

PERSONNEL MANUAL
TAB 16
EMPLOYEE CONDUCT/BEHAVIOR EXPECTATIONS

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**STANISLAUS COUNTY
PERSONNEL MANUAL
EMPLOYEE CONDUCT/BEHAVIOR EXPECTATIONS
ORDINANCES**

3.08.010 Employees Subject to Standards

Employees of the County who are subject to the Local Agency Personnel Standards as contained in the California Administrative Code, shall have such rights and privileges as may from time to time be set forth in this title. (Prior code § 2-223(a)).

3.08.020 Rules and Regulations Compliance

All County employees shall hold their positions subject to such rules and regulations which may be established by Resolution of the Board of Supervisors. (Prior code § 2-223(b)).

3.08.250 Employment of Relatives—Nepotism

Except as to persons already employed on the effective date of this section, no person related to a full-time elected or appointed County officer, employee or contract employee by blood or marriage to the third degree of relationship shall be appointed or transferred into a department employing such relative in a direct conflict of interest position. For the purpose of this section, a direct conflict of interest shall mean a situation in which the employee of the relative would be in a position to affect the terms and conditions of one another's employment, including making decisions about work assignments, compensation, discipline, advancement or performance evaluation. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.13).

Note: The above-referenced provision also applies to personal service contracts and extra-help employees.

3.32.110 Failure to Perform Duties

Except when on authorized leave, any employee who fails to report for duty and work during the officially established work hours and days of his employment, and any employee who participates in a work stoppage against the County, shall be considered to have committed an act or acts which shall be grounds for dismissal from County service. (Prior code § 2-203(k)).

3.20.130 Other County Employment

A. No person employed in a full-time position shall be permitted to work for compensation for the County in any capacity other than his regular position. Exceptions hereto may be authorized by Resolution of the Board of Supervisors upon a finding that the public interest requires employment of a County employee for the rendering of a special service or services and the payment of compensation therefor.

- B. A person employed in a part-time position may work for compensation for the County in another capacity provided the total time for such position does not require more time than required for full-time position established for such type of work.
- C. Notwithstanding the provisions of Subsection A of this section, a person employed in a full-time position shall be permitted to receive compensation from the County for providing foster care to a child duly placed with such person by an agency of the County. (Prior code § 2-216).

3.36.040 County Employment During Vacation

No person shall be permitted to work for compensation for the County in any capacity during the time of his or her paid vacation from County service, provided however, that there shall be an exception for Election Day service as a poll worker or precinct inspector, as follows:

A County employee may work for compensation in the form of the applicable statutory stipend and mileage allowance from the Registrar of Voters whenever that employee voluntarily utilizes regular days off, department-approved vacation time or department-approved compensatory time off to serve as, or attend training to serve as, an Election Day poll worker or precinct inspector. (Ordinance 857, § 2003; Ordinance CS 598 § 5(part), 1995).

3.08.030 Legal Services by County Employees

- A. The County Counsel, District Attorney, and Public Defender, and such other attorneys as may be employed full time in their respective offices, shall devote full time to their official duties and may not engage in the private practice of law, except that they may represent themselves, their relatives and members of their families in probate proceedings and other unprotected legal matters, without fee, with deduction of time devoted thereto from accrued vacation time.
- B. The County Counsel shall act as attorney for the Public Administrator in all estates in which he is executor, administrator with the will annexed or administrator. In such matters the County Counsel shall collect the attorney's fees allowed by law and pay them into the County Treasury. (Prior code § 2-223(c)).

Outside County Employment (Moonlighting)—Personnel Policy

Employees should review any outside employment or business endeavors with his/her supervisor to ensure there are no conflicts with County employment. There are specific outside County employment policies for law enforcement and attorneys. Please refer to the Conflict of Interest Policy and Code of Ethics located in Tab 16 for guidance.



**STANISLAUS COUNTY
PERSONNEL MANUAL
SMOKING**

SMOKING IN COUNTY FACILITIES

9.53.010 Responsibility of employers

It shall be the responsibility of employers to provide a smoke free workplace for all employees, but employers are not required to incur any expense to make structural or other physical modifications. (Ordinance CS 516 § 2 part), 1993).

SMOKING IN COUNTY VEHICLES

Smoking will be prohibited in all County cars.



**STANISLAUS COUNTY
BOARD OF SUPERVISOR'S RESOLUTION
ADOPTED AUGUST 23, 2005/RESOLUTION # 2005-675
CODE OF ETHICS**

All County officials and personnel shall adhere to the following code to build public trust and ensure equitable treatment for all:

Trustworthiness

- Demonstrate the highest standards of personal integrity, truthfulness, and honesty in all public activities.
- Protect confidential information from inappropriate use.

Respect

- Treat all individuals in a respectful, courteous, and professional manner.
- Respect the County's responsibility to comply with State and Federal regulations.

Responsibility

- Uphold the public trust.
- Conduct and perform job duties diligently and promptly.
- Make no promises of any kind which conflict with one's public duty and responsibilities.

Fairness

- Treat others with impartiality and equity and provide or accept no special favors or privileges that may be perceived as influencing the performance of one's duties.
- Impartially apply applicable laws and regulations to everyone.

Caring

- Create and maintain positive relationships.
- Consider the consequences of decisions on those affected by them.
- Strive to find solutions to our customer's issues or problems and offer suggestions for improvement to leadership when appropriate.

Citizenship

- Make decisions that benefit the public interest.
- Engage only in activities that are consistent with the performance of one's duties.
- Comply with all laws and regulations applicable to the county.



**STANISLAUS COUNTY
BOARD OF SUPERVISOR'S RESOLUTION
ADOPTED OCTOBER 22, 1991/RESOLUTION # 91-1449
GIFT POLICY**

**ACCEPTANCE OF GIFTS
AND
OTHER TOKENS OF APPRECIATION BY COUNTY EMPLOYEES**

California Penal Code Section 70 makes it a misdemeanor for any public employee or officer to receive any gratuity or reward or promise thereof for doing an official act. California Government Code Section 87300 and the County Personnel Policies Manual set forth the provisions by which every County department establishes a conflict of interest code. **This code designates certain County employees occupying decision-making positions who must annually report gifts received if valued at \$50 or more.** An important rule to keep in mind is, when there are questions, seek advice, and, when in doubt, do not accept the gift and/or provide full disclosure as appropriate.

The following guidelines describe Stanislaus County policy regarding acceptance of gifts and other tokens of appreciation by County employees or agents of the County not formally designated in their department's conflict of interest code. These guidelines set forth the acceptable courses of action to take when such gifts are received from members of the public. Gift giving between and/or among County employees is regarded as acceptable and not a topic of concern in this document.

"County Employee" is defined as a person officially occupying a position with the County. This includes all probationary, permanent, full-time, or part-time employees or extra-help employees and others who are considered "agents" of the County as defined by contract between the individual and the County.

A. Basic Tenet:

Avoid any appearance of impropriety and any act which appears improper even though it may not be illegal, i.e., neither seek nor accept directly or indirectly favor for performing duties as an employee.

1. **Do not discriminate** in the provision of services to the public. This means not receiving gifts or other tokens of appreciation in connection with services rendered in the performance of duties for which they are already paid and not bestowing special favors upon any member of the public in return for gifts or gratuities.
2. **Do not solicit any gift or accept or receive any gift** whether it be money, services, loan, travel, entertainment, hospitality, promises, or any other form under circumstances where it can be reasonably inferred or expected that the gift was intended to influence in the

performance of official duties or the gift is intended to serve as a reward for official action on the part of the employee.

3. **Do not receive economic advantage or discount** not available to all County employees. Examples of these occurrences include but are not limited to free or reduced admission to places of amusement or sporting events.

B. Basic Tenet:

Recognize the problem in advance; intervene immediately.

Recognizing that on some occasions, especially at Christmas or other holiday times, gifts such as candy, fruit, plants, or other tokens of appreciation are given to employees or departments, the purpose of this document is to standardize County employee behavior when such gifts are received. Responsibility for implementation of the guidelines herein lies at the department level.

C. Basic tenet:

When the cumulative value of gifts received is \$50 or more, reporting is required under the Fair Political Practices Commission's rules and regulations.

Gifts of \$50 or greater individual retail value (or, if several smaller gifts, \$50 cumulative value) must be reported on an annual basis following the provisions set forth in the Conflict of Interest Code.

D. Basic tenet:

Use the departmental chain of command to remove any appearance of impropriety.

1. If, during the course of his/her official duties, a County employee receives a gift directed personally to him/her or to his/her department, he/she is obligated to report receipt of the gift to the immediate supervisor. When in doubt about the acceptability of a particular gift, the employee should advise his/her immediate supervisor of the situation and allow the supervisor to make the appropriate decision using a standard of reasonable care and judgment.
2. It is Stanislaus County policy that, with the exception of alcoholic beverages, if a gift such as candy is opened and made available for all department employees to share, the action is acceptable. If the same gift, however, is taken home for an employee's singular benefit, the action is unacceptable. If the item is alcoholic in nature, nonperishable, or impossible to divide among employees for some reason, the recommended course of action, at the discretion of the Department Head, is to donate the item to a local charity or return the gift to the donor with a note of thanks. In this manner, no one employee benefits from receipt of the gift.

E. Basic tenet:

Be courteous; explain the gift policy in positive terms if asked.

If members of the public bestow gifts upon County employees or inquire about the County's policy as to acceptance of such gifts, be courteous in your explanation of the policy. If a gift is deemed by a Department Head to be unacceptable and, therefore, returned to the giver, the accompanying note of thanks should be brief, concise, and polite so as not to offend the giver or create a negative impression of County employees.



**STANISLAUS COUNTY
BOARD OF SUPERVISOR'S RESOLUTION
ADOPTED OCTOBER 22, 1991/RESOLUTION # 91-1449
CONFLICT OF INTEREST POLICY**

POLICY STATEMENT

In addition to any Federal or State conflict of interest requirements which may apply, no member of any board, commission, or committee shall make, participate in making, or in any way attempt to use their position to influence a decision in which he or she knows or has reason to know he or she has a financial interest. In all such cases, the affected member shall disclose their interest in the records of the board, commission, or committee and shall refrain from participating in all discussions and votes concerning the matter in which they have a financial interest.

The purpose of this policy is not only to avoid actual improprieties but also the appearance of possible improprieties. Therefore, it is the policy of the Board of Supervisors that any doubts as to whether a member should refrain from participating in a particular matter should be resolved in favor of nonparticipation.

MANAGEMENT RESPONSIBILITY

The Clerk of the Board shall provide all appointees to the County commissions, committees, and boards with copies of the Board's Conflict of Interest Policy.



**STANISLAUS COUNTY
EMPLOYEE CONDUCT/BEHAVIOR EXPECTATIONS
FEBRUARY 2, 2000
INTERNET AND E-MAIL POLICY**

PURPOSE

The purpose of the County's technology-based systems is to share information and computing resources, and improve the way service is provided to the public. As modern technology provides connectivity, the actions of one person can impact the integrity and security of a telecommunications network used by many. Any employee given the privilege of using Stanislaus County's computing and information resources is expected to act in a responsible manner by complying with all policies, relevant laws, and contractual agreements related to computers, networks, software, computer information and data to which an employee has access.

COMPUTER INFORMATION

All computer information, including e-mail, created or received utilizing County computing resources is the property of the County. Subject to applicable legal privileges and confidentiality requirements, all computer information entered or received on County computers, including e-mail, is public and is subject to disclosure upon the demand of the County at any time. The physical location of the computer does not alter this policy. Unauthorized printing or tampering with computer information is not allowed. (i.e.: changing data in a central data base without authorization)

CONFIDENTIALITY/PRIVACY

There is no right to privacy in any information created or received on any County computer or through any County computing resource. This includes any and all e-mails sent to and from an employee, any Internet Websites the employee has accessed, or any information created, sent to or stored on any County computer or system. The County has the right to monitor the computer use of its employees, to read or download any information or e-mails which any employee has accessed, created, stored or downloaded, and will take the appropriate disciplinary action for any misuse. This includes the County Network system as well as the employee's own personal drive at his/her own workstation, and any private e-mails which are accessed through the County's Internet system (AOL Mail, Yahoo Mail, etc.).

Since network access and use are to be used for County business, employees shall have no right or expectation of privacy in any Internet or e-mail activity using County equipment or networks. This includes Internet or e-mail activity that occurs after business hours. The County has software and systems that monitor and record all Internet and e-mail usage. Each World Wide Web site visit, newsgroup or e-mail message and each file transfer into and out of our internal networks is recorded. Department Heads, management, supervisors, Management Informations Systems, the CEO's office and County Counsel have the right to review any Internet or e-mail activity of any employee at any time for any reason. The County reserves the right to inspect

any and all files stored in private areas of the network or a computer system in order to assure compliance with this policy.

NETWORK USE POLICIES

"Network" refers to the connection of a computer workstation to a server or any other computer system through a local or wide area network. This policy applies to all Internet, Intranet, e-mail, file transfers (FTP), web browsers, word processors, spreadsheets or other software that can use networks to communicate.

ACCEPTABLE USES OF NETWORKS/COMPUTER SYSTEMS

Stanislaus County network access and use of computers are intended to be used to conduct County business. Employees are encouraged to use technical resources as an efficient and effective business tool.

Networks and computers must be used in a manner that does not jeopardize security, confidentiality, or place the County in a litigious position as a result of breaking any local; state or federal law pursuant to privacy, public record, or copyright.

UNACCEPTABLE USES OF THE NETWORK/COMPUTER SYSTEMS

County network access or individual computer usage may not be used for transmitting, retrieving, receiving or storing of any communications of a discriminatory or harassing nature or materials that are perceived as being obscene. Harassment of any kind is prohibited by County policy. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language will be transmitted through the County's network system. Electronic media may not be used for any other purpose that is illegal, against County policy, causes discredit to the employee's department or the County, or is contrary to the County's best interest.

Computers and computer networks shall be used only for authorized County business. It is unacceptable for employees to use networks for personal gain or profit, or for personal reasons that would result in depleting resources, impeding the organization's ability to conduct business, or cause any interruption or delay in service to the public.

NETWORK/COMPUTER COMMUNICATION

Each employee is responsible for the content of all text, audio or images that they place or send over the County's network system, or which appear on their computer (including screensavers). No electronic communication may be sent which hides the identity of the sender or represents the sender as someone else, unless authorized by departmental directive. All messages communicated on the County's network system shall contain the employee's name. Any messages or information sent by an employee are statements that reflect on the County. All

communications sent by employees via the County's network system must comply with this and other County policies and may not disclose any confidential or proprietary County information.

SOFTWARE DOWNLOADS

To protect the integrity of the network, downloading of software from anywhere on the network, including the Internet is limited to software that has been purchased by the County department or has been approved for downloading by the departmental network administrator. No employee may bring software from home or outside of authorized County purchases and install it on his/her computer even if only installed on the personal drive, without first having received permission from his/her manager or Department Head.

COPYRIGHT ISSUES

All employees obtaining access to copyrighted materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except where expressly allowed by the copyright law or with expressed written permission from the right owner.

SECURITY

County networks with access to the Internet must be protected by a firewall approved by County Management Information Services. Employees must abide County policies or any applicable local, State or Federal laws. Management Information Services routinely monitors usage patterns for its network communications for purposes of cost analysis, allocation, and managing the County's gateway to the Internet.

DEPARTMENT HEAD RESPONSIBILITIES

Department heads have the responsibility for insuring that employees in their respective departments comply with County policies regarding Internet and e-mail.

EMPLOYEE RESPONSIBILITIES

All employees have a responsibility to understand and comply with this policy. Employees and supervisors are to apply common sense and reasonable judgment in a consistent and non-discriminatory way when interpreting this policy.

VIOLATION

An employee who violates this policy may be subject to the appropriate disciplinary action which may include suspension, demotion or termination from County employment. In addition, any employee found to have violated this policy may have his/her access to the Internet and e-mail limited or revoked completely.



**STANISLAUS COUNTY
BOARD OF SUPERVISOR'S RESOLUTION
APPROVED AUGUST 19, 2003/ RESOLUTION # 2003-799
TELECOMMUNICATIONS POLICY**

TELECOM POLICY

It is the policy of Stanislaus County that phones (desk phones and mobile phones) will be used to provide services to the County's customers and for internal efficiency. This policy applies to all staff, including contract employees, volunteers and all those working in any capacity for the County. Departments shall issue and manage all phones cost effectively and efficiently, ensuring that inventories, landlines and billing are aligned with staffing changes and usage. Staff are expected to adhere to departmental and County policies regarding phone use and shall acknowledge an understanding of these policies on the appropriate form prior to the actual assignment of any phone.

PURPOSE

Phones may be assigned to designated staff to conduct County business and shall be utilized according to County policy. Phones are tools to increase effectiveness, efficiency and access for customers, reducing response time, as well as improving communications within the County. Contractors will only be assigned County phones as part of their contract, under the County telecom policy.

TYPES OF PHONES AND PLANS

It is County policy that each employee should have access to a phone, whether a desk phone or a mobile phone, unless there is a specific reason, approved by the Department Head, to have both. Before selecting a mobile plan, it will be essential to establish actual usage based on experience and estimated job requirements for the individual employee. It is recommended that the least expensive plan (lowest amount of minutes) closest to the identified usage be selected. Care should be exercised when choosing a plan, to ensure it is not too low, as the extra additional minutes are costly. Usage can be monitored through review of the monthly bill or the mobile phone itself to determine if a higher cost/higher usage plan is needed.

The following guidelines have been created to assist in determining what option is the most efficient for each employee. Clearly, the most cost effective device and plan shall be selected, to meet individual staff requirements to communicate with customers (both internal and external).

DESK PHONE

Cost effective when staff stays at their desk most of the time and has no need for a mobile phone due to their assignment. As contact with staff can only be made when they are at their desk, be aware of the business impact of not being able to reach them if they are away from their desk for long periods.

MOBILE PHONE

Cost effective when staff is away from their desk working with clients, travelling, or their job function requires mobile access. If this option is selected, this should be their only phone. Various approved vendors offer options for either local coverage or for a wider roaming area. The Mobile Phone Requisition is designed to determine the most appropriate plan for the specific needs of the individual staff.

GUIDELINES FOR THE SELECTION OF MOBILE PHONE AND PLANS

The County has worked diligently to select vendors that will provide the high level of customer service required by the County on a cost-effective basis. As a result of these efforts, the vendors on the “Vendor Selection Chart and Guidelines” have signed contracts with the County and now each department can select the plan most appropriate to their needs.

A number of the older plans currently in place are very cost effective and should be retained, unless the vendors increase the cost.

Before switching any plans, an assessment shall be made of any penalties or additional costs to determine if the switch is cost effective.

PERSONAL USAGE

The County owns the phone, the rates and the contracts, which results in staff being liable for improper personal usage.

County policy does provide for limited brief personal calls by staff to their homes to check on minor children, notifying family of the need to work late and scheduling a doctor and dentist appointment. Use for family emergencies and security will be allowed, but if the emergency is ongoing, it is expected that staff make departmental leadership aware of the situation. Be aware that this also applies to incoming personal calls, regardless of billing. For staff that exceeds the brief personal calls outlined above, other arrangements must be made separate from the County.

For staff who expect to exceed this limited personal use, other arrangements must be made separate from the County. This personal usage policy applies to desk phones as well as mobile phones.

Phone plans must be selected based only on the County’s needs. If the minutes on the plan are exceeded and there is unreasonable personal use identified, the employee assigned to the phone will be held responsible to reimburse the County for personal calls and the employee may be subject to disciplinary action.

If staff decide they want to have a second line on their County phone for personal use, billing on this line must be directed to their residence. Staff must ensure they do not accidentally use the County line for personal calls (and vice versa).

If the needs of the County require the unlimited minutes plan and if the staff member is required to be accessible after hours, staff may use the phone after hours for County business and for the limited personal use as defined in this policy. It will be important to ensure the County minutes plan is not exceeded.

Inappropriate use of County phones constitutes grounds for discipline under Stanislaus County Code Section 3.28.010. Inappropriate use includes unauthorized, non-business use of phones and misuse of County paid time in the conduct of such calls. It also includes unauthorized long-distance personal calls and/or loss of staff productivity because of ongoing, repeated incoming and outgoing personal telephone calls.

Department heads have the authority and the responsibility to identify inappropriate personal use of County phones in accordance with this policy and to take appropriate action if a violation occurs. This policy applies equally to County desk phones, mobile phones, two way radios and pagers and must be applied in a consistent manner. Staff should be free to use County phones for County business any time.

USE ON VACATION

Unless specifically approved (on the Mobile Phone Requisition), staff shall not use the County mobile phone line while on vacation. The only use for carrying a County mobile phone while on vacation will be for the specific purpose of County business, or if staff have the separate personal line.

MOBILE PHONE ETIQUETTE

Mobile phones should be turned off or set to vibrate mode during meetings, with rare exception, as it is not considerate of meeting attendees to take a call during a meeting. It is also an inefficient business practice. All interruptions should be kept to a minimum whenever possible. Unless staff duties require access at all times, phones should be answered during normal business hours, the exception being during breaks and lunches. Voice messages should be checked immediately upon return from a break, lunch or meeting.

The mobile phone ring should be set at an appropriate level, to avoid disturbing co-workers.

USE IN A VEHICLE

If you are on County business and driving a vehicle, mobile phone usage must be limited and must not compromise your driving ability and safety, (including the safety of those around you). It is expected that staff will pull over and stop the vehicle if the phone call will compromise safety. All staff must comply with State law.

USE OF MOBILE PHONES WHILE TRAVELLING ON COUNTY BUSINESS

Refer to the Travel Policy, Tab 17, Page 26—Exception.

REPLACEMENT POLICY

A County issued phone is considered to be County property and as such shall be treated with great care. It is understood that events may occur in which a phone becomes damaged. It is County policy that in the event that a County phone is damaged and must be replaced the individual may be held responsible for replacement cost if determined to be caused by negligent care or improper handling by staff. This will be a Department Head decision.

Some replacement costs have been built into the contracts and will be taken into consideration when applying the above policy.

TYPE OF PHONE

A number of standard models of mobile phones will be made available as part of the contracts and at no cost to the County, for use by County staff. Business requirements may dictate additional options or phone specifications, to be approved by the Department Head. County sourced phones remain the property of the County.

BUSINESS CARDS

It is recommended that all business cards list a phone number where calls can be routed for reception, but allow for an individual's mobile number if desired.

FORWARDING CALLS

Reception staff receiving calls will, as always, need to use judgement when deciding what steps to take when a call is received. The following general process is suggested for both desk and mobile phones, at the staff member's discretion, unless it is an emergency:

1. Notify caller prior to transferring that he or she may reach a voicemail;
2. Transfer call if caller doesn't mind leaving a voicemail if recipient isn't available; and/or
3. If caller would prefer to leave a message with reception, e-mail message to recipient.

MANAGEMENT RESPONSIBILITIES

Each department will identify a telecommunications coordinator, responsible to the Department Head, to act as liaison with the vendors as well as to ensure billing accuracy, that inventory is well managed and surplus lines are disconnected. This role may only require a few hours a month for a small department.



**STANISLAUS COUNTY
EMPLOYEE CONDUCT/BEHAVIOR EXPECTATIONS
NOVEMBER 2, 1998
HARASSMENT POLICY**

PURPOSE

It is the intention of this Policy to prohibit, eliminate and prevent unlawful harassment and its effects in the workplace. To do this, the County, through this Policy, will define unlawful harassment, and will set forth a procedure for filing, investigating and resolving **internal** complaints of unlawful harassment.

Stanislaus County is proud of its tradition of a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere, which promotes equal opportunities and prohibits discriminatory practices. **AT STANISLAUS COUNTY, HARASSMENT, WHETHER VERBAL, PHYSICAL OR ENVIRONMENTAL, IS UNACCEPTABLE AND WILL NOT BE TOLERATED.**

A. Policy:

Harassment of an applicant or employee by a supervisor, management employee, elected official, contract employee, volunteer, or co-worker on the basis of race, religion, sex, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation is not acceptable and will not be tolerated.

This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training.

Disciplinary action up to, and including, termination will be instituted for behavior described in the definition of harassment set forth below.

Any retaliation against a person for filing a harassment charge or making a harassment complaint is prohibited. Employees (supervisors, co-workers and management) found to be retaliating against another employee shall be subject to disciplinary action up to, and including, termination.

B. Definition:

Harassment includes, but is not limited to:

- Speech such as epithets, derogatory comments or slurs and lewd propositioning on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This includes inappropriate sex-oriented comments on appearance, including dress or physical features, or race-oriented stories and jokes.

- Physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement when directed at an individual on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied on-the-job threats or promises in return for submission to physical acts.
- Visual insults, such as derogatory posters, cartoons or drawings related to race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation.
- Unwanted sexual advances, requests for sexual favors, and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions affecting such individual, or where submission to or rejection of the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive work environment.
- **It is no defense to a claim of harassment that the alleged harasser did not intent to harass.**

COMPLAINT PROCEDURE

While Stanislaus County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, Stanislaus County also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a harassment complaint.

- A. An employee, job applicant, or person seeking County services who believes he or she has been harassed may make a complaint orally or in writing with any of the following:
 1. Immediate supervisor;
 2. Any supervisor or manager within or outside the department;
 3. Department Head;
 4. Departmental Equal Rights Officer; or
 5. Director of Personnel or County Equal Rights Officer.

In addition, the County's Equal Employment Opportunity Grievance Procedure is available to applicants or employees who wish to file complaints concerning sexual harassment. This procedure is found in both the County's Affirmative Action Program Plan and the Personnel Policies Manual which have been distributed to all County departments, and which are available for review to all employees and applicants. Applicants or employees may also file a complaint with a government agency such as the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission.

- B. Aggrieved persons should first consider resolving their concerns at the supervisory-managerial level. If this is not possible, they should then contact their Departmental Equal Rights Officer within thirty (30) days of learning such discriminatory act or decision. After receiving the complaint, the Departmental Equal Rights Officer shall, within thirty (30) days, consult with the aggrieved person, advise the person of his or her civil rights, make necessary inquiries in an effort to resolve the complaint, and counsel the aggrieved person on issues of the case as necessary.
- C. If the complaint is not resolved at the departmental level, the aggrieved person shall then be notified of his or her right to appeal to the County Equal Rights Officer.
- D. Upon receiving notification of a harassment complaint, the Chief Executive Officer/Director of Personnel or the County Equal Rights Officer shall:
 - 1. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation shall include interviews with: (a) the complainant; (b) the accused harasser [the right to have a representative present will be given to those covered employees as disciplinary action could result from the investigation]; and, (c) any other persons the Chief Executive Officer/Director of Personnel or Equal Rights Officer has reason to believe have relevant knowledge concerning the complaint. This may include victims of similar conduct.

If the accused harasser is a public safety officer, the investigation will be in accordance with the Peace Officer Bill of Rights.

- 2. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.
- 3. Report the results of the investigation and the determination as to whether harassment occurred to appropriate persons, including the complainant, the alleged harasser, the supervisor, and the Department Head. If discipline is imposed, the discipline will not be communicated to the complainant.
- 4. If the harassment occurred, take and/or recommend to the appointing authority prompt and effective remedial action against the harasser. **The action will be commensurate with the severity of the offense, taking into account the County's zero-tolerance policy toward unlawful harassment behavior.**
- 5. Take reasonable steps to protect the complainant from further harassment.
- 6. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

- E. For complaint tracking purposes, any supervisor, Department Head or Departmental Equal Rights Officer who receives a harassment complaint should notify the Chief Executive Officer/Director of Personnel or County Equal Rights Officer.

APPLICATION

This Policy applies to all employees of Stanislaus County, including contract employees, supervisory employees, department heads, and elected officials. All employees shall receive a copy of this Policy and shall sign a written acknowledgment that they have received and read a copy of the anti-harassment policy. A copy of this acknowledgment shall be placed in the employee's official personnel file.

CONCLUSION

Stanislaus County has developed this Policy to ensure that all its employees can work in an environment free from harassment. Stanislaus County will make every effort to ensure that all personnel are familiar with the Policy and know that any complaint received will be thoroughly investigated and appropriately resolved.



**STANISLAUS COUNTY
BOARD OF SUPERVISORS RESOLUTION
ADOPTED APRIL 8, 2003/RESOLUTION #2003-320
HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY—HIPAA**

PURPOSE

Stanislaus County provides many health related services and is committed to safeguarding patients' privacy. The County is dedicated to raising the awareness of the importance of ensuring health privacy, in order to improve health care quality and access on both an individual and a community level.

POLICY

Stanislaus County recognizes the responsibility to respect and protect the privacy rights of health information and will comply with all HIPAA provisions. These standards apply to all individuals and County employees who have access to, use, or disclose protected health information regardless of unit or division. Each covered component is responsible for developing and implementing policies and procedures specific to their department but consistent with Countywide policies. Each internal business associate as defined by the County is responsible for developing and implementing confidentiality policies and procedures specific to their department and the services they perform.

PROVISIONS

1. Protect health insurance coverage for workers and their families when changing jobs, this is "**portability.**"
2. Protect the **privacy** of Protected Health Information (PHI). The **Privacy Rule** sets standards for how protected health information should be controlled, by setting forth what uses and disclosures are authorized or required and what rights patients have with respect to their health information. The Privacy Rule prohibits the sharing of Individually Identifiable Health Information (IIHI) without a patient's permission unless the purpose of the disclosure is permitted by regulation—such as for treatment, payment or health care operations.
3. Establish **code sets**—national standards for the electronic transmission of health information. The health care industry will speak one common "language" when transmitting claim submissions and remittance advice.
4. Establish standards for the **security** of protected health information. The regulations require the adoption of administrative, physical and technical safeguards. The County will protect the integrity, confidentiality and availability of electronic protected health information from unauthorized access, alteration, deletion, or transmission. The compliance deadline for the Security Rule is April 21, 2005.



**STANISLAUS COUNTY
EMPLOYEE CONDUCT/BEHAVIOR EXPECTATIONS
SEPTEMBER 5, 1997
LANGUAGE POLICY**

The County seeks to develop a workforce that reflects the cultural and ethnic make up of the community we serve. This is Board policy and is reflected in our hiring, promotions and retention of employees. It makes for good customer service and allows the County as an Institution to better understand all parts of our community.

Federal, State and County policy provides that employees shall not be prohibited from speaking languages other than English on the job unless it can clearly be shown that a “business necessity” exists for prohibiting language other than English. When a “business necessity” does exist, all affected employees will be immediately notified and expected to comply with the language requirements.

English is not the first language for many County employees. For some employees we seek your primary or secondary language skills and require you to use them in your job. However, the primary business language of Stanislaus County is English unless otherwise directed. This policy should be followed if you are subject to “business necessity” English only on the job.

Government Code 12951

(a) It is an unlawful employment practice for an employer, as defined in subdivision (d) of Section 12926, to adopt or enforce a **policy** that limits or prohibits the use of any **language** in any workplace, unless both of the following conditions exist: (1) The **language** restriction is justified by a business necessity. (2) The employer has notified its employees of the circumstances and the time when the **language** restriction is required to be observed and of the consequences for violating the **language** restriction. (b) For the purposes of this section, "business necessity" means an overriding legitimate business purpose such that the **language** restriction is necessary to the safe and efficient operation of the business, that the **language** restriction effectively fulfills the business purpose it is supposed to serve, and there is no alternative practice to the **language** restriction that would accomplish the business purpose equally well with a lesser discriminatory impact.



**STANISLAUS COUNTY
EMPLOYEE CONDUCT/BEHAVIOR EXPECTATIONS
POLITICAL ACTIVITIES POLICY**

COUNTY POLICY

The rights and legal constraints on political activities by public employees under State and Federal law are summarized below:

For employees whose primary job is in connection with federally funded activities (except revenue sharing). Employees whose primary job is funded with federal monies are also covered by the Hatch Act.

Restrictions which pertain to activities while on duty, to the use of department facilities, and to actions of employees in an official capacity constitute the policy of the department.

For all employees the following are prohibited and permitted activities our legal counsel has interpreted as outlined in Government Code 3201 - 3204.5 and Section 3206 of the Code.

PROHIBITED ACTIVITIES

Under the State law employees may **not** do any of the following:

1. Participate in political activities of any kind while in uniform (This includes official use of a County vehicle with official seal, even parked, that might imply official endorsement).

Example: Sheriff deputies, security guards, and animal services officers may not participate in political activities of any kind while in uniform.

2. Knowingly solicit or receive political funds or contributions from **OTHER OFFICERS OR EMPLOYEES OF THE COUNTY OR FROM PERSONS ON THE EMPLOYMENT LIST** of the County, except:

An officer or employee may solicit or receive political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours to work, retirement, civil service, or other working conditions of the officer or employee. Nothing in this section prohibits an officer or an employee of the County from communicating through the mail or by other means requests for political funds or contributions to a significant segment of the public which may include officers or employee of the County. (Officer or employee home addresses obtained through the regular course and scope of ones duties may not be used for this purpose.)

3. Make, demand or give notice of any political assessment, subscription or contribution within or upon County property, or within or upon premises used for governmental purposes by the County, at any time, unless;

The County property or premises is being used for the conduct of a public or political rally or similar event or the County property, such as a park, street or public land is not being used for the governmental purposes of the County.

4. Use, promise, threaten or attempt to use their County position or official authority to influence the political actions of other County officers or employees or those seeking County employment.

PERMITTED ACTIVITIES

Generally employees **may**:

1. Express their opinions on political subjects and candidates.
2. Become a candidate for nomination or election in any partisan or nonpartisan campaign - national, state, or local.
3. Engage in partisan or nonpartisan political activities as an individual or as a member of a group.
4. Contribute to political campaign funds:
 - A. IF THE CONTRIBUTION IS NOT MADE TO OR THROUGH ANOTHER COUNTY OFFICER OR EMPLOYEE, and
 - B. If the contribution is not made on County property or County premises.
5. Join political organizations and vote on any questions presented.
6. Organize and manage political clubs; serve as officer, delegate or alternate, or as a member of any committee.
7. Participate actively in political conventions.
8. Attend political meetings, rallies, etc. and organize, prepare and conduct such gatherings.
9. Initiate, sign or circulate partisan or nonpartisan nominating petitions, distribute campaign literature, badges, etc.; provided THAT SUCH ACTIVITY DOES NOT TAKE PLACE DURING WORKING HOURS OR WHILE OTHERWISE ON DUTY.
10. Wear campaign badges, clothing, or buttons, provided THAT SUCH ACTIVITY DOES NOT TAKE PLACE DURING WORKING HOURS OR WHILE OTHERWISE ON DUTY. Employees may display bumper stickers, picture or posters on a private automobile or in the window of their home.

11. Speak publicly, or write letters or articles for or against any political candidates; endorse or oppose such candidate in the political advertisement.
12. Manage the campaign of a political candidate.
13. For employees whose primary job is in connection with federally funded activities (except revenue sharing) the following are prohibited and permitted activities as legal counsel has interpreted the Hatch Act.

PROHIBITED ACTIVITIES/ "HATCH ACT" COUNTY EMPLOYEE

YOU MAY NOT:

1. Participate in political activities of any kind while in uniform.
2. Knowingly solicit or receive political funds or contributions from other officers or employees of the County or from persons on the employment list of the County, except:

An officer or employee may solicit or receive political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of the officer or employee. Nothing in this section prohibits an officer or an employee of the County from communicating through the mail or by other means requests for political funds or contributions to a significant segment of the public which may include officers or employee of the County. (Officer or employee home addresses obtained through the regular course and scope of ones duties may not be used for this purpose.)

3. Directly or indirectly coerce, attempt to coerce, command, advise a local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.

This section prohibits a County officer or employee from attempting to influence another County officer or employee to contribute anything of value for political purposes.

4. Make, demand or give notice of any political assessment, subscription or contribution within or upon County property, or within or upon premises used for governmental purposes by the County, at any time, unless:

The County property or premises is being used for the conduct of a public or political rally or similar event or the County property, such as a park, street or public land is not being used for the governmental purposes of the County.

5. Use your official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.

Among other possible restrictions, this would prohibit an officer or employee from using his County title or official stationery in connection with any political campaign, and from attempting to influence anyone's vote by such methods as promising employment or threatening dismissal.

PERMITTED ACTIVITIES/"HATCH ACT" COUNTY EMPLOYEE

YOU MAY:

1. Express your opinions on political subjects and candidates.
2. Become a candidate for nomination or election to any nonpartisan elective office.
3. Engage in partisan or nonpartisan political activities as an individual or as a member of a group.
4. Contribute to political campaign funds:
 - A. IF THE CONTRIBUTION IS NOT MADE TO OR THROUGH ANOTHER COUNTY OFFICER OR EMPLOYEE, and
 - B. If the contribution is not made on County property or County premises.
5. Join political organizations and vote on any questions presented.
6. Organize and manage political clubs; serve as officer, delegate or alternate, or as a member of any committee.
7. Participate actively in political conventions.
8. Attend political meetings, rallies, etc. and organize, prepare and conduct such gatherings.
9. Initiate, sign or circulate partisan or nonpartisan nominating petitions, distribute campaign literature, badges, etc.; provided THAT SUCH ACTIVITY DOES NOT TAKE PLACE DURING WORKING HOURS OR WHILE OTHERWISE ON DUTY.
10. Wear campaign badges, clothing, or buttons, provided THAT SUCH ACTIVITY DOES NOT TAKE PLACE DURING WORKING HOURS OR WHILE OTHERWISE ON DUTY. You may display bumper stickers, pictures or posters on a private automobile or in the window of your home.
11. Speak publicly, or write letters or articles for or against any political candidates; endorse or oppose such candidates in a political advertisement.
12. Manage the campaign of a political candidate.



**STANISLAUS COUNTY
BOARD OF SUPERVISOR'S RESOLUTION
ADOPTED JULY 19, 2005/RESOLUTION # 2005-559
INFORMATION TECHNOLOGY SECURITY POLICY
END USER POLICY**

1. PRECEDENCE

This document does not supercede or override any regulations promulgated by State or federal agencies, such as the requirements mandated by the Department of Justice, that are more stringent or impose additional requirements than this policy.

2. CONTENTS

Non-Compliance
Policy Implementation
Confidentiality/Privacy/Data Ownership
Information Systems Communication
Unacceptable Use
Portable Data
Mobile Users
User Passwords
Software Installation

3. NON-COMPLIANCE

An employee who violates this policy will be subject to the appropriate disciplinary action, which may include suspension, demotion or termination from County employment. An employee found to have violated this policy may have his/her access to the County or departmental computer system, the Internet, the Intranet or the Email system limited or revoked completely.

4. POLICY IMPLEMENTATION

Upon approval of this policy by the Board of Supervisors all County employees will be expected to adhere to this policy as it is written. All employees have a responsibility to read, understand and comply with this policy.

The initial distribution of this policy, to all County employees, shall be through County payroll. It will be each Department's responsibility to ensure that each employee receives and signs the initial policy within thirty (30) days, absent a valid reason (e.g. vacation, leave of absence, etc.).

This policy will apply to all County employees including, but not limited to, regular full-time, part-time, seasonal, temporary, supervisory, management, department heads, volunteers and Personal Service Contractors. This policy will also apply to independent contractors who utilize any County computers or the County computer system.

As this policy may be frequently updated as technology and security threats change, a copy of the latest version of this policy shall be given to each employee during their annual performance appraisal meeting with their supervisor. The supervisor should consider the employee's compliance with this Policy in evaluating the employee's performance. Any changes to this Policy that are of sufficiently significant nature, as determined by the Stanislaus County Security Special Interest Group and approved by the Stanislaus County Board of Supervisors and Department Heads, will require all County employees to re-sign this Policy.

It is the Department's responsibility to ensure that all new Department hires have met the training requirement within 90 days of initial hire date. The Stanislaus County Security Special Interest Group, in conjunction with the CEO's office and SBT, will offer training sessions in regards to this policy. The training classes may be scheduled at the Stanislaus County Safety Fair, department head meetings, annual management meetings, as a session at the new employee orientation classes, or in conjunction with any other already scheduled County class.

5. CONFIDENTIALITY/PRIVACY/DATA OWNERSHIP

- a) Any Internet-related activity, such as web site visits, downloads, chat sessions or web forum postings can and will be tracked and recorded.
- b) The CEO's office and County Counsel, have the right to review any Internet or email activity of any employee at any time for any reason. The Department Heads or their designee, have the right to review any Internet or email activity of any of their employees at any time for any reason. The County reserves the right to inspect any and all files stored in private areas of the County information systems in order to assure compliance with this policy.
- c) All electronic data, including email, created or received utilizing County information systems is the property of the County. Subject to applicable legal privileges and confidentiality requirements, all electronic data entered or received on County information systems is public and is subject to disclosure upon the demand of the County at any time.

6. INFORMATION SYSTEMS COMMUNICATION

- a) Each employee is responsible for the content of all text, audio or images that they place or send over the County's information systems, or which appear on their computer. No

electronic communication may be sent which hides the identity of the sender or represents the sender as someone else unless authorized by the Department Head.

- b) All messages communicated on the County's information systems shall contain the employee's name unless authorized by the Department Head. Any messages or information sent by an employee are statements that reflect on the County.
- c) All communications sent by employees via the County's information systems must comply with this and other County policies and shall not disclose any confidential or proprietary County information without proper authorization.

7. UNACCEPTABLE USE

- a) County information systems access or individual computer usage shall not be used for transmitting, retrieving, receiving or storing of any communications of a discriminatory or harassing nature or materials that are perceived as being obscene. Harassment of any kind is prohibited by County policy.
- b) No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language shall be transmitted through the County's information systems.
- c) Electronic media shall not be used for any other purpose that is illegal, against County policy, causes discredit to the employee's department or the County, or is contrary to the County's best interest.
- d) County computers and information systems shall be used only for authorized County business. It is unacceptable for employees to use County information systems for personal gain or profit, or for personal reasons that would result in depleting resources, impeding the organization's ability to conduct business, or cause any interruption or delay in service to the public. The occasional limited use by County employees to check home email, or access appropriate internet sites during lunch, break or after hours does not constitute inappropriate use in and of itself. Additionally, employees shall only access information systems with which they have authority to do so.

8. PORTABLE DATA

- a) When an individual department has a business need for staff to utilize portable data, specific departmental procedures will be used to insure the highest level of security is attained. When transporting or transmitting County information in portable format (i.e. a floppy or CD) the staff person will be responsible for its security and shall take all reasonable precautions (keep in personal possession, in locked brief cases, et cetera) to insure that it does not fall into unauthorized hands.

- b) Removing electronic data from the work-site is prohibited without proper written authorization. Staff are discouraged from creating or modifying County documents at home on personal computers.

9. MOBILE USERS

- a) County will not, as standard practice, purchase computers, software, software licenses, Internet or phone services or office equipment such as printers, fax machines, calculators, or furniture for staff who work from home (in-home telecommuters). Purchase of such items, as well as consumable supplies, must be at the direction and approval of a Department Head, and shall be in compliance with County budget, purchasing and management information services policies.
- b) Software may in some instances be provided for use on non-County-owned systems when the Department Head approves purchase of the necessary licenses. Virus protection software and Operating System patches shall be maintained and up-to-date on any computers or devices that shall connect in any way to the County information systems.
- c) In addition, the selection, installation, maintenance, repair or replacement of employee-owned equipment and software is the responsibility of the employee. Computer equipment shall have a configuration that is compatible with County's Information Technology (IT) infrastructure.
- d) In the event any County equipment is stolen, or needs replacement, repair or maintenance, County shall be responsible for its replacement, repair or maintenance if the equipment was approved by the Department Head and the telecommuter has provided the proper care and safety of the equipment. If County-owned equipment or property is stolen it is the responsibility of the telecommuter to call the police and obtain a police report number and provide the police report number to the department. If a telecommuter is moving to a new residence and has an existing business telephone line owned by County, the Department must be notified of the move prior to the telecommuter vacating the residence, to ensure the telephone line is disconnected on a timely basis.
- e) In the event of equipment malfunction, the telecommuter shall notify his/her supervisor immediately. If repairs will take some time, the telecommuter shall be asked to report to the main office until the equipment is usable.

10. USER PASSWORDS

- a) Business applications should automatically enforce passwords that reflect this policy. Passwords shall consist of at least 6 characters, mix of alpha (upper and/or lower case), numeric and symbols. Passwords must change at least every 90 days. Old passwords shall not be reused. A centralized method for password resets should be deployed.

- b) Accounts shall be disabled or deleted within 24 hours of staff termination, which includes resignation or retirement and in no event shall accounts remain accessible 72 hours after termination. When staff are reassigned within their department or transfer to another department their information systems privileges shall be modified to reflect their new duties or department. This account modification shall be performed within 24 hours of effective reassignment, and the account modification shall be performed within 72 hours of reassignment.
- c) Users shall not share accounts and passwords. As those who seek unauthorized access might attempt to mislead a workforce member into divulging their password by claiming that they are County Information Technology staff, passwords shall not be given out to any individual.

11. SOFTWARE INSTALLATION

- a) Software shall be installed only by designated departmental technical support staff appointed by the Department Head. Departments shall pre-authorize installation of software by other departmental employees for selected software, such as commonly used Internet browser plug-ins. Under no circumstances shall authorization be given to install unlicensed software on County equipment or allow multiple use of single-user software. Technical support staff shall have the authority to delete unauthorized software (including but not limited to screen savers, toolbars, animated programs, games) when detected. In such cases, the employee's supervisor(s) shall be notified.
- b) Software licensed to the County shall be installed on an employee's personal computer only with authorization from the employee's manager indicating a business need exists and in compliance with software licensing terms. County IT staff shall only install such software on an employee's personal computer, when the Department Head provides prior written approval. In this case, the employee shall bring the P.C. to the County location.
- c) If the PC or laptop does not have the most current version of virus protection software, it shall be installed on the P.C. (or laptop) prior to it being connected to the County network. The owner of the private P.C. is responsible for the cost of this software.
- d) All software acquired by or on behalf of the County or developed by County employees or contract personnel on behalf of the County is and shall be deemed County property. All such software shall be used in compliance with applicable licenses, notices, contracts, and agreements. Employees shall not create, obtain, possess, execute, modify, or distribute any computer programs or material in violation of copyright laws.

12. HARDWARE INSTALLATION

- a) Employees shall not connect any computer hardware, either personally owned or County-owned or network hardware (including, but not limited to, wireless networking hardware) to the Stanislaus County network without Department Head approval.



**STANISLAUS COUNTY
BOARD OF SUPERVISOR'S RESOLUTION
APPROVED SEPTEMBER 13, 2005/RESOLUTION # 2005-718
POLICY REGULATING USE OF COUNTY VEHICLES,
AIRCRAFT AND OTHER TRANSPORTATION EQUIPMENT**

The use of County “vehicles” shall be restricted to official County business and work activities. County “vehicles” include, but are not limited to: vehicles, autos, boats, trucks, aircraft (both fixed and non-fixed wing), motorcycles, all-terrain vehicles and any other equipment capable of transporting people or equipment.

Use of County vehicles for personal business or for any purpose other than County business is prohibited. County vehicles shall not be used for any private or business purpose. County departments with "on-call" employees shall develop regulations governing the use of County vehicles by on-call employees.

Transportation in a County-owned vehicle of any non-County person not engaged in official County business is prohibited unless otherwise expressly permitted by applicable law or department policy, or unless prior specific authorization is given by the Chief Executive Officer or his/her designee.

When County-owned aircraft are utilized for transportation purposes, departments should consider using the most economical means of travel.

The County’s aircraft operated by the Sheriff’s Office shall only be utilized for law enforcement or emergency-related purposes or County governmental purposes with the prior approval from the Chief Executive Officer or his/her designee. County aircraft shall not be used for commercial purposes or the benefit of a private business. Accurate flight records shall be maintained and shall identify passengers by name and shall include the purpose of the flight and the destination unless such information would compromise or interfere with a criminal investigation.

Each County Department Head and Elected Official is responsible for the implementation and enforcement of the provisions of this policy.



**STANISLAUS COUNTY
PROMOTION OF RELIGIOUS BELIEFS
BY COUNTY EMPLOYEES ON THE JOB**

The following personnel regulation is a statement of County policy concerning the promotion of particular religious beliefs by County employees and volunteers to their fellow employees, other volunteers, clients of the department, or the general public. This policy may be augmented by departmental policies relating to specific issues or operations.

It is the policy of the County that employees and volunteers are to maintain a position of "separation of church and state" and neutral non-involvement in matters of individual religious beliefs.

The promotion of particular religious beliefs, concepts, organizations, practices or the dissemination of religious material or information on County time or using County resources is prohibited. Religious items such as bibles, crosses, posters, drawings, pictures, or similar items with religious writings should not be displayed on County property.

This policy is necessary if public employees are to apply the laws and provide the services paid for by the taxpayers to everyone without regard to matters such as religion or creed.

This policy is not intended to abridge in any way an employee's right to practice or maintain his or her own religious beliefs. However, proselytizing employees or promoting one's religion in the workplace is not appropriate.

Notwithstanding the above, please note that through the course and scope of an employee or volunteer's assigned duties, particularly in the custodial facilities or inpatient settings, they may be required to display and distribute religious materials and information as requested by patients or inmates, and/or in accordance with applicable State standards.



**STANISLAUS COUNTY
PERSONNEL MANUAL
DRUG FREE WORKPLACE POLICY**

HISTORY

On April 11, 1988, the Drug Free Workplace Act became Federal Law. After joint negotiations with employee organizations it was adopted and implemented countywide in 1989.

PURPOSE

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While Stanislaus County does not intend to intrude into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. Our concern is that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence and influence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective. For definitional purposes throughout this policy, impair or impairment shall be considered use by an employee of alcohol and/or all substances, drugs, or medication, legal or illegal, which impair an employee's ability, physically and/or mentally to effectively and safely perform the functions and duties of his or her position.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program. The County acknowledges that significant psychological and physical alcohol and drug dependency is an illness, and considered pursuit of treatment by the employee is the preferable resolution to associated performance problems caused by such dependency. While Stanislaus County will be supportive of those who seek help voluntarily, the County will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of Stanislaus County managers and employees. To that end, the County will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the County's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination.

In recognition of the public service responsibilities entrusted to the employees of the County, and that drug and alcohol usage can impair an employee's ability both mentally and physically to perform the duties and functions safely and effectively, the following policy against drug and alcohol impairment is hereby adopted by Stanislaus County.

POLICY

It is County policy that employees shall not be impaired by alcohol or drugs, nor possess alcohol or illegal drugs at the assigned worksite. However, County employees who reside on premises provided by the County shall be exempt from the restriction of this policy from possessing alcohol on County premises. Employees shall not sell or provide drugs or alcohol to any other employee while such employee is on duty. Employees shall not have their ability to work impaired as a result of the use of alcohol or drugs.

It is County policy that no alcoholic beverages are permitted at the assigned worksite other than at special events authorized by the Chief Executive Officer.

An employee shall notify his/her supervisor, before beginning work, or during work, when taking prescribed medications or drugs which the employee has knowledge or has been medically advised that the prescribed medication could interfere with the safe and effective performance of duties or operation of County equipment. Failure to notify his/her supervisor may result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required by the Department Head or his/her designee. Such clearance may be obtained by the employee on County time and at County expense if the employee is directed to obtain the verification prior to commencing his or her assigned duties. Use of County time must be reasonable and no overtime liability shall be incurred. If the physician's release is not obtained or requires modified duty, a good faith attempt will be made to find an alternate work assignment.

The County reserves the right to search, without employee consent, all areas and property in which the County maintains control or joint control with the employee. Controlled and jointly controlled areas include County vehicles, offices, desks, file cabinets, lockers, etc. Notwithstanding the above, no employee shall have his or her locker, or other space for storage that is owned or leased by the County that may be assigned to him or her searched except in his or her presence, or with his/her consent, or unless a valid search warrant has been obtained, or where he/she has been notified that a search will be conducted. Employee requests to be present during the search shall be honored if the employee is able to return to the worksite within one hour of notification of the search. All such searches shall be based upon probable cause to search. Probable cause forming the basis of the search shall be provided to the employee in writing. The written document shall be given to the employee prior to the search or, if that is not possible, within twenty-four hours of the search.

Any applicable privileges or confidentiality of files or documents will be honored by the County. If the County desires to search such documents or records, or the area where such documents are located, the appropriate process for searches and seizures as defined by California law will be followed. The County may notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the County.

Refusal to submit immediately to a medical examination, subject to Section VI of this policy, based upon probable cause of drug or alcohol impairment while on duty when ordered by the Department Head or his/her designee in accordance with County Code Section 3.08.050 may constitute insubordination and may be grounds for discipline. For the purpose of this policy, designee shall be defined as the assistant department head or other County manager who is assigned the authority to act for the Department Head during his or her absence.

Employees reasonably believed to be impaired by alcohol or drugs shall be prevented from engaging in further work and shall be detained for a reasonable time until they can be safely transported from the work site.

The County is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classified them as handicapped under Federal and/or State law.

The County has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors, Personnel, or the EAP Counselor for additional information.

The provisions of this policy do not act to limit or restrict in any manner, a law enforcement officer's ability to enforce all appropriate state and federal laws. No department shall have any rule or policy which contravenes or which is in conflict with the Drug Free Work Place Policy.

APPLICATION

This policy applies to all employees of Stanislaus County. This policy applies to alcohol and to all substances, drugs, or medication, legal or illegal, which could impair an employee's ability physically and/or mentally to effectively and safely perform the functions and duties of the employee's position.

EMPLOYEE RESPONSIBILITIES

An employee must:

- A. Not report to work or be subject to duty while his/her physical and/or mental ability to perform job duties is impaired due to on or off duty alcohol or drug use;

- B. Not possess impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while subject to duty, on breaks, or at anytime while at the assigned worksite. An exception exists for those employees whose duties require possession of drugs and/or possession of alcohol in the course and scope of job duties (i.e., undercover, narcotics investigators);
- C. Not directly or through a third party sell or provide drugs or alcohol to any person, including any employee, while either employee or both employees are on duty;
- D. Submit immediately to a medical examination when ordered, in writing, by a Department Head or his/her designee when probable cause exists that the employee is either physically and/or mentally unable to perform the duties of his/her position;
- E. Notify his/her supervisor, before beginning work, prior to taking any medically prescribed medications or drugs at work which the employee has knowledge or has been medically advised that the prescribed medication could interfere with the safe and effective performance of duties or operation of County equipment; and
- F. Provide within two (2) working days of request bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screening/test is positive. Extensions of time beyond the two working days may be granted upon the showing of good cause. The prescription must be in the employee's name;
- G. Must abide by the regulations of the Federal Drug-Free Workplace Act of 1988. Thus, such employees who are convicted after March 18, 1989 of any criminal drug statute for a violation occurring in the workplace must notify the Director of Personnel no later than five (5) days after the conviction. Once the County is notified of the conviction, the County must then notify the appropriate Federal agency of the conviction. With respect to any employee so convicted, the County will take appropriate personnel action up to and including termination. As a condition of continued employment, the County may require the convicted employee to satisfactorily participate in an approved drug abuse rehabilitation program.

MANAGEMENT RESPONSIBILITIES AND GUIDELINES

- A. Department Heads or their designees are responsible for reasonable enforcement of this policy.
- B. Department Head or his/her designee may order in writing an employee submit to a medical examination as provided by County Code Section 3.08.050 C when a Department Head or his/her designee has probable cause that an employee is intoxicated or impaired by drugs or alcohol while on the job or receiving compensation for on-call duty and thereby subject to being called, and is not physically and/or mentally able to perform the duties of his/her position. The medical examination may include sampling of urine for purposes of testing for alcohol or drugs.

"Probable cause" is such a state of facts as would lead a supervisor of ordinary care and prudence to believe, or to entertain an honest and strong suspicion that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee is not able to physically and/or mentally perform the duties of his or her position in a proper manner.

- C. Any Department Head or his/her designee ordering an employee to undergo a medical examination pursuant to County Code Section 3.08.050 shall document in writing the facts constituting probable cause that the employee in question is intoxicated or impaired by alcohol or drugs, prior to the request for the medical exam.
- D. Any Department Head or his/her designee encountering an employee who refuses an order to submit to a medical examination pursuant to County Code section 3.08.050 shall remind the employee of the requirements and disciplinary consequences of this policy. Where there is probable cause that the employee is then impaired by alcohol or drugs, the Department Head or his/her designee should detain the employee for a reasonable time until the employee can be safely transported home, or removed to another appropriate location.
- E. Any Department Head or his/her designee shall not physically search the person of employees, nor shall they search the personal possession of employees without the freely given written consent by the employee, unless such search is authorized by County Ordinance or policy.
- F. Managers and supervisors shall notify their Department Head or designee when there is probable cause to believe that an employee may have illegal drugs or alcohol in his or her possession or in an area not jointly or fully controlled by the County. If the Department Head or designee concurs that there is probable cause of illegal drug possession, the Department Head shall notify the appropriate parties, including Personnel and County Counsel.
- G. The Department Head or his/her designee shall give due consideration to the employee's completion of any generally recognized treatment plan, including that treatment as may be recommended by the Employee's Assistance Program when determining whether disciplinary action shall be taken and/or the appropriate level of discipline.

MEDICAL EXAMINATION AND PROCEDURE

The medical examination may test for any substance which could physically and/or mentally impair an employee's ability to effectively and safely perform the functions of his/her job, including but not limited to prescription medications, heroin, cocaine, morphine and its derivatives, PCP, methadone, barbiturate, amphetamines, marijuana, other cannabinoids, and other illegal substances defined by State law.

An employee shall have the right to representation and the employee shall be informed of the right to representation prior to any meeting to be held for the primary purpose to investigate allegations of drug or alcohol impairment, and/or illegal sales or possession; and if the allegations were subsequently found to be true, formal disciplinary action would result.

(Employees may waive the right to representation.) Employees shall have the right to a representative being present prior to being medically examined for use based upon probable cause. The representative must be available and present within a reasonable time from the request. A reasonable time being approximately one and one half hours from notification. The County reserves the right to administer the medical exam within one and one half hours of the call to the representative, depending upon the circumstances.

A second specimen shall be obtained and maintained by the laboratory facility. Within the forty-five days of receipt of the Notice of Intended action, it shall be the affirmative obligation of the employee or employee organization to request and secure at the employee's or employee organization's expense, a test of the specimen. The employee or the employee organization shall advise the County in writing of the request for testing a second specimen within ten days of making such a request.

RESULTS OF MEDICAL EXAMINATION

A. Alcohol/Drug Tests

1. A positive result from a drug and/or alcohol test obtained during a medical exam pursuant to County Code section 3.28.050 may result in disciplinary action, up to and including discharge.
2. If a drug screen is positive, the employee must provide within two (2) working days of the request, bona fide verification of a valid current prescription for the drug identified in the drug screen. Extension of the time beyond the two working days may be granted upon the showing of good cause. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action up to, and including, discharge.
3. If an alcohol or drug test is administered during the medical exam and is positive for alcohol or drugs, the County shall conduct an investigation to gather all relevant facts. The decision to discipline or discharge will be carried out in conformance with the County's discipline procedures and policies.
4. Testing and reporting of test results will follow the guidelines and all subsequent amendments as established by the Department of Health and Human Services as promulgated in Volume 53, No. 69 of the Federal Register and as incorporated herein and made a part of this policy by reference.

CONFIDENTIALITY

Medical or laboratory reports or test results shall not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Director of Personnel. The reports or test results may be disclosed to County management on a strictly need-to-know basis and to the employee upon request. Disclosures, without employee consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; (4) the information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

Please ask your Human Resources Manager for a complete copy of the following drug policies:

- Pre-Placement Drug Testing
- Alcohol and Drug Testing/Safety Sensitive/DOT
- Ordered Medical Examination/For Cause Testing Procedures and Testing Facility Guidelines



**STANISLAUS COUNTY
PERSONNEL MANUAL
SECURITY/VIOLENCE IN THE WORKPLACE POLICY**

A. INTRODUCTION

Stanislaus County employees provide a wide variety of services and service a wide range of clients, some of whom may be under severe stress and have nowhere else to turn. Providing these services can place County employees at risk for exposure to violent or threatening behavior; sometimes the very nature of their work or location of their work, places employees at higher risk of random violence. Risk of violence can also come from within the workforce from co-workers or those associated with co-workers.

This policy, as well as the procedures, guidelines and appendixes that have been developed to address all forms and types of security and workplace violence issues. It also affirms the County's commitment to providing a safe and healthful working environment for its employees while maintaining an atmosphere conducive to openly and fully serving the public.

All employees are required to familiarize themselves with all aspects of this policy, including the procedures, guidelines and appendixes that have been developed to prepare for and reduce workplace violence.

This policy, and its accompanying procedures, guidelines and appendixes shall be incorporated into the County's Injury and Illness Prevention Program.

B. PURPOSE

The purpose of this policy, together with its procedures, guidelines and appendixes is to:

1. Reduce the risk of workplace violence.
2. Protect employees and the public from injury should an incident of workplace violence occur.
3. Identify the types and levels of workplace violence.
4. Identify potential perpetrators and threats of violence.
5. Improve the ability to defuse a hostile situation through training, awareness and avoidance.
6. Establish a means for reporting and responding to all incidents of security and workplace violence issues. Compliance with this security and anti-violence

policy is a condition of employment. Due to the importance of this policy, employees who violate any of its terms, who engage in or contribute to violent behavior, or who threaten others with violence will be subject to disciplinary action, up to and including immediate termination. Legal action may also be taken by the County where appropriate.

C. SCOPE

This policy applies to security risks, threats of violence, or violent acts by customers, clients, patients, visitors or any other members of the public towards County employees. It also applies to violent acts or threats of violence, either verbal or implied, made by an employee, contractor, student, volunteer or other individual providing services or acting on behalf of the County.

All employees are covered under this policy. Each employee is responsible for notifying his/her immediate supervisor or manager if that employee believes that he/she, or someone else, knows of and/or has been reported or may be a potential victim of a security threat or workplace violence incident.

D. DEFINITIONS

1. Serious threat is defined as any threat in which there is credible evidence that violence would or could occur.
2. Security threats/breaches are defined as something or someone that exposes staff, property, clients or visitors to potential harm.
3. Types of Violence

The State of California Department of Industrial Relations Division of Occupational Health and Safety (CAL-OSHA) identifies three types of workplace violence:

Type I: A Type I violent act is committed by an assailant who has no legitimate relationship to the workplace.

Employees who have face to face contact and exchange money with the public, who work late at night and early morning hours, and who often work alone or in very small numbers are at greatest risk of a Type I incident. Occupations at risk of a Type I incident are cashiers, custodians, and security guards.

Type II: A Type II violent act involves violence or a threat of violence by a recipient of a service provided by the County employee such as a patient, client, customer, passenger, criminal suspect or prisoner.

County employees provide a wide range of services to clients and public, and may have to confront individuals who are not satisfied with the services provided or disagree with the resolution of a matter. Certain clients and patients may be emotionally disturbed or have a mental disability which impairs their judgment; they may make threats or commit acts of violence on employees who are trying to offer their help or assistance.

Employees who are at risk for Type II acts of violence include public safety and correctional personnel, medical care providers, mental health providers, deputy district attorneys, public defenders, family support officers, social service, building inspectors, code enforcement and animal services workers.

Type III: A Type III violent act consists of an assault by an individual who has some employment-related involvement with the workplace. A Type III event usually involves a threat of violence or an act of violence resulting in a fatal or nonfatal injury by a current or former worker, supervisor or manager; a current or former spouse or lover; a relative or friend; or some other person who has a dispute directly involving a worker or workers at the workplace.

4. Prohibited Behaviors

Examples of conduct which may be considered threats or acts of violence include, but are not limited to:

- a. Violence: aggressive acts or initiation of physical force exerted for the purpose of violating, damaging or abusing others.
- b. Threat: an expression of direct (intent to take action), or indirect (what could happen) intention to inflict pain, injury or punishment upon another person or property.
- c. Intimidation: inspiring fear in a person by a show of force or a promise of force.
- d. Unlawful physical fighting: the unlawful act of aggression or initial force in physically contending with another with the intent to overpower and/or cause harm.
- e. Threatened or actual destruction of County or personal property.
- f. Harassing or threatening phone calls.

- g. Stalking: willfully, maliciously and repeatedly following or harassing another person. A stalker can be anyone from an anonymous admirer to a co-worker to a former spouse, or a client or customer.
- h. Bringing unauthorized dangerous weapons into the workplace: weapons include instruments, articles, or substances which in the possession of an employee or under the circumstances of which it is used or is threatened to be used, is readily able to cause physical injury or death.

E. POLICY: SECURITY/VIOLENCE IN THE WORKPLACE: ZERO TOLERANCE

1. Stanislaus County is committed to providing a safe and healthy working environment for its employees while maintaining an atmosphere conducive to openly and fully serving the public. Security breaches and threats of violence and/or violent acts directed towards County employees or others, or by any employee, contractor, or other person performing services for the County is prohibited and will not be tolerated. Immediate and appropriate criminal action, as well as disciplinary action, up to and including termination, in accordance with current County disciplinary policy, will be taken by the County in order to protect its employees and others from security breaches or violent acts.
2. In order to provide a safe and healthy working environment and to reduce the risk of violence in the workplace, each department shall:
 - a. Train all employees and staff in security, workplace violence reduction, prevention, response, and reporting.
3. Each employee shall:
 - a. Provide a copy of any temporary or permanent restraining order which the employee has obtained which lists County property as a protected area to his or her supervisor or department head.
 - b. Report all security threats, threats, or acts of violence which occur on County premises which they experience, witness or which they otherwise become aware of to their supervisor, or if the supervisor is the individual making the security threat, threat, or performing the act, then report to the departmental safety representative, department head, or to the County Safety Officer in the CEO-Risk Management Division.
 - c. Report all threats or acts of violence which they experience while acting in the scope of their employment off County premises, or which relates to the legitimate business interests of the County.

- d. Report any threats or acts of violence occurring off County premises of which they are a target if there is a reasonable basis to believe that the violence will follow them to the workplace.
 - e. Not make intentionally false and/or misleading reports. No employee will be disciplined, retaliated against or discharged for reporting any legitimate security threat, threat, or act of violence, however, employees found to have made intentionally false or misleading reports will be subject to disciplinary action up to and including termination.
 - f. In the case of imminent danger or violence where immediate assistance must be sought, contact law enforcement by dialing 911, 9-911 from some County phones, 558-HELP from cell phones and then report the incident to his or her supervisor as outlined above.
 - g. Report all security threats, threats, or acts of violence which relate to legitimate County business interests, regardless of any relationship which relationship which may exist between the individual who initiated the threat or engaged in the violent act and the individual who was the victim of that conduct.
 - h. Report any County personnel or any other individuals who are on County premises who exhibit an unusual fascination with incidents of workplace violence or an unusual fascination with firearms (especially automatic or semi-automatic weapons).
 - i. Report all suspicious packages found on or near County premises to his or her supervisor or department head; said suspicious packages will be treated as a possible explosive device in accordance with the procedure outlined in the Bomb Threat Policy.
4. It shall be the responsibility of each supervisor to also:
- a. Follow Section D, Number 3.
 - b. Become familiar with the early warning signals of violence and report any employee or other party who displays one or more of those warning signs whenever a supervisor has a reasonable basis for concern or a reasonable belief that an employee or other party should be evaluated.
 - c. Prepare, and give to the department head, a County Security/Violence in the Workplace Incident Report based on information from the reporting employee and/or personal observation which includes specific information concerning the conduct at issue including 1) who engaged in the conduct , 2) what conduct is at issue, 3) against whom the conduct was directed, 4) what specifically was said or done, 5) whether the party

at issue engaged in any physical conduct that would indicate he/she plans to follow through on a threat, 6) names of witnesses to the conduct at issue, 7) the time and place where the conduct occurred, 8) whether there is any previous history of violent or threatening conduct, 9) the relationship of the person to whom the conduct was directed and the person undertaking the conduct, and 10) any other information which will aid in the investigation.

- d. Ask the reporting employee whether he/she has any suggestions for maximizing security and minimizing the risk of violence based on the information known to them.
 - e. Carefully document objective facts and relevant personal feelings so that trained professionals will have access to the information necessary to reach fair and accurate conclusions (subjective statements should be included only if they relate to the recording employee's or supervisor's personal feelings of fear or intimidation, and subjective conclusions should be avoided).
6. Nothing in this policy alters any other reporting obligation established in other County or departmental policies, or in state or federal law.
7. Security risk/violence prevention requires a commitment from every employee. Any employee who is concerned about security or the possibility of workplace violence shall immediately discuss the matter with his or her supervisor. Retaliation against those who report such concerns is strictly forbidden.
8. Dangerous weapons, including guns, knives and explosives are not permitted at the workplace or on County property, including parking lots, unless they are carried subject to permits issued pursuant to California law. Any employee, who has such permissive use, must notify and obtain written permission as follows:
- a. Employees working for the Sheriff, District Attorney or Probation must obtain written permission from his/her Department Head.
 - b. All other workers require a written recommendation from their Department Head to the CEO who must give final written authorization. In the absence of the CEO, County Counsel may give written authorization.

Protective devices such as mace or pepper spray that employees carry for personal protection are permitted. The employee must meet all the requirements of California State law, and notify and obtain permission from their department head if they intend to use such devices within the scope of their work.

9. The legislature of the State of California has specifically addressed the special safety and security issues facing hospital emergency department personnel, patients, and visitors through legislation (AB 508); these special concerns are of vital importance to the County as well, and these policies and procedures are intended to apply to any County hospital emergency department and staff, including behavioral health facilities and staff, pursuant to AB 508. Acts or threats of physical violence, including intimidation, harassment and/or coercion which involve or affect County staff will not be tolerated.

II. PROCEDURES

A. INTRODUCTION

The following procedures have been developed in order to assure uniform compliance with the County's zero tolerance policy against violence in the workplace.

B. PURPOSE

These procedures are designed to assist County staff and departments in their efforts to carry out the County's policy and to describe the methods by which the policy will be implemented throughout the County. These procedures also describe how staff is expected to assess and identify potential risk, seek means to reduce that risk, and train staff in workplace violence reduction, prevention, and response. Finally, these procedures describe the means by which security threats or workplace violence will be reported.

C. ROLES AND RESPONSIBILITIES

1. Department Heads

The department head is ultimately responsible for implementing the County's policies and ensuring that there is prompt action in response to security risk, incidents, threats, and reports of workplace violence. To assist in this task, each department shall also have a Departmental Safety Committee which will develop and implement the County's policies, procedures and guidelines within the department. The Department Safety Committee shall recommend to the department head any issue that is a workplace violence problem.

The County Safety Committees and County Safety Officer in the CEO-Risk Management Division can serve as a resource to the departments and can provide suggestions and consultation to department management and Department Safety Committees regarding risk reduction strategies for creating a secure physical working environment.

The department head shall have the following responsibilities:

- a. Implement policies and procedures in the department.
 - b. Annually conduct security risk assessment of department and/or facility(s) to identify areas of potential risk.
 - c. Develop and adopt procedures reflecting the unique needs of the department for preventing or reducing the risk of workplace violence; guidelines have been developed by the County which may be helpful in conducting the risk assessment and in identifying risk reduction strategies.
 - d. Develop and adopt procedures for responding to incidents of workplace violence.
 - e. Assure that all acts and threats of violence or potential violence are promptly reported on the Security/Violence in the Workplace Incident Report form with distribution per the form.
 - f. Train staff regarding policy and procedures upon implementation of the policy and annually thereafter.
 - g. Direct and oversee investigations of incidents, threats and reports of workplace violence when they occur in the department.
 - h. Ensure a physical environment that provides safety and security to employees while maintaining accessibility to clients and public.
 - i. Ensure that any surveillance cameras, physical barriers, metal detectors or designated security areas are used in a manner which is conducive to the provision of public services.
 - j. Determine whether or not employees shall be required to wear employee identification badges, and establish rules and instruction for such use.
 - k. Develop rules regarding access to facilities by visitors, contractors and vendors.
2. Managers and Supervisors

Managers and Supervisors shall:

- a. Have direct responsibility to make workplace security and safety their highest concern.

- b. Provide support for employees in the event of a real or perceived threat of security and workplace violence.
 - c. Provide information and training regarding workplace violence for employees.
3. Employees
- Employees shall:
- a. Participate in training.
 - b. Read and review all policies, procedures and guidelines pertaining to security risks/incidents and workplace violence.
 - c. Immediately report the loss of a building key, proximity card, or other access device to his or her immediate supervisor.

D. THREATS OF VIOLENCE BY EMPLOYEES

All acts or threats of violence by County employees are to be treated as disciplinary issues and should be immediately reported to the employee's immediate supervisor. Supervisors are responsible for reporting all threats or acts of violence to the CEO-Risk Management Division, Safety Unit and the department head for response and appropriate disciplinary action up to and including termination. When advised of threats or acts of violence, the department head is encouraged to notify the CEO-Personnel and/or County Counsel. The County advocates a preventative approach whereby civil service rules and regulations are fairly and consistently administered and where troubled employees receive guidance and assistance through the Employee Assistance Program (EAP); referrals should therefore also be made to the EAP when appropriate.

E. INVESTIGATION OF SECURITY INCIDENTS/THREATS/ACTS OF VIOLENCE OR POTENTIAL VIOLENCE

- 1. Security incidents, threats and acts of violence or potential violence will be investigated at the departmental level.
- 2. When appropriate, law enforcement will be notified if they have not yet become involved, and criminal charges may be filed.
- 3. If the threat is serious, or if an injury has occurred, the incident will be reported to and may be further investigated by the County CEO-Risk Management Division.

F. INCIDENT REPORTS

The County Security/Violence in the Workplace Incident Report form shall be filled out whenever there is a security incident, threat, act of violence, or potential violence.

G. RESPONDING TO SECURITY INCIDENTS OR VIOLENT ACTS

Anyone who is threatened with imminent violence, who witnesses violence, or is the victim of an act of violence, should immediately notify law enforcement by dialing 9 1 1 (9-9 1 1 from County phones). Individuals must use their best judgment in responding to individual threats or incidents; however, all employees are expected to obey law enforcement and/or other persons in authority regarding directions to evacuate, take cover, or respond appropriately to risk reduction activities that might be taking place in response to an incident. CEO-Risk Management Division, Safety Unit will be notified.

Guidelines developed by the County which augment these policies and procedures should be reviewed by all employees and may be used in training as a means of familiarizing staff with recommended risk reduction strategies.

After a violent act or threat of violence has occurred, the County will provide support and guidance to the victim(s), witnesses and others, and the affected employees will be offered services through the Employee Assistance Program (EAP).

H. EVACUATION/EMERGENCY ACTION PLANS

Each department shall establish evacuation procedures for every work location for responding to threats or acts of violence as required and in accordance with Section 6 of the County Safety Manual. If there is more than one department located in a County building, all departments should collaborate in the development of a coordinated emergency action plan which includes a specific evacuation plan.

The Chief Executive Officer of Stanislaus County, or his/her designee, is the only officer who can order an evacuation of a department without the presence of immediate danger. Examples of threats or acts of violence that could trigger an evacuation include credible bomb threats or the presence of an armed gunman in the workplace. If an immediate danger is noted, the management and supervisory staff are to assume primary responsibility for facilitating the evacuation of all employees and the public when appropriate, and for taking all necessary actions to ensure a safe and orderly evacuation.

I. TRAINING

Training on how to respond to all types of workplace violence can help county employees minimize the risk of violence and injury. In order to effectively deal with workplace violence, a copy of the County's policies, procedures, guidelines and appendixes for reducing workplace violence shall be reviewed by all employees.

Training will include an explanation of the policies, procedures guidelines, and familiarize with the appendixes that have been developed by the County to augment its policies and procedures. Training shall occur initially for all employees upon implementation of the policy procedures, and at regular intervals thereafter. New employees shall receive initial training during orientation.

Departments will structure training as described in Section 3 of the County Safety Manual, and in a manner that meets their own unique and specific needs. As a minimum, all employees will receive, upon hire, written information about the workplace violence policies, procedures, guidelines and appendixes as well as training in recognizing the warning signs of workplace violence and in risk reduction strategies.

III. GUIDELINES

A. OFFICE SAFETY

1. Employees who unlock the building in the morning should:
 - a. Check the building for open doors, missing items, open windows and any disorder.
 - b. Leave the building immediately if it is suspected that an intruder is present and dial 9 1 1 (non-County phone) or 9-9 1 1 (County phone) from a safe location to report any problem or suspected problem.
 - c. Institute a buddy system if at all possible.
2. An employee who is working alone in any area should keep outside doors and windows locked.
3. If the workplace must accommodate the public or has public access requirements, the department head should see that procedures are adopted that reflect concerns re: employee's safety while maintaining public access during business hours.
4. Purses and valuables should be kept out of sight at all times.
5. When interacting with the public, employees may have minimal control over how the contact will progress and the contact could turn violent more quickly than one could react. As a guideline it is recommended that employees keep something between themselves and others during interaction. This may be a chair, counter or desk.
6. Employees should always maintain a safe distance between themselves and others. There are ways to reduce the risk of such harmful contact:

- a. Stay out of reach or hitting distance by either hands or feet. Also position yourself in sideways to the other person in a manner that protects you from any frontal attack.
 - b. When entering a room position yourself so that no one can enter behind you.
 - c. Do not allow any one to come between yourself and the door.
 - d. Always provide at least one clear means of egress/exit and two if possible.
 - e. Leave before the contact turns violent.
 - f. When retreating, back out of the doorway--do not turn your back to a violent person!
7. When securing the building at the end of the day employees should make sure the building is empty including restrooms, and that no one person is left inside alone (if possible).
 8. Plan ahead if leaving the building alone:
 - a. Move your vehicle to a safe location beforehand.
 - b. Move quickly and be aware of your surroundings.
 - c. Look around and be observant.
 - d. Walk in well-lighted areas as much as possible.
 - e. If something is wrong, call a pre-established department before leaving the building for assistance, or dial 9 1 1 from non-County phones, or 9-9 1 1 from some County phones, or 558-HELP (558-4357) from cell phones.

B. PARKING LOT AND CAR SAFETY

1. Use the buddy system whenever possible.
2. Face traffic, and avoid doorways, bushes and other potential hiding places.
3. Have your keys in hand ready to unlock the car door.
4. Keep car doors locked when parked whether you are in or out of the car.

5. Always remove keys from the car even when leaving it momentarily.
6. Never leave the motor running while unattended.
5. Be aware of what is happening in the parking lot; observe who is there and what they are doing. If you perceive a problem, return to the building and lock yourself inside. Call a pre-established department, 9 1 1 from a non-County phone, 9-9 1 1 from some County phones, or 558-HELP from a cell phone.
8. If people ask for directions, politely but firmly tell them you do not know, and stay well away from them.
9. Check the interior and exterior of the car to make sure no one is hiding on the opposite side, under or inside, before getting near and/or into the car.
10. Keep your car doors locked when driving and close all windows tightly.
11. At the end of the workday try to make sure that your co-workers have started their cars before you leave the parking lot. If someone's car does not start, check on the co-worker's safety prior to your departure.
12. Avoid parking next to vans, especially vans without windows.
13. If your car breaks down, open the hood to indicate the need for assistance. Stay in the locked car. If people approach, open your window just enough to ask them to call for help. Do not open your car door.

C. FIELD WORK SAFETY

1. All fieldwork activities are potentially dangerous. Any case involving child, sexual, spousal, drug or alcohol abuse, either past or present, is a higher risk activity and extra care should be taken to assure personal safety.
2. The following guidelines should be considered as ways to increase your safety and reduce your risks:
 - a. Wear County identification badges.
 - b. If possible or appropriate, call clients before you leave the office so they will be expecting you.
 - c. Before leaving the office, leave an itinerary, and if traveling by automobile, the automobile description and license plate number, with your supervisor or co-worker. This is especially important if your schedule takes you to a potentially risky home or area.

- d. Know the area you are going into. Familiarize yourself with business establishments or other safe locations you can go to in an emergency.
- e. If you feel a visit will be higher risk than usual, inform your immediate supervisor. Your supervisor should determine, before you go on the visit, an estimated time of arrival and return or other safety precautions, such as a second person or specific back-up procedure in the event of a problem. If you do not return in a timely manner, help can be notified without delay.
- f. Park as near as possible to the location where you are doing business. Park facing out toward the road so you can leave quickly. On any high risk visit consider using a County car.
- g. Car doors need to be kept locked and windows rolled up.
- h. Before exiting the car look around to make sure no one is hiding. When returning to the car, check the interior and exterior to make sure no one is hiding on the opposite side, under or inside before getting into the car. Be careful when getting out of the vehicle into a gang type crowd.
- i. Wear appropriate clothing. Do not wear expensive looking jewelry. Following accepted standards for professional appearance can reduce vulnerability in potentially unsafe situations.
- j. Pants and flat-soled non-slip shoes with closed toe and heel should be worn for maximum mobility.
- k. When entering a home, take with you only what you need to conduct your business, i.e. forms, clipboards, etc. Don't take a purse and valuables (leave these items at the office, out of sight in the locked car, or in the trunk). Keep your ID and car keys in a pocket. If you do have to make a hasty exit you will not have to worry about leaving behind any valuables. Forms and clipboards are replaceable.
- l. Approach the area slowly. Be aware of avenues of escape and possible ways to get help if needed. If things do not feel right at any time during the visit, leave immediately. Your appointment can be changed to another day.
- m. Watch for animals or signs of animals in the yard. Do not enter a yard when a dog is present, unless accompanied by the resident. Ask the resident to physically control or lock up the animal during the visit.

- n. While knocking, stand to the side of the door rather than in front of the door. Do not enter the house until someone meets you at the door. Show your County identification or business card to the person who answers the door. Assess the situation before entering. Give and obtain preliminary information outside. Ask who is home. Ask for permission to enter. Be aware of body language of everyone in the house. Remember, you cannot know who or what may be inside. If the client is not at home, remain outside while talking to the person answering the door. Inform the person that you will return at another time.
- o. If persons appear to be under the influence of drugs or alcohol, leave and return at another time. Avoid quick movement(s) in this situation. Move slowly and confidently as you leave.
- p. Position yourself where no one can come in behind you. Stay between other people and the door. If you begin to feel uneasy or unsafe, leave.
- q. If you need to make a retreat, back out of the area when leaving. Do not turn your back to someone in this situation.
- r. Project authority. Always scan the environment.
- s. If you are asked to leave the home, do so immediately.
- t. If any trouble starts, leave when safe to do so. If the situation is unsafe, call or ask someone to call 9 1 1 from a non-County phone, 9-9 1 1 from some County phones or 558-HELP (558-4357) from a cell phone.
- u. Any time you have a question about possible danger, or see signs of drug(s), weapon(s) or other illegal activity, leave immediately and call your supervisor.

D. VIOLENT AND AGGRESSIVE BEHAVIOR (TYPE II)

1. IDENTIFYING VIOLENT OR POTENTIALLY VIOLENT BEHAVIOR

Be aware that there are certain danger signs that may precede a violent act:

- a. Observe the client's body language, facial expressions and tone of voice to see if he/she is getting agitated.
- b. Clenched fists, flushed face or tense posture are signals for you to be cautious.

2. HANDLING VIOLENT AND AGGRESSIVE BEHAVIOR

When confronted with violent, threatening, or aggressive behavior, these suggestions may be helpful in de-escalating the violence or in escaping the situation:

- a. Project calmness: move and speak slowly, quietly and confidently.
- b. Be an empathic listener: encourage the person to talk while you listen patiently.
- c. Focus your attention on the other person to let them know you are interested in what they have to say.
- d. Maintain a relaxed yet attentive posture and position yourself at a right angle rather than directly in front of another person.
- e. Acknowledge the person's feelings. Indicate that you can see that he or she is upset.
- f. Ask for small specific favors such as asking the person to move to a quieter area.
- g. Establish ground rules if unreasonable behavior persists. Calmly describe the consequences of any threatening or violent behavior.
- h. Use delaying tactics which will give the person time to calm down. For example, offer a drink of water (in a disposable cup).
- i. Be reassuring and point out choices. Break big problems into smaller, more manageable problems.
- j. Accept criticism in a positive way. When a complaint might be true use statements like "you could be right," or "I see your point. Maybe we need to take another look at this." If the criticism is unwarranted, ask clarifying questions.
- k. Ask for the person's recommendations. Repeat back to the person what you feel he or she is requesting of you.
- l. Position yourself so that a visitor cannot block your access to an exit.
- m. Avoid styles of communication which generate hostility such as apathy, brush-offs, coldness, condescension, robotism, going strictly by the rules or giving the run-around.

- n. Don't reject all of a client's demands from the start.
- o. Don't pose in challenging stances such as standing directly opposite someone, hands on hips or crossing your arms.
- p. Avoid physical contact, finger pointing or long periods of fixed eye contact.
- q. Do not make sudden movements which can be seen as threatening. Notice the tone, volume and rate of your speech and adjust your speech if necessary.
- r. Do not challenge, threaten or dare the individual. Never belittle the person or make him/her feel foolish.
- s. Don't criticize or act impatiently toward an agitated individual.
- t. Do not attempt to bargain with a threatening individual.
- u. Avoid trying to make the situation seem less serious than it is.
- v. Do not make false statements or promises you cannot keep.
- w. It is unwise to try to impart a lot of technical or complex information when emotions are high.
- x. Avoid taking sides or agreeing with distortions.
- y. Don't invade an individual's personal space. Stay out of the reach or hitting distance by either hands or feet. Also position yourself sideways to the person in a manner that prevents any front attack.

3. PROTECTING YOURSELF FROM IMMINENT VIOLENT BEHAVIOR

- a. Try to keep a desk or other barrier between you and the client, making sure that the client does not block your escape route.
- b. If the client is directly in front of you, step back so that you are out of striking range.
- c. If you sense that a client is going to commit a violent act at any second, don't hesitate to leave immediately. Find an excuse to leave the area, or if required, simply leave and get help from co-workers or security. Don't hesitate to call law enforcement if necessary. It is better to disrupt a work site than to be injured.

4. MEDIA ATTENTION FOLLOWING ACT OF VIOLENCE

- a. Media is often drawn to workplace violence events. County policy regarding media interaction should be followed if there is media interest. Do not speak with the media directly, unless directed by your supervisor, department head, PIO or previously established department's protocol.
- b. If an individual later seeks to interview you regarding a workplace violence incident refer that individual to your supervisor.

E. PRE-VIOLENCE, SIGNS AND WARNINGS

1. IDENTIFYING PRE-VIOLENT BEHAVIOR

Violent acts by co-workers or other persons known to you are often preceded by a number of warning signs or changes in behavior. Since these changes can be subtle, it is important to observe behavior carefully. Warning signs can include:

- a. Veiled or open threats of violence, such as predicting bad things are going to happen, especially threats that are detailed or appear to be well-planned.
- b. A history of disciplinary actions, or poor reactions to discipline or performance evaluations.
- c. Irritability, belligerence or hostility.
- d. Excessive focus on guns, police or the military; subscription to paramilitary magazines or boasting of weapons collections,
- e. Changes in behavior, such as deterioration of work performance or an increase in concentration problems; becoming withdrawn, increasingly angry, agitated or out of touch with reality,
- f. A resumption or escalation in drug and/or alcohol abuse.
- g. Reacting with great stress to workplace events such as layoffs, discharges, demotions, re-organizations, labor disputes, or to personal or family problems such as divorce, bankruptcy, etc.
- h. Depression.
- i. Paranoia such as statements that everyone is against them or by panicking easily.

- j. An increased propensity for aggressive behavior with disregard to the safety of self or co-workers.
- k. Crossing a co-worker's or supervisor's physical boundaries (getting in their face), physical posturing or aggressiveness, stalking, excessive phone calls, etc.
- l. A known personal history of violent, reckless or anti-social behavior.
- m. References to or identification with mass murderers and infamous incidents of workplace violence, such as "post office shootings".
- n. Having a fascination with recent incidents of workplace violence and expressing approval of the use of violence under similar circumstances.
- o. An obsessive involvement with the job which becomes the sole source of identity.
- p. A loner with little or no involvement with co-workers.
- q. A combination of the use of stimulants, paranoid behavior, and the purchase of weapons, which can be a particularly risky mixture.
- r. Unwelcome name-calling, obscene language, and other abusive behavior.
- s. Intimidation through direct or veiled verbal threats.
- t. Throwing objects in the workplace regardless of the size or type of object thrown, or regardless of whether a person is the target of a thrown object.
- u. Physically touching another employee in an intimidating, malicious, or sexually harassing manner, including such acts as hitting, slapping, poking, kicking, pinching, grabbing, and pushing.
- v. Physically intimidating others, including acts such as obscene gestures, "getting in your face," and fist-shaking.

2. PRE-EMPLOYMENT SCREENING FOR VIOLENT PROPENSITIES

- a. All applicants should be thoroughly screened before hiring; usually this involves verifying all references and seeking to learn if the potential employee has a history of problems at prior places of employment. Efforts should be made to obtain whatever information can be legally sought.
- b. In certain areas of employment, for example law enforcement, pre-employment screening can include criminal checks. Check with the Recruitment Unit of the Chief Executive Offices for information regarding criminal checks if you are unsure whether this is an option for your department.

F. STALKING

1. Stalking is defined as “willfully, maliciously and repeatedly following or harassing another person”—a stalker can be anyone from an anonymous admirer, a co-worker, a former spouse or client/customer.
2. The best way to prevent stalking is to not let a relationship, even a casual one, develop or continue any farther than you want it to.
3. Stalkers often have never learned to take “no” for an answer, so you must be clear and firm. When declining an unwanted invitation, make sure your answer cannot be interpreted in any way to mean “maybe”. Don’t give a reason or excuse that may only provide a challenge in the mind of the initiator.
4. If a person does not accept your refusal to become involved in a relationship, take the situation seriously.
5. If you think you are being stalked, notify your supervisor and local law enforcement.
6. If a coworker is engaging in this behavior tell your supervisor. It can then be dealt with as sexual harassment.



**STANISLAUS COUNTY
BOARD OF SUPERVISOR'S RESOLUTION
APPROVED FEBRUARY 28, 2006/RESOLUTION # 2006-130
WHISTLEBLOWER POLICY**

PURPOSE

All Stanislaus County employees operate under the requirements of numerous County policies, ordinances and contractual agreements, as well as other State and Federal laws and regulations governing employee activities. The collective requirements of all of these laws, regulations, policies, ordinances and agreements, create an environment of high standards for all County employees in the performance of their duties.

The purpose of this policy is to:

1. Establish an alternative process for reporting employee misconduct; and
2. Confirm the County's commitment to protecting whistleblowers from harassment or retaliation.

Many of the current standards governing employee conduct include specific procedures for County employees to report allegations of employee misconduct for appropriate investigation and follow-up. Some of the existing procedures for reporting misconduct are included in the County's Equal Employment Opportunity Program, the County Code of Ethics Policy and numerous Federal and State laws and regulations. The County also maintains contractual agreements with labor organizations and other private or public entities, many of which contain specific procedures for individuals to report allegations of contractual violations. This policy is not intended to replace any of the existing procedures that are currently in place for reporting issues of employee misconduct or contractual grievances. All existing procedures for reporting employee misconduct and contractual grievances remain available in conjunction with the implementation of this policy.

DEFINITIONS

- **Employee**—any regular, temporary or contracted employee of the County, including all appointed and elected officials.
- **Employee Misconduct**—any employee action which specifically violates any employee responsibility defined in County policies, ordinances, and contractual agreements, as well as any State and Federal laws or regulations.
- **Whistleblower**—any employee reporting an allegation of employee misconduct.

POLICY

Employees are encouraged to address allegations of employee misconduct at the lowest level appropriate for the issue. This would typically include reporting the violation to the employee's supervisor, manager or Department Head. Employees who are not comfortable reporting employee misconduct to available supervisors, managers or Department Heads, may elect to report the allegation of misconduct to the Human Resources Division of the County Chief Executive Office for appropriate referral and follow-up. Reports may be done verbally or in writing to:

Stanislaus County
Attn: CEO - Human Resources Division
1010 10th Street, Suite 6800
Modesto, CA 95354
(209) 525-6333

Reports may be anonymous, although follow-up and investigation may be limited in some situations when the reporting party is not identified. If the allegation of misconduct involves a member of the CEO – Human Resources Division, the report may be forwarded to the following:

Stanislaus County
Attn: Chief Operating Officer
1010 10th Street, Suite 6800
Modesto, CA 95354
(209) 525-6333

An employee who in good faith reports an allegation of employee misconduct shall be protected from harassment or retaliation. Any employee who retaliates against another employee who has reported an allegation of misconduct will be subject to discipline up to and including termination of employment. Employees who knowingly file a false report of employee misconduct may also be subject to discipline up to and including termination of employment.

CALIFORNIA WHISTLEBLOWERS PROTECTION ACT

The California “Whistleblowers Protection Act” applies to all employers in the State of California, including Stanislaus County. The specific provisions of the Act are contained in Sections 1102.5 through 1106 of the California Labor Code. The Act protects employees when reporting any violations of State or Federal laws or regulations and requires the California State Attorney General to maintain a Whistleblower Hotline (800-952-5225) for accepting reported violations. A notice describing the Whistleblower Hotline is posted in workplaces throughout the County in compliance with the Act.



**STANISLAUS COUNTY
BOARD OF SUPERVISOR'S RESOLUTION
APPROVED MAY 8, 2007/RESOLUTION # 2007-346
FALSE HEALTH CARE CLAIMS POLICY**

I. PURPOSE

To communicate to the employees and contractors of Stanislaus County, according to Section 6032 of the Deficit Reduction Act of 2005 (DRA), the policies and procedures related to the Federal and State False Claims Acts. These policies and procedures include preventing, detecting and responding to known or suspected incidents of fraud, waste or abuse in federal or state funded health care programs, i.e. Medicaid (Medi-Cal), Medicare, etc., within Stanislaus County. This policy is not intended to replace any of the existing procedures that are currently in place for reporting issues of employee misconduct or contractual grievances. All existing procedures for reporting employee misconduct and contractual grievances remain available in conjunction with the implementation of this policy.

II. POLICY

Every employee or contractor of Stanislaus County, as defined by the DRA, is encouraged to communicate any known or suspected incidents of fraud, waste or abuse in any federal or state funded health care program at the lowest level appropriate for the issue. This would typically include their supervisor, manager, the Compliance Officer or the Director of their Department/Agency, or the Compliance Officer or Director of the Department/Agency where the known or suspected fraud, waste or abuse has or is occurring. Employees or contractors who are not comfortable reporting to a Department/Agency, may elect to report to the Human Resources Division of the County Chief Executive Office. It is the responsibility of the supervisor, manager, Compliance Officer, Director or CEO Human Resources Division to promptly notify the Compliance Officer or Director in the Department/Agency where the known or suspected fraud, waste or abuse has or is occurring, in writing, of the nature and details of the suspected fraud, waste or abuse. The Compliance Officer or Director in such Department/Agency shall promptly initiate an investigation and implement any corrective actions that may seem appropriate as the result of their investigation. The individual reporting known or suspected fraud, waste or abuse shall have full whistleblower protections as set forth in this policy from any form of retaliation for making the report.

Stanislaus County shall provide to all required employees and contractors, as defined by the DRA, appropriate education about the Federal and State False Claims Acts, including, but not limited to, inclusion in the Personnel Manual.

III. REFERENCES

- A. Deficit Reduction Act of 2005, Section 6032.
- B. Social Security Act, Section 1902 (a) (68-69).
- C. United States Code Title 31, Chapter 37, Sections 3729-3733, False Claims Act.
- D. United States Code Title 31, Chapter 38, Sections 3801-3808, Administrative Remedies for False Claims and Statements.
- E. California Government Code § 12650-12656.

IV. PROCEDURE

A. Applicability

These policies and procedures apply to all required employees and contractors, as defined by the DRA, employed by or doing business with Stanislaus County.

B. Responsibility

The Director of each County Department/Agency is responsible for ensuring compliance with this policy. Any County Department/Agency that receives federal or state health care funding, including Medicaid (Medi-Cal) or Medicare funds, shall establish such policies and procedures, including a functional Compliance Committee, as necessary, for reporting, auditing, detecting, investigating, and resolving identified or potential issues relating to fraud, waste or abuse in federal or state health care programs.

C. Notification/Education

1. Required Stanislaus County employees, as defined by the DRA, shall be informed of this policy and procedure.
2. Required Contractors, as defined by the DRA, shall have included in their contracts a notice of the existence and applicability of this policy and procedure.
3. The Stanislaus County Personnel Manual shall include this policy, which shall serve as a specific discussion of the Federal and State False Claims Act and Whistleblower protections afforded by these acts.
4. The Stanislaus County Personnel Manual, including this policy, shall be available on the Internet for access by all employees and contractors.

D. Deficit Reduction Act of 2005 (DRA)—definitions for purposes of the DRA include:

1. **Entity** includes a governmental agency, organization, unit, corporation, partnership, or other business arrangement (including any Medicaid managed care organization, irrespective of form of business structure or arrangement by which it

exists), whether for-profit or not-for-profit, which receives or makes payments, under a State Plan approved under title XIX or under any waiver of such plan, totaling at least \$5,000,000 annually.

2. **Employee** includes any officer or employee of the entity.
3. **Contractor** includes any contractor, subcontractor, agent, or other persons who, on behalf of the entity, furnishes, or otherwise authorizes the furnishing of Medicaid health care items or services, performs billing or coding functions, or is involved in the monitoring of health care provided by the entity.

E. Federal False Claims Act

1. Definitions for purposes of the Federal False Claims Act include:

a) **Knowing** or **knowingly** mean that a person, with respect to information:

i) Has actual knowledge of the information;

ii) Acts in deliberate ignorance of the truth or falsity of the information;
or

iii) Acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required.

b) **Claim** includes any request or demand, whether under contract or otherwise, for money or property which is made to a contractor, grantee, or other recipient if the United States Government provides any portion of the money or property which is requested or demanded, or if the Government will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

2. Federal False Claims Act Provisions include:

a) 31 U.S.C. Section 3729 (a) prohibits any individual/entity from knowingly submitting or causing the submission of a false or fraudulent claim for payment to the US government. The civil penalty for a false claim is not less than \$5,000 and not more than \$10,000, plus three times the amount of damages.

b) 31 U.S.C. Section 3729 (b) defines “knowingly” as having actual knowledge of the information, acting in deliberate ignorance of the truth or falsity of the information, acting in reckless disregard of the truth or falsity of the information. The government does not have to prove that the person intended to defraud the government.

- c) 31 U.S.C. Section 3730 includes “Qui Tam” provisions that allow private citizens (relator) to sue violators on behalf of the government. The government can take over the prosecution or allow the relator to handle the case.
- d) If the government takes over the case and wins, the qui tam relator is eligible for 15-25% share of the recovery.
- e) If the relator handles the case and wins, the relator is eligible for 25-35% share of the amount recovered.
- f) If the action is initiated by a relator who planned and initiated the violation, then the court may reduce the share of the proceeds. If the relator bringing the action is convicted of criminal conduct arising from the violation of the False Claims Act, then they shall not receive any proceeds from the action.
- g) If defendant prevails and the court finds that the qui tam relator was clearly frivolous, clearly vexatious, or took action for the purposes of harassment, then the court may award to the defendant reasonable attorney’s fees and expenses.

3. Whistleblower Protections in the Federal False Claims Act.

31 USC Section 3730 (h) protects employees against discharge, demotion, suspension, threats, harassment, or discrimination by the employer because of lawful acts done by the employee in cooperating with the False Claims Act, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section.

F. Federal Administrative Remedies for False Claims and Statements

31 USC Sections 3801 to 3808 includes detailed information about the administrative process involved in the False Claims Act. Including definitions of individuals, positions and events that occur from a false claim or statement through the investigation, hearings and judicial review.

G. California False Claims Act

1. Definitions for purposes of the California False Claims Act include:

- a) **Claim** includes any request or demand for money, property, or services made to any employee, officer, or agent of the state or of any political subdivision, or to any contractor, grantee, or other recipient, whether under contract or not, if any portion of the money, property, or services requested or demanded issued from, or was provided by, the state

(hereinafter "state funds") or by any political subdivision thereof (hereinafter "political subdivision funds").

- b) **Knowing** and **knowingly** mean that a person, with respect to information, does any of the following:
 - i) Has actual knowledge of the information.
 - ii) Acts in deliberate ignorance of the truth or falsity of the information.
 - iii) Acts in reckless disregard of the truth or falsity of the information.
Proof of specific intent to defraud is not required.
 - c) **Political subdivision** includes any city, city and county, county, tax or assessment district, or other legally authorized local governmental entity with jurisdictional boundaries.
 - d) **Prosecuting authority** refers to the county counsel, city attorney, or other local government official charged with investigating, filing, or conducting civil legal proceedings on behalf of, or in the name of, a particular political subdivision.
 - e) **Person** includes any natural person, corporation, firm, association, organization, partnership, limited liability company, business, or trust.
2. California Government Code Section 12651 states a person can be liable for three times the amount of damages and also be liable to the state or to the political subdivision for the costs of a civil action brought to recover any of those penalties or damages, and may be liable for a civil penalty of up to ten thousand dollars (\$10,000) for each false claim if the person:
- a) Knowingly presents or causes to be presented to an officer or employee of the state or of any political subdivision thereof, a false claim for payment or approval.
 - b) Knowingly makes, uses, or causes to be made or used a false record or statement to get a false claim paid or approved by the state or by any political subdivision.
 - c) Conspires to defraud the state or any political subdivision by getting a false claim allowed or paid by the state or by any political subdivision.
 - d) Has possession, custody, or control of public property or money used or to be used by the state or by any political subdivision and knowingly delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt.

- e) Knowingly buys, or receives as a pledge of an obligation or debt, public property from any person who lawfully may not sell or pledge the property.
 - f) Knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the state or to any political subdivision.
 - g) Is a beneficiary of an inadvertent submission of a false claim to the state or a political subdivision, subsequently discovers the falsity of the claim, and fails to disclose the false claim to the state or the political subdivision within a reasonable time after discovery of the false claim.
3. The California False Claims Act also includes provisions that allow a private citizen to bring a civil action for a violation of this article as a “qui tam plaintiff.”
- a) If the Attorney General or local prosecuting authority take over the case and prevail, the qui tam plaintiff may receive between 15% and 33% of the proceeds as determined by the court.
 - b) If the Attorney General or local prosecuting authority does not proceed and the qui tam plaintiff prevails, the qui tam plaintiff may receive between 25% and 50% of the proceeds as determined by the court.
 - c) There is no guaranteed minimum recovery for actions initiated by:
 - i) Present or former employees of the State or political subdivision (this includes County employees).
 - ii) Present or former employees who actively participated in the fraudulent activity.
 - d) If defendant prevails and the court finds that the qui tam plaintiff was clearly frivolous, clearly vexatious, or took action for the purposes of harassment, then the court may award to the defendant reasonable attorney’s fees and expenses.
4. Whistleblower Protections in the California False Claims Act.
- a) California Government Code Section 12653 provides protection for employees by preventing employers from making, adopting, enforcing any rule, regulation or policy that would prevent an employee from disclosing information to a government or law enforcement agency or from acting in furtherance of a false claims action.

- b) California Government Code 12653 also requires that no employer shall discharge, demote, suspend, threaten, harass, deny promotion to, or in any other manner discriminate against, an employee in the terms and conditions of employment because of lawful acts done by the employee on behalf of the employee or others in disclosing information to a government or law enforcement agency or in furthering a false claims action, including investigation for, initiation of, testimony for, or assistance in, an action filed or to be filed under the California False Claims Act.

V. ROLE OF FALSE CLAIMS LAWS

The false claims laws discussed above are an important part of preventing and detecting fraud, waste and abuse in federal and state programs, because they provide governmental agencies the authority to seek out, investigate and prosecute fraudulent activities. Enforcement activities take place in the criminal, civil and administrative arenas. This provides a broad spectrum of remedies to battle these problems.

Anti-retaliation protections for individuals who make good faith reports of fraud, waste and abuse encourage reporting and provide broader opportunities to prosecute violators. Statutory provisions, such as the anti-retaliation provisions of the False Claims Act, create reasonable incentives for this purpose. Employment protections create a level of security employees need in order to help in prosecuting these cases.