None
53601 (o)	Mortgage Pass-Through Securities and Asset Backed Securities	5 Years	20%	AA or its equivalent

16429.1	Local Agency Investment Fund (LAIF)	N/A	None	None
27133	County Pooled Investment Funds	N/A	None	None
53601(p)	Joint Powers Authority Pool	N/A	None	Multiple
16340	Voluntary Investment Program Fund	N/A	None	None
53601(q)	Supranational Obligations	5 Years	30%	AA or its equivalent
53601(r), 53635(c) and 57603	Public Bank Organizations	5 Years	None	None

The San Mateo County Harbor District may purchase no more than 10% of the outstanding commercial paper and medium-term notes of any single issuer.

PROHIBITED INVESTMENTS

Under the provisions of GOV §§ 53601.6 and 53631.5, the District shall not invest any funds in inverse floaters, range notes, or mortgage-derived, interest only strips or any security that may result in a zero interest accrual if held to maturity. Investments that are not specifically provided for by this policy are prohibited.

COLLATERALIZATION

The percentage of collateralization on securities underlying repurchase agreements will adhere to the amount required under GOV § 53601(j) and be valued at 102 percent or greater of the funds borrowed against those securities.

SAFEKEEPING AND CUSTODY

Third-Party Safekeeping:

All securities held by a third-party shall be evidenced by safekeeping receipts.

Internal Controls:

Internal controls are designed to ensure that the District is protected from theft, loss, or misuse. The is a control to protect against collusion by separation of duties, the safekeeping of securities and written confirmation of transfers between bank and investment accounts. Refer to District's Policy 4.6.2 Cash Management Policy for additional details.

Delivery vs. Payment:

All security transactions entered into by the District shall be conducted on delivery-versus-payment on investment transactions. All investment transactions shall be conducted using standard delivery versus payment procedures. In delivery versus

payment, the District pays for the securities when they are delivered to the District or the District's custodian and ensures that the securities are deposited in an eligible financial institution prior to the release of payment.

GENERAL STRATEGY & DIVERSIFICATION

It is the policy of the District to diversify its investment portfolio. The District will diversify its investments to eliminate the risk of loss resulting from over concentration of assets in a specific maturity a specific issuer or a specific date of securities. Diversification strategies shall be determined and revised periodically.

The District participates in the State's Local Agency Investment Pool and the San Mateo County Investment Pool. Both pools are highly diversified and contain both actively managed investments as well as investments that are expected to be held to maturity. In addition, the Pools are required to comply with California Regulations.

PORTFOLIO MANAGEMENT ACTIVITES

Competitive Bidding

Investments shall be purchased from approved financial institutions or broker/dealers in accordance with this policy. A formal competitive bidding process is not required; however, the District will seek to obtain reasonable market pricing and execute transactions in a manner consistent with prudent portfolio management.

Reporting

The Director of Administrative Services shall submit to each member of the governing body a quarterly investment report in accordance with GOV §53646(b). The report shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds, investments, or programs managed by third party contractors. With respect to all securities held by the local agency, and under the management of an outside party that is not also a local agency or the LAIF, the report must include a current market value as of the date of the report and the source of the valuation.

In the case of funds invested in the San Mateo County Investment Fund, the Local Agency Investment Fund (LAIF), Federal Deposit Insurance Corporation-Insured accounts or county investment pools, current statements from those institutions will satisfy the above reporting requirement. The report will also include a certification that (1) all investment actions executed since the last report have been made in full compliance with the Investment Policy and, (2) the District will meet its expenditure obligations for the next six months. (Cal. Gov. Code § 53646(b)-(e)). The Director of Administrative Services shall maintain a complete and timely record of all investment transactions.

GASB Statement 31- Mark to Market

The Investment Portfolio will use the mark to market method of measuring the fair value of investments and shall report amounts on a timely quarterly basis as part of the reporting of the quarterly investment report.

Calculation of Yield and Costs

The yields and costs of a portfolio shall be measured in comparable ways.

The San Mateo County Pool Yield is calculated on an accrual basis using a 365-day calendar year. Earnings are calculated as follows:

$$\frac{\text{(Earnings* + Capital Gains) less (Fees + Amortized Premiums + Capital Losses)}}{\text{Average Daily Pool Balance}}$$

* Earnings equal net interest payments + accrued interest + accreted discounts.

INVESTMENT POLICY ADOPTION/MODIFICATION

The Investment Policy was formally adopted by resolution 12-96 on June 5, 1996 The Policy shall be reviewed on an annual basis, and any modifications necessary must be approved by the San Mateo County Harbor District Board of Harbor Commissioners. Legislative changes shall be incorporated if relevant and shall specify the California Government Code sections that have been added, deleted or amended.

San Mateo County Harbor District

Policy Title: Reserve Policy	**Number**: 4.4.3	**Approval Date:** 4/15/2020
Other Revisions: 9/7/2016	**Prepared by:** Julie van Hoff	

STATEMENT OF POLICY

The San Mateo County Harbor District must maintain a prudent level of financial resources to guard its stakeholders against service disruption in the event of temporary unexpected revenue shortfalls or unpredicted one-time expenses. To meet this requirement, the District's Enterprise Fund Reserves (Reserves) has been created and maintained to respond to unexpected adversity and/or opportunities. This policy has been established to provide the rules and procedures on how the District will manage Reserves. In addition, this policy is intended to document the appropriate Reserve levels to protect the District's credit worthiness. Specifically, this policy establishes the amounts that the District will strive to maintain in its Reserves, how the Reserves will be funded, and the conditions under which the Reserves may be used

Definitions and Acronyms:

1) Capital Improvement Program (CIP)- A plan that describes the capital projects and associated funding sources the District intends to undertake in the current year plus five additional future years, including the acquisition or construction of capital facilities and assets, and the maintenance thereof.

2) Cash Balance- The sum of cash and Cash Equivalents of the District.

3) Cash Equivalents- In the context of cash flow reporting, short-term, highly liquid investments that are both readily convertible to known amounts of cash and so near their maturity that they present insignificant risk of changes in value because of changes in interest rates. Generally, only investments with original maturities of three months or less meet this definition. For this purpose, "original maturity" means maturity as of the date the investment is acquired.

4) Enterprise Fund- Proprietary fund type used to report an activity for which a fee is charged to external users for goods or services.

5) Non-Recurring Item- An expense that has not occurred in the previous two years and is not expected to occur in the following year.

6) Enterprise Fund Reserves (Reserves)- Reserves refer only to the portion of Working Capital that is intended to provide stability and respond to unplanned events or opportunities.

7) Working Capital- An accounting term defined as current assets less current liabilities in a proprietary fund. Working Capital is used to express the Reserves available in a proprietary fund for use.

Policy:

1) Reserve Levels- The District will maintain a minimum level of Working Capital equivalent to 25% of the Operating Budget Appropriation adjusted to include 50% of biennial appropriations (e.g. election costs) and not include non-recurring appropriations. For purposes of this calculation Working Capital will include long-term investments that can be liquidated within five business days. The District will measure its compliance with this policy as of June 30th each year, or as soon as practical after final year-end account information becomes available.

   If based on staff's analysis and forecasting, the target level of the Reserves is not being met or is likely to not be met at some point within a five-year time horizon, then during the annual budget process Working Capital levels will be provided to the Board of Commissioners. Should the projected year-end Working Capital position be below the minimum Reserve levels established based on the requirements outlined in this policy, a plan to replenish Reserves would be established based on the requirements outlined in this policy.

2) Cash Balance- In order to provide liquidity adequate to meet the needs and demands of providing government services including unanticipated reductions in revenues or unplanned increases in expenses, Reserve levels will be maintained and managed within the District's Cash Balance accounts. Reserves are intended to support this effort and provide cash during different annual cycles of payments due and revenues collected.

3) Funding Reserves- Funding will generally come from excess revenues over expenses or one-time revenues.

4) Conditions for Use of Reserves- It is the intent of the District to limit use of the Reserves to address unanticipated, non-recurring needs. Reserves shall not normally be applied to recurring annual operating expenses. Reserves may however be used to allow time for the District to restructure its operations in a deliberate manner (as might be required in an economic downturn), but such use will only take place in the context of an adopted long-term plan.

5) Authority Over Reserves- Approval from the Board of Harbor Commissioners is required to expend Reserves. Staff will regularly report both current and projected Reserve levels to the Board on a quarterly or semi-annual basis.

6) Replenishment of Reserves- In the event that Reserves are used resulting in a balance below the 25% minimum, a plan will be developed and included in the formulation of the five-year forecast presented during the annual budget process.

7) Excess of Reserves- In the event that the Reserves exceed the minimum balance requirements, at the end of each fiscal year, any excess Reserves may be used in the following ways:

   a. Fund accrued liabilities including but not limited to debt service, pension, and other post-employment benefits as directed and approved within the long-term financial plan and the annual budget resolution. Priority will be given to those items that relieve budget or financial operating pressure in future periods.

   b. Appropriated to lower the amount of bonds needed to fund capital projects in the District's CIP.

   c. One-time expenses that do not increase reoccurring operating costs that cannot be funded through current revenues. Emphasis will be placed on one-time uses that reduce future operating costs.

8) Periodic Review of the Targets- At a minimum, during the budget process staff shall review the current and five-year projected Reserves to ensure they are appropriate given the economic and financial risk factors the District is subject to.

San Mateo County Harbor District

Policy Title: Cash Management Policy	**Number:** 4.6.2	**Date of Approval:** 4/19/23
Other Revisions: 02/20/02; 6/15/05; 5/18/16; 8/16/17; 11/14/18	**Prepared By:** Julie van Hoff	

STATEMENT OF POLICY

This policy outlines controls that are in place to ensure the financial integrity of the District's bank and pooled investment accounts.

In Summary, the persons in the following positions are authorized to sign checks on behalf of the District:

- President of Board of Harbor Commissioners
- District Treasurer
- General Manager
- Director of Administrative Services
- Director of Operations

The persons in the following positions are authorized to approve transfers from the District's Pooled Investment Accounts to fund the District's checking account:

- President of Board of Harbor Commissioners
- Treasurer of Board of Harbor Commissioners

Internal Control Policy

A. This policy provides for the adequate separation of duties, including the following:

1. a receipt log of all cash/checks received will be prepared at least bi-weekly by a Customer Service Coordinators;
2. the Accountant shall review the deposit and ensures it reconciles with the deposit slip for cash/check deposits and confirms the payments are being posted to the correct general ledger account;
3. the Accounting Manager shall review and, if appropriate, approve the deposit;
4. the bank reconciliation will be prepared promptly after month-end by an employee with no authority to prepare or sign checks or authorize other debits against the account;
5. all invoices or requests for payment must be approved by an authorized person
6. all checks over $50,000 must be signed by two authorized signers;

7. no employee can complete all four of the below processes in any cash transaction:

    a) custody (control) of cash;
    b) authorization or approval of the transaction;
    c) recordkeeping of the transaction, or
    d) reconciliation of the transaction.

B. The District is audited annually, and any finding(s) are reported to the Board of Commissioners with simultaneous notice to the General Manager.

C. Transfer of funds from the District's cash deposited in the Local Agency Investment Fund (LAIF) or the San Mateo County Investment Pool (SMCIP,) may only be made to the District's Checking Account. The requests for transfer out of LAIF or SMCIP shall be signed by either the Board President, or Board Treasurer, and the General Manager and shall be supported by detailed information which shall be maintained by District's Accounting Manager.

D. To maximize interest earnings and manage district's cash flow needs, the Accounting Manager will strive to maintain a reasonable balance in the checking account to off-set monthly bank charges, but at the same time recognize that surplus funds should be transferred as appropriate to LAIF or SMCIP.

E. Templates for Fed-wire or Automated-Clearing House (ACH) Transfers out of the District's bank accounts may only be established by the Accounting Manager and must be approved by the Director of Administrative Services. Subsequent use of these Fed-wire or ACH templates shall require two employees – an initiator and an approving employee.

F. The signing of any checks written on the accounts of the District or electronically paid will be in accordance with the District's Purchasing and Procurement Policy 4.3.1.

G. A listing of all payments made by the District will be presented to the Harbor Commission for review on a monthly basis. The Harbor Commission will review this policy upon completion of each year's audit with input from its external auditor.

H. Following are definitions of Electronic Payment Methods:

    1. Automated clearing house (ACH) – movement of funds in a batch process, which is best for high volume, low dollar transactions such as payroll, expense reimbursement, and routine vendor payments, as the cost per transaction is low relative to other forms of electronic payment.

    2. Fed-Wire transfer – immediate movement of funds between bank accounts with guaranteed settlement, which is most suitable for high dollar transactions because the cost per transaction is high relative to other forms of electronic payment.

    3. Purchasing (procurement) cards – a credit card transaction designed to reduce the volume of small dollar purchase orders issued, field purchase orders or to eliminate petty cash. Purchasing cards are used at the point of

sale, which is convenient for the employee and the customer, and payments are made in aggregate. Vendors that accept the payment will pay a processing fee. There is usually no cost to the District, and the issuing bank may provide a rebate based on transaction volume. In addition, restrictions can be put on the purchasing cards such as a per purchase dollar amount limit, dollar limits per transaction cycle and by MCC (merchant category code).

4. Electronic accounts payable –a credit card transaction, often without physical cards, that allows the District to pay invoices electronically. These payments are made during the normal accounts payable process, but the vendor or government has designated a preference to receive funds via the card instead of checks. As with purchasing cards, the vendor pays a processing fee, and the District may receive a rebate.

5. Automated Clearing House (ACH) debits – withdrawal of funds directly out of the government's bank account. This type of payment is usually requested by vendors who do repetitive business with the government such as benefit providers who have long term contracts with the government. Generally, a government should have debit blocks in place against ACH debits unless specifically identified by the government as trusted vendors.

6. Cryptocurrency – The District does not make payments through cryptocurrency vehicles, due to risk and volatility of that market. Cryptocurrency is "any form of currency that only exists digitally, that usually has no central issuing or regulating authority but instead uses a decentralized system to record transactions and manage the issuance of new units, and that relies on cryptography to prevent counterfeiting and fraudulent transactions:

I. Benefits to using the above electronic payments include:

1. Eliminating the storage, handling, and processing of paper checks.

2. Reducing the time spent on reconciliation.

3. Eliminating the occurrence of lost or stolen checks and the cost and time spent on check reissuance.

4. Reducing security risks, including the visibility of information used in check payment fraud.

5. Improve the tracking of payments through enterprise resource planning (ERP) systems and integration with banking technologies.

J. The following are Cash Payment Methods that are used by the District and associated controls:

1. Petty cash and change funds – Reconciliations are completed annually by the Accounting Technician and forwarded to the Accountant for review and

replenishment. Established verification procedures to prevent duplicate payments.

2. Check Payment Methods-Physical security over check stock and check copy retainage is ensured by the Accounting Manager. The Accountant submits positive pay records to the District's checking account which ensures that all checks presented for payment are only accepted by the bank if they are included in the positive pay record.

   The District's checking account is reconciled by the Accountant within 10 days of receiving the monthly statement. In the event that a check has not cleared the bank within 12 months, the information is sent to the State of California as part of the escheatment process.

   Protocols for using electronic and facsimile signatures are managed by the Accounting Manager.

Policy Title: Capital Asset Policy	**Number:** 4.7.1	**Date of Approval:** December 17, 2025
Other Revisions: 06/07/2006	**Prepared By:** Julie van Hoff	

STATEMENT OF POLICY:

This policy establishes the criteria, responsibilities, and process for capitalization, control, inventory, and disposal of the District's capital assets and controllable assets to ensure consistent treatment and compliance with generally accepted accounting principles (GAAP).

It is the policy of the District to capitalize assets with a cost of $10,000 or greater for-1) land, 2) buildings and building improvements, 3) equipment, and 4) intangible assets; and $100,000 or greater for infrastructure assets. In addition, the useful life of the asset shall be five (5) or more years.

- Capitalization will be applied to individual capital assets rather than groups of assets (e.g., desks, tables).
- Capitalized assets, not including land, are subject to depreciation and recorded on the balance sheet as assets.
- Controllable assets below the capitalization threshold will be tracked for accountability, insurance, or security purposes.

1.0 Definitions

1.1 Capital Asset
An asset meeting the capitalization threshold and useful life requirement, including but not limited to:

A. Land

This includes the cost of land itself, as well as land improvements such as landscaping, and other non-depreciable additions.

B. Buildings and Building Improvements

This category encompasses structures, their components, and any improvements or renovations made to them.

C. Infrastructure Assets

These are the systems that support the District, such as roads, piers, curbs, sidewalks, water and sewer lines, breakwater, and drainage systems.

Infrastructure assets often have unique capitalization and depreciation considerations due to their extended useful lives and the nature of their maintenance.

D. Equipment

This includes moveable property like vehicles, vessels, machinery, furniture, tools, and other operational equipment.

E. Intangible Assets

These are assets lacking physical substance but possessing value, such as easements, water rights, computer software (purchased, licensed, and internally generated), patents, trademarks, copyrights, and right-to-use lease assets, and right-to-use subscription-based information technology arrangements (SBITA) assets.

1.2 Controllable Asset

An asset not meeting capitalization requirements but included in the property record system due to its nature, value, or insurance/claim needs (e.g., computer servers for security, large or expensive harbor tools).

- Controllable assets are expensed in the year of purchase and not depreciated.
- The General Manager, with recommendations from the Department Heads, determines which assets are tracked.

2.0 Capitalization Rules

- All capital assets will be valued at historical cost or estimated historical cost per GAAP.
- Assets acquired through donation will be recorded at fair market value on the date of donation.
- Depreciation will be calculated using the straight-line method over the estimated useful life, except for land which is not depreciated.

3.0 Responsibilities

3.1 General Manager, Directors, and Harbormasters (or designees)

- Responsible for custody and accountability of property purchased for or assigned to their departments.

- Ensure tracking and reporting of assigned assets.

3.2 Accounting Manager

- Maintain accounting records for capitalized assets.
- Conduct and coordinate annual capital asset inventory.
- Maintain property records.

4.0 Purchasing of or Building of Capital Assets

Refer to the District's Purchasing Policy (Policy No. 4.3.1) for acquisition/construction of capital assets and public projects.

5.0 Inventory Procedures

5.1 Annual Inventory

- Inventory begins June 1 and must be completed by June 30 each year.
- The Accounting Manager provides current asset listings to departments for physical verification.
- Discrepancies must be resolved, and General Manager, Directors and Harbormasters (or designees) must return verified listings to the Accounting Manager.

6.0 Inventory Guidelines

- **Land:** List by Assessor's Parcel Number (APN), lot, block, and tract. Include location, use, and zoning.
- **Buildings:** Inspect annually. Provide quantitative and qualitative descriptions, distinguishing structural elements from replaceable components (HVAC, roofing, plumbing, lighting, etc.).
- **Improvements other than buildings:** Record total quantities and conditions (e.g., paving, fencing by linear feet and type).
- **Movable and fixed equipment:** Record location, account, building, floor, and department. Include quantity, manufacturer, model number, serial number, year acquired, remaining life, and historical cost.

7.0 Asset Transfers

An asset transfer occurs when an asset changes departments.

- General Manager, Directors, Harbormasters (or designees) must notify the Accounting Manager.

- Applies to both capital and controllable assets.

8.0 Asset Disposals

- Disposal includes sale, trade-in, scrap, abandonment, or other removal of the asset from service.
- General Manager, Directors, Harbormasters (or designees) must notify the Accounting Manager.
- Harbor Commission approval is required for disposal of assets valued at $50,000 or greater, as determined by the General Manager.

9.0 References

- Policy No. 4.3.1 – Purchasing Policy
- Generally Accepted Accounting Principles (GAAP)

San Mateo County Harbor District

Policies and Procedures	Number: 4.8.3	Date: 01/15/03	Revision:
Title: Returned Check Policy	Prepared By: LAM	Approved By: Resolution 03-03	Page: Page 1 of 1
Purpose: To ensure proper and consistent handling of returned checks.			

STATEMENT OF POLICY:

It is the policy of the San Mateo County Harbor District to collect all fees due to the District for services rendered. Any checks received for payment of services that are returned unpaid to the District require diligent effort and cost to collect. When the bank returns two or more checks unpaid from a maker, the privilege to pay by personal check will be suspended for a reasonable period of time.

DESCRIPTION OF PROCEDURE:

The Director of Finance receives returned checks. He/she is responsible for recording the returned check on the cash spreadsheet, in the general ledger and on the returned check listing. A journal entry is prepared to decrease cash and the miscellaneous income account.

Upon receipt of the bank notice of a returned item, the Director of Finance will notify the Accounting Technician and send the original bank notice and the returned check to him/her. The Accounting Technician will be responsible for contacting the maker of the check by phone or letter and making all efforts to collect the monies owed.

Every month the Director of Finance will provide the Accounting Technicians with the returned check listing requesting the status of the checks.

If an individual has had two or more checks returned in a six month period, the District will only accept cash, cashier's check or money order for the next six months starting from the date of the last returned check. At the end of this six-month period, the District will accept personal checks again. If the bank returns a check once again, personal checks will no longer be accepted from that individual.

All returned checks will be charged a fee as adopted within the Rates and Fees Schedule for bank fees, processing and collection associated with the returned check.

Policies and Procedures	Number: 4.9.1	Date: 6/22/00	Revision: 4/7/2016
Title: Budget Process	Prepared By: PG/AMWL SM/GL:	Approved By:	Page: Page 1 of 2
Purpose: To document procedures associated with the budget process to ensure the process is completed in a timely manner.			

STATEMENT OF POLICY:

It is the policy of the District to adopt an annual budget per Harbors and Navigation Code Section 6093.

DESCRIPTION OF PROCEDURE:

- No later than November 1st of each year the Director of Finance shall prepare a draft schedule for the General Manager for the budget to be adopted for the fiscal year beginning the following July 1st. After review and approval of a schedule by the General Manager, make arrangements to have the Board of Harbor Commissioners set the dates for a minimum of two budget workshops. Distribute the budget schedule to the General Manager, Board of Harbor Commissioners, Harbor Masters and Director of Finance.
- No later than December 15th of each year the General Manager, Harbor Masters and Director of Finance shall review the Capital Improvement Five Year Plan (CIP) used for internal budget preparation. Each existing project shall be updated for cost estimates, priorities and implementation schedule. New projects shall be reviewed and added with appropriate priority ranking, cost estimates and implementation calendar.
- No later than January 15th of each year, the Director of Finance shall present the revised multi-year CIP and preliminary six-month budget review to the Management Team (General Manager, Harbor Masters and Director of Finance) for review and discussion.
- By the third week in January Management team shall discuss the multi-year CIP and preliminary six-month budget review.
- By the last week in January, the Director of Finance shall provide worksheets and information about trends for expenses to the Harbor Masters to assist with preparation of the budget. No later than March 31, the Director of Finance shall complete the draft operating and capital budget using worksheets from Harbor Masters and CIP.
- By end of 2ndst week in March, complete agenda and Board packet for Budget ”First Look”
- Second regular meeting in March, agendize “First Look” at next fiscal year budget
- By first week in April, Director of Finance to complete proposed budget for following fiscal year and submit to General Manager.
- By 2nd Harbor Commission meeting in April, General Manager to provide Commissioners with copy of proposed budget for their review.

- Director of Finance to edit and make changes to budget based on Commission direction. Complete Preliminary budget for adoption.
- Before the second meeting in May 31 the Commission shall adopt Preliminary Budget by resolution per Harbor and Navigation Code Section 6093 and establish time and place for hearing on budget at the second meeting in June. (There must be at least 30 days between adoption and hearing date to fix the final budget.)
- No later than 30 days before the hearing date, publish a notice pursuant to Section 6061 of the Government Code stating that the Preliminary Budget has been adopted and is available for review at specified locations and state the date, time and location for the hearing on the budget.
- At the Harbor Commission's second meeting in June, hold hearing on the budget adopt the Final Budget by resolution.
- Prior to June 30th of each year, ensure the budget document is printed and distributed. The distribution list includes the Board of Harbor Commissioners, General Manager, Director of Finance, Harbor Masters for Pillar Point and Oyster Point, City of South San Francisco, City of Half Moon Bay, City of San Mateo, California Department of Boating and Waterways, Pillar Point Citizens' Advisory Committee, Pillar Point Harbor Office, Oyster Point Marina/Park Office, South San Francisco Public Library and Half Moon Bay Public Library.
- July 1st, the budget goes into effect.
- August 1st, deadline for submission of the final budget to the San Mateo County Board of Supervisors per H & N Code Sec. 6093.3.

San Mateo County Harbor District

Policies and Procedures	Number: 4.9.2	Date: 02/17/16	Revision: New
Title: Budget Appropriations Policy	Prepared By: Glenn Lazof, Interim Director of Administrative Service	Approved By: Harbor Commission	Page: Page 1 of 1
Purpose: To Establish Authority for the Appropriation of District Funds			

STATEMENT OF POLICY

This policy establishes the Appropriations Authority for the Board of Harbor Commissioners.

Appropriations are approved by the Harbor District Board of Commissioners. For each fiscal year, the initial appropriations are approved as the District's Adopted Budget.

Throughout the year the Adopted Budget plan may require revision.

The Harbor Commission approves any revision to, or transfer of appropriations between these Expenditure Classifications:

Salary and Benefits

Operating Expenditures

Non - Operating Expenditures

Capital Projects

The Board of Harbor Commissioners approves any transfer of appropriation from reserves, as well as designation of reserves.

The Board of Harbor Commissions approves any increase in revenue appropriation.

The General Manager shall implement procedures for adjustments to projected expenditures within the Classifications above.

The Board of Harbor Commissioners shall receive a quarterly financial report for each quarter of the year to review and ensure that all expenditures are within the approved appropriations.

Policies and Procedures	5.4.0	**Date:** 6/21/17	**Revision**:
Title: Public Records Act Policy	**Prepared By**: G. Lazof	**Approved By**: Board of Harbor Commissioners	**Page:** Page 1 of 2
Purpose: To Ensure Compliance with California Public Records Act			

STATEMENT OF PURPOSE:
To ensure that the San Mateo County Harbor District complies with the California Public Records Act

POLICY:

The public has a right to access records of the San Mateo County Harbor District in accordance with the California Constitution and the California Public Records Act (California Government Code 6250 et seq.) and any amendments thereto.

Consistent with the California Public Records Act (Act), public records are available upon request and are open for inspection at all times during office hours. Every member of the public has a right to inspect any public record, except those records exempted from disclosure under the Act. The District is not required to create a record in response to a public records request. In addition, the District is not required to respond to prospective requests by providing records not yet in the District's possession or records that will be created in the future.

Determination as to whether a requested record is a public record and available for inspection or copying, as well as decisions to withhold a record, will be made by the General Manager, in consultation with District Counsel as necessary.

The District will respond to every public records request in accordance with the Act. If a request does not reasonably describe an identifiable record, the requested record does not exist, or the record is exempt from disclosure, the District will respond and inform the requester. In order to assist a member of the public to make a focused and effective request, the District will make a reasonable effort to elicit additional clarifying information from the requester that will help identify the record(s).

To facilitate the District's compliance with the Act, all District employees and officials should adhere to the following requirements:

- To the greatest extent possible, emails that relate to District business should be sent to and from employees' and officials' "@smharbor.com" email

accounts. Ordinarily, no public business should be conducted on personal email accounts. If personal email accounts must be used for District business, employees and officials should (a) copy such an email sent from their personal account to their District email account and (b) forward any such email sent to their personal account to their District email account promptly upon receipt.

• Conducting District business via text messaging or via social media is discouraged. For those District employees or officials who are provided with a District telephone, text messages that relate to District business should be sent to and from the phone number associated with that phone and not from a personal phone number or other personal text messaging service (for example, WhatsApp).

Under the California Supreme Court's interpretation of the Act, communications that relate to District business may be public records even if such records are located on an employee's or official's private device or personal account:

- If a member of the public requests public records sent to or from an employee or official's personal account or private device, the District will forward the request to the employee or official.
- The employee or official will make reasonable efforts to locate responsive records and will provide such records to the General Manager, or designee, in a timely fashion.
- Determining what efforts are reasonable and what records are responsive will depend on specific facts and circumstances, but always in light of the public's rights under the Act.
- Employees and officials will seek guidance from the General Manager or District counsel when it is difficult to determine whether a particular record is a public record.
- Ultimately, the District will rely on its employees and officials in complying with the Act and so the District's compliance will in part depend on the cooperation of its employees and officials.

The General Manager is authorized to develop procedures, and to amend those procedures from time to time as may be necessary, consistent with this Policy and to ensure compliance with the Act. Only the Board of Commissioners is authorized to amend this Policy.

San Mateo County Harbor District

Policy	**Number**: 5.4.1	**Date of Adoption:** November 7, 2012 Effective date: January 1, 2013	**Revision**: July 1, 2015
Title: Event Policy	**Prepared By**: Glenn Lazof	**Approved By**: Harbor Commission	**Page** Page 1 of 12
Purpose: To establish guidelines for issuance of permits for events held on property owned and/or controlled by the Harbor District.			

Purpose

It is the policy of the San Mateo County Harbor District to establish a guide for the issuance of permits for events held on property owned and/or controlled by the Harbor District. The purpose of this policy is to provide for a process for evaluating, approving, and overseeing events to ensure the health and safety of event patrons, workers and other visitors, residents and District staff, to prohibit illegal activities from occurring at events, and to protect the rights of event permit holders and of the District.

Examples of events that may be permitted include, but are not limited to, parades, fairs, festivals, parties, weddings, organized athletic or sporting events and community celebrations and observances which involve use of, or have an impact on District facilities and operations which may require provision of District services. Events that have substantial adverse impacts on District facilities including harbor operations shall not be permitted without provision of acceptable mitigating measures.

It is also the intent of the San Mateo County Harbor District to protect the rights of the people to engage in expressive activities in the District's public places and to establish a reasonable time, place, management and regulation of these activities. It is further intended to create mechanisms for the recovery of District costs incurred in the course of reviewing, approving, overseeing, and providing services and facilities and to the extent authorized by law, while not unduly impacting the viability of permitted events.

Any organization, agency or individual wishing to sponsor or hold an event at a District facility or location will be required to complete the San Mateo County Harbor District Event Application and obtain a District event permit.

The San Mateo County Harbor District reserves the right to waive required fees for an event that is deemed to serve a significant District or other public interest as determined by the Board of Harbor Commissioners.

Pursuant to this policy the Harbor District shall implement a Procedure to receive, evaluate, and act upon event applications.

Definition and category of events

Event is defined as the following activities including, but not limited to: any transient enterprise including outdoor temporary (three (3) days or less) gatherings, parades, arts and crafts shows/fairs, weddings, festivals, photographical/promotional activities, commercial or non-commercial video or filming, theatrical exhibitions, athletic and sporting events, musical performances, or other exhibitions. Permit Category definitions are described in the Permit Fee Schedule.

Permit Requirement

It shall be unlawful to conduct, sponsor, or knowingly participate in an event unless a permit for such event has been issued.

Application Procedure Details Including Process for Review of Applications

Event applications will be available from the San Mateo County Harbor District Administration office located at 504 Avenue Alhambra, 2nd Floor, PO Box 1449, El Granada, CA 94018 or on the Harbor District website at www.smharbor.com. A completed application must be received by the Harbor District no less than twenty-one (21) days prior to the day of the event (or first day if the event has more than one (1) day.)

Applications for a permit authorizing an event or multiple events shall be filed on a form prescribed by the General Manager and shall contain the following information:

A. The name, home and business addresses, and home and business telephone numbers of the person filing the application;

B. If the event is to be conducted by an organization, the name, addresses and telephone numbers of the organization, the name, home and business addresses, and home and business telephone numbers of the president or head of the organization, and documentation of the authority under which the applicant is applying for the permit on behalf of the organization;
C. The name, home and business addresses, and home and business telephone numbers of the person who will be present and in charge of the event on the day of the event and any pager and cell phone numbers at which that person can be reached during the event;
D. The area to be closed or used for the event;
E. The proposed date and the starting and estimated ending times of the event;
F. The proposed location of the event, including its boundaries;
G. The estimated number of participants in the event;
H. A description of any sound amplification equipment proposed to be used;
I. The parking requirements for the event;
J. The location of any water and first aid stations to be provided at the event;
K. The type and number of any vendors who will sell food or beverages at the event pursuant to a permit issued;
L. Such other information as the General Manager may require.

The Harbor District may waive the twenty-one (21) days rule only in cases in which approval can be given by the General Manager or if an event requires an immediate decision.

Permit Fee Schedule

An application fee, established in the Event Fees Schedule, must be included with the application. An applicant simultaneously applying for multiple events in one year may pay just one application fee per year, at the highest rate for all events applied for

Costs incurred by the Harbor District to process applications and incurred as a result of the event will be billed to the applicant based on the costs of staff, equipment and facility use.

The Harbor District will review all complete applications. Application review may include consultation with the applicant, if necessary. To facilitate processing of applications, to reduce Harbor Commission and staff time, costs involved, and to make the process more responsive to the public, the District will distinguish two groups of events:

(a) Events which are larger in scope and extent, because they involve large numbers of people, have substantial impacts on harbor operations, and District facilities and staff, and may involve multi-agency coordination; and
(b) Events which are small in scope, and extent, and because they involve a limited number of people, are essentially private, and have minimal or no impact on District facilities and staff.

Events of type (a) require Harbor Commission review and approval. Events of type (b) require General Manager review and approval.

Action on Applications and Notification of Harbor District Decision

Action

Upon receipt of a completed application for a permit, the General Manager or Harbor Commission shall approve or deny the application no later than twenty-one (21) days after the application is deemed complete.

When the General Manager or Harbor Commission determines that a completed application has been filed for a permit for an event and that there are no grounds for

denying such permit, the General Manager or Harbor Commission shall approve the permit subject to all the general conditions required, plus any special conditions authorized and determined by the General Manager or Harbor Commission to be applicable to the event to address concerns for public health and safety, and/or to eliminate or significantly reduce potential negative impacts on harbor operations. Harbor District staff will be available to meet with event applicants to review these special conditions and ensure that all requirements and conditions, including provision of adequate insurance coverage are met before permits are approved. Harbor District staff or their agents(s) may be onsite during an event to ensure compliance with permit conditions.

Upon approval of the permit by the General Manager or Harbor Commission, the General Manager shall promptly cause a notice of such action to be provided to the applicant and to the Harbor Master. The General Manager shall issue a permit authorizing the event after the applicant has executed an indemnification agreement, provided proof of insurance coverage naming the District as Additional Insured and has completed and submitted a traffic control and parking plan, all as required by this policy as conditions precedent to the issuance of an event permit.

Conflicting Dates Resolution Process

In the event that two (2) or more event applications are received for the same date and time prior to the approval of either event, the date and time that each application was received by the Harbor District shall determine order of preference for receipt of permit. Once an event permit has been approved, it shall be the policy of the Harbor District to not approve further permits for the same date, time and general location, unless the events can be held without conflict and/or additional disruption or other negative impact on harbor operations. The Harbor District has the discretion to resolve date and time conflicts with applicants filing applications.

Denial of permit

The General Manager or Harbor Commission shall deny an application for a permit if the General Manager or Harbor Commission determines that:

1. The application is incomplete;
2. The information contained in the application is false in any material respect;
3. An application for another event to be held on the same date and in the same location as requested by the applicant has been previously approved or has been previously filed and may be approved; a license, franchise or other permit has previously been granted to another person for the use of the same location on the same date;
4. The location or concentration of participants at the site of the event or at the site of an assembly or disbanding area around the event will prevent proper police, fire or ambulance services to the event or areas continuous to the event; or
5. The location of the event will substantially interfere with construction or maintenance work previously scheduled to take place on the Harbor District premises proposed, to be used or occupied by the event.

Notice of denial

If the General Manager or Harbor Commission denies an application for a permit, the General Manager shall promptly serve a notice to the applicant, Harbor Master and Harbor Commissioners. The notice shall set forth, with particularity, the reasons for the denial.

Liability and Other Insurance Requirements

The Harbor District requires that all sponsors of an event provide liability insurance prior to the issuance of a permit. In addition, applicants shall indemnify, hold harmless and defend the District for and against any and all injury to and deaths of persons, and injuries to property, and all claims, demands, losses, damages and liability, arising out of the applicant's activities under this permit and the use by applicant of District facilities. At a minimum an event/applicant shall be required to provide a valid certificate of insurance from an insurance company licensed to do business in the state of California for Comprehensive General Liability policy with a Broad Form endorsement that provides coverage for bodily injury and property damage in the amount of $1,000,000 per occurrence and $2,000,000 in aggregate. Said policy shall be in favor of and name applicant and the Harbor District, its directors, officers, agents and employees as additional insured and shall be maintained in full force and effect during the term of the permit.

Prior to issuance of a permit, the applicant must sign an agreement to reimburse the District for any costs incurred by it in repairing damage to Harbor District property which results from the actions of those sponsoring the event or participants in the event and to defend the Harbor District against and indemnify and hold the Harbor District harmless from any liability to any person which results from the actions of those sponsoring the event or participating in the event.

The General Manager, or his/her designee, shall not issue the permit, unless evidence of required insurance coverage naming the District as Additional Insured, is provided to the District, no later than seventy-two (72) hours prior to the date of the event, or unless other requirements or special conditions of the event are met.

General Permit Condition of Approval

- Staffing for police and fire services must be coordinated by the applicants with the appropriate agencies.
- Access for other Harbor visitors, customers, and employees must not be impeded.
- Permit does not grant exclusive use.
- Certain event types may have time limitations.
- Permits may be denied during periods of heavy use (e.g. Memorial Day weekend, July 4th, Labor Day weekend and opening weeks of salmon and crab season).
- The District may limit the number of permits issued.
- Roping off of areas is prohibited.
- The use of special equipment, such as canopies, arches, chairs, volleyball nets or other decorations may require further review and are only allowed by certain types of Event Permits. Equipment must be identified on the Event Permit Application and the District must authorize use of such equipment.
- Applicants should be aware that high tides impact the area of beach available for use.
- At no time shall the special equipment extend more than seventy-five feet (75') in width along the beach front.
- Special conveyances including, but not limited to, horse drawn carriages, electric carts, portable dance floors, and hot air balloons must be included in Event Permit application for special approval.
- Towable BBQs are not allowed on District beaches.
- Tiki torches may be allowed if identified on Event Permit application and with District permission.
- To protect parklands and wildlife, the releasing of balloons, doves, or butterflies and the throwing of rice, birdseed, flower petals, confetti or other natural or artificial material is not allowed.

- Affixing directional signage to existing buildings, property, signs, poles or plants is not allowed. Any posted signs will be removed immediately by District personnel.
- Alcohol consumption is not permitted on District beaches unless required licenses have been obtained.
- Glass containers are not allowed on the beach.

All trash associated with an event must be bagged and removed from District property or arrangements must be made with the District to have special disposal bin available.

Special Permit Conditions

Where applicable, the General Manager or Harbor Commission shall also condition a permit on the following special conditions:

A. The provision of portable sanitation facilities, including Handi-cap accessible facilities for any event with a duration longer than one (1) hour;
B. The provision of first aid stations;
C. The provision of garbage containers and the cleanup of all debris and litter from the site of the event within four (4) hours after the conclusion of the event;
D. The provision and use of traffic cones and barricades; and
E. The provision of a notice of permit conditions to event participants.

The Harbor District may place special conditions of approval on the event to address concerns for public health and safety, and/or to eliminate or significantly reduce potential negative impacts on harbor operations. Harbor District staff will be available to meet with event applicants to review these special conditions and ensure that all requirements and conditions, including provision of adequate insurance coverage are met before permits are approved. Harbor District staff or their agent(s) may be onsite during an event to ensure compliance with permit conditions.

Traffic Control, Parking Plan and Safety Requirements

The event application shall include a traffic control, parking plan and safety plan to demonstrate how the applicant proposes to provide adequate parking, traffic control and ensure traffic safety on the date of the event. The event applicant shall be responsible for complying with all traffic, parking and safety regulations and procedures required by the Harbor District and other appropriate agencies during the event. The requirement will be stated in the notice of approval, and additional requirements may be made by the Harbor District during the event as may be necessary for the safety of the public and avoidance of adverse impacts on Harbor operations. If traffic control and safety requirements are not met on the day of the event and additional staff is required for traffic control and safety, the applicant shall reimburse the Harbor District for expenses incurred for traffic control and safety.

Vendor License Requirements

All vendors must have all required licenses required by the appropriate licensing agency.

All food/beverage vendors must have the appropriate Health Department approval required in San Mateo County and/or City of South San Francisco and must post a valid food handler's license at their site.

Food/beverage vendors are responsible for any and all fees related to obtaining a San Mateo County and/or City of South San Francisco food license. Food/beverage vendors are required to comply with all San Mateo County and/or City of South San Francisco rules and regulations for temporary food license facilities. If alcohol is to be served or sold all applicable licenses must be obtained from the appropriate sources.

Requirements for Event Signage and Promotion

The event application shall include a description of any promotional, advertising and/or directional signs to be used for the event. The use of signs shall conform to the description contained in the application and as approved by the Harbor District. Recognition of the San Mateo County Harbor District as permitting authority is required in all advertising and promotion for the event.

Notice to Lessees and Adjoining Property Owners

The event director shall give written notice of the nature, date and time of any event for which a permit is issued as soon as possible prior to the date of such event to all lessees in the Harbor District, owners of property adjoining the Harbor or Marina, or other public right-of-way where such event is to occur, either by serving copies of such notice on such property owners or lessees, by publishing such notice in a newspaper of general circulation, or by posting such notice along the route or at the site of the event. However, the provisions of this section shall be directory only, and the failure to give such notice shall not invalidate a permit.

Revocation of Permit

A. Revocation by General Manager – The General Manager shall revoke a permit authorizing an event if the General Manager determines that grounds exist for denying the permit which were first disclosed or otherwise made known to the General Manager after issuance of the permit.
B. Revocation by General Manager or designee. The General Manager or designee may revoke a permit authorizing an event if the General Manager or designee determine that the event is being conducted in violation of the terms and conditions of the permit, or where the event participants have violated any applicable law or regulation or the health, safety and welfare of participants is

jeopardized. The General Manager or designee shall not revoke a permit in the manner provided by this section until the General Manager or designee advises the permittee or responsible event participants of the violation and provides the permittee with a reasonable opportunity to correct the violation.

C. Notice of Revocation – When the General Manager or designee determine to revoke a permit authorizing an event prior to the date of such event, the General Manager or designee shall promptly cause a notice of such action to be served on the permittee/event sponsor/organizer in charge of the event and shall provide copies of the notice to the Board of Harbor Commissioners. However, when the General Manager or designee determine to revoke a permit authorizing an event on the day of such event, they shall announce such action to the event participants, to those persons engaged in monitoring or controlling traffic during the event, and to the person in charge of the event if such person can be located at the site of the event. Thereafter, the General Manager or designee, revoking such permit shall cause a written notice of such action to be served on the permittee and shall provide copies of the notice to the Board of Harbor Commissioners. The written notice shall set forth, with particularity, the reasons for the revocation.

San Mateo County Harbor District

Policy Title: Administration of Personnel Records	**Number:** 6.1.1	**Date of Approval:** May 20, 2026
Other Revisions: 01/18/2006	**Prepared By:** Julie van Hoff	

1. Purpose

The purpose of this policy is to establish guidelines for the creation, maintenance, retention, and confidentiality of employee personnel records in a manner that protects employee privacy, ensures compliance with applicable laws, and promotes consistent administrative practices.

2. Scope

This policy applies to all District employees, including full-time, board members, part-time, temporary, and seasonal employees. It governs all personnel records maintained by the District in both physical and electronic formats.

3. Personnel File Contents

The District shall maintain an official electronic personnel file for each employee. Personnel files may include, but are not limited to:

- Employment application and hiring documents
- Employment agreements and job descriptions
- Performance evaluations
- Disciplinary records
- Training and certification records
- Salary and classification history
- Acknowledgment of policies

Medical records, benefits records, and other confidential documents shall be maintained in separate files or electronic folders as required by law.

4. Custody and Responsibility

The Director of Administrative Services (DAS) and the Human Resources Technician (HRT), or designated employee, shall be responsible for maintaining official personnel files. Departments may maintain supervisory working files; however, documents related to discipline, evaluations, or employment status must be forwarded to the DAS or HRT for inclusion in the official personnel file.

Personnel files shall be maintained in a secure location with access limited to authorized personnel.

5. Employee Access to Personnel Records

Employees may inspect their personnel files in accordance with California Labor Code §1198.5. Requests to review personnel files must be submitted in writing to Human Resources. Inspection shall occur at a mutually convenient time during normal business hours.

Employees may request copies of documents contained in their personnel file. The District may charge the actual cost of reproduction.

Certain documents may be excluded from inspection as permitted by law.

6. Confidentiality

Personnel records are considered confidential and shall only be accessed by individuals with a legitimate business need. Disclosure of personnel records shall be made only as required by law, including requests under the California Public Records Act, and shall be subject to appropriate review and redaction.

Information such as medical records, social security numbers, and other protected personal information shall not be disclosed except as required by law or to authorized personnel, as necessary to conduct District business.

7. Records Retention

Personnel records shall be retained in accordance with the District's records retention schedule and applicable federal and state laws. When the retention period has expired, records shall be securely destroyed in a manner that protects confidential information.

San Mateo County Harbor District

Policy Title: Union Rights Policy	**Number:** 6.1.2	**Date of Approval:** May 20, 2026
Other Revisions: 10/01/1997	**Prepared By:** Julie van Hoff	

1. Purpose

The purpose of this policy is to recognize and protect the rights of employees to organize, join, and participate in employee organizations consistent with applicable law, including the **Meyers-Milias-Brown Act (Government Code §§3500–3511)**. This policy also establishes guidelines for interactions between the District, employees, and recognized employee organizations.

2. Scope

This policy applies to all District employees, employee organizations, management staff, and board members involved in labor relations activities.

3. Employee Rights

Employees shall have the right to:

- Form, join, and participate in the activities of employee organizations of their own choosing.
- Refuse to join or participate in the activities of employee organizations.
- Be represented by a recognized employee organization in matters related to wages, hours, and other terms and conditions of employment.
- Participate in lawful union activities without interference, intimidation, discrimination, or retaliation.

Employees also have the right to present grievances to the District and have them considered without the intervention of the employee organization, provided the resolution is consistent with the applicable Memorandum of Understanding (MOU).

4. Recognition of Employee Organizations

The District recognizes employee organizations that have been certified or recognized in accordance with applicable law and District procedures as follows:

- Operating Engineers Local Union No. 3
- Teamsters Local Union No. 856

Recognized employee organizations are the exclusive representatives of employees in their respective bargaining units for purposes of meeting and conferring regarding wages, hours, and other terms and conditions of employment.

5. District Responsibilities

The District shall:

- Meet and confer in good faith with recognized employee organizations regarding matters within the scope of representation.
- Not interfere with, restrain, or coerce employees in the exercise of their rights under the Meyers-Milias-Brown Act.
- Provide employee organizations reasonable access to employees consistent with state law and applicable regulations.

Labor relations matters are subject to oversight and interpretation by the California Public Employment Relations Board (PERB).

6. Union Access and Communication

Recognized employee organizations may communicate with employees and conduct lawful activities consistent with applicable law, District rules, and operational needs. Such activities may include:

- Use of designated bulletin boards or electronic communication systems where permitted.
- Reasonable access to employees during non-working time.
- Participation in new employee orientations as required by California law.

All union activities must not disrupt District operations or interfere with employees' job duties.

7. New Employee Orientation and Employee Information (AB 119)

In accordance with **California Assembly Bill 119 (2017)**, the District shall provide recognized employee organizations with access to new employee orientations and certain employee contact information as required by law.

1. **Union Access to Orientation**
   The District shall provide the union with at least **ten (10) days' notice** of any new employee orientation. The recognized employee organization shall be permitted a minimum of **thirty (30) minutes** during the orientation to meet with represented employees without management present.
2. **Employee Contact Information**
   The District shall provide the union with the following information for all employees in the bargaining unit:

- Name
- Job title
- Department
- Work location
- Work telephone number
- Personal cellular telephone number (if on file)
- Personal email address (if on file)
- Home address

This information shall be provided **within 30 days of hire and every 120 days thereafter**, or as otherwise required by law.

3. **Confidentiality and Use of Information**
   Employee contact information provided pursuant to this section shall be used by the employee organization solely for representational purposes consistent with applicable law.

8. Release Time

Union representatives may be granted release time consistent with applicable law and provisions contained in the applicable Memorandum of Understanding (MOU). Release time must be requested and approved in accordance with District procedures. Release time is defined as authorized, paid time off from an employee's regular duties to conduct union business, representational activities, or engage in negotiations with the employer without loss of compensation

9. Non-Discrimination and Non-Retaliation

The District prohibits discrimination or retaliation against employees for exercising their lawful rights related to union membership, participation, or non-participation.

10. Administration and Interpretation

This policy shall be administered and interpreted in a manner consistent with applicable Memoranda of Understanding (MOUs), District policies, and governing laws. Nothing in this policy shall be construed to diminish rights provided to employees or employee organizations under applicable labor agreements or law.

11. Compliance with Law

This policy shall be interpreted and administered consistent with applicable federal and California laws governing public sector labor relations, including the Meyers-Milias-Brown Act and regulations of the California PERB.

San Mateo County Harbor District

Policy	Number: 6.1.3	Date of Approval: 01/18/2006	Adopted By: Resolution 06-06
Title: Equal Employment Opportunity	Prepared By: E. Wilkerson	Revised By:	Page: Page 1 of 2
Purpose: To establish a policy to ensure equal employment opportunity with the District and to outline procedures for action in case of violation.			

1. Statement Of Policy

It is the policy of the San Mateo County Harbor District to promote and afford equal treatment to all employees and District representatives, and to assure equal employment opportunity based on ability and fitness to all persons regardless of race, religion, color, creed, national origin, sex, gender, marital status, age, perceived or actual sexual orientation or disability.

The goals and objectives of the Equal Employment Opportunity Policy are to:

1. Ensure fair treatment and non-discrimination in District hiring, District employment, and in appointments to and service on District boards and commissions.
2. Provide compliance with applicable State and Federal equal opportunity requirements and regulations.

2. Program Responsibility

The Human Resource Manager shall serve as the Equal Opportunity Officer to carry out the Equal Employment Opportunity Policy and Program. The Officer shall be the focal point for the District's equal opportunity efforts and shall advise and assist staff and management personnel in all matters regarding implementation of and compliance with the Equal Employment Opportunity Policy, and be responsible for the successful execution of the program, utilizing the assistance of appropriate State and community agencies. The Equal Opportunity Officer will have responsibility to examine existing internal policies or procedures that may serve as barriers to implementing the Equal Employment Opportunity Program.

3. Equal Employment Opportunity Practices

The Equal Opportunity Officer shall undertake the following actions to assure equal employment opportunities in the District:

1. Periodically review all position qualifications and job descriptions to ensure requirements are relevant to the tasks to be performed. Make recommendations as needed to delete requirements not reasonably related to the tasks to be performed.
2. Assure that pay and fringe benefits depend upon job responsibility and, along with overtime work, are administered on a non-discriminatory basis.
3. Inform and provide guidance to staff and management personnel who make hiring decisions so that all applications for selections, promotion and termination are considered

without discrimination and all applicants be given equal opportunity regardless of race, creed, color, national origin, sex, gender, marital status, age, actual or perceived sexual orientation or disability effectively prevents the performance of essential duties and functions required by the position and which are bona fide occupational qualifications which cannot be accommodated without undue hardship.

4. EEO Grievance Procedures

In as much as the success of the Equal Employment Opportunity Program depends largely upon the attitude of the community as well as of the employees, opinion as to what constitutes fair and equal opportunity and treatment may vary widely and grievances may result. The following steps shall be taken for any grievance arising from the implementation of this program so as to maintain the best possible employee/supervisor and District/community relationships:

1. Employees covered by a labor agreement containing a grievance procedure shall be encouraged to use it in seeking relief from alleged discriminatory practices. Employees may elect to bring a grievance through either the procedure outlined herein or the procedure in their labor agreement, but not both.
2. Employees not subject to Paragraph 1 above shall bring their grievance to the attention of their immediate supervisor or department head, who will investigate as necessary to determine the cause of the complaint and work with the employee to affect an equitable solution. Every effort shall be made to resolve the difficulty at this level.
3. At the option of either party, the services of the Equal Opportunity Officer may be requested. The Equal Opportunity Officer shall interview both parties, conduct additional investigation as necessary, and recommend appropriate corrective action and settlement conditions.
4. In the event mutual agreement cannot be achieved and resolution is required by the General Manager, the Equal Opportunity Officer shall obtain signed statements detailing the grievance and specific investigative action from the employee and her/his supervisor. The Officer may draw upon all resources at her/his disposal to arrive at recommended corrective action and settlement conditions.
5. The General Manager may elect as deemed necessary and as circumstances dictate to refer the grievance to the Board of Harbor Commissioners.

The Equal Opportunity Officer shall maintain all reports, decisions and other documentation generated by the grievance procedure as a matter of permanent record.

5. Other

Violations of this policy may be cause for the full range of disciplinary action.

6.1.4 Nondiscrimination

1. STATEMENT OF POLICY

The San Mateo County Harbor District shall promote and afford equal treatment and service to all citizens and to assure that all applicants are assured equal employment opportunity without regard to race, religion, creed, color, national origin, age, sex, marital status, or the presence of any sensory, mental, or physical disability unless such disability effectively prevents the performance of essential duties required by the position and which are bonafide occupational qualifications and which cannot be accommodated without undue hardship.

The District shall operate within the principles of equal employment opportunity and affirmative action guidelines set forth in Federal, state and local laws and regulations.

All activities relating to employment including recruitment, testing, selection, promotion training and termination shall be conducted in a nondiscriminatory manner.

The District will cooperate fully with all organizations and Commissions organized to promote fair practices and equal employment opportunity.

Policies and Procedures	Number: 6.1.5	Date of Adoption: 10/1/97	Revision:
Title: Hours of Work	Prepared By: P. Grenell	Approved By: Resolution 28 — 97	Page: Page 1 of 1
Purpose: To establish a policy setting uniform work weeks for certain classifications.			

1. STATEMENT OF POLICY

Except as otherwise provided by labor agreement, the normal working hours for employees are forty (40) hours per week with employees allowed to work a flexible work week. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.

Employees shall receive break periods consistent with the laws of the State of California and the Fair Labor Standards Act.

Daily attendance records will be maintained by each department, including date and time absent and reason for absence. Attendance shall be a consideration in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the District. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action. This may take the form of progressive discipline.

Hours for part-time and certain employees may vary from the normal office hours due to the nature of their duties and will be determined by the appropriate Department Head, with concurrence of the General Manager.

Policies and Procedures	Number: 6.1.6	Date of Adoption: 10/1/97	Revision:
Title: Minor Work Permits	Prepared By: P. Grenell	Approved By: Resolution 28 — 97	Page: Page 1 of 1
Purpose: To establish procedure for employment of persons under the age of 18			

1. STATEMENT OF POLICY

The San Mateo County Harbor District encourages employment of young people between the ages of 16 and 18 as authorized by the Fair Labor Standards Act of 1938 (FSLA). The employment of minors between 14 and 16 years of age is permitted, specified that it does not interfere with their schooling or with their health and well-being and shall not be deemed to be oppressive child labor.

The District has the option to contract with a youth employment agency or directly employ a minor.

Prior to direct employment of a minor, the minor must provide the District the following forms.

1. Completed school district authorization work permit form, with all necessary signatures (parent, guardian and school).
2. Certificate of age which shall consist of the one of the following:
   a) Birth Certificate,
   b) Record of baptism,
   c) School Record together with a sworn statement of a parent or person standing in place of a parent as to the age of the minor and also a certificate signed by a physician specifying what in his opinion is the physical age of the minor. Such certificate shall show the height and weight of minor.

Minors shall not work more than 40 hours in any one week, nor more than 8 hours in any one day, nor more than 3 hours in any one day when school is in session. During the summer months (June 1st through Labor Day) minors are allowed to work between the hours of 7 a.m. and 9 p.m. in any one day, subject to the above provisions. All other times, minors are only allowed to work between the hours of 7 am. and 7 p.m.

Notwithstanding any of the above provisions, this policy shall be consistent with the requirements of state or FSLA regulations.

Policies and Procedures	Number: 6.1.7	Date of Adoption: 10/1/97	Revision:
Title: Date of Appointment	Prepared By: P. Grenell	Approved By: Resolution 28 — 97	Page: Page 1 of 1
Purpose: To establish definitions and a policy for administering the date of appointment for District employees.			

1. STATEMENT OF POLICY

Date of appointment shall mean the effective date of the individual's employment with the San Mateo County Harbor District.

A regular employee returning from an approved leave of absence, to a maximum of one year (365 days), without pay will retain their original date of appointment.

An employee returning to full-time employment with the District following a continuous six month or 180 day voluntary separation from full-time employment with the District and is not on an approved leave of absence shall have a new date of appointment.

Policies and Procedures	Number: 6.1.8	Date of Adoption: 10/1/97	Revision:
Title: Probation Period	Prepared By: P. Grenell	Approved By: Resolution 28-97	Page: Page 1 of 1
Purpose: To establish policy and procedure for the probation period for current employees who are promoted or receive a transfer to a new position.			

1. STATEMENT OF POLICY

The provisions of this policy apply to all employees of the San Mateo County Harbor District not covered by a labor agreement including the Memorandum of Understanding (MOU) between the District and the Operating Engineers Union Local 3. Employees covered by a labor agreement, including said MOU between the District and Local 3, shall be provided for by the terms, conditions, and procedures of said labor agreement.

The probation period is designed to give a current employee time to learn the new position. Probationary periods shall occur for all current employees upon either promotions or lateral transfers. For probationary periods for promotions and lateral transfers, the District reserves the right to reverse the personnel action on the basis of unsatisfactory performance and place the employee in their previous position.

At the end of the probation period, the employee is formally evaluated and provided written documentation of progress. It is expected that informal evaluations will be conducted during the course of the probation period to assess performance and to advise employees of expectations regarding performance.

Under unusual circumstances, the probationary period may be extended upon recommendation of the Department Head and General Manager.

If an employee successfully completes the probation period, he/she shall be informed that he/she is now a regular employee in the position to which he/she has been either promoted or transferred laterally. This will be accomplished with the General Manager's approval and recommendation of the appropriate Department Head via the Personnel Action form.

A leave of absence, up to five (5) days, that is required because of an emergency during an employee's probationary period shall not be considered as time worked, unless approved by the General Manager.

Policies and Procedures	Number: 6.1.9	Date of Adoption: 10/1/97	Revision:
Title: Re-Employment	Prepared By: P. Grenell	Approved By: Resolution 28 — 97	Page: Page 1 of 1
Purpose: To establish a policy for re-employment of former District employees.			

1. STATEMENT OF POLICY

Any former regular employee who resigned from the San Mateo County Harbor District in good standing is eligible for re-employment.

Persons interested in re-employment should file a completed District application form. The individual will then proceed through the regular hiring procedures with other applicants as described in the Hiring Process Policy. The individual's previous personnel file will be re-activated once re-employed by the District provided re-employment is within seven years after the original resignation.

All individuals re-employed by the District must complete a new probationary period.

Title:	**Number:**	**Date of Approval:**
Employee In-Processing Orientation	6.1.10	1/15/2025
Other Revisions:	**Prepared By:**	
10/1/97 (Resolution 28-97)	Rachelle Modena	

STATEMENT OF POLICY

All new regular full-time and regular part-time employees of the San Mateo County Harbor District (District) will be scheduled to meet with a human resource representative, appointed by the Director of Administrative Services, on their first day of work for general orientation. In this orientation, the new employee will be provided with information on the District's Personnel Policies, Overall Policies and Procedures, Employee benefits, Workers Compensation, and other personnel issues and will complete the required employment forms.

For employees represented by Teamsters Union Local No. 856 (Teamsters) or Operating Engineers Local Union No. 3 (OE3) the District will provide the Union with at least 10 days' notice of the orientation meeting. If the represented employee's first day of work begins less than 10 days from when they are hired the District will provide as much advance notice as possible. The District will allow a representative from the Union thirty minutes during the orientation for the Union to provide relevant collective bargaining information without District management present. If this policy is in conflict with either the Teamsters or OE3 MOU, the MOU will prevail.

After the general orientation, the new employee will be given a site-specific orientation by the respective supervisor to include work standards and regulations, hours of work, safety rules and procedures, location of safety or protective equipment, tour of the work area, introduction to co-workers, and other matters the supervisor wants to include.

Policies and Procedures	Number: 6.1.11	Date of Adoption: 10/1/97	Revision:
Title: Types of Employment and Eligibility for Benefits	Prepared By: P. Grenell	Approved By: Resolution 28 — 97	Page: Page 1 of 1
Purpose: To establish guidelines and definitions for types of employment and for entitlement to benefits.			

1. STATEMENT OF POLICY

The San Mateo County Harbor District has several categories of employees to maximize each individuals potential for each position with the District. The categories and benefit coverage are listed below.

a. Probationary Employee: An employee on a trial status during the initial period of employment. All newly hired District employees are on a six month probationary status and may be extended. Those employees serving probationary periods for reasons of promotion and lateral transfers are considered regular employees only for purpose of benefit eligibility.

b. Regular Full-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which will total no less than 2080 hours per year.

c. Regular Part-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of 20 hours or more, but less than 40 hours, per week.

d. Temporary Full-Time Employee: An employee whose work assignment is limited in duration to six months or less, and works a shift schedule which on an annual basis would total no less than 2,080 hours.

e. Temporary, Seasonal Employee: An employee who works on a part-time basis for a certain amount of time but less than three months.

Employees classified as regular full-time employees shall receive all employee benefits provided by the District and/or provided in the Memorandum of Understanding between the bargaining agent for the represented employees and the District.

Employees classified as part-time employees are not eligible for any employee benefits; however those part-time employees who work over 1000 hours per fiscal year are eligible for retirement benefits.

Employees classified as temporary employees are not eligible for any employee benefits.

Policies and Procedures	Number: 6.1.12	Date of Adoption: 10/1/97	Revision:
Title: Work Week	Prepared By: P. Grenell	Approved By: Resolution 28 — 97	Page: Page 1 of 1
Purpose: To define the work week within the District.			

1. STATEMENT OF POLICY

The work week for all District employees shall consist of seven consecutive 24-hour periods as regulated by the U.S. Department of Labor. All hours worked over and above forty hours in any one week shall be considered overtime and treated according to the Overtime Policy, except that hours taken as approve paid leave under the Paid Time Off (PTO) 6.5.1, Holidays 6.5.2, Bereavement Leave 6.5.3, Jury/Court Leave 6.5.4 policies shall be considered as hours worked for the purposes of consistency with this Work Week policy.

San Mateo County Harbor District

Policies and Procedures	Number: 6.1.13	Date of Adoption: 12/3/97 Revision 12/16/2015	Adopted By: Resolution 39-97 Resolution Motion
Title: Employment Hiring Process	Prepared By: S. McGrath	Approved By: Board of Harbor Commissioners	Page: Page 1 of 7
Purpose: To establish a policy and procedure for all phases of the hiring process to include recruitment, testing, interview, reference check, notification, certified employment list and appointment.			

1. STATEMENT OF POLICY

Administration will administer and coordinate the hiring process for all positions, with the exception of the General Manager, within the San Mateo County Harbor District to ensure compliance with contractual, legal, and equal opportunity requirements.

2. RECRUITMENT PROCEDURE

2.1 Administration will be notified by the Department Head immediately of all position vacancies.

2.2 The affected department may be asked to assist Administration, as necessary, in formulating the job announcement, ads, and in determining special applicant sources.

2.3 A determination will be made by the General Manager whether to accept current employee applications only for a promotional appointment or whether the position will be open-competitive to all candidates.

2.4 Administration will distribute to all District departments copies of the job announcement, whether the position is promotional or open-competitive, for posting for a minimum of five working days. In cases where the job is open-competitive to all candidates, job announcements will be published in local newspaper(s) of general circulation, internet based forums and other avenues for distribution as may be warranted. For operational positions at Pillar Point Harbor and Oyster Point Marina/Park, open-competitive job announcements will also be sent to San Francisco Bay area and other marinas/harbors.

2.5 If the District feels the necessity for outside recruitment services, the General Manager or the Board of Harbor Commissioners will select the recruitment agency. The District may use only those recruitment services which do not discriminate on the basis of race, color, religion, creed, age, sex, national origin, marital status, or disability in making referrals. Execution of contracts will be consistent with current District procurement policies.

2.6 Administration will screen active application files and lists for possible candidates. These candidates will be contacted to determine current interest in District employment prior to the closing date listed on the employment notice.

2.7 Applications shall be submitted to Administration using District Employment Application forms and are required in the application process. No applicant will be considered if they only submit a resume.

2.8 All applications will be kept on file for two years and may be used to consider an application for all positions for which he or she may be qualified.

2.9 No applications for a position will be accepted after the published closing and/or receipt date. If there are not sufficient qualified candidates at the closing date, the position will be re-opened and re-advertised.

2.10 Administration will screen all applications received to determine qualification for the position to be filled. Applications of top candidates will be forwarded to the department for final review and comment prior to scheduling candidates for interviews.

2.11 Applicants may be disqualified for consideration for employment when any of the following facts exist:

2.11.1 Incomplete application

2.11.2 Lack of qualifications for the job.

2.11.3 False statements of any material facts or practiced deception in their application.

3. TESTING

3.1 Applicants who apply for positions within the District shall be administered an examination developed specifically for that position and shall test for skill level and, qualifications required for the specific position. Examinations shall test the applicants technical and general knowledge of the abilities needed for each position.

3.2 The examination may consist of any or all of the following: oral interview/application review, a structured questionnaire, practical tests, written tests, physical agility exercises, etc. In all cases, the testing will be job-related and designed to determine the candidate's knowledge, skills and abilities for the position.

3.3 Applicants will be required to successfully pass the oral and/or written examinations for the particular position as determined by the District to be considered for employment.

3.4 Oral interview questions and other examination contents are developed by Administration with assistance provided by the department. Examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline.

3.5 The testing process will be administered by Administration, with assistance from the department, as determined by Administration, unless otherwise requested by the hiring department.

3.6 Administration shall ensure that all testing is based on bona fide occupational qualifications.

3.7 Administration shall ensure that reasonable accommodations are made in test procedures to assure that persons with disabilities can be tested in an appropriate manner.

3.8 The following are ways in which the District may accommodate an applicant with a disability: replace written tests with on-the-job tests or verbal testing, enlarge print in

exams, magnification, amplification devices, interpreters. Administration shall inquire in testing announcements whether an applicant requires a disability-related accommodation.

3.9 The following examinations are listed for each position with the minimum score required and its related percentage for the interview process.

Position	Examination	Minimum Score	Weighted (Percentage)
Deputy Harbormaster	Deputy Harbormaster Exam	70 out of 100 possible points	25%
	General Knowledge Exam for Deputy Harbormasters	none	10%
	Essay	none	10%
	Boating Skills	none	15%
	Swimming Test	Pass	
	Physical Agility (Dummy Drag)	Pass	
	Interview		40%

Position	Examination	Minimum Score	Weighted (Percentage)
Harbor Worker	Harbor Worker Exam	70 out of 100 possible points	25%
	General Knowledge Exam	none	15%
	Essay	none	10%
	Interview		50%
Accounting	Accounting Test	none	50% combined for all 3 tests
	Accounting Questionnaire	none	
	General Knowledge Exam	none	
	Interview		50%
Accounting Technician /Administrative Assistant	Accounting Test	none	50% combined for both tests
	General Knowledge Exam	none	
	Interview		50%
Administrative Assistant	Writing on computer	none	50% combined for both tests
	General Knowledge Exam	none	
	Interview		50%
Launch Ramp Attendant	Launch Ramp Exam	75 points out of 100 possible pts	50%
	Interview		50%

4. INTERVIEW PROCESS

The employment interview is part of the selection process. The primary function of the interview is to obtain data or certain knowledge of the skills and abilities of a candidate not available through review of applications, resumes and the written examination process. Certain guidelines will be observed to maximize the validity and reliability of the interview process as well as ensure the adherence to current EEOC requirements.

4.1 Administration shall coordinate the interview process with the Department, including selection of panel members, scheduling candidates, development of interview questions , etc.

4.2 The interview panel will be selected and confirmed by Administration with input by the affected department. Generally no more than five individuals will serve on the interview panel.

The composition of the interview panel shall generally consist of personnel who have expertise with the technical elements of the position and a personnel specialist. Careful selection will be made of panel members to ensure objectivity and job knowledge. Relatives or personal friends of the applicants will be excluded from serving on the panel. Individuals from other agencies who are considered knowledgeable in areas related to the designated position may be utilized on the interview panel.

Reasonable accommodations shall be made for disabled applicants to allow participation in the interview process.

4.3 Administration and the Department Head in which the position vacancy exists shall be responsible for the development of interview questions and standards for measurement of candidate responses. Consistency will be maintained in the questions asked of all candidates. The questions shall be job-related. Questions will be designed to measure job knowledge, experience, education or to solicit responses which reflect those personal traits which are job-related. Questions which pertain to race, sex, religion, age or marital status or other inquiries which tend to directly or indirectly disclose such information are prohibited.

4.4 The interview process, including the nature of the questions implicitly or explicitly asked, shall be consistent with all state and federal regulations and laws.

4.5 Administration will inform the interview panel of the responsibilities and requirements of the position to be staffed. Copies of the applications of final candidates will also be provided to the interview panel members prior to the interview, along with proposed interview questions. A representative of Administration will meet with panel members prior to the interview for an orientation on appropriate interview and assessment techniques needed to evaluate each candidate objectively.

4.6 Each panel member scores the candidates independently.

4.7 Following the interview, the Personnel Department will tally the examination results and interview scores and calculate final total score.

5. CERTIFIED EMPLOYMENT LIST

5.1 PLACEMENT ON LIST

5.1.1 Upon completion of the examination process, candidates who successfully completed all components of the examination and receive a minimum of 70% of total points shall be placed, from highest to lowest score, on a certified employment list for the position. In the event two or more candidates receive the identical final, average score, the score earned by each candidate on the test given the greatest weight shall determine the position of the candidate's name on

the list. Should this means fail to break the tie, the date and time on which each candidate's application was filed will be applied as the determining factor.

5.2 TERM OF LIST

5.2.1 Certified employment lists shall remain valid for a period of one year, unless extended for an additional one (1) year by the General Manager.

5.3 APPOINTMENT FROM LIST

5.3.1 All vacancies within the District shall be filled by appointment from the certified employment list for the individual position. Appointments may be made from any classification on the certified employment list to serve in the best interest of the District.

5.3.2 Certified employment lists shall be classified in the following order:

a) Classification Reinstatement

b) Re-Employment

c) Reinstatement

d) Promotional

e) Open-Competitive

5.3.3 Notwithstanding the above order, appointments may be made from any category in the above list if the General Manager determines that such appointments are in the best interest of the District.

6. REFERENCE CHECK

6.1 Before any offer of employment is extended by Administration, Administration shall conduct a reference check on the final candidate(s). This check shall include to the greatest extent possible verification of previous employment duties, dates of previous employment, work history, attendance record, strengths, weaknesses, safety record, and other pertinent information. Parts of the reference check may be delegated to the affected department.

6.2 All positions may be designated by Administration to undergo a check on the applicant's driving record.

6.3 No reference check or background investigation will be conducted without first notifying the applicant of the investigation.

6.4 Certain positions may be designated by Administration to undergo a thorough background check by the Police Department or other designated individual/agency.

6.5 Results of the reference check and/or background check will help determine the applicant's fitness for the position. The reference and background checks shall be considered confidential.

6.6 A recommendation for hire will be forwarded to the Department Head, and/or General Manager, for final approval to extend an offer of employment.

7. APPLICANT NOTIFICATION

7.1 After references are verified and a final decision reached, Administration shall notify the candidate of his/her selection, with an employment offer, and request that the offer be accepted or rejected within a set number of days.

7.2 If the first offer is rejected, it will be decided whether to hire another candidate or to re-open the position.

7.3 Once a candidate accepts the employment offer, all other candidates are notified in writing that they were not selected for the position, whether they were placed on the certified employment list for that position and their status for future employment.

8. APPOINTMENT

8.1 For all positions, an employment confirmation letter is forwarded to the final accepting candidate outlining the terms of employment. The letter is prepared and mailed by Administration in cooperation with the Department Head.

8.2 Personnel Action Forms will be prepared for the new employee by Administration. (See Attachment A.)

9. APPLICANT EXPENSES

9.1 Unless approved by the District Manager or Board of Harbor Commissioners, the District does not reimburse any applicant for travel costs in conjunction with the hiring process.

9.2 Relocation costs are paid in full by the employee unless otherwise budgeted and approved by the District Manager or Board of Harbor Commissioners.

9.3 The applicant should be advised of Items 1 and 2 above before reporting for the interview.

San Mateo County Harbor District

Title:	Number:	Date of Approval:
Nepotism	6.1.14	4/16/2025
Other Revisions:	**Prepared By:**	
10/1/97 (Resolution 28-97)	Rachelle Modena	

STATEMENT OF POLICY

It is the policy of the San Mateo County Harbor District (District) that no members of the employee's or Commissioner's immediate family or a shall be employed with the District in a regular, full-time capacity.

The San Mateo County Harbor District shall not retain the services on a contractual basis with any member of an employee's or Commissioner's immediate family.

The General Manager may waive this restriction if the General Manager determines that, because of the nature of the operation, work assignments, or consultant project in question, the members of the employee's or Commissioner's immediate family would have minimal job-related contact with one another, and neither would be placed in such a position to supervise or evaluate the other.

Immediate Family is defined as spouse, child, domestic partner, parent, brother, sister, grandparent, parent-in-law, daughter-in-law, son-in-law, or grandchild.

This policy shall also apply to persons related by blood or marriage residing in an employee's home.

Policy Title:	Number:	Date of Approval:
Telecommuting Policy	6.1.15	05/20/2020
Other Revisions:	**Prepared by:**	
N/A	Julie van Hoff	

Statement of Policy

Telecommuting, also called "telework," or performing work for one's employer from home or a remote location, is an increasingly desirable employment model and a necessary model as proven during the 2020 COVID-19 Pandemic. High-speed internet connections, smart phones, and innovative telecommunications equipment routinely facilitate off-site work. Allowing employees the freedom to perform their job in locations other than on San Mateo County Harbor District (District) property can improve employee performance, productivity and morale; facilitate optimum utilization of District office facilities; allow for physical distancing requirements; promote employee health and wellness; improve air quality and traffic congestion; improve employee recruitment and retention; enhance the working life and opportunities of persons with disabilities; and effectively continue business as part of a disaster recovery or emergency plan.

Therefore, the purpose of this policy is to: (1) encourage employees who desire and are able to work from home or another remote location to discuss the feasibility of such an arrangement with their immediate supervisors; (2) develop a uniform policy for employees who work remotely; and (3) ensure that all telecommuting arrangements are in full compliance with applicable laws governing workplace safety, employee rights and responsibilities, and District policies.

1. Eligibility

Only employees whose job duties can be performed away from the District office (or other primary work location) may be considered for participating in a telecommuting program. In addition, other criteria shall be considered in determining whether to grant a specific request for telecommuting. These other criteria may include, but are not limited to, years of employment at the District; whether the employee's past work performance has shown reliable and responsible performance of work duties over time; whether the employee can reliably provide alternative work space; whether the employee's absence from the primary work location will disrupt the workflow of other employees and/or overall management of the District; and whether the employee can demonstrate full understanding of the requirements of this policy. Supervisors may use other reasonable criteria in addition to these examples.

Telecommuting during a probationary or introductory period shall not be granted because of the need to clarify job responsibilities with the employee and to assess the employee's suitability for continued employment, and because of the employee's need to establish relationships with co-workers. This provision may be waived as part of a disaster recovery or emergency plan.

Employee participation in telecommuting is normally voluntary and granted only at the discretion of the Director of Administrative Services in consultation with the employee's

immediate supervisor. The District has the right to refuse to make telecommuting available to any employee. The District has no obligation to allow one employee to telecommute merely because another employee who performs the same or similar job duties has been approved for telecommuting. An employee may decline a suggestion to telecommute made by a supervisor. In the event of a disaster recovery or emergency plan, the declination by an employee to telecommute may lead to a furlough or layoff of the employee.

2. Work Schedule

All telecommuting work schedules are at management's discretion. Telecommunicating arrangements do not necessarily provide the employee with a flexible work schedule. The work schedule shall be consistent with the operational needs of the employee's work group and department and overall management of the District. As with any work schedule, management has the discretion to change or eliminate telecommuting arrangements to meet operational needs, or at the employee's reasonable request.

Telecommuters may be required to spend a minimum number of workdays per week or per month at their primary onsite work location. Operational needs may also demand the presence of a regularly telecommuting employee in the office on a regularly scheduled telecommute day, with or without advance notice. Management shall attempt to provide as much notice as possible to the telecommuting employee.

Telecommuters shall maintain regular contact with supervisors and co-workers by phone, e-mail, or other means while they are telecommuting. Unless granted express permission by the employee's immediate supervisor, employees shall expect to adhere to a regular workday schedule as if they were present in the office, and shall be in communication by phone, e-mail, or other means during those hours.

3. Meetings at the Telework Site

Telecommuting employees are not permitted to conduct in person work-related meetings at their remote worksites. Meetings must be conducted either onsite or through teleconferencing. Absent express written authorization from the telecommuting employee's supervisor, no other District employee is permitted to conduct District business at the remote worksite.

4. Benefits and Compensation

All benefits and compensation will be based on the employee's position, with no distinction made between telecommuting and onsite employees. All applicable contracts, agreements and policies governing an employee's position shall continue to apply in the telecommuting program.

5. Health and Safety

The District is committed to ensuring a safe worksite in compliance with the rules and

guidelines set forth by the Division of Occupational Safety and Health (Cal/OSHA). Employees who telecommute are responsible for designating one area in their home as the worksite. The employee's direct supervisor or other designated manager shall review the applicable health and safety rules with the employee, and the employee must complete a checklist and certify in writing that the worksite meets all of the requirements for a safe and healthy work environment. The employee must also certify in writing that, should any condition arise at the worksite so that the health and safety requirements are no longer met, or if any other hazardous condition occurs, the employee will notify his or her supervisor immediately and cease working at the remote worksite until the condition has been remediated. The employee shall not be permitted to resume telecommuting from the remote worksite without the express authorization of his or her supervisor.

Upon reasonable notice, management has the right to inspect the employee's designated worksite. If the employee refuses such a request, he or she may not be allowed to continue telecommuting. Management reserves the right to refuse or rescind a telecommuting agreement based on the employee's failure to adhere to the guidelines, or if a supervisor or other manager makes the reasonable assessment that the employee's worksite poses a health or safety risk.

If an employee incurs an injury or illness in the course or scope of employment while telecommuting, Workers' Compensation laws apply. Employees must immediately notify their supervisor and complete all necessary paperwork as required by the District.

Actions that the telecommuter may take during break periods from working and actions not directly related to the approved remote worksite will not be covered under Workers' Compensation. These non-covered actions include, but are not limited to, all actions that the employee would not be able to perform in his or her District office, such as caring for children or pets, domestic tasks, yard work, retrieving the mail, cooking, exercising and interacting with non-District employees for non-business purposes.

The District shall in no instance be liable for injuries to third persons, including members of the telecommuting employee's family, who enter the employee's worksite or otherwise interact with the employee or use his or her home office equipment.

The District understands that compliance with the health and safety provisions of this policy does not necessarily provide the reasonable accommodations required by employees with disabilities. Telecommuting employees with disabilities shall be entitled to the same rights and accommodations they would be entitled to under all applicable state and federal laws and District policy. Telework may be provided as a reasonable accommodation, and such arrangement is addressed in a separate reasonable accommodation policy.

6. Performance Standards and Evaluation

An employee participating in a telecommuting arrangement is accountable under the same performance standards as employees working onsite. As in "regular" office assignments, supervisors and employees should discuss and understand what is expected to be produced

during telecommuting hours and when assignments are due. Supervisors and employees should also arrange when and how to make contact with each other on telecommuting days. Employee performance must remain satisfactory or above to participate in the telecommuting program.

7. Business Expenses and Reimbursement

To the greatest extent practical, employees will use District issued equipment and supplies. Expenses incurred as a result of telecommuting for the convenience of the employee, will not be reimbursed by District unless they are normally reimbursable pursuant to District policies, or pre-approved in advance at the sole discretion of the employee's supervisor. Such non-reimbursable expenses include, but are not limited to, utility costs, computer repair or replacement, purchase of office equipment or furniture, and travel to and from the primary District worksite if required to be onsite.

Telecommuting employees may, and are encouraged, to use District office equipment and supplies at any time, according to need. For example, a telecommuting employee is allowed to come to the District's office to use printing and copying equipment, obtain administrative assistance, or use other office resources to which the employee would have access if he or she was working onsite. With the advance approval of the employee's supervisor, a telecommuting employee may be permitted to take District office supplies to his or her remote worksite to facilitate productivity. Such supplies may include printer paper, pens and pencils, or other miscellaneous office-related items. Employees should not remove any item from District property to use offsite without the express permission of their supervisor.

Employers are obligated to reimburse employees for all "necessary expenditures or losses" the employees incur in carrying out their job duties. Reimbursement may be necessary under California law even when an employee does not incur additional out of pocket costs. Expenses that are reimbursable include but are not limited to a portion of WiFi, internet, and cell phone services.

8. Use of Personal Computers, Smart Phones and Other Technology

Telecommuting employees using their personal computers, internet connections, smart phones and other technology are responsible for ensuring and certifying that they meet the same security standards as if they were using District technology. The District's information technology consultant will assess whether the employee's remote worksite ensures the level of security required by the District. At the supervisor's discretion, the telecommuting employee may be required, as a condition of telecommuting, to establish a secure internet connection, install enhanced password protection or encryption software, keep confidential materials in a locked or otherwise secured location, restrict non-employees' (such as family members') usage of computers or smart phones used for District business, and any other measure required to maintain District's information security standards.

Any and all policies governing employee usage of District computers, internet connections and mobile devices shall apply to telecommuting employees when they are using their

personal equipment in the course and scope of employment, and when they are using District technology at any time. Employees using District technology or conducting District business on personal devices have no expectation of privacy.

9. Equal Opportunity

This policy does not alter the District's commitment to maintaining an equal opportunity, discrimination-free workplace. All District policies, as well as all state and federal laws, governing the District's anti-discrimination policy apply uniformly to telecommuting and onsite employees.

10. Harassment-Free Workplace

This policy does not alter the District's commitment to maintaining a harassment-free workplace. A ll District policies, as well as all state and federal laws, governing the District's anti-harassment policy apply uniformly to telecommuting and onsite employees.

Any employee who feels they have been subjected to harassment in the course of performing District business should report the incident in accordance with the District's anti-harassment policy. Investigations of alleged harassment shall be conducted in the same manner for telecommuters as for onsite employees, regardless of where the incident occurred.

11. Approval Process

Employees who wish to telecommute are encouraged to contact their immediate supervisor to discuss the feasibility of such an arrangement. Employees may arrange to telecommute regularly, or on an as-needed basis. Same-day requests for telecommuting cannot be granted unless the employee has already certified to a safety-compliant worksite and discussed information security with his or her supervisor.

All telecommuting arrangements are subject to ongoing review and may be revoked at any time. Nothing in this policy shall grant a telecommuting employee any rights he or she would not have if working onsite, nor shall it limit his or her rights under all applicable District policies and state and federal laws.

I understand, acknowledge and agree to abide by all of the provisions contained in this policy.

_____
[EMPLOYEE]

_____
[SUPERVISOR]

Home Safety Checklist for Telecommuters

The telecommuter is responsible for ensuring a clean, safe, and ergonomically sound home/work office as a condition for telecommuting. The telecommuter should review this checklist with his/her supervisor and sign it prior to the start of telecommuting.

Work Site

- ☐ Telecommuter agrees to maintain a clearly defined workspace that is clean, free from distractions and obstructions, and is in ergonomically sound condition.
- ☐ The work area is adequately illuminated with lighting directed toward the side or behind the line of vision, not in front or above it.
- ☐ Supplies and equipment (both departmental and employee-owned) are in good condition.
- ☐ The area is well ventilated and heated.
- ☐ Storage is organized to minimize risks of fire and spontaneous combustion.
- ☐ All extension cords have grounding conductors.
- ☐ Exposed or frayed wiring and cords are repaired or replaced immediately upon detection.
- ☐ Electrical enclosures (switches, outlets, receptacles, and junction boxes) have tight-fitting covers or plates.
- ☐ Surge protectors are used for computers, fax machines, and printers.
- ☐ Heavy items are securely placed on sturdy stands close to walls.
- ☐ Computer components are kept out of direct sunlight and away from heaters.

Emergency Preparedness

- ☐ Emergency phone numbers (hospital, fire department and police department) are posted at the alternate work site.
- ☐ A first aid kit is easily accessible and replenished as needed.
- ☐ Portable fire extinguishers are easily accessible and serviced as needed.
- ☐ An earthquake/storm preparedness kit is easily accessible and maintained in readiness.

Ergonomics

- ☐ Desk, chair, computer, and other equipment are of appropriate design and arranged to eliminate strain on all parts of the body.
- ☐ Telecommuter agrees to read and to implement the District's ergonomic principles.

I have reviewed and understand the items outlined in this checklist.

_____ _____

Telecommuter's Signature Date

San Mateo County Harbor District

Policy Title: Personal Electric Vehicle/Vessel Charging Policy	**Number:** 6.1.16	**Date of Approval:** September 17, 2025
Other Revisions: n.a.	**Prepared By:** Julie van Hoff	

Purpose:
To establish guidelines for the equitable and appropriate use of San Mateo County Harbor District's (District) electric vehicle/vessel (EV) charging stations by employees for charging personal EVs, in compliance with applicable laws governing the use of public resources.

Scope:
This policy applies to all employees of District who wish to use the District owned EV charging infrastructure to charge personally owned electric vehicles/vessels.

Policy:

1. General Use

- When commercially available EV charging stations are located within ½ mile of the employee's regular work location, employees are expected to use those public charging options instead of charging personal vehicles at District facilities.
- EV charging stations located at District facilities are primarily intended to support District operations, including District-owned vehicles and vessels.
- Only employees who have received written authorization may charge personal vehicles/vessels at EV charging stations located at District facilities.
- Use of EV charging stations located at District facilities by employees for personal EV charging is a secondary use and may be restricted or revoked at any time.

2. Authorization and Registration

- Employees must register their personally owned EV with the Harbormaster for Operating Engineer covered employees or Administrative Manager for Teamster covered employees and agree to comply with this policy before using the charging stations.
- Registration includes providing make, model, and license plate number of the EV.

3. Cost Recovery

- In accordance with applicable public agency rules regarding the use of public resources, personal EV charging must not be subsidized by the District.
- Employees will be charged a flat fee for the District to fully recover the cost of electricity and administrative overhead. The current rate is $35 per use regardless of time used. This is calculated using the assumption that the employee will fully charge their vehicle/vessel and the current limitations of metering on EV charging areas.
- Fees must be paid to the Customer Services Representative. Nonpayment will result in loss of access.

4. Use Limitations

- Charging sessions may be limited to a maximum of 5 hours or until the vehicle/vessel is fully charged, whichever occurs first.
- Employees must move their vehicle/vessel promptly after charging is complete to allow access for others.
- Use of extension cords or unauthorized outlets is strictly prohibited.

5. Priority of Use

- District owned vehicles/vessels have first priority at all times.
- The District reserves the right to block employee use during business hours or other operational periods as needed.

6. Liability

- The District is not responsible for any damage, loss, or theft related to personal vehicles/vessels while parked or charging on District property.
- Use of the charging station is at the employee's own risk.

7. Compliance and Enforcement

- Misuse of the charging infrastructure, including not paying or overstaying time limits, may result in loss of charging privileges and/or disciplinary action.
- This policy will be enforced by District Managers.

Policies and Procedures	Number: 6.1.20	Date: 9/19/90	Adopted By: Resolution 30-90
Title: Employer-Employee Relations Policy	Prepared By:	Approved By: Board of Harbor Commissioners	Page: Page 1 of 10
Purpose: To establish an employer-employee relations policy			

STATEMENT OF PURPOSE

The purpose of this policy is to promote full communication between the Harbor District and its employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the Harbor District and its employees and their employee organizations. It is also the purpose of this policy to promote the improvement of personnel management and employer-employee relations within the Harbor District administration, by providing a uniform basis for recognizing the right of Harbor District employees to join employee organizations of their own choice and to be represented by such organizations in their employment relationships with the Harbor District. Nothing contained herein shall be deemed to supersede the provisions of the Harbor District Ordinance Code, or the Personnel Policies and Procedures, Rules and Regulations which regulate the Harbor District Merit System.

DEFINITIONS

The following shall have the meaning indicated, when used in connection with this policy:

A. CONFIDENTIAL EMPLOYEE: An employee who assists and/or acts in a confidential capacity to persons who formulate, determine and/or effectuate management policies in the field of labor relations.

B. CONSULT: Verbal or written communications for the purpose of presenting and obtaining views or advising of intended actions on matters within the scope of representation.

C. HARBOR DISTRICT: The San Mateo County Harbor District, a political sub-division of the State of California, or its duly authorized management representative.

D. DAYS: Calendar days, unless otherwise defined in this policy.

E. EMPLOYEE: Any person employed by the Harbor District in an authorized position as listed in the current salary ordinance, except elected officers.

F. EMPLOYEE ORGANIZATION: Any lawful organization which includes, as members, employees of the Harbor District and which has, as one of its purposes, representation of such employees in their relations with the Harbor District.

G. EMPLOYEE RELATIONS: The relationship between the Harbor District and its employees and their employee organizations are, when used in a general sense, the relationship between management and employees or employee organizations.

H. GRIEVANCE: Any dispute involving the application or interpretation of the provisions of the memorandum of understanding between the employee organization and the Harbor District.

I. IMPASSE: A deadlock in negotiations between a recognized employee organization and the Harbor District concerning matters about which they are required to meet and confer in good faith.

J. MANAGEMENT EMPLOYEE: Any employee having significant responsibility for formulating, administering or managing the implementation of Harbor District policies or programs, or having responsibility for directing the work of subordinates through lower level supervision.

K. MANAGEMENT REPRESENTATIVE: The General Manager, or any person designated by the General Manager to represent the Harbor District in employer-employee relations.

L. MEDIATION: The efforts of an impartial third person(s), functioning as an intermediary, to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestion, and advice.

M. NEGOTIATE: Meet and confer in good faith.

N. PROFESSIONAL EMPLOYEES: Employees engaged in work requiring specialized knowledge and skills obtained through completion of a recognized course of instruction, including, but not limited to, attorneys, physicians, engineers and architects.

O. PROOF OF EMPLOYEE APPROVAL: When used herein means that the employee organization submitting a petition to the General Manager has demonstrated proof of approval by the employees whom it reports to represent by means of any one, or any combination of the following:

1. Signed and dated signatures on a petition.
2. Signed and dated employee authorization forms.
3. Documented evidence of current dues/paying employee organization membership, or payroll dues deductions using the payroll period immediately prior to the date the petition is filed.

For purposes of (1) and (2) above, only signatures of employees currently employed in permanent positions within the proposed representation unit on the date the petition is filed and whose signatures have been executed within one hundred eighty (180) calendar days prior to the date the petition is filed, shall be accepted as proof of employee approval.

The total number of employees in a proposed representation unit shall be determined by using the Harbor District Ordinance Code and Salary Ordinance, adjusted to reflect the positions occupied as of the date of the petition.

P. RECOGNIZED EMPLOYEE ORGANIZATION: Shall mean a recognized employee organization which has been certified in accordance with Section X of this Policy.

Q. REPRESENTATION UNIT: A unit composed of Harbor District Employees for the purpose of employee representation, and which has been established in accordance with Section X of this Policy.

R. SCOPE OF REPRESENTATION: All matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment, except however, that the scope of representation shall not include consideration of the marriage, necessity, or organization of any service or activity provided by law or executive order.

S. SUPERVISORY EMPLOYEE: Any employee having authority, in the interest of the Harbor District, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, for having the responsibility to direct them or to adjust their grievance, or effectively to recommend such action if, in connection with the foregoing, the exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgment.

EMPLOYEE RIGHTS

Employees of the Harbor District shall have the right to form, to join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations.

Employees of the Harbor District shall also have the right to refuse to join or participate in the activities of the employee organizations, provided, however, that during meet-and-confer sessions with the Harbor District, an employee filling the position allocated to a specific representation unit may be represented only by that recognized employee organization certified to represent that specific unit.

HARBOR DISTRICT RIGHTS

The Harbor District retains the exclusive right to determine the methods, means, and personnel by which Harbor District operations are to be conducted, to determine its mission, as well as to set standards of service to be offered to the public. It also retains the right to administer the merit system, to classify positions, add or delete positions or classes from the salary ordinance; to establish standards for employment, promotion, and transfer of employees, to direct its employees, take disciplinary action for proper cause, to schedule work and to relieve its employees from duty because of lack of work or other legitimate reasons.

The Harbor District reserves the right to take whatever action may be necessary in an emergency situation, however, a recognized employee and management representatives shall, upon request by either party involved, be referred by the General Manager for hearing and final determination to the Harbor Commission.

SCOPE OF CONSULTATION AND NEGOTIATION

A. All matters affecting employee relations, including those that are not subject to negotiations, are subject to consultation between management representatives and representatives of recognized employee organizations.

B. The scope of negotiation between management representatives and the representatives of recognized employee organizations includes wages, hours, and other terms and conditions of employment affecting the employee representation unit, or units represented by the employee organization with which the Harbor District is meeting and conferring at the time.

REQUIREMENTS FOR RECOGNITION OF EMPLOYEE ORGANIZATIONS

An organization which wishes to be recognized as an employee organization shall submit to the General Manager a request signed by a duly authorized officer of the organization and containing the following information:

A. Name and address of the employee organization.

B. Names and titles of its officers, as well as designation of the officials authorized to act as representatives of the organization in employer-employee relations with the Harbor District.

C. A statement of whether or not the organization is a chapter or local office, or affiliated with a regional, state, national or international organization, and, if so, the name and address of each such regional, state, national or international organization.

D. A statement that the organization includes employees of the Harbor District along with proof that a majority of these employees are members and have designated the organization to represent them. Proof of employee approval which must be supplied is defined in Section III (O) of this policy. The subsection does not apply to employee organizations which are receiving dues deductions through Harbor District payroll.

E. A certified copy of the organization's constitution and/or by-laws and, if not contained in the constitution or by-laws, a statement that the organization has, as one of its purposes, representation of Harbor District Employees in their employer-employee relations.

F. A designation of the names and addresses of no more than three (3) persons to whom notices sent by regular United States mail will be deemed sufficient notice to the organization for all purposes.

G. A statement that the organization recognizes Government Code Section 3509.

H. A statement that the organization has no restriction on membership based on race, color, religion, national origin, sex or handicap.

I. A statement that the organization agrees to abide by all of the provisions of this policy except that this shall not preclude the right of the organization to challenge by court action any provisions it deems to be invalid.

RECOGNITION OF EMPLOYEE ORGANIZATION

A. Upon receipt of all the information required by Section VII of this policy the General Manager shall either notify the organization that it has been duly recognized as an employee organization, or may call for a secret ballot election.

B. The Harbor District is under no obligation to consult with employee organizations which do not satisfactorily comply with the requirements of Section VII, and subsection "VIII C."

C. A recognized employee organization shall report in writing to the General Manager within ten days any changes in the facts submitted pursuant to Section VII.

When an employee organization which has been recognized in accordance with this policy no longer is designated by any employees as their representative, the organization shall promptly notify the General Manager, who will thereupon terminate the organization's recognition. Following initial recognition, the General Manager may require verification of proof that an organization continues to represent one or more employees of the Harbor District.

D. If, in the opinion of the General Manager, a decision of the Harbor Commission has the result of moving from one representation unit to another, a sufficient number of employees to possibly affect the representative status of the recognized employee organization representing the unit from which or to which such employees were transferred, a secret ballot election shall be held to determine the wishes of the employees remaining in the unit from which or to which other employees were transferred. Any recognized employee organization may be listed on said secret ballot if that organization has petitioned for a place on said ballot and submitted proof to the General Manager (as defined in subsection "III O"), signed by at least 51% of the employees in the unit. The ballot submitted to said employees shall include a no representative organization choice.

E. Notwithstanding any other provisions of this policy, should the decision of the Harbor Commission have the result of moving some employees from one representation unit to another, and should the General Manager believe that such a decision raises a question concerning the continuing representative status of any recognized employee organization, the General Manager shall so advise the Harbor Commission. The Harbor Commission shall designate a representative to meet with the recognized employee organization for the purpose of investigating whether or not a substantial question of representation exists. If, on the basis of such investigation, the General Manager concludes that a substantial question of representation exists, he/she may direct that an election be held in either the unit from which employees were moved or in the unit to which employees were moved; or both units for the purpose of determining employee's wishes, concerning the employee organization to represent them. The choice shall be by secret ballot and any recognized employee organization may be listed thereon if it has petitioned for a place on said ballot and submitted proof, as described in subsection "E" above. The ballots submitted to the employees shall include a no representative organization choice.

F. Should the decision of the Harbor Commission have the result of moving some employees from one representation unit to another, such employees will continue to work at the rate of pay, and under the same terms and conditions of employment which they had in the unit from which they were transferred until the Memorandum of Understanding for the unit from which they were transferred shall expire.

CRITERIA FOR ESTABLISHING AND MODIFYING REPRESENTATION UNITS

In determining the appropriate employee representation units the following factors, among others, shall be considered:

A. Minimizing fragmentation of units by achieving the largest feasible group of employees having a community of interest.

B. The effect of the proposed unit on the efficient operation of Harbor District services and employee relations.

C. The history of employee relations in the unit, among other employees in the Harbor District, and in similar public employment and private industry.

D. Similarity of duties, skills, wages, and working conditions of employees.

E. Whether management officials at the level of the unit have the power to agree or to make effective recommendations to other administrative authority, to the Harbor Commission with respect to wages, hours, and other terms and conditions of employment subject to negotiation.

F. The effect on the existing classification structure of dividing a single classification among two (2) or more units.

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

H. Management and confidential employees shall not be included in the same unit with non-management or non-confidential employees. Supervisory employees and non supervisory employees may be included in the same unit. Supervisory employees shall not represent a recognized employee organization in negotiating with management representatives where conflict of interest may occur as determined by the General Manager, subject to appeal to the Harbor Commission.

I. All petitions for modification of units shall be set for hearing before the Harbor Commission, which shall make the final determination on the appropriateness of all units. In making such determination, the Harbor Commission shall not be limited to consideration of the unit or units requested, provided, however, that if the Harbor Commission is considering the establishment of a representation unit other than one described in a petition, the following procedure shall be followed:

1. The Commission shall set a date when it will act on establishing the representation unit or units, and shall direct the General Manager to cause timely notice of the date and purposes of said hearing to be given to all employees whose removal is being considered, and to all recognized employee organizations.

2. At the time set for the hearing, the Commission shall afford all persons present an opportunity to be heard on the question of establishing the representation unit or units which were not described in a petition or petitions.

3. After all persons who wish to be heard on the matter have been afforded an opportunity to be heard, the Commission shall render its decision on establishing the representation unit or units.

CERTIFICATION AND DECERTIFICATION OF A RECOGNIZED EMPLOYEE ORGANIZATION

A. Any organization which seeks recognition as the recognized employee organization for a representation unit which has been requested or already established shall file a petition with the General Manager at any time. The petition shall be accompanied by proof, as defined in subsection "III O", that the organization represents at least 51% of the employees in the representation unit. The General Manager shall give notice of any request for certification or decertification to the employees in the unit, to any employee organization currently certified as the representative of the unit, and to any employee organization that has filed a request for such notice. The General Manager shall give such notice within five (5) working days following receipt of the request. Upon determining that the petitioning employee organization represents at least 51% of the employees in the representation unit, the General Manager shall notify any employee organization which has requested such notice and shall arrange for a secret ballot election to ascertain the free choice of a majority of such employees. Any other employee organization shall be shown as one choice on the ballot upon filing of a petition and presentation of proof, as defined in subsection "III O", that the organization represents at least 51% of the employees in the representation unit. Such petition for a place on the ballot must be filed within seven (7) calendar days after notice of the petition for election has been mailed by the General Manager to the employees. In all certification or decertification elections the choices on the ballot shall be:

1. the currently recognized employee organization for the unit (if any), unless such organization requests that the General Manager not place it on the ballot;
2. challenging employee organizations;
3. and no representative organization.

B. In an election where there are more than two choices on the ballot and none of the choices receives a majority of the votes cast by the employees within the representation unit, a run-off election shall be conducted between the two choices receiving the largest and second largest number of votes.

C. Employees entitled to vote in a representation election shall be those permanent, provisional, probationary <u>or</u> unclassified employees in permanent positions as defined in subsection "III E" within the representation unit who have been employees for at least fifteen days prior to the date of the election. Employees who did not work during the above described time period because of illness, vacation, or authorized leave of absence, and who are otherwise eligible, shall be permitted to vote.

D. The recognized employee organization shall be representative of all the employees in such unit for purposes of meeting and conferring in good faith on matters within the scope of representation. This shall not preclude other employee organizations, or individual employees, from consulting with management representatives on employer-employee relations matters of concern to them.

E. Provided that at least 36 months have elapsed from the most recent date of certification of said organization, requests for decertification of that employee organization may be initiated by a petition from employees or by any employee organization. Such request shall be processed only if filed no sooner than 135 and no later than 90 calendar days before the expiration of the then current Memorandum of Understanding or agreement covering the unit for which decertification is requested. A petition for decertification shall be submitted to the General Manager during the month of January and must be accompanied by proof of employee approval as defined in subsection "III O", of at least 51% of the employees within the representation unit. The General Manager shall give notice and arrange for a secret ballot election in the manner set forth in subsection "X A".

F. Notwithstanding any other provisions of this policy, the Harbor District may seek decertification of an employee organization at any time that it appears to the General Manager that such action is warranted because of substantial changes in Harbor District functions, organizational structure or classifications. In such a case the General Manager shall arrange for a secret ballot election in the manner provided for in subsection "X A"; provided, however, that no such election shall be held until the employee organization then recognized as the representative of the unit or units involved, has been given at least 60 days notice

of the date which the election will be held. Any organization may be listed on said ballot if said organization petitions for a place thereon and submits proof, as defined in subsection "III O", that the employee organization represents at least 51% of the total number of employees in the representation unit or units affected by the election. The ballot shall contain a no representative organization choice.

G. The General Manager shall certify the choice of representation as indicated on the ballot which receives a majority of the valid ballots cast by the employees in the representation unit. Notification of certification shall be made to the Harbor Commission and to employees in the unit or units being represented, challenging employee organizations, and such other persons or organizations as the General Manager deems appropriate. The General Manager may refuse to certify the winner of an election as the recognized employee organization for that unit or units if he/she concludes that the winner of such election has coerced, intimidated, or grossly misled employees in securing or attempting to secure their votes. Such refusal by the General Manager to certify an employee organization on these grounds shall be referred to the Harbor Commission for review at an open meeting at which all interested parties shall be afforded an opportunity to be heard. The Commission shall either require the General Manager to certify the winner of the election as the recognized employee organization for that unit or units, or uphold the determination of the General Manager and require him/her to arrange for another election.

CLOSED SESSIONS

Nothing in this policy shall be interpreted as preventing, or limiting, the right of the Harbor Commission to hold closed sessions with the General Manager, or other duly designated management representatives, prior to and during consultations and discussions with representatives of employee organizations regarding the salaries, salary schedules, or compensation paid in the form of employee benefits in order to review its position and instruct its designated representatives.

NEGOTIATIONS

A. Only recognized employee organizations in established representation units shall be entitled to negotiate with duly designated management representatives on wages, hours, and other terms and conditions of employment for the employees in such units.

B. Negotiations shall not be required on any subject pre-empted by Federal or State law, nor shall negotiations be required on Employee or Harbor District Rights defined in Sections IV and V. Proposed amendments to this policy are excluded from the scope of negotiation, but shall be subject to consultation in good faith after reasonable notice.

C. Agreements reached as a result of negotiations shall be included in a Memorandum of Understanding signed by the General Manager as well as the duly designated representatives of the recognized employee organizations. Such Memoranda of Understanding shall not be binding unless approved by the appropriate governing bodies of the Harbor District and the recognized employee organization.

IMPASSE PROCEDURES

Impasse procedures may be invoked only after all other attempts made by both parties to reach agreement through good faith negotiation have been unsuccessful.

A. Impasse Meeting: Any party involved in the negotiation of specific issues may invoke the impasse procedure by filing with the other party (or parties) affected a written request for an impasse meeting together with a statement of its position on the disputed issues. An impasse meeting shall then be promptly scheduled by the parties involved. The purpose of such impasse meeting is to permit review of the position of all parties in a final good faith effort to reach agreement on the disputed issues.

B. If agreement is not concluded at the impasse meeting, the parties together may mutually agree upon mediation as defined in Section III. Unless the parties in writing mutually request them to do so,

mediators shall make no public recommendation nor take any public position regarding the issues. All mediation sessions shall be conducted in private.

C. The cost for the services of a mediator used by the parties, and other mutually incurred costs of mediation shall be borne equally by the Harbor District and the recognized employee organization.

UNFAIR EMPLOYEE RELATIONS PRACTICES

A. It shall be unfair employee relations practice for the Harbor District to:

1. interfere with, restrain, or coerce employees in the exercise of the rights recognized or granted in this policy.

2. dominate or interfere with the formation of any employee organization or contribute financial support to it, provided that the Harbor District may permit the use of District facilities, make dues deductions, and permit employees who are officers or representatives of employee organizations to confer with District officials during working hours without loss of time or pay, subject to applicable regulations.

3. refuse to negotiate with representatives of recognized employee organizations on negotiable matters during the periods prescribed by this policy.

4. refuse or fail to cooperate with any duly designated mediator.

B. Charges of violations of this section or of this policy may be initiated by management or any employee organization. Such charge shall be filed in writing with the Harbor Commission. Each charge so filed shall be processed in accordance with the rules and regulations of the Commission.

1. If the Harbor Commission's decision is that the District has engaged in an unfair employee relations practice, the Commission shall take appropriate corrective action within 30 days.

2. If the decision is that an employee or employee organization or its agents, has engaged in an unfair employee relations practice, the Commission shall request the offending party to take appropriate corrective action. If compliance with the Commission's request is not obtained within 30 days, the Commission shall direct the General Manager to take appropriate action.

GRIEVANCES

A. All employees of the Harbor District are free to present grievances. They are guaranteed freedom from discrimination, coercion, restraints or reprisals.

B. The grievances of any employees in representation units covered by a Memorandum of Understanding which includes a grievance procedure shall be processed according to that procedure.

C. Supervisory employees shall not represent non-supervisory employees in a grievance procedure where such activity might result in a conflict of interest.

ADVANCE NOTICE TO RECOGNIZED EMPLOYEE ORGANIZATIONS

A. Except in cases of emergency as provided in subsection "B" of this section, each recognized employee organization affected shall be given reasonable advance written notice of any ordinance, policy, rule or regulation proposed to be adopted by the Harbor District and shall be given the opportunity to meet with the appropriate management representatives prior to adoption.

B. In cases of emergency when the foregoing procedure is not practical or in the best public interest, the Harbor District may adopt or put into practice immediately such measures as are required. At the earliest practicable date thereafter the recognized employee organizations shall be provided with the notice described in paragraph "A" above and be given an opportunity to meet with the appropriate management representatives.

ATTENDANCE AT MEETINGS BY EMPLOYEES

Harbor District employees who are official representatives or stewards of a recognized employee organization shall be given reasonable time off with pay to meet and confer or consult with management representatives, or to be present at hearings where matters within the scope of representation are being considered. The use of official time for this purpose shall be reasonable and shall not interfere with the performance of Harbor District services as determined by the General Manager. Such representatives or stewards shall submit a written request for excused absence to the General Manager at least two (2) working days prior to the scheduled meeting whenever possible. Except as provided by a Memorandum of Understanding the number of employees excused for such purposes shall not exceed two (2) for any one employee organization. If any employee's request for excused absence is not approved, such disapproval shall be subject to appeal to the Harbor Commission, whose decision shall be final.

USE OF HARBOR DISTRICT FACILITIES

A. Communication with Employees

A recognized employee organization which represents employees of the Harbor District shall be allowed use of space on available bulletin boards for communications having to do with official organization business, such as times and places of meetings, provided such use does not interfere with the needs of the District. A recognized employee organization may distribute materials to employees within the unit it represents through District mail distribution channels if approved by the General Manager. This privilege may be revoked in the event of abuse after the General Manager consults with representatives of the recognized employee organization. Any representative of an employee organization shall give notice to the department head or his/her designated representative before contacting departmental employees on District facilities during the duty period of the employees, provided that solicitation for membership or other internal employee organization business shall be conducted during the non-duty hours of all employees concerned. Pre-arrangement for routine contact may be made, and when made shall continue until revoked.

B. Harbor District Buildings

District buildings and other facilities may be made available for use by employees or an employee organization or their representatives in accordance with such administrative procedures as may be established by the General Manager or department heads concerned.

C. Dues Deductions

A recognized employee organization may have the regular dues of its members within a representation unit deducted from the employee's pay checks under procedures prescribed by the General Manager for such deductions. Dues deduction shall be made only upon signed authorization from the employee on a form approved by the District and shall continue (1) until such authorization is revoked, in writing, by the employee; or (2) until the transfer of the employee or any recognized employee organization. All elections authorized by this policy shall be conducted by the State Reconciliation Service or some other party agreed on by the District and concerned employee organizations.

ADMINISTRATION

The General Manager is authorized to establish rules and procedures to carry out the intent of this policy and has authority for the administrative interpretation of this policy. Interpretations made by the General Manager are subject to appeal to the Harbor Commission by any employee or any recognized employee organization. All elections authorized by this policy shall be conducted by the State Reconciliation Service or some other party agreed on by the District and concerned employee organizations.

CONSTRUCTION

A. Nothing in this policy shall be construed to deny any person, employee, or employee organization the rights by Federal and State Laws.

B. The rights, powers and authority of the Harbor Commission and the rights of employee organizations in all matters, including the right to maintain any legal action, is not modified or restricted by this policy.

C. The provisions of this policy are not intended to conflict with, nor shall they be construed in a manner inconsistent with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) as amended.

SEPARABILITY

If any provision of this policy, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this policy or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Policies and Procedures	**Number**: 6.1.21	**Date:** 5/6/98	**Revision**:
Title: Badges and Identification Cards	**Prepared By**: Grenell	**Approved By**: Resolution 15 — 98	**Page:** Page 1 of 1
Purpose: To establish procedures for the issuance and turning in of badges and identification cards			

STATEMENT OF POLICY

It is the policy of the District that Commissioners and certain employees will be issued badges and all employees will be issued identification cards when they assume office or are hired, respectively. Badges and identification cards will be relinquished to the Personnel Officer when employment is terminated.

DESCRIPTION OF PROCEDURE

The Personnel Officer is responsible for the issuance and collection of badges and identification cards. The General Manager, Harbor Commissioners, Harbormasters, Deputy Harbormasters, and Security personnel will be issued badges. Each badge will have a number assigned to it which will enable the District to track any misplaced badges or to prosecute in the event a badge is stolen.

San Mateo County Harbor District

Policies and Procedures	Number: 6.1.24	Date: 03-20-2002	Revision:
Title: Criminal Offender Record Information (CORI)	**Prepared By:** Peter Grenell General Manager	**Approved By:** Resolution 08-02	**Page:** Page 1 of 1
Purpose: **To Meet the Requirements of the State of California Department of Justice**			

1. STATEMENT OF POLICY

This policy has been developed to meet the requirements of the State of California, Department of Justice, Division of Criminal Justice Information Services, for any agency that receives Criminal Record Information (CORI).

To all employees: To insure the suitability of employees accessing confidential criminal history records, all employees with access to CORI shall be fingerprinted and processed through the California Department of Justice.

The overall responsibility for the administration of this rests with the agency head or person in charge.

A. **Record Security:** any questions regarding the release, security and privacy of Criminal Offender Record Information (CORI) are to be resolved by the agency head or person in charge.

B. **Record Destruction:** It is recommended that the stated summary of CORI obtained for employment, licensing or certification purposes be destroyed once a decision is made to employ, license or certify the subject of the record. Retention beyond this time should be based on documented legal authority and need.

C. **Record Dissemination:** CORI shall be used only for the purpose for which it was requested.

D. **Record Storage:** CORI shall be securely maintained and accessible only to the agency head or his/her designee who are committed to protect CORI from unauthorized access, use, or disclosure.

E. **Record Reproduction:** CORI may not be reproduced for secondary dissemination.

F. **Training:** The agency head shall:
   1. Understand and enforce this policy.
   2. Be fingerprinted and have a criminal history clearance.
   3. Have on file a signed copy of the attached Employee Statement Form (which is itself a part of this policy), which acknowledges an understanding of law prohibiting misuse of CORI.

G. **Penalties:** Misuse of CORI is a criminal offense. Misuse of CORI my result in Criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the Department of Justice.

Policy Title: District Personnel Conduct	**Number:** 6.2.1	**Date of Approval:** June 12, 2024
Other Revisions: Resolution 39-97 (12/3/97) Resolution 27-05 (9/21/05)	**Prepared By:** Rachelle Modena	

Statement Of Policy

All District personnel, as governmental employees, while performing official duties shall maintain high standards of professionalism, cooperation, integrity, and ethical standards of conduct in dealing with the general public, colleagues, supervisors. This policy is intended to provide positive direction and guidance to District Personnel in order to prevent potential conflicts of interest and inappropriate conduct while on duty.

Definitions

A. Conflict of Interest- A conflict of interest occurs when an individual's personal interests – family, friendships, financial, or social factors could compromise their judgement, decisions, or actions in the workplace.

B. District Personnel- Full or part time employees of the San Mateo County Harbor District to include Harbor Commissioners.

C. Financial Interest- Anything of monetary value, whether the value is readily ascertainable, which is held by an individual, their family or a business entity they own control, or direct.

D. Gift- A thing given willingly to someone without payment.

E. Harassment- Refers to words or conduct that threatens, intimidates, or demeans a person, harassment is unwanted, uninvited, and unwelcome and causes a nuisance, alarm, or emotional distress without any legitimate purpose.

F. Pecuniary Interest- Has a financial interest in something, could financially benefit from it.

G. Misconduct- Unacceptable or improper behavior.

H. Monetary Value- Is the amount that would be paid in cash for an asset or service were it to be sold to a third party.

I. Nominal Value- A very small amount or an amount that is much less than usual.

Conflicts Of Interest

No District personnel shall engage in any act that is in conflict or creates an appearance of unfairness or conflict with the performance of official duties. An

employee who engages in a conflict of interest may be subject to discipline up to and including termination. District personnel shall be deemed to have a conflict if the individual:

A. Has any financial interest in any sale to or contract with the District of any goods or services when such financial interest was received with prior knowledge that the District intended to purchase the property, goods, or services.

B. Solicits, accepts, or seeks a gift, gratuity or favor from any person, firm, or corporation involved in a contract or transaction that is or may be the subject of official action by the District.

Recognizing that personal friendships often precede and can evolve from official contact between District personnel and persons engaged in business with the District, reasonable exceptions to this section are permitted for those occasions that are social in nature and are not predicated on the person's ability to influence, directly or indirectly, any matter before the District.

District personnel will be guided in interpreting this section by the distinction between a gift, gratuity, or favor given or received which has significant monetary value and is offered or accepted in expectation of preferential treatment, and an expression of courtesy. Examples of acceptable courtesies include: exchanges of floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, promotions; a sample or promotional gift of nominal value ($50.00 or less).

C. Participate in their capacity as District personnel in the issuing of a purchase order or contract in which they have a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the District.

D. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or gives the appearance of the above.

E. Except for courtesies as stated above, no District personnel shall give or receive, directly or indirectly, or agree to receive any compensation, gift, reward, commission or gratuity from any source except the District for any matter directly connected with or related to their official duties as District personnel.

F. Discloses or uses without authorization confidential information concerning property or affairs of the District to advance a private interest with respect to any contact or transaction which is or may be the subject of official action of the District.

Misconduct

The following conduct is defined as misconduct and will not be tolerated. This list is not all-inclusive and is intended to provide examples and guidance to all employees:

A. The use of abusive language towards a member of the general public while performing official duties as a District employee or as directed towards another employee.

B. The use of unlawful force towards a member of the public or towards another employee, to include physical violence.

C. Divulging or misusing confidential information, without proper authorization, to include, but not limited to, the improper release of any employee lists, , designs, drawings, or confidential information of any kind.

D. The improper accepting of fees, gifts, or other valuable items in the performance of the employee's official duties for the District.

E. Removing money, merchandise, or property belonging to the District without written permission from Harbormaster or General Manager.

F. Dishonesty, including intentionally giving false information, intentionally falsifying records or making false statements.

G. Reporting to work while under the influence of alcohol and/or drugs (legal or illegal).

H. Engaging in reckless behavior that places the employee, colleagues, and/or the public's safety and/or property at risk.

I. Insubordination, refusing to follow instructions/direction, openly challenging a supervisor's directive or displaying disrespectful behavior. Inclusive of not following the Captain's direction while a crewmember is on board a vessel.

J. Boarding a berthed or moored vessel without the owner's permission unless there is an immediate threat to the vessel, persons, environment, or other property.

K. Selling or dispensing illegal or prescription drugs while on duty.

L. Drinking alcohol or using drugs which impair judgement (including marijuana) while on duty.

M. Harassment in any form against employees of the District and the public.

N. Intentionally violating other District policies.

Employees may be disciplined if found to be inappropriate in their conduct or be terminated depending on the severity of misconduct while performing official duties as employees of the San Mateo County Harbor District or found to be inappropriate in their conduct towards members of the public or other employees.

Harbor Commissioners of the District upon hearing complaints from members of the general public or employees relative to District personnel shall immediately transmit the complaint to the General Manager. The Harbor Commissioner shall take no further action on the complaint. In the event a Harbor Commissioner hears of a complaint regarding the General Manager, the President of the Board will be notified for consideration or further consideration.

Employee Assistance Program

The District contracts with an Employee Assistance Program provider for all employees who want to seek assistance for help with work and lifestyle issues including drug and alcohol problems.

San Mateo County Harbor District

Policy Title Computers, Electronic Communications, and Social Media	**Number:** 6.2.4	**Date of Approval:** 2/20/2019
Other Revisions: 9/21/2005 (Resolution 05-29)	**Prepared By:** Julie van Hoff	**Approved by:** Resolution 19-04
Purpose: To set the conditions for use of District electronic communications equipment, to notify employees that they have no privacy in the use of this equipment, and to set forth the District Social Media Policy.		

STATEMENT OF POLICY

This policy sets forth guidelines for appropriate and permissible use of technology to conduct business on behalf of the District. This policy applies to access to and usage of the Internet, the transmission and exchange of electronic mail (E-mail) and other electronic messages (such as text messages or instant messages), the use of computers, networks, servers, cell phones, landline phones, portable electronic devices (PEDS), voicemail, and any other forms of electronic communication. This policy applies whenever District Commissioners and staff are conducting business on behalf of the District, regardless of location or time. This includes the access to cell phones, landline phones, PEDS; and the use of text instant messages, social media, websites, and voicemails. This policy covers all District-issued equipment. Further, this policy serves to give Commissioners and staff notice that there is a lack of privacy in any of these systems at the District. Additionally, this policy contains the District's Social Media Policy.

Access and use of District owned computers, networks, servers, cell phones, landline phones, PEDS and District social media platforms is provided by the District to facilitate the performance of District work. The District provides electronic communications facilities and equipment in order to facilitate communications and enable Commissioners and staff to perform their duties more efficiently and productively. To achieve this objective, this policy requires all Commissioners and staff who access and utilize District electronic communications to follow the guideline set forth herein.

All electronic communications and use of associated equipment must be used in compliance with applicable statutes, regulations, and District policies including those that require a work environment free from discrimination and harassment. Commissioners and staff are expected to use common sense and judgment to avoid any communication that is disrespectful, offensive or illegal.

GUIDELINES AND CONDITIONS

A. Administration

1. Access to Internet sites, newsgroups, chat rooms, and other Internet-related services may be blocked to comply with this policy.

2. Staff's misuse of electronic communications or use in violation of any provisions set forth in this policy may subject a staff member to discipline, up to and including termination of employment.

3. Any Commissioner's misuse of electronic communications or use in violation of any provision set forth in this policy may subject the elected official to public censure.

B. Conditions

1. District Property. All communications, information and content created, sent, received, deleted, stored, or otherwise associated in any way with the District's systems are the property of the District. None of such content is the property of any Commissioner, staff member, or other user.

2. Business Use. The District's electronic communications systems are the property of the District. Messages are to be professional and courteous, composed in a business-like manner consistent

with the professional agency image Commissioners and staff are to maintain on behalf of the District.

3. Personal Use. Limited, occasional or incidental personal use of the District's electronic communications systems is permitted under the following conditions:

    a. Personal use does not interfere with the productivity of the staff member or his or her co-workers;
    b. Personal use does not disrupt or delay the performance of District business;
    c. Personal use does not include any activity performed in connection with work for another employer or in connection with self-employment;
    d. Personal use does not include any activity related to the campaign of any individual running for public office; and
    e. Personal use does not include any activity otherwise in violation of this policy.
    f. Staff is not authorized to access personal E-mail accounts on District equipment.

4. Improper Use of District-Owned or Sponsored Electronic Communications Systems. Commissioners and staff are expressly prohibited from abusing the District's electronic communications systems in any way, including, but not limited to the following:

    a. Threatening or harassing other staff or any other persons;
    b. Using obscene or abusive language;
    c. Online gaming or gambling;
    d. Creating, displaying, downloading, transmitting or storing offensive or derogatory photographs (including but not limited to pornography or sexually oriented materials), images, messages or cartoons regarding federal, state, and locally protected classes, or which in any way violates the District's policy on prohibiting employment discrimination and harassment;
    e. Violating any laws including use of unauthorized or pirated software or data. Information systems may not be used for any illegal purposes such as violating intellectual property rights, or participating in chain letters and pyramid schemes, or breaking into or “hacking” into the computers or intercepting the transmissions of others outside the District;
    f. Soliciting or proselytizing others for commercial ventures or for religious, charitable or political causes or political candidates. Included are "for sale" and "for rent" messages or any other personal notices;
    g. Sending another person's confidential or private information, inappropriate personal messages, or sensitive information such as performance review or other personal information not subject to public disclosure;
    h. Sending personal or general announcements not related to District business unless approved in advance by the General Manager or designee for posting in District-approved electronic areas such as a bulletin board or Intranet;
    i. Creating congestion or other disturbances. Information systems may not be used in a manner that is likely or intended to cause unwarranted congestion or breakdown of any component of the system or other disturbances;
    j. Excessive transmission. Messages and copies of messages are to be sent only to persons with an immediate business need-to-know;
    k. Computer snooping or "hacking". Notwithstanding the District's right of access provided in section 4. below, no Commissioner or staff member is permitted to use information systems to access content created by others, except as authorized and reasonably necessary to perform the staff member's job. The District's information systems may not be used without appropriate authorization from the General Manager to monitor the electronic files or communications of others, nor to obtain unauthorized access to files or networks through

"hacking", using others' log-in information or passwords, or otherwise breaching security measures;

l. Destroying or altering content: defined as the destruction or alteration of content of electronic communications with the intent to cause harm, injury or deception, or in a manner that is inconsistent with the District's Records Management and Retention Policy;
m. Misleading others concerning source of communication: defined as using another's computer, user identification or password without prior authorization to mislead the recipient into believing that the message originated from another person or another's computer.
n. Using District facilities to knowingly or intentionally propagate any computer virus or malware;
o. Downloading software from the Internet for business or non-business purposes or without prior approval of the General Manager;
p. Uploading software licensed to the District or data owned or licensed by the District without prior approval of the General Manager; and
q. Interfering with District security systems, including any attempt to disable, defeat, or circumvent any District security facilities or systems.

C. **Operations**

1. Public Records. Electronic communications generally are public records and may be subject to public inspection and copying under the Public Records Act.

2. Retention. Refer to the District's Records Management and Retention Policy 2.1.4.

3. Limits on Accessibility. The information sources accessible via the Internet are worldwide and constantly growing in kind and number. It is not possible for an Internet access provider to fully manage the types of information accessible by its systems and users, especially with regard to content limitations. Nonetheless, the District reserves the right to restrict access to any data source if/when, in its sole discretion and after appropriate review, the District determines such a source to be problematic. Such restrictions do not constitute an implication of approval of other non-restricted sources.

4. Other Limitations. Some delivery methods and networks impose legal restrictions regarding the nature of messages allowed. Users are expected to comply with all such restrictions.

SOCIAL MEDIA POLICY

A. Purpose

This Social Media Policy ("Policy") sets forth guidelines for the appropriate and permissible creation, maintenance and use of all District social media platforms, accounts and content. The term "social media" refers to activities that integrate technology, social interaction and content creation. Social media enables users to create online communities to share information, ideas, messages, and other content by various means, including, but not limited to, Really Simple Syndication (RSS) and other web feeds, blogs, wikis, podcasts, and photo- and video-sharing. This Policy is designed to protect the San Mateo County Harbor District and its Commissioners and staff and is in no way intended to restrict the flow of useful and appropriate communications or to abridge Commissioners' and staff's exercise of rights to the extent such speech is protected under the First Amendment of the United States Constitution, the National Labor Relations Act or any other applicable statutes.

B. Compliance with Applicable Policies and Laws

The District's social media platforms, accounts and content shall comply with all appropriate District policies and procedures. The District's social media platforms, accounts and content shall also comply with District conflict-of-interest rules, applicable ethics rules and policies, the Public Records Act, the District's Records Management and Retention Policy, and other provisions of law.

C. Policy Statement

The District permits and encourages the creation and use of social media platforms, accounts and content to facilitate the productive use of the Internet for business purposes and to disseminate information about the District. To effectuate this objective, this Policy requires all Commissioners, staff, and hired representatives who create and/or use the District's social media platforms, accounts and content to follow the guidelines set forth herein.

D. Administration and Conditions

1. Administration of Social Media for District Business

    a. The General Manager or his/her designee(s) is solely authorized to create social media platforms for District business purposes.

    b. The District General Manager or his/her designee(s) is responsible for ensuring compliance with this Policy, as well as applicable federal, state, and local laws. The District may restrict or remove any content that is deemed to be in violation of this Policy or any applicable law, or contrary to the District's goals and/or interests, or unrelated to the subject of the original posting.

    c. Content on District social media sites is likely subject to the California Public Records Act. Any content maintained in a social media format that is related to District business, including a list of subscribers and posted communication, may be a public record. Wherever possible, such sites shall indicate that any content posted or submitted for posting, including comments, may be subject to public disclosure upon request. The District shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a District server in a format that preserves the integrity of the original record and is easily accessible.

2. Conditions of Use of District-Maintained Social Media

    a. The General Manager and his/her designees are solely authorized to speak on behalf of the District.
    b. The same standards, principles, and guidelines that apply to District staff in performance of their assigned duties also apply to staff's social media use. Staff may not engage in the use of Social Media platforms to publish, post, report on or discuss information or data about District programs or activities that are considered sensitive, confidential, preliminary, or not yet available to the public.
    c. Content posted by members of the public on any social media website maintained by the District is the opinion of the poster only, and does not necessarily reflect the positions, policies, or opinions of the District.
    d. All social media platforms, accounts and content created by the District must make known that they are maintained by the District and that they abide by the terms of this Policy to the extent possible.

3. Access and Links to District-Maintained Social Media

    a. All social media websites, to the extent possible, should contain a hyperlink to the District's Official website.
    b. This Policy should be made accessible to users visiting the District's social media platforms, either directly or through a hyperlink to the District's official website, to the extent possible.
    c. The District reserves the right to deny access to District social media platforms to any individual who violates this Policy or any applicable law at any time and without prior notice.

4. District Staff Use of Social Media

   a. Any creation, use, or monitoring of social media by staff of the District relating to District business or employment at the District is subject to all federal, state, local laws and District administrative policies and procedures, including without limitation, this Policy 6.2.4 in its entirety.
   b. Staff may use District information resources only for business purposes. Therefore, unless authorized to do so by the General Manager, staff may not use social media while at work, except on their own media devices during rest and meal periods.
   c. Commissioners, staff, Public Members of Committees, and other users are not authorized to use the District's trademarks or service marks (logos) in their postings to non-District owned or controlled social media platforms or accounts.
   d. The District disclaims any and all liabilities for losses or costs incurred as a result of content posted on or via social media platforms or accounts maintained by the District, or as a result of conduct deemed to be in violation of this Policy, or any applicable laws. The District does not necessarily endorse, and is not responsible for, any content that has been submitted by any other party. The District shall inform all visitors and users of its social media sites of this disclaimer by posting the same to the District's social media sites, when feasible.
   e. Prohibited Content. For District social media sites, certain types of content are prohibited and may be removed by General Manager or his/her designee(s), including, but not limited to the following:

      i. Content and/or language a reasonable person would find offensive, including but not limited to profane, obscene, pornographic content and/or language, or not consistent with community standards;
      ii. Content that promotes, fosters or perpetuates discrimination on the basis of any class protected under local, state or federal law;
      iii. Comments that are not topically related to the District or the particular posting being commented upon;
      iv. Defamatory or libelous content;
      v. Sexual content or links to sexual content;
      vi. Threats to any person or organization;
      vii. Solicitation of commerce, including but not limited to advertising of any business or product/service for sale;
      viii. Conduct in violation of any federal, state or local law;
      ix. Encouragement of illegal activity;
      x. Information that may tend to compromise the safety or security of the public or public systems;
      xi. Content that violates a social media platform's policies or terms of use, as may be updated;
      xii. Uploading or attaching files or links to files that contain viruses, corrupted files, or any other similar software or program that may damage the operation of the District's or another's computer;
      xiii. Materials that falsify the origin or source of software or other material contained in a file that is uploaded;
      xiv. Content that violates a legal ownership interest, such as a copyright or trademark, of any party; and/or
      xv. Content that violates another person's right to privacy.

   f. Standard Guidelines. On any District social media site, the following will be posted, when feasible:

> "This is an official page of the San Mateo County Harbor District (District). For more information about the District, please visit http://www.smharbor.com. This site is intended to serve as a mechanism for communication between the public and the District and as a forum to further the District's mission. Any comment submitted to this page and its list of followers may be considered a public record which is subject to disclosure pursuant to the California Public Records Act."

For any site that allows comments, the page shall also include a Comment Policy Box, when feasible, with the following disclaimer:

> "Comments posted to this page will be monitored and inappropriate content will be removed. Under the District's Social Media Policy, the District will remove any prohibited content, including, but not limited to: (1) information that may compromise public safety, public security or efficient District operations; (2) conduct or encouragement of illegal activity; (3) sexual content or links to sexual content; (4) profane language or content; (5) threatening, violent, hateful, or malicious statements concerning individuals; (6) content that is false, factually inaccurate, or materially misleading; (7) content that violates a legal ownership interest of any other party, such as trademark or copyright infringement; (8) content that violates a social media platform's policies or terms of use, as may be updated; (9) comments or content not germane to the District; (10) solicitations of commerce, such as product advertisements; (11) content that promotes, fosters , or perpetuates discrimination on the basis of any class protected under local, state or federal law; (12) content that defames or threatens to defame the District, any third party, any individual or any group of individuals; (13) uploading or attaching files that contain viruses, corrupted files, or any other similar software or programs that may damage the operation of the District's or another's computer; (14) materials that falsify the origin or source of software or other material contained in a file that is uploaded; and (15) unauthorized disclosure of confidential, sensitive, or proprietary information. The District disclaims any and all responsibility and liability for any materials that are prohibited under the District's Social Media Policy, which cannot be removed in an expeditious and otherwise timely manner. The District does not necessarily endorse, and is not responsible for, any content that has been submitted by any other party."

PRIVACY NOTICE

District staff using the Internet, E-mail, voice-mail, and social media while performing District-related duties and/or using District technology are advised that the District will from time to time monitor systems activities through automated computer programs and other means. In that regard, the District may conduct reviews of the content of messages and files, and websites visited on the Internet, including random reviews when in the exercise of its business judgment, the District determines that it would be prudent to do so. As a result, District Commissioners and staff have no expectation of privacy in any District-provided computer equipment or electronic communications equipment.

SAN MATEO COUNTY HARBOR DISTRICT

Policy Title:	**Policy Number:**	**Date of Approval:**
Sexual & Unlawful Harassment Policy	6.2.5	05/20/2020
Other Revisions:	**Prepared By:**	
N/A	James B. Pruett	

The San Mateo County Harbor District plays an important role in the community, interacts with customers and members of the public, and is held accountable for the behaviors and actions of its employees and Commissioners. A fair and non-discriminatory harassment prevention policy is an important part of that accountability and is required under California law.

Therefore, the District is committed to providing a workplace free from any form of unlawful harassment, discrimination, intimidation, or abusive conduct. This policy sets expectations of behaviors aligned with the District's values and supports positive working relationships and a professional work environment. This policy also defines various forms of harassment and unacceptable behavior and identifies the parties responsible for reporting, investigating, and responding to any reports of harassment.

This policy will be provided to all employees and Commissioners and will be available via the Commissioners' policy book, employee handbook, and the District's website.

A. Coverage

This policy applies to all District employees, including all members of the District Board of Harbor Commissioners, and anyone performing work for the District, including independent contractors, volunteers, and interns. The District will not tolerate its employees engaging in harassing or abusive conduct towards any person while the employee is acting in his or her official capacity, during work hours, or while participating in any District activity. The District will take all reasonable and lawful measures to protect its employees from unlawful harassment by any non-employee if the harassment occurs in connection with the employee's performance of his or her work for the District or while engaged in District business.

If the District receives a complaint regarding an independent contractor engaging in behavior that would violate this policy, it will take immediate steps to investigate the complaint and, if appropriate, may remove the contractor from performing work for the District.

B. Definitions

1. "Employee" means any individual performing services for the District, whether paid or unpaid, and acting under the direction and control of the District. "Employee" also includes Commissioners.

2. "The District" (or the "District" or "we") means the San Mateo County Harbor District.

3. "You" means employees and others covered by this policy.

4. "Investigator" means a person with the skills, experience, and proficiencies in examining, reviewing, and scrutinizing harassment and discrimination claims such that the investigator is competent to complete the work and provide a written report to the District.

C. Requirements

The District strictly prohibits and does not tolerate unlawful harassment of any kind.

It is the District's policy that everyone should work in an environment free from unlawful harassment. Approval of, or participation in, unlawful harassment will be considered a violation of this policy. This policy prohibits conduct that violates anti-harassment laws or is not aligned with the District's values, policies, or behavioral expectations. This includes conduct in any work-related setting, whether on the District premises, during working time, or while participating in District activities outside the workplace such as District social events and travel.

Conduct prohibited by this policy includes, but is not limited to, unwelcome and offensive conduct, whether verbal, physical, or visual, that is based upon race, religious creed (including religious dress and grooming practices), ethnicity, color, ancestry, age (40 and over), genetic information, disability (mental and physical, including HIV and AIDS), medical condition (cancer/genetic characteristics & information), national origin (including language use restrictions), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender (including gender identity and gender expression), sexual orientation, marital status, familial status, parental status, domestic partner status, citizenship status, pregnancy (including perceived pregnancy, childbirth, breastfeeding or related medical conditions), military caregiver status, military status, veteran status, use of or request for family and medical leave, or any other status protected by federal, state, or local law.

The District will not tolerate harassing conduct that affects the terms and conditions of employment or tangible job benefits, interferes with work performance, or creates a hostile, intimidating, or offensive work environment. Further, it is a violation of this policy to engage in abusive conduct, as defined by Government Code section 12950.1(i)(2): conduct of an employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to the employer's legitimate business interest. Abusive conduct may include repeated infliction of verbal abuse, such as derogatory remarks, insults, and epithets, verbal and physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct unless especially severe or egregious.

Prohibited harassment may take different forms:

<u>Sexual Harassment</u>

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and conduct of a sexual nature in the workplace or in the course of conducting District-related business and the following occurs:

1. Submission to, or tolerance of, such behavior is made a condition of employment; or
2. Submission to, tolerance of, or rejection of such behavior is used as the basis for an employment-related decision (e.g., hiring, promotion or demotion, pay raises, etc.); or

3. Such behavior interferes with an employee's ability to perform District work, or creates an intimidating and hostile work environment.

Sexual harassment may be a single incident or a series of harassing acts. Inappropriate conduct that is sexually harassing in nature can involve individuals of the same or opposite sex, a supervisor (or manager) and subordinate, or co-workers of any rank or title. While the District cannot control the conduct of non-employees engaging in District-related business (e.g., customers, contractors, vendors, suppliers, etc.), the District is committed to protecting its employees from harassment by third parties and will respond promptly to employee complaints and take action to the extent permitted by law to ensure a harassment-free workplace.

Sexual harassment may result from a range of subtle to not-so-subtle conduct, depending on the circumstances and can cause emotional distress, anxiety, and other mental harm. It can result from verbal, visual, or physical conduct. Examples of sexual harassment and similar inappropriate conduct prohibited by this policy include, but are not limited to:

1. Unwelcome sexual advances, demands, pressures, or requests for sexual acts or favors.
2. Making or threatening reprisals, whether explicitly or implicitly, after a negative response to sexual advances.
3. Repeated, unwanted sexual flirtations, advances, or propositions.
4. Unwelcome physical contact such as patting, hugging, grabbing, pinching, or brushing against another's body.
5. Offensive visual conduct, including leering, making sexual gestures, or the display of sexually suggestive objects, pictures, artwork, cartoons, or posters.
6. Offensively suggestive or sexually explicit communications in any form, including but not limited to letters, notes, invitations, email, text messages, social media platforms (if work-related or directed towards a District employee), blogs, instant messaging, or voicemail.
7. Sexually-oriented verbal teasing or jokes, inquiries into one's sexual experiences, or discussions of one's sexual activities.
8. Graphic or degrading comments about an individual's appearance or sexual activity.
9. Sexually explicit or offensive images in emails or other forms of electronic messaging.

The legal definition of sexual harassment is broad and, in addition to the above examples, other unwelcome sexual conduct that has the effect of creating a workplace environment that is hostile, offensive, chilling, intimidating, or humiliating to other workers may also constitute sexual harassment.

Other Forms of Harassment

The following is a non-exhaustive list of additional behaviors based upon protected categories listed in Section C above that will be considered harassment and are prohibited by this policy:

1. Derogatory and defamatory comments, epithets, slurs, or jokes.
2. Posting or sharing derogatory materials such as posters, cartoons, drawings, or gestures.
3. Aggressive or unwelcome physical conduct such as assault, blocking normal movement, restraint, touching, or other physical interference.
4. Abusive conduct, including but not limited to threats, intimidation, coercion, excessive ridicule, insults, or belittling, carried out with malice and not for a legitimate business reason.
5. Spreading false, vicious, or malicious rumors.
6. Other behavior that creates a workplace where an employee reasonably feels threatened, humiliated, intimidated or bullied in the workplace.
7. The sabotage or intentional undermining of a person's work performance.

D. Reporting, Investigation, and Findings

1. Reporting

   You must report any violations of this policy that you experience or witness. If you believe in good faith that you have been subjected to, witnessed, or otherwise learned of harassment (or any other conduct prohibited by this policy) by anyone, including supervisors, managers, Commissioners, co-workers, or non-employees conducting business with or for the District, you must immediately report the incident.

   Verbal or written reports may be made to your supervisor, the Director of Administrative Services, or the General Manager. You are not required to report directly to your supervisor, or to any person engaging in the unwelcome behavior or any other person who is the subject of the report. You can also report a violation to the Department of Fair Employment & Housing ("DFEH") https://www.dfeh.ca.gov or the U.S. Equal Employment Commission ("EEOC") https://www.eeoc.gov.

   Supervisors or managers who receive reports or observe harassing conduct must immediately report it to the Director of Administrative Services or the General Manager. If the Director of Administrative Services is implicated in the report or observation, the conduct may be reported to the General Manager. If the General Manager is implicated, the conduct may be reported to the District's General Counsel. Supervisors and managers should maintain employee privacy to co-workers and not engage in gossip or discussion that could impact any investigation.

2. Investigation

   When the District receives a complaint of harassment (or other conduct prohibited by this policy), it will conduct a fair, timely, and thorough investigation of the allegation

that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The alleged victim of a harassment complaint shall be updated monthly on the status of the administrative investigation, limited to reporting the investigation is “still active” or “complete pending review.”

Where practicable, the investigation will be conducted by the Director of Administrative Services or his/her designee. The investigation must be thorough and include examining all relevant documents, interviewing witnesses, analyzing witness statements, performing any necessary research, inspecting physical property, and performing any other aspects of the investigation required to create findings and recommendations.

If a complaint involves the Director of Administrative Services, the General Manager, or a Commissioner, or if the nature of the allegations would make it difficult for the Director of Administrative Services to be impartial in the investigation, the District Board of Harbor Commissioners will designate an independent investigator, and take action up to and including hiring outside counsel, subject matter experts, or other professionals to investigate, examine documents, interview all witnesses, analyze witness statements, perform research, inspect physical property, and perform any other aspects of the investigation that can be required to create findings and report to Commissioners. Not all such actions will be appropriate for every investigation, and how each investigation is handled will depend on the nature and severity of the allegations.

3. Guidelines

   The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. While absolute confidentiality cannot be guaranteed, the District recognizes the importance of its employees’ privacy and acknowledges that employees are more truthful and forthcoming in investigations when they can speak without fear of public exposure.

4. Findings

   When the investigation is completed, the person filing the complaint and the person alleged to have committed the conduct will, to the extent appropriate, be informed, both verbally and in writing, of the results of that investigation. If it is determined that a violation of policy occurred, appropriate remedial measures will be taken, up to and including termination or a request for resignation.

E. Non-Retaliation

One of the most important protections for employees is being free from retaliation after making a complaint, providing witness information, or participating in any way in an investigation. The District strictly prohibits retaliation in any way against anyone who has lodged a harassment complaint, has expressed a concern about harassment, including sexual harassment, or has participated in a harassment investigation. Further, the initiation of a truthful complaint made in good faith, shall not under any circumstances be grounds for discipline. It is a violation of the District’s policy for an individual to be disciplined or otherwise disadvantaged or harmed because of their activities related to a harassment complaint or investigation.

Persons engaging in any form of retaliation or retribution against any witness or complainant will be subject to disciplinary action, up to and including termination, censure, or a request for resignation.

F. Annual Report

It is important for accountability that the District actively track complaints, investigations and resolutions. To that end, the District will publish a report annually identifying the following information:

1. Number of complaints received;
2. Type of complaint received;
3. Status of accused (employee, contractor, volunteer, Commissioner);
4. Number of investigations initiated;
5. Number of open investigations;
6. Number of completed investigations; and
7. Resolution of each closed investigation, limited to “allegations were supported by the investigation” or “allegations were not supported by the investigation.”

No personal identifiable information shall be included in the annual report.

The report shall be reported out to the Board of Harbor Commissioners in February each year at the regularly scheduled Board Meeting.

San Mateo County Harbor District

Policy	**Number:** 6.2.6	**Date of Adoption:** 12/3/97	**Revision:** 9/21/05 4/20/16
Title: Personal Use of District's vehicles, vessels, equipment and office equipment	**Prepared By:** E. Wilkerson	**Approved By:** Resolution 39-97 Resolution 28-05 Motion, April 20, 2016	**Page:** Page **1 of 1**
Purpose: To restrict the personal use of District owned vehicles, vessels, and equipment including office equipment.			

STATEMENT OF POLICY

With the exception of office equipment, which use may be allowed on a limited basis, the personal use of District vehicles, vessels and equipment is not allowed.

Policies and Procedures	Number: 6.2.7	Date of Adoption: 12/3/97	Adopted By: Resolution 39-97
Title: Contributions And Honorariums	Prepared By: P. Grenell	Approved By: Board of Harbor Commissioners	Page: Page 1 of 1
Purpose: To establish a policy and procedure for reporting contributions and honorariums.			

1. STATEMENT OF POLICY

Speeches and presentations related to San Mateo County Harbor District services and activities which are delivered by District personnel to community and professional groups, public agencies, and other organizations are made without charge. If an organization wishes to give an honorarium or contribution for such a presentation, the remuneration must be made to the District, not to the individual employee.

Any honorarium or contribution for a speech or other presentation made by District personnel to any group as identified above, either during working hours or for which the District provided travel expenses, will also be made to the District.

Such contributions and honorariums shall be turned over to the Director of Finance for disposition.

Policies and Procedures	Number: 6.2.8	Date of Adoption: 12/3/97	Adopted By: Resolution 39-97
Title: Political Activities	Prepared By: P. Grenell	Approved By: Board of Harbor Commissioners	Page: Page 1 of 2
Purpose: To provide guidance to District personnel while on duty or acting in an official capacity on behalf of the District on engaging in political activities.			

1. STATEMENTS OF POLICY

The San Mateo County Harbor District promotes public confidence in the integrity of District operations and ensures that District personnel will be free to choose their levels of involvement in political activities as citizens without cohesion or pressure from the District and that the Harbor Commissioners will not make or be perceived as making decisions on the basis of political loyalties.

2. PROHIBITED ACTIVITIES DURING WORKING HOURS

No District personnel shall, while on duty or acting in an official capacity on behalf of the District or while in the uniform of the District:

1. Request or solicit contributions or anything of value for any political candidate or cause.

2. Participate in any political campaign by:
   - Speaking in favor of any candidate or cause;
   - Distributing literature;
   - Picketing or demonstrating on behalf of or in opposition to any political candidate or cause;
   - Organizing, planning or in any other way participating in the administration of any political campaign.

No District personnel or volunteer shall, while on duty or acting in an official capacity on behalf of the District or while in the uniform of the District, or while in or operating any District vehicles or vessels, display any badge, button, sign or sticker promoting or opposing any political cause or candidate.

No District personnel shall use public funds, property, or any other instrumentality or thing of value belonging to the District to promote or oppose any political cause or candidate.

Nothing in this policy shall be interpreted as prohibiting an employee:

1. From stating any opinion regarding any political issue in ordinary conversation during working hours providing that such a conversation does not interfere with the employee's assigned job duties.

2. Who does not have direct citizen contact from wearing a pin or button promoting or opposing any cause or candidate.

3. COERCION, INTIMIDATION OF PUBLIC EMPLOYEES

No District personnel shall use his/her public office or employment for the purpose, or with the effect of:

1. Coercing or intimidating any District employee with respect to contributing to, opposing or promoting, or refraining from contributing to, opposing or promoting any political cause or candidate.

2. Obtaining a benefit as a result of any political activity by:
   - Intentionally committing an unauthorized act under law;
   - Intentionally refraining from performing a duty imposed upon him/her by law.

4. ILLEGAL POLITICAL ACTIVITIES

No District Personnel shall engage in any political activity which is prohibited under state or federal law. Any personnel engaging in such activity shall be subject to disciplinary action, including immediate dismissal.

6.2.9 Policy Against Workplace Violence

1. STATEMENT OF POLICY

The San Mateo County Harbor District is committed to providing a safe work environment that is free of violence and the threat of violence. Effectively handling critical workplace incidents, especially those dealing with actual or potential violence, is a top priority.

1. Violence, or the threat of violence, against or by any employee of the San Mateo County Harbor District or any other person is unacceptable.

   1.1 Should a non-employee or Harbor District elected official, on San Mateo County Harbor District property, demonstrate or threaten violent behavior the District will call law enforcement and he/she may be subject to criminal prosecution, or
   1.2 Should an employee demonstrate or threaten violent behavior, he/she may be subject to disciplinary action up to and including termination.

2. The following actions are considered violent acts:

   2.1 Striking, punching, slapping or assaulting another person.
   2.2 Fighting or challenging another person to a fight.
   2.3 Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
   2.4 Engaging in dangerous, threatening or unwanted horseplay.
   2.5 Possession, use, or threat of use, of a gun, knife or other weapon of any kind on San Mateo County Harbor District property, including parking lots, other interior and exterior premises, San Mateo County Harbor District vehicles and vessels, or while engaged in activities for the San Mateo County Harbor District in other locations, unless such possession or use is a requirement of the job.
   2.6 Verbal assaults. Verbal assaults are statements that would place a reasonable person in fear of harm for the safety of himself/herself or others and that serve no legitimate workplace purpose.
   2.7 Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.

3. Any employee or Harbor District elected official who is a victim of any violent threatening or harassing conduct, any employee or Harbor District elected official witness to such conduct, or any employee or Harbor District elected official receiving a report of such conduct, whether the perpetrator is a San Mateo County Harbor District employee or a non-employee, shall immediately report the incident to their supervisor or other appropriate person in the chain of command.

Law Enforcement	911
Harbor Master, OPM	650-952-0808
Harbor Master, PPH	650-726-4382
Human Resource Manager	650-583-4400
General Manager	650-583-4400

4. No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment by the District.

5. Any employee reported to be a perpetrator, will be provided both due process and representation before the San Mateo County Harbor District takes disciplinary action.

6. Anyone who fears for the safety of persons at the scene of the violent act should call law enforcement immediately.

Policy Title: Progressive Discipline	**Number**: 6.2.10	**Date of Approval:** 11/20/2024
Other Revisions:	**Prepared By**: Rachelle Modena	

PURPOSE OF POLICY

The purpose of this Progressive Discipline Policy is to establish a fair, nondiscriminatory, and consistent framework for addressing employee performance or conduct issues. This policy is designed to support the employee, promote positive behavior, and provide a structured approach to addressing and correcting performance or behavior concerns. The goal is to facilitate employee development, improve performance, and maintain a healthy and productive work environment.

At the discretion of the General Manager, steps of this policy may be skipped due to the seriousness of the performance issue being addressed.

SCOPE

This policy applies to all employees of the San Mateo County Harbor District, including full-time, part-time, temporary, and probationary employees. This policy is not applicable to Commissioners.

CONFIDENTIALITY

Verbal counseling, warning letters and performance improvement plans are confidential. Only the employee and those with a need to know shall have access to any documents.

PROGRESSIVE DISCIPLINE STEPS

A. <u>Step 1 - Verbal Counseling</u>

1. The immediate supervisor or manager will address minor performance or conduct issues with the employee through verbal counseling.
2. During the verbal counseling session, the supervisor will clearly communicate the expectations, identify the areas of concern, and, if applicable, discuss with the employee future actions for improvement. The employee will receive a written summary of the verbal counseling.

B. <u>Step 2 - Written Warning</u>

1. If the performance or conduct issues persist, after verbal counseling, the supervisor may issue a written warning to the employee.
2. The written warning will reference the verbal counseling, the continued performance issue or behavior concerns, expectations for improvement,

3. The supervisor and the employee will both sign the written warning, a copy will be placed in the employee's personnel file.

   The employee's signature is an acknowledgement only, it does not indicate agreement. If an employee refuses to sign, the supervisor shall indicate on the letter and process the letter as if it was acknowledged by the employee.

C. Step 3 – Performance Improvement Plans

1. If the employee's performance or conduct does not improve following the written warning, a Performance Improvement Plan (PIP) may be issued.
2. The supervisor and the employee will discuss the terms and conditions of PIP, and a copy will be placed in the employee's personnel file.

D. Step 4 – Suspension

1. If the employee's performance or conduct does not improve after engaging in steps 1-3, the employee may be placed on paid suspension for up to one work week at the discretion of the supervisor in consultation with the Director of Administrative Services. The employee will have a Return to Work Letter of Expectations from the employer to reflect on upon during the suspension.

E. Skelly Procedures

Employees represented by Operating Engineers Local No. 3, and Teamsters Local Union No. 856 are entitled to Skelly procedures. Unrepresented, at-will, management employees are not entitled to Skelly procedures.

1. Pre-disciplinary Proceedings

   The California Supreme Court's Skelly decision provides a public employee with certain procedural protections before discipline which impacts pay or benefits may be imposed. Disciplinary action may be taken prior to Skelly under extraordinary or emergency circumstances. The following procedure satisfies the requirements of Skelly:

a. The employee receives notice of maximum disciplinary action that may be imposed.
b. The notice states the reasons for the proposed disciplinary action.
c. The notice contains the charges upon which the proposed disciplinary action is based.
d. The employee is allowed access to the materials upon which the proposed disciplinary action is based.
e. The employee is afforded the right, either orally or in writing, or both, to respond to the proposed charges.

2. Notice Requirements

The Skelly notice shall be in writing.

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

b. The letter shall contain the maximum penalty which may be imposed.

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

d. The factual allegations of misconduct must specifically cite violations of the Districts "causes for disciplinary action" as described in policy 6.2.1 District Personnel Conduct.

e. The letter must advise the employee of their right to respond to the charges, either orally in writing, and that the employee has a right to have any documents upon which the charges are brought.

f. The letter must advise the employee of their right to representation if they elects to do so.

g. The letter shall advise the employee that discipline may be imposed whether or not they responds to the charges.

h. Copies of the <u>Skelly</u> letter shall be sent to:

    1. The General Manager
    2. The Director of Administrative Services
    3. The employee's supervisor
    4. The employee's union representative, if any

3. <u>Skelly Meeting</u>

The Skelly meeting shall be conducted as follows:

a. The authority who may impose the discipline shall chair the meeting. The person

chairing the meeting shall not have been involved in the initial decision to discipline.

b. The meeting chairperson shall establish that the employee has received the Skelly notice and understands the charges set forth therein.

c. The chairperson shall make available any documents which were considered in determining the proposed charges and disciplinary action.

d. The employee or their representative shall be given the opportunity to respond to the proposed charges.

e. The employee or their representative shall be given the opportunity to make final comments regarding the proposed action.

f. The chairperson shall close the meeting by indicating that they will consider all statements and/or documents which may have been presented prior to determining the final action.

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

4. Action Letter

The person conducting the meeting shall promptly prepare a letter containing all of the following:

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

b. The specific provision(s) of 6.2.1 District Personnel Conduct of these rules which were violated.

c. The discipline imposed may not exceed the maximum stated in the Skelly letter.

d. A statement that the employee may appeal the action consistent with the provisions of respective memoranda of understanding or other District rule, regulation, or policy.

F. Step 5 - Termination

1. If the behavior or performance issue persist after completing steps 1-4 termination may be considered.
2. If termination is appropriate, the supervisor shall forward a written recommendation to the General Manager via the Director of Administrative Services.
3. The General Manager shall review the written recommendation and endorsement from the Director of Administrative Services and make the final determination on termination.

G. NOTICE, GRIEVANCE, AND APPEAL RIGHTS

The notice, grievance, and appeal provisions contained in appropriate labor MOUs shall be followed and complied with as applicable.

H. CONDUCT

Many examples of unacceptable conduct can be found in other District Policies; 6.2.1 District Personnel Conduct, 6.2.4 Computers, Electronic Communications, and Social Media, 6.2.5 Sexual & Unlawful Harassment, 2.1.5 Conflict of Interest Code. Below is a non-exhaustive list of behaviors or conduct that may result in Progressive Discipline being initiated:

1. The use of abusive language towards a member of the general public while performing official duties as a District employee or as directed towards another employee.
2. The use of unlawful force towards a member of the public or towards another employee, to include physical violence.
3. Divulging or misusing confidential information, without proper authorization, to include, but not limited to, the improper release of any employee lists, , designs, drawings, or confidential information of any kind.
4. The improper accepting of fees, gifts, or other valuable items in the performance of the employee's official duties for the District.
5. Removing money, merchandise, or property belonging to the District without written permission from Harbormaster or General Manager.
6. Dishonesty, including intentionally giving false information, intentionally falsifying records or making false statements.
7. Reporting to work while under the influence of alcohol and/or drugs (legal or illegal).
8. Engaging in reckless behavior that places the employee, colleagues, and/or the public's safety and/or property at risk.
9. Insubordination, refusing to follow instructions/direction, openly challenging a supervisor's directive or displaying disrespectful behavior. Inclusive of not following the Captain's direction while a crewmember is on board a vessel.
10. Boarding a berthed or moored vessel without the owner's permission unless there is an immediate threat to the vessel, persons, environment, or other property.

11. Selling or dispensing illegal or prescription drugs while on duty.
12. Drinking alcohol or using drugs which impair judgement (including marijuana) while on duty.
13. Harassment in any form against employees of the District and the public.
14. Intentionally violating other District policies.

I. PERFORMANCE IMPROVEMENT PLAN REQUIREMENTS

1. Employee Information – Name, title, current date and date of hire of employee.

2. Performance Issues – Clear and specific details outlining the areas where the employee's performance is falling short or not meeting expectations.

3. A clear statement detailing prior steps taken to address the conduct or performance issue which formed the basis of the PIP.

4. Expectations and Objectives - Clearly defined performance expectations and objectives that the employee needs to meet within a specified timeframe.

5. Timeline - A specific timeframe for the duration of the PIP not to exceed 90 days. This could range from a few weeks to a few months, depending on the nature and complexity of the performance issues.

6. Support and Resources - Any support, resources, or training that the organization will provide to help the employee meet the outlined objectives.

7. Monitoring and Evaluation - Details on how the employee's progress will be monitored and evaluated during the PIP period. This will include regular check-ins, performance reviews, or assessments.

8. Feedback and Communication - Clear communication channels for providing feedback to the employee throughout the PIP process. This may include scheduled meetings with supervisors or managers.

9. Consequences - Clearly defined consequences if the employee fails to meet the outlined objectives within the specified timeframe. Consequences could include further disciplinary action, termination, or other appropriate measures.

10. Employee Acknowledgment - A section where the employee acknowledges receipt of the PIP, understands the expectations, and agrees to actively participate in the improvement process.

11. Signature and Date - Signatures and dates from both the employee and the supervisor

or manager, indicating their agreement and understanding of the terms outlined in the PIP.

Policies and Procedures	Number: 6.3	Date of Adoption: 10/1/97	Revision: Procedural Revision: 5/4/2016
Title: Compensation	Prepared By: P. Grenell G.Lazof	Approved By: Resolution 28 — 97; Procedure Revision: S. McGrath	Page: Page 1 of 2
Purpose: To establish policy and procedures for compensating District employees.			

1. STATEMENT OF POLICY

The provisions of this policy apply to all employees of the San Mateo County Harbor District not covered by a labor agreement including the Memorandum of Understanding (MOU) between the District and the Operating Engineers Union Local 3. Employees covered by a labor agreement, including said MOU between the District and Local 3, shall be provided for by the terms, conditions, and procedures of said labor agreement.

It is the policy of the San Mateo County Harbor District and the purpose of this plan to establish a compensation system that will allow the District to effectively compete for qualified personnel and to ensure that salaries are equitable and commensurate with the duties performed by each employee.

The salary schedule shall be adopted by the Board of Harbor Commissioners and shall apply to all employees not covered by a labor contract. Employees covered by labor contract shall be compensated as referenced in the agreement. Copies are available for viewing in the General Manager's Office.

The District reserves the right to cap all compensatory increases to a maximum of eight percent (8%) per fiscal year inclusive of both merit increases and COLA adjustments. This cap shall be based on the District's total personnel costs.

2. Pay Rates Exceeding Range Maximum

Any employee whose pay rate exceeds the maximum prescribed for his/her classification as a result of a reallocation of his/her position to a lower classification when there have been no recent, dramatic changes in assigned duties and responsibilities will not be reduced in pay.

This does not apply to demotions. The employee will not be eligible for future salary increases until he/she occupies a position for which the salary range maximum is more than the pay rate he/she currently receives.

3. Maintenance of the Compensation Plan

The Finance Office shall be responsible for the maintenance and administration of the District's Compensation Plan with the supervision of the General Manager. The review may include an analysis of prevailing rates of pay for similar positions in comparable labor markets, organizations, cost-of-living factors, budgetary considerations, and other related factors. On the basis of this information, the General Manager's office shall, from time to time, recommend to the Board of Harbor Commissioners changes to keep the plan current, uniform and equitable.

Policies and Procedures	Number: 6.3.1	Date of Adoption: 10/1/97	Revision:
Title: Salary/Wage Advancement	Prepared By: P. Grenell	Approved By: Resolution 28 — 97	Page: Page 1 of 1
Purpose: To establish merit-based criteria, procedures and incentives for salary/wage advancement.			

1. STATEMENT OF POLICY

The provisions of this policy apply to all employees of the San Mateo County Harbor District not covered by a labor agreement including the Memorandum of Understanding (MOU) between the District and the Operating Engineers Union Local 3. Employees covered by a labor agreement, including said MOU between the District and Local 3, shall be provided for by the terms, conditions, and procedures of said labor agreement.

No later than April 30 of each fiscal year and as an integral part of each employee's annual performance evaluation, the General Manager will review each employee's evaluation performed by the employee's supervisor, and notify the employee's supervisor as to approval or disapproval. The supervisor will then inform the employee of the General Manager's decision. If the employee has not been notified of the General Manager's decision in accordance with Policy Number #6.3.1 by April 30th, the employee's evaluation shall be considered satisfactory; however, this shall not preclude any wage advancement if it is so recommended on the evaluation. The employee may appeal the decision to the General Manager and, if an impasse is reached, appeal the General Manager's decision to the Board of Harbor Commissioners, which shall have final decision authority. Any merit increases in salary due an employee will be made applicable as of July 1 of the fiscal year immediately following that for which the merit review was done.

Provision of merit increases within a salary range shall take into account the overall fiscal condition of the District and budgetary considerations for the fiscal year in which merit increases are being considered. Merit increases as a percentage of total District fiscal year budget may therefore increase or decrease depending upon overall operations and administrative cost and revenue factors.

The District reserves the right to cap all compensatory increases to a maximum of eight percent (8%) per fiscal year inclusive of both merit increases and COLA adjustments. This cap shall be based on the District's total personnel costs.

Hourly wage rate will be computed to two decimal digits with rounding off formula so that the third decimal digit ending between 1 through 4 will be rounded down to reflect 0 in the second decimal digit; the third decimal digit ending between 6 through 9 will be rounded up to reflect 1 in the second decimal digit. An example of this rounding off figure is as follows: .002 will be rounded down to .00 and .007 will be rounded up to .01.

Policies and Procedures	Number: 6.3.2	Date of Adoption: 10/1/97	Revision: 11/20/02
Title: Overtime	Prepared By: P. Grenell	Approved By: Resolution 34 — 02	Page: Page 1 of 2
Purpose: To establish policy guidelines for the recording, utilization, and auditing of overtime performed by employees of the District.			

1. STATEMENT OF POLICY

Any non-management employee who works in excess of the employee's regularly scheduled work day, on the employee's regularly scheduled days off, or in excess of forty (40) hours in any one workweek must receive permission from their immediate supervisor to work the extra hours. The compensation rate for overtime is for every one hour worked the employee is entitled to one and one-half hours compensation.

The employee may choose to be paid the overtime wages or can accrue these hours to their individual PTO bank.

2. DEFINITIONS

A. Overtime: Any and all work performed in excess of the employee's regularly scheduled work day, on the employee's regularly scheduled days off, or in excess of forty (40) hours per workweek. Overtime shall be paid at a rate of one and one-half times the employee's straight time hourly rate.

B. Paid Time Off: Paid Time Off is defined as paid time off granted an employee by the District.

3. RESPONSIBILITIES

A. **Department Heads:**

1) It shall be the responsibility of each Department Head to equitably administer the provisions of this policy within their respective departments.
2) Department Heads are the authorized authority for the approval of overtime requests.
3) Department Heads shall ensure that all overtime earned is recorded on the employee's time card as it occurs.

4) Department Heads will exercise extreme discretion in the utilization of overtime within their departments. Temporary adjustments in working hours or realignment of duties within the department should be considered as alternatives to the use of overtime. Overtime shall be considered necessary only in emergency situations, wherein additional effort is needed to complete a task which is critical in nature.

B. Individual Employee: It is the responsibility of the individual employee to request accrual of their overtime to their individual PTO bank, if they choose not to be paid for their overtime hours.

C. **Director of Finance:**

1. The Director of Finance shall ensure that a permanent record of overtime accrued to PTO is kept on all employees based on information provided by Department Heads, and that the proper financial transactions are completed at the end of each pay period.
2. Upon termination, the Director of Finance shall ensure that eligible employees are given credit for all PTO inclusive of overtime within the limitations established by the personnel policies.
3. The Director of Finance shall conduct a semi-annual audit of the overtime record of each employee through a comparison of payroll office records and individual departmental records.

Policies and Procedures	Number: 6.3.3	Date of Adoption: 10/1/97	Revision:
Title: Bonuses	Prepared By: P. Grenell	Approved By: Resolution 28 — 97	Page: Page 1 of 1
Purpose: To provide guidance for bonus incentives.			

1. STATEMENT OF POLICY

Any employee who performs exceptional service to the District as recommended by the employee's supervisor and determined by the General Manager and/or Board of Harbor Commissioners may be given a one-time monetary bonus relative to his/her special circumstance. All bonus amounts and the reason for the bonus shall be public knowledge.

San Mateo County Harbor District

Policy Title: Payment of Accrued Paid Time Off	**Number:** 6.3.5	**Approval Date:** July 17, 2024
Other Revisions: 10/1/1997	**Prepared By:** Rachelle Modena	

STATEMENT OF POLICY:

This policy allows District employees to be paid a portion of their accrued Paid Time Off (PTO) leave balance. Unrepresented employees may accrue up to 540 hours PTO and employees in positions represented by Teamsters Union Local No. 856 (Teamsters) or Operating Engineers Local No. 3 (OE3) may accrue up to 480 hours. Payment of PTO balances prior to an employee's separation from District employment allows 1) an employee to be paid more than their regular rate of pay, 2) prevents the employee from reaching their maximum PTO accrual, and 3) reduces the District's leave liability balance.

DETAILS:

An employee may request payment of up to two hundred and forty (240) hours of accrued Paid Time Off (PTO) each calendar year. Requests for payment of accrued PTO must be submitted to the General Manager at least two weeks prior to check issuance. An employee may request payment of PTO hours up to four (4) times per calendar year. An employee can request up to the full 240 hours at once, or any lesser amount, but cannot exceed 240 total hours per calendar year. An employee must have at least 40 hours remaining after the requested payment of PTO hours can be approved.

Employees who leave employment with the District will be paid their PTO accrued balance up to the termination, separation or retirement date.

APPLICABILITY:

This policy applies to all District employees including non-represented and employees in positions covered under the Teamsters or OE3 Memorandum of Understanding. In the event that the OE3 and/or Teamsters Memorandum of Understanding (MOU) provides more favorable benefits, the MOU will prevail.

San Mateo County Harbor District

Policies and Procedures	Number: 6.3.8	Date of Adoption: 1/7/98	Adopted By: Resolution 2 -98
Title: Severance Pay	Prepared By: P. Grenell	Approved By: Board of Harbor Commissioners	Page: Page 1 of 1
Purpose: To provide guidance to employees of the District who separate from District employment beyond the control of the employee.			

STATEMENT OF POLICY

The provisions of this policy apply to all employees of the San Mateo County Harbor District not covered by a labor agreement including the Memorandum of Understanding (MOU) between the District and the Operating Engineers Union Local 3. Employees covered by a labor agreement, including said MOU between the District and Local 3, shall be provided for by the terms, conditions, and procedures of said labor agreement.

The San Mateo County Harbor District recognizes that its employees deserve fair and equitable compensation and professional placement services for displacement from District employment beyond the control of the employee. In the event that the employee is terminated from the employ of the District because of a reduction in force, general lay-off, dissolution of the District, or other similar, non-disciplinary reason beyond the control of the employee, said employee shall be entitled to severance pay.

DESCRIPTION OF PROCEDURE

Severance pay is determined as follows:

1. For each year of service the employee shall receive an amount equal to two (2) weeks pay, to a maximum of one (1) years pay for twenty-six (26) years service. The severance pay shall be computed at the highest salary achieved by the employee over the last three (3) years of service.
2. The District will provide professional placement services at no cost to the employee as necessary to place employee in a similar or superior position, for a period not to exceed six (6) months.

All employees leaving District employment shall receive all of their accumulated hours in their individual PTO bank and fifty percent (50%) of accrued sick leave hours in their old sick leave bank.

San Mateo County Harbor District

Policies and Procedures	Number: 6.4.1	Date: 4/5/2006 Rev. 11/05/2014	Revision: Resolution 39-97
Title: Group Health and Medical Insurance	**Prepared By:** P. Grenell E. Wilkerson M. Harris	**Approved By:** Resolution 09-06 Resolution 30-14	**Page:** Page 1 of2
Purpose: To establish procedures for the administration of the District's personnel health and medical program and to establish guidelines for eligibility.			

1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all regular full-time employees and all eligible dependents group health and medical insurance. Coverage for regular full-time employees becomes effective the first day of the month following the date of employment. Medical coverage may be continued during an approved leave of absence at the employee's own expense.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

The San Mateo County Harbor District offers group health and medical insurance to Harbor Commissioners (and eligible dependents) who were in office as of June 18, 2014. Those commissioners may maintain or elect benefits as long as they remain in office by re-election or appointment, with no breaks in service.

Harbor Commissions newly elected after November 4, 2014 are not eligible to receive health and medical insurance benefits.

2. DESCRIPTION OF PROCEDURES

During the in-processing of regular, full-time employees, the Human Resource Manager shall provide the eligible employee with enrollment forms for the District's health insurance carrier.

Enrollment forms should be completed in the various instances, including but not limited to:

1.) New regular, full-time employees beginning service with the District.
2.) Adding an eligible dependent.
3.) Deleting a dependent.
4.) Change in marital status.

Enrollm.ent cards are available from the Administration office. It is the employee's responsibility to notify the Administration of any change in dependent status by completing updated enrollment cards.

A regular, full-time employee on an approved leave of absence may continue health and medical insurance coverage under the same basis by paying the full cost to the District in advance for each month or portion thereof of which he or she is absent, subject to limitations set by the insurance carrier.

San Mateo County Harbor District

Policies and Procedures	Number: 6.4.1	Date: 4/5/2006 Rev. 11/05/2014	Revision: Resolution 39-97
Title: Group Health and Medical Insurance	**Prepared By:** P. Grenell E. Wilkerson M. Harris	**Approved By:** Resolution 09-06 Resolution 30-14	**Page:** Page 2 of2
Purpose: To establish procedures for the administration of the District's personnel health and medical program and to establish guidelines for eligibility.			

Employees on Family Federal Leave Absence (FMLA) shall be entitled to maintain group health coverage on the same basis as if he/she had continued to work at the District. The District shall continue paying the employee's benefits during the FMLA leave.

Upon termination of employment with the District, the employee may elect to continue health and medical insurance coverage under the Consolidated Omnibus Budget Reconciliation Act (R.L. 99-272) (COBRA). The Administration or their designee provides eligible employees with information on COBRA.

San Mateo County Harbor District

Policies and Procedures	Number: 6.4.2	Date of Approval: 4/5/2006 11/5/2014	Adopted By: Resolution 10-06 Resolution 31-14
Title: Group Dental Plan	Prepared By: E. Wilkerson M. Harris	Approved By:	Page: Page 1 of 1
Purpose: To establish procedures for the administration and eligibility of the group dental plan.			

1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all its regular full-time employees, and their eligible dependents group dental coverage. Coverage is currently available through Operating Engineers- Public Employees Health & Welfare Trust Fund and Teamsters Local Union No. 856.

The San Mateo County Harbor District offers group dental insurance to Harbor Commissions (and eligible dependents) who were in office as of June 18, 2014. Those commissions may maintain or elect benefits as long as they remain in office, by re-election or appointment, with no breaks in service.

Harbor Commissions newly elected after November 4, 2014 are not eligible to receive group dental insurance.

Specific benefits of the plans are described in insurance brochures provided to each new employee by the Human Resource Manager.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

San Mateo County Harbor District

Policies and Procedures	Number: 6.4.3	Date: 4/5/2006 11/5/2014	Adopted By: Resolution 11-06 Resolution 32-14
Title: Employee Optical Benefit Program	**Prepared By:** E. Wilkerson M. Harris	**Approved By:** Board of Harbor Commissioners	**Page:** Page 1 of 1
Purpose: To establish guidelines pertaining to the eligibility, application and administration of employee vision care.			

1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all its regular full-time employees, and their eligible dependents group optical coverage. Current coverage is available through Operating Engineers Public Employees Health & Welfare Trust Fund and Teamsters Local Union No. 856.

The San Mateo County Harbor District offers group dental insurance to Harbor Commissioners (and eligible dependents) who were in office as of June 18, 2014. Those commissioners may maintain or elect benefits as long as they remain in office, by re-election or appointment, with no breaks in service.

Harbor Commissions newly elected after November 4, 2014 are not eligible to receive group dental insurance.

Specific benefits of the plans are described in insurance brochures provided to each new employee by the Human Resource Manager.

Optical benefits for represented employees shall be administered in accordance with current labor agreements.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

San Mateo County Harbor District

Policies and Procedures	Number: 6.4.4	Date of Approval: 01/18/2006	Adopt dBy: Resolution 12-06 Resolution 33-14
Title: Life Insurance	Prepared By: E. Wilkerson M. Harris	Approved By: Resolution 12-06	Page: Page I of I
Purpose: To define policy for District personnel relative to life insurance.			

1. STATEMENTS OF POLICY

The District recognizes and appreciates its employees and to that end, pays premiums for life insurance and accidental death and dismemberment (AD&D) for those employees who are classified as full-time. Paying for life insurance coverage and AD&D coverage to District employees and the District recognizes the importance of financial security to employee's family and loved ones in case of accidental death or dismemberment.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

2. LIFE INSURANCE

Coverage for life insurance is effective the first day of the month following the first day of employment. Changes in coverage amounts will become effective the first day of the month following the date of change. Coverage will terminate upon the employee or Commissioner leaving District employment, the employee moves to a part-time status, or the policy is discontinued completely by the District.

Specific benefits and terms of the policy are provided each new employee by the Human Resource Manager. It is the employee's individual responsibility to keep information on file related to this policy up-to-date as to name, address, and beneficiary(s).

3. ACCIDENTAL DEATH AND DISMEMBERMENT

Accidental death and dismemberment (AD&D) is also proved to full-time employees.

Coverage for accidental death and dismemberment is effective the first day of the month following the fast day of employment. Changes in coverage amounts will become effective the first day of the month following the date of change. Coverage will terminate upon the employee or Commissioner leaving District employment, the employee moves to a part-time status, or the policy is discontinued completely by the District.

Specific benefits and terms of the policy are provided each new employee by Human Resource Manager. It is the employee's individual responsibility to keep information on file related to this policy up-to-date as to name, address, and beneficiary(s).

Only those Harbor Commissioners in office as of June 18, 2014, and who remain in office, by re-election or appointment, with no breaks in service, are eligible to receive the District's Life Insurance or Accidental Death and Dismemberment.

San Mateo County Harbor District

Policies and Procedures	Number:	Date:	Adopted by:
	6.4.5	4/19/2006 9/21/11 11/5/2014	Resolution 39-97 Resolution 25-06 Resolution 19-11 Resolution 34-14
Title: Group Health and Medical Insurance Pay Out Program	**Prepared By:** E. Wilkerson M. Harris	**Approved By:** Board of Harbor Commissioners	**Page:** Page 1 of 2
Purpose: To establish procedures for the administration of the District's personnel health and medical insurance pay out program and to establish guidelines for eligibility			

1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all regular full-time employees and eligible Harbor Commissioners and all eligible dependents group health and medical insurance, inclusive of medical, dental and vision. For those employees and Commissioners who provide evidence of alternative health and medical insurance, the District offers a Health and Medical Insurance Pay Out Program.

The District's Pay Out Program is available for health and medical insurance, dental insurance, and vision insurance. If the District is contracting with a carrier for a package of insurance, the payout is based on the package and the employee or Commissioner must show alternative evidence of coverage for all insurances in the package. If the District is contracting with individual carriers the payout qiay be on one or all of the eligible insurance (e.g. health and medical, dental and vision.)

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

Only those Harbor Commissioners in office as of June 8, 2014, and who remain in office, by re-election or appointment, with no breaks in service, are eligible to participate in the District's Pay Out Program.

2. Payout

A. Employees

Any regular, full-time employee who provides evidence of alternative health and medical insurance may opt to withdraw from the District's health and medical insurance program. If the District will affect savings as a result of not having to pay premiums for these employees who withdraw fr9m the program, fifty percent (50%) of such savings shall be returned to the individual in the form of a bonus payable concurrent with the regular payroll: For employees who are eligible for the single plan but opt out, they shall receive fifty percent (50%) of District savings from the premiums for the single rate. Likewise for employees eligible for the family plan but opt out, they shall receive fifty percent (50%) of District savings from the premiums for the family rate.

B. Commissioners

Any eligible Harbor Commissioner who provides evidence of alternative health and medical insurance may opt to withdraw from the District's health and medical insurance program. Upon receipt of evidence of the Commissioner's payment of his or her own health and medical insurance premiums, deductible and/or co-payments, the District shall reimburse the Commissioner the amount the Commissioner paid for said insurance premiums,

deductibles and /or payments for him/herself and his/her dependents up to the amount the District currently pays for the same level or coverage (e.g. single or family) under the District's health and medical insurance program. As an alternative if the Commissioner prefers and is eligible for family plan coverage, the Commissioner shall receive fifty percent (50%) of the District's current costs or $400, whichever is less. Under no circumstances shall the total reimbursement or payment exceed the District payment for the same level of coverage under the District health and medical insurance program.

Notwithstanding any provision above, any Harbor Commissioner newly elected or appointed after June 18, 2014 is not eligible to participate in the Harbor District Pay Out Program.

Policy	Number: 6.4.7	Date of Approval: 06/07/2006	Adopted By: Resolution 27-06
Title: Longevity Health Insurance Program	Prepared By: E. Wilkerson	Approved By: Resolution 38-06	Page: Page 1 of 2
Purpose: To establish procedures for the administration of the Districts' health insurance program and to establish guidelines for eligibility.			

1. Statement Of Policy

The San Mateo County Harbor District has established the longevity health insurance program to recognize and benefit those long time employees who have worked for the harbor district not less than twelve (12) years. Commissioners appointed or elected after January 1, 1995 are not eligible to participate in the longevity health insurance program (G.C. §53201).

Resolution 28-87 was adopted July 15, 1987 and provided for the following:

Any employee, officer, or official of the San Mateo County Harbor District, including members of the Board of Harbor Commissioners, (all hereinafter referred to as the "individual") and any of their eligible dependents, shall be entitled to continue the individual's and dependent's then existing health, dental and vision benefits, and life insurance, at District expense, upon leaving District employment, or leaving office, provided that the individual meets all of the following conditions:

A. the individuals total service at the time of termination or leaving office, for any reason, is not less than twelve (12) years, even if said service occurred prior to January 1, 1981;

B. the individual was an employee or served in office after January 1, 1981;

C. in the case of an employee, the individual's employment was not terminated for good cause; and

D. in the case of a Commissioner, he/she shall be deemed to have fulfilled the requisite (12) years of service is he/she was appointment or elected to serve three (3) terms in office and actually served at least eleven (11) years and (6) months in office.

The District shall pay the premiums or other charges for qualifying individual's continuing coverage for health, dental, vision and life insurance benefits pursuant to the following formula: for each two months of service of an individual, the District will pay one month; s premium for said life insurance. The premium paid shall be that to provide, at the minimum, the standard health, dental and vision and life insurance benefits provided to the individual and/or his/her dependents at the time the individual leaves District employment, or leaves office, plus any additions to coverage or increased policy limits provided to continuing employees, or Board members, subject to the provisions of the insurance itself which may limit the level of continuing benefits by personal payment if authorized by the respective carriers. If a qualified individual dies before the District's obligation to pay premium expires, the District will continue to pay the applicable premiums for

San Mateo County Harbor District

Policy Title: CalPERS, Social Security and Medicare Benefits	**Number**: 6.4.6	**Date of Approval:** November 20, 2024
Other Revisions: 4/16/2006 6.4.6 CalPERS Retirement System, 4/5/2006 6.4.8 Social Security and 6.4.9 Medicare	**Prepared By**: Rachelle Modena	

PURPOSE OF POLICY

This policy defines participation by San Mateo County Harbor District (SMCHD) employees in Medicare, Social Security, and the California Public Employee Retirement System (CalPERS) benefits. These benefits are paid for through a required employee payroll deduction and through SMCHD paid contributions.

A. EMPLOYEE TYPES & CALPERS ELIGIBILITY

1. **FULL-TIME PERMANENT-** Employee who is hired into a vacant position and works at least 80 hours in a pay-period. These employees participate in CalPERS and not Social Security.

2. **PART-TIME PERMANENT-** Employee who is hired into a vacant position and is assigned to work less than 80 hours in a pay-period. These employees participate in CalPERS if their average hours of work is 40 hours per pay period, if they had a prior CalPERS membership, or if they reach the legal minimum CalPERS threshold and enrollment is required.

3. **PART-TIME TEMPORARY-** Employee who is hired on a temporary basis, works less than 80 hours in a pay-period and employment contract states the term of employment. Employees who have prior CalPERS membership participate in CalPERS and not Social Security. Also, these employees participate in CalPERS if the employment agreement extends beyond 6 months, **and** they have worked for SMCHD for 1,000 hours in a fiscal year.

4. **FULL-TIME TEMPORARY**- Employee who is hired on a temporary basis, works 80 hours in a pay-period; and employment contract states the term of employment. These employees participate in CalPERS if the employment agreement extends beyond 6 months, **or** they have prior CalPERS membership.

5. **RETIRED ANNUITANT-** Employee who has retired and is receiving CalPERS retirement benefit payments. These employees are exempt from Social Security. They cannot work for more than 960 hours unless they choose to unretire.

B. FEDERAL INSURANCE CONTRIBUTION ACT (FICA)

FICA is a federal payroll tax payable by both employees and employers to fund Social Security and Medicare—federal programs that provide benefits for retirees, people with disabilities, and children of deceased workers.

1. SOCIAL SECURITY

Employees who are not eligible for CalPERS membership including SMCHD Harbor Commissioners are included as participants in Social Security. SMCHD pays 6.2% and employees pay 6.2% of an employee's taxable compensation.

Employee contributions stop each year once the maximum income level, as designated by the Federal government, has been reached. The salary limit is subject to change at the beginning of each year according to Federal guidelines.

2. MEDICARE

All employees and Commissioners are automatically included as participants in Medicare. Medicare is a federal health insurance program for anyone age 65 and older, and some people under 65 with certain disabilities or conditions.

SMCHD pays 1.45% and employees pay 1.45% of an employee's taxable compensation. This Medicare tax pays for Part A which covers hospital, hospice, and nursing home expenses for people 65 and older or for certain disabled people.

High wage earners, typically above $200,000, are required to contribute an additional percentage of Medicare tax on taxable income.

There are three other parts of Medicare as follows:

Medicare Part B is Medical Insurance.

Medicare Part C is a private insurance option that covers hospital and medical costs.

Medicare Part D covers prescription medications.

When an employee, retiree or their dependent is covered under a District health insurance plan and will reach the age of 65 they should contact the Director of Administrative Services at least sixty days prior to their birthday to coordinate paperwork that may be necessary for their employee health insurance plan.

For additional information go to https://www.medicare.gov/

C. CALIFORNIA PUBLIC EMPLOYEE RETIREMENT SYSTEM

San Mateo County Harbor District employees shall participate in the California Public Employee Retirement System (CalPERS) when they become eligible as defined in Section A. SMCHD Harbor Commissioners are not eligible to participate in CalPERS.

The District participates in two benefit categories. The Miscellaneous Classic formula is 2.5% at 55 and is available to employees who have been members of CalPERS (or a reciprocal retirement system) prior to January 1, 2013 and have not had a break in service for more than 6 months. Employees covered under this formula must contribute 8% of their regular pay.
The second formula, 2% at 62, started on January 1, 2013 as part of the Public Employees Pension Reform Act (PEPRA). Employees that are not covered under the Classic formula are covered under PEPRA. Employee contributions fluctuate based on the funding of the plan. To view the current employee contribution rates visit the CalPERS website. https://www.calpers.ca.gov/page/employers/policies-and-procedures/pension-reform-impacts/public-agency-pepra-member-contributions

Eligible employees are required to participate in the CalPERS retirement system. In the event that a retired annuitant is hired by SMCHD, they may not exceed 960 hours of work within a fiscal year (July 1-June 30).

CalPERS provides for retirement benefits and disability protection when a member meets the plan requirements. Employer contributions are not refundable under any circumstance. Employees are vested with a minimum of five years of service under the plan.

If a member terminates service without retiring, accumulated contributions, with earned interest, are refundable upon request through CalPERS. Annual benefit statements are provided by CalPERS to participating members. Employees may request an estimate of benefits from the retirement system at any time to obtain an approximate projected retirement benefit figure.

Enrollment and benefits forms are available through SMCHD and CalPERS. It is the employee's individual responsibility to keep information on file up to date related to their retirement account as to name, address and beneficiary(s). An employee can create an online account with CalPERS for self-management
https://my.calpers.ca.gov/web/ept/public/systemaccess/registration/viewSecurityAgreement.html

Employees who plan to retire from the system are encouraged to contact CalPERS at least 90 days in advance of the anticipated retirement date to secure an estimate of benefits information and to finalize the retirement date. This action should also be coordinated with the Director of Administrative Services.

the individual's and/or dependents, if any, until the District's obligation under this resolution expires.

If any individual who is otherwise eligible for these continuing benefits obtains similar (not necessarily comparable) benefits through any new employment or service with a public or private entity, other than benefits provided as a self-employed individual, the premiums paid by District for said benefit shall cease permanently, regardless of the cessation of said secondary employment benefits(s).

Any qualified individual has the right to demand that the District make direct payment of the cost of the then applicable health and welfare or life insurance premiums to any other carrier or provider of the individual's choosing. Such payments shall not exceed that which the District would have paid had the individual remained in the District's available program(s).

San Mateo County Harbor District

Policy	Number: 6.4.8	Date of Approval: 04/05/2006	Adopted By: Resolution 16-06
Title: Social Security (FICA)	**Prepared By:** E. Wilkerson	**Approved By:** Resolution 16-06	**Page:** Page 1 of 1
Purpose: To define participation by District employees in the Social Security System.			

1. Statement Of Policy

All Full-time employees and Commissioners (appointed prior to 1994) do not receive Social Security benefits other than Medicare. See Policy 6.4.4 Medicare.

All part-time employees and Commissioners (appointed after 1994) are automatically included as participants in the Social Security System (FICA) which provides workers with the following benefits: retirement insurance, survivor's insurance, disability insurance, Medicare for the disabled and the aged, Black Lung benefits, and supplemental security income.

Financing of the program is accomplished by employee payroll deduction contributions and through a match paid by the San Mateo County Harbor District. Employee contributions stop each year once the required percentage has been paid as designated by the Federal government. The salary limit and percentage are subject to change at the beginning of each year according to Federal guidelines.

San Mateo County Harbor District

Policy	Number: 6.4.9	Date of Approval: 04/05/2006	Adopted By: Resolution 17-06
Title: Medicare	Prepared By: E. Wilkerson	Approved By: Resolution 17-06	Page: Page 1 of 1
Purpose: To define participation by District employees in the Medicare System.			

1. Statement Of Policy

All employees and Commissioners are automatically included as participants in Medicare, which provides workers with benefits for the disabled and the aged. These benefits are in addition to Public Employees' Retirement System benefits and District Retiree medical, dental, and life insurance benefits for which the employee may be eligible to receive.

Financing of the program is accomplished by employee payroll deduction contributions and through a match paid by the San Mateo County Harbor District.

Employees hired prior to 1991 are not eligible for Medicare benefits through District employment except as provided for in the 2006 Division Election.

Policy	Number: 6.4.10	Date of Approval: 04/05/2006	Adopted By: Resolution 18-06
Title: Deferred Compensation	Prepared By: E. Wilkerson	Approved By: Resolution 18-06	Page: Page 1 of 1
Purpose: To outline procedures for enrollment and eligibility of the District's deferred compensation program.			

1. STATEMENT OF POLICY

The San Mateo County Harbor District provides an option to District personnel to invest a portion of his/her earnings in a deferred compensation plan. Contributions to the program are financed solely by the employee either through direct deposit or payroll deduction.

Contributions to this plan are pre-tax dollars and are directly paid by the District, on behalf of the employee, to the company administering the program, thus the employee will only see a reduction in his/her paycheck. Contributions can be a certain dollar amount up to the approved limits set by the Internal Revenue Service.

The District-approved program includes various investment options and is currently administered by the International City Management Association (ICMA) Retirement Corporation and California Public Employees' Retirement System (CalPERS). Enrollment can be arranged through the Human Resource Manager and is open to any individual who has achieved "regular" employee status with the District or is a Harbor Commissioner.

Benefits received through this program are in addition to any Social Security or Public Employees' Retirement System benefits for which the participating employee would be eligible.

Policy	Number: 6.4.10	Date of Approval: 04/05/2006	Adopted By: Resolution 18-06
Title: Deferred Compensation	Prepared By: E. Wilkerson	Approved By: Resolution 18-06	Page: Page 1 of 1
Purpose: To outline procedures for enrollment and eligibility of the District's deferred compensation program.			

1. STATEMENT OF POLICY

The San Mateo County Harbor District provides an option to District personnel to invest a portion of his/her earnings in a deferred compensation plan. Contributions to the program are financed solely by the employee either through direct deposit or payroll deduction.

Contributions to this plan are pre-tax dollars and are directly paid by the District, on behalf of the employee, to the company administering the program, thus the employee will only see a reduction in his/her paycheck. Contributions can be a certain dollar amount up to the approved limits set by the Internal Revenue Service.

The District-approved program includes various investment options and is currently administered by the International City Management Association (ICMA) Retirement Corporation and California Public Employees' Retirement System (CalPERS). Enrollment can be arranged through the Human Resource Manager and is open to any individual who has achieved "regular" employee status with the District or is a Harbor Commissioner.

Benefits received through this program are in addition to any Social Security or Public Employees' Retirement System benefits for which the participating employee would be eligible.

Policy	**Number:** 6.4.11	**Date of Approval:** 04/05/2006	**Adopted By:** Resolution 19-06
Title: Employee Assistance Program	**Prepared By:** E. Wilkerson	**Approved By:** Resolution 19-06	**Page:** Page 1 of **1**
Purpose: To establish procedures for the administration of the District's employee assistance program and to establish guidelines for eligibility.			

STATEMENT OF POLICY

The San Mateo County Harbor District offers to all regular full-time employees and Harbor Commissioners and all eligible dependents access to the District's group employee assistance program. Coverage for regular full-time employees becomes effective the first day of the month following the date of employment and coverage for Harbor Commissioners becomes effective the first day of the month following the official swearing in ceremony. The District pays the full premium.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

San Mateo County Harbor District

Policy	**Number:** 6.4.12	**Date of Approval:** 2/21/2007	**Revision:**
Title: Qualified IRS Section 125 Flexible Spending Accounts	**Prepared By:** E. Wilkerson	**Approved By:** Resolution 64-06 Resolution 07-07	**Page:** **Page 1 of 1**
Purpose: To establish a District flexible spending accounts program**.**			

STATEMENT OF POLICY

The San Mateo County Harbor District provides an option to District Employees and Commissioners to participate in a qualified IRS Section 125 flexible spending accounts program.

Contributions to this program are pre-tax dollars and are paid by the District on behalf of the Employee or Commissioner to the company administering the program, thus the employee will only see a reduction in his/her paycheck. Contributions can be a certain dollar amount up to the approved limits set by the Internal Revenue Service.

The District-approved program includes a health care flexible spending account and a dependent care flexible spending account. Enrollment can be arranged through the Human Resource Manager and is open to any employee upon date of hire or any Harbor Commissioner upon date of appointment.

Participation in this program is voluntary. Open enrollment is held annually.

The District pays all administrative fees required to provide the program.

San Mateo County Harbor District

Policy Title:	Number:	Date of Approval:
Worker's Compensation	6.4.13	10/19/2022
Other Revisions:	**Prepared By:**	
09/20/2006	Staff	

STATEMENT OF POLICY

All employees and Harbor Commissioners of the San Mateo County Harbor District are covered by Worker's Compensation Insurance through the Special District Risk Management Authority (SDRMA) in compliance with the statutory requirements of the State. SDRMA has retained Intercare to administer Workers' Compensation Claims. Following is a summary of the Workers' Compensation Insurance Program along with certain legal requirements.

A. Reporting of Work-Related Injury

In the event of an emergency call 9-1-1.

If the event is a non-emergency work related event, contact your Supervisor and/or the Director of Administrative Services. They will initiate a call with COMPANY NURSE at 877-518-6711. The employee will provide a verbal account of the event and describe their injuries. Based on the employee's description of the event, the Company Nurse will provide direction for access of appropriate medical treatment. SDRMA has selected WellComp Medical Provider Network (MPN) as the preferred MPN for the Workers' Compensation Program. If the employee has not pre-designated a Physician (see section B), Intercare will coordinate the assignment of a WellComp Physician.

The employee's Supervisor shall complete an Incident Report pertaining to events leading to injury and all relevant information. The Director of Administrative Services shall coordinate the completion of a Workers' Compensation Claim Form (DWC 1 obtained via https://www.dir.ca.gov/dwc/DWCForm1.pdf).

If the employee declines medical treatment, a written declination signed by the employee should be obtained and provided to the Director of Administrative Services (see Exhibit A). A DWC 1 Form is not required if medical treatment is declined.

B. Pre-Designation of Physician

An employee may designate their personal medical doctor (M.D.), doctor of osteopathic medicine (D.O.) or medical group if:

- on the date of the work injury the employee has health care coverage for injuries or illnesses that are not work related;
- the doctor is the employee's regular physician, who shall be either a physician who has limited their practice of medicine to general practice or who is a board-certified or board-eligible internist, pediatrician, obstetrician-

gynecologist, or family practitioner, and has previously directed the employee's medical treatment, and retains the employee's medical records;

• the employee's "personal physician" may be a medical group if it is a single corporation or partnership composed of licensed doctors of medicine or osteopathy, which operates an integrated multispecialty medical group providing comprehensive medical services predominantly for nonoccupational illnesses and injuries;

• prior to the injury the employee's doctor agrees to treat the employee for work injuries or illnesses;

• prior to the injury the employee provided the Director of Administrative Services the following in writing: (1) notice indicating that the employee's personal doctor will treat the employee for work-related injury or illness, and (2) the employee's personal doctor's name and business address.

C. Treatment after a Job-Related Injury & Return to Work

Soon after the injury, the employee's treating doctor will examine the employee and send a report to Intercare regarding the injured employee's medical condition. If the treating doctor says the injured employee is able to work, the doctor should describe:

• Clear and specific limits, if any, on the employee's job tasks while recovering. These are called work restrictions that classify the employee as being on 'Light Duty' (see policy 6.4.14). They are intended to protect the employee from further injury (example: no work that requires repetitive bending or stooping);

• Changes needed, if any, in the employee's schedule, assignments, equipment use or other working conditions while recovering (example: provide headset to avoid awkward positions of the head and neck);

• If the treating doctor reports that the employee cannot work at all while recovering, the employee cannot be required to work.

If the employee's treating doctor reports that the employee can return to work under specific work restrictions, any work assigned to the employee must meet these restrictions. The Supervisor of the employee might, for example, change certain tasks or provide helpful equipment. If the District does not have work available that meets these restrictions, the injured employee cannot be required to work.

In the event that the Supervisor assigns the employee to work with restrictions as determined by the doctor, and the employee does not return to work, the employee will be required to use available leave time and will not be eligible for Temporary Disability Benefits.

The employee may return to 'regular duty' work only after the assigned/designated doctor certifies that the employee is capable of resuming all of the essential

functions of the employee's position. The District may, in its discretion, instruct the employee to work with restrictions if the doctor's release contains such limitation. If the employee has been released without limitation, the employee will be offered the same position they held previously, unless the job no longer exists or has been filled so that the District could operate safely and efficiently or the employment relationship has otherwise been terminated.

D. Workers' Compensation Insurance Benefits

The following are legally required benefits to be provided to the injured employee if applicable:

1. Medical Care

The District, through Intercare, will provide all reasonable and necessary medical treatment to the injured employee. All medical costs are paid through the Third Party Administrator (TPA) Intercare including costs related to the treating physician, prescriptions, hospital charges, lab fees, therapy, equipment such as crutches, back braces, etc., as well as the injured employee's transportation costs for such appointments. If the employee has not pre-designated a personal physician (see Section B) in writing prior to the date of injury, Intercare will select a treating physician for the first 30 days of treatment. The employee may elect to change treating physicians through Intercare after the 30th day. An injured employee should make every effort to schedule follow up appointments, examinations and physical therapy to cause minimal impact on the workday. The number of physical therapy, occupational therapy, and/or chiropractic visits may be limited in accordance with California Labor Code laws.

2. Temporary Disability Benefits (TTD)

The District will provide compensation to injured employees who are disabled from work for a period of time due to a work-related injury or illness. If an employee is unable to work for more than three days due to a work-related injury or illness, the District will provide the injured employee payment for TTD benefits though Intercare until:

1) Employee accepts a transitional assignment,
2) Employee returns to work with a modification of the usual and customary position,
3) Employee is permanently disabled from the usual and customary position, or
4) Employee is released by the treating physician to usual and customary position.

Intercare will pay two-thirds of the injured employee's average weekly wage up to the California State maximum (2022 is $1,539.71 per week), which is subject to change on an annual basis due to cost-of-living adjustments (COLA). In

accordance with the California Labor Code, total temporary disability payments will not be made for the first three days after the injured employee leaves work unless the period of disability continues for more than 14 days or the employee is hospitalized as an inpatient for treatment required from the injury. The payments made by Intercare will be sent to the District and incorporated into the employee's bi-weekly direct deposit.

3. Permanent Disability Benefits (PD)

When medical treatment has brought the injured employee to the point of maximum medical improvement and if the injury has resulted in permanent disability residuals (permanent restrictions given by the treating physician), Intercare and SDRMA are responsible for making a "permanent disability" payment to the injured employee. In accordance with the California Labor Code the amount of the payment will be determined based on the percentage of disability.

4. Supplemental Job Displacement Benefits (SJDB)

Employees injured on the job, who are permanently unable to do their usual job, and the District does not offer other work, may qualify for SJDB. The benefit comes in the form of a nontransferable voucher that can be used to pay for educational retraining or skill enhancement, or both, at state approved or state-accredited schools. The voucher covers school tuition, fees, books and expenses required by the school for training. No more than 10 percent of the value of the voucher can be used for vocational and return to work counseling.

5. Death benefits.

In the event of a work-related injury resulting in death, the employee's dependents would be eligible for benefits in accordance with the California Labor Code Section 4700-4709.

E. Integration of Workers Compensation Benefits with District Benefits

If an employee is injured at work and is temporarily unable to perform their usual and customary work, the District and/or Workers' Compensation Insurance will continue the employee's wages for the first day of absence to and including the third consecutive day of absence certified by a treating doctor and approved as Workers' Compensation Leave without deduction from the employee's Personal Time Off Bank (PTO), Extended Illness Bank (EIB) or any other Leave Time Bank available to the employee.

Following the initial three days, the employee is required to integrate leave balances available while receiving workers' compensation benefits to equal 100% of the employee's normal wages. The employee is required to apply PTO, EIB, and any other leave time bank available on a prorated basis to such absence and receive compensation in an amount equal to the difference between compensation received as normal wages and the amount received as Workers' Compensation benefits.

The District will receive payments from Intercare and will add these amounts to the employees direct deposit payment along with integrated leave amounts required to equal 100% of an employee's wages.

In the event that the employee cannot return to work and continues to be eligible for Workers' Compensation leave, the District will continue payment of the employer's share of the premiums and continue deducting the employee's share of the premiums for employee benefit plans in place at the time the leave begins which may be adjusted according to MOUs, employee's contract, or health insurance rate adjustments. In the event that an employee exhausts all of their leave balances, the employee must reimburse the District for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by the District within 30 days of the date of the invoice or written notification. If the District does not receive the reimbursement from the employee within 30 days, the District may cancel any policies and/or plans for which they have not been reimbursed.

The employee will continue to accrue leave balances. The District will treat leave balances integrated and TTD payments as time worked (while the employee is on a Workers' Compensation Leave) as the basis of calculation of such accrued leave.

California Public Employment Retirement System does not allow for the reporting of Workers' Compensation benefits and therefore only leave payments will be reported and retirement deductions calculated on those leave payments.

F. Federal Medical Leave Act (FMLA)/California Family Rights Act (CFRA)

An employee may request FMLA and/or CFRA leave during Workers' Compensation Leave. Leave will be granted based on the employee's eligibility. Refer to District's Policies 6.5.6 and 6.5.10 for further information.

G. References

Any and all updates to the following references, which are legally required by the District, will automatically be incorporated into the above policy by reference.

- Department of Industrial Relations Division of Workers' Comp
  https://www.dir.ca.gov/dwc/
- SDRMA Workers' Compensation Claims Manual
  Copies available through SDRMA
- Labor Code 3200-6002
  https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=LAB&division=4.&title=&part=&chapter=&article=&nodetreepath=5

EXHIBIT A

DECLINATION OF MEDICAL TREATMENT FORM

This form should be completed AFTER calling Company Nurse and it is agreed that the employee does not need (or request) medical treatment.

EMPLOYEE: Check all that apply. Print name, sign and date

- ☐ In my opinion, I am not in need of any medical treatment at this time.

OR

- ☐ In my opinion, I have received sufficient on-site first aid care in the form of:
- ☐ Application of antiseptics
- ☐ Treatment of first-degree burn(s)
- ☐ Application of bandage(s)
- ☐ Use of elastic bandage(s)
- ☐ Removal of foreign bodies not embedded in eye (only irrigation required)
- ☐ Removal of foreign bodies from wound (uncomplicated procedure, for example, using tweezers)
- ☐ Use of nonprescription medications
- ☐ Application of hot or cold compress(es)
- ☐ Application of ointments to abrasions to prevent drying or cracking

EMPLOYEE: I am fully capable of performing my usual and customary position. At this time I decline medical care. If I am in need of medical care related to this incident in the future, I will notify my supervisor immediately and complete an Initial Injury Forms including the DWC Form 1 "Employee's Claim for Workers' Compensation Benefits.

PRINT NAME:	
SIGNATURE:	DATE:

SUPERVISOR: Print name, sign and date.

PRINT NAME:	
SIGNATURE:	DATE:

Note: California Labor Code Section 5401(a) defines a first aid injury as "any one-time treatment, and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, or other minor industrial injury, which does not ordinarily require medical care" and states that any injury that "results in lost time beyond the employee's work shift at the time of injury or which results in medical treatment beyond first aid" must be filed as a claim. All of the treatments detailed above fall under the first aid category; therefore, unless further treatment is necessary, a workers' compensation claim does not need to be filed.

San Mateo County Harbor District

Policy Title: Light Duty- Return to Work Program	**Number:** 6.4.14	**Date Approved:** 11/16/2022
Other Revisions: 09/20/2006	**Prepared By:** Staff	

I. **STATEMENT OF POLICY**

The District will endeavor to bring employees with temporary injuries or illnesses back to work as soon as possible by offering light-duty accommodations. A light-duty accommodation allows an employee to continue to work in a job with accommodation for appropriate physical and/or mental requirements (as per doctor's instructions) while the employee recovers from an injury or illness or while dealing with a medical condition.

The Director of Administrative Services will act as the Light Duty Coordinator and, if applicable, will also function as the liaison with the Workers' Compensation claims administrator.

II. **DEFINITIONS**

A. Accepted Medical Providers:

1. For Workers' Compensation Related Illnesses or Injuries - A pre-designated Medical Doctor (M.D.), Doctor of Osteopathic Medicine (D.O.) or medical group; or as assigned by the District's Workers' Compensation Insurance Provider. (See policy 6.4.13 Workers' Compensation).
2. For Other Injury, Illness or Pregnancy- Any person, other than a relative of the injured/ill/pregnant employee, who is properly licensed and recognized by the law of the State in which treatment is received, is qualified to treat the disabling illness or injury, and is providing treatment and care that is necessary to resolve the disability. Accepted Medical Providers may also include physicians selected by the District's Director of Administrative Services when conducting a Fitness for Duty exam; however, for an employee referred for a Fitness for Duty exam, in no case shall the Fitness for Duty physician be a physician currently treating the employee for a Worker's Compensation injury.

B. Eligibility:

Any employee of the District who is temporarily disabled from the full performance of their job duties by reason of injury, illness, or pregnancy.

C. Light Duty:

Work restrictions (modifications of work duties or tasks) determined and recommended by an Accepted Medical Provider (defined in A.1) who has been

San Mateo County Harbor District

Policy	**Number:** 6.4.15	**Date Approved:** 09/20/2006	**Revision:**
Title: Coordination of Benefits	**Prepared By:** E. Wilkerson	**Approved By:** Resolution 58-06	**Page:** Page 1 of 1
Purpose: To coordinate benefits during temporary disability			

1. STATEMENT OF POLICY

The San Mateo County Harbor District desires to coordinate benefits to the maximum possible to assure employees a full paycheck, if possible, during intervals of temporary disability. Under no circumstances will an employee receive more than their regular salary.

Types of eligible temporary disability benefits include but are not limited to:

- Industrial Injury or Illness – Workers' Compensation including light duty workday modification
- Family Medical Leave Act/California Family Rights Act (FMLA/CFRA)
- District Family Medical Leave
- Employment Development Department Paid Family Leave (PFL)
- State Disability Insurance (SDI) for non-work related injury or illness

To be eligible for continuation of benefits during temporary disability employees must provide a District-approved physician's verification of illness. The District Extended Illness Bank (EIB), Personal Time Off Overtime (PTO-OT) or Personal Time Off (PTO) may be used until temporary disability is over or the employee's EIB, PTO-OT, and PTO leave are depleted. Accrued leave must be used in increments consistent with the employee's normal scheduled hours until (1) balances are depleted or (2) temporary disability is over.

rendering treatment to the employee and who is qualified to render an opinion on the employee's physical abilities.

D. Work-related injury or illness:

A physical injury or illness deemed to have arisen out of the course of employment and been caused during the course of employment.

III. LIGHT DUTY ASSIGNMENT PROCESS

A. Identifying Limited Duty Assignments:

The Light Duty Coordinator will request that the employee's supervisor complete a "Light Duty Assignment" list. This list assists the Light Duty Coordinator in identifying possible Light Duty assignments that are within an employee's work restrictions before the need arose for a Light Duty assignment.

B. No Light Duty Assignment Available in Assigned Department:

In the event that a "Light Duty Assignment" is not available in the employee's normal department the Light Duty Coordinator will:

1. Contact all departments (i.e. Pillar Point Harbor, Oyster Point Marina, Administration) for possible Light Duty assignments based upon the employee's restrictions and qualifications.
2. Check file for previously submitted Light Duty assignment forms to review for potential light duty assignment.
3. Instruct the employee where to report if an assignment in another department is located.

C. Employee Placed On Light Duty By An Accepted Medical Provider:

1. Medical clearance to perform light/alternative duty must be provided in writing to the Light Duty Coordinator by the Accepted Medical Provider (a copy may be provided by the employee) and shall include the employee's work restrictions (See Exhibit A for an example).
2. The Medical Provider's recommendations must include an estimated period of anticipated temporary work limitations.
3. The statement of fitness for duty or light duty restrictions must be obtained from the Medical Provider at the time of each appointment unless the prior order has not expired and restrictions have not changed.

D. Light Duty Assignment is Available:

1. The General Manager shall review and approve all Light Duty Assignments in writing.
2. Wages for work performed in a light duty assignment will be at the rate of pay the employee receives in their regular position.

3. The employee's supervisor will monitor the light duty assignment to ensure that the employee is able to comply with and work within the work restrictions imposed by the Accepted Medical Provider. The employee is responsible for ensuring that they comply with and work within the work restrictions imposed by the Accepted Medical Provider. If the employee feels they cannot work within the work restrictions, they must immediately inform their supervisor or the Light Duty Coordinator.
4. An employee offered a Light Duty assignment that does not accept such an assignment shall receive no salary or disability payments unless the District or Workers Compensation Appeals Board makes a determination to the contrary (see https://www.dir.ca.gov/wcab/wcab.htm for further information). The employee may be eligible to use Extended Illness Bank and/or other leave balances during this period.
5. The District may provide Light Duty assignments until the employee is able to return to their normal job or is deemed to be permanently disabled and unable to return to their normal job.
6. The District reserves the right to terminate Light Duty assignments.
7. Light Duty Assignments shall not exceed two years.

E. Light Duty Assignment is not Available:

1. If the District is unable to accommodate the restrictions put forth by the Accepted Medical Provider, the department managers will notify the Light Duty Coordinator immediately that a Light Duty Assignment is not available.
2. If no Light Duty assignment is available, the employee will remain off work.
3. Employees off work are to contact the Light Duty coordinator immediately following a change in work restrictions or medical condition as determined by the Accepted Medical Provider.

F. Employee's Responsibility:

1. The employee shall contact the Light Duty Coordinator following a change in work restrictions or medical condition. Failure to do so may result in disciplinary action, up to and including termination, or the employee may be deemed to have abandoned their employment.
2. Notification of Light Duty Assignment Status:
3. If the injury is a work-related injury or illness, the Light Duty Coordinator must immediately notify the workers' compensation claims administrator of the status of Light Duty Assignment and any changes to the status.

G. Notification to Employee:

Any employee shall be furnished the reason for their light duty assignment in writing, along with any supporting documentation.

IV. **NON-DISCRIMINATION**

The District offers Light Duty assignments to employees regardless of whether or not they were injured in a non-work related injury, illness or pregnancy, or a worked related illness or injury.

V. **GREIVANCE OR APPEAL PROCESS**

If an employee feels that they have been unjustly treated, they shall have the right to appeal their case through the grievance procedure. Such appeal must be filed with the General Manager by the employee or if applicable the Union in writing, and within five (5) business days from the date of the incident, and unless so filed, the right of appeal is lost.

EXHIBIT A

CMC-San Francisco Airport

3 S. Linden Ave., Suites 2 & 3 San Francisco, CA 94080

Phone: 650-238-1500 **Fax:** 650-238-0508

Service Date:

Claim Number:

Case Date:

Work Activity Status Report

Patient: **Last 4 Digits of SSN:** **Date of Birth:**

Address: **Employer Location:** San Mateo-Harbor District **Contact:** Betty Cortes

Address: 504 Ave Alhambra El Granada, CA 94018 **Role:** Primary Contact

Home: **Phone:** 650-741-9164

Work: **Authorized by:** **Fax:**

THIS VISIT **Visit Type:** **Time In:** **Time Out:**

Treating Clinician:

Diagnoses:

I

Medications:

- ☐ Dispensed prescription medication
- ☐ Dispensed over-the-counter medication
- ☐ Medication(s) prescribed

PATIENT STATUS

Employer Notice: The prescribed activity recommendations are suggested guidelines to assist in the patient's treatment and rehabilitation. Your employee has been informed that the activity prescription is expected to be followed at work and away from work.

Treatment Status: e.g follow up appointments, tests ordered

Work Status: e.g. modified duty, full duty, return to work date

Activity Prescription:
Key*
: Occasionally = up to 3 hrs/day; Frequently = up to 6 hrs/day; Constantly = up to 8 hours or greater per day

Examples of restrictions-	
May lift up to 10 lbs constantly May push/pull up to 20 lbs constantly May bend occasionally	

Based on the Department of Labor definitions

NEXT VISIT(S)

Visit Type:
Medical **The rapy Specialist**

Patient Notice: It is essential to your recovery that you keep your scheduled appointments, but should you need to reschedule or cancel, please contact the clinic. Thank you for your cooperation.

Work Activity Status Report

San Mateo County Harbor District

Policies	Number: 6.4.16	Date of Approval: 04/05/2006	Adopted By: Resolution 21-06
Title: Continuance of Medical Coverage (COBRA)	Prepared By: E. Wilkerson	Approved By: Resolution 21-06	Page: Page 1 of 2
Purpose: To comply with the requirements of the Federal Comprehensive Budget Reconciliation Act (COBRA) in regards to the continuance of medical coverage			

1. Statements Of Policy

Employee and/or dependent medical coverage under the current plan may cease as a result of one of the following events:

A. Termination of employment

B. Change to nonparticipating employment status

C. Divorce or legal separation

D. Dependent child became ineligible (attained age 23)

Employees or dependents may elect to continue medical coverage beyond the date that it would otherwise terminate by doing one of the following:

A. Convert the group medical coverage to an individual policy provided directly by the insurance carrier. Employees will be sent benefit information and rates regarding conversion options directly from the insurance company. For additional information, contact Human Resource Services.

B. Continue to participate in the group medical coverage plan at the employee's or dependent's expense under the criteria outlined below:

1. Rights of Employee. Employees presently covered by the insurance plan or health maintenance organization (HMO) may continue this coverage for up to 18 months from the date that employment terminates or status changed to a nonparticipating (non insured) employment status provided that the premium is paid in full and any administrative fee (up to a 2%) that may be imposed.

2. Rights of a Spouse of Employee. The spouse of an employee covered by the medical plan or a sponsored HMO has the right to continue coverage if the employee was terminated or changed to nonparticipating employment status, or if a divorce or legal court-decreed separation from the employee took place. Coverage under these circumstances may continue for a period up to 36 months provided that the premium is paid in full and any administrative fee (up to a 2%) that may be imposed.

3. Rights of Child(ren). Dependent children of an employee covered by the medical plan or a sponsored HMO has the right to continue coverage if group health coverage under the medical plan is lost because of termination of a parent's employment or change to nonparticipating employment status; parents' divorce or legal court-decreed separation; the dependent ceases to be a "dependent child" under the medical plan (attains age 23). Coverage under these circumstances may continue for a period up to 36 months provided that the premium is paid in full and any administrative fee (up to a 2%) that may be imposed.

2. Election

A. If an employee or eligible spouse or dependent does not elect to continue coverage, group health insurance will end as scheduled under the plan.

B. If an employee elects to continue group medical coverage, the employee or eligible spouse or dependent is responsible for paying the entire cost (both employer and employee share). This cost will be subject to periodic rate changes. Employees are not required to show that they are insurable (by taking a medical exam) to continue the coverage. The current monthly cost, including options, is specified on the attached summary of rates.

C. Continued coverage may be terminated earlier than the 18 or 36 month period if group medical plans for all other employees are terminated, or if the employee or eligible spouse or dependent:

1. fails to remit the required monthly payments within 31 days of the due date;
2. becomes eligible under any other group medical plan;
3. a covered spouse remarries and becomes eligible to be covered under a group medical plan;
4. becomes eligible for Medicare;

San Mateo County Harbor District

Policies	Number: 6.4.17	Date of Approval: 04/05/2006	Adopted By: Resolution 22-06
Title: State Disability Insurance	**Prepared By:** E. Wilkerson	**Approved By:** Resolution 22-06	**Page:** Page 1 of 1
Purpose: To establish procedures for the administration of the District's State Disability Insurance Program and to establish guidelines for eligibility.			

1. STATEMENT OF POLICY

The San Mateo County Harbor District is a covered employer under the State Disability Insurance Program. The basic objective of the program is to provide a partial replacement of wages for time away from work for a disability. Employees' contributions are used exclusively to finance disability insurance benefits.

Employees may obtain a claim form from any Employment Development Department (EDD) office by telephone, letter or in person.

San Mateo County Harbor District

Policy	Number: 6.4.18	Date of Approval: 04/05/2006	Adopted By: Resolution 23-06
Title: Unemployment Compensation	**Prepared By:** E. Wilkerson	**Approved By:** Resolution 23-06	**Page:** Page 1 of 1
Purpose: To establish a policy regarding the administration of unemployment compensation			

STATEMENT OF POLICY

The San Mateo County Harbor District is a covered employer under the Unemployment Compensation law. The basic objective of the program is to provide a partial replacement of wages for its employees during short periods of involuntary unemployment. The program is financed completely by the District.

To be eligible for unemployment compensation, a voluntary quit must have left employment for a "good cause" reason, must be unemployed, physically able to work, available for work, and actively seeking work. "Good Cause" reasons or reasons establishing eligibility for unemployment compensation are available from the State of California Employment Development Department.

The District may contest the claim of an employee who quits without "good cause" or who quits for other reasons considered disqualifying.

An individual who applies for Unemployment Compensation Benefits must obtain forms from the nearest Employment Development Department Office. Once the correct forms have been completed, the District Personnel Officer is notified so that the District may contest the claim, take part in the interview process or acknowledge the claim as valid.

Policies and Procedures	Number: 6.5.1	Date of Adoption: 6/3/98	Adopted By: Resolution 19 - 98
Title: Paid Time Off ("PTO")	Prepared By: P. Grenell	Approved By: Board of Harbor Commissioners	Page: Page 1 of 2
Purpose: To establish guidelines for the use of Paid Time Off.			

1. STATEMENT OF POLICY

The Paid Time Off Plan is a benefit designed to provide the employee with paid personal time away from work. PTO can be used for vacation, religious observances, personal or family business, other bereavement, illness, health or dental appointments, or any other reason deemed appropriate by the employee to maintain continuity of pay. PTO can be used due to emergencies or natural disasters. Eligibility begins with the first date of employment on a regular, full-time status. Each employee will have an individual employee PTO bank containing accrued hours designated for any and all of the above-mentioned purposes.

PTO does not include holidays, jury duty, military leave, or bereavement leave.

Although no explanation need generally be provided for use of PTO, employees must request PTO at least fourteen (14) days in advance to their supervisor for approval, unless for illness, medical emergencies, bereavement, health or dental appointments. Disputed requests may be referred to the General Manager. Such requests shall not be unreasonably denied. Employees using PTO for personal emergencies or other situations where scheduling is impractical shall notify their supervisor of their inability to work at least three hours prior to the beginning of the employee's shift or within one hour of the beginning of the employee's shift, if the three hour time requirement is impractical. Failure to provide the above referenced advance notices or an acceptable explanation upon return to work can result in discipline, up to and including discharge.

PTO accrual will begin upon the first day of employment. PTO cannot be used until it has actually been earned by an employee.

Employees may elect to accrue hours in their individual PTO bank when working overtime, and not desiring to get paid for their overtime hours. Management employees who work in excess of forty (40) hours in a workweek shall accrue to their individual PTO bank on a one to one basis those extra hours. Compensatory time is included in the employee's individual PTO bank.

Employees who require time off for illness or personal reasons before accruing PTO, or after exhausting earned PTO, may be entitled up to 12 workweeks unpaid time off. (See Family Medical Leave Policy).

Accrual Basis: PTO is accrued on hours paid up to a maximum of eighty (80) hours in a pay period. PTO can be carried over from year to year up to a maximum of 540 hours, after which no additional PTO hours shall be accrued by an employee unless existing PTO is taken, and new PTO will be accrued only up to the maximum amount of 540 hours.

Accrual Rate: PTO is accrued according to the following rate schedule:

Length of Service in Months	Rate/Hour Paid	Paid/Year	Maximum Accrued Hours
1 - 60	0.0923	2080	192
61 - 120	0.1154	2080	240
121 - 180+	0.1230	2080	256

The pay rate for time provided under the PTO Plan shall be at the straight time rate of pay exclusive of differentials and shall be payable on the same bi-weekly schedule as regular earnings. PTO will be paid in regular paychecks.

When an employee elects to take PTO benefits for a day when also receiving State disability or Workers' Compensation benefits, the District's payment shall be integrated with those benefits so that the total payment for such day equals but does not exceed the employee's regular pay for scheduled hours.

Requests for advance payment of accrued PTO must be received in accordance with the respective policy.

San Mateo County Harbor District

Policy Title: Holidays and Floating Holidays	**Number**: 6.5.2	**Date of Approval:** June 12, 2024
Other Revisions: 12/20/23 7/17/2019 9/15/10 (Resolution 13-10)	**Prepared By**: Rachelle Modena	

STATEMENT OF POLICY

The San Mateo County Harbor District Holiday and Floating Holiday Policy provides for the way and how the District will account for the time during District-recognized holidays as approved by the Board of Harbor Commissioners.

APPLICABILITY

This policy is applicable to all full-time employees identified below. If a conflict arises between a contract or MOU, the more generous policy applies.

Each full-time employee of the San Mateo County Harbor District belong to one of the following groups:

1. Administrative employees covered under the Teamsters Union Local No. 856 Memorandum of Understanding (MOU).

2. Operational employees covered under the Operating Engineers Local Union No. 3 MOU.

3. Unrepresented Management Employees.

POLICY

District-Observed Holidays are as follows:

Holiday Observed	**Date Holiday Observed**
New Year's Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
Lunar New Year	2nd New Moon following Winter Solstice
Presidents' Day	3rd Monday of February

Memorial Day	Last Monday of May
Holiday Observed	**Date Holiday Observed**
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday of September
Columbus Day	2nd Monday in October
Veterans Day	November 11
Thanksgiving Day	4th Thursday of November
Day After Thanksgiving	4th Friday of November
Christmas Day	December 25

1. In the event a holiday falls on a weekend (Saturday or Sunday), the holiday shall be observed on the date determined by the federal or state government.

2. Full-time management (not including managers whose contracts provided for Floating Holiday Hours described below) and full-time administrative employees receive eight hours paid holiday leave for District-Observed Holidays. For time-keeping purposes, when a holiday falls within an employee's period of paid leave, the employees timecard shall reflect the eight hours of Holiday Hours only, the employee shall not receive double pay (holiday pay/paid time off).

3. Full-time employees who are in a position covered by Operating Engineers Local Union No. 3 (OE3) MOU and Unrepresented Management Employees not receiving the above paid holiday hours will receive 104 Floating Holiday Hours in lieu of paid holidays listed above. These hours are in addition to the 24floa ting hours provided below. Floating Holiday Hours will be credited at 50% or 52 hours at the beginning of the year, plus the 24 hours above, totaling 76 hours and the remaining 52 hours credited in the first full pay period in July.

4. The OE3 employees scheduled to work on District recognized holidays will receive their normal rate of pay for their scheduled shift. Any hours worked beyond their scheduled shift shall be paid at a rate double their normal rate of pay.

5. Newly hired full-time OE3 covered employees will receive four (4) Floating Holiday Hours credited to their bank for each pay period remaining until they reach one of the pre-established Floating Holiday distribution dates, January 1 or the first full pay period in July.

6. All full-time Administrative, Operational and Management employees will receive 24 Floating Holiday Hours in addition to the above. This is not in addition to the 24 hours discussed in Section 3.D above.

7. Newly hired full-time employees, unless provided otherwise in a MOU or employment contract, shall receive a percentage of the 24 Floating Holiday Hours

according to the following schedule:

Start Date	Jan 1 – Apr 30	3 days (24 hours)
Start Date	May 1 – Aug 31	2 days (16 hours)
Start Date	Sep 1 – Dec 31	1 day (8 hours)

8. Floating Holidays Hours will be credited at the beginning of the calendar year and will expire at the end of the calendar year, unless otherwise agreed to and documented in an MOU or employee contract.

9. Floating Hours cannot be carried over. Employees must use all Floating Holidays Hours by the end of the calendar year, or the hours will be lost.

10. Employees covered under the Teamsters MOU whose scheduled day off falls on a holiday will take Tuesday off if the holiday is Sunday or Monday and will take Thursday off if the holiday falls on a Friday or Saturday. Exceptions may be made by the employees Supervisor.

11. Employees working a flexible schedule or shifts in excess of eight (8) hours must use Float Hours, Comp Time, or PTO to make up the difference in the 8 holiday hours credit to meet the 80 hour pay period for payroll purposes.

12. An employee covered under the Teamsters MOU or Unrepresented Management Employees who are absent without leave on the day immediately preceding or following a holiday shall lose the holiday pay as well as pay for that day and shall be subject to disciplinary action which may include possible termination.

13. Management and Teamster employees may elect to substitute any other recognized holiday for Christmas Day. Such substitution must be requested at least fourteen (14) days in advance and approval obtained from the employee's supervisor.

San Mateo County Harbor District

Policy Title:	Number:	Date of Approval:
Bereavement Leave	6.5.3	June 12, 2024
Other Revisions: 10/19/22 10/1/97	**Prepared By:** Rachelle Modena	

1. BASIS OF POLICY

In September 2022, AB 1949 added Section 12945.7 to the California Government Code. Section 12945.7 provides that it is an unlawful employment practice for the District to refuse to grant a request by an eligible employee to take up to five (5) days of bereavement leave upon the death of a family member.

2. STATEMENT OF POLICY

A. The employee must notify their immediate supervisor upon making a determination to take time off from work.

B. Eligible employees shall receive up to five days off with pay as bereavement leave.

C. Bereavement leave must be taken within three months of the date of the family member's death.

D. Bereavement leave does not require consecutive days off.

E. If an eligible employee requires or elects to take additional time, it shall be taken as PTO or unpaid leave if PTO has been exhausted. Advance authorization by the appropriate Supervisor is required if additional PTO or unpaid leave is desired by the employee.

F. The District may, in its discretion, require an employee to provide proof of the family member's death, such as a death certificate, published obituary, verification from the mortuary or funeral home, or other document as deemed appropriate by the District. Failure to provide such proof may be grounds for denial of bereavement leave.

3. DEFINITIONS

A. Eligible employees- Eligible employees include all full-time or regular part-time employees who have their family member taken by death.

B. Family Member- shall be defined as spouse, domestic partner, parents, parents-in-law, child, sibling, child-in-law, sibling-in-law, grandparents, grandparent-in-law and

grandchildren, and stepchildren. These terms shall be defined by Government Code 12945.2 if applicable.

4. Conflict with MOU

If there is a conflict between this policy and the Operating Engineers and/or Teamsters Memorandum of Understanding (MOU), the more favorable benefits prevail.

San Mateo County Harbor District

Title: Jury, Court, & Victim Time-off Policy	**Number**: 6.5.4	**Date of Approval:** 11/20/24
Other Revisions: 10/01/97	**Prepared By**: RWG	

1. STATEMENT OF POLICY

In accordance with the Assembly Bill 2499 ("AB 2499"), the San Mateo County Harbor District ("District") recognizes that employees who are called for jury duty, called to answer a court order, or victims or family members of victims of qualifying acts of violence need time to handle these specific matters. This document establishes the policies that the District shall adhere to with regard to anti-discrimination, anti-harassment, and anti-retaliation for employees who take time off for the reasons stated in this Policy.

1.1. "Qualifying act of violence" means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime: (A) Domestic violence; (B) Sexual assault; (C) Stalking; (D) An act, conduct, or pattern of conduct that includes any of the following: (i) an individual causes bodily injury or death to another individual; (ii) an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual; (iii) an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.

1.2. "Family members" has the same meaning as defined in District's Leave Policies.

2. POLICY

The District shall not discharge, discriminate, or retaliate against an employee for any of the following reasons:

2.1 For taking time off to serve as required by law on an inquest jury or trial jury, if the employee, prior to taking the time off, gives reasonable notice to the employer that the employee is required to serve.

2.2 For taking time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding.

2.3 An employee who is a victim or a family member of a victim for taking time off from work to obtain or attempt to obtain any relief as described below:

2.3.1. To obtain or attempt to obtain any relief for the family member. Relief includes, but is not limited to, a temporary restraining order, restraining order, or

other injunctive relief, to help ensure the health, safety, or welfare of the family member of the victim.

2.3.2. To seek, obtain, or assist a family member to seek or obtain medical attention for, or to recover from, injuries caused by a qualifying act of violence.

2.3.3. To seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence.

2.3.4. To seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence.

2.3.5. To participate in safety planning or take other actions to increase safety from future qualifying acts of violence.

2.3.6. To relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.

2.3.7. To provide care to a family member who is recovering from injuries caused by a qualifying act of violence.

2.3.8. To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence.

2.3.9. To prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.

2.3.10. To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

3. NOTICE FOR LEAVE

District requires employees who take leave pursuant to Section 2.3 of this policy to provide reasonable advance notice before such leave shall be taken. If advance notice is impossible, Director of Administrative Services shall request certification from the employee in any of the following formats:

3.1. A police report indicating that the employee or a family member of the employee was a victim.

3.2. A court order protecting or separating the employee or a family member of the employee from the perpetrator of the qualifying act of violence, or other evidence from

a court or prosecuting attorney that the employee or a family member of the employee has appeared in court.

3.3. Documentation from a licensed medical professional, domestic violence counselor, as defined in California Evidence Code Section 1037.1, a sexual assault counselor, as defined in California Evidence Code Section 1035.2, victim advocate, licensed health care provider, or counselor that the employee or a family member of the employee was undergoing treatment or seeking or receiving services directly related to the qualifying act of violence.

3.4. Any other form of documentation that reasonably verifies that the qualifying act of violence occurred, including, but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for a purpose authorized under this section.

4. LEAVE REQUIRED

An employee protected under this Policy may use leave as described in the District's Leave Policies.

5. REASONABLE ACCOMMODATION

5.1. District shall provide reasonable accommodations for an employee who is a victim or whose family member is a victim of a qualifying act of violence who requests an accommodation for the safety of the employee while at work. District shall not retaliate against an employee for requesting a reasonable accommodation under this subdivision, regardless of whether the request was granted.

5.1.1. Reasonable accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, permission to carry telephone at work, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or another qualifying act of violence that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other qualifying act of violence, or referral to a victim assistance organization.

5.2. District will not undertake an action that constitutes an undue hardship on its business operations, as defined by California Government Code Section 12926 (u). An undue hardship also includes an action that would violate an employer's duty to furnish and maintain a place of employment that is safe and healthful for all employees as required by California Labor Code Section 6400.

5.3. Employees requesting a reasonable accommodation pursuant to this Policy shall provide Director of Administrative Services with a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for a purpose authorized under this Policy.

5.4. The Director of Administrative Services may request recertification of an employee's status as a victim or an employee's family member's status or ongoing circumstances related to the qualifying act of violence, every six months after the date of the previous certification.

5.5. If circumstances change and an employee needs a new accommodation, the employee shall request a new accommodation from District.

5.6. If an employee no longer needs an accommodation, the employee shall notify Director of Administrative Services that the accommodation is no longer needed.

5.7. Any verbal or written statement, police or court record, or other documentation provided to the Director of Administrative Services identifying an employee or the employee's family member as a victim shall be maintained as confidential by District and shall not be disclosed by District except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be given notice before any authorized disclosure. Furnishing evidence or providing a certification under this subdivision shall not waive any confidentiality or privilege that may exist between the employee or employee's family member and a third party.

6. REPORTING REQUIREMENTS

If an employee believes that discrimination or retaliation occurs under this Policy, non-supervisory and supervisory employees must adhere to the reporting requirements under District's Sexual and Unlawful Harassment Policy. District will investigate claims of discrimination and retaliation in the same manner as under the Sexual and Unlawful Harassment Policy.

San Mateo County Harbor District

Policies and Procedures	Number: 6.5.5	Date of Adoption: 10/1/97	Revision:
Title: Leave of Absence Without Pay	Prepared By: P. Grenell	Approved By: Resolution 28 — 97	Page: Page 1 of 1
Purpose: 1. To establish procedures by which an employee may request a leave of absence from employment with the District. 2. To establish conditions of which approved requests for leave of absence are administered.			

1. STATEMENT OF POLICY

Requests for leave of absence without pay shall be in writing on an official form and shall state specifically the reasons for the request, the date desired to begin the leave, and the date of return. The request shall be submitted by the employee to his/her supervisor, who will forward it to the General Manager with a recommendation. The General Manager shall recommend to the Board of Harbor Commissioners whether the request should be granted, modified, or denied. The Board shall then make a decision based upon the best interest of the San Mateo County Harbor District, giving due consideration to the reasons given by the employee, and the requirements of any applicable state and Federal laws.

The Board of Harbor Commissioners may grant a full-time regular employee a leave of absence without pay not to exceed one (1) year.

Under no circumstances may an employee use a leave of absence to work for another employer or to pursue self-employment. Leaves are designed to accommodate employees who have critical personal situations only.

No benefits shall accrue while the employee is on an approved leave of absence without pay. The employee's date of appointment shall not change.

Any employee on an approved leave of absence may continue his or her medical, dental and life insurance coverage by paying the full cost to the District in advance for each month or portion thereof of which he or she is absent, subject to limitations set by the insurance carrier.

Upon expiration of the leave of absence, the employee shall be reinstated at the rate of pay held at the time commencing the leave of absence.

Upon extenuating circumstances, the General Manager may grant an extension of a leave period upon written request by the employee, if the one year limit has not been exhausted. Such extension may not exceed three months and will be based on departmental as well as employee considerations.

Employees who fail to return to work on the date specified in the leave request shall be considered to have voluntary resigned unless documented evidence is provided that communication was impossible.

San Mateo County Harbor District

Policies and Procedures	Number: 6.5.6	Date of Adoption: 6/3/98	Revision: **6/3/98**
Title: Family Medical Leave	**Prepared By:** P. Grenell	**Approved By:** **Resolution 19-98**	**Page:** Page I of 3
Purpose: To establish a policy and guidelines for the use offamily medical leave for District employees.			

1. STATEMENT OF POLICY

The San Mateo County Harbor District shall allow eligible employees up to twelve (12) weeks of unpaid leave in any twelve (12) month period for specified family and medical reasons. Health care providers shall include alternative health care providers.

2. DEFINITION

Eligibility: Eligible employees are those employees employed at least twelve (12) months with the District or have worked at least 1,250 hours in the preceding twelve (12) months at the District.

Serious health condition: A serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care;
- A period of incapacity of more than three (3) consecutive calendar days that involves (a) treatment two or more times by a health care provider or (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
- A period of incapacity due to pregnancy or for prenatal care;
- A chronic condition which (a) requires periodic visits for treatment by a heath care provider, (b) continues over an extended period of time, and (c) may cause episodic rather than a continuing period of incapacity (e. g. asthma, diabetes, epilepsy, etc.);
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective and the employee or family member is under the continuing supervision of a health care provider (e.g. Alzheimer's, a severe stroke, or the terminal stages of a disease);
- Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in the period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentist, clinical psychologists, optometrists, chiropractors, alternative health care providers, nurse practitioners, and nurse-midwives authorized to practice under State law arid performing within the scope of their practice under state law.

3. LEAVE REQUIRED

Employees shall be entitled to twelve (12) weeks of unpaid leave during a twelve {12) -month period for one or more of the following reasons:

1) For birth of a son or daughter; and to care for the newborn child;
2) For placement of a child with employee for adoption or foster care;
3) To care for an employee's spouse, domestic partner, son, daughter, or parent who has a serious health condition or who is receiving treatment for substance abuse;
4) For employee's own serious health condition that makes the employee unable to perform the :functions of his/her job.

Employees desiring to take unpaid leave should inform his/her Department Head and the General Manager at least thirty (30) days prior to initiating the leave if need for the leave is foreseeable and if not, notice must be given as soon as possible. Employee will provide the General Manager with a medical certification signed by a Medical Doctor. The District shall notify the employee within two (2) working days after receiving notice from employee if the employee is qualified for leave.

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

1) Date when the condition began, expected duration, diagnosis, and a brief statement of treatment.
2) If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential :functions of the employee's position.
3) For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
4) If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the District may ask for a second opinion. The District will pay for the employee to get a certification from a second doctor, which the District will select. if there is a conflict between the original certification and the second opinion, the-District may require the opinion of a third doctor. The District and the employee will jointly select the third doctor, and the District will pay for the opinion. The third opinion will be considered final.

4. Maintenance of Benefits

An employee on family medical leave shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the District. The District shall continue paying the employee's benefits during the leave; however, upon employee's return to employment, the employee will reimburse the District the cost of maintaining his/her health premiums and other premiums (life, short term disability, long tenn disability, etc.).

If the employee informs the District that he/she does not intend to return to work at the end of the leave period, the District's obligation to provide health benefits ends effective from the date of notice by the employee.

Certain types of earned benefits such as PTO and holidays may not be accrued during the leave period. .However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

5. Job Restoration

The employee is entitled to the same or equivalent position at the same or similar geographic location with equivalent benefits and pay unless the District determines that:

- the employee was hired for a specific time period,
- the employee is determined to be a "key employee",
- the employee is not fit for duty, or
- the employee would not have been employed at time of request for reinstatement.

The District may choose to exempt certain manage ent employees, being "key employees" from this job restoration requirement and not .return them to the same or similar position at the completion of medical leave. Employees who may be exempted will be informed of this status when they request leave. If the District deems it necessary to deny job restoration for a key employee on medical leave, the Pistrict will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

6. Use of Paid and Unpaid Leave

If an employee has accrued paid leave of less than twelve (12) weeks, the employee will use paid leave first and take the remainder of the twelve weeks as unpaid leave. If an employee uses leave because of his/her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all PTO and then will be eligible for unpaid leave.

7. Intermittent Leave and Reduced Work Schedules

In certain cases, intermittent use of the twelve (12) weeks of family or medical leave or a part of a reduced work week may be allowed by the District. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the employee's Department Head and the General Manager. Employees may also use family or medical leave intermittently or as part of a reduced work week whenever it is medically necessary. If the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the District's operations; This provision is subject to the approval of the health care provider.

In some cases, the District may temporarily transfer an employee using intermittent or a reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule. Original 10/15/97, revision #1 6/3/98

San Mateo County Harbor District

Policies and Procedures	Number: 6.5.7	Date: 9/16/98	Revision: 1
Title: PTO, EIB or Sick Leave {old) to Co-Workers in Need	Prepared By: AMWL	Approved By: Resolution 35-98	Page: Page 1 of 1
Purpose: To provide mechanism allowing employees to donate PTO, EIB and/or Sick Leave (Old) to co-workers in need.			

STATEMENT OF POLICY

This policy is to allow employees of the District to donate accrued PTO, EIB, and/or Sick Leave (Old) to co-workers in need.

DESCRIPTION OF PROCEDURE

Any District employee with accrued time, PTO, EIB, and/or Sick Leave (Old), will have the ability to request that hours be donated to a co-worker in need.

"Co-worker in need" is defined as an employee whose accrued hours have been depleted to zero due to illness or injury of the employee or immediate family member, which necessitates an extended absence from work. The absence from work must be for seven (7) days or greater. Any employee who is unable to work and is receiving workers' compensation benefits, state disability, and/or long-term disability payments can be considered in need.

Hours donated will transfer over on a 1:1 ratio and retain the same classification after transfer. For example, PTO hours donated by employee A will become PTO hours for employee B who has received the hours.

A written request (signed and witnessed) to donate hours must be submitted to the General Manager for approval. Upon receipt of the request, the General Manager will have the hours verified by the Director of Finance to ensure sufficient hours are available for donation. Upon verification, the General Manager will make a determination. If approved, a written notice will be given to Finance to deduct the hours from the employee requesting to make the donation. The hours will be added to the recipient's bank. Upon completion, of the transfer, written notices will be provided to the donor and recipient showing the donated hours and revised PTO, EIB, and/or Sick Leave {Old) bank balances.

If it is found that any employee is donating hours to a co-worker who is paid at a higher rate just to receive the higher dollar: payout or is coercing donations, will be subject to disciplinary action.

Original 6/17/98

Revision 9/16/98: Change length of absence to seven (7) days.

San Mateo County Harbor District

Title: Jury Duty Leave	**Number**: 6.5.9	**Date of Approval:** December 17, 2025
Other Revisions:	**Prepared By**: Rachelle Modena	

1. STATEMENT OF POLICY

The San Mateo County Harbor District supports civic responsibility and will provide paid leave to eligible employees who are required to serve on jury duty or appear in court as a witness in connection with official business.

2. ELIGIBILITY

All full-time regular employees of the District are eligible for paid jury duty leave. Temporary and/or part-time employees may be paid under the District's policy 6.5.10 Sick Leave Policy.

3. JURY DUTY LEAVE

a. Prior to taking time off, employees must provide the District reasonable notice that the employee is required to attend jury service.

b. Full-time regular employees will be granted leave with pay for the time required to serve on jury duty.

c. Temporary and/part-time employees will be granted leave and may qualify for sick leave pay as outlined in 6.5.10 Sick Leave Policy.

d. Employees are expected to report to work during regular hours when not required to be in court.

d. If released early from jury duty, employees must return to work if there is at least half of their scheduled hours left in their shift. Employees who reside outside of San Mateo County and whose commute time would make reporting for a partial shift irrelevant should notify their Supervisor and combine their Jury Duty Leave with Paid Time Off (PTO) to complete their workday hours.

4. COMPENSATION

a. Full-time regular employees will receive their regular salary while serving on jury duty and should code their time to Jury Duty in the District's time reporting system.

b. The District will not limit the number of days a full-time regular employee is eligible for paid jury duty leave.

San Mateo County Harbor District

Title:	Number:	Date of Approval:
Training and Continuing Education	6.5.8	December 18, 2024
Other Revisions:	**Prepared By:**	
10/1/97 (Resolution 28-97)	Rachelle Modena	

Statement Of Policy

The provisions of this policy apply to all employees of the San Mateo County Harbor District (District) not covered by a labor agreement including the Memorandum of Understandings (MOU) between the District and the Operating Engineers Union Local 3 and Teamsters Union Local No. 856. Employees covered by a labor agreement shall be provided for by the terms, conditions, and procedures of said labor agreement.

Training relevant to the needs of District employees' specific duties and classifications benefits both the employees and the District. The District therefore may provide the employee with paid time for training, continuing education and certification that will benefit the District and the employee.

Training is defined as any work-related program, seminar, workshop, course, conference or convention attended by an employee or while the employee is in a paid status with the District, and which will enable the attending employee to render more efficient and effective services while in the employ of the District.

All training must be required for advancement within the District's classification system or be deemed necessary by the District to maintain the employee's certification and/or professional status, or maintain or improve employee competence essential to the satisfactory execution of the employee's specific duties and job-related responsibilities. The respective Manager must approve the training; however, the General Manager retains final authority to approve the training.

The General Manager, in consultation with the Manager and employees as appropriate, may identify training and continuing education opportunities relevant to each job classification. Employees will be expected to identify and submit potential and continuation education opportunities to the General Manager for their consideration. Every effort shall be made to encourage employee participation in designing the training and continuing education program and availing themselves of educational opportunities to the extent that budgetary considerations permit. No employee shall be unreasonably precluded from participating in job-related training and/or continuing education activities determined by the General Manager to be necessary or significantly advantageous to improvement of the employee's job performance and the District's ability to provide effective and efficient services to the public.

Such activities may include on-site training provided by the District or by other organizations and institutions to maximize the usefulness of training for enhancing employee job performance and the District's ability to serve the public more effectively and efficiently.

The District complies with providing legally required safety training including but not limited to Harassment Prevention training and Workplace Violence Prevention Training. Employees are required to complete these mandatory training courses when assigned.

Successful completion of approved or required training and/or continuing education courses/programs shall be considered as a factor in the employee's annual performance evaluation.

Training and continuing education opportunities including on-site training as identified by the General Manager pursuant to the above will be appropriately noticed so that all employees can be aware of their existence and to facilitate efficient scheduling of employee training by Managers.

Reimbursement for all training expenses incurred by such employee participation shall be accompanied by receipt and shall be authorized for job-related courses/programs and skill maintenance and development with prior approval of the General Manager, provided funds have been budgeted for such reimbursement. Employees can reference policy 4.2.1 Expense Accounting and Expenditure Reimbursement for Employees for guidance on submitting reimbursement for training and related travel expenses.

Employees are encouraged to continue their formal education through participation in off-duty and/or non-working hours educational programs. Reimbursement for continuing education expenses incurred by such employee participation may be granted for job-related courses and skill maintenance and development with prior approval of the General Manager, provided funds have been budgeted for such reimbursement.

Any reimbursement for off-duty and/or non-working hours continuing education shall only be made after the employee successfully completes the course/program. Successful completion shall be defined as receipt of a certificate of satisfactory completion or a grade of C (2.0 grade point) or better in the case of academically rated courses (or attainment of "pass" in a pass/fail grading system). Tuition reimbursement is for the course only; no reimbursement will be allowed for books, lab fees, travel expenses or material costs. Approval for tuition reimbursement shall only be allowed for courses/programs offered by accredited colleges, universities, vocational training institutes or other recognized institutions.

Request for reimbursement for off-duty and/or non-working hours continuing education and training must be made within 30 days following the completion of the course of study. Continuing education and training reimbursement is available only to those employees who have successfully completed the employee's designated probation period.

Consideration of employee requests for off-duty and/or non-working hours continuing education tuition reimbursement is dependent upon budgetary constraints and the recommendation of that employee's Manager. Time spent in attendance at these courses/programs shall be considered the employee's personal time and is not counted as time worked.

c. Any compensation received for jury duty (excluding travel/mileage reimbursements) must be reported and may be deducted from the employee's paycheck if applicable, unless otherwise prohibited by law or District policy.

5. DOCUMENTATION

a. Employees must submit a copy of their jury duty attendance confirmation upon return to work.

b. Failure to provide appropriate documentation may result in unpaid leave and/or a reduction of sick leave, paid-time off leave balances, or other available leave balances.

6. NON-RETALIATION

Employees will not be subject to retaliation or adverse employment action for taking leave to serve on a jury or appear in court as required by law.

7. CONFLICT WITH MOU

If there is a conflict between this policy and the Operating Engineers Memorandum of Understanding (MOU), Teamsters MOU, and/or an employment contract, the more favorable benefits will prevail.

San Mateo County Harbor District

Title: Sick Leave	**Number**: 6.5.10	**Date of Approval:** November 19, 2025
Other Revisions: 7/1/15, 11/20/24	**Prepared By**: Julie van Hoff	

1. STATEMENT OF POLICY

In accordance with the Healthy Workplaces, Healthy Families Act of 2014 ("California Paid Sick Leave Law"), as amended, the San Mateo County Harbor District ("District") recognizes that employees will need days off from work from time to time to take care of their own health or the health of family members. This document establishes the policies that the District shall adhere to with regard to paid sick leave in accordance with California Labor Code section 245 *et seq*.

2. POLICY AND PROCEDURES

This policy applies only to: 1) permanent full-time and 2) temporary, and/or part-time employees, including seasonal employees, who work at least thirty (30) days within a year from the commencement of employment. This policy does not apply to employees who are not covered or entitled to receive more generous leave benefits pursuant to an employment agreement, elected or appointed Commissioners or retired annuitants.

A. **Permanent Full-Time Employees**

Permanent Full-Time employees shall accrue 3.08 hours of sick leave per pay period. An employee's sick leave balance does not have a maximum cap and will carry over from year to year.

B. **Temporary and/or Part-Time Employees**

The California Paid Sick Leave law requires the District to provide paid sick leave to Temporary and/or Part-Time employees under the following conditions:

Temporary and/or part-time employees will be provided forty (40) hours, or five (5) days, whichever is greater, of paid sick leave at time of hire, and forty (40) hours, or five (5) days, whichever is greater, at the start of every fiscal year thereafter. The fiscal year is determined by the District's budget year (July 1- June 30). Unused sick leave hours from the previous fiscal year may carry over into the new fiscal year, however an employee may not accrue more than 80 hours, or 10 days.

1. A temporary and/or part-time employee is not eligible to begin using any provided paid sick leave until the 90th day of employment with the District.

2. There will be no more than 40 hours, or 5 days, whichever is greater, of paid sick leave provided to a temporary and/or part-time employee in any fiscal year.

3. Sick leave advances will not be provided.

C. **Allowed Uses**

In accordance with the California Paid Sick Leave law an employee may use accrued sick leave hours for the following reasons:

1. For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care (i.e., annual physicals or flu shots);

2. For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:

   a). Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.)

   b). Spouse or Registered Domestic Partner

   c). Parent (including 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.)

   d). Grandparent

   e). Grandchild

   f). Sibling

   g). A designated person. For purposes of this policy, a designated person means a person identified by the employee at the time the employee requests paid sick days. The District limits an employee to one designated person per 12-month period for paid sick days.

3. To obtain relief or services related to being a victim of a qualifying act of violence as defined by Government Code Section 12945.8 or being a family member of a victim of a qualifying act of violence, including the following with appropriate certification of the need for such services:

   a). To obtain or attempt to obtain any relief as a victim or for the family member who is a victim. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the family member of the victim.

   b). To seek, obtain, or assist a family member to seek or obtain, medical attention for or to recover from injuries caused by a qualifying act of violence.

c). To seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence.

d). To seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence.

e). To participate in safety planning or take other actions to increase safety from future qualifying acts of violence.

f). To relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.

g). To provide care for a family member who is recovering from injuries caused by a qualifying act of violence.

h). To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence.

i). To prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.

j). To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

k). The District shall limit the leave taken under this section as follows:

(1) Total leave time taken is limited to 12 weeks.
(2) If an employee's family member is a victim who is not deceased as a result of a crime, and the employee is not a victim, and the employee takes leave to help relocate the victim or relocate children in school, the District limits the leave taken for that reason to five days.
(3) If any employee's family member is a victim who is not deceased as a result of crime, and the employee is not a victim, the District limits the total leave taken to 10 days.
(4) Leave taken by an employee pursuant to this section shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.) and the Moore-Brown-Roberti Family Rights Act, commonly referred to as the California Family Rights Act (Sections 12945.2 and 19702.3 of the Government Code), if the employee is eligible for that leave.

4. To serve on a jury for part-time and/or temporary employees who are not entitled to jury duty leave.

5. To appear in court to comply with a subpoena or other court order as a witness in a judicial proceeding.

6. For bereavement leave in the event that the employee has exhausted their available bereavement leave and additional time is needed; and for a temporary and/or part-time employee who is not eligible for bereavement leave.

7. For any other purpose authorized under Government Code Section 12945.8, as it may be amended in the future, or any other purpose required by law.

D. **Employee Notification to Supervisor**

An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (*e.g.,* doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.

E. **Minimum Increment**

An employee who uses paid sick leave must do so with a minimum increment of two hours of sick leave.

F. **Effect on Overtime Calculations**

Paid sick leave will be considered hours worked for purposes of overtime calculation except for FLSA OT. FLSA OT is only applicable for employees that are scheduled and physically worked during their scheduled 44-hour week.

G. **Unused Sick Leave Upon Termination**

An employee will not receive compensation for unused paid sick leave upon termination, resignation, or other separation from employment from the District. An employee who retires from the District and who is a member of the CalPERS retirement system may use unused sick leave hours for service credits up to the maximum allowed by CalPERS.

H. **State Disability Insurance Program Requirement- Employee's Medical Issue**

Employees who are covered under the State Disability Insurance Program (SDI) must apply for benefits if they cannot work for eight consecutive days due to their own disability. These days are independent of workdays. In addition, an employee must submit a medical provider's note to the Director of Administrative Services. Human Resources staff are available to assist employees with the SDI application process and to answer any related questions.

I. **SDI Program Requirement- Employee's Family Member's Medical Issue**

Employees who are covered under SDI and are caring for a seriously ill family member, bonding with a new child or supporting a family member in the US Armed Forces deploying to a foreign country must apply for SDI benefits. Serious illness does not include cosmetic treatments, common cold, influenza, earaches, upset stomach, minor ulcers, or headaches other than migraines.

J. **Abuse Or Misuse Of Sick Leave**

Abuse or misuse of sick leave may result in disciplinary action. At the District's discretion, an employee may be asked to supply a medical provider's note for absences exceeding five days or excessive use of sick leave over the year.

To ensure responsible use of sick leave, the following practices will be monitored:

- Patterns of abuse, including repeated absences adjacent to weekends, holidays, or scheduled time off.
- Use of sick leave in conjunction with denied vacation requests.
- Sudden or frequent callouts without legitimate medical cause.

Interventions may include:

- Informal counseling
- Requirement of medical documentation
- Written warning or other disciplinary action, up to and including termination, for misuse or falsification of sick leave

Any disciplinary action taken will be consistent with the provisions of District policy 6.2.10 *Progressive Discipline*.

K. **Reinstatement of Unused Paid Sick Leave Upon Rehire**

If an employee separates from District employment and is re-hired by the District within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired employee has not yet worked the requisite ninety (90) days of employment to use paid sick leave at the time of separation, the employee must still satisfy the ninety (90) days of employment requirement collectively over the periods of employment with the District before any paid sick leave can be used.

L. **Change of Employee Status**

Should a temporary and/or part-time employee's status change to a permanent full-time status any unused sick leave under this policy will be available for use.

San Mateo County Harbor District

Policy Title: Lactation Accommodation	**Number**: 6.5.12	**Date of Approval:** 12/20/2023
Other Revisions: NA	**Prepared By**: Rachelle Modena	

STATEMENT OF POLICY:

The San Mateo County Harbor District (District) recognizes the need to promote a work environment that is supportive of all employees. The District also recognizes that certain employees who are breastfeeding may wish to continue expressing breast milk when they return to work. This policy establishes guidelines for promoting a breastfeeding friendly work environment and supporting lactating employees.

POLICY:

The District will provide an environment that will enable employees to express their milk in an appropriate space. Such space will meet the following requirements of the California Labor Code sections 1030-1034: Private space that is secure, not in a bathroom, shielded from view, and free from intrusion. The lactation place or room will be safe, clean, and free from hazardous materials. The space will include a surface to place a breast pump and personal items, a place to sit, and access to electricity. The place or room provided to lactating employees may be the employee's normal workspace, such as an enclosed office, if the workspace meets the requirements of California Labor Code sections 1030-1034 as listed above. Lactating employees will also be provided access to a sink with running water, and access to a refrigerator dedicated exclusively to storing breast milk only, and in (less than a 5-minute walk) to the employee's workspace.

An employee may request an "accommodation" for reasonable lactation breaks by informing the Director/Assistant Director of Administrative Services and their supervisor in writing (preferably by electronic mail). The supervisor and the employee will discuss an appropriate break schedule for lactation. The lactation break time will, if possible, run concurrently with the employee's regular paid break time already provided. Lactation break times do not need to be approved; however, employees should discuss their lactation break needs with their supervisor so that their supervisor can ensure continuity of operations while supporting employee lactation breaks.

Harassment of and/or discrimination against lactating employees is prohibited. It is also prohibited to retaliate against lactating employees who request time to express breast milk at work. If you are aware of any harassment of and/or discrimination against a lactating employee, please immediately report it to the Director/Assistant Director of Administrative Services. Any incident of discrimination or harassment of a lactating employee will be addressed in accordance with state law.

Employees have the right to file a complaint with the Labor Commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.

Policy Title: Pregnancy Disability & Accommodation and Baby Bonding Leave	**Number:** 6.5.13	**Date Approved:** July 17, 2024
Other Revisions: n.a.	**Prepared By:** Julie van Hoff	

STATEMENT OF POLICY:

This policy covers pregnancy disability, prohibition against discrimination for pregnant employees, interactive process for reasonable accommodations, and baby bonding leave.

A. Definitions

1. Pregnancy Disability Leave (PDL)- A California state law that provides job-protected leave to employees disabled by pregnancy, childbirth, or related medical conditions. PDL is not paid by the employer, but the employee may apply for disability benefits through the State.
2. State Disability Insurance (SDI)- California State Disability Insurance (SDI) program provides short-term Disability Insurance (DI) and Paid Family Leave (PFL) wage replacement benefits to eligible workers who need time off work.
3. Paid Family Leave-(PFL) provides partial wage-replacement benefits to California workers who take time off from work for caring for a seriously ill family member, bonding with a new child (including newly fostered and adopted children), and/or for participating in a qualifying military event.
4. Federal Medical Leave Act (FMLA)- The Family and Medical Leave Act of 1993 is a United States labor law requiring covered employers to provide eligible employees with job-protected, unpaid leave for qualifying medical and family reasons for 12 weeks during a 12-month period.
5. California Family Leave Act (CFRA)- CFRA allows eligible employees up to 12 weeks of unpaid, job-protected leave in a 12-month period to care for a new child, to care for a seriously ill family member, or to seek treatment for the employee's own serious illness.
6. Pregnant Workers' Fairness Act (PWFA)- The PWFA, which is administered and enforced by the EEOC, requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship.
7. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy

and related conditions, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.

8. Known Limitation- Qualifying physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or the employee's representative has communicated to the employer whether or not such condition meets the definition of disability.
9. Pregnancy Disability Accommodation (PDA)- The California Fair Employment and Housing Act (FEHA) requires employers to provide reasonable accommodations, including potential temporary transfer to a less hazardous position, for an employee who is unable to perform certain tasks or job duties due to pregnancy or a pregnancy-related medical condition (including, for example, severe morning sickness, post-partum depression, gestational diabetes, pregnancy-induced hypertension, preeclampsia, childbirth, and recovery from childbirth, or the loss or end of a pregnancy).
10. Integration of Wages with Benefits- integration of leave with Disability Insurance (DI) and Paid Family Leave (PFL) benefits, also known as coordination or supplementation, may help the employee to receive 100 percent of their normal weekly salary during their disability insurance or paid family leave benefit period.

B. Non-Discrimination

Pregnancy discrimination involves treating an applicant or employee unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

The District ensures that an applicant or employee will not be discriminated against or harassed because-

- an applicant or employee is pregnant; was pregnant; may become pregnant or intends to become pregnant.
- An applicant or employee has a medical condition that is related to pregnancy; or
- An applicant or employee had an abortion, is considering having an abortion, or on the basis of any reproductive health decision.

The District will not fire, reject for a job or promotion, give lesser assignments, or force an employee to take leave for any reason related to the above.

In the event that an employee believes that they have been discriminated against, the employee should immediately notify their supervisor and/or Human Resources. Further action may be taken by filing a complaint with the California Civil Rights Department (800-884-1684 or https://www.ca.gov/service/?item=File-Discrimination-Complaint) and/or the EEOC at (800-669-4000 or 800-669-6820 (TDD) or https://publicportal.eeoc.gov/Portal/Login.aspx).

C. Pregnancy Disability Accommodation

The District shall be in compliance with the PWFA act and Pregnancy Discrimination Act. An interactive process will be used to determine an appropriate reasonable accommodation. Examples of reasonable accommodations include altered break and work schedules (e.g., breaks to rest or use the restroom), permission to sit or stand, ergonomic office furniture, shift changes, and elimination of marginal job functions (see reference section below for additional examples).

The District will not deny an employment opportunity to a qualified employee if such denial is based on the employee's request for disability accommodations. The District will not require an employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided. The District will not take adverse action in term, conditions, or privileges of employment against an employee requesting a reasonable accommodation.

Under the FEHA, an employer that allows temporarily disabled employees to take disability leave or leave without pay, must allow an employee who is temporarily disabled due to pregnancy to do the same.

D. Pregnancy Disability Leave

An employee's job is protected when they are on a Pregnancy Disability Leave. The dates during which an employee is eligible for PDL is dependent on certification by a qualified medical provider. In general, PDL usually begins four weeks prior to the due date of a baby and ends six weeks after the birth of the baby or eight weeks after the birth of the baby if a cesarean is performed. In some cases, a licensed health professional may certify longer periods if there are medical complications. Employees are entitled to PDL for up to four months, but actual time is dependent on medical certification of a disabling condition.

The employee is eligible for State Disability Insurance during their pregnancy disability leave. Unlike other types of leaves, the employee has a choice as to whether or not to integrate leave time with the disability insurance payments. In other words, the employee has a choice to: 1) use any available leave to be paid 100% (or a lesser %) of their normal wages to make up the difference between the SDI benefits, or 2) keeping their leave balance intact for use at a future time.

E. Maintenance of Benefits while on Leave

If an employee is on pregnancy disability leave or baby bonding leave under the CFRA or FMLA, the District will pay its portion of the health benefits premium. The employee will continue to pay their portion though a payroll deduction if the employee is integrating leave time with SDI benefits. Otherwise the employee will be required to pay their portion of the premium upon their return to work through a payroll deduction.

F. FMLA/CFRA-Baby-Bonding Leave

An employee is eligible for up to 12 weeks (480 hours) of FMLA/CFRA in a twelve-month period. The District uses a rolling 12 month period which begins on the first day that FMLA/CFRA is used and ends 12 months later. FMLA/CFRA will run concurrently when used for baby-bonding. The employee must have worked for the District at least 1,250 hours over the last twelve months to be eligible for FMLA/CFRA leave. During CFRA leave, EDD may provide partial wage replacement for up to 8 weeks. Baby bonding leave under the CFRA does not run concurrently with PDL. Baby-bonding leave is available within one year of the triggering event (birth of the child, or placement of the child through adoption or foster care). The employee is required to integrate available leave time with the EDD payments.

G. REFERENCES

EEOC:

Fact Sheet: Pregnancy Discrimination | U.S. Equal Employment Opportunity Commission (eeoc.gov)

https://www.eeoc.gov/laws/guidance/helping-patients-deal-pregnancy-related-limitations-and-restrictions-work

EDD:

https://edd.ca.gov/en/disability/paid-family-leave/mothers/

https://edd.ca.gov/en/disability/disability_insurance/

Examples of light duty:

Non-exhaustive list of limitations that might be encountered in a physical job environment, and potential accommodations. Note that any accommodation may be subject to certification by a qualified medical provider.

Limitations	Resolution
Heavy lifting	Use tools/equipment to assist with lifting heavy objects (e.g. forklift, hoist) and work in a team while on shift.*
Restricted movement	Use equipment to better reach or maneuver on the job. Do not frequently bend at the waist, squat, reach for high objects or stoop.
Standing or sitting for long periods of time	Do not stand for periods of 3 hours or longer, sit frequently while in an office, on vessels, or while patrolling facility in vehicle (e.g. golf cart, Polaris, or harbor truck). Pressure socks can be worn while on shift to help with blood flow and prevent formation of varicose veins in employees later in pregnancy or postpartum.

Chemicals	Avoid areas that chemicals are stored and wear the proper personal protective equipment if they provide sufficient barrier to chemical contact.
Imbalance	Be mindful of sudden standing or sitting as it could throw individual off balance. Heavy lifting or extended standing could contribute to imbalance throughout the day. Moving from land to vessel or vessel to land may contribute to this.
Working on patrol vessel	Generally, there's no harm in boating while pregnant. However, this should be evaluated on a case-to-case basis. Some women have more complicated and high-risk pregnancies than others and environmental conditions should always be considered.
Pregnancy related medical conditions	These can be varied and require a medical professionals opinion on resolution and accommodation for each condition.

San Mateo County Harbor District

Policy	Number: 6.6.1	Date of Approval: 06/07/2006	Adopted By: Resolution 33-06
Tide: Training, Education and Conferences for Commissioners	Prepared By: E. Wilkerson	Revised By: S.McGrath 9/1/2016	Page: Page I of2
Pwpose: Establish guidelines for identification of training, education and conference opportunities for commissioners.			

1.0 STATEMENT OF POLICY

Members of the Board of Harbor Commissioners are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operations. Attendance at such educational conferences and professional meetings are considered a part of an official's performance of their official duties for the District. Hence, there is no limit as to the number of commissioners attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District. "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted. Ethics training as described in Section 3.0 is mandatory.

2.0 REIMBURSEMENTS

It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. All reimbursement of actual and necessary expenses shall be pursuant to District Policy 4.2.4.

3.0 REQUIRED ETHICS TRAINING

All District Commissioners shall receive two hours of training in general ethics principles and ethics laws relevant to public service by January 1, 2007 and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2. All new commissioners must receive two hours of training in general ethics principles and ethics laws relevant to public service within their first six months of appointment.

3.1 This policy shall also apply to the General Manager, Director of Operations, Director of Administrative Services, and any other employees as designated by the Board of Harbor Commissioners.

3.2 All ethics training shall be provided by entities who have consulted with the California Attorney General and the Fair Political Practices Commission.

3.3 Commissioners shall obtain proof of participation after completing the ethics training.

San Mateo County Harbor District

Policy Title: Drug and Alcohol-Free Workplace	**Number**: 6.6.2	**Approval Date:** 11/20/2024
Other Revisions: July 19, 1991 (Resolution 14-91), July 3, 2002 (Resolution 24-02)	**Prepared by:** Rachelle Modena	

STATEMENT OF POLICY:

The San Mateo County Harbor District's Board of Harbor Commissioners hereby declares its workplace to be drug and alcohol-free (Resolution 24-02). This policy shall be distributed to all District employees at the time of their initial employment and once each year following employment.

The illegal use of drugs and alcohol is incompatible with employment at the San Mateo County Harbor District. Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who may have a drug and/or alcohol problem to seek help.

Alcohol, cannabis or use of certain controlled substances can impair performance through poor decision making and impaired reaction times. They may cause lost productivity, inferior work product, errors and accidents, and can put at risk the safety of that individual, other workers, or the general public.

Definitions:

(a) “Controlled substance” shall be defined by federal law (21 U.S.C. Sec. 802 et seq.) and Sections 11053-11059 of the California Health and Safety Code.

(b) “Conviction” means a finding of guilt, including a plea of nolo contendere or imposition of sentence, or both, by a judicial body charged with determining violation of federal or state criminal drug statutes.

(c) “Drug” includes Controlled substances.

(d) “Employee” means an employee of the District.

(e) “Intoxication” means the condition of having physical or mental control markedly diminished by the effects of drugs or alcohol.

(f) “Workplace” means a site under the control and use of the District including District owned vehicles and vessels. Anywhere an Employee is performing work for the District is considered the workplace, regardless of whether it is District property or the Employee’s regular place of work.

Controlled Substance:

The unlawful use, possession, manufacture, distribution, dispensation, sale, trade, or

transfer of a controlled substance while on duty (including during workday breaks), or while wearing the District's uniform is prohibited, and such conduct may result in disciplinary action up to and including termination of employment. In addition, unlawful use of a controlled substance during a break period or reporting to work under the influence of a controlled substance is prohibited.

Alcohol:
The unauthorized use of alcohol by an employee on duty or while wearing the District's uniform is prohibited, and such conduct may result in disciplinary action up to and including termination of employment. In addition, consuming alcohol during a break period, while on shift, or reporting for work under the influence of alcohol is prohibited.

Cannabis:
The use of cannabis by an employee on duty or while wearing the District's uniform is prohibited, and such conduct may result in disciplinary action up to and including termination of employment. In addition, use of cannabis during a break period, while on shift, or reporting for work under the influence of cannabis is prohibited.

Violation of Policy:
The District is committed to providing reasonable accommodations to those employees whose drug or alcohol use is classified as a disability under federal and state law.

Any violation of this policy by an employee may result in requiring such employee to participate satisfactorily in a substance abuse assistance or rehabilitation program approved for such purposes, either in addition or as an alternative to disciplinary action. The employee shall bear the costs of the rehabilitation program and shall be entitled to use of any applicable paid time off, extended illness bank and/or medical leave benefits necessary for program participation. If any employee refuses to enroll in and complete such rehabilitation program, the employee may be disciplined (including termination) for the policy violation.

Upon reasonable suspicion that an employee is under the influence of a controlled substance, alcohol, and/or cannabis, the District may request that an employee be tested. The employee shall be informed that any refusal to cooperate with the administration of the test will be considered insubordination and a violation of this policy, and will result in discipline up to and including termination.

In the event that an employee is injured while on the job and it is discovered that the employee was under the influence of a controlled substance, alcohol, and/or cannabis during the time of the injury, the employee will not be eligible for Workers' Compensation Benefits.

Reporting by Employee:
As a condition of employment, employees must abide by the terms of this policy and must notify the General Manager in writing of any conviction of a violation of a criminal drug statute or driving under the influence no later than five calendar days after such

conviction. Failure by an employee to notify the General Manager of such a conviction will result in disciplinary action, up to and including termination of employment.

In the event that the District is participating in federal and/or state funding programs, the General Manager will notify the federal and/or state granting agency(ies) within ten (10) days after receiving such notice of conviction.

Any employee who voluntarily reports that they are experiencing a substance abuse problem will be encouraged by Management to seek professional help for the problem. An employee requesting an accommodation or leave for treatment shall contact human resources. A self-report in itself, shall not be the basis of any disciplinary action.

Return to service may be conditioned on the successful completion of a substance abuse treatment or rehabilitation program and periodic drug and/or alcohol testing, to the extent permitted by law.

Supervisors' Responsibilities:

District supervisors are expected to monitor the workplace for employees who exhibit impaired job performance or behavior that may be subject to this drug and alcohol-free workplace policy. Supervisors are responsible for appropriate and prompt action regarding an employee who appears to be violating this policy including notifying the General Manager as soon as possible. It is not the supervisor's job to diagnose other employees, but the supervisor should encourage employees to seek assistance and advise them of available resources for getting help. Such resources include the following:

> San Mateo County Alcohol and Other Drug Services Prevention Program, (650)-802-6400) (800) 686-0101
>
> Substance Abuse and Mental Health Services Administration (SAMHSA) (800)-662-HELP (4357)
>
> District sponsored Employee Assistance Program Holman Life Solutions at www.HolmanGroup.com or (800) 321-2843.

In order for supervisors to be able to carry out their responsibilities, they must be capable of recognizing an "at risk" employee, without over-reacting to unfounded suspicions of drug or alcohol use that would infringe on an employee's rights of privacy and confidentiality. The District will ensure that supervisors receive adequate training to enable them to carry out this responsibility including understanding what constitutes "reasonable suspicion".

"Reasonable suspicion" must be based on specific, contemporaneous, articulable observations (seen, heard, smelled) concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion is not based on conjecture or assumption, a feeling or guess based on intuition rather than known facts, or solely on the report of others. Reasonable suspicion for employee drug testing observed facts and behaviors may include:

a) abnormal conduct or erratic behavior;
b) observed alcohol or drug use on the job during employee work hours, break periods, or while in uniform;
c) observed use of drugs on the job during employee work hours, break periods, or while in uniform;
d) an incoherent mental state or apparent physical state of impairment that limits the performance of required duties;
e) deteriorating work performance without other explanation;
f) accidents or other actions that provide reasonable suspicion the employee may be under the influence of drugs and/or alcohol on the job.

When a supervisor has reasonable suspicion that an employee is intoxicated or under the influence of drugs and/or alcohol while on duty or at a District work site, the supervisor may prevent the employee from engaging in further work, remove the employee from the workplace, or consult with another supervisor or the General Manager to confirm their suspicions, and then take appropriate action, or may request authorization from the General Manager to request the employee to be tested for alcohol or drug usage. The employee shall be informed that a union representative or shop steward could be notified, at the employee's request. Supervisors in conjunction with human resources and the General Manager will contact the appropriate law enforcement agency(s) when physical harm and/or property damage has occurred or is imminent. Human resources will provide support and coordination for any disciplinary action needed.

A supervisor who has requested authorization to test an employee must immediately prepare written, confidential documentation of the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs. Written documentation supporting requests for employee testing as well as the results of such tests will be contained in a separate confidential file kept under the control of the General Manager. The reports of test results shall be disclosed to the tested employee upon request.

All testing will be conducted, evaluated, and used in accordance with Government Code 12954.

Exceptions:

Employees attending conference or training where alcohol is served may consume alcohol in moderation. Intoxication resulting in unprofessional behavior at such events is prohibited. Violation may be subject to disciplinary action.

Employees who, for a bona fide medical reason, take medication classified as a controlled substance shall not be disciplined for such use, provided that (1) the medication was prescribed to the employee by a health care provider licensed to prescribe that medication; (2) the medication is being taken to treat the condition for which it was prescribed for the employee; and (3) the medication is being taken in the manner and dosage, and for the specific time period, for which it was prescribed for the employee.

However, employees taking controlled substances that may impair their performance or judgment, or cause a safety risk, must inform the District. The employee should not disclose the medical condition for which the medication is taken. The District will follow all applicable laws, including the Americans with Disabilities Act and Fair Employment and Housing Act, to engage with the employee and the employee's physician to determine whether it is possible for the employee to safely and effectively perform work for the District while using such medication.

Non-Discrimination:
This policy is non-discriminatory and applies equally to all employees of the San Mateo County Harbor District. This policy shall be interpreted to comply with Government Code section 12954.

Legal References:
1. Federal Drug-Free Workplace Act of 1988
https://www.govinfo.gov/content/pkg/USCODE-2011-title21/html/USCODE-2011-title21-chap13-subchapI-partB.htm
2. California Drug-free Workplace Act of 1990 (Section 8350-8357 of the California Government Code)
https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=GOV&division=1.&title=2.&part=&chapter=5.5.&article=1.&goUp=Y
3. California Labor Code Section 3600
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=LAB&division=4.&title=&part=1.&chapter=3.&article=
4. California Health and Safety Code Section 11053-11059
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=10.&title=&part=&chapter=2.&article=
4. Occupational Safety and Health Administration (OSHA) Regulations.

ACKNOWLEDGEMENT OF RECEIPT
AND UNDERSTANDING OF SAN MATEO COUNTY HARBOR DISTRICT POLICY ON DRUG AND ALCOHOL-FREE WORKPLACE

By my signature, I acknowledge that I have received and have read the San Mateo County Harbor District Drug and Alcohol-Free Workplace Policy, have had any questions about its meaning clarified, and agree to comply with it as a condition of employment. I further understand that this completed form will become a permanent part of my personnel file.

_____ _____
Date Name (Please Print)

_____
Name (Signature)