

VOLUNTEER ORIENTATION CHECKLIST

Volunteer Name: _____

(FORMS TO BE RETURNED TO PERSONNEL WITH ORIENTATION CHECKLIST)

- _____ Volunteer Application Form
- _____ Volunteer Appointment Form and General Conditions of Service Agreement
- _____ Drug-Free Workplace Policy Statement
- _____ Injury and Illness Prevention Program Policy Statement

(BROCURES AND POLICIES TO BE KEPT BY VOLUNTEER)

- _____ Sexual Harassment DFEH Brochure (volunteer's copy)
- _____ Facts for injured Workers Brochure (volunteer's copy)-Designated Medical Facilities for Work Related Injuries/Illnesses
- _____ City of Eureka Zero Tolerance Policy Against Harassment (volunteer's copy)
- _____ City of Eureka Policy for the Prevention of Violence in the Workplace (volunteer's copy)
- _____ City of Eureka Smoking Policy and (AB 846) Smoking : Public Buildings Policy (volunteer's copy)
- _____ Office Communication Equipment Use Policy (volunteer's copy)

I have had the above items provided to me and have had the opportunity to ask questions. By signing below, I acknowledge I fully understand the above items as they relate to my volunteer work with the City of Eureka.

Signature

Date

Exact title of the position for which you are applying: _____ Date: _____

CITY OF EUREKA APPLICANT QUESTIONNAIRE

The City of Eureka is asking all applicants for employment to complete the information on this Applicant Questionnaire in order to comply with United States Government Equal Employment Opportunity requirements. Data collected will be used for statistical purposes and to measure effectiveness of recruitment efforts.

The information, which you provide voluntarily, will be detached from your application upon submission and will be kept separate and confidential. It will not be utilized other than as described above.

The City of Eureka is an equal opportunity employer. If you feel you have been treated unfairly or discriminated against because of race, color, national origin, sex, age, or disability, please contact the City's Personnel Office at (707)441-4124.

The Personnel Department will make reasonable efforts in the examination process to accommodate people with special physical or mental requirements. If you have special needs, please call (707)441-4124 prior to the examination date.

When indicating you have a special need, one of the following definitions will apply to you. A disabled person is anyone who:

1. Has a physical or mental impairment which substantially limits one or more major life activities: i.e., walking, seeing, hearing, speaking, working or learning; or
2. Has a record of such impairment; or
3. Is regarded as having such an impairment.

Please review the following list of disabilities and definitions. Please identify your specific disability(ies) by checking the appropriate line(s):

_____ **VISUAL:** Persons who are legally blind in one or both eyes and persons whose visual acuity even after correction (eye glasses or contact lenses) is 20/200 visual acuity or restricted in the visual field to 20 degrees.

_____ **HEARING:** Persons with total deafness or inability to hear a normal conversation and/or use a telephone without the aid of an assistive device.

_____ **SPEECH:** Persons with speech impairments when speech is unintelligible in normal conversation.

_____ **PHYSICAL:** Persons with orthopedic impairments, amputations, or functional limitations if there is: (a) loss or significant impairment of one or both arms; (b) loss or significant impairment of one or both legs; and (c) impairment of the trunk, back, or spine, when there is a medically diagnosed disability which limits one or more major activities.

_____ **DEVELOPMENT:** Persons who meet the legal definition or have been identified as having a developmental disability. This includes, but not limited to, disabilities such as autism, cerebral palsy, epilepsy, mental retardation, and other neurological impairment.

_____ **OTHER:** (Specify) _____

Ethnic Origin (Please check ONE):

_____ **WHITE:** All persons having origins in any of the original people of Europe, North Africa, or the Middle East.

_____ **BLACK:** All persons having origins in any of the Black racial groups.

_____ **HISPANIC:** All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

_____ **ASIAN or PACIFIC ISLANDER:** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, Samoa, and the Philippine Islands.

_____ **AMERICAN INDIAN or ALASKA NATIVE:** All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Date of Birth: Month _____ Day _____ Year _____

Are you age 40 or older? Yes _____ No _____ **Are you:** Male _____ Female _____

How did you learn about this position?

- | | |
|--------------------------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Advertisement (specify) _____ | <input type="checkbox"/> Friend or Colleague |
| <input type="checkbox"/> Community Agency (specify) _____ | <input type="checkbox"/> Job Line |
| <input type="checkbox"/> Website (specify) _____ | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Professional Organization (specify) _____ | |



City of Eureka
 Personnel Department
 531 K Street
 Eureka, CA 95501

Department: _____

Position Title: _____

VOLUNTEER APPLICATION FORM

PERSONAL INFORMATION

Name (Last, First, Middle)	Area Code	Home Telephone
Mailing Address	Area Code	Work Telephone
City, State & Zip	E-Mail	
Do you have a valid Driver's License? Yes _____ No _____	Social Security Number	
State: _____ Number: _____ Class: _____ Expiration: _____		

List any course of study, degrees, licenses, or certificates which are relevant: _____

RELATED EXPERIENCE: List related experience below (paid and voluntary). Attach additional sheets if necessary.

FROM _____ TO _____	Title of Your Position: _____
Name and Address of Employer: _____ _____ _____	Duties You Performed: _____ _____ _____
Phone Number: _____	
Name of Supervisor: _____	Number supervised (if any) _____ No. of Hours per week: _____
Reason for Leaving: _____	Salary \$ _____ Hour _____ Week _____ Month _____

A "YES" ANSWER TO ANY OF THE NEXT 3 QUESTIONS REQUIRES AN EXPLANATION BELOW

A. Have you ever been employed by the City of Eureka? Yes _____ No _____ From _____ to _____ Department _____

B. Are you related to anyone currently employed by the City of Eureka? Yes _____ No _____ Name _____ Department _____

C. Have you ever been convicted as an adult for any violation of the law? Yes _____ No _____ Provide dates, location(s), and penalties. Exclude traffic violations under \$150 and convictions more than two years old for violation of Health and Safety Codes §11357 (b) or (c), §11360 (b), §11364, §11365, and §11550 as related to marijuana. Also exclude any conviction for which the record has been judicially ordered sealed, expunged, or statutorily eradicated (e.g., juvenile offense records sealed pursuant to Welfare and Institutions Code §389 and Penal Code §851.7 or §1203.45); any misdemeanor conviction for which probation has been successfully completed or otherwise discharged and the case has been judicially dismissed pursuant to Penal Code §1203.4; or any arrest for which a pretrial diversion program has been successfully completed pursuant to Penal Code §1000.5 and §1001.5. Conviction is not necessarily a bar to employment. Each case will be given individual consideration. Failure to list all convictions other than those excluded above may disqualify you from further consideration.

D. Are you required by Penal Code Section §290 to register with a local law enforcement agency? Yes _____ No _____

ADDITIONAL INFORMATION: Use this space to provide additional information as required by this application, or to describe in greater detail any aspects of your experience that are pertinent to the volunteer assignment you are seeking.

CERTIFICATE OF APPLICANT- PLEASE READ CAREFULLY

I have read and understand all the information contained in this application. I authorize the release of information concerning my qualifications, character, or prior record to the City of Eureka through inquiries to any sources. I certify that all statements in this application are true and complete: that there are no misrepresentations, falsifications, or omissions of material fact and I am aware that any misstatements or omissions of material fact may cause rejection of my application, disqualification from competing for, or discharge from volunteer assignments in this jurisdiction. Furthermore, I may be required to submit verification of any information provided on this application. I understand that as a condition for volunteering, I may be required to take and pass medical and psychological tests including drug and alcohol screening. I further understand that to work with youth I will be fingerprinted prior to the beginning of my volunteer assignment(s).

Signature: _____ Date: _____

CITY OF EUREKA

**VOLUNTEER APPOINTMENT FORM AND
GENERAL CONDITIONS OF SERVICE AGREEMENT**

NAME _____

ADDRESS _____ PHONE _____

CITY _____ ZIP CODE _____

POSITION _____ DEPARTMENT _____

STARTING DATE _____ ENDING DATE _____

The following General Conditions of Service for Volunteers of the City of Eureka shall be understood and agreed to by the volunteer of his/her own free will, and accord, without reservations and shall be subject to the conditions set forth below:

1. I shall receive no form of compensation for my volunteer service, the only benefit I shall receive is Worker's Compensation.
2. I understand I may be terminated from volunteer service at any time without cause and without appeal.
3. From the date on my appointment and for the entire period of my service, I will comply with any City rules, regulations, orders, policies, and procedures as they may apply, exist or are amended in the future.
4. My service with the City is predicated upon my ability to report to duty at any hour of the day of the week, as required by the City, in a proper state of mind to perform all tasks as assigned, within the scope of this service.
5. I understand that the role of a Volunteer employee is ever-changing, and that the City reserves the right to expand or change the scope of this service consistent with providing the community with any level of public service judged by the City to be necessary or appropriate.
6. My fitness for continued volunteer service will be determined by my ability to perform the essential functions of my position, with or without reasonable accommodation.
7. The City does not provide a uniform or clothing allowance to Volunteer employees, but I am obligated to report to duty in the prescribed attire and neatly groomed regardless what the cost may be, and I shall comply with the City's decisions regarding grooming and conduct.
8. As a Volunteer employee, complaints may be made against me, and I am obligated to cooperate in the investigation of any complaint.
9. My volunteer service shall be limited to time periods designated by my supervisor, as determined by my regular work/personal schedule.

I, _____, understand and agree to the to the preceding

Print Name

General Conditions of Service for Volunteers with the City of Eureka.

Signature _____ Date _____

(Guardian must sign if under 18)

Supervisor Signature _____ Date _____

Title _____

Send a completed copy to Personnel; upon employee completing assignment, fill in "Ending Date" and forward a copy to Personnel

**AUTHORIZATION TO USE PRIVATELY OWNED AUTOMOBILES ON CITY OF
EUREKA BUSINESS**

I. CERTIFICATION

In accordance with City policy, approval is requested to use a privately owned automobile on official City business, only when a City vehicle is unavailable.

I hereby certify that, whenever I drive a privately owned vehicle on City business, the vehicle shall always be:

1. Covered by liability insurance for the minimum amount prescribed by the City: (\$100,000 - \$300,000 bodily injury and \$100,000 property, or combined single limits of \$300,000).
2. Adequate for the work to be performed.
3. Equipped with seat belts.
4. To the best of my knowledge, in safe mechanical condition.

I further certify that while using a privately owned vehicle on official City business, all accidents will be reported within 24 hours.

Name of Automobile Insurance Company _____

Automobile Insurance Policy Number _____

I possess a valid California Driver=s License No. _____

Signature

Date

Employee's Name (PLEASE PRINT)

II. RECOMMENDATION

Use of a privately owned automobile on City business is recommended, only if a City vehicle is unavailable.

Department Head

Date

III. APPROVAL

Personnel Director or Designee

Date

CITY OF EUREKA
POLICY STATEMENT
REGARDING A DRUG-FREE WORKPLACE
FOR CITY EMPLOYEES

In accordance with the Drug-Free Workplace Act of 1990, the City of Eureka is committed to providing a drug-free workplace for City employees.

The unlawful manufacture, distribution, dispense, possession, or use of controlled substances is prohibited in the workplace. Employees violating any of these prohibitions will be subject to disciplinary action up to and including dismissal.

Each City employee, as a condition of employment, shall agree to abide by the terms of this policy statement.

All regular part-time and full-time employees in need of assistance may obtain it confidentially by contacting the Employee Assistance Program (EAP) offered by the City through REMIF. This program may be accessed directly by calling 1-888-371-1125 (24 hours a day, seven days a week), or by contacting the Personnel Department for further information. Temporary and Seasonal employees in need of assistance should discuss the matter with their department head or the Personnel Department to determine if some assistance may be available to them.

By signing below, I signify that I have read, understand, and agree to abide by the above policy statement.

Signature

Date Signed

Name (please print)

CITY OF EUREKA
INJURY AND ILLNESS PREVENTION PROGRAM

POLICY STATEMENT

In accordance with Senate Bill 198, passed in January, 1991, which mandates all employers to have a written Injury and Illness Prevention Program, and as provided by the City Council of the City of Eureka on July 2, 1991, the City Council of the City of Eureka affirms its policy to implement and maintain a City-wide Injury and Illness Prevention Program.

The City Council is committed to maintaining a safe and healthy workplace for all employees, and intends to fully comply with all laws regarding worker and workplace safety. The Illness and Injury Prevention Program shall apply to all employees of the City of Eureka, and shall include the development of safety and health procedures and practices, and development of a disciplinary system to enforce compliance with established safety and health procedures and practices; periodic safety inspections to identify, evaluate, correct and/or control unsafe working conditions or practices; training for all employees upon hire, upon assumption of new duties, upon acquisition of new equipment or tools, upon new legislation, and upon any other change to working conditions; adequate protective gear and instruction in its use; thorough investigation of all accidents, including "near misses", to determine the cause and ensure that the incident does not recur; and a system of incentives and recognition for adherence to safety procedures and practices.

It shall be the responsibility of the City Manager, or his designee, to ensure that the Injury and Illness Prevention Program is implemented and maintained. The City Manager, or his designee, shall also ensure that the specifics of the Injury and Illness Prevention Program are communicated to all employees of the City of Eureka.

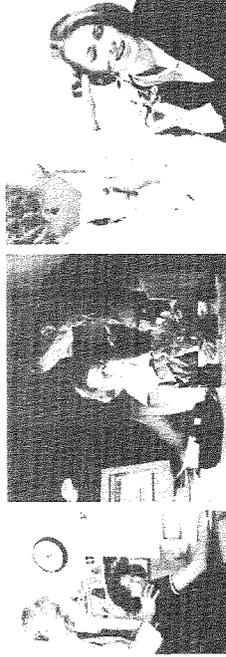
All employees of the City of Eureka are hereby directed to give their support and cooperation to the implementation of the Injury and Illness Prevention Program.

I have read and understand the above policy statement.

Signature

Date Signed

Name (please print)



The definition of sexual harassment includes many forms of offensive behavior.

- An employer might avoid liability if
- the harasser is not in a position of authority, such as a lead, supervisor, manager or agent;
 - the employer had no knowledge of the harassment;
 - there was a program to prevent harassment; and
 - once aware of any harassment, the employer took immediate and appropriate corrective action to stop the harassment.

Filing a Complaint

Employees or job applicants who believe that they have been sexually harassed may file a complaint of discrimination with DFEH within **one year** of the harassment.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish discrimination occurred and settlement efforts fail, the Department may file a formal accusation. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed by DFEH on behalf of the complaining party.

If the Commission finds that discrimination has occurred, it can order remedies including:

- Fines or damages for emotional distress from each employer or person found to have violated the law
- Hiring or reinstatement

- Back pay or promotion
- Changes in the policies or practices of the involved employer

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

For more information, see DFEH publication 159 "Guide for Complainants and Respondents."

For more information, contact DFEH toll free at **(800) 884-1684**

TTY number at **(800) 700-2320** or visit our web site at www.dfeh.ca.gov

In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact DFEH at the numbers above.



State of California
Department of Fair Employment & Housing



Sexual Harassment

The Facts About Sexual Harassment

The *Fair Employment and Housing Act* (FEHA) defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. The following is a partial list of types of sexual harassment:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Actual or threatened retaliation
- Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
- Making or using derogatory comments, epithets, slurs, or jokes
- Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes, or invitations
- Physical touching or assault, as well as impeding or blocking movements



The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing and public accommodations, and from the perpetration of acts of hate violence.

Employers' Obligations

All employers must take the following actions against harassment:

- Take all reasonable steps to prevent discrimination and harassment from occurring. If harassment does occur, take effective action to stop any further harassment and to correct any effects of the harassment.
- Develop and implement a sexual harassment prevention policy with a procedure for employees to make complaints and for the employer to investigate complaints. Policies should include provisions to:
 - Fully inform the complainant of his/her rights and any obligations to secure those rights.
 - Fully and effectively investigate. The investigation must be thorough, objective, and complete. Anyone with information regarding the matter should be interviewed. A determination must be made and the results communicated to the complainant, the alleged harasser and, as appropriate, to all others directly concerned.
 - Take prompt and effective corrective action if the harassment allegations are proven. The employer must take

appropriate action to stop the harassment and ensure it will not continue. The employer must also communicate to the complainant that action has been taken to stop the harassment from recurring. Finally, appropriate steps must be taken to remedy the complainant's damages, if any.

- Post the Department of Fair Employment and Housing (DFEH) employment poster (DFEH 162) in the workplace (available through the DFEH toll-free number [800] 884-1684 or web site).

- Distribute an information sheet on sexual harassment to all employees. An employer may either distribute this pamphlet (DFEH 185) or develop an equivalent document that meets the requirements of Government Code section 12950(b). This pamphlet may be duplicated in any quantity. **However, this pamphlet is not to be used in place of a sexual harassment prevention policy, which all employers are required to have.**

- All employees should be made aware of the seriousness of violations of the sexual harassment policy. Supervisory personnel should be educated about their specific responsibilities. All employees must be cautioned against using peer pressure to discourage harassment victims from complaining.

- A program to eliminate sexual harassment from the workplace is not only required by law, but is the most practical way for an employer to avoid or limit liability if harassment should occur despite preventive efforts.

Employer Liability

All employers, regardless of the number of employees, are covered by the harassment section of the FEHA. Employers are generally liable for harassment by their supervisors or agents. Harassers, including both supervisory and nonsupervisory personnel, may be held personally liable for harassing an employee or coworker or for aiding and abetting harassment.

Additionally, the law requires employers to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventive measures, that employer can be held liable for the harassment. A victim may be entitled to damages, even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

In addition, if an employer knows or should have known that a **nonemployee** (e.g. client or customer) has sexually harassed an employee, applicant, or person providing services for the employer and fails to take immediate and appropriate corrective action, the employer may be held liable for the actions of the nonemployee.



CITY OF EUREKA PERSONNEL DEPARTMENT

531 K Street * Eureka, California 95501-1165 * (707) 441-4124

PREDESIGNATION OF PERSONAL PHYSICIAN

In the event you sustain an injury or illness related to your employment, you may be treated for such injury or illness by your personal medical doctor (M.D.) or doctor of osteopathic medicine (D.O.) if:

- Your employer offers group health coverage;
- The doctor is your regular physician, who shall be either a physician who has limited his or her practice of medicine to general practice or who is a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner, and has previously directed your medical treatment, and retains your medical records;
- Prior to the injury your doctor agrees to treat you for work injuries or illnesses;
- Prior to the injury you provided your employer the following in writing: (1) notice that you want your personal doctor to treat you for a work-related injury or illness, and (2) your personal doctor's name and business address.

You may use this form to notify your employer if you wish to have your personal medical doctor or a doctor of osteopathic medicine treat you for a work-related injury or illness and the above requirements are met.

NOTICE OF PREDESIGNATION OF PERSONAL PHYSICIAN

This designation will remain in effect until revoked or changed by the employee.

Employee: Complete this section

To: City of Eureka

If I have a work-related injury or illness, I choose to be treated by:

(name of doctor)(M.D., D.O.)

(street address, city, state, ZIP)

(telephone number)

Employee Name (please print): _____

Employee Address: _____

Employee Signature

Date:

Physician: Complete this section

I agree to this Predesignation:

Physician Signature (or Designated Employee of the Physician)

Date

The physician is not required to sign this form, however, if the physician or designated employee of the physician does not sign, other documentation of the physician's agreement to be predesignated will be required pursuant to Title 8, California Code of Regulations, section 9780.1 (a)(3).

THIS FORM MUST BE ON FILE PRIOR TO SEEING THE ABOVE LISTED PHYSICIAN FOR A WORK RELATED INJURY.

**CITY OF EUREKA
DESIGNATED MEDICAL FACILITIES
FOR WORK-RELATED INJURIES/ILLNESSES**

As always, please contact Personnel prior to going to one of these facilities (or leave voice mail at 441-4124 if after hours) so we can facilitate your claim.

During regular working/business hours:

Redwood Family Practice

2350 Buhne
Eureka, CA 95501
443-4593

**Occupational, Environmental Health & Drug Screening
(Formally Dr. Salter's Office)**

3116 Harrison Ave.
Eureka, CA 95501
444-3885

After hours care:

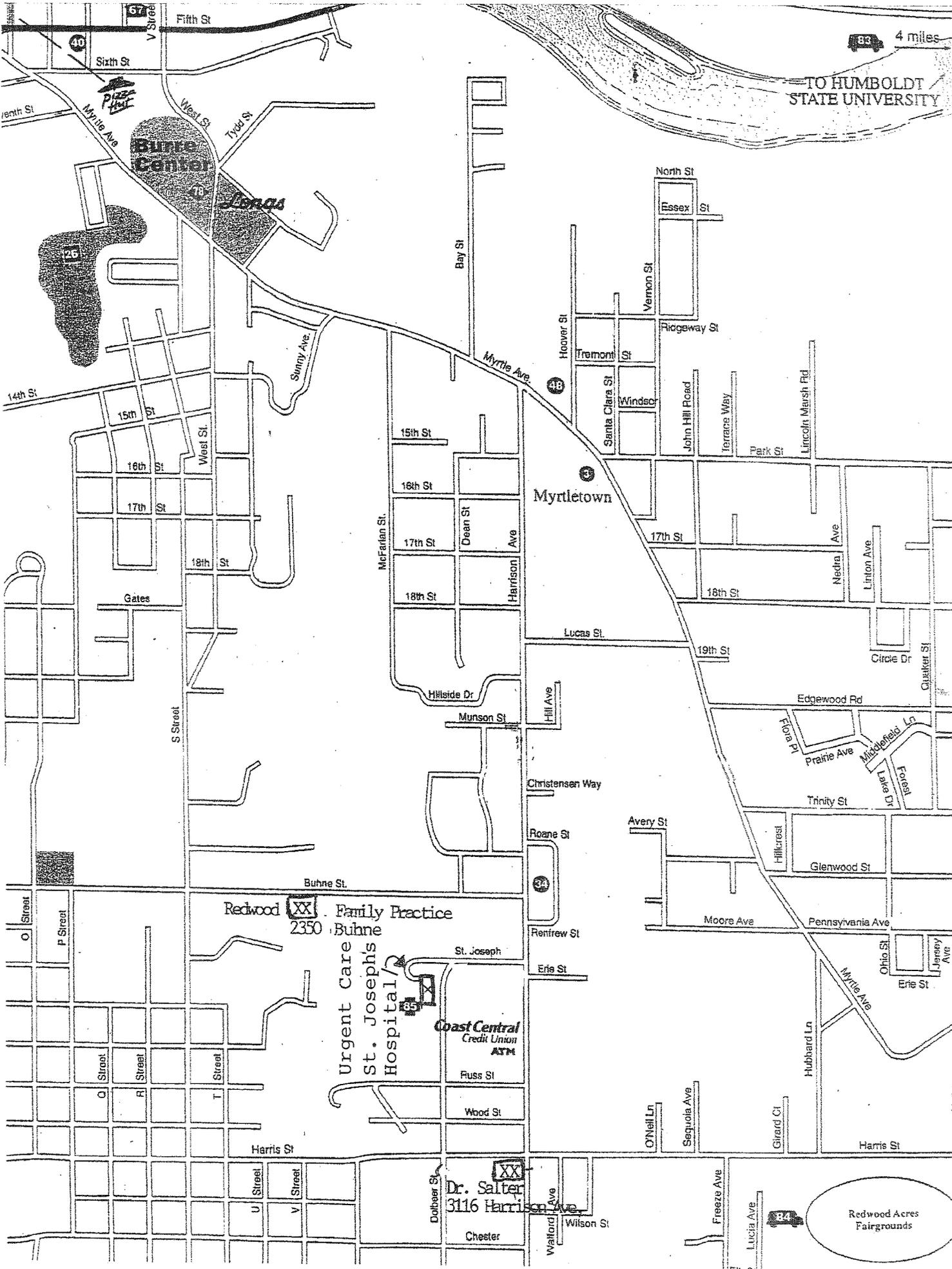
**The Urgent Care Clinic at St. Joseph Hospital (southeast end of the hospital)
(formerly the Urgent Care Center at General Hospital)**

2700 Dolbeer Street
Eureka, CA 95501
269-3610
8 a.m. to 8 p.m.

Emergency care:

St. Joseph Hospital Emergency Room

2700 Dolbeer Street
Eureka CA 95501
269-4250



4 miles

TO HUMBOLDT STATE UNIVERSITY

Bunne Center

PIZZA HUT

Myrtle town

Redwood XX Family Practice
2350 Buhne

Urgent Care
St. Joseph's
Hospital

Coast Central
Credit Union
ATM

Dr. Salter
3116 Harrison Ave

Redwood Acres
Fairgrounds



CITY OF EUREKA ZERO TOLERANCE POLICY AGAINST HARASSMENT

The City of Eureka will not tolerate any form of harassment, including sexual harassment, in the workplace. Any employee engaging in harassment will be subject to disciplinary action, up to and including termination.

Retaliation against a person for filing a harassment charge or making a harassment complaint will also not be tolerated. Any employee found to be retaliating against another employee will be subject to disciplinary action, up to and including termination.

CITY OF EUREKA ZERO TOLERANCE POLICY AGAINST HARASSMENT

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M E M O R A N D U M

TO: ALL CITY OF EUREKA EMPLOYEES; VOLUNTEERS; COUNCIL MEMBERS; AND BOARD AND COMMISSION MEMBERS

FROM: DAVID W. TYSON, CITY MANAGER

RE: ATTACHED ZERO TOLERANCE AGAINST HARASSMENT POLICY

In order to restate, reaffirm, and clarify the City of Eureka's zero tolerance stance against harassment in the workplace, the Eureka City Council approved the attached Zero Tolerance Against Harassment Policy on August 3, 1999. Under this policy, the City will not tolerate any harassment of its employees by any person encountered in the workplace, including co-workers, supervisors, managers, City Council members, Board or Commission members, vendors, or citizens. Zero tolerance means that every instance of harassment in the workplace will be dealt with immediately, and resolved as quickly as possible.

The attached Zero Tolerance Against Harassment Policy is the official City Policy regarding all forms of harassment in the workplace. Although individual departments may have previously adopted policies and/or procedures which address harassment, this Policy supersedes any others which may exist.

The Policy includes examples of prohibited harassing conduct, the complaint and investigation procedure to be followed when it is believed harassing conduct has occurred, and the disciplinary action which will result if harassing conduct is found to have taken place. *All* incidents of reported harassment must be discussed with the Human Resources Department **before** a formal investigation is begun, or **before** *any* action is taken as the result of a harassment complaint.

It is the responsibility of each recipient of this Policy to become familiar with its contents as they apply to employment with the City and/or appointment to City service. It is especially important that all employees in supervisory and/or management positions be familiar with their essential role in a zero tolerance workplace, as outlined within the Policy.

Any questions regarding the Zero Tolerance Against Harassment Policy should be addressed to the Human Resources Department at 441-4124.

CITY OF EUREKA ZERO TOLERANCE POLICY AGAINST HARASSMENT

I. PURPOSE OF THE POLICY

The purpose of this policy is to restate and reaffirm that, according to federal and state law and City policy, the City will take all reasonable steps to prevent, prohibit, and take appropriate action against harassment in the workplace. The policy also clarifies what constitutes harassment, and explains the procedures involved in investigating and resolving harassment complaints. 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.

II. STATEMENT OF INTENT

The City of Eureka recognizes that our success depends upon our employees. All employees deserve to perform their jobs in a workplace that is free from harassment, where each individual is a respected member of the team and is allowed to function at their highest potential. When one employee harasses another, he or she violates the rights of that person to perform their job under safe and secure conditions. Harassment undermines individual and team achievement, and damages employee morale. It is unacceptable behavior for any City employee, and will not be tolerated in any form.

III. ZERO TOLERANCE

The City is committed to providing a workplace free of all types of harassment, including but not limited to, those based on:

- X sex (including harassment based on gender, pregnancy, childbirth, or related medical conditions)
- X race
- X color
- X religion
- X national origin
- X ancestry
- X age
- X physical disability
- X mental disability
- X medical condition
- X marital status
- X sexual orientation
- X family care or medical leave status
- X veteran status.

CITY OF EUREKA
ZERO TOLERANCE POLICY
AGAINST HARASSMENT

As the legal standards and consequences of harassment are constantly evolving, the City's policy is one of "zero tolerance." This means that our policy prohibits all harassment, even if it may not be considered illegal. This is because the City strongly believes that all employees deserve to be treated with respect, dignity, and professionalism. It does not matter whether or not an accused employee intended to offend another employee, or whether they believed their comments or actions were welcomed by another employee. The City's policy is violated whenever an employee, either as a recipient or as an observer, is offended by comments, behavior, or material which is based on those protected harassment categories outlined above.

Male and female workers may be victims of sexual and other forms of harassment by harassers of either gender. Harassment can occur between a supervisor and subordinate, between co-workers, or between an employee and an outside vendor or citizen. Under this "zero tolerance" policy, the City will not tolerate any harassment of its employees by any person encountered in the workplace, including co-workers, supervisors, managers, City Council members, Board or Commission members, vendors, or citizens. Any employee engaging in harassing behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

In addition, any retaliation against an employee for making a harassment charge, filing a harassment complaint, or participating in a harassment investigation will not be tolerated and will be taken as seriously as harassment itself. Any employee engaging in retaliatory behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

IV. DEFINITION OF HARASSMENT

Both federal and state law recognize two kinds of sexual harassment, the second of which encompasses other types of harassment as well. They are:

- X **Quid Pro Quo Harassment** ■ This type of harassment occurs when submission to some form of unwelcome sexual advance is used either as a condition of employment, or as the basis for employment decisions affecting an employee. This could range from receiving a poor performance evaluation after refusing to date the reviewer, to sexual favors being requested in exchange for a promotion. Quid Pro Quo harassment can only be engaged in by an employee in a position of authority over the complainant.

- X **Hostile Environment Harassment** ■ This type of harassment occurs when

CITY OF EUREKA
ZERO TOLERANCE POLICY
AGAINST HARASSMENT

unwelcome verbal, physical, and/or visual conduct based on any of the protected harassment categories has the purpose or effect of unreasonably interfering with an individual's work performance, or when such conduct creates an intimidating, hostile, or offensive work environment. The prohibited conduct need not be directed specifically at an employee in order for a hostile environment to exist, and typically involves more than a single incident or event. This is a much broader category, and examples of this type of harassment include, but are not limited to, the following:

- X repeated requests for dates, by either the same or the opposite gender;
- X making derogatory comments or telling jokes or stories about minority groups, ethnicities, or nationalities, such as "Black, Irish, Polish, or Arab," etc.;
- X making "limp hand" gestures or walking in a mincing way in reference to a person's sexual orientation;
- X belittling religious beliefs, such as telling Catholic jokes regarding birth control; or advancing religious stereotypes, such as that Jews are stingy;
- X making references to an employee's age, such as that they are too young and inexperienced to do their job, or too old to understand a new concept;
- X mimicking an accent or a physical condition, such as a limp;
- X ridiculing cultural clothing, such as a turban; or hairstyles, such as corn rows or dreadlocks.

It is important to note that these types of behavior are not only harassing, but are also simply discourteous. Employees are individuals, and their individuality is expressed in a variety of ways. Feeling comfortable with that expression leads to better job performance for all employees.

V. EXAMPLES OF PROHIBITED HARASSING CONDUCT

- X **Verbal Harassment** ■ Consists of such things as making or using unsolicited and unwelcome derogatory epithets (■name-calling■), comments, slurs, or jokes on the basis of any of the protected harassment categories. Conduct includes inappropriate sexually-oriented comments on appearance, including dress or physical features; sexually-oriented noises; questions about an employee's sexual practices; telling racially-oriented stories or using ethnic slurs; verbal sexual advances or propositions; verbal abuse; or making threats of reprisal after a negative response to sexual advances.

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- X Physical Harassment ■ Consists of such things as unwelcome touching, impeding or blocking movement and/or physical interference with normal work or movement, when directed at an individual on the basis of any of the protected harassment categories. Conduct includes pinching, hitting, pushing, poking with finger, brushing against another's body, grabbing, patting, physical propositioning, leering, making sexual gestures, or making explicit or implied job threats or promises in return for submission to physical and/or sexual acts.

- X Visual Harassment ■ Consists of such things as sexually suggestive or obscene letters, notes, greeting cards, or invitations; displaying of sexually suggestive or derogatory objects, posters, notices, bulletins, cartoons, or drawings based on any of the protected harassment categories; staring at an employee's anatomy; mooning; unwanted love letters or notes.

- X Sexual Favors ■ Consists of such things as unwanted sexual advances; requests for sexual favors; repeated requests for dates after refusals; and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance, or creates an offensive work environment.

In California, whether or not a particular behavior is offensive is decided from the perspective of a ■reasonable person.● In other words, if a reasonable person would consider the conduct to be harassing, then it is. If an employee has any doubt as to whether any of their conduct might be considered harassment under this standard, they should stop the conduct immediately.

VI. COMPLAINT AND INVESTIGATION PROCEDURE

Employees are encouraged, whenever possible, to let a person know if he or she has said or done something which the employee finds offensive or unwelcome. Many potential complaints can be resolved in this way.

However, if an employee does not want to speak directly to the alleged harasser, or if he or she has done so and the harassment has continued, the employee may initially report the alleged harassing conduct to any of the following, either orally or in writing:

- X Employee's immediate supervisor (an employee is not required to make a complaint to his or her immediate supervisor if that person is the individual about whom the employee is making the complaint)

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- X Any supervisor within the employee's department
- X Employee's department head
- X Human Resources staff
- X City Manager

Employees may also, if desired, consult with an employee association representative, if applicable.

Employees should promptly report harassment complaints so that a timely and effective investigation can be conducted, and a resolution can be quickly reached. Any supervisor or department head who receives a harassment complaint shall notify the Director of Human Resources and/or the City Manager immediately. It is important to note that, once notified of a potential sexual harassment complaint, the City has a legal obligation to investigate the circumstances, regardless of whether the harassed employee has filed a complaint.

Upon notification of a harassment complaint, the Director of Human Resources or his/her designee shall:

- X *Provide a copy of this policy to the complainant, the accused harasser, and any other applicable persons;*
- X *Authorize and implement an immediate, effective, thorough, and objective investigation of the complaint.*

Although the City will make every reasonable effort to maintain confidentiality for the benefit of both the complainant and the accused, complete confidentiality cannot be guaranteed. In order to conduct a full and fair investigation, the accused harasser will be informed of the identity of the complainant, and each employee interviewed will be admonished to maintain confidentiality regarding the investigation or be subject to disciplinary action. To the greatest extent possible, the City will limit access to information contained in the complaint and obtained during the investigation process to those persons who need it to complete the investigation or to take appropriate disciplinary action or other forms of resolution.

Interviews will be held with (1) the complainant; (2) the accused harasser; and (3) any other persons the Director of Human Resources has reason to believe may have relevant knowledge concerning the complaint, which may include employees who have experienced similar conduct. During his or her interview, the complainant

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may specify the type of relief they feel is warranted from the alleged harasser, and this will be considered in evaluating the complaint and in determining the appropriate disciplinary action, if the charge is confirmed.

- X *Review factual information gathered through the investigation process; determine whether a violation of this policy has occurred, giving consideration to all the factual information, and the totality of circumstances, including the nature of the verbal, physical, visual, or sexual conduct, and the context in which the alleged conduct occurred;*
- X *Promptly report the results of the investigation and the determination as to whether this policy has been violated to appropriate persons, including the complainant, the alleged harasser, the supervisor, the department head, and as appropriate, to all others directly concerned;*
- X *If a violation of this policy has been established, recommend to the City Manager prompt and effective discipline against the harasser, in keeping with the severity of the offense.*

If discipline is imposed, this will be communicated to the complainant; however, to protect the privacy rights of the accused, the complainant will not be told what the specific disciplinary action was. The nature and severity of the discipline will vary depending upon the nature and severity of the harassment, whether or not the employee was in a supervisory or management position, any past history of misconduct, and the City's Standards of Employee Conduct (Policy and Procedure Memorandum 3.50).

- X *If the harassment charge is confirmed, take reasonable steps to protect the complainant and/or other employees from any further harassment; and*
- X *Take reasonable steps to protect the complainant and/or other employees from any retaliation as a result of the complaint or the investigation.*

VII. MANAGER AND SUPERVISOR RESPONSIBILITIES

Management and supervisory employees are responsible for ensuring that the work environment is free from harassment by:

- X Informing all employees under their direction of the City policy and complaint

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- procedure;
- X Reporting any incidences of harassment to their department head and to the Human Resources Department;
 - X Based on the findings of the investigation, implementing, or assisting in the implementation of, any actions necessary to prevent further harassment from occurring.

Management and supervisory employees may be held personally liable if they do not take corrective action to resolve harassment situations, when they *knew* or *should have known* that a harassing condition existed.

Examples of situations where it will be assumed a management or supervisory employee *knew* of harassment include, but are not limited to:

- X If a complaint is reported to them, but they do not take it seriously;
- X If they discourage an employee from filing a complaint;
- X If a complaint is made and they refuse to accept it; or
- X If they do not notify Human Resources and their department head when a complaint is made.

Examples of situations where it will be assumed a management or supervisory employee *should have known* of harassment include, but are not limited to:

- X If they did not take action on a questionable situation to determine if sexual harassment was or is occurring, or when found to be occurring, did not stop it.

VIII. RETALIATION

City employees have the right to complain about harassment without fear of retaliation. Any retaliation against an employee for making a harassment charge, filing a harassment complaint, or participating in a harassment investigation will not be tolerated and will be taken as seriously as harassment itself. Any employee found to be retaliating against another employee will be subject to disciplinary action, up to and including termination.

Examples of retaliation include:

- X A supervisor gives a poor performance evaluation to a complainant after he files a harassment charge against her.

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- X A complainant finds notes on her car's windshield with the word "Snitch" on them.
- X An employee who participated in a harassment investigation is shunned by the co-worker friends of the accused harasser.

An employee who believes that he or she is being, or has been, retaliated against for complaining about harassment or participating in a harassment investigation should promptly notify the Director of Human Resources or his or her immediate supervisor. (Again, if the employee engaging in the retaliation is the immediate supervisor, the complainant should notify another supervisor or management employee, or go directly to Human Resources.)

Complaints of retaliation will be investigated in the same manner as harassment complaints. Any employee engaging in retaliatory behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

Conversely, an employee who knowingly files a false claim of harassment against another employee or against another person contacted in the course of employment, or who knowingly supports or participates in the furtherance of a false claim, will be subject to disciplinary action, up to and including termination.

IX. DUTY TO COOPERATE IN THE INVESTIGATION PROCESS

In order to promptly and fairly resolve harassment complaints, every City employee has an obligation to cooperate in the City's investigation of alleged harassment or retaliation. Failure to cooperate, deliberately providing false information, or withholding information during an investigation shall be grounds for disciplinary action, up to and including termination.

X. DISTRIBUTION OF POLICY

All current employees, newly hired employees, volunteers, City Council members, and Board and Commission members shall be provided with a copy of this policy.

Any questions regarding harassment and/or this complaint procedure should be directed to the Human Resources Department at (707) 441-4124.

M E M O R A N D U M

TO: ALL CITY OF EUREKA EMPLOYEES; VOLUNTEERS;
COUNCIL MEMBERS; AND BOARD AND COMMISSION
MEMBERS

FROM: DAVID W. TYSON, CITY ~~MANAGER~~

RE: ATTACHED POLICY FOR THE PREVENTION OF VIOLENCE
IN THE WORKPLACE

At the Eureka City Council meeting on December 21, 1999, the Council approved the attached Policy for the Prevention of Violence in the Workplace. This comprehensive Policy reflects the current status of workplace violence issues and affirms the City's commitment, and legal requirement, to provide a safe workplace free from violence. Under this policy, the City will not tolerate any form of verbal or physical violence in the workplace or in relation to any work-related activities by any person encountered in the workplace, including co-workers, supervisors, managers, City Council members, Board or Commission members, vendors, or citizens. Every instance of violent or potentially violent conduct in the workplace will be investigated promptly and thoroughly, and will be resolved as quickly as possible.

The attached Policy for the Prevention of Violence in the Workplace is the official City Policy regarding all forms of violent or potentially violent conduct in the workplace, and supersedes any others which may exist. The Policy includes examples of prohibited violent or potentially violent conduct, the reporting and investigation procedure to be followed when it is believed such conduct may occur or has occurred, and the disciplinary action which will result if such conduct is found to have taken place.

All incidents of reported violent or potentially violent conduct in the workplace must be discussed with the Personnel Department **before** a formal investigation is begun, or **before** any action is taken as the result of a report of such conduct.

It is the responsibility of each recipient of this Policy to become familiar with its contents as they apply to employment with the City and/or appointment to City service. It is especially important that all employees in supervisory and/or management positions be familiar with this Policy and its requirements.

Any questions regarding the Policy for the Prevention of Violence in the Workplace should be addressed to the Personnel Department at 441-4124.

First distributed 02-07-2000



**CITY OF EUREKA
POLICY FOR PREVENTION OF
VIOLENCE IN THE
WORKPLACE**

The City of Eureka will not tolerate any form of verbal or physical violence in the workplace or in relation to any work-related activities. Any employee engaging in such violence will be subject to disciplinary action, up to and including termination.

In addition, any retaliation against an employee for reporting violent or potentially violent behavior, or for participating in a subsequent investigation, will not be tolerated. Any employee engaging in retaliatory behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

**CITY OF EUREKA
POLICY FOR THE PREVENTION OF
VIOLENCE IN THE WORKPLACE**

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CITY OF EUREKA

POLICY FOR THE PREVENTION OF VIOLENCE IN THE WORKPLACE

I. PURPOSE OF THE POLICY

The purpose of this policy is to affirm the City's commitment to provide a safe workplace free from violence, and to do whatever is necessary to prevent, prohibit and take appropriate action against violence in the workplace. All employees, volunteers, Board or Commission members, vendors, citizens, or anyone else at City worksites or activities are specifically prohibited from behaving in a violent or threatening manner. This policy clarifies what constitutes violence in the workplace, and explains the procedures involved in investigating and resolving any risk to workplace safety.

II. STATEMENT OF INTENT

All employees deserve to perform their job under safe and secure conditions in a workplace free of violence. The City of Eureka recognizes that workplace violence is a growing concern among employers and employees across the country, and believes the prevention of workplace violence begins with recognition and awareness of potential early warning signs. This policy is violated whenever any person engages in behavior that is specifically described herein, and the City will respond immediately to any situation that presents the possibility of violence.

In addition, any retaliation against an employee for reporting violent or potentially violent behavior, or participating in a subsequent investigation, will not be tolerated. Any employee engaging in retaliatory behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

III. DEFINITION OF WORKPLACE VIOLENCE

Workplace violence consists of violent or potentially violent verbal or physical acts which occur on an employer's premises and/or at other locations where employees are engaged in work-related activities, either as a condition of employment or for other reasons. For the purposes of this policy, the *intention* of a person engaging in such acts is not relevant; rather it is how those acts are *perceived* which will determine whether an act of workplace violence has occurred.

IV. EXAMPLES OF PROHIBITED VIOLENT OR POTENTIALLY VIOLENT CONDUCT

Examples of workplace violence include, but are not limited to:

- Threats of any kind – Violence in the workplace is not limited to physical acts.

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Verbal threats such as, "I'll make you pay for this!" or "You'll be sorry!" whether or not such comments are accompanied by any physical component, undermine workplace safety and security.

- Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others – May include physically dominating or "bullying" someone, whether actually touching them or not, such as looming over them, blocking their path, etc; or shoving, pushing, striking, or otherwise physically assaulting or harming someone, with or without the use of a weapon or other object.
- Other behavior that suggests a propensity toward violence – May include belligerent speech, excessive arguing or swearing; sabotage, or threats of sabotage, of City property; or a demonstrated pattern of refusal to follow City policies and procedures, or to maintain effective working relationships with City employees and others contacted in the course of work.
- Vandalism or other destructive acts – May include defacing City property or causing physical damage to City property and/or facilities.
- Carrying weapons – With the exception of authorized Police personnel, bringing weapons, firearms, or other potentially harmful devices of any kind on City premises, in City parking lots, while conducting City business, or while involved in any City-related functions, is prohibited.

V. EMPLOYEE ASSISTANCE PROGRAM

Any employee who believes that (s)he may have a problem that could lead to the type of violent behavior described above is encouraged to use the City's Employee Assistance Program (EAP). The EAP is a *confidential* counseling service that is available to all regular part-time and full-time employees and their eligible family members (temporary employees should contact their supervisor, department head, or Personnel to determine what assistance is available to them). Counseling through the EAP can assist in resolving emotionally difficult issues, marital and family conflict, stress, chemical dependency, conflicts at work, and other types of personal concerns. The EAP counselor can help to clarify a problem and develop a plan for its resolution, by providing information to you over the phone and/or arranging for you to meet with a local counselor. EAP services are paid in full for the employee for up to eight sessions *per issue*. For more information about reaching the EAP, please obtain a brochure from your supervisor or from Personnel, or contact REMIF at (707) 938-2388.

VI. REPORTING VIOLENT OR POTENTIALLY VIOLENT SITUATIONS

If an individual observes or otherwise becomes aware of any of the above-listed actions or behavior by any person in the workplace, (s)he is to notify Personnel immediately. Further, employees should notify Personnel whenever a restraining order has been issued, or if a violent or potentially violent *non-work-related* situation exists which could result in violence in the workplace. Personnel will then begin an appropriate investigation into the allegations of threats or violence.

VII. INVESTIGATION PROCEDURE

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, the City will inform the reporting individual of the results of the investigation. To the greatest extent possible, the City will maintain the confidentiality of the reporting individual and of the investigation, but it may be necessary to disclose results in appropriate circumstances, for example, in order to protect the safety of the person(s) involved. The City will not tolerate retaliation against any employee who reports potential or actual workplace violence.

VIII. CORRECTIVE ACTION AND DISCIPLINE

If the City determines that workplace violence has occurred or may occur, appropriate corrective action will be taken, and appropriate discipline will be imposed on any offending employees. The discipline taken will depend on the particular facts involved, but may include verbal or written warnings, suspension, or termination. In addition, the City may send an employee for a fit-for-duty evaluation at any time it is felt that such action is necessary.

IX. RETALIATION

Individuals must report potential or actual violence in the workplace in order for the City to resolve these situations. Any retaliation against an employee for reporting violent or potentially violent behavior, or participating in a subsequent investigation, will not be tolerated. Any employee engaging in retaliatory behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

X. DUTY TO COOPERATE IN THE INVESTIGATION PROCESS

In order to promptly and fairly resolve workplace violence complaints, every City employee has an obligation to cooperate in the City's investigation of alleged violence or retaliation.

CITY OF EUREKA
POLICY FOR THE PREVENTION OF
VIOLENCE IN THE WORKPLACE

Failure to cooperate, deliberately providing false information, or withholding information during an investigation shall be grounds for disciplinary action, up to and including termination.

XI. DISTRIBUTION OF POLICY

All current employees, newly hired employees, volunteers, City Council members, and Board and Commission members shall be provided with a copy of this policy.

Any questions regarding violence in the workplace and/or this policy should be directed to the Personnel Department at (707) 441-4124.

Date adopted: 12-21-99

Memorandum

PERSONNEL DEPARTMENT

ASSEMBLY BILL 846 (AB 846) *SMOKING: PUBLIC BUILDINGS*

PERSONNEL MANAGEMENT

Recruitment &
Selection

Benefit Administration

Employee Records

Classification

Compensation

Employment Mandate
Compliance

Training

RISK MANAGEMENT

Safety

Workers=
Compensation

Risk Reduction

Insurance Programs

LABOR RELATIONS

Contract Negotiations

Organizational
Analysis

Disciplinary Actions

Grievance Arbitration

Effective January 1, 2004, Assembly Bill 846 (AB 846) Smoking: Public Buildings, was enacted.

This law prohibits any public employee or member of the public from smoking inside a public building and within 20 feet of a main exit, entrance, or operable window of a public building.

The law defines a public building as a building owned and occupied, or leased and occupied, by the state, a county, a city, a city and county, or a California Community College district.

“Inside a public building” includes all indoor areas of the building, except for covered parking lots and residential space. It also includes any indoor space leased to the state, county, or city, except for covered parking lots and residential space.

THE STATE OF CALIFORNIA
BILL TEXT
STATENET
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2003 CA A.B. 846

CALIFORNIA 2003-04 REGULAR SESSION

ASSEMBLY BILL 846

ASSEMBLY BILL NO. 846
INTRODUCED BY ASSEMBLY MEMBER VARGAS
(COAUTHOR: ASSEMBLY MEMBER LEVINE)
PASSED THE ASSEMBLY AUGUST 21, 2003
PASSED THE SENATE AUGUST 19, 2003
AMENDED IN SENATE JUNE 26, 2003
AMENDED IN ASSEMBLY MAY 12, 2003
AMENDED IN ASSEMBLY APRIL 28, 2003
FEBRUARY 20, 2003
CHAPTER _____

BILL TRACKING REPORT: 2003 Bill Tracking CA A.B. 846

2003 Bill Text CA A.B. 846

VERSION: Enrolled

VERSION-DATE: August 21, 2003

SYNOPSIS: An act to amend Sections 19994.30 and 19994.33 of, to amend the heading of Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of, to add Chapter 32 (commencing with Section 7596) to Division 7 of Title 1 of, and to repeal Sections 19994.31 and 19994.32 of, the Government Code, relating to tobacco.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 846, Vargas. Smoking: public buildings.

Existing law prohibits any state employee or member of the public from smoking a tobacco product inside a state-owned or state-occupied building, or a state-leased and state-occupied building, as defined, or within 5 feet of the main exit or entrance of these buildings, or in a passenger vehicle owned by the state.

This bill would instead prohibit smoking inside a public building, as defined, and within 20 feet of a main exit, entrance, or operable window of a public building. It would also provide that these provisions would not preempt the authority of any county, city, city and county, California Community College campus, campus of the California State University, or campus of the University of California to adopt and enforce additional smoking and tobacco control ordinances, regulations, or policies that are more restrictive than the standards required by this bill.

This bill would also make other technical, nonsubstantive, and conforming changes to these provisions.

TEXT: THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 32 (commencing with Section 7596) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 32. SMOKING IN PUBLIC BUILDINGS

7596. As used in this chapter:

(a) "Public building" means a building owned and occupied, or leased and occupied, by the state, a county, a city, a city and county, or a California Community College district.

(1) "Inside a public building" includes all indoor areas of the building, except for covered parking lots, residential space, and state prison yard areas. "Inside a public building" also includes any indoor space leased to the state, county, or city, except for covered parking lots and residential space.

(2) "Residential space" means a private living area, but it does not include common areas such as lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of a multicomplex building such as a dormitory.

(b) "State" or "state agency" means a state agency, as defined pursuant to Section 11000, the Legislature, the Supreme Court and the Courts of Appeal, and each campus of the California State University and the University of California.

(c) "Public employee" means an employee of a state agency or an employee of a county or city.

7597. (a) No public employee or member of the public shall smoke any tobacco product inside a public building, or in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building, or in a passenger vehicle, as defined by Section 465 of the Vehicle Code, owned by the state.

(b) This section shall not preempt the authority of any county, city, city and county, California Community College campus, campus of the California State University, or campus of the University of California to adopt and enforce additional smoking and tobacco control ordinances, regulations, or policies that are more restrictive than the applicable standards required by this chapter.

7598. Except as provided in Section 7597, a public employee or other person may smoke in any outdoor area of a public building unless otherwise prohibited by state law or local ordinance and a sign describing the prohibition is posted by the state, county, or city agency or other appropriate entity.

SEC. 2. The heading of Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of the Government Code is amended to read:

CHAPTER 5.6. TOBACCO CONTROL

SEC. 3. Section 19994.30 of the Government Code is amended to read:

19994.30. As used in this chapter:

(a) "Building" means a building owned and occupied, or leased and occupied, by the state.

(b) "State" or "state agency" means a state agency, as defined pursuant to Section 11000, the Legislature, the Supreme Court and the courts of appeal, and each California Community College campus and each campus of the California State University and the University of California.

(c) "State employee" means an employee of a state agency.

SEC. 4. Section 19994.31 of the Government Code is repealed.

SEC. 5. Section 19994.32 of the Government Code is repealed.

SEC. 6. Section 19994.33 of the Government Code is amended to read:

CHAPTER 97: SMOKING

Section

- 97.01 Definitions
- 97.02 Smoking regulated in places of employment
- 97.03 Areas not subject to restrictions of chapter
- 97.04 Smoking prohibited in certain areas
- 97.05 Posting of signs
- 97.06 Enforcement
- 97.07 Violations
- 97.08 Nonretaliation
- 97.09 Public education
- 97.10 Other applicable law
- 97.11 Exemptions

- 97.99 Penalty

§ 97.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BAR. An area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term *BAR* shall not include the restaurant dining area.

BUSINESS. Any sole proprietorship, partnership, corporation or other business entity formed, including retail establishments where goods or services are sold, as well as professional corporations and other entities under which legal, medical, dental, engineering, architectural or other professional services are delivered.

CITY FACILITIES. A space owned, leased, rented, or controlled by the City as a temporary or permanent place of employment for its employees. It includes but is not limited to portions of buildings, motor vehicles and areas outside of buildings as designated by the City Manager or his/her designee.

EMPLOYEE. Any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit. Employees include those employed full-time, part-time, temporary or contracted for from a third party.

EMPLOYER. Any person who employs the services of an individual person.

ENCLOSED. Closed in by a roof and four walls with appropriate opening for ingress and egress.

NON-PROFIT ENTITY. Any corporation, unincorporated association, or other entity created for charitable, philanthropic, educational character building, political, social or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a *NON-PROFIT ENTITY* within the meaning of this section.

PLACE OF EMPLOYMENT. Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to:

- (1) Conference and class rooms;
- (2) Employee cafeterias;
- (3) Employee lounges and restrooms;
- (4) Hallways;
- (5) Work areas;

(6) A private residence is not a *PLACE OF EMPLOYMENT* unless said residence is used as a child care or health care facility;

(7) The dining area of a restaurant is not a *PLACE OF EMPLOYMENT*;

(8) It is not the intent of this chapter to regulate governmental agencies not under the jurisdiction of the city;

(9) It is not the intent of this chapter to include nonprofit corporations, offices and other facilities maintained by public agencies which are under the jurisdiction of the city and other entities not commonly understood to be business enterprises, though frequented by the public.

PUBLIC PLACE. Any enclosed area to which the public is invited or in which the public is permitted, including but not limited to:

- (1) Banks;
- (2) Educational facilities;
- (3) Health facilities;

- (4) Public transportation facilities;
- (5) Reception areas;
- (6) Restaurants;
- (7) Retail stores;
- (8) Retail service establishments;
- (9) Retail food production and marketing establishments;
- (10) Waiting rooms;
- (11) A private residence is not a *PUBLIC PLACE* unless it is used as a child care or a health care facility.

RESTAURANT. Any coffee shop, cafeteria, luncheonette, tavern, cocktail lounge, or bar during the time it offers a menu, dinner theater, sandwich stand, soda fountain, private and public school cafeteria or eating establishment, and any other eating establishment, organization, boardinghouse, or guesthouse which offers food to the public, guests or employees.

SERVICE LINE. Any indoor line area at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

SMOKING. Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant or other combustible substance in any manner or in any form.

SPORTS ARENA. Sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller or ice rinks, bowling alley and other similar places where members of the general public assemble to either engage in physical exercise, participate in athletic competition or witness sports events.

TOBACCO STORE. A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

WORK AREA or WORKPLACE. Any area of a place of employment enclosed by floor to ceiling walls in which two or more employees are assigned to perform work for an employer. ('63 Code, § 5-9.01) (Ord. 439-C.S., passed 3-3-86; Am. Ord. 625-C.S., passed 2-17-98)

§ 97.02 SMOKING REGULATED IN PLACES OF EMPLOYMENT.

(A) It shall be the responsibility of employers to provide nonsmoking areas for nonsmokers within existing facilities to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.

Eureka - General Regulations

(B) Within 90 days of the effective date of this chapter, each employer shall adopt, implement, make known, and maintain a written smoking policy which shall contain as a minimum the following requirements:

(1) Any employee in a place of employment shall be given the right to designate his or her work area as a nonsmoking area and to post the same with an appropriate sign or signs.

(2) Provision and maintenance of a separate contiguous nonsmoking area of not less than 50% of the seating capacity in cafeterias, lunchrooms and employee lounges or provision and maintenance of separate and equal sized cafeterias, lunchrooms and employee lounges for smokers and nonsmokers.

(3) Prohibition of smoking by employer;

(a) Auditoriums;

(b) Classrooms;

(c) Conference and meeting rooms;

(d) Elevators;

(e) Hallways;

(f) Medical facilities;

(g) Restrooms.

(4) Employers must make a reasonable effort to separate smokers from nonsmokers who request a smoke-free workplace, and will give nonsmokers preferential consideration.

(5) The smoking policy shall be communicated, in writing, to all employees within three weeks of its adoption, and at least yearly thereafter, or have the smoking policy posted in a conspicuous place.

(6) All employers shall supply a written copy of the smoking policy to all newly hired employees.

(7) Notwithstanding the provisions of this section, every employer shall have the right to designate any place of employment, or any portion thereof, as a nonsmoking area.

(8) An employer who makes reasonable efforts to develop and promulgate a reasonable policy regarding smoking and nonsmoking in the workplace shall be deemed to be in compliance with this section.

('63 Code, § 5-9.02) (Ord. 439-C.S., passed 3-3-86)

§ 97.03 AREAS NOT SUBJECT TO RESTRICTIONS OF CHAPTER.

(A) Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

- (1) Bars;
- (2) Private residences, except when used as a child care or health care facility;
- (3) Hotel and motel rooms rented to guests;
- (4) Retail tobacco stores;
- (5) Eating establishments, hotel and motel conference-meeting rooms and public and private assembly rooms while these places are being used for private functions;
- (6) A private residence which may serve as a place of employment;
- (7) A private enclosed office workplace occupied exclusively by smokers, even though such an office workplace may be visited by nonsmokers;
- (8) Semiprivate rooms of health facilities occupied by one or more patients, all of whom are smokers who have requested in writing on the health care facility's admission forms to be placed in a room where smoking is permitted;
- (9) Private clubs during events attended by members of an organization and their invited guests.

(B) Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls a business may declare that entire business as a nonsmoking establishment. ('63 Code, § 5-9.03) (Ord. 439-C.S., passed 3-3-86)

§ 97.04 SMOKING PROHIBITED IN CERTAIN AREAS.

Smoking shall be prohibited in the following areas within the city:

- (A) Elevators;
- (B) Buses, taxicabs, and other means of public transit under the authority of the city while within the boundaries of the county, and in ticket, boarding and waiting areas of public transit depots; provided, however, this prohibition does not prevent the establishment of separate equal sized waiting areas for smokers and nonsmokers, or establishing no more than 50% of a given waiting area as a smoking area;

(C) Public restrooms;

(D) Indoor service lines;

(E) Retail stores doing business with the general public, except areas in said stores not open to the public and all areas within retail tobacco stores;

(F) All enclosed areas available to and customarily used by the general public in all businesses or non-profit entities patronized by the public, including, but not limited to, attorney's offices and other offices, banks, or hotel and motel registration areas, provided however, this does not prevent operators of bingo games from designating not more than 75% of the seating capacity for smoking if adequate ventilation is maintained at all times. The intent is to include nonprofit corporations, offices and other facilities maintained by public agencies which are under the jurisdiction of the city and other entities not commonly understood to be business enterprises, though frequented by the public;

(G) Within all restaurants and other eating establishments, including dinner theaters, provided, however, this prohibition does not prevent the designating of a contiguous area within the restaurant that contains no more than 75% of the seating capacity of the restaurant for smoking. The nonsmoking area may be flexible as long as it is contiguous;

(H) In public area of libraries, and museums when open to the public, provided however, this prohibition does not prevent the designation of a separate room for smoking;

(I) Within any building not open to the sky which is primarily used for, or designated for the primary purpose of exhibiting any motion picture, stage drama, lecture, musical recital or other similar performance, except when smoking is part of a stage production (in which case, notice shall be made in advertising); provided however, this prohibition does not prevent designating a contiguous area containing no more than 50% of any area, commonly called a lobby, as a smoking area;

(J) Within sports areas and convention halls, except in designated smoking areas, provided, however, operators of bowling alleys may allow smoking in not more than 50% of the bowling area, and in not more than 25% of the seating area in all other areas;

(K) Within every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the city during such time as a public meeting is in progress;

(L) Waiting rooms, hallways, wards and semiprivate rooms of health facilities, including but not limited to hospitals, clinics, physical therapy facilities, doctors' and dentists' offices, except in separate designated smoking areas;

(M) In bed space areas utilized for two or more patients, smoking shall be prohibited unless all patients within the room are smokers and request in writing upon the health facility's admission forms to be placed in a room where smoking is permitted;

(N) Retail grocery stores, in compliance with state law, CAL. HEALTH & SAFETY CODE, § 118915;

(O) Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

(P) In all City buildings and facilities.

('63 Code, § 5-9.04) (Ord. 439-C.S., passed 3-3-86; Am. Ord. 452-C.S., passed 11-4-86; Am. Ord. 625-C.S., passed 2-17-98)

§ 97.05 POSTING OF SIGNS.

(A) "Smoking" or "No Smoking" signs, whichever are appropriate, with letters of not less than one-inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every room, building or other place where smoking is regulated by this chapter by the owner, operator, manager or other person having control of such building or other place.

(B) Every theater owner, except dinner theater owner, manager or operator shall post signs conspicuously in the lobby stating that smoking is prohibited within the theater or auditorium, and in the case of motion picture theaters, such information shall be shown upon the screen for at least five seconds prior to the showing of each feature motion picture.

(C) Every restaurant will have posted at its entrance a sign clearly stating that a nonsmoking section is available and every patron shall be asked as to his or her preference.
('63 Code, § 5-9.05) (Ord. 439-C.S., passed 3-3-86)

§ 97.06 ENFORCEMENT.

(A) The City Manager or his designee is hereby charged with the enforcement of the provisions of this chapter.

(B) Any citizen who desires to register a complaint under this chapter may initiate enforcement with the City Manager.

(C) Any owner, manager, operator or employee of any establishment controlled by this chapter may inform persons violating this chapter of the appropriate provisions thereof.
('63 Code, § 5-9.06) (Ord. 439-C.S., passed 3-3-86)

§ 97.07 VIOLATIONS.

(A) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the restrictions of this chapter to fail to comply with its provisions.

(B) The owner, manager or operator of a restaurant shall not be in violation of this chapter if their host or hostess fails to ask the seating preference of patrons. Such persons will be in violation of this chapter if the restaurant has no stated policy concerning asking the preference of patrons.

(C) It shall be unlawful for any person to smoke in any area restricted by the provisions of this chapter.

('63 Code, § 5-9.07) (Ord. 439-C.S., passed 3-3-86)

§ 97.08 NONRETALIATION.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this chapter.

('63 Code, § 5-9.08) (Ord. 439-C.S., passed 3-3-86)

§ 97.09 PUBLIC EDUCATION.

(A) The City Manager shall engage in a continuing program to inform and clarify the purposes of this chapter to citizens affected by it, and to guide owners, operators, and managers in their compliance.

(B) The City Manager shall leave the responsibility of conducting a public education campaign, regarding the health consequences of smoking to other governmental and health agencies equipped with the needed expertise to conduct such campaigns.

('63 Code, § 5-9.09) (Ord. 439-C.S., passed 3-3-86)

§ 97.10 OTHER APPLICABLE LAW.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable health, safety or fire codes.

('63 Code, § 5-9.10) (Ord. 439-C.S., passed 3-3-86)

§ 97.11 EXEMPTIONS.

(A) Any owner or manager of a business or establishment subject to this chapter may apply to the City Manager for an exemption or modification to any provision of this chapter due to unusual circumstances or conditions.

(B) Such exemption shall be granted only if the City Manager finds from the evidence presented by the applicant for exemption at a public hearing that it is financially impracticable for a business to comply with the chapter.

(C) The applicant for an exemption shall pay a fee of \$25 to cover the cost of the hearing and noticing of the hearing. Such fee may be changed by resolution of the City Council.
('63 Code, § 5-9.11) (Ord. 439-C.S., passed 3-3-86)

§ 97.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:

(A) A fine not exceeding \$100 for a first violation;

(B) A fine not exceeding \$200 for a second violation;

(C) A fine not exceeding \$500 for each additional violation of this chapter within one year.
('63 Code, § 5-9.07) (Ord. 439-C.S., passed 3-3-86)

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EQUIPMENT USE POLICY

Date Adopted: 02/24/04

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POLICY OBJECTIVE

To establish guidelines for the proper use of electronic equipment, systems and/or tools provided by the City of Eureka to its employees, elected officials and volunteers for the purpose of performing job functions including communication, information exchange and research.

DEFINITION

Office equipment used as a basis for communication is described as, but not limited to, telephone, cellular phone, pager, voice mail, fax machine, copy machine, office automation equipment (computer terminals, personal computers or laptops, including electronic mail and calendar, internet access, network equipment), etc. As used herein, office communication equipment includes any other equipment or devices the City may choose to utilize in the future for the purposes stated above.

Employee is described as any employee, elected official, volunteer or other agent (including authorized consultant and contractor) of the City of Eureka.

ASSIGNED RESPONSIBILITY

All Employees.

APPLICABILITY

All Employees.

POLICY

This policy will be provided to all office communication equipment users.

All office communication equipment provided by the City of Eureka is the property of the City and is provided for official business use only. Personal use of telephone equipment should be kept to a minimum and the City must be reimbursed for any additional charges incurred for personal phone calls (i.e. long distance charges or local cell phone calls).

Employees who use office communication equipment provided by the City of Eureka cannot be guaranteed absolute privacy. Under the Public Records Act, internet and e-mail records may be subject to public disclosure. In addition, supervisors have the authority to inspect the contents of any office communication equipment, file(s), calendars or electronic mail of their subordinates in the normal course of their supervisory

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responsibilities. Information Services staff shall extract information, files, documents, voice mail, electronic mail, etc when requested by authorized supervisory personnel. Additionally, Information Services staff will have access to all such information while troubleshooting and/or upgrading hardware and/or software. Reasons for review include: system, hardware or software problems, general system failure, a lawsuit against the City, suspicion of a crime or violation of policy, or a need to perform work or provide a service when the employee is unavailable.

Uses of Office Communication Equipment

Office communication equipment is provided for the purpose of conducting business for the City of Eureka.

- A. Allowable uses of office communication equipment include the following, to the extent these uses are for the purpose of conducting City business:
 - 1. To facilitate performance of job functions
 - 2. To facilitate the communication of information in a timely manner
 - 3. To coordinate meetings of individuals, locations and City resources
 - 4. To communicate with departments throughout the City
 - 5. To communicate with outside organizations, agencies and individuals as required in order to perform an employee's job functions

- B. Prohibited uses of office communication equipment include, but are not limited to, the following:
 - 1. Illegal activities
 - 2. City policy violation, including but not limited to violations of the City's Zero Tolerance Against Harassment Policy and/or the Policy for Prevention of Violence in the Workplace.
 - 3. Slander
 - 4. Defamation
 - 5. Political endorsements
 - 6. Commercial activities
 - 7. Using non-business software including games or entertainment software during business hours
 - 8. Use of hardware or software not authorized by Information Services staff

Internet Access

Use of the internet is becoming increasingly necessary for City employees to provide

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superior customer service. The efficient utilization of the internet for communications and research can improve the quality, productivity, and general cost effectiveness of the City's work force.

Internet access is provided to City employees to encourage and facilitate research and information exchange in the performance of City business. Employees are encouraged to use the internet as much as necessary to perform their job and/or promote effectiveness. However, employees may not 'surf the net' on City time. Employees may use City equipment to conduct personal research on the internet during non-work hours only, and only after receiving approval from their supervisor.

Users are encouraged to develop uses which meet the individual needs of their job and which take advantage of the internet's functions.

- A. Acceptable uses of the internet include the following, to the extent these uses support reference, research and communication within and outside the City and are for the purpose of conducting City business:
 1. To facilitate performance of job functions
 2. To facilitate the communication of information in a timely manner
 3. To communicate with departments throughout the City
 4. To communicate with outside organizations, agencies and individuals as required in order to perform an employee's job functions

- B. Unacceptable uses of the City's internet access during working and non-working hours include, but are not limited to, the following:
 1. Violation of laws or City policy, including but not limited to privacy issues.
 2. Using profanity, obscenity, or any other language which may be offensive to another user.
 3. Re-posting personal communications without the author's prior consent.
 4. Copying commercial software in violation of copyright law.
 5. Using the network for financial gain or for any commercial or illegal activity.
 6. Using the internet in such a manner as to create a security breach through the introduction of computer viruses or through the provision of information which might permit unauthorized access to the system. Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity under applicable state and federal law.

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Internet users are responsible for learning proper techniques and standards for participation and for understanding that if they misuse the internet, they will lose their privilege to use the City's account(s) and may incur administrative or legal penalties.

Privacy

Email communication, information access on the internet and data on computers/networks utilized by the City is not considered personal or private material, but is considered the business property of the City. **Users are given no expectation of privacy as discussed on Page 1 of this policy.**

The City retains the right to examine, without notice, all electronic communications systems, electronic storage media, data files, logs, and programs used in conjunction with the City's computer equipment.

It is **not** the policy of the City of Eureka to regularly monitor the content of email and internet access, but the content can be monitored and the usage of electronic communications systems **will** be monitored to support operational, maintenance, auditing, security and investigative activities.

Users are not to violate the privacy of others. Users are not to attempt to gain access to the computer systems, data files or directories of another user or department without specific authorization to do so. Users are not to attempt to intercept or otherwise monitor any network communications not explicitly directed to them.

Security

With the increasing reliance upon the City's computer network to maintain the City's critical and sensitive data, communicate with outside sources and to do research on the internet, and with the continuing evolution of security threats such as viruses and worms which may damage the network or destroy data, or worse, penetrate the network and steal sensitive data, it has become more important than ever to provide a secure and reliable environment for the local users to accomplish their assigned tasks. This does require the user be diligent about keeping their desktop computers, laptops and data secure from all possible sources of harm, destruction or loss of sensitive data.

Users must

- Maintain username/password security by
 - ◇ Creating a unique password every 60 days
 - ◇ Creating a password which is a minimum of 6 characters

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- ◇ Creating a password which is a combination of alpha and numeric characters and which is not a word found in the dictionary
- ◇ Never disclosing username and password to another person
- Password protect their screensaver so their data will be secure if they have to walk away from their workstation for a period of time
- Shut off their computers when they leave for the night

Users are not to interfere with the integrity of any network or computer system, by:

- Use of another's username and password
- Disclosing username and password to another person
- Impersonation of other individuals in email
- Attempts to capture others' passwords or data
- Loading any software on their computer without the knowledge of the Information Services Division of the Finance Department
- Intentional introduction of contaminants of any kind, such as a computer virus or worm
- Destruction or alteration of data or programs

Users should report to their Department Head or Information Services whenever they suspect a virus has infected a system.

Users should report suspected security violations to their Department Head.

Violations

If users violate the City's "Use of Office Communications Equipment" policy, they may be subject to disciplinary sanctions up to and including dismissal from City of Eureka employment or termination of City contracts, as appropriate.

If users commit a computer crime by illegally using the City of Eureka computer systems or data network, they may be charged with a felony which is punishable by a fine not exceeding ten thousand dollars (\$10,000) or by imprisonment in the state prison for 16, 24, or 36 months, or by both such fine and imprisonment; or charged with a misdemeanor which is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. (See Appendix for excerpts from California Penal Code Section 502.)

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The following is included for informational purposes only.

INTERNET ETIQUETTE

1. Compose longer email and bulletins off line (as word processing documents) in order to reduce editing frustrations and unnecessary network traffic.
2. Make your "subject line" as descriptive as possible.
3. A salutation after your "subject line" and before your message can be used to convey a sense of personal acknowledgment.
4. Appending your name at the end of the message is also considered good etiquette.
5. Always restate or describe the question that you are answering or the issue on which you are commenting.
6. Always acknowledge that you have received a document or file someone has sent you.
7. Check your email once or twice a day if you are expecting replies.
8. Delete email once you have read it or save it to a local file.
9. Don't send personal messages on conferences, bulletin boards or digests. Send such messages directly to the party with whom you wish to communicate.
10. Don't expect an answer in less than 2-3 days.
11. When sending a file, give as much information as possible: length, type, contents and be considerate of other party's storage capacity which may be limited.
12. Conference and bulletin board messages are "showcases". Proofread and edit all messages, particularly when your communication can be considered an official response from the City.
13. Don't be vulgar or offensive. Electronic text allows no context clues to convey shades of irony, sarcasm, or harmless humor.
14. Don't publicly (on bulletin boards or conferences) criticize (or "flame") other users. Contact someone privately by personal email for private discussion of differences.

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15. Protect the privacy of others.
16. Observe standard copyright restrictions; they are the same as for printed materials.
17. Don't upload or download software illegally. It is a serious federal crime.
18. Don't access services illegally.
19. Be careful not to spread computer viruses. Always check downloaded files.
20. Don't use capital letters as the standard form of the message. Using "all caps" is the internet equivalent of SHOUTING!

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Appendix

Computer Crime Laws

California Penal Code Section 502 states, in part, that any person is guilty of a public offense who:

1. Knowingly accesses and without permission alters, damages, deletes, destroys, or otherwise uses any data, computer, computer system, or computer network in order to either A) devise or execute any scheme or artifice to defraud, deceive, or extort, or B) wrongfully control or obtain money, property, or data.
2. Knowingly accesses and without permission takes, copies, or makes use of any data from a computer, computer system, computer network, or takes or copies any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network.
3. Knowingly accesses and without permission adds, alters, damages, deletes, or destroys any data, computer software, or computer programs which reside or exist internal or external to a computer, computer system, or computer network.
4. Knowingly introduces any computer contaminant into any computer, computer system, or computer network.