

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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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.

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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.

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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.)

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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

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.

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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.

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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

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.

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, 22nd DAA; Orange County Fair, 32nd DAA, and Southern California Fair, 46th 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.

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.

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.

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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/>

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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 depositaries 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

50th 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 50th DAA.

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

Statement of Values:

The 50th 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

<u>ASSOCIATION:</u>	50 th District Agricultural Association
<u>BOARD:</u>	The policy making body for the Association, consisting of nine Directors.
<u>DIRECTORS:</u>	Individual members of the Board, appointed by the governor to fill four-year terms.
<u>DIVISION:</u>	The Division of Fairs and Expositions, a branch of the California Department of Food and Agriculture.
<u>DISTRICT:</u>	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.
<u>MANAGER:</u>	General Manager-Secretary of the Board
<u>POLICY:</u>	A statement of a course of action to be consistently followed under stated conditions without reference to higher authority.
<u>PROCEDURE:</u>	A system of organization and/or action developed to achieve the policy goals of the Association.
<u>STAFF:</u>	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.

CODE OF ETHICS OF THE ANTELOPE VALLEY FAIR BOARD

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 50th 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><u>DELEGATION OF AUTHORITY</u></p> <p>_____ DAA</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>

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 50th 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 50th 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, 50th 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 50th 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:

1st & 3rd Thursday @ 7:30 a.m. in the Boardroom
2nd Thursday @ 5:30 p.m. in the Boardroom
Should a Thursday fall on the 5th 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 50th 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 50th 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 50th 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 1st will receive 1 employee badge, 22 daily admission passes, and 2 season parking passes in designated lots. Employees hired after August 1st 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 - 50TH DAA

FIRST AMENDMENT RIGHTS POLICY

The Board of Directors of the Antelope Valley Fair, 50th 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 – 50th 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

Sexual harassment is unlawful and will not be tolerated. The policy of the California Department of Food and Agriculture (CDFA) is “Zero Tolerance” of sexual harassment. This includes zero tolerance for inappropriate, discourteous behavior of a sexual or gender-based nature. Just what does zero tolerance mean? Any CDFA employee who is found to have violated the Department’s policy will be subject to some form of corrective action, up to and including dismissal, based on the severity of the conduct.

All employees of the Department are entitled to a work environment free from any form of discrimination, including *sexual harassment*. Activities outside of the work place sponsored by CDFA or CDFA Programs are considered part of the work environment and are subject to this policy. All appointees, managers, supervisors, and employees are expected to adhere to a standard of conduct that is respectful of all persons within the work environment. All employees are expected to take proactive steps to vigorously and visibly demonstrate their support for a harassment-free work place and their strong disapproval of sexual harassment as well as disapproval of inappropriate conduct/behavior of a sexual or gender-based nature.

CDFA acknowledges that even though some inappropriate behavior/conduct may not be so serious as to be unlawful, the conduct falls short of being the acceptable, courteous, respectful and professional workplace behavior that is expected by CDFA. CDFA will not wait to enforce its policy until conduct reaches an unlawful level. CDFA employees need not break the law in order to be disciplined for violation of the zero tolerance policy. The conduct CDFA requires of its employees is respect and professionalism.

CDFA will not tolerate any form of harassment or retaliation for objecting to such conduct. Any employee determined to have committed acts of discrimination or retaliation shall be subjected to appropriate disciplinary action, including, but not limited to, reprimand, suspension, demotion, or dismissal, as well as civil liability.

CDFA has a legal obligation to ensure that the work environment is free from sexual harassment. CDFA is responsible for the actions of managers and supervisors and is responsible for acts of other employees and non-employees if its management knew or should have known of such acts and failed to take timely and appropriate action. CDFA is responsible for investigating complaints of sexual harassment in a timely and thorough manner and taking appropriate action to end any sexual harassment.

Sexual Harassment Prevention Policy

This responsibility applies even if the complaint is withdrawn or the complainant requests that no action be taken. Once a sexual harassment complaint has been filed, CDFA is legally obligated to ensure that the work environment is free of discrimination. *Prompt, appropriate action will avoid or minimize the incidents of sexual harassment and potential liability.* We must each take responsibility for our actions and conduct in the workplace.

Please contact the EEO Office at (916) 654-1005 if you have any questions regarding this policy, wish to file a complaint of sexual harassment, or wish to seek advice, guidance or consultation regarding a situation of sexual harassment.

Authority

- Title VII, Civil Rights Act of 1964 (42 United States Code (U.S.C.) 2000e *et seq.*)
- California Fair Employment and Housing Act (FEHA) (California Government Code sections 12900-12996)
- California Government Code section 18500
- California Government Code sections 19700-19706
- California Code of Regulations, title 2, section 547
- California Code of Regulations, title 2, section 7287.8
- 29 Code of Federal Regulations (CFR) section 1604.11
- Governor's Executive Order D-54-79
- Governor's Executive Order S-6-04

What is Sexual Harassment

Sexual harassment in employment is a form of illegal sex discrimination that occurs when unwelcome conduct on the basis of an individual's gender affects that person's job. Title VII of the Civil Rights Act of 1964, California Government Code section 12940, and the California Fair Employment and Housing Act protect both men and women from sexual harassment. The Equal Employment Opportunity Commission guidelines defines sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- *Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;*

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- *Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or*
- *Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.*

Types of Sexual Harassment

Sexual harassment falls into two categories: *Quid Pro Quo* and *Hostile Work Environment*.

- ***Quid Pro Quo***: The traditional demand of sexual favors in exchange for a job benefit or continued employment is *quid pro quo* sexual harassment – literally, “this for that.” It is unwelcome conduct based on an employee's gender that affects a term or condition of employment (29 CFR § 1604.11 (a)).

By its nature, *quid pro quo* harassment can be committed only by a supervisor or someone with authority over the victim, who can confer or withhold a job benefit. It involves actual economic loss if the harasser's demands are not met and is recognized easily by the courts. To be actionable, tangible job action must have occurred; the threat must be carried out. Men as well as women can be victimized by this type of sexual harassment.

- ***Hostile Work Environment***: A hostile work environment involves unwelcome conduct/behavior based on the victim's gender that affects a term, condition, or privilege of employment. The conduct must be sufficiently severe or pervasive to alter the conditions of the victim's employment and to create an abusive work environment (*Meritor Savings Bank v. Vinson*, 477 US 57, 196 S. Ct 2399 [1986]).

The harassment does not have to cause mental or physical harm to create a hostile work environment. As long as the environment is reasonably perceived as hostile or abusive, there is no need for it also to be psychologically injurious. If a reasonable person would find the conduct so altered working conditions that it made it more difficult to do the job, sexual harassment has occurred (*Harris v. Forklift Systems, Inc.*, 510 US 17, 114 S. Ct. 367 [1993]).

Hostile work environment sexual harassment can be harassment by a superior of a subordinate employee, harassment by an equal co-worker, or harassment by a client, customer, or vendor.

To be actionable, the gender-based conduct that is allegedly sexual harassment must be unwelcome (29 CFR § 1604.11 (a)). Joking, sexual innuendoes and dating between co-workers is not sexual harassment if it is not unwelcome.

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To be unlawful, gender-based harassment has to be pervasive or severe enough to alter the conditions of the victim's employment. Trivial, isolated incidents will not constitute a hostile work environment. Moreover, the conduct generally must be repetitive; however, a one-time occurrence sometimes will be sufficient, especially when physical behavior is involved.

Courts look at the following factors to determine whether the behavior has created a hostile work environment:

- ✓ Whether the conduct was physical or verbal;
- ✓ How frequently the conduct occurred;
- ✓ Whether the conduct was blatantly offensive;
- ✓ Whether the harasser was a supervisor;
- ✓ Whether more than one person harassed the victim; and
- ✓ Whether the harassment was directed at more than one individual.

Asking a co-worker for a date, or occasional teasing, crude jokes or sexual remarks will generally not be considered sufficient to create a hostile work environment.

Sexual harassment can also occur between members of the same sex. The conduct is the determinative factor.

Intent vs. Impact

The intent of the alleged harasser is irrelevant in the determination of what is "unwelcome." Whether the conduct is considered unwelcome is determined by the recipient of the behavior. It is the impact of the behavior, how that behavior is perceived, not the intent of the alleged harasser, that determines whether or not the conduct/behavior is sexual harassment.

Forms of Sexual Harassment

Sexual harassment manifests itself in many forms. The question is whether the conduct can be reasonably perceived as creating a hostile work environment or demanding a *quid pro quo*. The following are a few examples of sexual harassment. This is not an all-inclusive list:

- Verbal examples: Sexual advances, including blatant advances as well as continuing to express sexual interest in someone after being told that the invitation is unwelcome; gossip, sexual slurs and referring to someone in sexual terms; sexual jokes; lewd remarks, ridicule or nicknames that refer to sexual

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fantasies or preferences; reprisal, threats of reprisal or implied threats of reprisal following a negative response to an advance; referring to a person's body parts, whistles, and catcalls; remarks about the details of one's sex life or sexual orientation.

- Physical examples: Touching, including a hug, pinch, kiss, patting, stroke on a body part, brushing against or poking another employee, grabbing, picking someone up, pulling someone into your lap, fondling, massaging; rubbing up against someone; standing uncomfortably close to another person; impeding or blocking movement or passage; following someone; requiring an employee to wear sexually suggestive clothing.
- Visual examples: Sexual gestures, exposing private body parts; leering (looks which undress with the eyes and result in creating discomfort in the recipient); posters/calendars that are sexually suggestive or explicit or potentially offensive to someone else; notes, letters, or e-mails that are sexually explicit, contain propositions, or are suggestive; suggestive or explicit literature, poems, posters or drawings; unwanted love letters or notes; displaying sexual pictures, writings, or objects.
- Sexual Favors: Unwanted sexual advances that condition employment benefits upon sexual conduct. This may include situations that began as reciprocal attraction but later ceased to be reciprocal; or the individual is treated less favorably than others who have acquiesced to sexual advances. Repeated requests for dates; any threat of demotion, termination, etc. if requested sexual favors are not given. Taking or threatening reprisals after a negative response to sexual advances; propositioning an individual.
- Hazing examples: Initiation that involves a sexual component; women in nontraditional work environments who are dared or asked to perform unsafe work practices, having tools and equipment stolen, etc. Practical jokes, rituals, initiations, often performed to discourage women from entering and/or continuing in jobs/professions traditionally held by men.

Important Terminology

SEXISM is an attitude. It is an attitude that one gender is superior to another. Example: a man thinks that women are too emotional; or a woman thinks that men are chauvinists.

SEX DISCRIMINATION is a behavior. It occurs when employment decisions are based on an employee's gender, or when an employee is treated differently because of his or her gender. Example: a female supervisor always asks the male employees, in a coed workplace, to move the boxes of computer paper; or a male

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supervisor always asks the female employees, in a coed workplace, to make the coffee.

SEXUAL HARASSMENT is a behavior. It is defined as unwelcome behavior of a sexual nature. Example: a man whistles at a woman as she walks by; or a woman looks a man up and down as he walks toward her; or a heterosexual individual makes sexually offensive remarks to a homosexual individual, or vice versa.

Liability for Sexual Harassment

Sexual harassment is a costly proposition that can have far-reaching impacts on the Department, such as expenditures for attorney fees/ settlements, withdrawal of Federal support funds (USDA funding), and usurping of staff resources.

- *Individual Harasser*: An individual employee found responsible for sexual harassment may be personally liable financially and may be sued accordingly. Insurance generally does not indemnify for intentional conduct, and the employer has no legal obligation to pay either the costs of defense or judgment for an employee determined to have sexually harassed another. The employee may be responsible for paying part or all if monetary damages are awarded. Monetary damages may include substantial compensatory and punitive damages and attorney fees. CDFA's "Zero Tolerance" policy will subject the employee to disciplinary action, up to and including termination.
- *Managers and Supervisors*: Managers and supervisors are responsible for ensuring a work environment free of sexual harassment. Managers/supervisors must take immediate action if they learn that one of their subordinates may be sexually harassing a co-worker. Failure to take appropriate action can expose the manager/supervisor to personal financial liability for damages, as well as disciplinary action. Supervisors/managers who make sexual advances and base a promotion or the retention of a job on cooperation with these advances can be held personally financially liable for their conduct/behavior, as well as subject to disciplinary action.
- *CDFA*: CDFA can be held financially liable for its acts and the acts of its employees (managers, supervisors, administrators, and co-workers) *if CDFA knew or should have known of the existence of sexual harassment and failed to take appropriate action.*

Retaliation Prohibited

Retaliation against a person for engaging in a protected activity is unlawful and will not be tolerated. Protected activities include opposing discriminatory practices, filing a complaint, or testifying, assisting, or participating in any manner in an EEO

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investigation, proceeding, or hearing. These prohibitions apply to all employees, not only supervisors/managers or those against whom complaints are filed.

Appropriate disciplinary action will be taken against anyone determined to have retaliated against a person for engaging in a protected activity.

CDFA and its Managers'/Supervisors' Responsibilities

CDFA is responsible for:

- the actions of managers and supervisors, and for acts of other employees if management knew or should have known of such acts and failed to take prompt and effective action;
- ensuring that all employees are informed of CDFA's discrimination complaint process and the sexual harassment policy prior to the need to know, and again when a complaint is brought forward;
- investigating complaints of sexual harassment in a timely, thorough and as discreet/confidential manner as possible;
- taking appropriate action with regard to the harasser where sexual harassment is found;
- taking the necessary action to remedy sexually harassing situations in a manner that should eliminate future situations;
- protecting the employee(s) complaining of harassment from any form of reprisal/retaliation;
- annually providing to all employees a copy of CDFA's Sexual Harassment Prevention Policy and ensuring they acknowledge having received the policy; and
- conducting sexual harassment prevention training.

Supervisors/managers are responsible for:

- setting the tone for a harassment-free work environment; this includes maintaining an environment free from sexual harassment as well as discrimination, intimidation, ridicule and insult;
- taking appropriate measures whenever they witness or hear about conduct that could be construed as sexual harassment; and
- reminding staff periodically that:
 - (1) sexual harassment in any form will not be tolerated and that complaints will be dealt with immediately; and

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(2) retaliation against any person who engages in a protected activity is unlawful, and that appropriate disciplinary action will be taken against anyone determined to have retaliated against a person for engaging in a protected activity. [See Retaliation Prohibited, above.]

Supervisors/managers must respond immediately, objectively and completely to employee complaints about sexual harassment. Once a sexual harassment complaint is brought to the attention of a supervisor/manager, they are legally obligated take steps to ensure that the work environment is free from sexual harassment. **Supervisors/managers must inform the EEO Office regarding the complaint and obtain guidance/assistance with any informal investigation. The EEO Office can be contacted at (916) 654-1005.**

Employee Rights and Responsibilities

All employees of CDFA are entitled to a work environment free from sexual harassment. Employees assigned to work sites that are owned and operated by the agricultural industry are also entitled to a work environment free from sexual harassment. Employees who feel they are being sexually harassed have a responsibility to immediately convey their concerns to their supervisor/ manager, another supervisor/manager in the Department, or to the CDFA EEO Office.

Any employee who perceives the comments, gestures, or actions of another employee or supervisor/manager to be sexually harassing should immediately and clearly communicate to that person that such behavior is unwelcome and inappropriate. Failure to express unwelcomeness does not prevent the employee from filing a complaint nor does it exonerate the harasser. Very often, victims of sexual harassment are afraid to confront the harasser. For this reason, it is important that the witnesses to possible sexual harassment of others take responsibility to contact the EEO Office, their supervisor/manager, or another supervisor/manager in the Department.

Any employee who feels they have been sexually harassed, retaliated against for complaining about sexual harassment, or retaliated against for participating in a sexual harassment inquiry, have following avenues of redress:

- File a formal discrimination complaint with their manager/supervisor or a manager/supervisor other than their own; any manager/supervisor may receive a complaint. Managers/supervisors will forward complaints to the EEO Office.
- File a formal discrimination complaint directly with the CDFA EEO Office using the process contained in CDFA's Discrimination Complaint Procedures. The EEO Office can be reached at (916) 654-1005.

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- File a formal discrimination complaint with any of the other agencies referred to in CDFA's Discrimination Complaint Procedures.

CDFA does not tolerate sexual harassment in any form. Any employee who feels they have been sexually harassed or retaliated against is encouraged to bring the issue to the attention of any supervisor or manager, or the CDFA EEO Office immediately. The EEO Office can be contacted at (916) 654-1005.

Training

All CDFA employees are *required* to attend a sexual harassment prevention training program. Supervisors/managers are responsible for ensuring that all subordinate employees complete the course as soon after being hired as possible. All employees new to CDFA shall be provided with a copy of CDFA's Sexual Harassment Prevention Policy and Discrimination Complaint Procedure Policy, as part of the hiring package.

All current supervisors/managers are *required* to attend a sexual harassment prevention training program by January 1, 2006, and every two years thereafter (AB1825, effective 1/1/05).

All newly appointed supervisors/managers are *required* to attend a sexual harassment prevention training program within six months after appointment or promotion, and every two years thereafter (AB1825, effective 1/1/05).

All supervisors/managers are *required* to discuss sexual harassment prevention and CDFA's Sexual Harassment Prevention Policy with subordinate employees annually.

Distribution

Distribution of the above policy includes: All Employees

This policy is also available on the Department's intranet site.

Any employee, supervisor, or manager seeking advice, guidance or consultation regarding a situation of discrimination/harassment, or an issue regarding sexual harassment, may contact CDFA's EEO Office at (916) 654-1005 or CALNET 464-1005, or stop by the headquarters office currently located at 1220 N Street, Room 313, Sacramento, CA 95814.

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) to provide equal employment opportunity to all CDFA employees and applicants for employment on the basis of merit, efficiency, and fitness, and to prohibit discrimination. State and federal law mandates that employees and applicants for employment shall not be discriminated against because of age (40 years of age or older), sex, race, religious creed, color, national origin, ancestry, marital status, physical or mental disability, political affiliation, sexual orientation, pregnancy, or pregnancy-related conditions (see Pregnancy Discrimination Policy, Chapter 9, Section 1.2). State and federal law also prohibit retaliation against employees and applicants for employment for filing a discrimination complaint or participating in an investigation or proceeding regarding discrimination. CDFA will not tolerate any form of discrimination or retaliation for objecting to discrimination or participating in an Equal Employment Opportunity (EEO) investigation or proceedings. Any employee determined to have committed acts of discrimination and/or retaliation shall be subject to appropriate disciplinary action, including, but not limited to, reprimand, suspension, demotion, or dismissal.

CDFA is committed to a firm policy of equal employment opportunity and a discrimination-free work environment for all employees and applicants. Each manager, supervisor, and employee is expected to actively support the implementation and advancement of this policy. Complaints of discrimination will be given expeditious and impartial consideration as provided for in CDFA's Discrimination Complaint Procedures, CDFA Administrative Manual, Chapter 1, Section 2.6.

Authority

- Title VII, Civil Rights Act of 1964 (42 United States Code (U.S.C.) 2000e *et seq.*)
- 29 Code of Federal Regulations (CFR) section 1604.11
- California Fair Employment and Housing Act (FEHA) (California Government Code sections 12900-12996)
- California Government Code section 18500
- California Government Code sections 19700-19706
- California Civil Code sections 51-54
- California Code of Regulations, title 2, section 547
- California Code of Regulations, title 2, section 7287.8

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- Age Discrimination in Employment Acts of 1967 (29 U.S.C. 621)
- Pregnancy Discrimination Act of 1978 (42 U.S.C. 2000e(k))
- Americans with Disabilities Act of 1990 (42 U.S.C. 12101)
- Rehabilitation Act of 1973 (29 U.S.C. 791)
- Equal Pay Act of 1963 (29 U.S.C. 206)
- Governor's Executive Order D-54-79
- Governor's Executive Order S-6-04

Purpose

CDFA is committed to enforcing and promoting all laws, rules and regulations prohibiting discrimination based on age, race, sex (including sexual harassment), ancestry, color, religion, disability, national origin, marital status, political affiliation, sexual orientation, pregnancy, or such other classifications as may be provided specific protection in employment by California or federal law.

CDFA's Legal Obligation and Responsibility

CDFA has a legal obligation to ensure that the work environment is free from all forms of unlawful discrimination. CDFA is also responsible for ensuring that applicants for employment are provided equal employment opportunity free from any discriminatory practices. CDFA is responsible for the actions of its supervisors and managers and is responsible for the acts of other employees if it knows or should have known of such acts and fails to take timely and appropriate action. CDFA is responsible for investigating complaints of discrimination in a timely and thorough manner and for taking appropriate action.

Supervisor and Manager Responsibility

Supervisors and managers are responsible for setting the tone for a discrimination-free work environment and for taking appropriate measures whenever they witness or hear about conduct that could be construed as discrimination. Staff should be reminded periodically that discrimination in any form will not be tolerated, that discrimination complaints will be dealt with immediately, that retaliation against any person who complains is unlawful, and that appropriate disciplinary action will be taken. Supervisors and managers are responsible for making a good faith effort to resolve complaints at the informal level and to bring complaints of discrimination promptly to the attention of the CDFA Equal Employment Opportunity (EEO) Office.

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Employee Rights and Responsibility

It is the responsibility of all employees to promote and maintain a work environment that is free of conduct and/or practices that are discriminatory or harassing. Employees/applicants are responsible for bringing complaints to the attention of CDFA management as soon as they have reason to believe that activities or events are discriminatory, and for providing a clear and accurate account of the alleged discriminatory actions.

Complaints of Discrimination

Any employee/applicant who believes he/she has been discriminated against in his/her employment relationship or evaluation for employment with CDFA should immediately report the actions to his/her supervisor or to CDFA's EEO Office. Complaints of discrimination will be handled in accordance with the procedures contained in CDFA's Discrimination Complaint Procedures, CDFA Administrative Manual, Chapter 1, Section 2.6.

Retaliation Prohibited

Retaliation against a person for engaging in a protected activity is unlawful and will not be tolerated. 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 supervisors/managers or those against whom complaints are filed.

Appropriate disciplinary action will be taken against anyone determined to have retaliated against a person for engaging in a protected activity.

Distribution

Distribution of the above policy includes: All Employees

This policy is also available on the Department's intranet.

Any questions concerning this policy or anyone seeking advice or consultation regarding discrimination may contact CDFA EEO Office at (916) 654-1005 or CALNET at 8-646-1005.

<p><i>Discrimination Complaint Procedure</i> <i>Established: January 1, 1979</i> <i>Revised: August 15, 2006</i></p>

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) to provide equal employment opportunity to all CDFA employees and applicants for employment on the basis of merit, efficiency, and fitness, and to prohibit discrimination and retaliation. State and federal law prohibits discriminating against employees and applicants because of age (40 years of age or older), sex, race, religious creed, color, national origin, ancestry, marital status, physical or mental disability, political affiliation, or sexual orientation. It is also unlawful to retaliate against employees and applicants for filing a discrimination complaint or participating in an investigation, proceeding or hearing regarding discrimination. CDFA will not tolerate any form of discrimination or reprisal for objecting to discrimination. Any employee determined to have committed acts of discrimination or retaliation shall be subjected to appropriate disciplinary action, including, but not limited to, reprimand, suspension, demotion, or dismissal.

CDFA is committed to a firm policy of equal employment opportunity and a discrimination-free work environment for all employees and applicants. Each manager, supervisor, and employee is expected to actively support the implementation and advancement of this policy.

Authority

- Title VII, Civil Rights Act of 1964 (42 United States Code (U.S.C.) 2000e *et seq.*)
- 29 Code of Federal Regulations (CFR) section 1604.11
- California Fair Employment and Housing Act (FEHA) (California Government Code sections 12900-12996)
- California Government Code section 18500
- California Government Code sections 19700-19706
- California Civil Code sections 51-54
- California Code of Regulations, title 2, section 547
- California Code of Regulations, title 2, section 7287.8
- Age Discrimination in Employment Acts of 1967 (29 U.S.C. 621)
- Pregnancy Discrimination Act of 1978 (42 U.S.C. 2000e(k))
- Americans with Disabilities Act of 1990 (42 U.S.C. 12101)
- Rehabilitation Act of 1973 (29 U.S.C. 791)

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- Equal Pay Act of 1963 (29 U.S.C. 206)
- Governor's Executive Order D-54-79
- Governor's Executive Order S-6-04

Policy

CDFA's internal discrimination complaint process provides the employee or applicant a uniform method to raise allegations and to seek resolution of his/her complaint either informally or formally. This format is intended to resolve complaints at the lowest possible organizational level, while assuring that the process provides for prompt, fair, and impartial review of the discrimination complaint without fear of retaliation. Employees are urged to seek resolution of complaints on an informal basis. However, they are not prohibited from bypassing the informal complaint and filing a formal complaint through the formal process or seeking resolution through outside compliance agencies.

Informal Complaint Process

Employees who believe they have been discriminated against should immediately seek resolution through the informal complaint. There are a number of options available to the complainant in seeking informal resolution of the complaint.

Options Available:

- Complainant may contact the individual responsible for the discriminatory act(s) to inform him/her of the discriminatory act(s) and request the actions to be stopped.
- Complainant may request assistance from his/her immediate supervisor in resolving the complaint.
- Complainant may contact the supervisor of the unit of the employee alleged to be initiating the discriminatory act(s) and request assistance.
- Complainant may contact CDFA's Equal Employment Opportunity (EEO) Office for advice or assistance in resolving the complaint. The EEO Office can be contacted at (916) 654-1005.

These options are available individually or in combination with each other.

Supervisors and managers must contact the EEO Office at (916) 654-1005 for guidance and assistance in resolving complaints at the informal level.

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Confidentiality will be maintained at the informal level unless permission is given to do otherwise, or the complaint is regarding sexual harassment. In cases of sexual harassment, complete confidentiality cannot be assured because of CDFA's legal obligation to take immediate corrective action. CDFA must investigate all sexual harassment complaints, formal and informal, and take appropriate action to end sexual harassment. This obligation applies even if the complaint is withdrawn or the complainant requests that no action be taken.

Regarding complaints not related to sexual harassment, if the complainant is unable to resolve the complaint informally and chooses to pursue the complaint by filing a formal complaint, the complainant should be aware that confidentiality cannot be guaranteed.

Although confidentiality cannot be guaranteed, the EEO Office will be as discreet as possible when investigating complaints. All complaints are handled on a need-to-know basis.

Formal Complaint Process

If the employee is not satisfied with the results of, or wishes to bypass the informal complaint process, a formal complaint of discrimination may be filed with CDFA's EEO Office. The complaint **must be in writing, signed by the complainant, and filed within one year of the date of the discriminatory action.** An additional 90 days is granted following the expiration date if the complainant just obtained knowledge of the unlawful discrimination.

The EEO Office determines if the complaint filed meets jurisdictional and procedural requirements and assigns an investigator. The objective of the investigation is to determine if there is sufficient evidence to show a violation of equal employment opportunity laws.

If the complainant is not satisfied with the decision of the Department on the discrimination complaint, he/she may appeal the decision to the State Personnel Board (SPB). The appeal must be in writing and filed within 30 days from the date of the Department's decision. Appeals may be submitted to: State Personnel Board, Appeals Division, 801 Capitol Mall, MS #22, P.O. Box 944201, Sacramento, CA 94244-2010, facsimile (916) 654-6055.

- **Filing Formal Complaint**

A complaint alleging discrimination based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, political affiliation, sexual harassment, or

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reprisal for filing a formal complaint may be filed with:

Department of Food and Agriculture
Equal Employment Opportunity Office
1220 N Street, Suite 313
Sacramento, CA 95814

Telephone: (916) 654-1005
CALNET: 8-464-1005

The complaint must be in writing and signed by the complainant. The complaint may be submitted to the EEO Office in person or by mail.

• Contents of a Formal Complaint

The formal complaint must contain the following specific information:

1. The complainant's full name, address, telephone number, classification, and Division/Branch.
2. The full name, classification, and Division/Branch of the person against whom the complaint is made.
3. Complaints of discrimination must:
 - a. indicate the basis of discrimination, such as age, ancestry, color, physical or mental disability, marital status, medical condition, national origin, pregnancy, political affiliation or opinion, race, religion, retaliation, sex, sexual harassment, sexual orientation, or Vietnam era veteran;
 - b. provide sufficient information to show a connection between the basis and how they believe they have been adversely affected; and
 - c. provide enough evidence to raise the inference that the allegations are true (this is called *prima facie* and a *prima facie* case of discrimination must be established before an investigation is initiated).

The CDFA *Discrimination Complaint Form* should be used when filing a discrimination complaint. A completed Complaint Form will contain all the information necessary for the EEO Office to determine whether jurisdiction and a *prima facie* case exist.

• Processing a Formal Complaint

Upon receipt of the complaint, the EEO Office will acknowledge to the complainant, in writing, that the complaint has been received. In addition, the EEO Office will contact the complainant and:

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1. Verbally discuss the complaint procedures;
2. Assist the complainant, if needed, to clarify specifics of the complaint;
3. Advise the complainant whether the EEO Office has jurisdiction to investigate the complaint; and
4. Advise the complainant of his/her appeal rights to federal, state, and local agencies.

In addition, the EEO Office will contact the Division Director and/or the Branch Chief and the person responsible for the alleged discriminatory behavior (the respondent) and advise them:

1. That a complaint has been received and of the intent of the EEO Office to investigate the allegations; and
2. Of the Department's policy against retaliation.

If the complainant so desires, the EEO Office will attempt to mediate the complaint and reach a voluntary agreement/resolution between the complainant and the respondent.

The respondent will be informed of the complaint and provided an opportunity to respond as part of the investigation. When the investigation is complete, both the complainant and the respondent will be informed of the findings and decision. The investigation will be conducted with discretion and information gathered during an investigation will be kept confidential to the extent possible.

Complaints Filed Outside CDFA

To protect their rights under the appropriate state and federal statutes, complainants may file with *any or all* of the following agencies at the same time they file with CDFA. The addresses listed are headquarters or district offices. Complainants may refer to their local telephone directory or call the listed agencies for local offices in their area, or refer to the agencies' websites. **NOTE:** In all instances, it is recommended that complainants contact the entities listed to ensure the appropriate procedures are followed and filing timeframes are not missed.

- **State Personnel Board (SPB)**

Any complainant who disagrees with the Department's investigative findings may file an appeal and request a hearing with SPB. An appeal must be filed with SPB within 30 calendar days of the date of the Department's decision. If the complainant is dissatisfied with the decision of SPB or the request for hearing is denied, an appeal may be filed with the superior court.

SPB must render a decision on an appeal within six months from the filing of the appeal or 90 days after the hearing is concluded, whichever time period is

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less. SPB may extend the time period up to 45 additional days. Failure by SPB to render a timely decision constitutes exhaustion of all available administrative remedies. (Government Code section 18671.1)

A complaint may be filed directly with SPB for issues involving retaliation for previously utilizing the discrimination complaint process, and for complaints against the Department's Secretary, or executive staff, prior to filing with CDFA.

Appeals and complaints may be filed with:

State Personnel Board
Appeals Division
801 Capitol Mall, MS #22
P.O. Box 944201
Sacramento, CA 94244-2010

Telephone: (916) 653-0799 CALNET: 8-453-0799
Facsimile: (916) 654-6055 CALNET: 8-464-6055
Website: www.spb.ca.gov

NOTE: It is recommended that complainants contact the SPB to ensure the appropriate procedures are followed and filing timeframes are not missed.

- **Department of Fair Employment and Housing (DFEH)**

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

Department of Fair Employment and Housing
Telephone: (800) 884-1684
TTY: (800) 700-2320 (within California)
Website: www.dfeh.ca.gov

(DFEH does not accept complaints filed for investigation by mail.)

Complaints must be filed with DFEH within one year from the date upon which the alleged unlawful practice or refusal to cooperate 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 (Government Code section 1421).

NOTE: It is recommended that complainants contact the DFEH to ensure the appropriate procedures are followed and filing timeframes are not missed.

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- **U. S. Equal Employment Opportunity Commission (EEOC)**

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 reprisal for filing a formal complaint may be filed with:

U. S. Equal Employment Opportunity Commission (EEOC)
San Francisco District Office
350 The Embarcadero
San Francisco, CA 94105-1260

Telephone: (800) 669-4000
TTY: (800) 669-6820
Website: www.eeoc.gov

The complaint must be filed within 180 days of the alleged unlawful practice. The 180-day period for filing a complaint does not begin until the claimant becomes aware of the discriminatory act. The EEOC may defer to DFEH. If DFEH has no subject matter jurisdiction over the charge, the complaint must be filed with EEOC, but the complainant has only 180 days from the date of the violation to file. If it is clear that DFEH has waived its right to process the charge, the complaint must be filed with EEOC.

NOTE: It is recommended that complainants contact the EEOC to ensure the appropriate procedures are followed and filing timeframes are not missed.

- **Office of Federal Contract Compliance Programs (OFCCP)**

Any complaint of sexual harassment or of discrimination based on race, color, religion, sex, national origin, ancestry, physical or mental disability, or disabled Vietnam veteran status may be filed with:

Office of Federal Contract Compliance Program
Pacific Regional Office
71 Stevenson Street, Suite 1700
San Francisco, CA 94105

Telephone: (415) 848-6969
Facsimile: (415) 848-6955
Website: www.dol.gov/esa/regs/compliance/ofccp/pdf/pdfstart.htm

Complaints must be filed within 180 days of the alleged violations unless the time for filing is extended by the Director of OFCCP for good cause shown. The OFCCP may refer the complaint to EEOC.

NOTE: It is recommended that complainants contact the OFCCP to ensure the appropriate procedures are followed and filing timeframes are not missed.

Discrimination Complaint Procedure

Retaliation Prohibited

Retaliation against a person for engaging in a protected activity is unlawful and will not be tolerated. 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 supervisors/managers or those against whom complaints are filed.

Appropriate disciplinary action will be taken against anyone determined to have retaliated against a person for engaging in a protected activity.

Employees should immediately report to the EEO Office any actions they perceive as retaliation as a result of participating in the Department's discrimination complaint process.

Distribution

Distribution of the above policy includes: All Employees

This policy is also available on the Department's intranet site.

Any questions concerning this policy or anyone seeking advice or consultation regarding discrimination may contact CDFA's EEO Office at (916) 654-1005 or CALNET 464-1005, or stop by the headquarters office currently located at 1220 N Street, Room 313, Sacramento, California 95814.

DISCRIMINATION COMPLAINT FORM

(08/06)

 INFORMAL COMPLAINT FORMAL COMPLAINT

INSTRUCTIONS: This form should be used when filing a discrimination complaint. Informal complaints should be discussed with the Equal Employment Opportunity (EEO) Office. All complaints should be filed with the EEO Office, 1220 N Street, Room 313, Sacramento, CA 95814, (916) 654-1005.

COMPLAINANT INFORMATION:

NAME		HOME TELEPHONE ()
HOME ADDRESS		
CIVIL SERVICE CLASSIFICATION	DIVISION/BRANCH	WORK TELEPHONE ()

BASIS OF COMPLAINT

Select only one category that best describes the alleged discrimination. If more than one category applies, use a **SEPARATE** form for each type of discrimination.

- AGE (anyone age 40 or over)
- ANCESTRY (national or cultural origin)
- COLOR (skin color)
- DISABILITY
 - Physical
 - Mental
 - Medical Condition
- MARITAL STATUS (single, divorced, married, separated, widowed, etc.)
- NATIONAL ORIGIN (birth site, language or accent)
- POLITICAL AFFILIATION (membership or association in a political party or special interest group)
- PREGNANCY (childbirth or related medical condition)
- RACE (one of the anthropological racial/ethnic groups: American Indian, Asian, Black, Filipino, Hispanic, Pacific Islander or White)
- RELIGION (spiritual beliefs)
- SEX (gender — male or female)
- SEXUAL HARASSMENT (unwelcome attention of a sexual nature)
- SEXUAL ORIENTATION (bisexual, heterosexual, or homosexual)
- VIETNAM ERA VETERAN (served on active duty between 8/5/64 and 5/7/75; discharged with honorable or service connected disability)
- 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.)

DISCRIMINATION COMPLAINT FORM

(08/06)

Please provide the following information as completely as possible. Please attach additional sheets if necessary.

I. WHO IS/ARE THE PERSON(S) RESPONSIBLE FOR THE ALLEGED ACTION AGAINST YOU?

Name	Classification	Division/Branch
_____	_____	_____
_____	_____	_____
_____	_____	_____

II. LIST THE OPPORTUNITIES WHICH YOU WERE DENIED (this may not pertain to sexual harassment allegations):

III. HOW DO YOU KNOW YOU WERE DENIED THE OPPORTUNITY? (How did you find out, how were you informed?) PLEASE INCLUDE DATES (this question may not pertain to sexual harassment allegations):

IV. DESCRIBE THE REASON YOU BELIEVE YOU SHOULD HAVE RECEIVED THE OPPORTUNITY(IES) (i.e., qualifications, seniority, written or verbal commitment, etc. This question may not pertain to sexual harassment allegations.):

DISCRIMINATION COMPLAINT FORM

(08/06)

V. CHECK THE ITEM(S) BELOW WHICH WAS/WERE AFFECTED BY THE ALLEGED ACTION. PLEASE INCLUDE DATE OF OCCURRENCE:

- DISCIPLINARY ACTIONS DATE OCCURRED _____
- FRINGE BENEFITS DATE OCCURRED _____
- HARASSED DATE OCCURRED _____
- HIRING DATE OCCURRED _____
- PAY DATE OCCURRED _____
- PERFORMANCE EVALUATION DATE OCCURRED _____
- PROMOTION (DENIED) DATE OCCURRED _____
- WORK ASSIGNMENTS DATE OCCURRED _____
- WORKING CONDITIONS DATE OCCURRED _____
- OTHER (describe) DATE OCCURRED _____

VI. BRIEFLY EXPLAIN THE CONDITION(S) CHECKED IN ITEM V., ABOVE. INCLUDE IF YOU BELIEVE OTHERS WERE TREATED DIFFERENTLY. PLEASE INCLUDE DATES. Please attach additional pages if necessary.

VII. WHAT REASON OR EVIDENCE DO YOU HAVE TO SUPPORT YOUR BELIEF THAT DISCRIMINATION (including sexual harassment) OCCURRED? PLEASE INCLUDE DATES. Please attach additional pages if necessary.

DISCRIMINATION COMPLAINT FORM

(08/06)

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VIII. WHAT PEOPLE HAVE INFORMATION/KNOWLEDGE ABOUT YOUR SITUATION AND WHAT INFORMATION DO YOU BELIEVE EACH PERSON HAS TO OFFER? Please attach additional pages if necessary.

NAME: _____ TELEPHONE NUMBER: _____

INFORMATION: _____

IX. WHAT REMEDY ARE YOU SEEKING?

DISCRIMINATION COMPLAINT FORM

(08/06)

COMPLAINANT'S RIGHTS AND RESPONSIBILITIES

1. The responsibility to provide accurate and factual information during all phases of the complaint process.
 2. The right to file a discrimination complaint, freedom from influence to refrain from filing a complaint and freedom from retaliation for filing a complaint.
 3. The right to file, directly with SPB, any complaint alleging discrimination against Departmental Executive staff, when the issues involve retaliation, or when the Department has exceeded the 180-day time frame for completion; or to file a civil action in the appropriate court.
 4. The right to a reasonable amount of work time to make an informal presentation of a complaint to the EEO Office. Consistent with immediate needs, this right shall not be abridged or its exercise delayed by any supervisor.
 5. The right to be assisted by a representative of his/her own choosing at all stages of the process.
 6. The right to review any information he/she has provided at any time during the complaint process.
 7. The right to keep his/her informal complaint confidential until:
 - a. Such time as he/she gives the EEO Office permission to do otherwise in order to bring the complaint to the appropriate authority for remedy; or
 - b. Such time as a formal written complaint is filed with CDFA's EEO Office; or
 - c. Such time as appropriate action must be taken to resolve the situation.
- NOTE:** In cases of sexual harassment, complete confidentiality cannot be assured because of CDFA's legal obligation to take immediate corrective action.
8. The right to a full, objective, and prompt investigation by a trained departmental EEO Complaint Investigator.
 9. The right to a timely decision from the appointing power, or authority designated by the appointing power, after full consideration of all relevant facts and circumstances.
 10. The right to appeal the Department's decision to the State Personnel Board.
 11. The right to file concurrent complaints with the Equal Employment Opportunity Commission, the Department of Fair Employment and Housing, other appropriate State and Federal compliance agencies; or to file a civil action in the appropriate court.
 12. The right to stop the informal process in order to file a formal complaint.
 13. The right to a full reasoning for the Department's decision on his/her formal complaint.
 14. The right to file a formal complaint within one year from the last occurrence of discrimination.

I HEREBY WAIVE THE RIGHT TO CONFIDENTIALITY (Please initial): Yes _____ No _____
*(Waiver of Confidentiality applies to **informal** complaints only. NOTE: Sexual Harassment complaints cannot be filed as informal complaints due to the legal obligation to take immediate corrective action. Sexual harassment complaints will be kept as confidential as possible.)*

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

 Complainant's Signature

 Date Signed

Please complete the following for statistical purposes only (optional):

 Last four digits of Social Security number

 Ethnicity

Gender: Male Female

Age: 40 or Over Under 40

DISCRIMINATION COMPLAINT FORM

(08/06)

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DETERMINING JURISDICTION

Jurisdiction is the common term for determining whether the EEO Office has the legal power to act on a complaint. Under the law, the EEO Office must have jurisdiction over a complaint in order to investigate it or attempt resolution. The issue of jurisdiction must be addressed initially in every case at the preliminary stage of the discrimination complaint. The jurisdictional requirements needed for the EEO Office to have legal authority are discussed below. The person filing the complaint is responsible for ensuring all jurisdictional requirements are met.

INDIVIDUALS COVERED

The discrimination complaint process covers all employees and applicants.

FORMAT AND CONTENT

An informal discrimination complaint may be taken either in writing or verbally by the employee's supervisor or the Equal Employment Opportunity (EEO) Office.

A formal discrimination complaint must be in writing and signed by the complainant. At a minimum, a complaint must contain a precisely written statement sufficiently identifying the parties and generally describing the alleged discriminatory actions or practices and the dates on which they occurred.

This form may be used for filing either an informal or formal complaint. A complaint cannot be dismissed because the complainant refuses to complete the departmental form.

TIMELINESS

A complaint must be filed with the Department within one year of the date of an alleged discriminatory action or practice. The one-year filing period may be extended, not in excess of an additional 90 days, if the complainant first obtained knowledge of the facts of the alleged discriminatory action or practice after the expiration of the one year date. To receive the 90-day extension, the complainant must show that he/she attended a class or received some new information that brought the discriminatory matter to his/her attention.

An informal complaint filed with the EEO Office within the one-year time limitation does not constitute a formal filing. The time utilized in the informal process is counted when calculating the timeliness of a formal complaint.

BASIS

Complaints of discrimination must allege that the complainant was discriminated against on one or more of the following bases: age, ancestry, color, disability, marital status, medical condition, national origin, pregnancy, political affiliation or opinion, race, religion, retaliation, sex, sexual harassment, sexual orientation or Vietnam veteran.

STANDING

A complainant must allege or show that he/she has been directly injured by the discriminatory action or practice. A complaint cannot be filed on the basis that the complainant believes that future harm may occur. The complainant must show that he/she has been adversely affected with respect to compensation, condition, privilege, or term of employment. A complainant cannot challenge a discriminatory employment practice that has not caused him/her any direct harm, unless he/she is filing on behalf of one who has been directly harmed. Any person, agency, or organization may file a charge filed on behalf of a person claiming to be discriminated against.

REMEDY

The complainant must provide some indication of the type and extent of the remedy sought as a result of the alleged discrimination. A complaint of discrimination which cannot be resolved by the appointing power, or which is not within the authority of the appointing power to resolve, shall be filed with the State Personnel Board as an appeal, or with another appropriate agency.

ESTABLISHING A PRIMA FACIE CASE

To meet further requirements of jurisdiction, enough evidence must be presented to raise the inference that the allegations are true. An inference of discrimination cannot be made by the complainant solely stating that he/she is a member of a protected group. Further, the complainant must establish a causal connection between the basis for the complaint and how he/she believes he/she was adversely affected.

RETALIATION

Retaliation against a person for engaging in protected activities is unlawful and will not be tolerated. 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 supervisors/managers or those against whom complaints are filed.

Policy

It is the policy of the State of California and the Department of Food and Agriculture (CDFA) that all personal, sensitive, or confidential information collected by the department during the course of business be protected.

Further, it is CDFA's policy that:

- Personally identifiable information is only obtained through lawful means.
- The purposes for which personally identifiable data are collected are specified at or prior to the time of collection, and any subsequent use is limited to the specified purpose.
- Personal data shall not be disclosed, made available, or otherwise used for purposes other than those specified, except with the consent of the subject of the data, or as authorized by law or regulation.
- Personal data collected must be relevant to the purpose for which it is collected.
- The general means by which personal data is protected against loss, unauthorized access, use, modification or disclosure shall be posted, unless such disclosure of general means would compromise the CDFA's legitimate objectives or law enforcement purposes.

Authority

Government Code Section 11019.9
Information Practices Act of 1977 (Civil Code section 1798 et seq.)
Management Memos MM's 06-12 and 08-11
Bargaining Unit Contracts (MOUs)

Responsibility

Managers and Supervisors

Managers and supervisors are responsible for ensuring each employee receives this CDFA Information Privacy Policy and Management Memos 06-12 and 08-11¹.

¹ Management Memos available at <http://www.dgs.ca.gov/publications>

Information Privacy Policy

Managers and supervisors are responsible for ensuring that the work area has locking cabinets and/or file storage media for storing sensitive or confidential information.

Managers and supervisors are responsible for ensuring compliance with this policy.

Managers and supervisors are responsible for ensuring that all employees receive "Protecting Privacy in State Government" training annually.

Managers and supervisors are responsible for ensuring that each employee certifies annually that he/she has received training and are aware of the consequences for violating CDFA's information privacy policy.

CDFA Employees

Employees are responsible for protecting the privacy of employees and customers.

Employees are responsible for accessing personal or confidential program information only as it pertains to his/her job duties.

Employees are responsible for receiving training annually and certifying that they have completed the training and are aware of the responsibilities for protecting privacy and the consequences for violating information security.

Employees are responsible for reporting any breach or suspected breach of security to CDFA's Information Security Officer.

Information Security Officer (ISO)

CDFA's ISO is responsible for overseeing compliance with this policy, for establishing guidelines regarding the security and protection of all personal, sensitive and confidential information.

The ISO is responsible for certifying, on an annual basis, that privacy guidelines have been developed, that training and education programs exist and are conducted on an annual basis, and that internal control evaluations are in place to ensure compliance.

Learning and Development Center

The LDC is responsible for developing and conducting training for all employees annually to ensure compliance.

Freedom From Reprisals

No employee shall be subject to reprisals or retaliation for reporting breaches or suspected breaches of security.

Disciplinary Actions

Inappropriate or unauthorized access, use or disclosure of personal, sensitive or confidential information, whether the information asset is in paper or electronic form, is cause for appropriate disciplinary action under Government Code Section 19572.

Future Memoranda of Understanding

If any portion of this policy is inconsistent with any email/internet/privacy provision negotiated in future statewide MOUs agreed to by the recognized employee organizations and the State, the specific MOU provision shall control. All other provisions of this policy shall remain in effect.

Distribution

Distribution of the above policy includes all employees.

If you have any questions or need additional information, please contact the Information Security Officer at (916) 653-4622.

If you have questions regarding training, please contact the Learning and Development Center at (916) 651-0638.

Policy

This document presents the acceptable use of Electronic Mail (E-mail) and the Internet by California Department of Food and Agriculture (CDFA) employees, volunteers, and contractors while utilizing government-owned or leased equipment, facilities, or Internet addresses registered to the CDFA. This policy also includes state-leased Internet and e-mail access through an Internet Service Provider (e.g., Earthlink, JPSnet, AT&T, etc.), even when staff accesses information from off-site locations, including but not limited to, telecommuting from home or while traveling on State business.

CDFA encourages its employees, volunteers, and contractor personnel (Users) to develop strong Internet skills and knowledge. It is expected that these individuals will use the Internet to improve their job knowledge; to access scientific, technical, and other information on topics that have relevance to the Department; and to communicate with their peers in other government agencies, academia, and industry. Users may access the Internet to stay current on career-related topics, to improve knowledge and skills, and to communicate with experts in scientific and technical fields. The Department encourages Users to access the Internet when direct work-related benefits can accrue and to use E-mail to facilitate prompt and effective communication.

Internet access and E-mail are provided to Users for CDFA business purposes. The CDFA retains the right to monitor, log and/or recover all Internet activity, including E-mail and all Internet website communication, with or without notice to the User. E-mail and Internet usage is not private. Records of E-mail and Internet activity exist in system files and are recovered when necessary.

Users who have been provided E-mail capability shall endeavor to read incoming messages in a timely manner and to respond accordingly. E-mail is not intended to be a permanent storage medium; consequently, proper maintenance protocols should be followed which require Users to regularly archive messages that should be maintained and delete any/all obsolete messages.

Acknowledgement

Each CDFA User must sign an E-mail and Internet Policy Acknowledgement Form before E-mail and/or Internet access is authorized (see Attachment A). A copy of the signed acknowledgement form is forwarded to the branch or division's system administrator by the User's supervisor when requesting E-mail and/or Internet access for the User. The original copy of the form will be retained in the User's personnel file.

E-mail and Internet Usage

Acceptable Uses of E-mail and the Internet

Acceptable uses of E-mail and the Internet include, but are not limited to, the following:

- Communications and information exchanges related to the mission and work tasks of the CDFA.
- Announcements of state laws, procedures, hearings, policies, services, or activities.
- Use for advisory, standards, research, analysis and professional society or development activities related to the User's governmental duties.
- Services provided to CDFA business partners and the public.
- Employee personal use on an "incidental and minimal" basis.
- Union stewards may conduct Union-related business on an "incidental and minimal" basis.

Unacceptable Uses of E-mail and the Internet

It is unacceptable for a User to submit, publish, access, use, display, or transmit on the Internet or through E-mail, information which:

- Violates or infringes on the rights of another person, including the right to privacy.
- Contains defamatory, false, inaccurate, abusive, obscene, pornographic, sexually oriented, threatening, racially offensive, discriminatory or illegal material.
- Violates agency regulations prohibiting sexual harassment or other forms of discrimination.
- Violates agency regulations prohibiting workplace violence.
- Uses the Internet for any illegal purpose.
- Solicits the performance of any activity that is prohibited by law.

Other unacceptable uses are:

- Obtaining non-standard software from the Internet through accessing and downloading executable software. Exceptions must be cleared through the Division IT representative.
- Unauthorized reading, deleting, copying or modifying E-mail messages of others.
- Sending or requesting junk mail (including inappropriate jokes and humor), for-profit messages, or chain letters.

E-mail and Internet Usage

- Listening to or watching streaming audio or video that is not directly job-related. (Audio and video streaming from the Internet to the desktop computer uses enormous amounts of the CDFA networking resources and can have a negative impact on the ability of other Users to access the Internet or other network services.)

Monitoring of Internet Access

If a User is suspected of E-mail and/or Internet abuse, monitoring of E-mail and/or Internet use may be conducted. Based on the findings of the monitoring process, appropriate administrative action will occur.

Future Memorandums of Understanding

If any portion of this Internet policy is inconsistent with any E-mail/Internet provision negotiated in future statewide Memorandums of Understanding (MOU) agreed to by the recognized employee organizations and the State, the specific MOU provision will control. All other provisions of this E-mail and Internet Usage Policy and will remain in effect.

William (Bill) J. Lyons, Jr.
Secretary

Date: _____

E-mail and Internet Usage

California Department of Food and Agriculture
E-mail and Internet Usage Policy Acknowledgement Form

I, _____, have received, read, understand,
and agree to abide by this policy.

Employee Signature

Date

Supervisor Signature

Date

Internet/E-mail ID: _____

Policy

All employees of the Department of Food and Agriculture (CDFA) should expect a safe and secure work environment. It is the policy of CDFA that any statement or acts by any person which, directly or indirectly, threatens, makes reference to or implies physical harm or violent actions toward an employee of CDFA will be taken seriously and will not be tolerated. This policy covers not only acts or threats of violence, but also harassment, intimidation, and other disruptive behavior.

It is also the policy of the CDFA that no employee may bring or possess firearms or other weapons within any state or local public building or property, or onto any property on which official business of the CDFA is being conducted.

Authority

- Labor Code Section 6400 – Requires every employer to furnish a safe and healthful place of employment.
- Government Code Section 19572 – Prohibits workplace violence, discourteous treatment, negligence and/or recklessness, and specifies causes for discipline.
- Penal Code Section 71 – Prohibits any person from threatening any public officer or employee with unlawful injury, in order to cause the public officer or employee to refrain from doing any act in the performance of his/her duties.
- Penal Code Section 171(b) – Prohibits any person from bringing or possessing firearms and other weapons as described in this section within any state or local public building. Any person who brings or possesses any such items is guilty of an offense punishable by imprisonment in a county jail for not more than one year, or in the state prison.
- Penal Code Section 653(m) – Prohibits any person from making contact by means of an electronic communication device for the purpose of using obscene language or making threats to inflict injury upon an employee or member of the employee's family.

Violence or Threats of Violence

Responsibility

*Department Health
& Safety Officer*

The Health and Safety Officer is responsible for distributing and maintaining a written Policy which informs CDFA personnel of the Department's commitment to furnishing a safe workplace free from violence, and assisting in providing required training.

The Health and Safety Officer is also responsible for investigating all reported threats and acts of violence.

The Health and Safety Officer is responsible for receiving and disseminating restraining orders obtained by CDFA employees which extend to any workplace outside the Sacramento Headquarters building.

*Departmental
Services Branch*

The Departmental Services Branch is responsible for overseeing Headquarters building security¹ and for providing emergency response personnel with access in the Sacramento Headquarters building.

The Departmental Services Branch is responsible for receiving and disseminating restraining orders obtained by CDFA employees which extend to the Sacramento Headquarters building.

*Learning &
Development Center*

The Learning and Development Center is responsible for the overall management of the formal training of all CDFA personnel, and determining the need for additional training upon revision of the Policy.

*Managers &
Supervisors*

Managers and Supervisors are responsible for developing methods to ensure the training goals are accomplished and encouraging open communication with their employees.

Managers and Supervisors are responsible for notifying the Health and Safety Officer of incidents of workplace violence.

Managers and Supervisors are responsible for assisting the Health and Safety officer in conducting the initial investigations of reported incidents.

¹ CDFA locations outside of Sacramento Headquarters are to provide for their own building security site coordinators.

Violence or Threats of Violence

- Following the incident, the person reporting the incident completes Form SO-129, Violence/Threat Incident Report (copy attached), and gives it to his/her immediate supervisor for review.

Following review, the supervisor sends the completed Form SO-129 to the Health and Safety Officer (the form should be put in a sealed envelope marked CONFIDENTIAL). The Health and Safety Officer will take immediate action and conduct the initial investigation with the assistance of the supervisor who received the report. If further action is required, the Health and Safety Officer will meet with an assessment team including the Division Director or designee, appropriate Human Resources Branch staff, Departmental Services Branch Chief, and Legal Office. If no further action is necessary, the Health and Safety Officer will confirm the incident and recommended disposition in a memorandum to the supervisor.

Management will take appropriate action.

How to Report – Non-Emergencies (Threats of Violence)

- Notify immediate supervisor.
- Following the incident, the person reporting the incident completes Form SO-129, Violence/Threat Incident Report (copy attached), and gives it to his/her immediate supervisor for review.

Following review, the supervisor sends the completed Form SO-129 to the Health and Safety Officer (the form should be put in a sealed envelope marked URGENT AND CONFIDENTIAL). The Health and Safety Officer will take immediate action and conduct the initial investigation with the assistance of the supervisor who received the report. If further action is required, the Health and Safety Officer will meet with an assessment team including the Division Director or designee, appropriate Human Resources Branch staff, Departmental Services Branch Chief, and Legal Office. If no further action is necessary, the Health and Safety Officer will confirm the incident and recommended disposition in a memorandum to the supervisor.

Management will take appropriate action.

Restraining Orders – CDFA Headquarters Buildings

An employee who applies for and receives a temporary or full restraining order (Order) in which the 1220 N Street or 1215 O Street worksites are identified should provide a copy of the Order and a photograph of the restrained person to the Chief of Departmental Services Branch (DSB), or designee. Copies of both are kept on

Violence or Threats of Violence

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Violence or Threats of Violence

file within DSB and the Security Guard Offices. If the restrained person violates the Order, Security will immediately notify the CHP. A copy of the Order must also be kept on file with the CHP. For these two worksites, the CHP has requested that the copy be hand delivered to its office in the State Capitol.

In addition, the employee should send a completed SO-129 to the Health and Safety Officer.

An employee who receives an Order should meet with the Chief of DSB to discuss personal safety, the possibility of providing alternate parking, changing work stations and/or work hours (with supervisory approval), and, if appropriate, changing the employee's card-key access. This will serve to ensure the safety of all employees within the Headquarters buildings.

All documents relating to the Order will be held confidential. Once the period identified in the order has expired, all copies of the documents will be destroyed.

Restraining Orders – Outside of Sacramento Headquarters

An employee who applies for and receives an Order against any person which extends into any other workplace site should forward a copy of the Order, a photograph of the restrained person, and a completed SO-129 to the CDFA Health & Safety Officer. The Health & Safety Officer will inform the California Highway Patrol office nearest to the employee's worksite and the employee's site security coordinator to assist in complying with the Order.

Coping Mechanism

The Employee Assistance Program (EAP) is a free and confidential service available to all CDFA employees. The toll-free telephone number is (866) 327-4762, or online at <http://eap4soc.mhn.com>.

Distribution

Distribution of the above policy includes all CDFA employees.

If you have any questions or need additional information, please contact the Department's Health and Safety Officer in the Human Resources Branch at (916) 654-0790.