

# Recommended Guidance for Fair Board Directors



## BOARD OF DIRECTORS HANDBOOK PART II : RECOMMENDED BEST PRACTICES

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California Department of Food & Agriculture  
Division of Fairs and Expositions

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## **PART II: RECOMMENDED BEST PRACTICES**

### **BOARD COMMUNICATIONS**

The fair's communications program should be designed to meet internal needs for timely information as well as to keep the public advised of the fair's program. The communications program should enable all individuals affiliated with the fair, whether Fair Board (Board) members, the CEO, or staff to speak with a unified voice on all aspects of fair operations, which may be of interest to the public. This means that the fair's response to every inquiry, regardless of the source, will contain the same information and be provided with similar courtesy and timeliness. Achieving a unified voice requires the fair to translate its mission, values, and policies into clear, easily understood messages and then to deliver those messages through a variety of activities and media.

#### **The Board's Internal Information System**

The Board's internal information system is effective to the extent it focuses decision making, stimulates participation, and supports an appropriate balance of responsibility between Board and management. The basic documents of the Board's internal information system include:

- Bylaws (refer to Part II "Sample Policy Documents" for an example of the Bylaws)
- Policy manual (refer to Part II "Sample Policy Documents" for an example of a fair policy manual)
- Organization chart
- Annual budget
- Audit report
- Financial reports
- Committee reports
- Meeting agenda
- Memoranda related to issues slated for discussion, as needed
- Meeting minutes
- Safety program and training manual
- Long-range plan (includes Strategic Plan)
- Mission statement

#### **Meeting the Board's Information Needs**

Materials prepared by management for distribution to Board members should be concise, timely, relevant to the Board's responsibilities, visually inviting, and clear in context. All Board members have a responsibility to be "intelligent consumers" of technical and financial information related to the fair program. The quality of information which management presents to the Board contributes to the level of understanding among directors regarding specific issues. It is up to the Board to give adequate feedback to the CEO to enable him or her to ensure that information prepared by staff for Board review meets these standards.

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### **Board Communications with the Public/Community**

The question of who is to serve, as the fair's spokesperson should be revisited after any change in leadership, either the CEO or the Board president. In general, the CEO serves on a day-to-day basis as primary spokesperson in areas of fair business and programs. The Board president or other designated spokesperson makes announcements of new policy, capital campaigns, and major events. In addition, the CEO generally represents the fair in responding to media inquiries and appearing before public bodies. However, volunteer leaders who capably convey their commitment and dedication, perhaps by giving speeches to civic and community groups generate public support for the fair by commanding public respect.

### **Board Protocols for Community Relations and Publicity**

Fairs occasionally make front page news as a result of fair challenges or natural catastrophes. The Board should establish a communications policy and protocol to standardize communications in newsworthy situations. The policy should designate spokespersons for the fair that are authorized to respond to media inquiries and/or inquiries from public agencies. It should identify back-ups to represent the fair when designated spokespersons are unavailable. The policy should state clearly that Board members do not respond to media inquiries but rather refer them to designated spokespersons. Board policy should describe the procedure for notifying all Board members regarding the particular circumstances and prescribe how sensitive information is to be provided to the staff.

Non-adherence of Board communication policy should be treated as a serious breach of commitment. The Board chair should act immediately to deter breaches of communication or comments issued in the press by individual Board members.

### **Board Communications with Fair Management and Staff**

Board members follow the administrative chain of command in initiating communications on fair business with any member of the staff. As a general rule, Board members should restrict their contacts with staff to communications with the CEO. Exceptions include (i) ongoing project implementation or issue analysis that includes participation by both staff and Board members, and (ii) making return calls to staff.

### **Board Protocols for Communicating with the CEO**

Board members should convey to the Chief Executive Officer non-confidential information of relevance to the fair, which they have obtained through their own interactions with community groups and officials.

## **PART II: RECOMMENDED BEST PRACTICES**

### **Board Communications with Other Government Agencies**

Except for the Board president, individual Board members should not communicate directly with elected or appointed public officials on fair-related business unless they have been specifically authorized by a vote of the Board to represent the Board and/or the fair. The president, as the fair's representative and spokesperson, is the appropriate person to make contact with public officials on the Board's and/or the fair's behalf and is responsible for encouraging all Board members to observe this protocol. It is up to the Board's elected leaders to ensure that the Board appropriately disciplines itself as circumstances dictate on a case-by-case basis.

### **BOARD OFFICERS AND COMMITTEES**

To maintain a level of activity commensurate with the fair's need for Board oversight and decision making, every Fair Board (Board) should strive to elect officers who are willing to assume responsibility for routine Board activities. Similarly, every Board needs standing committees, made up of Board members, organized to gather information and consider options for Board action in matters of policy and finance. In addition, directors may need to serve on ad hoc committees appointed by the Board chair to fulfill special, time-limited functions, or on advisory committees for purposes specified at the time of their formation. The Board chair ensures that all directors have equal opportunity to participate on Board committees.

California has 54 District Agricultural Associations (DAAs), which statute defines as state institutions. Each DAA Board has nine members, all of whom are appointed by the Governor. California has 23 county fairs and two citrus fruit fairs, most of which are organized as nonprofit fair associations and affiliate with their host counties through contractual agreements approved by CDFA. County or citrus fruit Fair Board members are either appointed by county boards of supervisors or are self-appointed by fair associations. On these 25 Boards, the number of members ranges from 7 to 33.

## **PART II: RECOMMENDED BEST PRACTICES**

### **BOARD OFFICERS AND COMMITTEES**

#### **Board Structure and Officers**

Most Boards elect a Board chair (or president), vice chair, secretary, and treasurer (or secretary/treasurer). The fair's policy manual and/or bylaws should include descriptions of duties, functions, and responsibilities for each Board officer (Refer to sample Bylaws and sample Fair Board Policy Manual, Appendixes L and M, Chapter 400).

#### **Roles and Responsibilities of the Board President**

The chairperson of any Board performs the following functions:

- Organizes an effective Board that encourages maximum contributions by directors.
- Creates a partnership with the CEO, and his or her staff, in achieving the organization's mission.
- Consults with the CEO in planning every Board meeting agenda, and conducts purposeful, productive meetings that make the best possible use of Board members' time.
- Attends committee meetings as an ex officio member, as time permits.
- Maintains a close interface with the CEO on all issues confronting the organization, including concerns raised by the Board.
- Monitors financial planning and financial reports.
- Plays a leading role in fund raising activities that involve Board participation
- Serves within the community as a representative and spokesperson
- Ensures that new Board members receive orientation materials and have opportunities to participate in events and activities that help them become acquainted with the fair
- Assumes responsibility for Board discipline in adhering to written policies and protocols
- Maintains Board control during meetings
- Serves as primary liaison between the Board and Government agencies (CDFA, County, etc.)

## **PART II: RECOMMENDED BEST PRACTICES**

### **BOARD OFFICERS AND COMMITTEES**

#### ***Organization Chart***

Every fair should have an organization chart to represent the relationships between the Board and management. In addition, the CEO should provide Board members with copies of the chart he or she has created to depict the structure he or she has designed for management of the fair.

#### **Standing Committees**

Standing Board committees are permanent committees that meet on an ongoing basis and are established in the bylaws. The Board chair appoints members to standing committees and appoints the chair of each committee. The Executive Committee, which generally is composed of current officers plus the CEO, is authorized to act on the Board's behalf when time is of the essence, however, full Board approval of important decisions is always preferred. Often, membership on the Executive Committee includes the immediate past chair. All other standing committees lack authority to make decisions, unless this authority was expressly delegated to them by binding action taken by the Board in a noticed public meeting. Typically, Board committees recommend actions to the full Board for discussion and vote.

#### **Ad Hoc Committees**

Most bylaws include a provision for the Board chair to be authorized at any time to appoint an ad hoc committee to study a specific issue or implement a particular project. When an ad hoc committee has made its report or finished its project, it automatically disbands.

#### **Community Advisory/Relations Committees**

A Board may appoint a community advisory committee as a means of gathering information and support related to the fair's program. Unlike the members of a governing Board, the members of a community advisory committee are not authorized to act as decision makers. In some cases, a Board appoints a community advisory committee to ensure that the fair benefits from expertise of local professionals and businesspeople. Most bylaws authorize the Board chair, at the direction of the Board, to appoint a community advisory committee for a purpose named and described by the Board.

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### EFFECTIVE MEETINGS

Every good meeting has certain fundamental qualities: the participants understand the business at hand, the agenda is organized to achieve the participants' purpose, the meeting follows the agenda, visual presentations are made when doing so helps to clarify the information or issue under discussion, and the meeting begins and ends on time. Fair Board (Board) meetings should last as long as required to complete the fair's business and no longer. Disciplined management of meeting start and end times provides an incentive to members to attend and participate in Board meetings.

Fair Board directors are responsible for knowing and obeying open meeting laws. If your fair is a DAA, the fair should have a copy of a report prepared by the Attorney General's Office: *Bagley-Keene Open Meeting Act* (1989), with amendments; this report covers open meeting requirements applicable to state agencies. Part I of this Handbook includes the *Handy Guide To Bagley-Keene Open Meeting Act* prepared by the California Office of Attorney General which summarizes California law governing all "state" boards and commissions. It generally requires these bodies to publicly notice their meetings, prepare agendas, accept public testimony and conduct their meetings in public unless specifically authorized to meet in closed session. This pamphlet was written with the individual board member in mind, and is intended to be an easy "how-to" guide to the law and can be found at: <http://oag.ca.gov/open-meetings>.

If your fair is not a DAA, the fair should have a copy of *The Brown Act* (1994), also prepared by the Attorney General's Office; this report covers open meeting requirements applicable to local agencies. Refer to the Appendix, Section 500 for a copy of these documents. Your CEO can obtain additional copies by calling the Publications Office in the Department of Justice in Sacramento at 916.324.5765.or by Internet at [www.caag.state.ca.us](http://www.caag.state.ca.us)

#### **Meeting Minutes**

After the closing of each meeting, the secretary transcribes the minutes of the meeting for presentation and acceptance vote at the next Board meeting. This presentation of the previous month's minutes allows the Board an opportunity to clarify and revise any misinterpretations of the prior meeting. Meeting minutes are subject to Public Record Act requests, except those taken during closed session.



## **PART II: RECOMMENDED BEST PRACTICES**

### **EFFECTIVE MEETINGS**

#### **The Agenda**

To comply with public meeting laws, special restrictions apply to the preparation and use of agendas at fair board meetings.

##### ***Consent Agenda***

A consent agenda is a list of routine, non-controversial decisions or actions requiring Board action or approval, respectively. Many boards and legislative bodies use a consent agenda to dispense with routine transactions, as opposed to policy decisions, and therefore do not require general discussion and individual vote. The Board chair and CEO decide which items belong on the consent agenda. The agenda package provided directors in advance of each meeting should include a brief explanation of each item on the consent agenda. When the Board convenes, any director may request that an item be removed from the consent agenda, and opened for general discussion and a separate vote.

#### **Role of the Board President**

The Board president manages meetings to ensure all items on the agenda are covered within the allocated time and open meeting laws are obeyed.

##### ***Opening a Board Meeting***

The Board president can set the right tone for a meeting by opening with an enumeration of the items on the agenda and a brief description of the decisions the Board needs to make, and ask Board members who are familiar with particular agenda items to share background information.

##### ***Closing a Board Meeting***

One of the Board president's most important roles is to recognize the right time to bring a meeting to a close. Effective meetings end when all pertinent discussion has been completed. He or she should end the meeting by providing a closing statement that summarizes what has taken place, the decisions that were made, and actions that should follow the meeting. If work assignments were made to individuals, the Board chair should reiterate these at the close of the meeting. The meeting is not over until the chair has declared that the meeting is adjourned.

#### **Role of the Board Member**

Every director is responsible for being prepared to discuss the issues on the agenda and for participating in that discussion. Board members share responsibility for welcoming members of the public at Board meetings and supporting their right and opportunity to address the Board.

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### **PLANNING AND EVALUATING THE FAIR PROGRAM**

Planning is fundamental governance and management responsibility and a standard business practice. It is a function of leadership. Planning is a systematic process of thinking through where the fair is now, where the Fair Board (Board) and Chief Executive Officer (CEO) want it to be, and how it is going to get there. Often, just the process itself of bringing decision makers and policy makers together under good leadership for the purpose of reviewing the fair's mission and goals contributes as much to planning's effectiveness as actually producing a written plan.

#### **Strategic Planning**

Strategic planning is the process of creating a vision and assembling the means to carry it out. If anything, this process is even more important to fairs than to other businesses because, in most businesses, ownership of resources dominates the consideration of who will decide and what will be done. Because fairs are simultaneously businesses and agencies in service to their communities, decision making within fairs reflects the beliefs and influence of individuals on the Board and staff, whose actions express their understanding of the purposes the fair serves.

#### ***Elements of Strategic Planning***

Steps in strategic planning include to:

- Write a mission statement.
- Establish the purposes and values the fair intends to live by.
- Develop an operating philosophy and strategies for applying that philosophy to activities that support the fair's goals and objectives.
- Identify key result areas (defined objectives and strategies).
- Develop program plans and budget for the coming year.
- Plan fundraising strategies.

#### **Business Plan**

An efficient operation fulfills its mission by effectively using available resources. The Board should formulate and annually update a business plan that describes and quantifies all resources available to support activities related to the fair's mission. The annual business planning process should be conducted in conjunction with development and approval of the annual budget.

#### **Evaluation**

The Board is responsible for being familiar with all aspects of the fair program and for the quality of the fair program. The fair's business environment is one in which major changes in funding and/or opportunity may occur relatively unexpectedly. To be well-positioned for taking advantage of new opportunities, the fair must constantly evaluate its own performance so that it knows what it does well -- and doesn't do well -- and what the fairgoers like and don't like.

## **PART II: RECOMMENDED BEST PRACTICES**

### **HIRING AND EVALUATING THE CHIEF EXECUTIVE OFFICERS**

Hiring a Chief Executive Officer is the single most importance responsibility of the Board because the decision will impact the fair’s character, development, and effectiveness. From recruitment to selection and on through annual evaluation of the CEO's performance, the Board sets the standard for overall management of the fair through the care and attention it devotes to its selection of the top executive. Selection of the CEO is the Board's expression of values and goals through hiring decisions. CEOs have total and exclusive responsibility for selection and supervision of all other staff. The staff is responsible directly and only to the CEO, who is then responsible to the Board for all staff supervision and management. CEOs are under no obligation to hire employees recommended by Board directors.

#### **Recruitment**

Before beginning an executive search process, the Board needs to integrate the working conditions and environment the members believe are necessary to enable effective executive performance. This requires the Board to (i) revisit the fair's vision for the future and ensure the mission statement is up-to-date; (ii) review and update the duties and responsibilities of the CEO (Duty Statement) (iii) analyze the fair's major strengths, weaknesses, and opportunities; and, (iv) establish priorities and goals for at least the first year of the new CEO's tenure. With consensus on these matters, the Board is empowered to recognize candidates who should be given serious consideration and is ready to begin recruiting.

#### ***Position Description***

In general, the CEO is the agent of the Board, appointed to carry out its policies and decisions. Beyond this broad category, the Chief Executive Officer’s duties, functions, and scope of authority, is defined by the Board in a written position description (Duty Statement). This document should describe the characteristics and skills the Board desires in an executive. The position description should state clearly the terms for employment and compensation, and either specify information to be submitted in writing or include an application form as an attachment.

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### **Search Process**

Attracting qualified candidates requires that the Board advertise the Chief Executive Officer position through the State Personnel Board's internet web site, as well as in publications that reach not only outside the fair's geographic area but also outside the state. A similar strategy should be employed to circulate the position description and application form to people and organizations through which suitable candidates may have an opportunity to learn of the CEO vacancy at the fair.

A sample CEO search package is located at the end of this section and includes the following:

- Career Opportunity Announcement
- Information sheet about the fair (sample)
- News release (sample)
- CEO Search Process Budget
- Cover letter to send out with the job applications (sample)
- Application for employment (sample)
- Release of Confidential Information (sample)
- Tips for a successful CEO search
- Questions you can and cannot ask a job applicant

### **Vacancy Advertising**

DAA's are required to advertise the vacancy/active recruitment through the State's vacancy internet web site. In addition to advertising the active recruitment at the State web site, fairs should also advertise in the local newspapers, and in any other trade and related organization periodicals/newsletters.

### **Selection**

The first screening of applications should be completed by a Selection Committee composed of two to four Board members appointed by the Board chair. If more than two Board members sit on the Selection Committee, this group's meetings will be subject to public meeting laws. Fair Board Directors are responsible for knowing and obeying open meeting laws. If your fair is a DAA, the fair should have a copy of a report prepared by the Attorney General's Office: *Bagley-Keene Open Meeting Laws*, with amendments; this report covers open meeting requirements applicable to state agencies. If your fair is not a DAA, the fair should have a copy of *The Brown Act*, also prepared by the Attorney General's Office; this

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report covers open meeting requirements applicable to local agencies. Refer to Part I of this Handbook for a copy of these documents. Your CEO can obtain additional copies by calling the Publications Office in the Department of Justice in Sacramento at (916) 324-5765 or by Internet at [www.caag.state.ca.us](http://www.caag.state.ca.us)

The Selection Committee analyzes applicant qualifications as they pertain to the fair's strengths and weaknesses identified by the Board and strategic plan. It is not necessary to interview every candidate, only those candidates who pass the application screening process. After identifying candidates who meet the qualification criteria, an interview is scheduled with each. The Selection Committee's next task is to investigate the prior performance of the top two or three candidates. This can be accomplished through conversations with key sources, by phone, or in person. Contacts need not be limited to persons offered as references but may include peers and former employees and/or, if applicable, Board members in the candidates' previous situations. The Selection Committee is responsible for knowing and abiding by relevant laws concerning privacy and discrimination. After completing these steps, the Selection Committee reports its findings back to the full Board, including a hiring recommendation.

### ***Communication with Staff***

The Board has a duty to keep the fair's staff informed of progress on selection of a new CEO. Even when the Board has no news, providing a status report demonstrates to the staff that the process is active and either on schedule or progressing according to a revised schedule. This communication is essential to maintaining staff morale and productivity.

### **Board-CEO Interactions**

The Board has a responsibility to be supportive of the Chief Executive Officer (CEO) and to recognize that the CEO's effectiveness is at least partially dependent on Board action or inaction. While this responsibility will fall primarily on the Board chair (or president), every member of the Board is obligated to make sure that the Chief Executive Officer:

- Receives constructive feedback
- Is recognized for implementing initiatives that add value to the fair program.
- Receives Board support when individual members overstep their prerogatives or misunderstand their roles.
- Knows that the Board will not hold the CEO to a higher set of standards than it has set for itself.

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### **Evaluation**

Evaluation of the CEO's performance should be designed to consider the CEO's effectiveness in carrying out Board policies, meeting the goals for the prior years, solving problems, representing the fair to the community, and having a positive impact on the fair's financial condition. To support the Board's ability to make these judgments, the Board should require the CEO to report, at least quarterly, the fair's progress in meeting goals and objectives. Performance reviews should meet the following standards:

**Purpose and process:** The Board and CEO agree in advance on both the purpose of the review and the process by which it will be conducted.

**Goals and objectives:** The Board and CEO jointly develop specific annual goals and objectives, including a clear delineation of the board's responsibilities relative to the CEO's.

## **FAIR RELATED BUSINESSES AND ASSOCIATIONS**

California Government Code provides for the formation of Joint Powers Authorities (JPAs) by two or more existing public agencies. The JPA results in the creation of a separate state agency or entity separate from the parties to the agreement. The JPA may exercise any power common to each public entity co-joined as a JPA. Three JPAs have been formed in California to provide specific services to the fair industry. CDFFA and California fairs are parties to the joint powers agreement that authorized the formation of each of the following JPAs.

### **California Authority of Racing Fairs (CARF)**

California Authority of Racing Fairs (CARF) was established in 1986 by California Law to provide legislative and operational support, and professional development services for its members, all of which are horse racing fairs; assists CDFFA with site selection and development for satellite wagering facilities; manages the track preparation agreement; and, recommends an annual Satellite Wagering Account and racing track improvement plan. CARF is managed by an executive director who is employed by the Board of Directors to provide the professional services indicated above. Additional information can be found at [www.calfairs.com](http://www.calfairs.com).

### **California Fairs Financing Authority (CFFA)**

California Fair Financing Authority (CFFA) was organized in August 1988 to provide financing, planning, design and construction services for projects at fairgrounds throughout California. The proceeds from revenue bonds issued by CFFA were allocated by the California Department of Food and Agriculture (CDFFA) to fund health and safety maintenance projects and for construction of satellite wagering facilities. In 2011, the

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California Fair Services Authority (CFSA) began managing the day-to-day operations and administration of CFFA.

Members of the CFFA Board of Directors are appointed by the Board of Directors of two county fairs, Solano and El Dorado, and three District Agricultural Associations (DAAs), the Del Mar Fair, 22<sup>nd</sup> DAA; Orange County Fair, 32<sup>nd</sup> DAA, and Southern California Fair, 46<sup>th</sup> DAA. Directors serve five year terms. The Secretary, CDFFA is the Board's Ex-Officio Member. Additional information can be found at [www.csfa.org](http://www.csfa.org).

### **California Fair Services Authority (CFSA)**

The California Fair Services Authority (CFSA) was created in 1986 as a result of an insurance emergency that was making it difficult, if not impossible, for many of California's fairs to find affordable general liability and worker's compensation coverage. CFSA provides accounting and payroll services for fairs, efficient and cost-effective risk management (i.e. general liability, worker's compensation, revenue protection and all-risk property) insurance, and business solution services through a flexible and responsive partnership with member fairs. These efforts are also designed to protect the Fairs and Exposition Fund, and the local fair organizations. CFSA provides safety programming, facility and carnival ride inspections, and purchasing, computer, employee benefits and management services. The CFSA Construction Department assists with management, planning, design and construction of projects at fairgrounds. CFSA accomplishes projects in two ways; through an in-house staff of design and construction professionals and through the retention of professional service firms, such as architects, contractors, soils engineers, and geologists. In both capacities the CFSA handles all administrative paperwork and oversees the design/construction process. Additional information can be found at [www.csfa.org](http://www.csfa.org).

The following are not-for-profit associations which provide services to the fair industry.

### **Western Fairs Association (WFA) and The California Fairs Alliance (CFA)**

Western Fairs represents over 150 fairs in the western region as well as over 700 fair-related businesses. They act as a primary information and education resource for their members, producing several important publications and hosting an annual Convention in January.

The California Fairs Alliance (CFA) was formed in 2000 to represent the legislative interests of the fairs in our state. The member fairs elect an 18-member Board to oversee the advocacy program. The CFA provides a united non-partisan voice that addresses a wide variety of legislative issues that impact fairs. The CFA hosts an annual Fall Conference.

Information about the Western Fairs Association and the California Fairs Alliance is available to all Fair Board of Directors regardless of your fairs membership status. Additional information can be found at [www.fairsnet.org](http://www.fairsnet.org).

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**National Association of Agricultural Fair Agencies (NAAFA)**

An association comprised of State Directors of Fairs & Expositions (or agricultural fair agencies) throughout the United States. The NAAFA is a subcommittee under the auspices of USDA. Web site address: <http://www.nasda.org>.

**International Association of Fairs & Expositions (IAFE)**

IAFE is an international association for fairs and expositions professional staff. The IAFE focuses on national legislative advocacy for fairs, and training, certification and networking for fair industry professionals. The IAFE also maintains a library of published research papers on the fair industry. The IAFE conducts an annual convention in Las Vegas and a spring managers' conference that rotates through the United States. IAFE has zones throughout the world, which are governed by Boards who hold regional meetings and training opportunities. Additional information can be found at <http://www.fairsandexpos.com>

**International Festivals & Events Association (IFEA)**

The International Festivals and Events Association (IFEA) focuses on training, certification and networking for festival and event industry professionals. The IFEA maintains a library of published research papers on the festival and event industry. The IFEA conducts an annual convention that rotates throughout the United States; in addition, some states have subcommittees such as CALFEST which is the California subcommittee of IFEA. Additional information can be found at <http://www.ifea.com>.

**Outdoor Amusement Business Association (OABA)**

A trade association for Outdoor Amusement owners and professional staff (i.e., carnivals, theme parks, water adventures, etc.) The OABA focuses on legislative advocacy, training, and networking for outdoor amusement industry professionals. The OABA conducts an annual convention. Additional information can be found at <http://www.oaba.org/>



**PART II: RECOMMENDED BEST PRACTICES**

**SAMPLE POLICY DOCUMENTS**

BYLAWS FOR THE  
\_\_\_\_\_ DISTRICT AGRICULTURAL ASSOCIATION  
\_\_\_\_\_, CALIFORNIA

**Article I**

**SECTION 1 - NAME:** The name of this Association is the name established by law, to-wit: \_\_\_\_\_ District Agricultural Association, an agency of the State of California.

**SECTION 2 - OFFICE:** The office for the transaction of the business of the Association is hereby fixed and located at \_\_\_\_\_, in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of California. The Board of Directors may change the location of said office within the District.

**Article II**  
**Directors**

**SECTION 1 - POWERS:** Subject to the limitations of these bylaws and of the statutes of the State of California, including the approval of the Department of Food and Agriculture as required by law, all powers shall be exercised by or under the authority of, and the business and affairs of the Association shall be controlled by, the Board of Directors.

**SECTION 2 - ANNUAL MEETING:** The Annual Meeting of the Board shall be held at the office of the Association at \_\_\_\_\_ (time and day or date) of \_\_\_\_\_ (month) of each year, if not a legal holiday, and if a legal holiday, then on the next succeeding business day.

**SECTION 3 - REGULAR MEETINGS:** Regular meetings of the Board shall be held (monthly/ quarterly, etc.) \_\_\_\_\_ at the office of the Association at \_\_\_\_\_ (time and day or date), if not a legal holiday. If it is a legal holiday, then the meeting shall be on the next succeeding business day. Notice shall be given in writing at least ten (10) days in advance of the meeting.

**SECTION 4 - EMERGENCY MEETINGS:** Emergency meetings of the Board may be called by the President, or if he/she is absent or unable, or refuses to act, by five Directors, and notice of the time and place of the meetings given to the media which have requested notice at least one hour prior to meeting and to all board members. Emergency meetings may only be called in response to:

- (a) Work stoppages or other activity which severely impairs the public health, safety, or both.
- (b) Crippling disaster which severely impairs the public health, safety, or both.
- (c) Administrative disciplinary matters concerning consideration of proposed decisions, stipulations, and pending litigation which require immediate attention.

Bylaws, 1

BYLAWS FOR THE  
\_\_\_\_\_  
DISTRICT AGRICULTURAL ASSOCIATION  
\_\_\_\_\_, CALIFORNIA

**SECTION 5 - ADJOURNED MEETINGS:** Any meeting may be adjourned until a stated day and hour and a 10-day written notice given to the public. In the absence of a quorum, a majority of the Directors present at the meeting may so adjourn any meeting.

**SECTION 6 - QUORUM:** Five Directors shall be necessary to constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the legal votes cast by Directors at a duly noticed meeting at which a quorum is present shall be regarded as the act of the Board, except as hereinafter provided regarding amending the bylaws.

**SECTION 7 - OPEN MEETING LAWS:** All meetings of the district agricultural association are subject to the requirements of the Bagley -Keene Opening Meeting Act.

**Article III  
Officers**

**SECTION 1 - OFFICERS:** The officers of the Association shall be President, Vice President, Secretary, Treasurer and Manager. The Directors shall select a Secretary, a Manager, and a Treasurer from among persons who are not members of the Board. One person may be the Secretary, the Manager, and the Treasurer. The Manager holds office at the pleasure of the Board. If the Manager is not acting as the Secretary and/or Treasurer of the Association, the Board shall fix the salary and duties of Secretary and/or Treasurer.

**SECTION 2 - ELECTION:** The term of office for President and Vice President shall be for one year and until a successor is elected, unless the officer resigns or shall be removed or otherwise disqualified to serve. If the Manager, who sits at the pleasure of the Board, serves as the Secretary and/or Treasurer, the term of those offices shall be at the pleasure of the Board. If the Manager does not serve as the Secretary and/or Treasurer, those offices shall be for a period of one year and until a successor is elected, unless the officer resigns or shall be removed or otherwise disqualified to serve.

**SECTION 3 - REMOVAL AND RESIGNATION:** Any officer may be removed with or without cause. Five Directors shall be necessary to constitute a quorum for the removal of an officer including the Manager. Dismissal of the Manager must be in accordance with the provisions of the Government Code Section 11126(a), which states: ". . . As a condition to holding a closed session on the complaints or charges to consider disciplinary action or to consider dismissal, the employee shall be given written notice of his or her right to have a public hearing, rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding a . . . meeting. If notice is not given, any disciplinary or other action taken

Bylaws, 2

BYLAWS FOR THE  
\_\_\_\_\_ DISTRICT AGRICULTURAL ASSOCIATION  
\_\_\_\_\_, CALIFORNIA

against any employee at the closed session shall be null and void. The state body also may exclude from any public or closed session, during the examination of a witness, any or all other witnesses in the matter being investigated by the state body. Following the public hearing or closed session, the body may deliberate on the decision to be reached in a closed session. . . ."

Any officer may resign at any time by giving written notice to the Board or to the President of the Association. Any such resignation shall take effect at the date of receipt of such notice or at any later date specified therein. The acceptance of such resignation shall not be necessary to make it effective. Resignation of directors requires written notice to the Governor of the State of California with a copy sent to the Division of Fairs and Expositions.

Any Director who misses three consecutive regular meetings of the Board without the permission of the Board is deemed to have resigned as a Director.

**SECTION 4 - VACANCIES:** A vacancy in any office, other than a board member, because of death, resignation, removal, disqualification, or any other cause, shall be filled by the Board for the unexpired portion of the term.

**SECTION 5 - PRESIDENT:** The President shall preside at all meetings of the Board and shall be an ex-officio member of all committees. Should the President not be present at any meeting of the Board, the Vice President shall preside. In the absence of the President and Vice President, the senior Director shall preside. In the absence of the President, Vice President, and/or senior Director, a president pro tem may be chosen to preside at such meeting.

**SECTION 6 - SECRETARY:** The Secretary shall keep or cause to be kept at the office of the Association a book of minutes of all meetings of the Directors. The minutes shall include the time and place of each meeting held, and note how each meeting was noticed as well as list the names of those Directors present at the meeting and give the proceedings thereof.

The Secretary shall give, or cause to be given, the required notice for all meetings of the Board and shall mail copies of all minutes to all Directors within seven (7) days after each meeting.

If the Secretary is designated by the President to attend a closed session, the Secretary shall maintain a confidential minute book of the closed session recording topics discussed and decisions made at the meeting. This minute book is not a public record.

**SECTION 7 - TREASURER:** The Treasurer shall be responsible to keep and maintain or cause to be kept and maintained adequate and correct accounts of properties and business transactions of the Association, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, and capital. Any surplus shall be classified according to source and shown in a separate account. The Treasurer shall be responsible for overseeing and ensuring that proper accounting methods and

Bylaws, 3

**BYLAWS FOR THE  
\_\_\_\_\_ DISTRICT AGRICULTURAL ASSOCIATION  
\_\_\_\_\_, CALIFORNIA**

procedures are followed including the appropriate separation of duties.

The Treasurer shall be responsible for the deposit of all moneys and other valuables in the name of and to the credit of the Association with such depositories as may be designated by the Board and are approved by the Department of Food and Agriculture. The Treasurer shall disburse the funds of the Association as may be ordered by the Board and shall render to the President and Directors, whenever they request it, an account of all transactions as Treasurer and an account of the financial condition of the Association.

**Bylaws, 4**

BYLAWS FOR THE  
\_\_\_\_\_ DISTRICT AGRICULTURAL ASSOCIATION  
\_\_\_\_\_, CALIFORNIA

**Article IV**  
**Transaction of Business**

**SECTION 1 - CHECKS, DRAFTS, ETC.:** All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of or payable to the Association shall be signed or endorsed by such person or persons, and in such a manner as determined periodically by resolution of the Board. The Board shall periodically establish by resolution a minimum dollar amount which will require only one signature and all checks above that amount will require two signatures. The resolution shall state the names and positions of each person authorized to sign and the list of accounts affected.

**SECTION 2 - REPORT TO DEPARTMENT OF FOOD AND AGRICULTURE:** The Board shall make such reports to the Department of Food and Agriculture as such Department may direct, including submittal of annual budget and statement of operations. The Manager shall be responsible for and take all necessary steps to ensure the accuracy of any reports submitted to the Department.

**SECTION 3 - CONTRACTS, ETC.:** The Board may authorize any officer or officers to enter into any contract or execute any instrument in the name of and upon behalf of the Association, and such authority may be general or confined to specific instances. Unless so authorized by the Board, no director, officer, agent, or employee shall have any power or authority to bind the Association by any contract or engagement, to pledge its credit, or to render it liable for any purpose or in any amount.

**SECTION 4 - EMPLOYEES:** The district is the employer. The Manager is responsible for the employment and management of all the employees of the district.

**SECTION 5 - EXPENDITURES:** Every person who incurs any expenditure in excess of the allotments or other provisions of the fiscal year budget as approved by the department or as subsequently changed by or with the approval of the department, is liable both personally and on his/her official bond for the amount of the excess expenditures.

**SECTION 6 - COMMITTEES:** The Board may appoint an executive committee and such other committees as the Board deems necessary. The Board may delegate to the President the responsibility of appointing committees. Meetings of committees shall be open to the public when any meeting comprises more than two members of the board and proper notice shall be given before the meeting to the public.

**SECTION 7 - INSPECTION OF BYLAWS:** The Association shall keep in its office the original or a copy of the bylaws, as amended or otherwise altered to date, certified by the Secretary, which shall be open to the inspection of the public during office hours.

Bylaws, 5

BYLAWS FOR THE  
 \_\_\_\_\_ DISTRICT AGRICULTURAL ASSOCIATION  
 \_\_\_\_\_, CALIFORNIA

**Article V  
 Amendments**

**SECTION 1 - POWER OF DIRECTORS:** These bylaws may be altered, amended, or repealed, and new and additional bylaws adopted at any time by an affirmative vote of five Directors or more and with the approval of the Division of Fairs and Expositions, Department of Food and Agriculture.

These Bylaws were adopted by the Board of Directors at their regular Board meeting on

\_\_\_\_\_  
 President, Board of Directors  
 \_\_\_\_\_ District Agricultural Association

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Secretary  
 \_\_\_\_\_ District Agricultural Association

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Manager  
 \_\_\_\_\_ District Agricultural Association

\_\_\_\_\_  
 Date

Approved By:

\_\_\_\_\_  
 Director Date  
 Division of Fairs and Expositions  
 California Department of Food and Agriculture

(Rev. 11/01)

Bylaws, 6

**50<sup>th</sup> DISTRICT AGRICULTURAL ASSOCIATION**

**ANTELOPE VALLEY FAIR AND ALFALFA  
FESTIVAL**

# **POLICY MANUAL**

**Adopted January 28, 2010**



# Mission, Vision, & Values

## **Mission Statement:**

To serve as a well managed, safe, multi-purpose, year-round facility, which meets the diverse educational and community needs of the residents and families of the 50<sup>th</sup> DAA.

The 50<sup>th</sup> DAA will be innovative in planning and growth while protecting the public's investment, maintaining sensitivity to our environment and preserving and caring for our agricultural heritage while creating new cultural traditions.

## **Vision Statement:**

The 50<sup>th</sup> DAA's vision is to provide a premiere facility which meets the needs of the community.

## **Statement of Values:**

The 50<sup>th</sup> DAA is committed to:

- Maintaining a clean, safe, family-oriented and culturally diverse environment.
- Promoting education, agriculture and preserving our heritage while meeting the challenges of the future.
- Maintaining a high quality staff, which provides customer service and promotes the community while sustaining strong business relationships and fiscal responsibility.

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## INTRODUCTION

This Policy Manual shall be in compliance with the Accounting Procedures Manual at all times. The Accounting Procedures Manual takes precedent.

This Policy Manual is the result of the Board of Directors' efforts to establish a consistent means of serving the needs of the people of the 50th District Agricultural Association.

It reflects the goals of the Association, brings consistency to its operation, provides fair treatment for all concerned, increases staff efficiency, cuts down on wasted effort, and relieves the Board and management of the burden of making repetitive decisions.

The guidelines offered here are the basis upon which management and staff conducts the business of the Association. The Board of Directors as a policy setting body has the ultimate responsibility for this manual's content. Its collective decisions will be the impetus for any changes.

Such changes in the Policy Manual shall be made only as an attempt to further improve the Fair's service to the community, and will be kept sufficiently broad and practical so as to not place undue limits or burdens on management.

Furthermore, any changes in, or exceptions to, the policies established in the Policy Manual shall be performed only by authority of a 2/3-majority vote of the full Board. Neither management nor Directors will take any actions contrary to established policy without such authority. Addendums attached as a result of Board action are considered a part of Board policy.

In some cases procedures and goals are included to help insure consistent interpretation of policy. This manual should serve as a constant tool of management, a reminder to present Directors of policies currently in effect, and an introduction to the operation of the Association for new Directors. The Policy Manual will be reviewed annually by the Executive Committee in December and presented to the full board at the meeting in January for ratification. An annual meeting will be held in October.

Each Director will be provided a complete handbook from the Division of Fairs & Expositions that includes the Bagley Keene and Brown Acts.

**DEFINITIONS**  
**TERMS USED WITHIN THIS POLICY MANUAL**

<b><u>ASSOCIATION:</u></b>	50 <sup>th</sup> District Agricultural Association
<b><u>BOARD:</u></b>	The policy making body for the Association, consisting of nine Directors.
<b><u>DIRECTORS:</u></b>	Individual members of the Board, appointed by the governor to fill four-year terms.
<b><u>DIVISION:</u></b>	The Division of Fairs and Expositions, a branch of the California Department of Food and Agriculture.
<b><u>DISTRICT:</u></b>	Generally, District 50 is all that portion of Los Angeles County, which lies north of the south line of Township 5 North, San Bernardino base and west to Interstate 5.
<b><u>MANAGER:</u></b>	General Manager-Secretary of the Board
<b><u>POLICY:</u></b>	A statement of a course of action to be consistently followed under stated conditions without reference to higher authority.
<b><u>PROCEDURE:</u></b>	A system of organization and/or action developed to achieve the policy goals of the Association.
<b><u>STAFF:</u></b>	Those employees (both civil service and non-civil service) hired by the Manager.

## **BOARD OF DIRECTORS**

### **OFFICERS OF THE BOARD**

**PRESIDENT**- (ANY MEMBER OF THE BOARD)

**Function** -To conduct all meetings of the Association and to be responsible for appointment of all committees.

**VICE PRESIDENT**- (ANY MEMBER OF THE BOARD)

**Function** -To act on the President's behalf in his/her absence.

**MANAGER** - (NOT A MEMBER OF THE BOARD)

**Function** -To manage the affairs of the Association (see Manager's duties)

**SECRETARY**- (NOT A MEMBER OF THE BOARD)

**Function** -To keep minutes of all board meetings and handle Board correspondence.

**TREASURER**- (NOT A MEMBER OF THE BOARD)

**Function** -To be responsible for the financial records and transactions of the Association.

**NOTE:** Manager, secretary and treasurer positions may be held by one person.

### **DIRECTOR'S RESPONSIBILITIES**

1. To attend all meetings and other functions of the Board.
2. To stay well informed on Board matters.
3. To express opinions at Board meetings concerning policy matters discussed by the Board.
4. To refrain from making decisions that impact management's areas of responsibility.
5. To place the good of the Association before that of personal or professional gain.
6. To act in accordance with the Policy Manual.
7. To abide by the majority decision of the Board.
8. To assist management with raising money for the Association.
9. To act as an ambassador for the Association, and project a positive image of the Association.
10. To approve an annual budget that is workable for the Association, to stay informed on the levels of expenditure contained in it and always concerned with the impact their decisions may have on the financial soundness of the Association.

### **DIRECTOR'S RESIGNATION**

**Board Member Resignation:** - The Appointments Secretary in the Governor's Office considers a DAA director to have resigned upon the Governor's receipt of written notice from either the director or the Fair Board President (acting upon direction of the Board). The resigning director may serve until replaced. A Director whose term has expired also may serve until replaced or re-appointed by the Governor.

<b>CODE OF ETHICS</b> <b>OF THE ANTELOPE VALLEY FAIR BOARD</b>
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**STATEMENT OF PURPOSE:**

It is essential that the public have confidence in the integrity, independence, and impartiality of those who act on behalf of the Antelope Valley Fair Board. The Code of Ethics was developed to provide members of the Fair Board with some broad ethical statements with which to guide their decisions and to identify relevant considerations when ethical uncertainties arise.

**Obligation to Community**

The Antelope Valley Fair Board Directors (AVFBD) recognizes the impact of his or her work on the Board. Therefore, the AVFBD will:

1. Do the best work possible.
2. Be objective, use due care and make full use of education and skills.
3. Practice integrity and not be unduly swayed by the demands of others.
4. Engage and communicate effectively with the diverse communities in the Antelope Valley.
5. Be inclusive and accessible to all residents.
6. Treat all individuals equally, without regard to race, gender, political party affiliations or other personal characteristic.

**Obligation to Colleagues and AV Fair Staff**

The AVFBD's recognizes the value of being part of a community of other professionals. Together, we support each other. Therefore, the AVFBD's will:

1. Work respectfully and capably with others.
2. Cite the work of others whenever possible and appropriate.
3. Accept and provide fair critical comments on professional work.
4. Recognize the limitations of one's own knowledge/skills and use the skills of others as needed.
5. Be open minded to new ideas.
6. Deal honestly and fairly with other Directors, employees, contractors and vendors.
7. Be truthful when disseminating and disclosing information to fellow Directors, staff and general public.
8. Fulfill time commitment of Fair Board appointment.
9. Publicly respect all final decisions of Fair Board.

## Ethics Review Panel

### Composition:

The Ethics Review panel will consist of current Executive Board of AVFBD. If a Board member is under review, they will be allowed to appoint a current Board member (not part of Executive Board) to be part of review panel.

The Ethics Review Panel has the authority to establish, amend and rescind rules and procedures. They will meet as often as necessary to fulfill its responsibilities.

All individuals under review will have the right to see all pertinent information as it relates to the issue. They will also have the right to meet with all members of the Ethics Review Panel.

### Review Panel Internal Administrative Measures:

#### **The following are available to the Ethics Review Panel for corrective measures -**

- Removal as Chair from committees
- Removal from committees
- Public censure

## **ADDITIONAL POLICIES**

**Honorary Directors** - There will be a Director's honorarium as named, from time to time, by a 2/3 vote of the Board. The President of the Board of Directors will annually appoint an Ad Hoc Committee to meet within the first quarter of the year. The committee should be comprised of the President and/or his appointee and a minimum of five (5) past directors representing as many eras as possible to assist the Board in determining if there are qualified candidates for the "Honorary Director" award. There need not be a candidate nominated each year. The criteria to nominate include: a) has been off the board for a minimum of five (5) years; b) shown longevity of service before and after serving on the board; and c) has performed outstanding service to the board. The nominees will be recommended to the Board, and a vote taken for approval.

**Director Portraits** - Portraits of the Governor, Legislators, Directors, and Management will be placed in the Directors facilities and/or front office of the Administration building.

**Memorials on Fairgrounds** - All individual recognition, memorials and awards to be placed on the Fair facility will require Board of Directors approval on an individual basis.

**Memorials** -The Manager with concurrence of the President shall be empowered to make memorials of value not to exceed \$100 to long time volunteers. Tickets and/or gift baskets may be given for marketing purposes only

**Blue Ribbon Awards** – long-term volunteer services recognized upon recommendation of Community Relations Committee.

**Director Awards** – short-term volunteer services recognized upon recommendation of Community Relations Committee.

**Friends of Fair** – Non-profit committed to providing scholarships and capital improvements to the Antelope Valley Fair.

**Rural Olympics Hall of Fame Award** – To honor those who have gone above and beyond in this event as volunteers and/or participants. The committee will meet annually with one A.V. Fair Board member in the committee.



**BOARD MEETINGS**  
**GENERAL POLICY**

It is the Board's policy that, above all else, its meetings be conducted:

- (1) With fairness for all concerned.
- (2) With sufficient attention to detail as to be responsible for the direction of the Association.
- (3) In as expeditious a manner as possible.
- (4) With the best interests of the Association always considered of foremost importance.
- (5) With attention paid to the discussion and determination of matters of policy only, leaving the day-to-day operation of the Association in the hands of the Manager.
- (6) By the Bylaws for 50<sup>th</sup> District Agricultural Association as accepted by the Board (On file in the Association office).

**Annual Resolutions of the Board**

**7.0 Overview**

Authorized events and resolutions by the Board of Directors must be recorded annually and when changes occur.

**7.1 Fair Policies**

The minutes of the Board should list its officers and committee appointments and be updated annually in this respect. Annually, the Board should examine its policies to determine whether modifications are necessary. It is particularly important to review the policy regarding public service and free speech areas and the distribution of flyers by members of the public.

**7.2 Delegation of Authority**

F&E recommends that the fair's Board of Directors annually delegate authority to the CEO to execute standard agreements (for services to be provided to the fair) and rental agreements (for permission to use fairground facilities) to minimize delays and facilitate contract processing. The Board should require the CEO to present all agreements for Board review. Following is a sample Delegation of Authority. After its execution each year, forward a copy to F&E.

**Sample Delegation of Authority**

<p><b><u>DELEGATION OF AUTHORITY</u></b></p> <p>_____ <b>DAA</b></p> <p>Excerpt from Board of Directors' meeting _____</p> <p>"Upon motion of Director _____ seconded by Director _____, the CEO _____, was authorized to execute Rental Agreements up to \$ _____, Standard 2 Agreements up to \$ _____, without further authorization from the Board of Directors. All such agreements, however, are to be submitted to the Board of Directors for review at the subsequent meeting. The duration of delegation is authorized for one year period of time."</p> <p>Certified to be a True Copy</p> <p>Signed: _____</p> <p>Title: _____</p> <p>Date: _____</p>
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## **GENERAL POLICY CONTINUED**

Delegation of Authority is attached, see Additional Information.

### **7.3 Worker's Compensation for Volunteers**

Worker's Compensation typically covers employees; the 50<sup>th</sup> D.A.A. should prepare annual resolutions to include volunteers and members of the Board of Directors in the fair's coverage.

### **7.4 Check Signing Authorization**

The Board should decide the number of signatures necessary for checks up to \$1,000 and require that two persons must sign checks for amounts above \$1,000. The resolution should contain the names and positions of all persons authorized to sign checks and list the accounts affected. If the criteria differ, prepare a separate resolution for investment accounts.

Every officer or employee whose facsimile signature is used on any instrument of payment must file his or her manual signature, certified and notarized, with the Secretary of State. The officers and employees are responsible for safeguards precluding improper or unauthorized use of facsimile signatures.

**Check Signing Policy** - All disbursements up to \$1,000 requires only one signature signed either by the General Manager, Deputy Manager, Treasurer, or Board member. A disbursement of \$1,000 or more requires two signatures of Board officials which include the General Manager, Deputy Manager, Treasurer, President, Vice President, and immediate past President. Or, Board officials may be named as signatories as needed from year to year. It is the intent of this policy that the General Manager be one of the signatures whenever possible.

Yearly delegation of the Board of Directors and/or officers to be included at the annual Board of Directors meeting.

### **7.5 Budget and State Funding**

The Board and the CEO are equally and jointly responsible for ensuring that expenditures remain within the amounts approved by F&E. The Minutes of the Board of Directors should acknowledge:

- Receipt of the approved budget
- An approved or denied budget transfer
- Receipt of all funding received from the state
- Transfer Budget Allotment – Budget transfers are required when there is an overall increase in proposed or incurred expenses as compared to the Budget. Send a Transfer of Budget Allotment (Form F-8) approved by the Board, to F& E. A budget transfer must be approved by F & E before the fair can expend funds involved.

### **7.6 Fair Dates and Times**

The current year's fair theme or logo as well as its dates, proposed hours of operation, and special days should be noted in the minutes of the Board.

### **7.7 Exhibitor's Guide**

Will be compiled yearly and posted on the Fair website.

### **7.8 Facility Rental Rates**

The Board should establish fee schedules for all rentals and associated charges for buildings, areas of grounds, equipment, clean up and security deposits, set up and tear down, standby and other labor charges, and nonprofit discounts. Reflect these in the minutes; the resolution should

## **GENERAL POLICY CONTINUED**

specifically name individuals authorized to negotiate changes to the established rates and identify any limitations imposed on that authority.

### **7.9 Fair Rates and Commissions**

The Board should set or approve standard rates for concessionaires and commercial exhibitors. Include minimum guarantees, concession percentage, price per unit for beer & wine, booth fees, utility fees, and discounted rates. The Board should also set or approve nonprofit discounts/fees/waiver of fees. If the Board authorizes a member of fair staff to make adjustments to the approved rates, note in the minutes.

### **8.0 Smoking**

The 50<sup>th</sup> D.A.A. disallows smoking in the buildings, livestock barns and judging arenas, concert venue (includes all seating areas) unless otherwise posted.

## **NOTIFICATION**

**NOTIFICATION OF MEETINGS** - In order to assure compliance with state regulations, public notice of all regular Board meetings (in the form of a completed agenda) will be sent to local media no later than ten (10) days prior to each meeting. Such notice shall also be sent to local legislators, each Director, and anyone who requests to be notified. In addition, the agenda will be posted on the Fair's website and in the administration office.

**MAILING INFORMATION TO DIRECTORS** - The agenda will be sent to each Director via e-mail or U.S. Postal service mail.

**REQUEST TO APPEAR BEFORE THE BOARD** - Any item requiring action (including individuals wishing to appear before the Board to request action), must be presented to the Manager, in writing, by 5:00 p.m., twelve (12) calendar days prior to the regularly scheduled meeting.

## **PROCEDURES**

**QUORUM** - The presence of five (5) Directors constitutes a quorum. Action may result when a simple majority of a quorum votes "yes" on a motion. \*

**ABSENCES** - Food and agricultural code section 3967 authorizes Boards to grant excused absences for health or acts of nature. It is the Director's responsibility to notify management of the reason for any absence. Action on absences (to excuse or not to excuse) should be taken monthly and shall be reflected in the minutes. If a Director misses three (3) consecutive meetings, such Director is presumed to have resigned, unless the board excuses the absences.

**CONDUCT OF MEETINGS** - In any matter not otherwise covered by the constitution and bylaws, 50<sup>th</sup> District Agricultural Association's Policy Manual, resolution, or by any state required procedures, Robert's Rules of Order newly revised, as revised from time to time, shall constitute the rules of order of all meetings of the 50<sup>th</sup> District Agricultural Association.

\*The exception is the 2/3 vote of the full Board required to change policy.

**VOTING** - The President is a voting member and should vote on all motions.

**AGENDA APPROVAL** - The agenda requires Board approval prior to the conduct of the business of the Association. Any changes in the agenda should be included in the motion to approve (and shall only include altering the order in which items are to be considered or to add items or reports not requiring action). No items requiring action can be added.

**CONSENT AGENDA** - Items for Board approval that are routine and adhere to current Board policy, or are covered by standard state regulations, will be designated under the agenda heading "consent agenda". They will be approved as a group with one motion. Prior to their approval, any Board member may request either an explanation of any item contained therein or its removal from the consent agenda for separate consideration.

**BOARD OFFICERS** - The election of officers for the ensuing year will be held at the regular Board meeting in September. New officers assume posts at the Annual Board meeting in October. Officers elected are President, Vice President, General Manager – Secretary of the Board and Treasurer.

### **CLOSED SESSIONS**

An executive session may be called as a part of the agenda of any regular or special meeting to discuss the following topics:

1. **PERSONNEL** - Government code section 11126 (a)—at the Manager's request, matters concerning only employees of the Association hired by the board.
2. **SECURITY** - Government code section 11126 (e)—a threat to the security of Association facilities or services.
3. **CONFIDENTIAL GIFTS OR DONATIONS** - Government code section 11126 (g)—gifts or donations to the Association made by individuals requesting, in writing, confidentiality.
4. **PENDING LITIGATION** - Government code section 11126 (q)—to discuss legal matters, which if discussed in open session, would be detrimental to the public interest. Attorney must be present.
5. **ACQUISITION OF PROPERTY** - Government code section 6254 (h)—to discuss real estate appraisals, engineering of feasibility estimates relative to acquisition of property.

A Closed Session may be called by the President, or in his absence the Vice President, at the request of the Manager or any Director. \*

\*Please refer to California Attorney Generals Office Open Meeting Laws of 2001 for additional classification, on file in the Associations office.

Immediately following a Closed Session, an announcement detailing the action taken (but not the discussion leading up to the action) will be made by the President.

Minutes of all Closed Sessions (this may include a tape of the entire meeting) will be kept by the Manager, his appointee or a Director selected by the Board. These records are not public documents, but must be available to the Directors, the division, and/or the courts, if necessary.

### **EMERGENCY BOARD MEETINGS**

Emergency meetings of the full Board may be called only when Board action is required as a result of:

1. An event that severely impairs public health and safety. (Example: bomb threat, strike, flood, or fire)
2. Administrative matters requiring immediate attention. (Example: litigation)

Emergency meetings may be requested by the Manager or by any Director. The Manager will call the meeting by first notifying the President, or, in case of his absence, the Vice President, and other Directors.

In instances where a quorum cannot be obtained, the Executive Committee is empowered to meet and act on the Board's behalf in a public meeting.

One hour prior to any emergency meeting, the President will notify by telephone any local newspaper of general circulation, local television and radio stations. If telephones are not working, notice must be given as soon after the meeting as possible. Following the meeting, the minutes, plus a list of all parties notified or who the Association attempted to notify, will be posted in the main office lobby for not fewer than ten (10) days.

A Closed Session may not be called during an emergency meeting.

### **SPECIAL BOARD MEETINGS**

State law does not specify procedures for noticing special meetings called by state agencies. Therefore, unless one of the emergency meeting exemptions applies, state agencies must provide 10 days written notice of the time, date, and agenda for all meetings, including special meetings.

### **WEEKLY BOARD MEETINGS**

"Coffee" meetings were created to keep the Board of Directors better informed of daily operations of the Association. The intent is for discussion only. Therefore, no action will be taken at the coffee meetings. The meetings will be established by the Board of Directors and noticed so that the Board and the public may attend. Currently, the coffees are scheduled as follows:

1<sup>st</sup> & 3<sup>rd</sup> Thursday @ 7:30 a.m. in the Boardroom  
2<sup>nd</sup> Thursday @ 5:30 p.m. in the Boardroom  
Should a Thursday fall on the 5<sup>th</sup> week, no meeting will be held.

The schedule is subject to change at the request of the Board of Directors.

## **COMMITTEES**

### **GENERAL POLICY**

The President of the Board shall appoint "Standing Committees" no later than the first regular Board meeting after taking office. (Existing committees shall remain in effect until the appointments are made.) These committees shall be assigned policy considerations deemed too cumbersome for full Board consideration and requiring expertise or knowledge possessed by the members of the committee. President may reappoint/reassign committee members/chairs and form ad hoc committees from time to time as necessary.

Committees shall consist of two to four Directors, with one designated by the President to chair the meetings. The Manager or his designated representative shall be in attendance at all committee meetings. To be in compliance with the Bagley-Keene Act, proper notice of all meetings must be made as required by law.

Committees shall act only to bring recommendations before the full Board. Committee meetings shall be called by the Committee Chairman or the Manager and shall be in accordance with existing policy.

## **STANDING COMMITTEES**

### **EXECUTIVE COMMITTEE**

Membership includes the President, Vice President, and, when possible, the most immediate Past President. When there is no immediate Past President on the Board, the President shall appoint the senior Director to fill the position.

**Function** -To meet at the request of the Manager to discuss personnel, potential litigation, or to preview important agenda items. To handle emergency situations (as identified by the Manager) when the full Board cannot be gathered. To review items suggested for addition to the Association's Policy Manual and Bylaws, and annually (December) review the Policy Manual and Bylaws and submitted to January Board meeting for approval.

The Executive Committee will make recommendations for changes or additions to the Policy Manual only when such changes or additions are determined to be:

1. workable for management, and
2. actual policy matters, not a function of management.
3. internal Board of Directors conflicts

Such changes and/or additions shall be written by the Manager and Executive Committee.

### **LIVESTOCK COMMITTEE**

**Function** - To oversee livestock program including Junior Livestock Auction.

### **CAPITAL IMPROVEMENTS**

**Function** -To establish and review policy relative to the physical improvement of the grounds, to review the Manager's priorities for grounds improvement and to periodically tour the grounds and report its findings to the full Board.

### **QUEENS COMMITTEE**

**Function** - To work with communities in organizing queen contests as well as supervise queens and their activities during the Fair. All procedures and regulations are attached and become a part of this policy.

### **ENTERTAINMENT COMMITTEE**

**Function** - To review with management the format and selection of entertainment and arena events for the annual Antelope Valley Fair. To set ticket prices and box seat prices for all grandstand events. To review box seat list allocation from the priority list kept by the Fair.

### **FINANCE COMMITTEE**

**Function** - 1) Review and report to the Board on the financial condition of the Fair or an individual project. 2) Establish the means of achieving capital requirements for improvements and new programs, 3) as well as assist the Manager in preparing the annual budget.

### **FRIENDS OF FAIR COMMITTEE**

**Function** – To advise the Antelope Valley Friends of Fair regarding catering for all on site events including fair, Interim and Turf Club. To advise on capital improvements for the facility. To serve as Liaison to the board.

### **EVENTS COMMITTEE -**

**Function** - To establish and review policy and rental rates on buildings and related equipment for all non-fair and fair activities events. Oversee the policies and capital improvements of the Turf Club.



**STANDING COMMITTEES CONTINUED**

**INNOVATION COMMITTEE**

**Function -**

**FAIR COMMITTEE**

**Function** – To oversee the overall planning of the annual fair.

**BUILDING ASSIGNMENTS -**

The president will assign board members to oversee the following areas during the annual fair: such as Home Arts, Livestock Barns, Agriculture, Commercial Sales.

**PAST DIRECTORS COMMITTEE -**

See page 7 – “Honorary Directors”

**RURAL OLYMPICS HALL OF FAME COMMITTEE –**

See page 7 – “Rural Olympics Hall of Fame Award”

## **PERSONNEL**

### **GENERAL**

BOARD POLICY REGARDING PERSONNEL. (Other than the Manager):

1. The 50<sup>th</sup> District Agricultural Association is an Equal Opportunity Employer.
2. All personnel shall be hired by the Manager or the responsible management or staff member given the authority to hire by the Manager.
3. The Manager bears ultimate responsibility for all employees. This includes employee development and keeping of thorough employee records.
4. Directors' concerns regarding personnel shall be directed to the Manager in a timely manner, so that those concerns may be addressed as part of an ongoing program of employee evaluation and improvement. Directors shall not directly become involved in the supervision or evaluation of any employee.
5. All personnel files are confidential. Access to information contained in such files may be granted only to the employee concerned, the Manager or staff designated by the Manager. The necessary preparation of personnel file information may be performed by an employee designated by the Manager. Discussion of personnel file information by the Manager or the designated employee is prohibited.
6. Management will not knowingly hire anyone working in this country illegally.
7. Permanent or Civil Service Employees of the 50<sup>th</sup> District Agricultural Association may not be employed by the tenants or lessees of the fairgrounds without approval of management. All services performed for tenants or lessees or the fairgrounds by employees of the 50<sup>th</sup> District Agricultural Association will be done under the supervision of the District and charged to the tenant or lessee by the Fair with exception of civil service employees who are also employed by the Friends of the Antelope Valley Fair who must be approved by the Board of Directors of both entities.
8. Hiring of immediate family of directors or employees shall be at the discretion of the Manager with the approval of the Executive Committee.
9. The Antelope Valley Fair's Personnel Manual is on file in the personnel office.
10. Organization chart located in Additional Information.

**PERSONNEL**

**MANAGER**

BOARD POLICY REGARDING THE MANAGER:

The Manager is hired by a majority vote of the full Board. As it is an exempt position, many civil service rules do not apply. The Manager serves at the pleasure of the Board. The Manager is charged with the responsibility of operating the Association. The Board shall set policy that offers guidelines for that operation, leaving the actual day-to-day decisions for the Manager. In essence, the Board decides "what" the Manager develops and the Manager carries out the "how".

1. Any Board concerns that may arise regarding the performance of the Manager shall be directed by the President to the Manager in a timely manner, so that those concerns may be addressed as part of an ongoing program of management evaluation and improvement.
2. The evaluation process will begin in January. The evaluation process should begin with an evaluation packet, (the prior year's evaluation, prior year's goals and objectives and the current year's evaluation) to be given to all Board members at the January Board meeting.
3. At that time, the Board will request that the current year evaluations be given back to the President within two weeks of that meeting.
4. At the same time, the Board shall schedule an Executive Committee meeting for approximately three weeks after the January Board meeting.
5. At the February meeting, the Executive Committee should present the consensus of the Director's evaluation to the Board for approval. Following the February meeting, the Executive Committee then should meet with the manager to discuss the draft evaluation and discuss what goals and objectives the Manager would like to have included in the evaluation for the current year.
6. Finally, at the March meeting, the final evaluation should be given to the Board and signed by the Board President and the General Manager. Additionally, the Board recommends that the rating scale be as follows:

Outstanding,	100%
Excellent,	90%
Above Average,	80%
Below Average,	70%
Failing,	50% OR BELOW

**MANAGER'S RESPONSIBILITIES**

1. To represent the Association at meetings and functions as requested by the Board.
2. To stay well informed on all Association matters.
3. To express his/her opinion at Board meetings on all matters impacting the Association.
4. To present the Board with sufficient information for its use in making policy decisions.
5. To place the good of the Association before that of personal or professional gain.
6. To act in accordance with the Policy Manual.
7. To abide by the majority decision of the Board.
8. To devise methods and procedures for raising money for the Association.
9. To act as an ambassador for the Association, and project a positive image of the Association.
10. To work within the framework of the budget approved by the Board, being mindful at all times of approved levels of expenditures and to be diligent in reminding the Board of the impact their decisions may have on the financial soundness of the Association.
11. To sign checks as authorized by the Board and stated in the check signing policy. (See page 9)
12. Revision of master planning to be made as required; proposals for changes to be made by a committee appointed by the Board President and management.

## **PUBLIC STATEMENTS**

A unified voice is very beneficial when controversial situations call for public statements from the Board. The designated spokesman for the Association shall be the Manager, unless he/she is unavailable or the Board appoints another person. Directors should refer questions concerning controversial Board matters to the spokesperson. The Board appoints the Manager or President to be our spokesperson.

In matters of extreme importance the Manager may choose to consult with the Executive Committee prior to issuing a statement.

Disagreements among Board members will occur, and the open discussion of issues is vital in any progressive organization. This policy is not meant in any way to limit the freedom of speech of individual Board members. There may be occasions when it is impossible or impractical to refer questions to the Board's spokesman. There are also times when a Director may be the only person holding a minority position on a given issue.

In making public statements regarding sensitive issues, Directors should stress that their opinion is not necessarily that of the majority and attempt to present a positive image of the Association.

### INTERIM USE OF FACILITIES

Board policy regarding interim use of fairgrounds facilities and equipment.

1. The main purpose of the Association is the sponsoring of the Antelope Valley Fair and Alfalfa Festival.
2. The use of the fairgrounds by the people of the Association shall be encouraged by the Manager and Directors.
3. Every effort will be made by the Manager and the Board to insure that rental rates remain fair, but also that all interim use of the fairgrounds shall be of benefit to the Association and or the community.
4. Association equipment shall not be made available for use outside the fairgrounds, unless approved by the Manager and Board president.
5. Management may choose not to rent the facilities for any activities that it determines may adversely impact the local neighborhood or the fairgrounds.
6. Management will schedule no rentals on the grounds that will adversely impact the annual Fair sponsored by the Association. Interim events conflicting with Fair events will not be scheduled ninety (90) days prior to or sixty (60) days after the annual Fair. No rentals will be permitted after July 15 without Board approval.
7. No event will be permitted without adequate security. Security levels will be determined by management based upon the nature of the event and anticipated attendance.
8. All use of the facilities and/or its equipment, shall be covered by a rental agreement, duly entered into by staff and approved by the Board.
9. All alcohol sold or hosted to be provided by the contracted alcohol concessionaire.
10. It is the policy of the Board that parking will be charged for trade type shows, public dances, and events open to the public. Excluded events may include weddings, funerals, dinners, and private events. Parking fees may be waived if requested in writing and approved by the Board of Directors.
11. All procedures and regulations covering interim events are attached and become a part of this policy. **(Please see attachments – located in Additional Policies)**
12. Separate rules and regulations will be observed for the R.V. Park. **(Please see attachments)**.
13. The Association may provide a list of pre-approved subcontractors for vendor services for the benefit of our renters. This does not mean other contractors cannot provide services, but the Association reserves the right to approve and/or refuse services provided by contractors not on the pre-approved list.

## **FAIRTIME**

### **COMPETITIVE EXHIBITS**

The policies pertaining to competitive exhibits are included in the "rules" sections of the premium list published by the Association. These "rules" cover both state rules (mandated by the division) and local rules (determined by the Association.)

### **FOOD CONCESSIONS/COMMERCIAL EXHIBITS**

All food concessions operations and commercial exhibits will be inspected by management to insure satisfactory service to the public. Health permits and health inspections are required.

An audit shall be conducted. Such audits shall include daily reports, cash handling procedures and an evaluation of each concession booth and any other procedures as set forth by the contract.

### **ALCOHOL CONCESSIONS (FAIRTIME)**

All alcohol sold or hosted to be provided by the contracted alcohol concessionaire. See attached Alcohol Policy located in Additional Policies.

## **SPACE**

### **EXHIBIT SPACE / FOOD CONCESSION RATES:**

In accordance with the Fairs and Expositions Manual, space rates will be set annually by the Board of Directors.

### **FREE SPACE:**

Space will be allocated to governmental agencies, sponsors and/or non-profits and be limited to that which is available after space sales are completed, at the discretion of the General Manager.

## **REFUND POLICIES**

### **COMMERCIAL SPACE (Fair, Home Show, Bridal Show)**

1. If cancellation of space is 90 days or more prior to opening day of Event 75% of payment will be refunded.
2. If cancellation of space is 60 days to 89 days prior to opening day of Event 50% of payment will be refunded.
3. If cancellation of space is 30 days to 59 days prior to opening day of Event 25% of payment will be refunded.
4. If cancellation of space is less than 30 days prior to opening day of Event there will be NO REFUND.
5. Cancellations of space are understood to give the Fair permission to resell the space.

### **FAIR RV SPACE**

1. Any cancellations 30 days or more prior to the opening day of the Fair a 10% fee for administrative costs will be withheld from the refund; there will be a 50% fee for any cancellations made within 29 to 15 days of Fair.
2. No refunds will be made if cancellation is within 14 days of Fair.
3. Cancellation of space is understood to give the Fair permission to resell the space.
4. See R.V. Park Rules and Regulations (non-fair time) attached, located in Additional Policies).

### **CONCESSIONS**

1. If cancellation of space is 45 days or more prior to the Fair a 10% fee for administrative cost will be withheld from deposit refund.
2. No refunds will be made if cancellation is within 44 days of the Fair.

## **TICKET REFUND POLICY**

- I. **Definition of Cancellation, Rescheduling or Delay**
- A. A cancellation of a paid Fair event is defined as any performance or event that did not occur. This non-occurrence of the event could be due to performer breach of contract (no show), equipment or power failure, act of God, or the Fair Board rescinds or nullifies an outstanding contracted performance.
  - B. A rescheduling of a paid Fair event is defined as a paid event scheduled at a later time/or day than originally planned and advertised as a result of a previous cancellation.
  - C. A delay of a paid Fair event is defined as a postponement of the starting time of a paid event other than that which was advertised as the time of performance. A delay, which constitutes reason for ticket refund, would be of two-hour duration. An announcement would be made regarding ticket refund procedures, which would be determined, by the Entertainment committee and management each year.
- II. **Refund Request**
- A. **Cancellation:** In the event of a cancellation of a paid Fair event, the holder of the ticket for the performance, which was cancelled, would be entitled to a refund for the cost of such ticket. Refund subject to Section IV.
  - B. **Rescheduling:** A ticket holder to a paid Fair event, which was rescheduled, should be allowed the option of attending the rescheduled performance or requesting a refund in the amount of the purchase price of the ticket to such event. Refund subject to Section IV.
  - C. **Delay:** A paid Fair event delayed as stated in 1-C would constitute a refund. Any refund subject to Section IV.
- III. **Maximum Time Period Allowed for Honoring Request for Ticket Refund**
- A. As a result of a cancellation, rescheduling or deemed delay of a paid Fair event, the holder of a paid event ticket must apply for a refund from the Antelope Valley Fair within 30 days of such cancellation, rescheduling or deemed delay.
  - B. Such refund must be requested by presenting ticket to paid event to the ticket office of the Administration Building located on the Antelope Valley Fairgrounds within the 30-day time limit.
  - C. If it is inconvenient or impossible to present paid ticket in person for refund, then such ticket should be mailed to the Manager of the Antelope Valley Fair, 2551 West Avenue H, Lancaster, CA 93536, with request for such refund postmarked within 30 days.
  - D. No refund will be made for any reason after the 30-day grace period, without approval of the Board of Directors.
  - E. There will be no refunds for any complimentary tickets for any reason.
  - F. No refunds will be made for any ticket trade giveaways.
  - G. Discounted tickets will be refunded at the discounted price.
- IV. **Refund Related to Fair Admission, Parking and Carnival**
- All refunds may be subject to Board of Directors approval. Refund requests must be submitted in writing and contain original tickets. On a yearly basis, the Board of Directors may authorize Management to issue refunds at his/her discretion. Management will provide a full report of refunds at the October Board of Directors meeting.



**POLICY ON CAMPAIGNING, TREATMENT OF  
ELECTED OFFICIALS AND POLITICAL PARTIES**

1. Distribution of promotional or campaign materials shall be from booths ONLY. This includes campaign buttons and brochures, etc.
2. The use of STICK ON DEVICES is prohibited on the grounds and in the parking lots.
3. Novelty items for give away in a commercial booth must be approved by management as they cannot compete with the concessionaires who have exclusive rights on items such as caps, balloons, yard sticks, etc.
4. Elected officials may be introduced at grandstand events and it will be done only as is convenient. Introductions will be made only if officials have reported their presence in advance. Speeches will not be allowed.
5. If elected officials are on the grounds, they should check into the Administration Office so that proper courtesy can be extended.

### **FAIRGROUND PROJECTS**

1. No new construction projects will be considered by Directors or the Manager after July 1 and prior to the annual Fair without Board approval.
2. All construction projects must be completed in accordance with the Accounting Procedures Manual.
3. All projects over \$25,000 must be approved, in writing, by the Building and Grounds Committee and submitted for full Board approval.
4. Management will attempt to keep the Board of Directors and the Building and Grounds Committee informed of all the projects.

**ANTELOPE VALLEY FAIR**  
**ADMISSION AND PARKING POLICY**

**ALCOHOL CONCESSIONS:**

Employees will receive admission and parking credentials. Number to be determined by management.

**BADGES:**

All employees will be issued badges as deemed necessary by management.

**BOARD OF DIRECTORS:**

Directors will be given 150 daily and 2 season gate admission passes or equivalent in any combination to be distributed for promotional purposes as part of our marketing plan. Each Director will be assigned 2 parking spaces in the reserved lot or other designated lot. Directors will pay for event tickets, but will be given priority on location as available. **Directors will have the option to purchase 10 tickets prior to public sale. Row 4 in the Gold Circle will be reserved for Director's purchases, maximum 6 seats per Director. Directors not purchasing all 6 seats will forfeit seats and they will then be made available to the remaining Directors on a first come first served basis. The remaining 4 seats may be purchased in Rows 6 through 10. All orders will be processed by date received.**

**BOX SEAT ALLOCATIONS:**

The Fair Ticket Office will maintain a request list for box seats submitted in writing and by date. Any one person or entity is limited to 2 boxes. All requests are limited to 1 box per person, per letter. Any person or entity refusing a box when notified will be removed. ~~and will be verified in writing, via certified mail.~~ If they choose to be placed at the bottom of the list, they must submit a request in writing. **As boxes are cancelled, with the permission of those box holders affected, they will be moved from top to bottom and from outside to inside. Box holders will be permitted to purchase a maximum of 10 Gold Circle seats when placing order, prior to seats going on sale to the general public. At that time, they may also purchase an unlimited amount of track seats. Order must be paid in full upon receipt. All orders will be processed by date received.**

**BUILDING MONITORS:**

Gate admission and parking credentials will be given to building monitors only for the day(s) they work as requested by the building monitor coordinator.

**CARNIVAL:**

Carnival employees will be admitted with a photo I.D. badge or other credential as approved by management. A parking permit may be provided.

**COMMERCIAL EXHIBITORS:**

A nominal fee may be charged for admission and parking credentials. Fee subject to change at discretion of the board.

**COMMUNITY ENTERTAINMENT:**

A list of entertainers/chaperones will be submitted to the stage coordinator. Only those on the list will be admitted at the Community Stage gate at no charge. All guests of the entertainers will purchase admission passes.

**CONCESSIONAIRES:**

A nominal fee may be charged for admission and parking credentials. Fee subject to change at the discretion of the board. Concessionaire and vendor stock truck parking is permitted with fees and location to be determined by management..

## **ADMISSION AND PARKING POLICY CONTINUED**

### **EMPLOYEES:**

Employees that are hired before August 1<sup>st</sup> will receive 1 employee badge, 22 daily admission passes, and 2 season parking passes in designated lots. Employees hired after August 1<sup>st</sup> will be provided with 1 employee badge and 1 season parking pass in designated lot.

### **GRANDSTAND:**

At management's discretion, tickets will be provided to visiting F&E, WFA, DAA and other fair representatives.

### **HANDICAP PARKING:**

The handicap public will be required to pay the general parking fee in the designated lots.

### **HOME ARTS, ART, PHOTO, ETC.:**

Volunteers will receive two season admission passes and one season parking pass. Exhibitors receive no passes.

### **LIVESTOCK COUNCIL:**

Council members will receive one preferred barn parking [ass and two season admission passes.

### **LIVESTOCK: 4-H, FFA, GRANGE & INDEPENDENT EXHIBITORS:**

A \$10 exhibitor packet will include 1 season admission wristband and 1 season parking pass valid for lot F. Single exhibitor families may purchase one additional season parking pass. A limited number of livestock trailer and preferred barn parking are available. Fees and location at the discretion of management. Fees to be reviewed for possible changes yearly by the Board of Directors.

### **LIVESTOCK ADVISORS:**

Advisors for livestock will receive 1 season admission and 1 season parking except, if their children are showing, then they will fall under exhibitor guidelines.

### **MILITARY:**

Active military no charge with identification (admission only).

### **PAST DIRECTORS & SPOUSES OF DECEASED DIRECTORS:**

~~Past directors or spouse of deceased past director is entitled to 2 reserved grandstand tickets in the free section of the grandstand and 1 season parking permit in designated lot.~~

Past Directors or spouse of deceased past director is entitled to 2 season admission passes and one parking pass in a designated lot. They will have the opportunity to purchase 2 reserved seats to all paid events prior to tickets going on sale to the general public. Orders will be processed by date received.

### **PRESS:**

The person in charge of the Marketing Department for the Fair will be responsible for press credentials.

### **QUEENS:**

Will receive 1 season gate pass and 1 season parking pass. Chaperone will receive 1 season/daily gate pass and 1 season/daily parking pass. Photographer will receive 1 season gate pass and 1 season parking pass.

## **ADMISSION AND PARKING POLICY CONTINUED**

### **RURAL OLYMPICS:**

Contestants in this event will be issued a wristband at the check-in gate. Contestants will receive up to 4 gate admission tickets for guests in mail. Committee members receive 6 daily admission and 3 daily parking credentials.

### **SEASON SEAT ALLOCATIONS:**

A Season Ticket holders must purchase a minimum of 2 tickets to each concert or 2 tickets to each paid arena event or a combination of both. Season ticket holders will be permitted to purchase a maximum of 10 Gold Circle seats when placing order, prior to seats going on sale to the general public. At that time, they may also purchase an unlimited amount of track seats. Order must be paid in full upon receipt. All orders will be processed by date received. New Season Ticket holders will be assigned best available seats at the discretion of management. Seating assignments may be changed at the request of the ticket holder, in writing, as available

### **WESTERN FAIR CREDENTIALS:**

WFA Credentials will entitle bearer admission into fair time gates and the Turf Club.

### **VIP's:**

The following are permanent VIP's:

Lancaster and Palmdale councils and city managers – 2 grandstand seats to all events.

**Ranking, Elected Officials/Local Representatives:** Local Assemblyperson, Senator, Congress, and County Supervisor Sheriff, CHP, Local Military Bases, Fire Dept. – ~~send request letter for 2 grandstand seats to events of their choice.~~

Ranking, Elected, Local Officials are entitled to 2 season admission passes and one parking pass in a designated lot. They will have the opportunity to purchase 2 reserved seats to all paid events prior to tickets going on sale to the general public. Orders will be processed by date received. Any other official approved on an annual basis by management.

### **ROW ASSIGNMENTS:**

**1 – 14 seats assigned to season ticket holders**

**4 – Director's Purchase**

**5 – Sponsors**

**9 – Work Trade Sponsors**

**11 – VIP (outside sections)**

**12 – Entertainer Holds**

**18 – VIP – (center sections)**

**30 - Queens**

## EVENTS

### ALFALFA IS KING CONTEST:

The "Alfalfa is King" contest is an outgrowth of the Agriculture Department of the Fair, and is sponsored by the Fair.

### BUSINESS DECORATING CONTEST:

The Queens Committee coordinates this fair sponsored by the Queens Committee.

### KICK OFF DINNER:

A kick off dinner is traditionally held on the first Friday in August. Plans and arrangements are made by Fair staff and volunteers.

### JUNIOR LIVESTOCK AUCTION:

The Fair Directors recognize the sponsorship of the Kiwanis Clubs sponsored Junior Livestock Auction during each annual Fair.

### LAW DAY:

The Board of Directors recognizes Law Day as a fair / FOF sponsored event.

### QUEENS CORONATION:

Traditionally, the Queens coronation is held the Saturday following the annual Kick-Off Dinner with the program details supervised by the Director-In-Charge. Adhering to long established tradition, it shall be the policy of this Board to sponsor the Miss Antelope Valley Contest/Pageant. This contest/pageant will be conducted according to the rules and guidelines approved by this Board.

### THEME CONTEST:

A theme contest will be held prior to each annual Fair. The Public Relations Committee will make a recommendation from those submitted by the public at large. The Board of Directors will make the final choice. Next year's theme will be announced at the current year's fair.

**THEME CONTEST:**

A theme contest will be held prior to each annual Fair. The Public Relations Committee will make a recommendation from those submitted by the public at large. The Board of Directors will make the final choice. Next year's theme will be announced at the current year's fair.

## **SAFETY POLICY**

Above all else, safety for all who utilize the fairgrounds is our foremost responsibility.

Management, as a part of its duties, will perform a constant vigil against any and all actions, on the part of its officers, employees, contractors, and exhibitors that might in any way create a hazardous situation on the fairgrounds.

In addition, management will make every effort through proper rules and enforcement, to create a safe environment at all times, and to make the altering of any unsafe practices or conditions the first priority. Board members will be mindful of public safety when setting policy, and will report to the Manager any potentially hazardous situation they may observe.

A major fire/disaster plan will be created by management. A frequent review of such a plan will be the duty of management. Refer to Fair time emergency operations manual.

For the safety of the fairgoers, the Board shall approve a golf cart policy. This policy shall be reviewed periodically at the request of the Executive committee.

For the safety of the fairgoers, the Board shall approve a security operations policy. This policy shall be reviewed periodically at the request of the Executive committee.



**ANTELOPE VALLEY FAIR - 50<sup>TH</sup> DAA**

**FIRST AMENDMENT RIGHTS POLICY**

The Board of Directors of the Antelope Valley Fair, 50<sup>th</sup> District Agricultural Association, hereby adopts the following policy as a responsible means of protecting the health and safety of patrons attending the annual Fair. Constitutional first amendment rights are paramount and protected while maintaining required decorum.

Individuals or groups may not solicit, petition, campaign nor lecture inside the fenced fairgrounds area, except from within a commercial booth rented at prevailing rates.

Individuals or groups may conduct these actions outside the fenced area of the fairgrounds from a location located at the main entrance and may in no manner interfere with the normal pedestrian or traffic flow, or which may constitute a traffic hazard as deemed by the Chief of Security or Management. The Association reserves the right to impose any other reasonable restrictions such as location, number of people, and shall have the right to prohibit the distribution of obscene or offensive materials to the public.

At no time may an individual or a group have the right to place any literature on the buildings, vehicles of patrons, or any property of the Association. Groups or individuals violating this policy will be subject to legal actions.

The Board hereby adopts [these policies] this policy for the safety and protection of the groups, the public and the facilities of the Association, and further directs the General Manager to develop guidelines necessary to implement this policy.

An application must be completed and on file prior to occupancy of space.

All applicants are subject to insurance requirements.

## **Antelope Valley Fair – 50<sup>th</sup> DAA**

### **Sponsorship Policy**

It is the goal for the Antelope Valley Fair to garner community participation and seek financial assistance for producing the annual fair and other interim events by actively pursuing fair/event sponsors. These sponsorships may be in the form of cash or trade from services and/or equipment/materials.

Therefore, the fair staff and Board will adhere to the following Sponsorship Procedures:

- The fair CEO will work with members of the fair Board of Directors to solicit new sponsorships and renew past sponsorships each year.
- All sponsorship agreements will fall under Standard 2 Contract rules and procedures.
- The CEO will determine all sponsorship packages (i.e. number of passes given to sponsors). The Board of Directors must approve all sponsorship contracts.
- Members of the Board of Directors will not solicit a sponsorship without first checking with the CEO to avoid duplication of effort and to insure that specific sponsorship opportunities have not already been filled.
- All passes, tickets, etc. will be sent to sponsors by the fair staff. Board members may had deliver if so desired.
- Fair staff will be responsible for collecting sponsorship monies and/or insuring that services are performed and materials obtained. Board members may be asked to assist should a sponsor they solicited not be meeting the requirements of the sponsorship contract.
- Thank you letters will be sent to all sponsors following the fair/event by fair staff. Board members may be asked to sign letters in addition to the fair CEO.
- The CEO will keep the Board informed as to the status of sponsorships at regular board meetings each month.

## *Policy*

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The California Department of Food and Agriculture, District Agricultural Associations, and related Boards, Councils, and Commissions (herein collectively referred to as the Department) are committed to providing Equal Employment Opportunity (EEO) and the expectation that employees are entitled to a work environment free from any form of discrimination or harassment on the basis of a protected class. All complaints of discrimination and harassment will be given expeditious and impartial consideration.

The Department will investigate retaliation for objecting to discrimination and harassment or for participating in a protected activity.

All persons involved in Department activities, including, but not limited to, Department staff, board members, contracted, temporary, and voluntary employees, unpaid interns, members of the public, applicants for employment, or visitors on Department property who may come into contact with Department employees, are expected to adhere to a standard of conduct that is respectful of all persons. All persons are expected to take proactive steps to maintain a discrimination and harassment-free work place. Activities outside of the work place that are sponsored by the Department are considered part of the work environment and are subject to this policy.

The Department has a “Zero Tolerance” policy for all discrimination, harassment, and retaliation as defined by this policy. Any Department employee who is found to have violated this policy will be subject to corrective action, up to and including dismissal, based on the severity of the conduct.

The Department requires respectful and professional conduct from its employees. Even though some inappropriate behavior/conduct may not be found to be unlawful, the conduct may fall short of being the acceptable, courteous, respectful and professional behavior that is expected by the Department and may be a violation of this policy. The Department employees need not break the law in order to be disciplined for inappropriate and discourteous behavior.

## *Authority*

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- Title VII of the Civil Rights Act of 1964 (42 United States Code (U.S.C.) 2000e)
- Pregnancy Discrimination Act of 1978 (42 U.S.C. 2000e(k))
- Title I, Americans with Disabilities Act of 1990 (42 U.S.C. 12101-12213)
- Age Discrimination in Employment Act of 1967 (29 U.S.C. 621)
- Equal Pay Act of 1963 (29 U.S.C. 206 (d))
- Title I of the Civil Rights Act of 1991 (42 U.S.C. 2000(e)) section 1977A
- Rehabilitation Act of 1973 sections 501 and 505 (U.S.C.)

## *Discrimination and Harassment Prevention Policy*

- Title II, Genetic Information Nondiscrimination Act of 2008, U.S.C. sections 201-213
- Fair Employment and Housing Act, California Government Code sections 12900-12996
- California Code of Regulations, Title 2, Division 4.1, Sections 11000-11141
- The California Family Rights Act, California Government Code section 12945.2
- New Parent Leave Act, California Government Code section 12945.6
- California Government Code sections 18500, 18671.1, 19700-19706, 19991.6
- Unruh Civil Rights Act, California Civil Code section 51 et seq.
- Ralph Civil Rights Act, California Civil Code section 51 et seq.
- Disabled Persons Act, California Civil Code section 54 et seq.
- California Labor Code, Division 2, Part 1, Chapter 1, Article 1, section 230
- 29 Code of Federal Regulations section 1604.11

### *Definitions*

<i>Assault:</i>	A physical or sexual attack.
<i>Complainant:</i>	The employee or applicant who files a complaint whether for themselves or on behalf of someone else.
<i>Hostility:</i>	Acts characterized by aggression and maliciousness resulting in intimidation and an unpleasant work environment.
<i>Malice:</i>	Conduct which is intended to cause injury, or despicable conduct which is carried on with a willful and conscious disregard to the rights or safety of others.
<i>Obligated Reporter:</i>	A person who, because of their status as a “supervisor”, is legally required to report any suspicion or actual complaints of discrimination, harassment, sexual harassment, or retaliation.
<i>Prima Facie:</i>	Sufficient corroborating evidence accepted as correct until proven otherwise.
<i>Protected Class:</i>	Groups of people that are protected from discrimination and harassment under California or federal law. Classes include: race, religion or religious creed, color, age, sex including sexual harassment, sexual orientation, gender identity, gender expression, genetic information, national origin, marital status, medical condition, disability, military

## *Discrimination and Harassment Prevention Policy*

	or veteran status, childbirth, breastfeeding, and related medical conditions, protected medical leaves and domestic violence victim status.
<i>Respondent:</i>	The entity or person named in the complaint.
<i>Supervisor:</i>	Any person who, in the course of their work activities, has the discretion and authority to hire, transfer, promote, assign, reward, discipline, or terminate employees or can recommend these actions, act on employee grievances, recommend action on grievances, or has the authority to direct an employee's daily work, regardless of their Civil Service classification. This includes people in supervisory or managerial classifications, as well as board members, board chairs or presidents, and office or field leads.
<i>Zero Tolerance:</i>	Refusal to accept inappropriate behavior by strict and uncompromising application of this Policy.

### *Responsibility*

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<i>Department:</i>	Ensures the work environment is free from all forms of discrimination and harassment as defined in this policy.  Responsible for the actions of supervisors, managers, Chief Executive Officers (CEO) and for acts of other employees if management knew, or should have known, of such acts and failed to take prompt and effective action.
<i>EEO Office:</i>	Ensures Department employment policies and practices are non-discriminatory and provides equal opportunity to all potential job applicants and employees.  Ensures that all discrimination and harassment complaint investigations are conducted in a fair, complete, and timely manner; holds complaints as confidential as possible; and protects employees from being retaliated against for complaining or participating in an investigation.  Manages the Department's Harassment Prevention training program.
<i>Supervisors, Managers and CEO's:</i>	Set the tone for a discrimination-free and harassment-free work environment. This includes maintaining an environment free from harassment as well as discrimination, intimidation, retaliation, ridicule, and insult.  Ensure all employees are informed of this policy at the time of hire, annually thereafter, and again when a complaint is

## *Discrimination and Harassment Prevention Policy*

brought forward.

Respond immediately and objectively to all EEO related employee complaints. Protect complainants from any form of retaliation.

Inform the EEO Office immediately of any complaint of discrimination, harassment, or retaliation.

Investigate minor incidents as directed by the EEO Office and report back findings.

Provide attached Department of Fair Employment and Housing (DFEH) forms to all employees.

### *Employees:*

Employees who feel they are being discriminated against or harassed during the performance of their job duties should immediately convey their concerns to management or to the EEO Office.

Any employee who perceives the comments, gestures, or actions of another employee to be harassing or discriminatory should immediately and clearly communicate to that person that such behavior is unwelcome and inappropriate. Failure to express that a behavior is unwelcome does not prevent the employee from filing a complaint nor does it exonerate the harasser.

File a discrimination or harassment complaint:

- With any supervisor, manager, or CEO, who will forward all harassment complaints to the EEO Office or;
- File directly with the EEO Office using the process outlined in the “Internal Complaint Process” section or;
- Externally with the DFEH, or the Equal Employment Opportunity Commission (EEOC) as outlined in the “Complaints Filed Outside of the Department” section.

## *Discrimination*

Discrimination may include but is not limited to: hostile or demeaning behavior toward people because of their protected class; allowing the protected class of an employee, applicant, or other person involved in Department business to be a factor in hiring, promoting, compensating, or other employment related decisions unless permitted by applicable law<sup>1</sup>; or providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to employees, applicants, or other persons involved in Department business because of their protected class.

<sup>1</sup> For example, veteran preference as permitted under Government Code 18973.1

## *Discrimination and Harassment Prevention Policy*

Such conduct may violate this policy, even if it is not unlawful.

The elements of unlawful discrimination are further explained in the DFEH's brochures; "California Law Prohibits Workplace Discrimination and Harassment," "Your Rights and Obligations as a Pregnant Employee," "Transgender Rights in the Workplace," and "Hate Violence and Civil Rights" (Attachments 1, 2, 3, 4).

### *Harassment*

For the purpose of this policy, harassment is unwelcome, disrespectful, or unprofessional conduct, including conduct based on any of the protected classes. Harassment includes but is not limited to verbal (jokes, slurs, epithets, teasing), visual (posting of offensive or graphic material, symbols, computer displays), or physical conduct (physically threatening, blocking someone's path or physical conduct in an unwanted manner).

All harassing conduct is unacceptable in the workplace and in any work-related settings, such as business trips and business-related social functions, regardless of who is engaging in the conduct. Such conduct, even if a single incident, may violate this policy even if it is not unlawful.

The elements of unlawful harassment are further explained in DFEH's brochures; "California Law Prohibits Workplace Discrimination and Harassment," "Your Rights and Obligations as a Pregnant Employee," "Transgender Rights in the Workplace," and "Hate Violence and Civil Rights" (Attachments 1, 2, 3, 4).

### *Sexual Harassment*

Sexual harassment is harassment based on sex or conduct of a sexual nature, and includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, or gender expression. Sexually harassing conduct does not need to be motivated by sexual desire.

Sexual harassment is categorized into two types:

#### *Quid Pro Quo*

- The demand of sexual favors in exchange for a job benefit or continued employment.
- Submission to or rejection of the demand is used as the basis for an employment decision affecting the victim.
- Typically committed by a supervisor, manager, or someone with authority over the victim.

#### *Hostile Work Environment*

- Conduct of a sexual nature that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile, or

## *Discrimination and Harassment Prevention Policy*

otherwise offensive working environment. Examples include but are not limited to:

- Unwelcome sexual advances, flirtation, teasing of a sexual nature
- Sexually aggressive or obscene letters, invitations, notes, emails, voicemails, or gifts
- Sex, gender, or sexual orientation-related comments, slurs, jokes, remarks, or epithets
- Leering, obscene or vulgar gestures or sexual gestures
- Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, posters, or other such items
- Impeding or blocking movement, unwelcome touching or assaulting others
- Reprisals and threats after a negative response to a sexual advance
- Conduct or comments consistently targeted at one gender, even if the conduct is not sexual.

All sexually harassing conduct is unacceptable in the workplace and in any work-related settings, such as business trips and business-related social functions, regardless of who is engaging in the conduct. Such conduct, even if a single incident, may violate this policy even if it is not unlawful.

The elements of unlawful harassment are further explained in DFEH's brochure, "Sexual Harassment" (Attachment 5).

### *Intent vs Impact for Harassment Cases*

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In cases of alleged harassment, the intent of the harasser is irrelevant. It is the impact of the behavior and how it is perceived by the recipient that determines if the conduct is harassment. In addition, a witness to the conduct has the right to submit a complaint to the EEO Office.

### *Retaliation Prohibition*

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For the purpose of this policy, retaliation is an adverse employment action against an individual for engaging in a protected activity. To prove retaliation, there must be a causal link between the adverse employment action and the protected activity.

Protected activities include opposing discriminatory practices, filing a complaint, or testifying, assisting, or participating in any manner in an EEO investigation, proceeding, or hearing. These prohibitions apply to all employees, not only managers and supervisors or those against whom complaints are filed.

### *Internal Complaint Process*

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The Department's discrimination and harassment complaint process provides the employee, applicant, or other person involved in Department business the opportunity to raise allegations and to seek resolution of their complaint. Complaints



## *Discrimination and Harassment Prevention Policy*

will be resolved at the lowest organizational level possible while assuring that the process provides for timely, thorough, and impartial review of the discrimination or harassment complaint without fear of reprisal or retaliation.

The following options are available to resolve a complaint:

*Employee:*

Tell the individual engaging in the inappropriate conduct to stop.

Report conduct to immediate supervisor or any other supervisor if the employee's immediate supervisor is unavailable to resolve the complaint.

Complete a Discrimination and Harassment Complaint Form (SO-201) and submit to either a supervisor and/or manager, or directly to the EEO Office at:

- [eeo@cdfa.ca.gov](mailto:eeo@cdfa.ca.gov) or
- EEO Office  
1220 N Street, Suite 313  
Sacramento, CA 95814

Include the following with the complaint:

- Sufficient information to show a connection between the basis of the complaint and how the employee has been impacted.
- Enough evidence to raise the inference that the allegations are true (*prima facie*). A *prima facie* case of discrimination, harassment, or retaliation must be established before an investigation is initiated.

If a complaint form is not immediately available, contact the EEO Office at:

- [eeo@cdfa.ca.gov](mailto:eeo@cdfa.ca.gov) or
- (916) 654-1005

*Supervisors,  
Managers,  
and CEO's:*

Anyone in a supervisory position is considered an obligated reporter for the purpose of this policy. Supervisors and managers must report any and all potential violations of this policy to the EEO office immediately. Failure to do so may result in disciplinary action against the supervisor or manager.

Maintain confidentiality to the extent possible.

## *Discrimination and Harassment Prevention Policy*

**EEO Office:** Determine if the complaint filed meets jurisdictional and procedural requirements and assign an investigator. The objective of the investigation is to determine if there is sufficient evidence to show a violation of the Department Discrimination and Harassment Prevention Policy.

If necessary, advise the CEO, Division Director and/or Branch Chief, and the Complainant that a complaint has been received, the intent to investigate the allegations, and inform them of the policy against retaliation.

Conduct the investigation. When the investigation is complete, the Division Director and/or Branch Chief, CEO, the Complainant, and the Respondent, will be informed of the findings. The investigation will be conducted with discretion and the information gathered during an investigation will be kept confidential to the extent possible.

### *Complaints Filed Outside of the Department*

No one is required to file a complaint with the Department EEO Office. Anyone may file a complaint with the following agencies. The addresses listed are headquarters or district offices. Complainants may call the listed agencies for local offices in their area.

#### **Department of Fair Employment and Housing**

Complainants who believe they are the victim of illegal employment discrimination may file a Pre-Complaint Inquiry with the DFEH to initiate the complaint process using any of the options below:

- DFEH's online system, register at <http://www.dfeh.ca.gov/>
- Call the Communication Center: 800-884-1684.
- If you have a hearing impairment, please **Dial 7-1-1** or call one of the toll-free numbers below:
  - **English Voice/TTY:** 800-855-7100
  - **Spanish Voice/TTY:** 800-855-7200 (includes Spanish-to-Spanish and translation from English to Spanish)
  - **Speech-to-Speech (STS):** 800-855-7300
  - **Visually Assisted STS:** 800-855-7400
- Complete the [Pre-Complaint Inquiry](#) and submit it to [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov). Online filing is preferred however the

## *Discrimination and Harassment Prevention Policy*

address for mailing is:

- California Department of Fair Employment and Housing  
2218 Klausen Drive, Suite 100  
Elk Grove, CA 95758.

Complaints must be filed with DFEH within 365 calendar days from the date upon which the alleged discriminatory act occurred. This period may be extended, not to exceed 90 days following the expiration of that year, if a person allegedly aggrieved by an unlawful practice first obtained knowledge of the facts after the expiration of one year from the date of its occurrence.

### **U.S. Equal Employment Opportunity Commission**

Any complaint of sexual harassment or of discrimination based on race, color, physical or mental disability, medical condition, marital status, religious creed, sex, national origin, ancestry, age, or retaliation for filing a formal complaint may be filed with:

U.S. Equal Employment Opportunity Commission  
San Francisco District Office  
901 Market Street, Suite 500  
San Francisco, CA 94103  
Telephone: 800-669-4000  
Website: <https://www.eeoc.gov>

The EEOC may defer the matter to its state equivalent, DFEH. If DFEH has waived its right to process the charge or has no jurisdiction over the charges, the complaint must be filed with the EEOC within 180 days from the date of the violation. The 180-day period for filing a complaint does not begin until the claimant becomes aware of the discriminatory act.

### **State Personnel Board (SPB) (Appeals to Departmental Decisions Only)**

- Appeals regarding complaints of discrimination, harassment, or retaliation must be filed with SPB within 30 days from the date the appointing authority served its response. If the appointing authority has failed to provide a decision within 90 days of the complaint being filed, an appeal may be filed with SPB no later than 150 days from the date the original complaint was filed with the appointing authority.
- If the complainant is dissatisfied with the decision of SPB or the request for a hearing is denied, an appeal may be filed with the Superior Court.

Appeals may be filed online at [www.spb.ca.gov](http://www.spb.ca.gov) or by email [appeals@spb.ca.gov](mailto:appeals@spb.ca.gov), but can also be mailed, personally delivered, or sent

## *Discrimination and Harassment Prevention Policy*

by facsimile transmission (fax) to:

State Personnel Board Appeals Division  
801 Capitol Mall  
Sacramento, CA 95814-4806

Direct telephone inquiries regarding appeals to the SPB Appeals Division can be made at the following numbers:

- General Information/Status of Appeals: (916) 653-0544/653-0799
- Transcripts, Tapes, Documents and Record Requests (916) 651-3165
- FAX Line (916) 654-6055 or TDD (916) 654-2360

### *Liability for Unlawful Discrimination and Harassment*

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<i>Department:</i>	Responsible for the actions of their employees and as a result can be held financially liable for the employees' acts if the supervisor or management knew or should have known of the existence of discrimination or harassment and failed to take appropriate action.
<i>Supervisors, Managers, and CEO's:</i>	<p>Because supervisors and managers are responsible for ensuring a work environment free of discrimination, harassment, and retaliation, they must take immediate action if they learn of any alleged incident of discrimination, harassment, or retaliation. Actions always include notifying the EEO Office immediately. Failure to act can expose the managers and supervisors, personally, to financial liability for damages, as well as disciplinary action.</p> <p>Managers and supervisors who engage in Quid Pro Quo Harassment can be subject to disciplinary action and held financially liable for their conduct.</p>
<i>Individual Harasser:</i>	An employee found guilty of unlawful discrimination or harassment may be sued separately from his/her employer and if found guilty, will be held financially liable for his/her actions. Insurance generally does not indemnify for intentional conduct, and the employer may have no legal obligation to pay the cost of defense or judgment for an employee determined to have sexually harassed another. The employee may be responsible for paying part or all monetary damages if any are awarded. Monetary damages may include substantial compensatory and punitive damages and attorney fees.

## *Discrimination and Harassment Prevention Policy*

### *Training*

All Department employees, including newly appointed supervisors, managers, Board Members, and CEO's, are required to complete a sexual harassment prevention training class within six months after appointment or promotion, and every two years thereafter. Newly hired employees shall be provided with a copy of the Department's Discrimination and Harassment Prevention Policy as part of the hiring package.

All seasonal employees must complete a sexual harassment prevention training class within two weeks of being hired.

All supervisors, managers and CEO's are required to discuss and review the Department's Discrimination and Harassment Prevention Policy with subordinate employees annually.

### *Distribution*

Distribution of the above policy includes all appointees and employees.

Any supervisor, manager, CEO, Board Member, or employee seeking advice, guidance, or consultation regarding discrimination, harassment, sexual harassment, or retaliation may contact the Department's EEO Office at (916) 654-1005.



SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

## BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

- 1 *Unwanted sexual advances*
- 2 *Offering employment benefits in exchange for sexual favors*
- 3 *Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters*
- 4 *Derogatory comments, epithets, slurs, or jokes*
- 5 *Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations*
- 6 *Physical touching or assault, as well as impeding or blocking movements*

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within one year of the last act of harassment or retaliation. DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. 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.

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 AND HUMAN TRAFFICKING.

### FOR MORE INFORMATION

Department of Fair Employment and Housing  
Toll Free: (800) 884-1684  
TTY: (800) 700-2320  
Online: [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Also find us on:



If you have a disability that prevents you from submitting a written intake form on-line, by mail, or email, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov).

*The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.*

*Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov) to discuss your preferred format to access our materials or webpages.*

## SEXUAL HARASSMENT

### THE FACTS

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

### THERE ARE TWO TYPES OF SEXUAL HARASSMENT

- ① *“Quid pro quo”* (Latin for “this for that”) sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
- ② *“Hostile work environment”* sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with your work performance or create an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. That means that it alters the conditions of your employment and creates an abusive work environment. A single act of harassment may be sufficiently severe to be unlawful.

# CIVIL REMEDIES:



## ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

- 1 *Damages for emotional distress from each employer or person in violation of the law*
- 2 *Hiring or reinstatement*
- 3 *Back pay or promotion*
- 4 *Changes in the policies or practices of the employer*

## EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

- ① Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.
- ② Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."
- ③ Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:
  - Be in writing.
  - List all protected groups under the FEHA.
  - Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
  - Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
  - Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of DFEH and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
  - Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).

- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
  - Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.
- ④ Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:
    - Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
    - Sending the policy via email with an acknowledgment return form.
    - Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
    - Discussing policies upon hire and/or during a new hire orientation session.
    - Using any other method that ensures employees received and understand the policy.
  - ⑤ If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.
  - ⑥ In addition, employers who do business in California and employ 5 or more part-time or full-time employees must provide at least one hour of training regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation, to each non-supervisory employee; and two hours of such training to each supervisory employee. Training must be provided within six months of assumption of employment. Employees must be trained during calendar year 2019, and, after January 1, 2020, training must be provided again every two years. Please see Gov. Code 12950.1 and 2 CCR 11024 for further information.



## HATE VIOLENCE & CIVIL RIGHTS

## COMPLAINTS MUST BE FILED WITHIN ONE YEAR OF THE LAST ACT OF DISCRIMINATION

# FILING A COMPLAINT

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 HATE VIOLENCE AND HUMAN TRAFFICKING

A DFEH complaint must be filed within one year from the date the victim becomes aware of the perpetrator's identity, but in no case more than three years from the date of harm. An attorney is not required and there is no fee for the Department's services. File a complaint with the Department of Fair Employment and Housing by following these steps:

- ① *Contact DFEH by using the information on the back of this brochure*
- ② *Be prepared to present specific facts about the complaint and provide copies of documents that support the charges in the complaint*

### CIVIL REMEDIES:

- 1 *Restraining orders: after a restraining order is obtained from a court, violators of that order can be fined or jailed*
- 2 *Actual damages: these damages include the cost of medical treatment, lost wages, property repair, or payment for emotional suffering and distress*
- 3 *Punitive damages: a court can order additional damages to punish violators*
- 4 *Civil penalties: a court may order a fine of \$25,000, which would be awarded to the person filing the complaint*
- 5 *Attorney's fees: a court may order payment of the attorney's fees resulting from the lawsuit*

### FOR MORE INFORMATION

Department of Fair Employment and Housing  
Toll Free: (800) 884-1684  
TTY: (800) 700-2320  
Online: [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Also find us on:



If you have a disability that prevents you from submitting a written intake form on-line, by mail, or email, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an intake appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov).

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The Ralph Civil Rights Act forbids acts of violence or threats of violence because of a person's actual or perceived sex/gender, including pregnancy, childbirth, and related medical conditions, gender identity and gender expression, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, political affiliation, or position in a labor dispute (California Civil Code section 51.7). These listed characteristics are merely examples and other bases for a discrimination claim under the Act are possible. The acts forbidden by civil law may also be criminal acts and can expose violators to criminal penalties. The Ralph Civil Rights Act also forbids a person from requiring a waiver of the Act's protections as a condition of entering into a contract for goods or services, including the right to file a complaint or lawsuit or notify the Attorney General, Department of Fair Employment and Housing (DFEH), or prosecutor or law enforcement agency.

### WHAT DFEH DOES

The Department of Fair Employment and Housing enforces the California civil laws that prohibit hate violence by:

- ① Investigating complaints;
- ② Prosecuting violations of the law; and
- ③ Educating Californians about the laws prohibiting hate violence, human trafficking, harassment, and discrimination by providing written materials and participating in seminars and conferences.



## WHAT TYPE OF ACTS ARE FORBIDDEN UNDER CALIFORNIA LAW?

California law forbids verbal or written threats, physical assault or attempted assault, graffiti, and vandalism or property damage. Other California laws establish criminal penalties for acts that include disturbing a group of people gathered to worship; vandalizing a place of worship or a building owned and occupied by a religious educational institution; attempting to discourage religious activities by threats of violence; or, using a bomb or arson to cause a person to fear for his/her personal safety in places of worship or on any private property if the property was targeted because of the owner's or occupant's race, color, religion, ancestry, or other protected bases.

## HOW DO THESE LAWS HELP VICTIMS?

These laws provide civil remedies for persons who have been victims of acts of violence or threats of violence because of race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation or position in a labor dispute.

Available civil remedies include:

- ① Restraining Orders
- ② Actual Damages
- ③ Punitive Damages
- ④ Civil Penalties
- ⑤ Attorney Fees

There are several steps one can take to exercise the rights provided by these laws.

## EXAMPLES OF HATE VIOLENCE



Under the Ralph Civil Rights Act, it is unlawful to:

- Interfere by force or threat of force with a person's constitutional rights because of that person's actual or perceived membership in a protected group.
- Willfully disturb a group of people gathered to worship on the basis of their religion.
- Attempt to discourage religious activities by threats of violence.
- Damage a person's property because of that person's actual or perceived membership in a protected group.
- Vandalize a place of worship or building on the basis of actual or perceived membership in a protected group.
- Assault a person on the basis of that person's actual or perceived membership in a protected group.
- Advocate unlawful violence against any person on the basis of that person's actual or perceived membership in a protected group, where that advocacy is directed to inciting or producing imminent lawless action and is likely to produce such action.

## WHAT DO I DO IF I BELIEVE I'M A VICTIM OF HATE VIOLENCE?

- 1 *You may use this brochure. Show it to an attorney, the police, or governmental agencies when you contact them about the problem.*
- 2 *Report any violent threat or act to the police. Be sure to explain the connection between the violent threat or act and the characteristic (race, sex, age, disability, sexual orientation, etc.). Remember that this connection can be based on your characteristic or that of a group or individual with whom you are associated.*
- 3 *You may file a complaint. A complaint may be filed with DFEH, in court, or with another governmental agency, such as the local police department, district attorney, or the California Attorney General.*
- 4 *A private lawsuit can be filed under California Civil code section 52 to enforce the Ralph or Bane Civil Rights Acts.*



## HATE VIOLENCE & CIVIL RIGHTS

## COMPLAINTS MUST BE FILED WITHIN ONE YEAR OF THE LAST ACT OF DISCRIMINATION

# FILING A COMPLAINT

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# TRANSGENDER RIGHTS IN THE WORKPLACE

## WHAT DOES "TRANSGENDER" MEAN?

Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth. Gender expression is defined by the law to mean a "person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth." Gender identity and gender expression are protected characteristics under the Fair Employment and Housing Act. That means that employers, housing providers, and businesses may not discriminate against someone because they identify as transgender or gender non-conforming. This includes the perception that someone is transgender or gender non-conforming.

## WHAT IS A GENDER TRANSITION?

- 1 "Social transition" involves a process of socially aligning one's gender with the internal sense of self (e.g., changes in name and pronoun, bathroom facility usage, participation in activities like sports teams).
- 2 "Physical transition" refers to medical treatments an individual may undergo to physically align their body with internal sense of self (e.g., hormone therapies or surgical procedures).

A person does not need to complete any particular step in a gender transition in order to be protected by the law. An employer may not condition its treatment or accommodation of a transitioning employee upon completion of a particular step in a gender transition.

## FAQ FOR EMPLOYERS

*What is an employer allowed to ask?* Employers may ask about an employee's employment history, and may ask for personal references, in addition to other non-discriminatory questions. An interviewer should not ask questions designed to detect a person's gender identity, including asking about their marital status, spouse's name, or relation of household members to one another. Employers should not ask questions about a person's body or whether they plan to have surgery.

*How do employers implement dress codes and grooming standards?* An employer who requires a dress code must enforce it in a non-discriminatory manner. This means that, unless an employer can demonstrate business necessity, each

employee must be allowed to dress in accordance with their gender identity and gender expression. Transgender or gender non-conforming employees may not be held to any different standard of dress or grooming than any other employee.

*What are the obligations of employers when it comes to bathrooms, showers, and locker rooms?* All employees have a right to safe and appropriate restroom and locker room facilities. This includes the right to use a restroom or locker room that corresponds to the employee's gender identity, regardless of the employee's assigned sex at birth. In addition, where possible, an employer should provide an easily accessible unisex single stall bathroom for use by *any* employee who desires increased privacy, regardless of the underlying reason. Use of a unisex single stall restroom should always be a matter of choice. No employee should be forced to use one either as a matter of policy or due to harassment in a gender-appropriate facility. Unless exempted by other provisions of state law, all single-user toilet facilities in any business establishment, place of public accommodation, or state or local government agency must be identified as all-gender toilet facilities.

## FILING A COMPLAINT

If you believe you are a victim of discrimination you may, within one year of the discrimination, file a complaint of discrimination by contacting DFEH.

If you have a disability that prevents you from submitting a written intake form on-line, by mail, or email, DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice). DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

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Also find us on:   



# YOUR RIGHTS AND OBLIGATIONS AS A PREGNANT EMPLOYEE

*If you are pregnant, have a related medical condition, or are recovering from childbirth, please read this notice.*

California law protects employees against discrimination or harassment because of an employee's pregnancy, childbirth or any related medical condition (referred to below as "because of pregnancy"). California law also prohibits employers from denying or interfering with an employee's pregnancy-related employment rights.

## YOUR EMPLOYER HAS AN OBLIGATION TO:

- Reasonably accommodate your medical needs related to pregnancy, childbirth or related conditions (such as temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks);
- Transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy; and
- Provide you with pregnancy disability leave (PDL) of up to four months (the working days you normally would work in one-third of a year or 17 1/3 weeks) and return you to your same job when you are no longer disabled by your pregnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave related employment actions, such as a layoff.
- Provide a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in the Labor Code.

## FOR PREGNANCY DISABILITY LEAVE:

- PDL is not for an automatic period of time, but for the period of time that you are disabled by pregnancy. Your health care provider determines how much time you will need.
- Once your employer has been informed that you need to take PDL, your employer must guarantee in writing that you can return to work in your same position if you request a written guarantee. Your employer may require you to submit written medical certification from your health care provider substantiating the need for your leave.
- PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postnatal medical appointments, doctor-ordered bed rest, severe morning sickness, gestational diabetes, pregnancy-induced hypertension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or post-partum depression.
- PDL does not need to be taken all at once but can be taken on an as-needed basis as required by your health care provider, including intermittent leave or a reduced work schedule, all of which counts against your four month entitlement to leave.
- Your leave will be paid or unpaid depending on your employer's policy for other medical leaves. You may also be eligible for state disability insurance or Paid Family Leave (PFL), administered by the California Employment Development Department.
- At your discretion, you can use any vacation or other paid time off during your PDL.

- Your employer may require or you may choose to use any available sick leave during your PDL.
- Your employer is required to continue your group health coverage during your PDL at the same level and under the same conditions that coverage would have been provided if you had continued in employment continuously for the duration of your leave.
- Taking PDL may impact certain of your benefits and your seniority date; please contact your employer for details.
- If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

#### NOTICE OBLIGATIONS AS AN EMPLOYEE:

- Give your employer reasonable notice. To receive reasonable accommodation, obtain a transfer, or take PDL, you must give your employer sufficient notice for your employer to make appropriate plans. Sufficient notice means 30 days advance notice if the need for the reasonable accommodation, transfer, or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.
- Provide a Written Medical Certification from Your Health Care Provider. Except in a medical emergency where there is no time to obtain it, your employer may require you to supply a written medical certification from your health care provider of the medical need for your reasonable accommodation, transfer or PDL. If the need is an emergency or unforeseeable, you must provide this certification within the time frame your employer requests, unless it is not practicable for you to do so under the circumstances despite your diligent, good faith efforts. Your employer must provide at least 15 calendar days for you to submit the certification. See your employer for a copy of a medical certification form to give to your health care provider to complete.
- Please note that if you fail to give your employer reasonable advance notice or, if your employer requires it, written medical certification of your medical need, your employer may be justified in delaying your reasonable accommodation, transfer, or PDL.

#### ADDITIONAL RIGHTS UNDER CALIFORNIA FAMILY RIGHTS ACT (CFRA) LEAVE:

You also may be entitled to additional rights under the California Family Rights Act of 1993 (CFRA) if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave. This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition (not related to pregnancy) or that of your child, parent or spouse. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances. For further information on the availability CFRA leave, please review your employer's Notice regarding the availability of CFRA leave.

*This notice is a summary of your rights and obligations under the Fair Employment and Housing Act (FEHA). For more information about your rights and obligations as a pregnant employee, contact your employer, visit the Department of Fair Employment and Housing's Web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov), or contact the Department at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact [center@dfeh.ca.gov](mailto:center@dfeh.ca.gov). The text of the FEHA and the regulations interpreting it are available on the Department of Fair Employment and Housing's Web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov).*



# CALIFORNIA LAW PROHIBITS WORKPLACE DISCRIMINATION AND HARASSMENT

THE CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING (DFEH) ENFORCES LAWS THAT PROTECT YOU FROM ILLEGAL DISCRIMINATION AND HARASSMENT IN EMPLOYMENT BASED ON YOUR ACTUAL OR PERCEIVED:

- ANCESTRY
- AGE (40 and above)
- COLOR
- DISABILITY (physical and mental, including HIV and AIDS)
- GENETIC INFORMATION
- GENDER IDENTITY, GENDER EXPRESSION
- MARITAL STATUS
- MEDICAL CONDITION (genetic characteristics, cancer or a record or history of cancer)
- MILITARY OR VETERAN STATUS
- NATIONAL ORIGIN (includes language use and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized under federal law)
- RACE
- RELIGION (includes religious dress and grooming practices)
- SEX/GENDER (includes pregnancy, childbirth, breastfeeding and/or related medical conditions)
- SEXUAL ORIENTATION

THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (GOVERNMENT CODE SECTIONS 12900 THROUGH 12996) AND ITS IMPLEMENTING REGULATIONS (CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTIONS 11000 THROUGH 11141):

- ① Prohibit harassment of employees, applicants, unpaid interns, volunteers, and independent contractors by any persons and require employers to take all reasonable steps to prevent harassment. This includes a prohibition against sexual harassment, gender harassment, harassment based on pregnancy, childbirth, breastfeeding and/or related medical conditions, as well as harassment based on all other characteristics listed above.
- ② Require that all employers provide information to each of their employees on the nature, illegality, and legal remedies that apply to sexual harassment. Employers may either develop their own publications, which must meet standards set forth in California Government Code section 12950, or use a brochure from DFEH.
- ③ Require employers with 5 or more employees and all public entities to provide training for all employees regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation.
- ④ Prohibit employers from limiting or prohibiting the use of any language in any workplace unless justified by business necessity. The employer must notify employees of the language restriction and consequences for violation. Also prohibits employers from discriminating against an applicant or employee because they possess a driver's license issued to a person who is unable to prove that their presence in the United States is authorized under federal law.
- ⑤ Require employers to reasonably accommodate an employee, unpaid intern, or job applicant's religious beliefs and practices, including the wearing or carrying of religious clothing, jewelry or artifacts, and hair styles, facial hair, or body hair, which are part of an individual's observance of their religious beliefs.

- ⑥ Require employers to reasonably accommodate employees or job applicants with disabilities to enable them to perform the essential functions of a job.
- ⑦ Permit job applicants, unpaid interns, volunteers, and employees to file complaints with DFEH against an employer, employment agency, or labor union that fails to grant equal employment as required by law.
- ⑧ Prohibit discrimination against any job applicant, unpaid intern, or employee in hiring, promotions, assignments, termination, or any term, condition, or privilege of employment.
- ⑨ Require employers, employment agencies, and unions to preserve applications, personnel records, and employment referral records for a minimum of two years.
- ⑩ Require employers to provide leaves of up to four months to employees disabled because of pregnancy, childbirth, or a related medical condition.
- ⑪ Require an employer to provide reasonable accommodations requested by an employee, on the advice of their health care provider, related to their pregnancy, childbirth, or a related medical condition.
- ⑫ Require employers of 20 or more persons to allow eligible employees to take up to 12 weeks leave in a 12-month period for the birth of a child or the placement of a child for adoption or foster care; also require employers of 50 or more persons to allow eligible employees to take up to 12 weeks leave in a 12-month period for an employee's own serious health condition or to care for a parent, spouse, or child with a serious health condition.
- ⑬ Require employment agencies to serve all applicants equally, refuse discriminatory job orders, and prohibit employers and employment agencies from making discriminatory pre-hiring inquiries or publishing help-wanted advertisements that express a discriminatory hiring preference.
- ⑭ Prohibit unions from discriminating in member admissions or dispatching members to jobs.
- ⑮ Prohibit retaliation against a person who opposes, reports, or assists another person to oppose unlawful discrimination.

## FILING A COMPLAINT

The law provides for remedies for individuals who experience prohibited discrimination or harassment in the workplace. These remedies include hiring, front pay, back pay, promotion, reinstatement, cease-and-desist orders, expert witness fees, reasonable attorney's fees and costs, punitive damages, and emotional distress damages.

Job applicants, unpaid interns, and employees: If you believe you have experienced discrimination or harassment you may file a complaint with DFEH.  
Independent contractors and volunteers: If you believe you have been harassed, you may file a complaint with DFEH.

Complaints must be filed within one year of the last act of discrimination/harassment or, for victims who are under the age of 18, not later than one year after the victim's eighteenth birthday.

If you have a disability that prevents you from submitting a written intake form on-line, by mail, or email, DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

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DFEH-E07P-ENG / December 2018

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*Government Code section 12950 and California Code of Regulations, title 2, section 11013, require all employers to post this document. It must be conspicuously posted in hiring offices, on employee bulletin boards, in employment agency waiting rooms, union halls, and other places employees gather. Any employer whose workforce at any facility or establishment consists of more than 10% of non-English speaking persons must also post this notice in the appropriate language or languages.*



**DISCRIMINATION AND HARASSMENT COMPLAINT FORM**  
SO-201 (Rev 07/19)

The completion and submission of this complaint form will initiate an intake interview by the EEO staff. Submit completed form to the EEO Office, 1220 N Street, Room 313, Sacramento, CA 95814 or via email at [EEO@cdfa.ca.gov](mailto:EEO@cdfa.ca.gov).

**COMPLAINANT INFORMATION:**

NAME		HOME/CELL TELEPHONE (      )
HOME ADDRESS		
CITY, STATE, ZIP	EMAIL ADDRESS:	
CIVIL SERVICE CLASSIFICATION	DIVISION/BRANCH/DAA	WORK TELEPHONE (      )

**BASIS OF COMPLAINT**

- I believe that I experienced**  Discrimination  Harassment  Retaliation **because of my actual or perceived:**
- AGE (anyone age 40 or over)  RACE
- DISABILITY ( Mental  Physical  Perceived)  COLOR (skin color)
- SEXUAL HARASSMENT  SEXUAL ORIENTATION
- GENDER, GENDER IDENTITY, GENDER EXPRESSION
- SEX (includes pregnancy, childbirth, breastfeeding, or related medical conditions)
- RELIGION (includes religious dress and grooming practices)  ANCESTRY (national or cultural origin)
- NATIONAL ORIGIN (includes language use and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized under federal law)
- MARITAL STATUS (single, divorced, married, separated, widowed, etc.)
- MEDICAL CONDITION (HIV/AIDS, cancer, genetic characteristics)
- MILITARY OR VETERAN STATUS
- POLITICAL AFFILIATION (membership or association in a political party or special interest group)
- REQUEST FOR FAMILY CARE LEAVE  REQUEST FOR PREGNANCY DISABILITY LEAVE
- REQUEST FOR LEAVE FOR AN EMPLOYEE'S OWN SERIOUS HEALTH CONDITION
- RETALIATION (actions against complainants, their representatives, EEO officials, witnesses, or other agency employees/applicants for opposing discriminatory practices; filing a complaint, or testifying, assisting, or participating in any manner in an EEO investigation, proceeding, or hearing, including the counseling stage.)
- HATE VIOLENCE, OR HUMAN TRAFFICKING
- OTHER - Please explain:

**DISCRIMINATION AND HARASSMENT COMPLAINT FORM**  
SO-201 (Rev 06/19)

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**Who is/are the person(s) responsible for the alleged discriminatory action against you?**

Name \_\_\_\_\_ Classification \_\_\_\_\_

Division/Unit: \_\_\_\_\_ Immediate Supervisor: \_\_\_\_\_

**Please choose the box that best describes the harm or type of action taken against you:**

- |  |  |
|--|--|
| <input type="checkbox"/> Denial of reasonable Accommodation  | <input type="checkbox"/> Disciplinary Action |
| <input type="checkbox"/> Failure to Appoint                  | <input type="checkbox"/> Failure to Promote  |
| <input type="checkbox"/> Harassment/Hostile Work Environment | <input type="checkbox"/> Retaliation         |
| <input type="checkbox"/> Working Conditions                  | <input type="checkbox"/> Other:              |
| <input type="checkbox"/> See attached statement.             |  |

**When did the alleged discriminatory actions take place? Where, how did they occur?**

See attached statement.

**Briefly explain what condition(s) were affected by the alleged discriminatory acts. Include examples of how others were treated differently and the approximate dates of each occurrence.**

See attached statement.

What reason or evidence do you have to support your belief that discrimination occurred? See attached statement.

**List any witnesses with pertinent knowledge about the alleged discriminatory acts? Include contact information.**

Name: \_\_\_\_\_ Branch: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

- 1.
- 2.
- 3.

**What remedy are you seeking?**

**RELATED COMPLAINT FILING:**

- |  |             |
|--|-------------|
| <input type="checkbox"/> EQUAL EMPLOYMENT OPPORTUNITY COMMISSION   | Date Filed: |
| <input type="checkbox"/> DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING | Date Filed: |
| <input type="checkbox"/> WORKERS' COMPENSATION                     | Date Filed: |
| <input type="checkbox"/> GRIEVANCE                                 | Date Filed: |
| <input type="checkbox"/> OTHER                                     | Date Filed: |
-

**DISCRIMINATION AND HARASSMENT COMPLAINT FORM**  
SO-201 (Rev 06/19)

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**CONFIDENTIALITY**

The Department can only promise *limited* confidentiality – that the information will be limited to those who “need to know.” An investigator cannot promise complete confidentiality because it may be necessary to disclose information obtained during the investigation in order to complete the investigation and take appropriate action. It is not possible to promise that a complaint can be kept entirely “confidential” for several reasons:

1. If the complaint is of potential violation of law or policy, the Department will need to investigate, and in the process of investigating it is likely that people will know or assume details about the allegations, including the identity of the person who complained. This is true even when the name of the complainant is kept confidential since allegations are often clear enough for people to figure out who complained about what.
2. The individual receiving the complaint will usually have to consult with someone else at the Department about what steps to take and to collect information about whether there have been past complaints involving the same employee, etc. That means the complaint will be discussed with others within the organization.
3. The Department may need to take disciplinary action. Again, while the identity of the person who brought the complaint may in some cases be kept confidential, the complaint itself cannot be.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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Complainant's Signature

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Date Signed

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*Policy*

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It is the policy of the California Department of Food and Agriculture (CDFA) to create, administer, and delete information system user accounts for all employees using strict controls designed to protect the confidentiality, integrity, availability, and overall security of the information stored on its systems.

Consultants, Contractors, and Cooperators who provide information technology systems design, programming, documentation, conversion, equipment maintenance, and similar aspects of information technology services for the CDFA must adhere to the same or stricter controls while performing work using CDFA information systems. Consultants, Contractors, and Cooperators, and their staff working under contracts or agreements, must maintain the confidentiality of all information obtained as such and must not divulge that information to any other person or entity.

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*Authority*

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“Information Practices Act of 1977,” California Civil Code Section 1798

“Protection of Information Assets,” Department of General Services (DGS) Management Memo 06-12

“Safeguarding Against and Responding to a Breach of Security Involving Personal Information,” DGS Management Memo 08-11

State Administrative Manual (SAM) Sections 5300 through 5399

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*Definitions*

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*Consultants, Contractors, and Cooperators*      Persons legally engaged to perform work for CDFA under an executed contract, cooperative agreement, or Memorandum of Understanding.

*Deletion of Account*      Deletion removes user accounts completely from the system or network and such accounts will no longer exist in CDFA systems. Account deletion may affect data files and email.

The following circumstances warrant the deletion of user accounts:

- Employee separation or termination
- Inactive/obsolete accounts

## *User Account Administration Policy*

- Contract completion (for Consultants, Contractors, and Cooperators)

<i>Disabled Account</i>	A disabled account is an account that still exists, but does not allow user access to the system or network. This can occur as a result of action by the System Administrator, or can be automatically initiated by the system. System Administrators must take further action to either re-enable or delete the account.
<i>District Agricultural Association (DAA)</i>	Agricultural Associations created pursuant to California Food and Agricultural Code Section 3001 et seq. for the purpose of holding fairs, expositions and exhibitions to highlight various industries, enterprises, resources, and products of the state. Governed by a board appointed by the Governor with oversight by the Secretary of the California Department of Food and Agriculture.
<i>Employees</i>	For the purposes of this policy, CDFA's personnel, interns, volunteers, and appointees, including DAA personnel and Chief Executive Officers (CEOs).
<i>Inactive Account</i>	An inactive account is an account that is still usable, but has not been used for a period of 30 days or more. Note: this reflects the status or condition of an account, not specific System Administrator action or automatic system action. System Administrators must take further action with inactive accounts to disable them.
<i>Obsolete Account</i>	Obsolete accounts are active accounts that have not been accessed and are no longer necessary to retain (e.g., employee separation or contract completion/termination). Such accounts shall be subject to immediate removal.
<i>Principle of Least Privilege</i>	For User accounts, the practice of providing only those access permissions that are essential to the User's work.
<i>System Administrator</i>	A System Administrator is a User who is granted additional system rights at an appropriate level to create, modify, and delete system-specific user accounts and manage system resources and permissions. These resources include the Department's network operating systems and network

## *User Account Administration Policy*

infrastructure components (e.g., email, databases, and web resources). Administrative rights are granted per the Responsibilities section of this Policy.

### *User*

A User is anyone who is granted access to Departmental or DAA-related information systems and is assigned an account. This includes DAA and Department employees (permanent, intermittent, student assistants, and retired annuitants), Consultants, Contractors, and Cooperators. User rights are granted per the Responsibilities section of this policy.

### *Responsibilities*

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#### *District Agricultural Association CEOs*

DAA CEOs or documented delegated staff must provide direct approval, and notify their designated IT support staff/entity and System Administrator(s), when access requirements change for their employees, Consultants, Contractors, and Cooperators by documenting and submitting the request by email in the designated format and within the approved timeline for their organization.

#### *CDFA Management*

CDFA Branch Chiefs or their documented designees must notify the CDFA IT Service Desk whenever access requirements change for their employees, Consultants, Contractors, and Cooperators.

Requests must be made completing and submitting the current approved [User ID request form](#) by e-mail to the CDFA IT Service Desk, at least five (5) business days in advance of the effective date of the change.

- Access to the Department's network must be approved by the Branch Chief or their documented designee.
- Establishment of System Administrator accounts must be approved by the CDFA IT Operations Manager and the Chief of the IT Infrastructure Operations Section.

The following events may require changes in user access rights:

- Adding and deleting users of the network and e-mail systems.

## *User Account Administration Policy*

- Changing a user's network and/or e-mail information or access profile.

*Office of Information  
Technology Services  
(OITS)*

OITS System Administrators are responsible for updating CDFA user accounts to reflect current access authorization/permission rights, and adhering to the Principle of Least Privilege. Only OITS staff are permitted to be assigned the System Administrator role.

### *Procedures*

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#### **Governing Principles**

- CDFA and DAA information systems must be able to indicate each user's functional roles, permissions, and capabilities for the information system.
- Access to all CDFA and DAA information systems and information assets will be defined by the owner of each system or asset. User access rights will be set at levels consistent with the user's current duties, and will adhere to the Principle of Least Privilege.
- CDFA and DAA information systems will contain and use only active, appropriately-configured user accounts.
- Accounts will be permitted on a one-for-one, user-to-account basis only; shared user accounts are generally not permitted. The user's account identification (User ID) must establish accountability for the user's actions on the information system(s). Exceptions to this individual policy item may be permitted if approved per the Exception Requests procedures section of this policy.
- Guest accounts are strictly prohibited.

#### **Disabling of Accounts**

After Branch Chief or documented designee approval, or DAA CEO or documented delegated staff approval, System Administrators must disable accounts upon request. OITS must establish and follow a process to regularly investigate inactive accounts to determine if they should be placed in a disabled status either temporarily, or disabled then deleted after a 90-day milestone as noted below, at the direction of the User's supervisor or manager.

Department employees who are on leave for extended periods due to personal or administrative reasons may have their accounts disabled until their return date. In those

## *User Account Administration Policy*

cases, System Administrators must make a note in the user account profile regarding the temporary nature of the disabled status, including direction on whether or not to delete the account and when to take that action.

### **Deletion of Accounts**

Upon a disabled account reaching a 90-day milestone, and not otherwise noted as needing to be maintained, System Administrators must follow through and delete those accounts following standard, documented procedures. Obsolete accounts must be deleted immediately when they become obsolete.

### **Exception Requests**

Exceptions to any stipulation within this policy are handled separately, and must adhere to the following procedure:

- 1) The requester must document the exception request in writing, outlining the full business need as justification, detailing why the policy is not applicable (e.g., prevents the business from being fulfilled), or for another justifiable reason.
- 2) The requester must forward the fully-documented exception request to their Branch Chief or other higher documented approving authority. For DAA employees, the request must be forwarded to the DAA CEO or documented delegated staff.
- 3) The Branch Chief or other higher documented approving authority must approve the exception request and forward the original request and their approval by email to the CDFA IT Service Desk ([CDFA.ServiceDesk@cdfa.ca.gov](mailto:CDFA.ServiceDesk@cdfa.ca.gov)) for processing. For DAAs, the CEO or documented delegated staff must approve the request and forward it to their delegated IT support entity.
- 4) The Service Desk will open a Service Request ticket for the exception request review and assign it to the Department's Information Security Officer and other OITS management and staff as required for review and approval or denial.
- 5) The Service Desk will notify the original requester of the approval or denial status when it has been determined, and will then take appropriate action. For DAAs, the delegated IT support entity will process the request.

Note: Approval of exception requests is not guaranteed.



## *User Account Administration Policy*

### *Distribution*

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Distribution of the above policy includes all CDFA and DAA employees, and all Consultants, Contractors, and Cooperators.

If you have any questions or need additional information about this policy, please contact the CDFA Service Desk at 1-916-651-4357, or by email at [CDFA.ServiceDesk@cdfa.ca.gov](mailto:CDFA.ServiceDesk@cdfa.ca.gov).

*Policy*

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It is the policy of the California Department of Food and Agriculture (CDFA) that personal communication devices (PCDs) issued to CDFA employees, Consultants, Contractors, and Cooperators will be used solely in the conduct of State business for the CDFA or the District Agricultural Association (DAA).

*Authority*

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Government Code Section 19990

California Vehicle Code Sections 23123, 23123.5, and 23124

CDFA Property Procedure Manual

*Definitions*

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*Consultants,  
Contractors, and  
Cooperators*

Persons legally engaged to perform work for CDFA under an executed contract, cooperative agreement, or Memorandum of Understanding.

*District Agricultural  
Association (DAA)*

Agricultural Associations created pursuant to California Food and Agricultural Code Section 3001 et seq. for the purpose of holding fairs, expositions and exhibitions to highlight various industries, enterprises, resources, and products of the state. Governed by a board appointed by the Governor with oversight by the Secretary of the California Department of Food and Agriculture.

*Employees*

For the purposes of this policy, CDFA's personnel, interns, volunteers, and appointees, including DAA personnel and Chief Executive Officers (CEOs).

*Personal  
Communication  
Devices (PCDs)*

Devices that provide remote connectivity or messaging capabilities, including but not limited to, cellular phones, Smartphones, cellular-enabled tablets, and mobile network devices.

## *Personal Communication Devices Policy*

### *Responsibilities*

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*Consultants,  
Contractors, and  
Cooperators*

Consultants, Contractors, and Cooperators must follow the same responsibilities as outlined below for Employees.

*DAA CEOs*

CEOs or documented delegated staff are responsible for coordinating the management of telecommunications equipment and services for the DAAs, and for coordinating the review and approval of requests for PCD equipment and services.

CEOs or documented delegated staff are responsible for ensuring that reviews of DAA employee PCD usage and calling plans are performed appropriately and that the plans are most cost-effective.

CEOs or documented delegated staff are also responsible for collecting reimbursement from their employees for any personal phone calls which exceed the calling plan limit or are otherwise inappropriate.

*Employees*

DAA employees are responsible for submitting fully-justified requests for PCD equipment and/or services to the DAA CEO for review and approval.

All employees are responsible for using CDFA- or DAA-provided PCDs only for State business, and for reimbursing the State for any personal phone calls or messaging which exceed the calling plan limit or are otherwise inappropriate.

*Information  
Technology  
Infrastructure  
Operations Section  
(ITIOS)*

The ITIOS under the CDFA's Office of Information Technology Services is responsible for managing the CDFA's telecommunications equipment and services. All requests for PCD equipment and services shall be submitted to the CDFA IT Service Desk for review and approval by the ITIOS.

The ITIOS conducts periodic reviews of employees' PCD usage and calling plans, and will report to managers and/or supervisors when issues are discovered to ensure that the employees' existing calling plans are most cost-effective or if misuse is suspected.

## *Personal Communication Devices Policy*

### *Managers and Supervisors*

CDFA managers and supervisors are responsible for submitting fully-justified requests for PCD equipment and/or services to the CDFA IT Service Desk for review and approval by the ITIOS.

CDFA managers and supervisors are responsible for collecting reimbursement from their employees for any personal phone calls which exceed the calling plan limit or are otherwise inappropriate.

## *Procedures*

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### **General PCD Usage**

PCDs issued to any employee, Consultant, Contractor, or Cooperator are intended for State business use only. It is recognized, however, that there may be times when personal use may be necessary. This usage should be minimal and should not interfere with the conduct of State business. Abuse of this privilege may result in restriction or removal of the PCD and reimbursement by the employee, Contractor, Consultant, or Cooperator to the State for personal calls.

### **Privacy and Security**

Employees, Consultants, Contractors, and Cooperators are responsible for protecting the privacy of employees and customers by maintaining control and custody of any State-owned or leased PCD issued to them for State business.

Employees, Consultants, Contractors, and Cooperators must not circumvent the established general PCD procurement request processes as documented herein and in the [CDFA Property Procedure Manual](#). They must also adhere to all additional Departmental or DAA policies for maintaining secure physical control of hardware under their responsibility, and for reporting lost, missing, stolen, or destroyed hardware pursuant to the [CDFA Property Procedure Manual](#), or as outlined in any related DAA documentation.

### **Safety**

The use of handheld PCDs while driving is against the law. Employees must always safely pull to the side of the road, or off the road entirely, to use a handheld PCD.

While use of a hands-free PCD is legally allowed under some circumstances, it may still be a safety hazard. Employees should always exercise good judgment and whenever possible, pull safely to the side of the road, or off the road entirely, to use a hands-free PCD.

## *Personal Communication Devices Policy*

### *Distribution*

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Distribution of the above policy includes all CDFA and DAA employees, and all Consultants, Contractors, and Cooperators.

If you have any questions or need additional information about this policy, please contact the CDFA Service Desk at 1-916-651-4357, or by email at [CDFA.ServiceDesk@cdfa.ca.gov](mailto:CDFA.ServiceDesk@cdfa.ca.gov).

*Policy*

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It is the policy of the California Department of Food and Agriculture (CDFA) to prohibit nepotism and to avoid work situations in which there are personal relationships. Employment decisions shall be based upon merit and fitness and not on the basis of nepotism, favoritism, bias, or other non-job related considerations.

*Authority*

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Government Code Section 18500(c)(2)  
 Personnel Management Liaison 2015-014 Statewide Guidance on Nepotism Policies

*Definitions*

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<i>Direct Supervisor/ Subordinate Relationship</i>	Working relationship between an employee and his/her immediate (first-line) supervisor.
<i>Indirect Supervisor/ Subordinate Relationship</i>	Working relationship between an employee and any of his/her second-level and above supervisors.
<i>Nepotism</i>	Nepotism is generally defined as the practice of an employee using his/her personal influence or power to aid or hinder another person in securing employment, promotion, or other benefits of employment solely because of a personal relationship.
<i>Personal Relationship</i>	Personal relationships include, but are not limited to those by virtue of blood, marriage, adoption, or cohabitation.

*Responsibility*

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<i>Branch Chiefs/Chief Executive Officers (CEO's)</i>	Must ensure employees are aware of this policy.  Must investigate reports or complaints of nepotism.  Must contact the Personnel Officer, Human Resources Branch (PO, HRB), for consultation and resolution concerning personal relationships, or request in writing an exception to this policy on a case-by-case basis.
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## *Nepotism Policy*

### *Managers and Supervisors*

Must notify the Branch Chief/CEO when working arrangements are in conflict with this policy.

Are prohibited from making permanent or temporary appointments of persons with whom they have a personal relationship. Temporary appointments include non-testing classes such as Student Assistant and Agricultural Technician, or non-civil service positions such as 119-day employees.

Are prohibited from having a direct supervisor/subordinate relationship with any employee with whom they have a personal relationship. This includes employees hired through a contractor such as the Cooperative Agricultural Support Services.

Are prohibited from directly or indirectly supervising (through the “chain of command”) an employee with whom they have a personal relationship.

Are prohibited from directly supervising employees who have a personal relationship.

### *Fair Board Members*

Are prohibited from having a personal relationship with employees of the District Agricultural Association, including civil service and contracted employees.

### *Personnel Officer, HRB*

Reviews and responds to requests for policy exception; reviews and responds to formal complaints of nepotism.

### *Labor Relations Officer*

Reviews proposed corrective actions involving rank-and-file employees to ensure conformance with the Bargaining Unit Agreements (MOUs) covering the employees.

### *Employees*

Must notify their supervisors when working arrangements are in conflict with this policy.

Are prohibited from having a personal relationship with another employee while both are working under the same direct supervisor.

Are prohibited from working under the direct or indirect supervision of a person with whom they have a personal

## Nepotism Policy

relationship.

May request, in writing to their supervisor, an exception to this policy.

May file a formal nepotism complaint using the [Nepotism Complaint Form](#) (SO-202).

### Exceptions

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CDFA recognizes that there may be situations where two individuals who have a personal relationship may appropriately be allowed to work in the same division and/or branch. Exceptions to this policy may be appropriate based upon merit principles and recruitment difficulty. The primary criterion for an exception is evidence that the proposed assignments and the services provided offer clear benefits to the State, and the existence of external controls ensuring the personal relationship will not result in favoritism or inequity. Where an exception is indicated, it must be fully justified in writing and submitted to the PO, HRB, for approval, when the situation arises or prior to making a hiring commitment.

### Corrective Actions

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Assignments not in compliance with this policy shall be corrected within 90 days of identification or after a request for exception is denied.

### Distribution

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Distribution of this policy includes all employees.

If you have any questions or need additional information, please contact the HRB at (916) 654-0790.

### ACKNOWLEDGEMENT

***I have reviewed and understand this policy and (check one):***

- I have a personal relationship that conflicts with this policy. If checked, please explain:***
- I do not have a personal relationship that conflicts with this policy.***

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Print Name**



*Policy*

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It is the policy of the California Department of Food and Agriculture (CDFA or Department) and District Agricultural Associations (DAA's) to protect the outstanding record of personal integrity established by its officers and employees (employees) in carrying out its responsibilities to other State agencies and to the public, as well as to comply with State law. Accordingly, CDFA and DAA employees shall not engage in any employment, activity or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as an employee of the State.

*Authority*

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Section 19990, California Government Code  
Section 10410, Public Contract Code  
Sections 81000-91014, California Government Code (Political Reform Act)  
Federal Hatch Act  
Bargaining Unit Contracts (MOU's)

*Definitions*

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<i>Employee</i> <sup>1</sup>	Includes all CDFA and DAA civil service employees (including seasonal and non-testing classes on any time base) and exempt officers and employees of the Department/DAA.  Does not include the following: employees hired through a contract such as Cooperative Agricultural Support Services (CASS), 119-Day employees of the District Agricultural Associations, and Fair Board members.
<i>Person</i>	Includes an individual, firm, corporation, partnership, association, other governmental body, or an agent or representative of any of these entities.

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<sup>1</sup> The term encompasses any friend, relative, dependent, or other person used by an employee in an effort to accomplish indirectly what this policy prohibits.

## *Incompatible Activities Policy*

<i>Outside Employment</i>	Includes any service performed by an employee outside employee's work hours for which the employee receives any form of compensation not from CDFA. The term also includes the employee's having an ownership interest in a partnership or other private company, but does not include stock ownership in a publicly traded company.
<i>Outside Activity</i>	Includes any activity, enterprise or service performed by an employee outside employee's work hours, for which the employee does not receive any form of compensation.
<i>Related to the Department</i>	Includes anything related to or affecting any activity, conduct, premises, items, farm or livestock (or products thereof), or commodity, which the Department regulates, monitors, or helps to promote or market. This term further includes any activity performed by the Department/DAA. This term should be interpreted broadly.

## *Responsibility*

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<i>Branch Chiefs/Chief Executive Officers (CEO's)</i>	<p>Branch Chiefs and CEO's are responsible for providing a written decision as to whether an employee's outside employment and/or activities are permissible.</p> <p>Branch Chiefs and CEO's are responsible for providing the original written decision to the Human Resources Branch (HRB).</p>
<i>Managers and Supervisors</i>	<p>Managers and supervisors are responsible for ensuring that their staff is informed of this Policy.</p> <p>Managers and supervisors are responsible for ensuring that new employees complete and return the certification within thirty (30) days of appointment.</p> <p>Managers and supervisors are responsible for ensuring that employees complete and return the certification annually between March 1 and April 30.</p> <p>Managers and supervisors are responsible for sending all of the original completed certifications to the HRB and maintaining a copy in the Branch files.</p>

	<p>Managers and supervisors are responsible for initiating the review process if a decision is required on outside employment and/or activities.</p>
<i>Employees</i>	<p>Employees are responsible for reading, understanding, and abiding by this policy.</p> <p>Employees are responsible for completing a new certification within thirty (30) days of appointment and returning them to their supervisors.</p> <p>Employees are responsible for completing the certification annually between March 1 and April 30 and returning them to their supervisors.</p> <p>Employees are responsible for completing a new certification if they intend to engage in outside employment and/or activities which are or may be related to the Department/DAA.</p>
<i>Human Resources Branch (HRB)</i>	<p>HRB is responsible for filing certifications and Branch Chief/CEO decisions.</p> <p>HRB is responsible for providing copies of certifications and/or decisions upon request. (Certifications and Branch Chief/CEO responses are public documents.)</p>
<i>Legal Office</i>	<p>The Legal Office is responsible for providing assistance to Branch Chiefs/CEO's, upon request, when a decision is required as to whether an employee's outside employment and/or activities are permissible.</p>

### *Penalty for Violation*

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Any employee who violates this policy is subject to disciplinary action up to and including dismissal.

### *Outside Employment and/or Activities*

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An employee may engage in outside employment and/or activities that are not related to the employee's job functions or departmental responsibilities.

An employee shall not engage in outside employment and/or activities that are related to the employee's job functions or departmental responsibilities without the written consent of his/her Branch Chief/CEO.

## *Incompatible Activities Policy*

An employee shall not engage in outside employment and/or activities that are subject to review, control, inspection, audit or enforcement by that employee.

An employee must submit, to his/her supervisor, a written description of any outside employment and/or activities that are or may be related to CDFA/DAA (see Certification Procedures on page 1.2.7.9). The employee's Branch Chief/CEO must make an individual determination as to whether or not the employment and/or activity are permissible. Where it would not adversely affect the operation of the Department/DAA, it may be possible to restrict duty assignments to prevent potentially incompatible situations from arising. It may also be possible to permit a certain employment and/or activity under specific written conditions.

An employee shall not engage in the following outside employment or activities:

- a. Except as part of the regular performance of his/her assigned duties, an employee shall not counsel, advise, or assist any person in the preparation, presentation or defense of any appeal, application, claim, notice, petition, record, report, statements or other writing or matter that is before or may be presented to, the Department/DAA, or presented in any administrative hearing, court proceeding, or action arising under or related to the laws administered by the Department/DAA.
- b. An employee shall not represent any of the following before the Department/DAA:
  1. Any person who is either an applicant for, or a recipient of, any type of service or assistance from a program that is under the supervision of the employee's Division/DAA.
  2. Any person who is applying for, or has obtained, any type of license, registration, or certification issued by the employee's Division/DAA.
  3. Any person who is applying for, or has obtained, any type of license, registration, or certification, which is subject to audit by the employee's Division/DAA.
- c. An employee shall not serve, either directly or indirectly, as the representative of any person in any state hearing, administrative hearing or trial in which the Department/DAA is a party or adjudicator, unless required as part of his or her duties as an employee of the Department/DAA.
- d. An employee shall not contract on his/her own behalf with any California State agency to provide services or goods.
- e. An employee shall not participate in any outside employment or activity, which creates a situation in which the employee fails to devote full-time attention and effort to his/her regularly assigned duties during regular hours of employment.

If the circumstances of an otherwise permissible outside employment or activity change such that they cause an employee to be unable to devote full-time attention and effort to his/her regularly assigned duties during regular hours of employment, the employee must terminate the outside employment or activity or make arrangements, if possible without disruption to the Department/DAA, to reduce the employee's time base.

- f. An employee shall not act as a consultant in areas related to his/her areas of responsibility at the Department/DAA, unless the services are rendered to another California state agency, other state's agency, or federal agency. An employee shall not be compensated for consulting for another governmental agency except that the employee's actual expenses and per diem may be reimbursed.
- g. An employee must abide by the restrictions listed in the Misuse of Position and/or Resources section of the Policy in all outside employment and/or activities.

### *Misuse of Position and/or Resources*

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Misuse of position and/or resources (misuse) includes using state time, facilities, equipment, or supplies for personal advantage and/or the personal advantage of another person. Each employee should devote his/her full time, attention and effort to his/her State office or employment during the hours of duty as a State employee. Any employment or activity during or outside duty hours that impedes an employee's ability to comply with this obligation is incompatible with the employee's State office or employment.

Examples of prohibited activities or activities that constitute misuse include (but are not limited to):

- a. An employee shall not use any departmental symbol, badge, uniform, identification card, stationery, record, information, facility, staff time, equipment, supplies, training material, vehicle, address, postage, mailing list, or influence of his/her State position for personal use, gain and/or advantage, or lend or give such items to other persons unless authorized by law.

Exceptions are:

1. An employee who has been provided a State cellular phone for business purposes may make occasional personal use of it provided the employee reimburses the Department/DAA for the cost of that usage.
2. An employee may use a State telephone to make necessary personal calls, provided the employee charges any toll or long-distance charges to a credit card. Any such calls should be made only during the employee's

## *Incompatible Activities Policy*

break time except in case of emergency. Abuse of this privilege will result in its restriction or removal.

- b. An employee shall not use state-owned copy machines, fax machines, computer equipment, or software for personal use.
- c. An employee shall not accept, take or convert to his/her own use, products of any kind in the course of, or as a result of inspections or audits of products, facilities, or premises.
- d. An employee shall not make arrangements for employment outside State service while on duty.
- e. An employee shall not use the status of the Department/DAA to solicit, directly or indirectly, business of any kind or to purchase goods or services at a discount for private use.
- f. An employee shall not use confidential or non-confidential information available to the employee solely by virtue of the employee's State employment for personal gain and/or advantage or for the personal gain and/or advantage of another person.
- g. An employee shall not provide confidential or sensitive information to persons not authorized to receive such information. Supervisors are responsible for ensuring that employees know what program information is confidential or sensitive.
- h. An employee shall not provide services or information to prospective bidders on any state contract unless authorized by the Department/DAA Contract Unit manager, and such services and information are available to all prospective bidders on the contact.
- i. An employee shall not prepare, present or publish any speech, article or other writing relating to the operation of the Department/DAA for any compensation from a source other than the State without prior written authorization by the employee's Branch Chief/CEO.
- j. An employee shall not use the authority of his/her position with the Department/DAA to knowingly violate or circumvent, or knowingly assist another to violate or circumvent any local, State, or federal law, regulation, or policy.
- k. An employee who has been given authority to make outside purchases for materials or services for the Department/DAA shall not make such purchases from any business entity in which he/she has a financial interest, or in which a member of the employee's immediate family (spouse, child, parent, sibling, or in-law) has a financial interest.

- i. An employee shall not accept, solicit, or otherwise seek gratuities, loans, credit, money, or anything of value directly or indirectly from any person or his/her agent who is regulated, inspected, licensed, or certified by or otherwise does business with the Department/DAA.
- m. An employee shall not enter into any partnership, profit sharing, or employment arrangement with, solicit business of any kind from, or purchase any property at a special discount from any person subject to regulation, inspection, licensing, certification, accreditation, supervision, or audit by the Department/DAA when the official duties of the employee involve such functions related to that person.
- n. An employee in a scientific, professional, or technical position with the Department/DAA shall not have a financial interest in or enter into any partnership, profit sharing, or employment arrangement with any private practitioner or firm rendering such scientific, professional, or technical services when such private practitioner or firm is subject to regulation, licensing, certification, accreditation or supervision by the Department/DAA, or performs work for the Department/DAA.

## *Gifts<sup>2</sup>*

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An employee shall not accept any gift, including money, any service, gratuity, favor, entertainment, loan, or other thing of value from any person who is doing or seeking to do business of any kind with the Department or whose activities are subject to regulation, inspection, supervision, licensing, or certification by the Department/DAA *under circumstances from which it could reasonably be proven that the gift was intended to influence the employee in his/her official duties or was intended as a reward for any official actions of the employee.* If there is doubt as to the propriety of accepting a gift, the gift should be refused.

All prohibited favors or gifts must be courteously refused, any received must be returned.

If an employee receives an offer of a favor, gift, or cash under circumstances that imply that the intent was to influence or reward the employee's actions, the employee must immediately notify his/her supervisor, even if the offer is refused. The supervisor will elevate the issue as deemed appropriate.

Receipt of gifts from close relatives and friends prompted solely by love, affection, or affinity are not prohibited. Likewise, inexpensive advertising items bearing the

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<sup>2</sup> "Designated" employees should consult the brochure entitled "[Limitations and Restrictions on Gifts, Honoraria, Travel and Loans](#)" provided by the Fair Political Practices Commission with Form 700, Annual Statement of Economic Interests.

## *Incompatible Activities Policy*

names of firms are excluded from this Policy (such as pencils, pens, calendars, notepads, coffee mugs, etc.). Reciprocating meals or entertainment are also not prohibited; however, employees should exercise caution and good judgment in all areas.

### *Use of State Time to Market Products*

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The use of state time and resources by employees to market products for personal gain or advantage is prohibited. During work hours, employees must devote their full time, attention, and effort to their State office and assigned duties.

The term “product” includes, but is not limited to cosmetics, food products, cleaning products, house wares, mail orders, jewelry and other sundry items. Employees involved in marketing products must confine such activity to non-work time during the work day, may not use State resources (including the telephone) in the employment or activity, and may not distract other State employees from their duties.

Fund-raising is permitted for Department/DAA or charitable purposes and only if:

- a. It is limited to the employee’s non-work time, and
- b. It does not involve contacting other employees during their work time. For instance, placing an order form where it is available for other employees to use is permissible, whereas, going from desk to desk soliciting orders is not.

These two conditions are subject to supervisor approval.

### *Political Activities*

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Political activities for State employees and officers are governed by the federal Hatch Act and applicable state statutes.

### *Former Employees*

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Once an employee leaves State service, he/she is no longer subject to the provisions of Government Code Section 19990; however, former employees are governed by the Political Reform Act which places restrictions on post-government employment under the provisions of Government Code Sections 81000-91014 and Public Contract Code Section 10410.



### *Certification Procedures*

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All employees must complete the [Incompatible Activities Certification Form SO-112](#) within thirty (30) days of commencing employment with the Department/DAA and annually thereafter between March 1 and April 30.

Those employees who are engaged in or wish to engage in any outside employment/activity which is or may be related to the Department/DAA must provide the specifics on the Certification, including the name of the employer or activity, job title/capacity, detailed description of the employment/activity, and number of hours per week that the employment/activity will involve, and reasons why the employee believes that the outside employment/activity is not incompatible with the employee's State duties or office.

A current employee wishing to engage in any outside employment/activity which is or may be related to the Department/DAA must submit a new Certification to his/her supervisor prior to engaging in the outside employment/activity, if possible, but no more than thirty (30) calendar days after beginning the employment/activity, so that a determination may be made by the Branch Chief/CEO whether the outside employment/activity is permissible.

If a new employee is already engaged in an employment/activity which is or may be related to the Department/DAA, the employee may continue the employment/activity until receiving a response from the Branch Chief/CEO.

### *Grievance/Complaint Procedures*

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An employee has the right to file a grievance or complaint regarding the application of this Policy to the employee's individual situation. Represented employees should follow the grievance procedures as outlined in the applicable MOU.

All non-represented employees may file a grievance or complaint as outlined in Administrative Manual Section 9.5.2, Excluded Employees – Grievances/Complaints and Non-Merit Statutory Appeals. The grievance or complaint must include the reason(s) why the employee disagrees with the Department's decision.

### *Distribution*

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Distribution of the above policy/procedure includes all employees.

Employees with questions may contact the Legal Office at (916) 654-1393.

*Policy*

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It is the policy of the California Department of Food and Agriculture (CDFA) that all CDFA-owned, leased, and/or occupied property is smoke free.

*Authority*

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Executive Order W-42-93

Government Code Sections 7596-7598, 19994.30, 19994.33-19994.35

Department of Personnel Administration Rule 599.780

Labor Code Section 6404.5

Business and Professions Code Section 22950.5

*Definitions*

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*Building*

- A building owned and occupied, or leased and occupied by CDFA.

*Smoking*

- Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form.
- “Smoking” includes the use of an electronic smoking device that creates an aerosol or vapor (commonly referred to as “vaping”), in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

*Tobacco Product*

- A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, chewing tobacco, pipe tobacco, or snuff.
- An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

## Smoking Policy

- Any component, part, or accessory of a tobacco product, whether or not sold separately.

### Responsibility

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#### *Health and Safety Office(HSO)*

- Disseminates information to the department regarding health and wellness concerns associated with smoking and tobacco related products to promote a healthful work environment.
- Reviews policy annually or when regulations change and updates as necessary.

#### *Managers and Supervisors*

- Informs all staff of this smoking policy and ensures compliance.

### State-Owned or Leased Space

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Smoking a tobacco product is prohibited in all CDFA occupied facilities. This prohibition shall apply to any area enclosed by the perimeter (outermost) walls of the building. Atriums, balconies, stairwells, and other similar building structures are to be considered inside building perimeter walls.

Smoking is not permitted within 20 feet of main entrances, exits, operable windows, and ground level air intake structures.

### Signage

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All buildings shall have, at a minimum, clearly displayed signs at all entrances/exits and other conspicuous locations (elevator lobbies, auditoriums, restrooms, etc.) to notify employees and the public that smoking is prohibited within the building.

Signs shall be:

- Written in English.
- Written in bold print.
- Readable from a distance of 20 feet.

Signs must read either “Nonsmoking Building” or “Smoking not permitted in this building.” The universal “No Smoking” symbol may also be used in conjunction with other written signage.

## *Smoking Policy*

### *State-Owned or Leased Vehicles*

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Smoking a tobacco product is prohibited in all CDFA vehicles including state-owned passenger vehicles, light and heavy duty trucks, vans, buses, and any other mobile equipment with an enclosed or enclosable driver/passenger compartment. Passenger vehicles rented from an external party are also covered by this restriction.

### *Smoking Breaks*

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Smoking breaks shall be taken during the employee's normal 15 minute rest periods, or, with their supervisor's consent, employees may adjust their normal rest periods to compensate for smoke breaks as long as the total time does not exceed 15 minutes for every four hours or major fraction thereof of a working period, and may not exceed 25 minutes per day.

### *Clean Up*

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Ashtrays and other smoking litter devices shall be provided on the exterior premises of the building. These devices shall be appropriately located for proper ventilation and to allow 20 feet of clearance from entrances, exits, operable windows, and air intake structures.

### *Distribution*

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Distribution of the above policy/procedure includes all CDFA employees.  
If you have questions about this policy, please contact the HSO at 916-654-1005.

The use of illegal drugs and alcohol pose a risk to public safety and the effective enforcement of the law. The impact of illegal drug use is felt in both the public and private sectors. Employees who use illegal drugs, whether on or off duty, are generally less productive, less reliable, and prone to greater absenteeism than employees who do not use illegal drugs. Accordingly, the California Department of Food and Agriculture has adopted this policy.

### *Policy*

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It is the California Department of Food and Agriculture's (CDFA) policy to maintain a drug-free workplace. The unlawful manufacture, distribution, possession, and/or use of a controlled substance or the unlawful possession, use, or distribution of alcohol is prohibited on CDFA's premises or in the workplace. This includes the unlawful use of a controlled substance or alcohol in the workplace even if it does not result in impaired job performance or unacceptable conduct. The unlawful presence of any controlled substance or alcohol in the workplace is prohibited.

This policy applies to all CDFA and District Agricultural Association (DAA) employees as well as non-employees, volunteers, and visitors.

### *Authority*

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Controlled Substances Act, 21 United States Code (U.S.C.) §§ 812 and 802

Drug-Free Workplace Act of 1988

Drug-Free Schools and Communities Act Amendments of 1989

Code of Federal Regulations (CFR), Title 49, Part 40, Part 172, Subpart F, and Parts 382, et seq.

Government Code Section 19572

Title 2, California Code of Regulations, Sections 599.960 - 599.966

*Ross v. Ragingwire Telecommunications, Inc.*, 42 Cal. 4<sup>th</sup> 920 (2008)

State Personnel Board (SPB) Rules 213-213.6

Executive Order D-58-86

## Controlled Substances and Alcohol

### Definitions

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<i>Controlled Substance</i>	<p>An illegal drug that can have a detrimental effect on a person's health and welfare.</p> <p>Marijuana (cannabis) in all forms is a Schedule I drug under the Federal Controlled Substances Act. While California has elected to permit its limited use under a state regulatory scheme, it may not be used in public, including the workplace and remains a federally prohibited substance.</p> <p>A Schedule I drug is a substance that "(1) has a high potential for abuse; (2) has no currently acceptable medical use in treatment in the United States; and (3) there is a lack of acceptable safety for use of the drug under medical supervision." 21 U.S.C. § 802(16). Schedule I(c) (10) lists marijuana as a hallucinogenic substance.</p>
<i>Employees</i>	<p>Includes civil servants, contractors, loaned employees, visitors, volunteers, and temporary and seasonal employees.</p>
<i>Workplace</i>	<p>Includes CDFA Headquarters and all satellite offices, properties and all premises where activities of the Department are conducted and DAA fairgrounds.</p>

### Responsibility

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<i>Supervisors, Managers and Chief Executive Officers (CEOs)</i>	<p>Shall ensure that each new employee is given a copy of this policy and provided sufficient direction and education to understand it.</p> <p>Shall be alert to indications or evidence of the use or presence of controlled substances or alcohol in the workplace.</p> <p>In the event an employee at their worksite during normal business hours appears to be intoxicated, or otherwise under the influence of a prescribed medication, illegal controlled substance, or alcohol, the supervisor:</p> <ul style="list-style-type: none"><li>• Shall ensure the safety of the affected employee and everyone at the worksite;</li><li>• Shall make a confidential and private assessment of the affected employee;</li><li>• Shall release the employee to the work site if determined not to be under the influence;</li></ul>
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## *Controlled Substances and Alcohol*

- Shall provide safe transport home for the affected employee if determined to be under the influence of a prescribed medication, illegal controlled substance, or alcohol;
- Shall contact Human Resources immediately upon determining the affected employee is under the influence;
- Shall offer the Employee Assistance Program (EAP) to the affected employee upon their return to work.

### *Employees*

As a condition of employment, employees shall comply with all provisions of this policy.

If convicted of a violation of a criminal drug statute for activity occurring in the workplace, the employee shall report the conviction to their immediate supervisor within five (5) calendar days of the conviction.

### *Human Resources*

Assist with the immediate response of an employee at work who appears to be under the influence of a prescribed medication, illegal controlled substance, or alcohol.

Advise supervisors, managers, and CEOs regarding appropriate discipline for employees who have been determined to be under the influence at work.

## *Penalties*

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The unlawful cultivation, manufacture, distribution, possession, and/or use of controlled substances or alcohol are regulated by many federal, state and local laws. These laws impose legal sanctions for both misdemeanor and felony convictions. Criminal penalties for convictions can range from fines and probation to denial or revocation of federal benefits (such as student loans) to imprisonment and forfeiture of personal and real property.

Violation of these laws and this policy may result in disciplinary actions up to and including termination of employment.

Any employee found in possession of a controlled substance while carrying out official duties or on state property will be turned over to the appropriate authorities for prosecution.

## *Controlled Substances and Alcohol*

### *Getting Assistance*

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It is widely recognized that the misuse or abuse of drugs (controlled substances) and the abuse of alcohol are major contributors to serious health problems as well as to social and civic concerns. The health risks associated with the use of illicit drugs and the abuse of alcohol include various harmful physical and mental consequences including addiction, severe disability and death. Information concerning the known effects of alcohol and specific drugs is available through the EAP, which can provide drug and alcohol problem assessment and referral to appropriate counseling and rehabilitation services. The EAP is available to all State employees and is confidential. For further information, contact the EAP at (866) 327-4762, or the CDFA's EAP Coordinator at (916) 654-1005.

Employees who are concerned about substance use, abuse, and rehabilitation are strongly encouraged to contact their family physicians, health plan or the EAP for referral to appropriate resources.

### *Rehabilitation*

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Successful completion of an appropriate rehabilitation program (including participation in aftercare) may be considered as evidence of eligibility for continued or future employment or reinstatement. Employees should be aware that many health insurance plans provide coverage for substance abuse programs.

### *Distribution*

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Distribution of the above policy/procedure includes all employees.

If you have questions or need additional information, please contact the Legal Office at (916) 654-1393.

I have reviewed and acknowledge this policy:

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Employee

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Date