

Controlled Substances and Alcohol

Rev. May 2018

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

Policy

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

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

Authority

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

Drug-Free Workplace Act of 1988

Drug-Free Schools and Communities Act Amendments of 1989

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

Government Code Section 19572

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

Ross v. Ragingwire Telecommunications, Inc., 42 Cal. 4th 920 (2008)

State Personnel Board (SPB) Rules 213-213.6

Executive Order D-58-86

Controlled Substances and Alcohol

Definitions

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

Responsibility

<i>Supervisors, Managers and Chief Executive Officers (CEOs)</i>	Shall ensure that each new employee is given a copy of this policy and provided sufficient direction and education to understand it. Shall be alert to indications or evidence of the use or presence of controlled substances or alcohol in the workplace. In the event an employee at their worksite during normal business hours appears to be intoxicated, or otherwise under the influence of a prescribed medication, illegal controlled substance, or alcohol, the supervisor: • Shall ensure the safety of the affected employee and everyone at the worksite; • Shall make a confidential and private assessment of the affected employee; • Shall release the employee to the work site if determined not to be under the influence;

Controlled Substances and Alcohol

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

Employees

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

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

Human Resources

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

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

Penalties

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

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

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

Controlled Substances and Alcohol

Getting Assistance

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

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

Rehabilitation

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

Distribution

Distribution of the above policy/procedure includes all employees.

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

To be signed by all employees annually:

I have reviewed and acknowledge this policy:

Employee

Date

Smoking Policy

Rev. May 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that smoking is prohibited in all CDFA-owned, leased, and/or occupied facilities and within 20 feet of entrances, exits, and windows.

Authority

California Code of Regulations, Title 2, Section [599.780](#) and Title 8, Section [5148](#)
California Government Code Sections [7596-7598.5](#), [19994.30-19994.35](#)
California Labor Code Section [6404.5](#)

Definitions

<i>Building</i>	Any building occupied by CDFA, regardless of ownership.
<i>Cannabis</i>	Also known as marijuana or weed among other names, is a psychoactive drug from the cannabis plant that is smoked or consumed recreationally or for medicinal purposes.
<i>Smoking</i>	- Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device that creates an aerosol or vapor (commonly referred to as “vaping”), in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.
<i>Tobacco Product</i>	- A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, chewing tobacco, pipe tobacco, or snuff. - An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the

Smoking Policy

device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

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

Responsibility

*Health and Safety Office
(HSO)*

- Disseminates information to the Department regarding health and wellness concerns associated with smoking cannabis and tobacco related products to promote a healthful work environment.

*Managers and
Supervisors*

- Ensure all staff are aware of this smoking policy and ensure compliance.

CDFA-Occupied Facilities

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

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

Signage

All buildings shall have, at a minimum, clearly displayed signs at all entrances and exits to notify employees and the public that smoking is prohibited within the building. Signs must read either “No Smoking,” “Nonsmoking Building” or “Smoking not permitted in this building.” The universal “No Smoking” symbol may also be used in conjunction with other written signage.

State-Owned or Leased Vehicles

Smoking cannabis and/or tobacco products is prohibited in all CDFA vehicles including state-owned, leased and rented passenger vehicles, light, medium and heavy-duty trucks, vans, buses, and any other mobile equipment with an enclosed or enclosable driver/passenger compartment.

Smoking Breaks

Smoking breaks shall be taken during the employee’s normal 15-minute rest

Smoking Policy

periods, or, with their supervisor's consent, employees may adjust their normal rest periods to compensate for smoke breaks as long as the total time does not exceed 15 minutes for every four hours or major fraction thereof of a working period.

Clean Up

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

Distribution

Distribution of the above policy includes all CDFA employees. If you have questions about this policy, please contact the HSO at CDFA.ASD_Safety@cdfa.ca.gov.

Incompatible Activities Policy

Rev. June 2023

Policy

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

Authority

Section 19990, California Government Code

Section 10410, Public Contract Code

Sections 81000-91014, California Government Code (Political Reform Act)
Federal Hatch Act

Bargaining Unit Contracts (MOUs)

Definitions

<i>Employee</i>	Includes all CDFA and DAA civil service employees (including seasonal and non-testing classes on any time base) and exempt officers and employees of the Department/DAA. Does not include the following: employees hired through a contract such as Cooperative Agricultural Support Services (CASS), 125-Day employees of the District Agricultural Associations, and Fair Board members.
<i>Person</i>	Includes an individual, firm, corporation, partnership, association, other governmental body, or an agent or representative of any of these entities. Also includes any friend, relative, dependent, or other person used by an employee in an effort to accomplish indirectly what this Policy prohibits.

Incompatible Activities Policy

Outside Employment Includes any service performed by an employee outside employee's work hours for which the employee receives any form of compensation not from CDFA. The term also includes the employee's having an ownership interest in a partnership or other private company but does not include stock ownership in a publicly traded company.

Outside Activity Includes any activity, enterprise or service performed for an entity other than the Department by an employee outside of the employee's work hours, for which the employee does not receive any form of compensation.

Related to the Department Includes anything related to or affecting any activity, conduct, premises, items, farm, or livestock (or products thereof), or commodity, which the Department regulates, monitors, or helps to promote or market. This term further includes any activity performed by the Department/DAA.

This term should be interpreted broadly.

Responsibility

Branch Chiefs/Chief Executive Officers (CEOs) Branch Chiefs and CEOs are responsible for providing a written decision as to whether an employee's outside employment and/or activities are permissible.

Branch Chiefs and CEOs are responsible for providing the original written decision to the Human Resources Branch (HRB).

Managers and Supervisors Managers and supervisors are responsible for ensuring that their staff is informed of this Policy.

Managers and supervisors are responsible for ensuring that new employees complete and return the certification within thirty (30) days of appointment.

Incompatible Activities Policy

Managers and supervisors are responsible for ensuring that employees complete and return the certification annually by April 1.

Managers and supervisors are responsible for sending all the original completed certifications to the HRB and maintaining a copy in the Branch files.

Managers and supervisors are responsible for initiating the review process if a decision is required on outside employment and/or activities.

Employees

Employees are responsible for reading, understanding, and abiding by this Policy.

Employees are responsible for completing a new certification within thirty (30) days of appointment and returning them to their supervisors.

Employees are responsible for completing the certification annually by April 1 and returning them to their supervisors.

Employees are responsible for completing a new certification if they intend to engage in outside employment and/or activities which are or may be related to the Department/DAA.

Human Resources Branch (HRB)

HRB is responsible for filing certifications and Branch Chief/CEO decisions.

HRB is responsible for providing copies of certifications and/or decisions upon request. (Certifications and Branch Chief/CEO responses are public documents.)

Legal Office

The Legal Office is responsible for providing assistance to Branch Chiefs/CEOs, upon request, when a decision is required as to whether an employee's outside employment and/or activities are permissible.

Incompatible Activities Policy

Penalty for Violation

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

Outside Employment and/or Activities

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

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

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

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

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

- a. Except as part of the regular performance of his/her assigned duties, an employee shall not counsel, advise, or assist any person in the preparation, presentation or defense of any appeal, application, claim, notice, petition, record, report, statements or other writing or matter that is before or may be presented to, the Department/DAA, or presented in any administrative hearing, court proceeding, or action arising under or related to the laws administered by the Department/DAA.
- b. An employee shall not represent any of the following before the Department/DAA:

Incompatible Activities Policy

1. Any person who is either an applicant for, or a recipient of, any type of service or assistance from a program that is under the supervision of the employee's Division/DAA.
 2. Any person who is applying for, or has obtained, any type of license, registration, or certification issued by the employee's Division/DAA.
 3. Any person who is applying for, or has obtained, any type of license, registration, or certification, which is subject to audit by the employee's Division/DAA.
- c. An employee shall not serve, either directly or indirectly, as the representative of any person in any state hearing, administrative hearing, or trial in which the Department/DAA is a party or adjudicator, unless required as part of his/her duties as an employee of the Department/DAA.
- d. An employee shall not contract on his/her own behalf with any California State agency to provide services or goods.
- e. An employee shall not participate in any outside employment or activity, which creates a situation in which the employee fails to devote full-time attention and effort to his/her regularly assigned duties during regular hours of employment.

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

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

Incompatible Activities Policy

Misuse of Position and/or Resources

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

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

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

Exceptions are:

1. An employee who has been provided a state cellular phone for business purposes may make occasional personal use of it provided the employee reimburses the Department/DAA for the cost of that usage.
2. An employee may use a state telephone to make necessary personal calls, provided the employee charges any toll or long-distance charges to a credit card. Any such calls should be made only during the employee's break time except in case of emergency. Abuse of this privilege will result in its restriction or removal.
- b. An employee shall not use state-owned copy machines, fax machines, computer equipment, or software for personal use.
- c. An employee shall not accept, take, or convert to his/her own use, products of any kind during, or as a result of inspections or audits of products, facilities, or premises.
- d. An employee shall not make arrangements for employment outside state service while on duty.

Incompatible Activities Policy

- e. An employee shall not use the status of the Department/DAA to solicit, directly or indirectly, business of any kind or to purchase goods or services at a discount for private use.
- f. An employee shall not use confidential or non-confidential information available to the employee solely by virtue of the employee's state employment for personal gain and/or advantage or for the personal gain and/or advantage of another person.
- g. An employee shall not provide confidential or sensitive information to persons not authorized to receive such information. Supervisors are responsible for ensuring that employees know what program information is confidential or sensitive.
- h. An employee shall not provide services or information to prospective bidders on any state contract unless authorized by the Department/DAA Contract Unit manager, and such services and information are available to all prospective bidders on the contact.
- i. An employee shall not prepare, present, or publish any speech, article or other writing relating to the operation of the Department/DAA for any compensation from a source other than the State without prior written authorization by the employee's Branch Chief/CEO.
- j. An employee shall not use the authority of his/her position with the Department/DAA to knowingly violate or circumvent, or knowingly assist another to violate or circumvent any local, state, or federal law, regulation, or policy.
- k. An employee who has been given authority to make outside purchases for materials or services for the Department/DAA shall not make such purchases from any business entity in which he/she has a financial interest, or in which a member of the employee's immediate family (spouse, child, parent, sibling, or in-law) has a financial interest.
- l. An employee shall not accept, solicit, or otherwise seek gratuities, loans, credit, money, or anything of value directly or indirectly from any person or his/her agent who is regulated, inspected, licensed, or certified by or otherwise does business with the Department/DAA.
- m. An employee shall not enter any partnership, profit sharing, or employment arrangement with, solicit business of any kind from, or purchase any property at a special discount from any person subject to regulation,

Incompatible Activities Policy

inspection, licensing, certification, accreditation, supervision, or audit by the Department/DAA when the official duties of the employee involve such functions related to that person.

- n. An employee in a scientific, professional, or technical position with the Department/DAA shall not have a financial interest in or enter any partnership, profit sharing, or employment arrangement with any private practitioner or firm rendering such scientific, professional, or technical services when such private practitioner or firm is subject to regulation, licensing, certification, accreditation or supervision by the Department/DAA, or performs work for the Department/DAA.

Gifts¹

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

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

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

Receipt of gifts from close relatives and friends prompted solely by love, affection, or affinity are not prohibited. Likewise, inexpensive advertising items bearing the names of firms are excluded from this Policy (such as pencils, pens, calendars, notepads, coffee mugs, etc.). Reciprocating meals or entertainment are also not prohibited; however, employees should exercise caution and good judgment in all areas.

¹ "Designated" employees should consult the brochure entitled "[Limitations and Restrictions on Gifts, Honoraria, Travel and Loans](#)" provided by the Fair Political Practices Commission with Form 700, Annual Statement of Economic Interests.

Incompatible Activities Policy

Use of State Time to Market Products

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

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

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

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

These two conditions are subject to supervisor approval.

Political Activities

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

Former Employees

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

Incompatible Activities Policy

Certification Procedures

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

Those employees who are engaged in or wish to engage in any outside employment/activity which is or may be related to the Department/DAA must provide

the specifics on the Certification, including the name of the employer or activity, job title/capacity, detailed description of the employment/activity, and number of hours per week that the employment/activity will involve, and reasons why the employee believes that the outside employment/activity is not incompatible with the employee's state duties or office.

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

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

Grievance/Complaint Procedures

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

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

Incompatible Activities Policy

Distribution

Distribution of the above policy/procedure includes all employees.

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

Employee Oath of Allegiance and Declaration of Permission to Work

Rev. March 2017

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that as a condition of employment, every employee, except legally employed noncitizens, shall sign an oath of allegiance before entering into the duties of his or her state employment. If an employee who is a non-citizen becomes a citizen, an oath shall then be obtained.

Authority

California Constitution, Article 20, Section 3

California Government Code Sections 1360 – 1369 and 3102-3108

Responsibility

<i>Secretariat, Directors, Chief Executive Officers, (CEOs) and Branch Chiefs</i>	Are authorized to, and shall administer and witness, the oath of allegiance of CDFA employees new to State service.
<i>Human Resources Branch (HRB)</i>	When not logistically and economically feasible to administer the oath directly, the Secretariat, Division Director, CEO, or Branch Chief may authorize staff to administer the oath.
<i>Employees</i>	Will file the signed oath in the employee's official personnel file.
	Those new to State service shall take and sign the oath of allegiance.

Process

Prior to entering into his or her duties the new employee, regardless of tenure and time base, who is a citizen, shall sign Part I of the [Oath of Allegiance and Declaration of Permission to Work for Persons Employed by the State of California](#), form (STD 689).

Prior to entering into his or her duties the new employee, regardless of tenure and time base, who is a non-citizen but legally allowed to work, shall sign Part II of form STD 689.

Employee Oath of Allegiance and Declaration of Permission to Work

Reasonable Accommodation

The HRB and Legal Office will work diligently, and in good faith, to engage an employee in an interactive process designed to address his or her concerns and accommodate his or her beliefs regarding the oath, while at the same time pursuing their legal responsibilities to ensure that employees sign the oath as required by law.

Failure to Sign - Penalties

No compensation or reimbursement for expenses incurred shall be paid to any State employee unless the employee has taken and subscribed to the oath.

Distribution

Distribution of this policy includes all employees.

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

Anti-Nepotism Policy

Rev. July 2024

Policy

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

Authority

California Code of Regulations, title 2, [section 25](#), [section 83.5](#), [section 83.6](#), [section 86](#), [section 87](#), [section 250](#), [section 11057](#)

Government Code [sections 12940 to 12951](#), [sections 18500 to 18502](#), [sections 19800 to 19811](#)

Definitions

<i>Direct Supervisor/ Subordinate Relationship</i>	Working relationship between an employee and their immediate (first-level) supervisor.
<i>Indirect Supervisor/ Subordinate Relationship</i>	Working relationship between an employee and any of their second-level and above supervisors.
<i>Nepotism</i>	An employee's use of influence or power to hire, transfer, or promote a person because of a personal relationship.
<i>Personal Relationship</i>	Persons related by blood, adoption, current or former marriage, domestic partnership, or cohabitation (living with another person in a romantic relationship without being married or in a domestic partnership).

Responsibility

<i>Branch Chiefs/ Chief Executive Officers (CEOs)</i>	Must ensure employees read and sign this policy on an annual basis.
	Must investigate reports or complaints of nepotism.
	Must contact the Human Resources Branch (HRB), for consultation and resolution concerning personal

Anti-Nepotism Policy

relationships, or request in writing an exemption to this policy on a case-by-case basis.

Managers and Supervisors

Shall hire, transfer, and promote all persons based on merit and fitness in accordance with civil service statutes, rules and regulations.

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

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

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

Fair Board Members

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

Office of Civil Rights

Reviews requests for policy exemption; reviews formal complaints of nepotism.

Personnel Officer, HRB

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

Labor Relations Officer

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

Employees

Must notify their supervisor when working arrangements conflict with this policy.

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

Anti-Nepotism Policy

Are prohibited from participating in the selection of an applicant for employment with whom they have a personal relationship.

May file a formal nepotism complaint using the [Nepotism Complaint Form](#) (SO-202). The form should be emailed to the HRB at cdfa.asd_hrb_main@cdfa.ca.gov.

Exemptions

CDFA recognizes that there may be situations where two individuals who have a personal relationship may appropriately be allowed to work in the same division and/or branch. Exemptions to this policy may be appropriate based upon merit principles and recruitment difficulty. The primary criterion for an exemption is evidence that the proposed assignments and the services provided offer clear benefits to the State, and the existence of external controls ensuring the personal relationship will not result in favoritism or inequity.

Managers and Supervisors are strongly cautioned from indirectly supervising (through the “chain of command”) an employee with whom they have a personal relationship. Managers and Supervisors are also strongly cautioned from directly supervising employees who have a personal relationship to each other.

Where an exemption is requested, it must be fully justified in writing on the [Nepotism Exemption Request Form](#) (SO-31) and submitted to the OCR for review, and HRB for approval, when the situation arises or prior to making a hiring commitment.

Corrective Actions

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

Distribution

Distribution of this policy includes all employees.

Questions regarding this policy should be directed to CDFA’s HRB at cdfa.asd_hrb_main@cdfa.ca.gov.

Anti-Nepotism Policy

ACKNOWLEDGEMENT

This policy is to be reviewed and signed yearly.

I have reviewed and understand this policy and (check below):

- ☐ ***I have a personal relationship that conflicts with this policy. If checked, please list the name(s) and explain:***

- ☐ ***I have a personal relationship; however, it does not conflict with this policy. If checked, please list the name(s):***

- ☐ ***I do not have a personal relationship with another CDFA employee.***

Employee Signature

Date

Print Name

E-mail and Internet Usage

Revised May 28, 2010

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 access 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 Attached Form). A copy of the signed acknowledgement form is forwarded to the Office of Information Technology Services (ITS) 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. Users will be prompted for acknowledgement of

E-mail and Internet Usage

understanding of this policy prior to each network log on.

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 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.
- Use of social networking sites that are related to the users governmental duties (e.g., FaceBook, YouTube, Twitters, MySpace, LinkedIn, Digg, Flickr, etc.).
- Mass E-mails related to business issues that impact CDFA employees, such as training, examination announcements, network maintenance.
- 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.

E-mail and Internet Usage

- Uses the Internet or E-mail for personal gain.
- 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 ITS.
- 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.
- Mass E-mail of non-business related items, such as raffles, food sales, fund raisers.
- Use of social networking sites that are not directly related to the User's governmental duties.
- 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.)

Procedures for Sending Mass Electronic Mailings

1. Obtain prior approval from an authorized official (i.e., division director, special assistant, or branch chief).
2. Compose the e-mail. Whenever possible, write the text within the body of the e-mail rather than as an attachment – attachments use more space and further congest the network.
3. Be sure E-mail relates to your target audience. Do not send an E-mail to CDFA Everyone when it only applies to staff in the headquarters building.
4. Include a standard statement at the bottom of the E-mail indicating the name, title, and office of the individual who approved the e-mail for mass mailing: for example, "This e-mail was approved for mass mailing by J. Doe, Director, Division of _____."

Monitoring of Internet Access

If a User is suspected of E-mail and/or Internet abuse, monitoring of E-mail and/or

E-mail and Internet Usage

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 will remain in effect.

Distribution

Distribution of the above policy/procedure includes all CDFA employees.

If you have any questions or need additional information regarding this policy, please contact the Office of Information Technology Services (ITS) by telephone at 916-651-HELP (4357) or by E-mail at servicedesk@cdfa.ca.gov.

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: _____

Electronic Mail Management Policy

Established January 1, 2009

Policy

The California Department of Food and Agriculture (CDFA) is committed to efficient management of the Department's electronic mail (E-mail) system. To ensure good recordkeeping practices, users of the Department's E-mail system shall adhere to the policy contained within this memorandum with regard to the retention and preservation of electronic mail.

Authority

- Business and Professions Code Section 110
- Government Code Sections 14740 – 14774
- State Administrative Manual (SAM) Sections 1600-1695

Responsibility

This policy applies to all employees of CDFA, and any of its divisions, programs, and users of the Department's E-mail system. Whenever the word "employee" appears throughout this policy, it shall be construed to refer to all the foregoing collectively. This policy statement applies to all computer and data communication systems owned by and/or administered by CDFA. The document covers only information handled via computers and/or networks that constitutes "electronic mail," including electronically mailed files, folders, documents, attachments and calendar entries.

Policy

This policy is based on State policy delineated in SAM, and requirements in State law for retaining records, including the State Records Management Act. Further, this policy is promulgated to implement state requirements to establish and maintain the economical and efficient management of records and information collection practices of CDFA.

Use of electronic mail as one of CDFA's tools for doing business has enhanced CDFA's ability to generate, accumulate, and preserve large quantities of E-mail items. As a result, there is a tendency to retain E-mail messages longer than necessary for business purposes. To ensure good recordkeeping practices, CDFA employees shall adhere to the following E-mail retention requirements:

1. Employee shall delete all nonessential incoming and outgoing E-mail messages on an ongoing basis. A nonessential E-mail message is one that does not contain information that should be retained and/or no longer requires action on the part of the sender and/or receiver of the message. Generally, an E-mail message may be retained as a reminder of an upcoming meeting or a pending decision or assignment,

Electronic Mail Management Policy

but should be deleted when the reminder is no longer necessary. However, an E-mail message that may need to be recalled over an extended period of time should be archived in an E-mail folder that can be readily identified for retrieval.

2. Except when a “litigation hold” has been placed on an employee’s E-mail, the system will automatically delete E-mail messages from employee’s inbound (i.e., “Inbox”), and outbound (i.e., “Sent Items”) files when they become three (3) months old.
3. Any message, not otherwise restricted by this policy, which needs to be retained longer than three months, may be archived.
4. Employee should delete E-mail messages or attachments containing preliminary drafts, notes, and memos from the electronic folder or file when they are no longer necessary for the employee to perform his or her duties and/or are not a necessary business record.
5. Electronic mail files shall not exceed 50 megabytes. An exception to the size limit may be made by the supervisor or manager if they determine that an employee has a work-related need to maintain a larger E-mail file. This exception request should be sent via E-mail to servicedesk@cdfa.ca.gov. The request will be reviewed and responded to by ITS.

Distribution

Distribution of the above policy/procedure includes all CDFA employees.

If you have any questions or need additional information regarding this policy, please contact the Office of Information Technology Services (ITS) by telephone at 916-651-HELP (4357) or by E-mail at servicedesk@cdfa.ca.gov.

*Discrimination and Harassment Prevention Policy**Rev. July 2024*

Policy

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

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

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

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

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

Authority

Age Discrimination in Employment Act of 1967 ([29 U.S.C. 621](#))

California Code of Regulations, [Title 2, Division 4.1, Sections 11000-11141](#)

California Government Code sections [18500](#), [18671.1](#), [19700-19706](#), [19991.6](#)

Discrimination and Harassment Prevention Policy

California Family Rights Act, [California Government Code section 12945.2](#)

California Labor Code, [Division 2, Part 1, Chapter 1, Article 1, section 230](#)

California Labor Code, [Division 2, Part 3, Chapter 5, section 1102](#)

California Trafficking Victims Protection Act, [California Civil Code Section 52.5](#)

Disabled Persons Act, [California Civil Code section 54 et seq.](#)

Equal Pay Act of 1963 ([29 U.S.C. 206 \(d\)](#))

Fair Employment and Housing Act, [California Government Code sections 12900-12996](#)

Federal Civil Rights Act of 1964, [Title VII](#)

New Parent Leave Act, [California Government Code section 12945.6](#)

Pregnancy Discrimination Act of 1978 ([42 U.S.C. 2000e\(k\)](#))

Ralph Civil Rights Act, [California Civil Code section 51 et seq.](#)

Rehabilitation Act of 1973 [sections 501 and 505 \(U.S.C.\)](#)

Title I, Americans with Disabilities Act of 1990 ([42 U.S.C. 12101-12213](#))

Title I, Civil Rights Act of 1991 ([42 U.S.C. 2000\(e\) section 1977A](#))

Title II, Genetic Information Nondiscrimination Act of 2008, [U.S.C. sections 201-213](#)

Title 29, Code of Federal Regulations section [1604.11](#)

Unruh Civil Rights Act, [California Civil Code section 51 et seq.](#)

Definitions

<i>Assault</i>	A physical or sexual attack.
<i>Complainant</i>	The person who files a complaint whether for themselves or on behalf of someone else.
<i>Discrimination</i>	An employment decision, denial of services, or other action made wholly or in part because of a person's protected class for which there is no legitimate business reason.

Discrimination and Harassment Prevention Policy

<i>Harassment</i>	Unwelcome, disrespectful, or unprofessional conduct, based on any of the protected classes ¹ . It may also be sexual in nature.
<i>Hostility</i>	Acts characterized by aggression and maliciousness resulting in intimidation and an unpleasant work environment.
<i>Hostile Work Environment</i>	Conduct of a sexual nature or based on a protected class that unreasonably interferes with an employee's ability to perform their work and/or creates an intimidating, hostile, or otherwise offensive working environment.
<i>Malice</i>	Conduct which is intended to cause injury with a willful and conscious disregard for the rights or safety of others.
<i>Obligated Reporter</i>	A person who, because of their status as a "supervisor", is legally required to report any suspicion or actual complaints of discrimination, harassment, sexual harassment, or retaliation.
<i>Prima Facie</i>	Sufficient corroborating evidence accepted as correct until proven otherwise.
<i>Protected Activity</i>	A specific action which is legally protected and which retaliation prohibition applies.
<i>Protected Class</i>	Groups of characteristics that are protected from discrimination and harassment under California or federal law. See Appendix I for the list and definitions of all protected classes.
<i>Respondent</i>	The entity or person named in the complaint.
<i>Retaliation</i>	An adverse employment action or negative treatment against an individual for engaging in a protected activity.
<i>Supervisor</i>	Any person who, in the course of their work activities, has the discretion and authority to hire, transfer, promote, assign, reward, discipline, or terminate employees or can recommend these actions, act on employee grievances, recommend action on grievances, or has the authority to direct an employee's daily work, regardless of their Civil Service classification. This includes people in supervisory or managerial classifications, as well as board members, board chairs or presidents, and office or field leads.
<i>Zero Tolerance</i>	Refusal to accept potential violations of this policy by addressing any and all allegations with the appropriate response from Department management, the Office of Civil Rights (OCR), and the Human Resources Branch (HRB).

¹ Harassment not based on protected classes is detailed in the [Workplace Violence, Threats and Bullying Prevention Policy](#).

Discrimination and Harassment Prevention Policy

Responsibility

<i>Department</i>	Ensures the work environment is free from all forms of discrimination and harassment as defined in this policy. Responsible for the actions of supervisors, managers, Chief Executive Officers (CEO) and for acts of other employees if management knew, or should have known, of such acts and failed to take prompt and effective action.
<i>OCR</i>	Ensures Department employment policies and practices are non-discriminatory and provides equal opportunity to all potential job applicants and employees. Ensures that all discrimination and harassment complaint investigations are conducted in a fair, complete, and timely manner; holds complaints as confidential as possible; and protects employees from being retaliated against for complaining or participating in an investigation. Manages and administers the Department's Discrimination and Harassment Prevention training program.
<i>Supervisors, Managers and CEO's</i>	Set the tone for a discrimination-free and harassment-free work environment. This includes maintaining an environment free from harassment, discrimination, intimidation, retaliation, ridicule, and insult. Ensure all employees are informed of this policy at the time of hire, annually thereafter, and again when a complaint is brought forward. Respond immediately and objectively to all discrimination and harassment complaints. Protect complainants from any form of retaliation. Inform the OCR immediately of any complaint of discrimination, harassment, or retaliation. Investigate minor incidents as directed by the OCR and report back findings.
<i>Employees</i>	Employees who feel they are being discriminated against or harassed during the performance of their job duties should immediately convey their concerns to their direct supervisor, management, or to the OCR. Any employee who perceives the comments, gestures, or actions of another employee to be harassing or discriminatory should immediately and clearly communicate to that person that such behavior is unwelcome and inappropriate. Failure to express that a behavior is unwelcome does not prevent the employee from filing a complaint nor does it exonerate the harasser.

Discrimination and Harassment Prevention Policy

File a discrimination or harassment complaint:

- With any supervisor, manager, or CEO, who will forward all harassment complaints to the OCR or;
- Directly with the OCR using the process outlined in the [“Internal Complaint Process”](#) section or;
- Externally with the California Civil Rights Department ([CRD](#)), or the Equal Employment Opportunity Commission ([EEOC](#)) as outlined in the [“Complaints Filed Outside of the Department”](#) section of this policy.

Any employee who is a witness to, but not the victim of conduct that may violate this policy, may file a complaint on the victim’s behalf.

Discrimination

Discrimination may include but is not limited to: hostile or demeaning behavior toward people because of their protected class; allowing the protected class of an employee, applicant, or other person involved in Department business to be a factor in hiring, promoting, compensating, or other employment related decisions unless permitted by applicable law²; or providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to employees, applicants, or other persons involved in Department business because of their protected class. Such conduct may violate this policy, even if it is not unlawful.

The elements of unlawful discrimination are further explained in the CRD’s brochures; [“California Law Prohibits Workplace Discrimination and Harassment,”](#) [“Your Rights and Obligations as a Pregnant Employee,”](#) [“Transgender Rights in the Workplace,”](#) and [“Hate Violence and Civil Rights.”](#)

Harassment

For the purpose of this policy, harassment includes but is not limited to verbal (jokes, slurs, epithets, teasing), visual (posting of offensive or graphic material, symbols, computer displays), or physical conduct (crude gestures) due to an actual or perceived protected class. Such conduct that creates a hostile work environment need only to be inappropriately based on a protected class to be a violation of this policy.

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

The elements of unlawful harassment are further explained in CRD’s brochures; [“California Law Prohibits Workplace Discrimination and Harassment,”](#) [“Your](#)

² For example, veteran preference as permitted under Government Code 18973.1

Discrimination and Harassment Prevention Policy

[Rights and Obligations as a Pregnant Employee,” “Transgender Rights in the Workplace,” and “Hate Violence and Civil Rights”.](#)

Sexual Harassment

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

Sexual harassment is categorized into two types:

Quid Pro Quo

- The demand of sexual favors in exchange for a job benefit or continued employment.
- Submission to or rejection of the demand is used as the basis for an employment decision affecting the victim.
- Typically, but not always committed by a supervisor, manager, or someone with authority over the victim.

Hostile Work Environment

- Conduct of a sexual nature that unreasonably interferes with an employee’s ability to perform their work and/or creates an intimidating, hostile, or otherwise, offensive working environment. Examples include but are not limited to:
 - Unwelcome sexual advances, flirtation, teasing of a sexual nature
 - Sexually aggressive or obscene letters, invitations, notes, emails, voicemails, or gifts
 - Sex, gender, or sexual orientation-related comments, slurs, jokes, remarks, or epithets
 - Leering, obscene or vulgar gestures or sexual gestures
 - Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, posters, or other such items
 - Impeding or blocking movement, unwelcome touching or assaulting others
 - Reprisals and threats after a negative response to a sexual advance
 - Conduct or comments consistently targeted at one gender, even if the conduct is not sexual.

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

The elements of unlawful harassment are further explained in CRD’s brochure, [“Sexual Harassment.”](#)

Discrimination and Harassment Prevention Policy

Intent vs Impact for Harassment Cases

In cases of alleged harassment, whether based on sex or a protected class, the intent of the harasser is irrelevant. It is the impact of the behavior and how it is perceived by the recipient that determines if the conduct is harassment.

Retaliation Prohibition

Retaliation against any person who engages in a protected activity is strictly prohibited. To prove retaliation, there must be a causal link between the adverse employment action and the protected activity.

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

Internal Complaint Process

The Department's discrimination and harassment complaint process provides any person involved in Department business the opportunity to raise allegations related to discrimination, harassment based on sex or a protected class, failure to provide reasonable accommodations, or retaliation and to seek resolution of their complaint. Complaints will be resolved at the lowest organizational level possible while assuring that the process provides for timely, thorough, and impartial review of the allegations without fear of reprisal or retaliation.

The following options are available to resolve a complaint:

- Tell the individual engaging in the inappropriate conduct to stop.
- Report the conduct to the immediate supervisor or any other supervisor if the employee's immediate supervisor is unavailable to resolve the complaint.
- Complete an [SO-201](#), Discrimination and Harassment Complaint Form, and submit it to either a supervisor and/or manager, or directly to the OCR at:
 - Civil_rights@cdfa.ca.gov or
 - Office of Civil Rights
1220 N Street
Sacramento, CA 95814
- Include enough evidence with the complaint to raise the inference that the allegations are sufficient to establish discrimination, harassment, or retaliation based on a protected characteristic occurred (*prima facie*). A *prima facie* case alleging actions that violate this policy must be established before an investigation is initiated.
- If a complaint form is not immediately available, contact the OCR at:

Discrimination and Harassment Prevention Policy

- Civil_rights@cdfa.ca.gov or
- (916) 654-1005

If a supervisor, as defined by this policy, receives a completed [SO-201](#), they must review and forward it to the OCR via email or in a sealed envelope marked "CONFIDENTIAL." Anyone in a supervisory position as defined by this policy, is considered an obligated reporter for the purposes of this policy. Failure to do so is a violation of this policy and may result in disciplinary action against the supervisor.

Should a complaint meet the prima facie standard to investigate, the OCR will proceed with an investigation. For complaints that do not meet the standard to investigate or that can be addressed without an investigation, the OCR will coordinate with the appropriate parties to determine policy findings or to find a resolution.

Investigations

Upon receipt of a complaint that requires an investigation, the OCR will take immediate action to conduct an investigation. Investigations typically consist of interviews with the Complainant, Respondent, and appropriate witnesses, review of relevant documents or other evidence, and the writing of an investigative analysis. This analysis is confidential and is only shared with decision makers who have a need to know. Complainants and Respondents will receive a letter detailing the findings of the allegations at the conclusion of the investigation.

Any Department employee who is identified in an investigation and is notified that the OCR wishes to interview them is expected to participate in that investigation and must do so in good faith. If an employee refuses to participate in the investigative process, they may be compelled to participate or be subject to disciplinary action.

OCR investigations and inquiries are confidential to the extent reasonable. If interviewed by the OCR, the interviewee(s) may be requested to not discuss the interview or information relative to the investigation with anyone other than the investigator, a union representative, or personal attorney while the investigation is on-going. If requested to maintain confidentiality, failure to do so may compromise the investigation and may result in disciplinary action.

Complaints Filed Outside of the Department

No one is required to file a complaint with the Department OCR. Anyone may file a complaint with the following agencies.

- **California Civil Rights Department**
 Website: <http://www.calcivilrights.ca.gov>
 English to Voice/TTY: 800-588-7100
 Spanish Voice/TTY: 800-855-7200
 Speech to Speech (STS): 800-855-7300
 Visually Assisted STS: 800-855-7400

Discrimination and Harassment Prevention Policy

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

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

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

U.S. Equal Employment Opportunity
Commission
Telephone: 800-669-4000
Website:
<https://www.eeoc.gov>

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

- **State Personnel Board (SPB)**

Appeals regarding complaints of discrimination based on disability and medical or mental condition must be filed with SPB within 30 days from the date the event took place. The SPB Appeals Division contact information is:

SPB Appeals Division
Telephone: (916) 653-0799
Fax: (916) 654-6055
Online: <https://appeals.spb.ca.gov/aos/appeal.html>
Email: appeals@spb.ca.gov

- **Department of Industrial Relations (DIR)**

Complaints of lost wages or retaliation related to lactation accommodations may be filed with DIR's Division of Labor Standards Enforcement Wage Claim Adjudication section and Bureau of Field Enforcement (BOFE), respectively. For lost wages related to lactation accommodation, the complaint must be filed within three years from the date of violation. For complaints of retaliation, they must be filed within six months of the violation. DIR's contact information for filing claims is:

Department of Industrial Relations
Telephone: (883) 526-4636
Website (Wage Claim): <https://www.dir.ca.gov/dlse/HowToFileWageClaim.htm>
Website (BOFE): <https://www.dir.ca.gov/dlse/dlse-bofe.html>
Email: dlse2@dir.ca.gov

Discrimination and Harassment Prevention Policy

Liability for Unlawful Discrimination and Harassment

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

Training

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

All seasonal employees must complete the OCR's discrimination and harassment prevention training class within two weeks of their start date.

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

Non-DAA advisory board and committee members are required to complete a Sexual Harassment Prevention training course, but it need not be the course

Discrimination and Harassment Prevention Policy

developed by the OCR. Non-DAA board and committee members may complete the CRD training provided on the [CRD website](#) to meet this requirement. They may also submit a training certificate for approval from another training entity that meets California State requirements under the FEHA. These certificates will not be accepted for the parties detailed in the first paragraph of this section.

Distribution

Distribution of the above policy includes all Department employees, board and committee members.

Any supervisor, manager, CEO, Board Member, employee, or other party covered by this policy seeking advice, guidance, or consultation regarding discrimination, harassment, sexual harassment, or retaliation may contact the OCR at civil_rights@cdfa.ca.gov or (916) 654-1005.

Discrimination and Harassment Prevention Policy

**THIS SERVES AS NOTICE TO EMPLOYEES OF THE DEPARTMENT'S
DISCRIMINATION AND HARASSMENT PREVENTION POLICY.**

I hereby certify I have read and understand the Department's Discrimination and Harassment Prevention Policy. This policy is to be reviewed annually by all CDFA and DAA employees.

Employee Name

Employee Signature

Date

Division/Branch/DAA

Retain in the employee's drop file until superseded.

cc: Employee

Discrimination and Harassment Prevention Policy

Appendix I

What follows is the list of protected classes/categories and their descriptions protected under State and Federal law, as well as this policy.

Age – Refers to the chronological age of any individual who has reached a 40th birthday.

Ancestry/National Origin – Includes but is not limited to the individual's or ancestors' actual or perceived physical, cultural, accents, or linguistic characteristics associated with a national origin group; marriage to or association with persons of a national origin group; tribal affiliation, membership in or association with an organization identified with or seeking to promote the interests of a national origin group; attendance or participation in schools, churches, temples, mosques, or other religious institutions generally used by persons of a national origin group; and name that is associated with a national origin group. National origin groups include but are not limited to, ethnic groups, geographic places of origin, and countries that are not presently in existence.

Association with a Member of a Protected Class – Includes any association with a member or organization of these protected classes.

Bereavement Leave – Protected leave taken upon the death of a family member. For more information about Bereavement Leave please consult with the HRB or your [Bargaining Unit Memorandum of Understanding \(MOU\)](#).

Color – A person's skin color, including varying shades of the same or similar skin color.

Disability – Includes both physical and mental disabilities.

Mental Disability – includes but is not limited to, having any mental or psychological disorder or condition that limits a major life activity. "Mental disability" includes, but is not limited to, emotional or mental illness, intellectual or cognitive disability (formerly referred to as "mental retardation"), organic brain syndrome, or specific learning disabilities, autism spectrum disorders, schizophrenia, and chronic or episodic conditions such as clinical depression, bipolar disorder, post-traumatic stress disorder, borderline personality disorder, and obsessive-compulsive disorder.

Physical Disability – Includes, but is not limited to, having any anatomical loss, cosmetic disfigurement, physiological disease, disorder or condition that does both of the following: affects one or more of the following body systems: neurological; immunological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; circulatory; skin; and endocrine; and limits a major life activity. Physical Disabilities include, but are not limited to, deafness, blindness, partially or completely missing limbs, mobility impairments requiring the use of a wheelchair, cerebral palsy, and chronic or episodic conditions such as HIV/AIDS, hepatitis, epilepsy, seizure disorder, diabetes, multiple sclerosis, and heart and circulatory disease.

Family Care and Medical Leave (California Family Rights Act, Family Medical Leave Act) – Includes leave related to serious health condition of employee or family member, child bonding, or military exigencies. Please see the following HRB policy for more

Discrimination and Harassment Prevention Policy

information about these protected leaves: [9.4.1 Family and Medical Leave Act/California Family Rights Act](#)

Gender Expression – A person's gender-related appearance or behavior, or the perception of such appearance or behavior, whether or not stereotypically associated with the person's sex assigned at birth.

Gender Identity – Each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender.

Genetic Characteristics – Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or that person's offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder; or Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or that person's offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

Genetic Information – Includes information about an individual's genetic tests, their family's genetic tests, and any manifestation of a disease or disorder in family members of an individual.

Marital Status – marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state including intimate partner cohabitation and parental status.

Medical Condition – Any health impairment including those related to or associated with a diagnosis of cancer or a record or history of cancer.

Military and Veteran Status – a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the California National Guard.

Political Affiliation – Includes but is not limited to political party affiliation, political action, and political activity.

Pregnancy, Childbirth, Breastfeeding, or Related Medical Conditions – Includes but is not limited to the condition of being pregnant, having given childbirth, the choice/need to breastfeed and/or pump, and any physical or mental condition intrinsic to pregnancy or childbirth.

Pregnancy Disability Leave – Includes any and all leaves, including disability leave, whether paid or unpaid, taken by an employee for their pregnancy.

Discrimination and Harassment Prevention Policy

Race – Inclusive of traits historically associated with one’s race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists.

Recreational Use of Cannabis – Protects against discrimination for the legal and recreational use of cannabis away from the workplace. This does not permit an employee to possess, be impaired by, or use cannabis on the job. Other exemptions to this category may apply on a case-by-case basis to be determined by a review of the facts of the case. See the [Controlled Substances and Alcohol Policy](#) and the [Pre-Employment Inquiries Policy](#) for more information.

Religious Creed, Religion, Religious Observance, Religious Belief, Creed – Includes all aspects of religious belief, observance, and practice, including religious dress and grooming practices.

Reproductive Health Decision Making – Includes, but is not limited to, a decision to use or access a particular drug, device, product, or medical service for reproductive health.

Reproductive Loss Leave – Protected leave up to five days after a reproductive loss, which includes miscarriage, stillbirth, failed adoption, failed surrogacy, and unsuccessful assisted reproduction.

Select Criminal History – Includes arrests or detentions that did not result in conviction; referral or participation in a pretrial or post-trial diversion program; a conviction that has been judicially dismissed or ordered sealed, expunged, or statutorily eradicated pursuant to law; and an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while a person was subject to the process and jurisdiction of juvenile court. Please see the following OCR policy for more information about Criminal History protections: [2.6.1 Pre-Employment Inquiries Policy](#)

Sex/Gender – Includes but is not limited to biological sex assigned at birth (male/female), as well as all characteristics associated with sex and/or gender including pregnancy related characteristics, gender identity and expression, and sexual orientation.

Sexual Orientation – Includes but is not limited to heterosexuality, homosexuality, bisexuality, and pansexuality.

Victim of Hate Violence, Human Trafficking, Stalking, or Domestic Violence – Includes protections for time off for court appearances or engaging with law enforcement, filing restraining orders, and providing accommodations to allow the employee to be safe in their workplace or to help ensure health, safety, or welfare of the victim or their child.

Bilingual Services Program

Rev. July 2024

Policy

It is the policy of the California Department of Food and Agriculture (Department) to ensure compliance with the Dymally-Alatorre Bilingual Services Act (Act) and to provide a robust Bilingual Services Program in order to provide equal access to Department services and information to Limited-English Proficient (LEP) persons.

The Department shall employ a sufficient number of Certified Bilingual Employees when a significant portion of its customers are LEP.

This policy extends to all District Agricultural Associations (DAA).

Authority

California Government Code sections [7290-7299.8](#)

Federal Executive Order [13166](#)

[Title VII of the Civil Rights Act of 1964](#)

Definitions

<i>Bilingual Certification</i>	Examination process where an employee is tested for non-English language proficiency to obtain certification.
<i>Bilingual Pay Differential</i>	Additional pay for certified bilingual employees who use their bilingual skills at least 10 percent of their total work time.
<i>Certified Bilingual Employee</i>	An employee who is certified as having scored a “2” or higher on the Federal Interagency Language Roundtable scale for listening and speaking.
<i>Interpretation</i>	The oral translation of a message from one language to another.
<i>Language Access Complaint</i>	A complaint submitted by a member of the public detailing services and/or information that cannot be provided in their primary language.
<i>Language Survey</i>	A biennial review of each Department’s bilingual services as required by the Act.
<i>Limited-English</i>	A person who cannot speak, read, write, understand, or has limited capabilities of the English language that

Bilingual Services Program

<i>Proficient Person</i>	inhibits their ability to effectively communicate and interact with those whose primary language is English.
<i>Primary Language</i>	The language a person identifies as the language in which they prefer to communicate.
<i>Public Contact Employee</i>	An employee whose duties include verbal or written communication with members of the public.
<i>Translation</i>	The written transfer of content from one language to another.
<i>Vital Document</i>	A document that is vital to a division, branch, or program's ability to interact with the public. This includes but is not limited to applications, notices, complaint forms, legal documents, or outreach materials.

Responsibility

<i>Department:</i>	Divisions and programs will utilize the data gathered by the Language Survey to guide efforts to ensure adequate and appropriate staffing and availability to translated materials to meet the demand of all language groups.
<i>Office of Civil Rights (OCR):</i>	Maintain the Bilingual Services Program and Policy. Investigate and resolve Language Access Complaints. Manage Department-wide contracts related to bilingual services including, but not limited to, Bilingual Certifications, document translation, and in-person and telephonic interpretation. Develop and implement training for Public Contact Employees on how to utilize the Bilingual Services Program tools.
<i>OCR, Bilingual Services Coordinator:</i>	Ensure that all Department programs that interface with the public comply with the Act and this policy. Process requests for Bilingual Certifications with the chosen vendor. Review and approve the STD. 897 – Bilingual Pay Authorization for Certified Bilingual Employees.

Bilingual Services Program

Coordinate the Department's biennial Language Survey with division and program assistance.

Create and maintain a list of Certified Bilingual Employees.

Develop and maintain standard procedures for interacting with LEP persons.

*Human
Resources
Branch (HRB):*

Analyze an employee's duty statement at the request of the program manager, to determine if an employee meets the threshold to receive the Bilingual Pay Differential.

If approved, process the [STD.897](#) – Bilingual Pay Authorization for the bilingual employee.

*Managers,
Supervisors,
and Chief
Executive
Officers:*

Maintain compliance with the Act by providing appropriate bilingual services to LEP persons.

Ensure staff are trained on the appropriate procedures for providing services to LEP persons.

Request Bilingual Certification for bilingual employees.

Determine the need for an employee to be granted the Bilingual Pay Differential based on their duties and follow the procedures set forth in the [HRB Standard Operating Procedure #14](#).

Request translation of documents through the OCR if an office meets the four percent threshold of non-English speaking contacts during the biennial Language Survey.

Maintain a list of materials that have been translated into various languages for each respective program.

Make all translated documents available on the Department's public website and in Department offices that are open to the public.

Establish a translation or interpretation service contract if the needs of a specific division, branch, or program justify one beyond what the OCR offers department wide.

Bilingual Services Program

Track bilingual certification expirations for all Certified Bilingual Employees in their program.

Ensure the [Language Identification Guide](#) is posted at all public service desks and stations.

Employees:

Notify their manager/supervisor if they possess bilingual skills and are interested in becoming a Certified Bilingual Employee.

Make every effort to identify LEP persons as early as possible during initial contact.

Contact a qualified interpreter as soon as possible (See the “Language Services” section below).

If a Public Contact Employee (PCE), complete the required training (See the “Public Contact Employees and Required Training” section below).

Participate in the Language Survey if a PCE.

Bilingual Certification

Bilingual certification is a tool that allows Department programs to utilize current employees to provide verbal translation services to the public in an effort to be in compliance with the Act. **This does not include certification to perform written translation of official documents.** Email or other unofficial written communication is acceptable.

To be certified as bilingual, an employee must have scored at least a “2” on the Federal Interagency Language Roundtable scale for listening and speaking.

Bilingual oral certification exams are scheduled by the OCR with the OCR’s chosen vendor.

To request a Bilingual oral certification exam, the employee’s supervisor must complete the Bilingual Certification Request Form ([SO-141](#)) and submit it to the OCR. The OCR will process the request then provide instructions on how to proceed to both the employee and their supervisor. Once results are relayed from the vendor, the OCR will notify and supply the corresponding certificate to the employee and their supervisor.

Bilingual Certification does not automatically entitle the certified employee to the Bilingual Pay Differential.

Bilingual Services Program

Programs are responsible for all fees associated with having an employee participate in the Bilingual Certification process which includes costs for the exam, proctors, or missed exams. Additional costs may be incurred depending on surrounding circumstances of a particular situation and will be communicated to programs by the OCR.

Bilingual Pay Differential

Employees whose job requires bilingual skills for at least 10 percent of their total work time and have obtained Bilingual Certification may be eligible for a Bilingual Pay Differential.

Program management identifies which position(s) may qualify for the Bilingual Pay Differential and are required to follow the procedures set forth in the [HRB Standard Operating Procedure #14](#) to request the Bilingual Pay Differential for the identified position(s).

Monetary rates for the Bilingual Pay Differential can be found in the respective [Bargaining Unit Agreements](#).

Language Services

The Department is committed to offering a variety of language services to LEP persons to ensure equal access to Department services and information.

Certified Bilingual Employee Assistance

A list of Certified Bilingual Employees is maintained by the Bilingual Services Coordinator. Those individuals will be provided with up-to-date information and training in order to assist with facilitating interactions with LEP persons. The list details the name of the Certified Bilingual Employee, contact information, and what language(s) they are certified in. This list is posted on the [OCR's Intranet Portal Page](#).

Document Translation

When appropriate and feasible, all programs shall make materials and documents available in both English and the requested language. Priority will be given to materials that provide information to, or require information from, an individual whose rights, duties, and/or privileges are impacted by a service or benefit provided by the Department. Examples include, but are not limited to, complaint forms, materials related to obtaining or maintaining Department issued licenses or certificates, applications for grants or awards, and information on how to participate in Department proceedings, hearings, or meetings.

At a minimum, all public facing vital documents must be translated into

Bilingual Services Program

Spanish. The determination of whether a document is “vital” should be determined by the definition in this policy but is ultimately the decision of each respective program. Department programs have the option of fulfilling this translation requirement in one of two ways:

- Utilize the translation service contract maintained by the OCR. To request this service, complete the Request for Document Translation Form ([SO-81](#)) and submit it to the OCR for processing.
- Establish a program-specific translation services contract. This would be preferable if the request for translation is voluminous or contains technical language.

A list of translated documents and the language they are translated into shall be maintained by the program and provided to the OCR upon request.

Language Access Complaints

LEP persons, their representatives, or other members of the public may file a Language Access Complaint for any failure of the Department to provide assistance or services in a non-English language. If a Language Access Complaint is filed, the assisting employee is required to abide by the following procedures:

- Provide the complainant with the Language Access Complaint Form ([SO-215](#)).
- If the complaint form is not available in the complainant’s primary language, the assisting employee shall utilize the telephonic interpreting service¹ to assist them in completing the complaint.
- Instruct the complainant to follow the directions on the form.
- If a Language Access Complaint is received by a Department employee, that employee shall submit the form to the OCR at civil_rights@cdfa.ca.gov.

The OCR will work with the affected program to address all Language Access Complaints in a timely fashion.

Telephonic, In-person, or Other Interpretation Services

The OCR shall maintain a contract to provide telephonic interpretation services for the Department. This service may be used when a Certified Bilingual Employee is not available to assist with an LEP individual. Information for

¹ Follow the procedures under the “Telephonic, In-person, or Other Interpretation Services” section of this policy.

Bilingual Services Program

contacting this vendor will be posted on the [Department intranet portal](#) and on the [Department main webpage](#). To utilize this service, follow the directions posted.

The OCR shall maintain a contract to provide in-person, web-based, or other (such as American Sign Language) interpretation for language services where necessary. To request the use of this service, contact the OCR. In situations where the request for these services occurs on a regular basis or are technical in nature, programs are encouraged to enter into their own contract.

Language Survey

The purpose of the Language Survey is to count the Department's public contacts and report what language is used during those contacts. This is to ensure all Californians receive equal access to the various programs, benefits, and services offered by the Department.

Every even-numbered year the Department shall participate in the Language Survey. The Bilingual Services Coordinator will coordinate and implement the survey in accordance with California Department of Human Resources (CalHR) guidelines. All Public Contact Employees are required to participate in and assist with the survey as determined by the Bilingual Services Coordinator within CalHR requirements.

If it is determined at the conclusion of the survey that any office has had five percent of their contacts in any particular language other than English, they must provide services and materials in that language until it no longer meets that threshold. These findings will be reported to each Division Director at the conclusion of the Language Survey.

Public Contact Employees and Required Training

If designated as a Public Contact Employee by their program, that employee is required to abide by the following procedures when engaging with an LEP person:

- Make every effort to identify the LEP person as early as possible during the initial contact.
- Utilize the [Language Identification Guide](#) to determine the language needs of the LEP person.
- Contact a qualified interpreter (Certified Bilingual Employee or telephonic service) as soon as possible to ensure there are no significant delays in service.

All Public Contact Employees are required to complete the Bilingual Services

Bilingual Services Program

Public Contact Employee training and review this policy upon hire and every other year thereafter.

Distribution

Distribution of the above policy/procedure includes all employees.

Any questions regarding the Bilingual Pay Differential should be directed to the HRB at (916) 654-0790.

All other questions about the Bilingual Services Program should be directed to the OCR at (916) 654-1005 or civil_rights@cdfa.ca.gov.

Bilingual Services Program

**THIS SERVES AS NOTICE TO EMPLOYEES OF THE CDFA
BILINGUAL SERVICES PROGRAM POLICY.**

I hereby certify I have read and understand CDFA's Bilingual Services Program Policy. This is to be acknowledged upon hire and every other year thereafter.

Employee Name

Employee Signature

Date

Division/Branch/DAA

Retain in the supervisor's drop file for the employee until superseded. Do not send to the OCR.

cc: Employee

Upward Mobility Program Policy

Rev. May 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) to provide equal employment opportunities and the appropriate career tools to facilitate upward movement for all qualified employees. It is also the policy of CDFA to provide information that will assist employees with achieving their individual career goals. The Office of Civil Rights (OCR) and Human Resources Branch (HRB) will establish and maintain an Upward Mobility Program (UMP) to offer these tools and information to CDFA employees.

Authority

California Code of Regulations, Title 2, Sections [599.819](#), [599.981-985](#)

Government Code Sections [19400-19406](#)

Definitions

<i>Career Development Plan (CDP)</i>	An employee's written plan (SO-79) for advancement, which identifies a career goal and the specific self-development actions, including, but not limited to work experiences, college courses, and training classes needed to achieve their goal
<i>Entry-level Technical, Professional, and Administrative (TPA) Positions</i>	Positions in TPA classifications for which hiring is typically open to the public and into which employees in low paying classifications may advance. Determined by the California Department of Human Resources (CalHR).
<i>Individual Development Plan (IDP)</i>	The written IDP (STD. 637) describing training or development programs in which the employee intends to participate which is approved by the employee's supervisor.
<i>Low-Paying Classifications</i>	Occupations that are traditionally low-paying and provide little advancement into TPA jobs; but are not necessarily the lowest salaries. Determined by the California Department of Human Resources (CalHR).
<i>Mentoring</i>	Relationship with the goal of professional development.
<i>On-The-Job Training</i>	An alternative or complement to formal classroom training which is planned and conducted by a qualified individual at the worksite.
<i>Qualified Employees</i>	Any CDFA or District Agricultural Association (DAA) employee not in a supervisory or management classification.

Upward Mobility Program Policy

<i>UMP Committee</i>	A committee consisting of CDFA's OCR Chief, UMP Coordinator, HRB Exam Manager, and other volunteer UMP Counselors.
<i>UMP Counselor</i>	May also be referred to as a "career counselor." A volunteer leader in the UMP responsible for mentoring, assisting, and guiding UMP participants toward their career goals through various means.
<i>UMP Workshop</i>	UMP Counselor-developed and facilitated courses designed to assist in the participants' career development.

Responsibility

<i>OCR/UMP Coordinator</i>	Publicizes the UMP to CDFA and DAA employees annually for a reasonable period, not less than five business days. Communicates the progress of the UMP to the California Department of Human Resources annually via the Workforce Analysis. Monitors and evaluates the overall effectiveness of the UMP. Ensures that all qualified employees are given equal consideration to participate in the UMP. Notifies employees if accepted into the program. Serves on the UMP Committee.
<i>HRB</i>	Designate an HRB liaison to serve as the co-coordinator for the UMP with the OCR. Work with the OCR to administer the UMP on an annual basis. Ensure the CDFA Online University has current and relevant trainings related to personal growth, career development, and upward mobility.
<i>UMP Committee</i>	Develops and administers the UMP.
<i>Supervisors, Manager, and Chief Executive Officers</i>	Inform qualified employees that the UMP is available. Provide assistance with the IDP process. Help UMP participants identify skills and interests to determine career goals. Assist with finding training that will provide desirable skills and abilities.

Upward Mobility Program Policy

	Assign (when feasible) work to assist the UMP participant in achieving their desirable career goals.
<i>Employees</i>	Submit their UMP Application (SO-78) to their supervisor for approval to participate in the UMP. Work with their supervisor to develop an updated or new IDP to submit with their UMP application. Maintain a satisfactory level of performance on the job and complete all required components of the UMP. Remain discipline free for the duration of their participation in the UMP. Actively participate in the UMP. Complete and submit a completed CDP (SO-79) at the conclusion of the UMP if in a Low-Paying Classification.

UMP Purpose and Components

The UMP encourages participants to learn new skills, refine existing abilities, and gain access to new resources that will help them achieve their career objectives.

Components of the UMP may include but are not limited to:

- One-on-one meetings, mentoring, and career counseling with their assigned UMP Counselor.
- Training programs through the CDFA University and other training entities if approved by their supervisor.
- UMP Workshops designed to help the participant:
 - Better understand the state hiring process.
 - Understand minimum qualifications, job announcements, and exam bulletins.
 - Identify their skills and consider strategies to refine them.
 - Prepare high quality applications, resumes, and statements of qualification.
 - Other topics as decided by the UMP Committee will be added and developed for each year's program.
- On-the-job training as approved by the participant's supervisor.
- Consultations with people currently in the job(s) the UMP participant is interested in.

Upward Mobility Program Policy

No employee shall be guaranteed a promotion or career advancement due to their participation in the UMP. Any promotions or advancement will come from the participants' own efforts in seeking these opportunities outside of the UMP.

Application and Selection Process

The following steps are to be taken to participate in the UMP:

1. Qualified employees interested in the UMP are to submit the UMP Application to their supervisor during the announced application period.
2. Supervisors review and approve the UMP Application if the following criteria have been met:
 - Applicant's current appointment is not at a supervisor or manager classification.
 - Applicant has been in their current position for no less than six (6) months.
 - Applicant has exhibited satisfactory performance for no less than six (6) months.
 - Applicant has been discipline-free for no less than six (6) months.
3. Upon approval of the UMP Application, the applicant should work with their supervisor to complete a new or updated IDP to determine the performance objectives for the coming year and the plan for achieving those objectives (training, mentoring, job shadowing etc.). For more information on IDPs, refer to the [Performance Appraisals, Individual Development Plans, and Annual Training/Policy Review \(9.7.1\)](#) policy for additional information.
4. Once approved/signed by the supervisor, the supervisor or applicant must submit the applicant's UMP Application, the IDP, and a copy of the applicant's most recent Examination/Employment Application ([STD. 678](#)) to the UMP Coordinator at civil_rights@cdfa.ca.gov.
5. The UMP Coordinator will review the application package to confirm eligibility and notify the applicant whether or not they have been selected to participate in the UMP. All efforts will be taken to admit as many participants as possible. Each year's UMP cap on participation will be determined by the number of volunteer UMP Counselors participating and the number of approved applicants for the program. In the event that not all applicants can be accepted into the UMP, those applicants in low-paying classifications will receive preference in the applicant screening process¹.

¹ These classifications will receive preference in the UMP due to the governing authorities for this policy specifically designating UMPs statewide as specifically for low-paying classifications.

Upward Mobility Program Policy

The OCR will retain copies of all UMP application packets submitted for no less than seven (7) years.

Participant Expectations

Selected applicants must adhere to the following to remain in the UMP:

- Complete all required components of the UMP. These required components are subject to change dependent on the structure of the program during any given year.
- Maintain satisfactory job performance for the duration of the UMP.
- Remain discipline-free for the duration of the UMP.

A participant's failure to adhere to these expectations will result in their removal from the UMP.

Distribution

Distribution of the above policy/procedure includes all employees.

Questions regarding career development, training, or state civil service examinations should be directed to the HRB at cdfa.asd_hrb_main@cdfa.ca.gov or (916) 654-0790.

Questions regarding this policy or the UMP in general should be directed to the OCR at civil_rights@cdfa.ca.gov or (916) 654-1005.

Reasonable Accommodation Policy

Rev. October 2025

Policy

It is the California Department of Food and Agriculture's (CDFA) policy that accommodations are offered to qualified individuals with disabilities and/or medical conditions to enable them to perform the essential functions of their jobs, enjoy equal employment benefits and privileges, and to enable applicants to participate in the examination/selection process.

The Department is committed to a policy of equal employment opportunity and a discrimination-free work environment for all employees and applicants.

This policy applies to all CDFA and District Agricultural Association (DAA) staff, board members, contract and temporary employees, and volunteers.

Authority

Americans With Disabilities Act (ADA) of 1990, [\(42 U.S.C. 12101-12213\)](#)

California Code of Regulations, [Title 2, section 11065, 11069](#)

California Fair Employment and Housing Act, Government Code Sections [12940 et seq.](#), [12926](#)

California Government Code Sections [18940](#), [19230-19237](#), [19700-19706](#)

Disabled Persons Act, [California Civil Code section 54, et seq](#)

Federal Civil Rights Act of 1964, [Title VII](#)

Rehabilitation Act of 1973, [sections 501 and 505 \(U.S.C.\)](#)

Definitions

Essential Functions: Tasks that are fundamental to the performance of the job. A job task may be considered "essential" if the position exists to perform that function.

Direct Threat: A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by the Reasonable Accommodation (RA).

Interactive Process: A timely, good-faith communication between the employer and the job/exam applicant (applicant) or employee, with a known physical or mental disability or medical condition in an attempt to accommodate the employee. Communication may be fulfilled in person, via video conferencing, email, or telephone conversations.

Reasonable Accommodation Policy

Limits, Limitations, or Restrictions: A restriction on the size or amount of something permissible or possible in the course of the job as defined by the employee's medical substantiation.

Major Life Activity: Broadly construed to include physical, mental, and social activities including, but not limited to working, walking, reading, and writing.

Mental Disability: Having any mental or psychological disorder or condition, such as an intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disability that limits a major life activity.

A mental or psychological disorder or condition that limits a major life activity if it makes the achievement of the major life activity difficult.

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

Obvious: For the purpose of this policy, a disability or condition is obvious when it is clearly visible, self-evident, or apparent. As such, an individual does not need to produce medical information to prove an obvious or apparent limitation such as a missing limb. A disability or condition that is obvious may still require medical certification of work restrictions depending on the nature of the request.

Physical Disability: Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, circulatory, hemic, and lymphatic, skin and endocrine; and limits a major life activity.

A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that limits a major life activity if it makes the achievement of the major life activity difficult.

"Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

Qualified Individual: An individual who satisfies the requisite skills, experience, education, and other job-related requirements of the job classification. This includes those individuals with disabilities who, with or without accommodation, can perform the essential functions of either the position or the job classification.

Reasonable Accommodation: Any modification or adjustment to a job, work environment, or in the method of performing functions, which enables an individual with a disability to enjoy equal employment opportunities and perform the essential

Reasonable Accommodation Policy

functions of the position. Accommodations in the job application, examination, or hiring processes may enable an individual with a disability to have equal opportunity in the hiring process.

Undue Hardship: An action requiring significant difficulty or expense when considered in light of a number of factors

Responsibility

Office of Civil Rights (OCR):

- Administer the RA program including designating an RA Coordinator, maintaining the RA policy and forms, and developing RA training.
- Investigate complaints of discrimination, harassment, and retaliation.
- Review all requests for RA denials, modifications, and undue hardships submitted on the Accommodation Modification/Denial Worksheet ([SO-90](#)) and make determinations.

RA Coordinator:

- Provide consultation and assistance to ensure compliance with state and federal laws and regulations and the RA process.
- Facilitate the interactive process between the RA requestor and the program by discussing the requested modifications necessary to enable the employee to perform the essential functions of the job.
- Provide the employee with a timely written notice concerning the status of the request within 20 working days. The notice approves or denies the request, seeks additional information, or continues the interactive process.
- Provide written notification to departmental staff, including, but not limited to; the Human Resources Branch (HRB), or Departmental Services Branch (DSB) staff in the event additional resources are required to implement an accommodation.
- Once a request is approved, engage in regular follow-ups and consultations with the employee and their manager or supervisor to evaluate the effectiveness of the accommodation.

Human Resources Branch:

- Provide consultation when the accommodation requires a personnel action, such as a major or substantial change in job duties, a job transfer, a temporary reassignment, a resignation/retirement, or when a State Compensation Insurance Fund (SCIF) claim, the Family Medical Leave Act/California Family Rights Act (FMLA/CFRA), Pregnancy Disability Leave (PDL), Qualifying Exigency Leave (QEL), Military Caregiver Leave (MCL), State Disability Insurance (SDI), or Non-Industrial Disability Insurance (NDI) is involved.
- Work with the supervisor to accommodate an employee when the accommodation is related to an open SCIF claim.

Reasonable Accommodation Policy

Building and Property Management Unit, DSB:

- Provide consultation on physical changes to workspaces as needed based on the restrictions identified in an RA request.
- Work with the program to facilitate any necessary physical changes to workspaces with vendors and landlords as needed.

Health and Safety Coordinator:

- Advise on Health and Safety matters related to accommodations.
- Conduct ergonomic evaluations in accordance with the Ergonomic Program policy when needed for new equipment or when designated as part of an RA agreement.

RA Procurement Coordinator:

- Work with the RA Coordinator to facilitate the purchase of RA equipment.
- Ensure RA acquisitions are tracked and expedited.
- Participate in trainings as required by the Department of General Services.
- Ensure RA acquisitions are accurately recorded in the Financial Information System for California (FI\$Cal).

Managers, Supervisors, Chief Executive Officers (CEOs):

- Must offer an opportunity for an employee to request an accommodation immediately if they are made aware that an employee may have a disability or medical condition that is keeping them from performing their essential functions. Failure to do so will result in a violation of this policy and may result in disciplinary action.
- Must consider accommodations for applicants for exams, interviews, or other components of the hiring process if an applicant requests an accommodation for a disability or medical condition during the hiring process.
- Work with the OCR by engaging in the interactive process with the employee or applicant by discussing the requested modifications necessary to enable the employee to perform the essential functions of the job or the applicant to participate in the hiring process.
- Upon receipt of a verbal or written RA request, refer the employee to the OCR and notify the OCR of the forthcoming request.
- Notify the HRB Disability Management Unit (DMU) if the employee has a current worker's compensation claim, is on family medical leave (FMLA/CFRA), QEL, MCL, SDI, or NDI.
- Provide assistance to the employee or applicant in completing the Reasonable Accommodation Request form ([SO-142](#)). The employee or applicant may also be referred to the OCR for assistance.
- Document all discussions regarding the request.
- Provide copies of all relevant documentation to the OCR.

Reasonable Accommodation Policy

- Discuss accommodations with others only on a need-to-know basis and limit disclosure of accommodations to other staff or management unless absolutely necessary.
- Provide the OCR with a timely written notice as to the program's recommendation on the employee's RA request. The correspondence should indicate whether the request can be approved or denied, if additional information is needed, or whether additional time is needed to evaluate alternative methods to accommodate the employee's work-related limitations.
- If requesting an RA denial, modification, or undue hardship, complete the [SO-90](#) and submit to the OCR.
- Notify the OCR within five working days of implementation of the RA.
- Attend the required RA training once every four years.

Employees:

- Initiate the request for accommodation and discuss the need with their immediate supervisor.
- Complete the [SO-142](#) to identify barriers or work-related limitations, based on a disability or mental condition.
- Submit the request for accommodation to the immediate supervisor and the OCR.
- Include sufficient medical documentation, as outlined in this policy, to justify the need and identification of modifications, equipment, or services for accommodation.
- File a complaint with the OCR if they feel they are being discriminated or retaliated against or harassed based on a protected characteristic or for requesting an RA.

Job/Examination Applicants:

- Initiate the request for accommodation and discuss the need with the hiring manager, hiring contact, exam proctor, HRB, or OCR.
- Complete Question Two on the Examination/Employment Application ([STD 678](#)).
- Complete the [SO-142](#) to identify barriers or work-related limitations, based on a disability or mental condition.
- If the disability or condition is not obvious, the request shall contain sufficient medical documentation to justify the need and identification of modifications, equipment, or services for accommodation.
- File a complaint with the OCR if they feel they are being discriminated or retaliated against or harassed based on a protected characteristic or for requesting an RA.

Reasonable Accommodation Policy

Initiating a Request for Reasonable Accommodation

A request for RA may be initiated by an employee/applicant with a disability or medical condition, family member, health professional, or other representative authorized to act on the employee's behalf. The employee/applicant shall provide medical documentation to substantiate their need for an RA. Medical documentation may be waived if the disability/condition is obvious and the accommodation request is directly pertinent to the obvious disability/condition.

The employee/applicant may also give permission, via the Authorization for the Release of Medical Information on page three of the [SO-142](#), to their manager, supervisor, hiring contact or the OCR to consult with their physician.

The completed [SO-142](#) shall be submitted to the OCR by email, standard mail, or in person.

Medical Certification

It is the employee's/applicant's responsibility to provide appropriate medical information from a qualified health care provider verifying their limitations and the requested accommodation. When a disability/medical condition is obvious, as defined above, and the request itself is directly pertinent to that disability/medical condition, the need for medical certification may be waived.

When obtaining medical certification, the employee/applicant should share the duty statement with their medical provider.

The medical certification shall address the following:

- Verify the employee/applicant has a disability (not the diagnosis).
- Describe how the employee's limitations interfere with their ability to perform the essential functions of the job OR describe how the applicant's limitations interfere with the hiring process.
- Indicate whether these limitations are temporary or permanent. If temporary, the anticipated start and end date must be indicated.
- Recommend a specific accommodation.

If the medical certification does not clearly explain the limitations or the need for the accommodation, additional medical certification will be required.

For accommodations that extend beyond one year, programs and the OCR reserve the right to request updated certification that an accommodation is still necessary and may do so on a yearly basis.

Reasonable Accommodation Policy

Interactive Process

The interactive process is initiated immediately upon receipt of the RA request. The employee/applicant, the manager or supervisor, and the OCR shall communicate with each other about the request, the precise nature of the limitation(s) that is generating the request, and alternative accommodations that may be effective in meeting the employee's need.

Employees needing an accommodation for a disability on an intermittent basis, such as the assistance of sign language interpreters or readers, only need to submit one request as long as the accommodation is the same each time the accommodation is needed. If the accommodation is needed on a regular basis (i.e., weekly staff meeting), the employee's manager or supervisor should ensure that the accommodation is met without requiring a request in advance for each occasion.

Analysis, Approval, and Reasonable Accommodation Agreement

The RA process requires an individualized assessment of both the job and the specific limitations of the individual that are directly related to the need for RA.

The Department will consider the employee's/applicant's preferred accommodation request but may provide alternate options if they are effective for the employee/applicant.

An RA need not be the highest quality, most expensive, or the specific accommodation requested, if it achieves the desired result, which is to enable the employee to perform the essential functions of the job or to allow an applicant to effectively participate in the hiring or examination process. Where two or more accommodations are reasonable, the OCR, in consultation with management, will determine which accommodation is offered based upon operational needs.

When an RA request is approved and all parties have agreed to the accommodation, the OCR will draft an agreement that details:

- The agreed-upon conditions of the accommodation.
- The responsibilities of both the employee and the manager or supervisor.
- The duration of the accommodation.
- Any other pertinent information as determined by the case.

The final agreement shall be signed by the OCR, the employee's/applicant's manager, supervisor, and/or hiring contact, and the employee/applicant. The signed agreement shall be returned to the OCR to be retained in the employee/applicant's file. The manager and/or supervisor shall notify the OCR within five business days of the accommodation going into effect. The OCR will follow up routinely with all accommodation agreements as needed, but no less than

Reasonable Accommodation Policy

annually.

Denial or Modification of a Reasonable Accommodation Request

A request shall not be denied based on a belief that the accommodation should have been requested earlier (i.e., during the application or hiring process). Approval from the OCR is required to deny a requested accommodation or to modify an existing accommodation. To request denial or modification of a requested accommodation, the employee's manager or supervisor must submit the basis of the denial or modification, in writing, to the OCR on the [SO-90](#). If the denial or modification is approved, the OCR will notify the employee in writing of the denial or modification. Reasons for denial or modification may include, but are not limited to:

- Documentation is inadequate to establish the individual has limitations and/or restrictions or needs an accommodation.
- The accommodation would not enable the individual to perform the essential functions of the job.
- The accommodation would pose an undue hardship to the Department.
- The accommodation poses a direct threat to the individual or others.

Undue Hardship

If a program requests denial of an RA request because the RA would impose an undue hardship on its operations, the employee's manager or supervisor shall submit a completed [SO-90](#) to the OCR detailing the criteria upon which the undue hardship is based. The determination of undue hardship must be made on a case-by-case basis. Factors for determining undue hardship include, but are not limited to:

- The overall size of the program with respect to the number of employees, number and type of facilities, and size of budget.
- The type of operation includes the composition and structure of the program's workforce. If undue hardship is claimed on the basis of the composition and structure of the program's workforce, it must be clearly documented that all available alternatives have been explored to accommodate qualified disabled applicants or employees.
- The cost of the accommodation needed. A claim of undue hardship based on cost must clearly indicate alternatives explored and how the cost will impact the operation of the program.
- Significant impacts to the operational needs of the unit, branch, or division.

Reasonable Accommodation Policy

Direct Threat

The determination that an RA poses a direct threat shall be based on a case-by-case assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on the most current medical knowledge and/or on the best available objective evidence. In determining a direct threat, the factors to consider include:

- Duration of the risk.
- Nature and severity of the potential harm.
- Likelihood that the potential harm will occur.
- Imminence of potential harm.
- Any relevant information about an employee's past work history.

Worksite Modifications and Equipment

Worksite modifications or equipment purchased specifically for medical conditions or disabilities must be obtained through the RA process, which can include the purchase of non-standard equipment on a case-by-case basis. Equipment and worksite modifications not needed for a disability or medical condition would not require an RA and should be approved at the discretion of the program. This includes equipment suggested through ergonomic evaluations which are considered preventive measures to identify and mitigate potential injuries or illnesses.

Any equipment purchased by the Department for an employee as an accommodation will be retained for use by the employee as long as they remain employed by the Department. If the employee moves to a new position within the Department, the equipment purchased should move with them to the new position unless the equipment will not help them with their new essential functions. In this instance, a new RA should be initiated by the employee and/or that employee's manager/supervisor to ensure they can perform their essential functions.

If an employee is on a telework schedule and equipment is needed, the interactive process will be used to determine the needs of the program and the employee both at their home and the worksite. Determinations of what equipment is needed at a home office versus what is needed at the worksite will be determined on a case-by-case basis.

Upon an employee's transfer from one program to a different program within the Department, the managers from each program should work out an agreement to have the RA equipment moved to the employee's new workstation and address any cost recovery.

Upon an employee's transfer or separation from the Department, all

Reasonable Accommodation Policy

accommodating equipment shall be retained by the Department. If an employee wishes to make a request for the transfer of RA acquired equipment or assistive devices (purchased by the Department) to a different state department, the employee must make the request in writing to their supervisor. If approved, the receiving department is responsible for all moving costs associated with the transport of any RA equipment.

If the receiving department does not agree to arrange and pay for transportation of the equipment, the Department retains ownership, and the employee must request an RA through the new department.

Manage's' and Supervisors' Responsibilities

Managers and supervisors have a responsibility to offer an employee the opportunity to request an accommodation by immediately providing them with this policy and the [SO-142](#) when a manager or supervisor becomes aware of an employee's need for accommodation. Upon receipt of the completed [SO-142](#), the request shall be forwarded to the OCR for review and engagement in the interactive process. Failure by the supervisor or manager to follow the process above violates this policy and may result in disciplinary action.

Managers and supervisors are expected to maintain reasonable confidentiality of an employee's accommodation. Managers, supervisors, and CEOs are expected to limit disclosure of an employee's accommodation to other staff, supervisors, or management unless absolutely necessary and on a need-to-know basis.

Discussions of an employee's accommodation should be limited to key staff including, but not limited to, the employee; their manager, supervisor, or CEO; the OCR; and, if necessary, their Branch Chief or Division Director; DSB; and HRB. Please consult with the OCR if there are questions about who has a need to know. Failure by the manager, supervisor or CEO to follow the above violates this policy and may result in disciplinary action.

Discrimination, Harassment, and Retaliation Prohibition and Complaints

Discrimination or harassment against an individual because of their actual or perceived protected characteristic, including disability or medical condition¹, is strictly prohibited and will not be tolerated by the Department. Additionally, retaliation against an individual for exercising their right to request an accommodation related to a disability or medical condition is strictly prohibited and will not be tolerated by the Department.

These prohibitions apply to all employees, not only managers and supervisors of

¹ For a comprehensive list of all protected characteristics, please refer to the Discrimination and Harassment Prevention Policy.

Reasonable Accommodation Policy

those requesting an accommodation.

An employee may file a complaint through the Department's discrimination and harassment complaint process, in the event they believe they are experiencing discrimination, retaliation, or harassment because of their protected characteristic, because they requested an RA, or because they have been denied access to the interactive process. Please refer to the [Discrimination and Harassment Prevention Policy](#) for the processes and procedures for filing a complaint with the OCR or other entity.

Appeal Rights and Procedure

If a request for an accommodation is denied or if the OCR fails to acknowledge an RA request as detailed above, the employee may file an appeal or complaint with the following entities:

- **California Civil Rights Department**
Website: <http://www.cacivilrights.ca.gov>
English to Voice/TTY: 800-588-7100
Spanish Voice/TTY: 800-855-7200
Speech to Speech (STS): 800-855-7300
Visually Assisted STS: 800-855-7400
- **Equal Employment Opportunity Commission**
Website: <https://www.eeoc.gov>
Telephone: 800-669-4000
- **State Personnel Board**
Telephone: (916) 653-0799
Online: <https://appeals.spb.ca.gov/aos/appeal.html>
Email: appeals@spb.ca.gov

Please refer to the [Discrimination and Harassment Prevention Policy](#) for further directions and timelines for filing complaints with these entities.

Confidentiality of Medical Documents

Medical information obtained in connection with the RA process shall be kept confidential. The information the OCR obtains will be kept in files separate from the employee's personnel file and other non-medical employment-related files.

Non-medical information related to the accommodation may only be shared with those who have a need to know, and those individuals may only receive information that is necessary to make appropriate determinations and arrangements related to the employee's accommodation.

Reasonable Accommodation Policy

Training

All managers, supervisors, and CEOs are required to take the Department's RA training at least once every four years.

Distribution

Distribution of the above policy includes all employees.

Questions concerning this policy or if seeking advice or consultation regarding an RA request should be directed to the OCR at (916) 654-1005 or civil_rights@cdfa.ca.gov.

Reasonable Accommodation Policy

**THIS SERVES AS NOTICE TO EMPLOYEES OF THE CDFA
REASONABLE ACCOMMODATION POLICY.**

I hereby certify I have read and understand CDFA's Reasonable Accommodation Policy. This is to be acknowledged upon hire and annually thereafter.

Employee Name

Employee Signature

Date

Division/Branch/DAA

Retain in the employee's supervisor drop file until superseded. Do not send to the OCR.

cc: Employee

Religious Accommodation Policy

Rev. October 2023

Policy

The California Department of Food and Agriculture and the District Agricultural Associations (herein referred to as the Department) are committed to providing an inclusive work environment that is respectful of the religious beliefs, observances, and practices of its employees and job applicants.

It is Department policy to make a good faith effort to provide accommodations to employees and job applicants to accommodate their religious beliefs, observances, or practices if reasonably possible, without substantial undue hardship to the Department.

The Department is committed to a policy of equal employment opportunity and a discrimination-free work environment for all employees and job applicants.

Authority

California Civil Code, Section [51](#)

California Code of Regulations, title 2, sections [11059-11063](#)

California Government Code, Sections [12900](#), [12926](#), [12940](#)

Federal Civil Rights Act of 1964, [Title VII](#)

Definitions

Interactive Process: A timely, good faith communication between the employer and the applicant or employee with a known religious practice or belief that conflicts with a job requirement. Communication may be achieved in person, via email, or via telephone conversations.

Religion Includes any traditionally recognized religion as well as theistic or non-theistic beliefs, observances, or practices which are sincerely held parallel to or with the strength of traditional religious views. Includes all aspects of religious belief, observance, and practice, including religious dress and grooming practices.

Religious Accommodation (RA) An accommodation that eliminates or mitigates the conflict between the religious belief or practice and the job requirement.

Accommodations are only reasonable if they do not pose a substantial undue hardship to the Department.

Religious Accommodation Policy

<i>Religious Dress</i>	The wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of an individual observing a religious belief.
<i>Religious Grooming</i>	Includes all forms of head, facial, and body hair that are part of an individual observing a religious creed.
<i>Substantial Undue Hardship</i>	An action requiring substantial difficulty or expense when considered in relation to the size, resources, nature, and structure of the Department's operations.

Responsibility

<i>Office of Civil Rights (OCR)</i>	Provide consultation and assistance with the interactive process to ensure compliance with state and federal laws and regulations. Provide the employee with a timely written notice concerning the outcome of the RA request within 30 working days. The notice approves or denies the request, seeks additional information, or continues the interactive process. Provide notification to departmental staff, including, but not limited to; the Human Resources Branch (HRB), the Labor Relations Officer, or Departmental Services Branch in the event additional resources are required to implement an accommodation. Once a request is approved, engage in regular follow ups and consultations with the employee and their manager or supervisor to evaluate the effectiveness of the RA. Investigate complaints of discrimination, harassment, and retaliation. Develop and offer the Department's required RA training to managers and supervisors.
<i>HRB</i>	Provide consultation when the RA requires a personnel action, such as a major or substantial change in job duties, a job transfer, or a temporary reassignment.
<i>Managers, Supervisors, Chief Executive Officers</i>	Must offer an opportunity for an employee to request an accommodation if they knew or should have known that the employee may have a religious belief or practice that conflicts with a job requirement. Failure to do so will result

Religious Accommodation Policy

in a violation of this policy and could result in disciplinary action.

Immediately notify the OCR upon receipt of a verbal or written RA request.

Work with the OCR to engage in the interactive process with the employee by discussing the conflict between the job requirement and the employee's religious beliefs, observances, or practices in order to best accommodate them.

Provide assistance to the employee in completing the Religious Accommodation Request form ([SO-242](#)). The employee may also be referred to the OCR for assistance.

Document all discussions regarding the RA request.

Provide copies of all relevant documentation to the OCR.

Provide the OCR with a written notice concerning the status of the request within 10 working days. The notice should indicate whether the request can be accommodated as requested, if additional information is needed, or whether additional time is needed to evaluate alternative methods to accommodate the employee's requested accommodation.

Attend the required RA training once every four years.

Employees

Initiate the request for an accommodation and discuss the need with their immediate supervisor or the OCR. Complete the [SO-242](#) to identify the conflict between the job requirement and their religious beliefs, observances, or practices.

Submit the completed SO-242 to the immediate supervisor or the OCR.

Provide additional information as requested by the OCR.

[File a complaint](#) if they feel they are being discriminated or retaliated against or harassed based on their protected characteristic or for requesting an RA.

Initiating a Request for Religious Accommodation

A request for an RA may be initiated by an employee, a family member, a religious or spiritual leader, or other representative authorized to act on the employee's behalf by declaring the need for an accommodation and submitting the SO-242 to

Religious Accommodation Policy

the employee's immediate supervisor or the OCR.

In cases where the employee has not provided sufficient information to substantiate the conflict between the job requirement and their religious belief or practice, a note on the religious organization's letterhead signed by a member of the clergy or an attestation of faith detailing the conflict may be requested on a case-by-case basis by the OCR.

The completed SO-242 shall be submitted to the OCR by email, standard mail, or in person.

Interactive Process

The interactive process is initiated immediately upon receipt of the Religious Accommodation Request. The employee, the employee's manager or supervisor, and the OCR shall communicate with each other about the request, the conflict between the job requirement and the employee's religious belief or practice that is generating the request, and alternative accommodations that may be effective in meeting the employee's need.

Approval and Religious Accommodation Agreement

When a Religious Accommodation Request is approved and all parties have agreed to the accommodation, the OCR will draft an agreement that details:

- The agreed upon conditions of the accommodation.
- The responsibilities of both the employee and the manager or supervisor.
- The duration of the accommodation.
- Any other pertinent information as determined by the case.

The final agreement shall be signed by the OCR, the employee's manager or supervisor, and the employee. The signed agreement shall be mailed, scanned and emailed, or hand-delivered to the OCR to be retained in the employee's file.

Examples of possible accommodations for religious beliefs, observances, or practices include but are not limited to:

- Schedule changes so the employee can attend church services.
- Time off to attend a one-time ritual ceremony.
- A break schedule that will permit daily prayers at prescribed times.
- Exemption to a uniform requirement to allow for religious dress practices.

Denial or Modification of a Religious Accommodation Request

A request may not be denied based on a belief that the accommodation should have been requested earlier (i.e., during the application or hiring process).

Religious Accommodation Policy

Approval from the OCR is required to deny a requested accommodation or to modify an existing accommodation. To request a denial or modification of an accommodation, program management must submit the basis of the denial or modification, in writing, to the OCR. If the denial or modification is approved, the OCR will notify the employee in writing of the denial or modification. Reasons for denial or modification may include, but are not limited to:

- Incomplete or inadequate documentation submitted by the employee.
- The accommodation would preclude the individual from performing the essential functions of their job.
- The accommodation would pose a substantial undue hardship to the Department.
- The accommodation poses a risk of harm to the individual or others.

Substantial Undue Hardship

If a program wishes to deny an RA request because the RA would impose a substantial undue hardship on its operations, the program shall submit in writing to the OCR the criteria upon which the substantial undue hardship is based. The determination of substantial undue hardship must be made on a case-by-case basis. Factors for determining substantial undue hardship include, but are not limited to:

- The overall size of the program with respect to the number of employees, number and type of facilities, and size of budget.
- The type of operation including the composition and structure of the program's workforce. If a substantial undue hardship is claimed based on the composition and structure of the program's workforce, it must be clearly documented that all available alternatives have been explored.
- The cost of the accommodation needed. A claim of substantial undue hardship based on cost must clearly indicate alternatives explored and how the cost will impact the operation of the program.

Appeal Rights and Procedure

If an accommodation request is denied or if the OCR fails to acknowledge an RA request as detailed above, the employee may file a complaint with the following entities:

- **California Civil Rights Department (CRD)**
 Website: <http://www.calcivilrights.ca.gov>
 English to Voice/TTY: (800) 588-7100
 Spanish Voice/TTY: (800) 855-7200
 Speech to Speech (STS): (800) 855-7300
 Visually Assisted STS: (800) 855-7400

Religious Accommodation Policy

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

Website: <https://www.eeoc.gov>

Telephone: (800) 669-4000

Discrimination, Harassment, and Retaliation Prohibition and Complaints

Discrimination or harassment against an individual because of their actual or perceived protected characteristic, including religion¹, is strictly prohibited and will not be tolerated by the Department. Additionally, retaliation against an individual for exercising their right to request an accommodation related to a religious belief or practice is strictly prohibited and will not be tolerated by the Department.

These prohibitions apply to all employees, managers, supervisors, volunteers, board members, and other individuals covered by the Department's [Discrimination and Harassment Prevention Policy](#).

An employee may file a complaint through the Department's discrimination and harassment complaint process, in the event they believe they are experiencing discrimination, retaliation, or harassment because of their protected characteristic, because they requested an RA, or because they have been denied access to the interactive process. Please refer to the Department's [Discrimination and Harassment Prevention Policy](#) for the processes and procedures for filing a complaint with the OCR, CRD, and/or EEOC.

Training

All managers and supervisors are required to take the Department's Reasonable and Religious Accommodation training once every four years.

Distribution

Distribution of the above policy includes all employees.

For questions concerning this policy or regarding an RA, contact the OCR at (916) 654-1005 or civil_rights@cdfa.ca.gov.

¹ For a comprehensive list of all protected characteristics, please refer to the Discrimination and Harassment Prevention Policy.

Religious Accommodation Policy

**THIS SERVES AS NOTICE TO EMPLOYEES OF THE CDFA RELIGIOUS
ACCOMMODATION POLICY.**

I hereby certify I have read and understand CDFA's Religious Accommodation Policy. This is to be acknowledged upon hire and annually thereafter.

Employee Name

Employee Signature

Date

Supervisor's Name

Supervisor's Signature

Date

Division/Branch/DAA

Retain in the supervisor's drop file for the employee until superseded. Do not send to the OCR.

cc: Employee

Pre-Employment Inquiries

Rev. July 2024

Policy

The California Department of Food and Agriculture (CDFA) is an equal employment opportunity employer and is committed to a workplace and hiring practices free from discrimination. CDFA prohibits any non-job-related inquiry, whether verbal, through the use of an application form, or other means, which directly or indirectly limits a person's employment opportunities because of a protected characteristic.

The Fair Employment and Housing Act (FEHA) does not limit the right of employers to seek information about prospective employees or to establish the job performance qualifications they consider essential. However, the qualifications or standards set must be applied equally to all applicants.

CDFA is committed to a firm policy of equal employment opportunity and a discrimination-free work environment for all employees and applicants.

Authority

California Code of Regulations, Title 2, Sections [11016](#), [11017](#), [11017.1](#)

California Labor Code Section [430-435](#)

Government Code Sections [12900-12907](#)

Definitions

<i>Duty Statement</i>	A document that outlines essential functions, specific responsibilities and requirements necessary to perform a particular job or position.
<i>Essential Functions</i>	Duties that are fundamental to the performance of the job. A duty may be considered "essential" if the position exists to perform that function.
<i>Job-Related</i>	Criteria used to evaluate whether an individual will be hired, terminated, transferred, promoted, given a salary increase, etc., must be directly related to the person's knowledge, skills and abilities required to successfully perform the essential job functions.
<i>Pre-Employment Inquiry</i>	Any oral or written request made by an employer for information concerning the qualifications of an applicant for employment or for an activity leading to employment.
<i>Recruitment</i>	The practice of an employer informing individuals about employment opportunities, assisting an individual to apply for employment, or an activity leading to employment.

Pre-Employment Inquiries

Responsibility

<i>Office of Civil Rights (OCR)</i>	Maintain and administer the Discrimination and Harassment Prevention Policy. Investigate complaints of employment discrimination. Conduct the annual Workforce Analysis, including auditing job postings for non-job-related barriers and violations of this policy, and report the findings to the Secretary and the California Department of Human Resources (CalHR). Review and approve SO-88 Criminal History Employment Denial Assessment forms submitted to the OCR. Provide notice to applicants denied employment if the SO-88 Criminal History Employment Denial Assessment is approved and respond to all appeals to CDFA's decision.
<i>Human Resources Branch (HRB)</i>	Maintain and administer all policies and practices related to hiring and selection practices. Provide guidance to Department personnel on appropriate hiring and selection procedures and practices. Review job postings for prohibited inquiries or discriminatory language. Review and approve/deny SO-88 Criminal History Employment Denial Assessment forms submitted to the HRB.
<i>Managers, Supervisors, Chief Executive Officers (CEO:</i>	Ensure job postings do not contain prohibited inquiries or discriminatory language. Ensure job interview questions, Statement of Qualifications (SOQ) questions, selection processes, and any other inquiries made to an applicant are job related and based on the essential functions of the position. Inform the OCR immediately of any complaint of discrimination.

Job Postings

All job postings must be compliant with HRB practices and procedures. Job postings may include sections detailing the desirable qualifications for the position, type of work environment, necessary licenses, and other documents required with the application (including resumes, college transcripts, cover letter, SOQs). Any desirable qualifications listed and all requests for additional information from the applicant must be job-related.

Pre-Employment Inquiries

The Pre-Employment Interview

Interviewing selected applicants for a job is the key component to filling a vacancy and should be done equitably for all applicants selected for an interview. The questions asked during a pre-employment interview must be job related and each candidate must be asked the same set of predetermined questions.

When developing questions for the pre-employment interview process, the hiring manager should:

- Define the specific job requirements based on the Duty Statement.
- Focus on only those areas of an applicant's background and capabilities that are job-related.
- Ensure that all applicants are evaluated on the same job-related skills and abilities.
- Ensure all questions are compliant with HRB and CalHR requirements.

If information regarding a protected characteristic is shared during an interview or other pre-employment activity, no person involved in the hiring process shall use this information to discriminate against or use in favor of the applicant.

Guidelines for Pre-Employment Inquiries

The following are some examples of questions that are unlawful or unwise to ask potential employees and questions that are better substitutes, if any exist.

SUBJECT	ACCEPTABLE	UNACCEPTABLE
Age	Statements that hire is subject to verification that applicants meet legal age requirements.	Age, birthdate or questions that identify applicants over 40.
Birthplace, Citizenship	Statements/inquiries regarding verification of legal right to work in United States.	Birthplace of applicant or applicant's parents, spouse, or other relative. Requirements that applicant produce naturalization or alien card prior to employment.
Credit Report	None	Any report which would provide information that is otherwise illegal to ask, e.g., marital status, age, etc.

Pre-Employment Inquiries

SUBJECT	ACCEPTABLE	UNACCEPTABLE
Gender, Sex	None	Questions about applicant's gender/sex.
Gender Identity, Gender Expression	None	Questions about applicant's gender identity or gender expression.
Marital/Family/ Parental Status	Name and address of parent or guardian if applicant is a minor. Statement of Nepotism Policy regarding work assignment of employees who are related.	Questions to indicate applicant's sex, marital status, number/ages of children. Questions regarding pregnancy, childbirth, or birth control. Name/address of relative, spouse or children of adult applicant.
Mental/Physical Disability, Mental Condition, Genetic Information	Hiring manager may inquire if applicant can perform job-related functions with or without a reasonable accommodation. Statement that employment offer may be made contingent upon passing a job-related mental/physical examination. If a mental/physical examination is required, it must be job related and consistent with business necessity for all individuals being hired for a particular job classification.	Any inquiry into applicant's general health, medical condition, or mental/physical disability. Requiring a broad psychological/medical examination of any applicant. Questions or reports regarding an applicant's genetic information or characteristics.
Military Service	Questions regarding relevant skills that may have been acquired during U.S. military service.	General questions regarding military service such as date/type of discharge. Questions regarding service in a foreign military.

Pre-Employment Inquiries

SUBJECT	ACCEPTABLE	UNACCEPTABLE
Name	Legal Name, preferred name	Maiden Name
National Origin	Languages applicant reads, speaks or writes if use of language other than English is relevant to the job for which applicant is applying.	Questions as to nationality, lineage, ancestry, national origin, or descent of applicant, applicant's spouse, parent or relative.
Physical Description, Photographs, Fingerprints	Statement that a photograph may be required after employment.	Questions about applicant's height or weight. Requiring a photograph before employment.
Political Affiliation	None	Questions about applicant's political affiliation.
Race, Color	None	Questions about applicant's race, complexion, color, or hair type.
References	Name of persons willing to provide professional and/or character references for applicant.	Questions of applicant's former employers or acquaintances which elicit information specifying applicant's race, etc.
Religion	Statement by employer of regular days, hours, or shifts to be worked.	Questions regarding applicant's religion or religious days observed.
Residence	Place of Residence	Questions regarding owning or renting.
Sexual Orientation	None	Questions about applicant's sexual orientation.
Status as a Victim of Domestic Violence, Stalking, or Human Trafficking	None	Questions about applicant's status as a victim of domestic violence, stalking, or human trafficking.

Pre-Employment Inquiries

Criminal History

It is prohibited under the FEHA to inquire about an applicant's criminal history **prior** to a conditional job offer being made. This includes but is not limited to inquiries made through an application or supplemental questionnaire, informal background check, or internet searches.

Including statements in job advertisements, postings, applications or materials that no persons with criminal history will be considered for hire, such as "No Felons" or "Must Have Clean Record" is prohibited under the FEHA.

Hiring managers are prohibited from inquiring into or considering the following types of criminal history prior to making a conditional offer, after a conditional offer has been made, and in any subsequent employment decisions such as promotion, training, discipline, lay-off, and termination:

- An arrest or detention that did not result in conviction.
- Referral to or participation in a pretrial or post-trial diversion program.
- A conviction that has been judicially dismissed or ordered sealed, expunged or statutorily eradicated pursuant to law.
- An arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while a person was subject to the process and jurisdiction of juvenile court.

If an applicant raises their criminal history voluntarily prior to receiving a conditional offer, the hiring manager shall not consider this information in determining whether the applicant will be extended a conditional offer of employment.

If information of an applicant's criminal history is obtained through their own admission or other means and the hiring manager intends to deny an applicant the conditionally offered employment based on the criminal history; the hiring manager must complete the [Criminal History Employment Denial Assessment \(SO-88\)](#) and submit it to the OCR and the HRB for their review and approval, prior to the conditional job offer being denied to the applicant.

If the Denial Assessment is approved by the HRB and OCR, the OCR is required to notify the applicant of the decision and opportunity for the applicant to respond. Any response from the applicant will be shared with the HRB and the hiring manager and the denial of employment will be reassessed. Based on the reassessment, the OCR will notify the applicant of the Department's final decision.

Pre-Employment Inquiries

Discrimination, Harassment, and Retaliation Prohibition and Complaints

Discrimination or harassment against an individual because of their actual or perceived protected characteristic¹ is strictly prohibited and will not be tolerated by the Department. Additionally, Retaliation against an individual for exercising their right to request an accommodation related to a disability or medical condition is strictly prohibited and will not be tolerated by the Department.

These prohibitions apply to all employees, not only hiring managers.

An employee may file a complaint through the Department's discrimination and harassment complaint process in the event they believe they are experiencing discrimination, retaliation, or harassment because of their protected characteristic or because they requested an RA, or that they have been denied access to the interactive process. Please refer to the [Discrimination and Harassment Prevention Policy](#) for the processes and procedures for filing a complaint with the OCR or other entity.

Distribution

Distribution of this policy includes all employees.

Questions regarding this policy should be directed to the OCR at (916) 654-1005 or civil_rights@cdfa.ca.gov.

¹ For a comprehensive list of all protected characteristics, please refer to the [Discrimination and Harassment Prevention Policy](#).

Pregnancy and Lactation Accommodation Policy

Rev. July 2024

Policy

It is the law of the State of California and the policy of the California Department of Food and Agriculture (CDFA) to provide accommodations related to the condition of being pregnant and includes accommodations made for any physical or mental condition related to, affected by, or arising out of pregnancy and/or childbirth.

It is also the policy of CDFA to provide a reasonable amount of break time and an appropriate location to accommodate an employee desiring to express breast milk for their infant child.

This policy extends to all CDFA owned and operated facilities including the District Agricultural Associations.

Authority

California Code of Regulations, [Title 2, Section 11040](#)

California Fair Employment and Housing Act, Government Code Sections [12940 et seq.](#), [12926](#)

California Labor Code, [Sections 98.7, 1030-1034](#)

Federal Pregnant Workers Fairness Act, [29 CFR Part 1636](#)

Definitions

<i>Interactive Process</i>	A timely, good-faith communication between the employer and the employee, with a need for a pregnancy or lactation accommodation. Communication may be fulfilled in person, via video conferencing, email, or telephone conversations.
<i>Lactation Accommodation</i>	An accommodation that an employee shall be provided a reasonable amount of break time to accommodate an employee desiring or needing to express breast milk for the employee's infant child.
<i>Known Limitation</i>	Physical and mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that has been communicated to the employer by the employee/applicant, their representative, or of which the employer should be aware given the circumstances.
<i>Obvious</i>	For the purpose of this policy, a condition is obvious when it is clearly visible, self-evident, or apparent and a doctor's certification is not required to accommodate the employee.

Pregnancy and Lactation Accommodation Policy

<i>Predictable Assessments</i>	Accommodation(s) specifically defined under the law for which there are no undue hardships.
<i>Reasonable Accommodation (RA)</i>	Any modification or adjustment to a job, work environment, or in the method of performing functions, which enables an individual with a disability or medical condition, including pregnancy and lactation, to enjoy equal employment opportunities.
<i>Undue Hardship</i>	An action requiring significant difficulty or expense when considered in light of a number of factors.

Responsibility

<i>Office of Civil Rights (OCR):</i>	Administer the Pregnancy and Lactation Accommodation Policy and the RA program including designating an RA coordinator and maintaining the RA policy and forms. Investigate complaints of failure to accommodate, discrimination, harassment, and retaliation.
<i>RA Coordinator:</i>	Provide consultation and assistance to ensure compliance with state and federal laws and regulations and the RA process. Facilitate the interactive process between the RA requestor and the program by discussing the requested modifications necessary to enable the employee to perform the essential functions of the job. Provide the employee with a timely written notice concerning the status of the request within 10 working days. The notice approves or denies the request, seeks additional information, or continues the interactive process. Provide written notification to departmental staff, including, but not limited to; the Human Resources Branch (HRB), the Labor Relations Officer, or Departmental Services Branch (DSB) staff in the event additional resources are required to implement an accommodation. Once a request is approved, engage in regular follow-ups and consultations with the employee and their manager or supervisor to evaluate the effectiveness of the accommodation.

Pregnancy and Lactation Accommodation Policy

Human Resources Branch:

Provide consultation when the accommodation requires a personnel action, such as a major or substantial change in job duties, a job transfer, a temporary reassignment, or when the Family Medical Leave Act/California Family Rights Act (FMLA/CFRA), Pregnancy Disability Leave (PDL), State Disability Insurance (SDI), or Non-Industrial Disability Insurance (NDI) is involved.

Departmental Services Branch:

Where feasible, work to ensure that there are spaces designated specifically for expressing breast milk that meet the requirements of this policy.

Managers, Supervisors, Chief Executive Officers (CEOs):

Notify the OCR immediately upon receipt of an RA request for pregnancy related conditions or lactation.

Provide a private location, close in proximity to the employee's work area to express breast milk that is not part of a restroom.

Be flexible in providing break time to accommodate the employee.

Document all discussions regarding the request.

Provide copies of all relevant documentation to the OCR.

Discuss accommodation(s) with others only on a need-to-know basis and limit disclosure of accommodation(s) to other staff or management unless absolutely necessary.

Provide the OCR with a timely written notice concerning the status of the request within five working days. The notice should indicate whether the request can be approved or denied, if additional information is needed, or whether additional time is needed to evaluate alternative methods to accommodate the employee's request.

Notify the OCR within five working days of implementation of the accommodation.

Employees:

Initiate the request for accommodation and discuss the need with their immediate supervisor or the OCR.

Provide enough information about their condition for the manager or supervisor and the OCR to make informed decisions about the requested accommodation.

Make every attempt to confine the time to express breast milk to scheduled break times.

Pregnancy and Lactation Accommodation Policy

Complete the [SO-142 Reasonable Accommodation Request Form](#) if requested by the OCR.

File a complaint with the OCR if they feel they are being discriminated or retaliated against or harassed based on their protected characteristic or for requesting an accommodation.

Conditions Related to, Affected by, or as a Result of Pregnancy and Childbirth

Under the law and this policy, conditions intrinsic to pregnancy and childbirth are interpreted broadly and include but are not limited to the following which are protected and may require accommodation:

- Conditions and disabilities associated with or caused by the condition of being pregnant including but not limited to:
 - Preeclampsia
 - Gestational diabetes
 - Morning sickness
 - Sciatica
 - Other conditions associated with high-risk pregnancy
 - Anxiety, stress, depression
 - Pregnancy loss/Miscarriage/Stillbirth
- Conditions and disabilities associated with childbirth including but not limited to:
 - Physical complications arising from childbirth or surgery
 - Post-partum depression
 - Anxiety
 - Stress
 - Lactation
- Other conditions/items related to pregnancy and childbirth include but are not limited to:
 - Menstruation
 - Fertility issues/In vitro fertilization
 - Use of birth control
 - Endometriosis
 - Choice to have or not have an abortion
 - Any pre-existing conditions exacerbated by the pregnancy/childbirth

Requests for Pregnancy or Lactation Accommodation

Should a pregnant employee have a need for accommodation due to a physical or mental condition intrinsic to pregnancy or childbirth, please notify your supervisor, manager, or the OCR as soon as the need for accommodation arises. If the OCR is

Pregnancy and Lactation Accommodation Policy

not made aware of the need for accommodation, the supervisor shall notify the OCR immediately upon becoming aware of the employee's need. The OCR will then engage in the interactive process with the employee and the supervisor.

Should an employee have a need for lactation accommodation, they should consult with their supervisor to determine if the office or facility they usually work at has pre-existing facilities designed for expression of breast milk. If there are no pre-existing facilities, or if there are special needs or requirements the supervisor shall contact the OCR for guidance. Lactation accommodations are considered "obvious" conditions under the law; a doctor's note is NOT required. The OCR, employee, and supervisor will proceed with the interactive process to determine an appropriate accommodation.

Examples of Accommodations for Pregnancy and Related Conditions

Possible temporary accommodations for physical or mental condition related to, affected by, or arising out of pregnancy, childbirth include, but are not limited to:

- Modified, light, or alternative duty.
- Additional, longer, or more flexible breaks for the restroom, to drink water, eat, or rest.
- Modifying where an employee works in the office.
- Additional telework days.
- Modified work schedules such as fewer working hours, or modified start or end times.
- Flexible schedules for doctor's appointments.
- Working in regulated temperatures such as limited exposure to heat or inclement weather.
- Temporary suspension of essential functions

Accommodations for pregnancy related conditions are considered temporary unless otherwise determined by a medical care provider. If this arises, long term accommodations will be determined on a case-by-case basis during the interactive process.

Placing an employee on full-time leave due to pregnancy will only be considered as a last resort if no other accommodation is viable, or if ordered to do so by a doctor.

Suspension of Essential Functions

Suspension of essential functions can occur for accommodations related to pregnancy and childbirth. Essential functions can be suspended if the employee can perform the essential function "in the near future," the inability to perform the essential function is "temporary," and the suspension of the essential function can otherwise be accommodated.

Pregnancy and Lactation Accommodation Policy

Factors to determine if the inability to perform the essential function is temporary:

- Length of time the employee is unable to perform the essential function.
- Whether the temporary inability can be accommodated (i.e., is there other work for the employee to do).
- The nature of the essential function and its frequency.
- Whether there are other employees, temporary employees, or third parties who can perform or be temporarily hired to perform the essential function.
- Whether the essential function can be postponed or underperformed for any length of time and for how long.

“In the near future” refers to the time between when the employee can no longer perform the essential function and when they can return to full duty. Based on the circumstances, the following will typically apply:

- Current pregnancy permits 40 weeks from the start of the suspension of the essential function. Leave is not counted toward the 40 weeks and the clock restarts when the employee returns to work.
- Conditions arising after birth have no 40-week rule and will be determined on a case-by-case basis with the assistance of the employee’s medical provider.

Accommodations will be reassessed upon the employee’s return to work regardless of whether the employee received the same or a different accommodation prior to or during pregnancy.

Lactation Accommodation Requirements

The law provides that a reasonable amount of break time be provided for an employee to express breast milk for the employee’s infant child. That break time shall, if possible, run concurrently with any break time already provided to the employee. Typically, the act of expressing breast milk requires approximately 15 to 30 minutes. And, although it varies from person to person, the need to express breast milk may occur every two to three hours that they are away from the infant. While routine break times provided may be sufficient for some employees to complete the process of expressing milk, additional time may need to be allowed for others.

The lactation space shall:

- Be safe, clean, and free of toxic or hazardous materials.
- Contain a place to sit and a surface to place a breast pump and personal items.
- Have access to electricity, a sink with running water, and a refrigerator suitable for storing milk in close proximity to the employee’s work area.

Pregnancy and Lactation Accommodation Policy

Examples of workplace locations appropriate for expressing breast milk include a vacant office, a women's lounge area, a first aid room, a dressing room, or a room or office space which can be made available during specific times of the day for this purpose. Should a manager have trouble accommodating these requests, contact the OCR immediately.

Medical Certification

The condition of being pregnant and related predictable assessments and the need for lactation accommodation are considered obvious conditions and do not require doctor's documentation to substantiate the need for accommodation.

Accommodations requested beyond predictable assessments and standard lactation needs may require medical certification from the employee's medical care provider on a case-by-case basis to be determined through the interactive process. In this situation, an employee may be requested to complete the [SO-142](#) and provide more thorough information to assist in the interactive process.

Undue Hardship and Predictable Assessments

If a program denies a pregnancy or lactation accommodation request because the accommodation would impose an undue hardship on its operations, the employee's manager or supervisor shall submit in writing to the OCR the criteria upon which the undue hardship is based. The determination of undue hardship must be made on a case-by-case basis. Factors for determining undue hardship include, but are not limited to:

- The overall size of the program with respect to the number of employees, number and type of facilities, and size of budget.
- The type of operation includes the composition and structure of the program's workforce. If undue hardship is claimed based on the composition and structure of the program's workforce, it must be clearly documented that all available alternatives have been explored to accommodate qualified disabled applicants or employees.
- The cost of the accommodation needed. A claim of undue hardship based on cost must clearly indicate alternatives explored and how the cost will impact the operation of the program.

A program cannot claim an undue hardship for a predictable assessment as defined by the law. Predictable assessments are:

- Carrying water and drinks as needed in the employee's work area.
- Additional restroom breaks.
- Standing/sitting as needed.
- Additional breaks to eat/drink.

Pregnancy and Lactation Accommodation Policy

Discrimination, Harassment, and Retaliation Prohibition and Complaints

Discrimination or harassment against an individual because of their actual or perceived protected characteristic, including pregnancy related conditions and lactation¹, is strictly prohibited and will not be tolerated by the Department. Additionally, retaliation against an individual for exercising their right to request accommodation is strictly prohibited and will not be tolerated by the Department.

These prohibitions apply to all employees, not only managers and supervisors of those requesting accommodation.

An employee may file a complaint through the Department's discrimination and harassment complaint process, in the event they believe they are experiencing discrimination, retaliation, or harassment because of their protected characteristic, because they requested accommodation, or because they have been denied access to the interactive process. Please refer to the [Discrimination and Harassment Prevention Policy](#) for the processes and procedures for filing a complaint with the OCR or other entity.

Appeal Rights and Procedure

If a request for an accommodation is denied, the OCR fails to acknowledge an RA or lactation accommodation request, or if the employee is not provided adequate break time and/or a place to express milk as described above, the employee may file an appeal or complaint with the following entities:

- **California Civil Rights Department**
Website: <http://www.calcivilrights.ca.gov>
English to Voice/TTY: 800-588-7100
Spanish Voice/TTY: 800-855-7200
Speech to Speech (STS): 800-855-7300
Visually Assisted STS: 800-855-7400
- **Equal Employment Opportunity Commission**
Website: <https://www.eeoc.gov>
Telephone: 800-669-4000
- **State Personnel Board**
Telephone: (916) 653-0799
Online: <https://appeals.spb.ca.gov/aos/appeal.html>
Email: appeals@spb.ca.gov

¹ For a comprehensive list of all protected characteristics, please refer to the [Discrimination and Harassment Prevention Policy](#).

Pregnancy and Lactation Accommodation Policy

- **Department of Industrial Relations**

Telephone: (883) 526-4636

Online: <https://www.dir.ca.gov/dlse/>

Email: dlse2@dir.ca.gov

Please refer to the [Discrimination and Harassment Prevention Policy](#) for further directions and timelines for filing complaints with these entities.

Distribution

Distribution of the above policy/procedure includes all employees.

Questions concerning this policy or if seeking advice or consultation regarding an accommodation request should be directed to the OCR at (916) 654-1005 or civil_rights@cdfa.ca.gov.

Workplace Violence, Threats, and Bullying Prevention

Rev. July 2024

Policy

The California Department of Food and Agriculture, District Agricultural Associations (DAAs), and related Boards, Councils, and Commissions (herein collectively referred to as the Department) are committed to providing a safe and secure work environment. In keeping with this commitment, the Department has a zero-tolerance policy for violence, threats, hostility resulting from intimidation, abusive conduct, and bullying in the workplace. Any statement or acts by any person which, directly or indirectly, threatens, makes reference to, or implies, physical harm, violent acts, or illegal use of weapons by any employee, contracted employee, client, public person or vendor will not be tolerated.

All persons involved in Department activities, including, but not limited to, Department staff, board members, contracted, temporary, and voluntary employees, unpaid interns, members of the public, applicants for employment, or visitors on Department property who may come into contact with Department employees, are expected to adhere to the expectations set forth in this policy.

It is the policy of the Department that possessing firearms or other weapons within any state or local public building or property, or onto any property on which official business of the Department is being conducted is strictly prohibited. Exemptions to this provision apply to peace officers and to certain events held by the DAAs.

This policy is intended to protect all Department employees, contracted employees, clients, vendors, and any other individuals who come into contact with Department employees during the course of their duties or as a result of their employment.

Authority

Labor Code Section [6400](#), [6401](#)

California Government Code Sections [19572](#), [12950.1\(b\)](#)

California Penal Code Sections [71](#), [171](#), [16000-34370](#)

Definitions

Abusive Conduct

Conduct carried out with malice that a reasonable person would find hostile and/or offensive. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, or epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person.

Workplace Violence, Threats, and Bullying Prevention

<i>Bullying</i>	Malicious acts of repeated, aggressive behavior intended to physically or mentally hurt another person or, single egregious acts of aggressive behavior.
<i>Harassment</i>	Continuous unwelcome, disrespectful, or unprofessional conduct.
<i>Hostility</i>	Acts characterized by aggression and maliciousness resulting in intimidation and an unpleasant environment.
<i>Malice</i>	Conduct which is intended to cause injury or which is carried out with a willful and conscious disregard for the rights or safety of others.
<i>Obligated Reporter</i>	A person who, because of their status as a “supervisor”, is expected to report any suspicion or actual complaints of violence, threats, hostility, bullying, abusive conduct, or weapons possession.
<i>Passive Aggression</i>	Apparently compliant behavior, with built-in obstructive or stubborn qualities, to cover deeply felt aggressive feelings that cannot be more directly expressed.
<i>Prima Facie</i>	Sufficient corroborating evidence accepted as correct until proven otherwise.
<i>Protected Activity</i>	Protected activities include opposing bullying or other hostile practices, filing a complaint, testifying, assisting, or participating in any manner in an Office of Civil Rights (OCR) investigation, proceeding, or hearing.
<i>Retaliation</i>	An adverse employment action against an individual for engaging in a protected activity. There must be a causal link between the adverse employment action and the protected activity.
<i>Supervisor</i>	Any person who, in the course of their work activities, has the discretion and authority to hire, transfer, promote, assign, reward, discipline, or terminate employees or can recommend these actions, act on employee grievances, recommend action on grievances, or has the authority to direct an employee’s daily work, regardless of their Civil Service classification. This includes people in supervisory or managerial classifications, as well as board members, board chairs or presidents, and office or field leads.
<i>Threat of Violence</i>	A declaration or action expressing the intention to inflict harm.

Workplace Violence, Threats, and Bullying Prevention

<i>Violence</i>	Exertion of physical force so as to injure or abuse. Intense, turbulent, furious, or destructive action or force.
<i>Weapon(s)</i>	Firearms (loaded or unloaded), explosive devices, knives with blades exceeding four inches, billy clubs, metal knuckles, tear gas, receptacles containing illegal chemical substances, and any other item that may be considered an object or instrument which can be used to threaten or cause harm.
<i>Zero-Tolerance</i>	Refusal to accept potential violations of this policy by addressing any and all allegations with the appropriate response from Department management, the OCR, and the Human Resources Branch (HRB).

Responsibility

<i>Department</i>	Divisions and programs ensure the work environment is safe and secure for all Department employees.
<i>Office of Civil Rights (OCR)</i>	Distribute and maintain a written policy which informs Department personnel of the Department's commitment to providing a safe workplace free from violence. Consult, assess, and/or investigate all reported threats, acts of violence, abusive conduct, hostility, and bullying. Administer the Department's Workplace Violence, Threats, and Bullying Prevention training program.
<i>Human Resources Branch (HRB)</i>	Assist supervisors, managers, and Chief Executive Officers (CEOs) with any forms of disciplinary action related to violations of this policy. Assist with any injuries that occur on the job as a result of a workplace violence incident.
<i>Departmental Services Branch (DSB)</i>	Provide onsite security personnel at the Department headquarters in Sacramento. Provide security guidance to satellite locations.
<i>Health and Safety Office</i>	Consult and advise Department management on safety-related laws, rules and regulations. Process reports on all workplace injuries and file official notices as required by law.
<i>Supervisors,</i>	Ensure the work environment is free from hostility and

Workplace Violence, Threats, and Bullying Prevention

Managers, and CEO's

bullying and take immediate action to stop these behaviors when brought to their attention.

Ensure employees receive the appropriate training and encourage open communication.

As an obligated reporter, notify the OCR of incidents of workplace violence, hostility, bullying, abusive conduct and weapons possession.

Forward a completed Violence/Threat/Bullying Incident Report ([SO-129](#)) to the OCR immediately following a report of violence, threats, abusive conduct, hostility or bullying.

Complete an [SO-129](#) on behalf of an employee if that employee does not wish to file on their own.

Investigate minor incidents only as requested by the OCR and report back any and all findings.

Work with HRB to determine a proper level of disciplinary action as a result of the findings of a workplace violence investigation.

If stationed in a field office outside of Sacramento, work with DSB to determine the need for building security and establish procedures to provide access for emergency response personnel to the facility.

Employees

Conduct themselves in a professional, courteous, and responsible manner.

Review this policy annually and submit the signed notice to their supervisor.

Adhere to the requirements of this policy and complete the Workplace Violence, Threats, and Bullying Prevention training program every two years.

Report any and all allegations of workplace violence, hostility, bullying, abusive conduct and weapons possession to Department management or directly to the OCR.

Cooperate fully, honestly, and in good faith in any investigation or follow-up activity.

Inform the OCR, supervisors, managers, and CEOs as needed about restraining orders and any other protective court orders related to domestic situations where the staff may be impacted so that assistance can be offered.

Workplace Violence, Threats, and Bullying Prevention

Violence, Threats, Hostility, Bullying, and Abusive Conduct Prohibition

The prohibition against any acts of workplace violence applies to all persons involved in Department operations, including, but not limited to, Department staff, board members, contracted, temporary, voluntary employees, members of the public or visitors on Department property who may come into contact with Department employees.

Situations subject to this policy include, but are not limited to:

- All threats, hostility, bullying, abusive conduct or acts of violence occurring on Department property regardless of the relationship between the Department and the parties involved in the incident.
- All threats, hostility, bullying, abusive conduct or acts of violence occurring off Department property involving someone who is acting as a representative of the Department.
- All threats, hostility, bullying, abusive conduct or acts of violence occurring off Department property involving an employee of the Department if the threats or acts have a connection to the Department or its interests.
- All threats, hostility, bullying, abusive conduct or acts of violence resulting in the conviction of a Department employee or agent of the Department or individual performing services for the Department on a contract or temporary basis under any criminal code relating to an action prohibited in this policy, which has a connection to the Department or its interests.

Specific examples of conduct that may be considered threats, hostility, bullying, abusive conduct or acts of violence may include, but are not limited to:

- Deliberately hitting or shoving an individual.
- Violent physical, verbal, or written expressions which may cause a reasonable person to fear physical harm.
- Physical, verbal, or written expressions which may cause a reasonable person to perceive or fear physical or mental harm.
- Physical, verbal, or written expressions that have the intention to frighten, alarm, or intimidate.
- Harassing surveillance or stalking.
- Harassing or threatening phone calls, texts, emails, or other manner of electronic contact.
- Threats to do harm to another employee or member of the public that are made in either a direct or indirect manner.

Workplace Violence, Threats, and Bullying Prevention

- Deliberately tampering or sabotaging another employee's work.
- Deliberately destroying or damaging property belonging to another employee or the Department.
- Passive aggression, including malicious gossip, purposeful inefficiency, and deliberately ignoring someone.

Reporting Emergencies

In the event of a workplace violence emergency such as active violence, threats of violence, or illegal weapons possession:

- Get to a safe location, out of harm's way.
- Notify the California Highway Patrol (CHP) – Dial 911.
- Notify your immediate supervisor or second-line supervisor of the incident who will inform DSB and building security (if applicable) that CHP are enroute to the location. DAAs should notify the CEO or Deputy Manager who must notify the Department's Health and Safety Officer.
- The employee who reported the incident must submit a completed [SO-129](#) to their supervisor.
- Supervisors, managers, and CEOs are required to complete the necessary forms to report the incident ([Guide to Accident and Crime Reporting](#)).

Non-Emergency Internal Complaint/Reporting Process

The Department's Workplace Violence, Threats, and Bullying complaint process provides any person involved in Department business the opportunity to raise allegations related to non-violent threats, hostility, abusive conduct, bullying, and weapons possession and to seek resolution of their complaint. Complaints will be resolved at the lowest organizational level possible while assuring that the process provides for timely, thorough, and impartial review of the allegations without fear of reprisal or retaliation.

The following options are available to resolve a complaint:

- Tell the individual engaging in the inappropriate conduct to stop.
- Report the conduct to the immediate supervisor or any other supervisor if the employee's immediate supervisor is unavailable to resolve the complaint.
- Complete an [SO-129](#) and submit to either a supervisor and/or manager, or directly to the OCR at:

Workplace Violence, Threats, and Bullying Prevention

- Civil_rights@cdfa.ca.gov or
 - Office of Civil Rights
1220 N Street, Suite 115
Sacramento, CA 95814
- Include enough evidence with the complaint to raise the inference that the allegations are true (*prima facie*). A *prima facie* case alleging actions that violate this policy must be established before an investigation is initiated.
- If a complaint form is not immediately available, contact the OCR at:
 - Civil_rights@cdfa.ca.gov or
 - (916) 654-1005

If a supervisor, manager, or CEO receives a completed SO-129, they must review and forward it to the OCR via email or in a sealed envelope marked "CONFIDENTIAL."

Should a complaint meet the *prima facie* standard to investigate, the OCR will proceed with an investigation. For complaints that do not meet the standard to investigate or that can be addressed without an investigation, the OCR will coordinate with the appropriate parties to determine if a policy has been violated or to find a resolution.

Investigations

Upon receipt of a complaint that requires an investigation, the OCR will take immediate action to conduct an investigation. Investigations typically consist of interviews with the Complainant, Respondent, and appropriate witnesses, review of relevant documents or other evidence, and the writing of an investigative analysis. This analysis is confidential and is only shared with decision makers who have a need to know. Complainants and Respondents will receive a letter detailing the findings of the allegations at the conclusion of the investigation.

Any Department employee who is identified in an investigation and is notified that the OCR wishes to interview them is expected to participate in that investigation and must do so in good faith. If an employee refuses to participate in the investigative process, they may be subject to disciplinary action.

OCR investigations and inquiries are confidential to the extent reasonable. If interviewed by the OCR, the interviewee is not to discuss the interview or information relative to the investigation with anyone other than the investigator or other individual authorized by the OCR, such as a union representative or personal attorney, while the investigation is ongoing. Failure to maintain confidentiality may compromise the investigation and may result in disciplinary action.

Workplace Violence, Threats, and Bullying Prevention

Retaliation Prohibition

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, testifying, assisting, or participating in any manner in an OCR investigation, proceeding, or hearing. These prohibitions apply to all employees, supervisors, managers, CEOs and 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.

Disciplinary Actions

Violations of the prohibitions detailed in this policy by employees, or against any person, are a cause for disciplinary action and may result in adverse action up to and including dismissal. Accordingly, any threat of violence, subtle or direct, must always be reported, documented, and investigated. When appropriate, law enforcement agencies may be contacted for guidance, assistance, and investigation.

Restraining Orders

An employee who applies for and receives a temporary or full restraining order (Order) in which a Department worksite is identified should provide a copy of the Order, a photograph of the restrained person, and a completed [SO-129](#) to the OCR. Copies are kept on file within the OCR, Department management and/or with the DSB Branch Chief. The OCR will inform the CHP office nearest to the employee's worksite and assist in complying with the Order.

A copy of the Order must also be kept on file with the CHP. The CHP has requested that employees who receive an Order at the 1220 N Street location, hand deliver a copy to its office in the State Capitol. If the restrained person violates the Order, CHP will be notified immediately.

An employee who receives an Order should consult with the OCR to discuss personal safety, and if appropriate, changing the employee's card-key access.

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

Employee Assistance Program

The Employee Assistance Program (EAP) is available as a resource for civil service employees who desire counseling for stress, interpersonal conflicts, legal issues, and/or concerns which have arisen due to workplace violence and bullying incidents.

For information about the EAP program you may contact the OCR or reach out to the EAP directly:

Workplace Violence, Threats, and Bullying Prevention

- Phone: 866-327-4762.
- Telecommunications Device for the Deaf (TDD) Callers: 800-327-0801.
- Website: www.eap.calhr.ca.gov

Distribution

Distribution of the above policy/procedure includes all employees.

Any employee, supervisor, manager, CEO or Board member seeking advice, guidance, or consultation regarding any incident of workplace violence may contact the OCR at (916) 654-1005 or civil_rights@cdfa.ca.gov.

Workplace Violence, Threats, and Bullying Prevention

**THIS POLICY SERVES AS NOTICE TO EMPLOYEES OF THE
DEPARTMENT’S WORKPLACE VIOLENCE, THREATS, AND BULLYING
PREVENTION POLICY**

I hereby certify I have read and understand the Department’s Workplace Violence, Threats, and Bullying Prevention Policy and I am aware of the provisions and consequences for violating this policy.

Employee Name

Employee Signature

Date

Division/Branch/DAA

Retain in the employee’s file until superseded. Do not send to the OCR.

cc: Employee

Online Accessibility Standards Policy

Rev. July 2025

Policy

It is the California Department of Food and Agriculture's (CDFA) policy to provide equal access to CDFA websites and content that is compliant with the Americans with Disabilities Act of 1990 (ADA) and ensure all persons receive equal access to CDFA web services. This policy applies to all CDFA staff, District Agricultural Association (DAA) staff, board members, contract or temporary employees, and volunteers.

Authority

California Civil Code [section 54](#)

California Government Code sections [6219](#), [7405](#), [11135](#), [11546.7](#)

Title 29 United States Code (U.S.C) section [794 \(d\)](#)

Americans with Disabilities Act of 1990, [42 U.S.C. section 12132](#)

Definitions

Accessible/ Accessibility: To provide equal access for documents, content and services to persons with disabilities.

ADA: Americans with Disabilities Act. A federal set of laws that prohibit discrimination based on an actual or perceived disability.

Internet: Global system of interconnected computer networks.

Media: Types of online content with the purpose of sharing information and ideas. May be in audio, video, still graphic, or written form.

Plain Language: Writing that is clear, concise, well-organized, and that uses plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style.

Web: An information space where documents and other resources are accessed via the internet.

Responsibility

Office of Civil Rights (OCR)

- As ADA Coordinator, monitors ADA for regulation revisions.
- Advises staff on ADA compliance.
- Investigates complaints of noncompliance.
- Audits public facing documents annually for ADA compliance.
- Assists CDFA employees and the public with questions or concerns about

Online Accessibility Standards Policy

CDFA forms and documents on ADA standards.

- Develops and maintains trainings on ADA compliance.

Information Technology Services Division (ITSD)

- Ensure CDFA's website content adheres to all accessibility standards.
- Maintain CDFA's website to be accessible to all persons.
- Review content for ADA accessibility prior to placing it on CDFA's external website.

Managers, Supervisors, and Chief Executive Officers (CEOs)

- Ensure all staff who are responsible for creating content or requesting the content be uploaded to CDFA's public website are aware of this policy and are implementing policy requirements and procedures for ADA compliant web content.

Employees

- Produce accessible media.
- Ensure web media is clear, organized, and easily understood.
- Verify web media meets accessibility requirements before allowing public access.

Online Accessibility Standards

CDFA has implemented the guidelines set forth by the World Wide Web Consortium (W3C) and the US Department of Justice. All submissions to CDFA's ITSD must be compliant with [Section 508](#) of the ADA and the most current version of the [Web Content Accessibility Guidelines \(WCAG\)](#). All content intended to be accessed on CDFA's website must be compliant with the CDFA ADA Standards ([Appendix – Online Accessibility Standards](#)).

Complaints

Persons unable to access CDFA services due to accessibility or language access issues have several options available to them to seek remediation:

1) Accessibility Suggestion Form

Any person may complete and submit an [Accessibility Suggestion Form \(SO-80\)](#) for concerns related to ADA compliance.

Online Accessibility Standards Policy

2) Internal and External Discrimination and Harassment Complaints

To file a discrimination or harassment complaint with CDFA or with any external entities, please refer to the complaint process detailed in the [Discrimination and Harassment Prevention Policy](#).

Distribution

Distribution of the above policy includes all employees.

For questions regarding this policy, please contact the OCR at civil_rights@cdfa.ca.gov or 916-654-1005.

Online Accessibility Standards Policy

Appendix – Online Form and Document Accessibility Standards

All standards are based on the World Wide Web Consortium's [Web Content Accessibility Guidelines](#).

Abbreviations and Acronyms

For the first occurrence in a document of something requiring an abbreviation or acronym, provide the expansion or explanation in full followed by the abbreviation or acronym in parenthesis. Example: Office of Civil Rights (OCR)

Accessibility Testing

Check the accessibility and usability of all documents and forms manually and with the software's built-in tools. Adobe Acrobat and screen readers are effective tools for testing accessibility.

Alt Text

All pictures or graphic media shall have alt text (text alternatives) describing the image.

Closed Captions

All audio or visual media intended for public access shall have closed captioning capability.

Color-Contrast Ratio

Black text on a white background should be used whenever possible on printed documents. Since high contrast is necessary for many users, high contrast is encouraged during document composition.

Color alone shall not be used to convey important information indicating an action, prompting a response, or distinguishing a visual element.

Document Title

A descriptive title must be included in the document properties.

Font Style and Size

Font shall be a sans serif font (example: Arial or Tahoma) and 12 pt. or larger.

Headings

All documents must have at least one Heading style. Heading levels are assigned by their relationship to one another and should be assigned in a logical (sequential) order. Heading levels shall not be skipped and be numbered sequentially.

Hyperlink Text

Hyperlink text by itself must provide enough meaning to describe where the hyperlink leads the reader. The author may include the URL address in the document. If the document is

Online Accessibility Standards Policy

intended to appear in print, including the URL would be appropriate. If the document remains mostly online, including the URL would be redundant and it should be left off.

Lists

Lists must be created using built-in list formatting tools, for example, bullets, numbered or alphabetical. Lists shall not be created using the tab key or space bar.

Plain Language

Written communication must be clear, organized, and understood in a single reading.

Predictable

Documents and forms shall have a predictable and simple format that is easy for accessibility tools to navigate.

Table of Contents

If the document includes a Table of Contents, generate the Table of Contents using the built-in style from the Reference tab of the Home ribbon.

Wrapping Style for Non-Text/Visual Items

When adding visual elements, set the wrapping style for these elements to be in line with text.

Exit and Stay Interviews

Est. October 2025

Policy

It is the California Department of Food and Agriculture's (CDFA) policy that any employee who is separating, transferring, or promoting from or within CDFA be asked to participate in an Exit Interview.

It is also CDFA's policy that annually a random selection of CDFA employees will be chosen and requested to complete a Stay Interview.

The purpose of the Exit and Stay Interviews is to obtain employees' input regarding Department working conditions, employment policies, practices, procedures; and to ensure a positive, safe, secure, discrimination-free work environment. Information obtained will be used for statistical purposes and to meet CDFA's ultimate goals of facilitating employee retention and enhancing the work environment. While not mandatory, employees are highly encouraged to participate.

Definitions

Exit Interview: A structured conversation or survey with a departing employee to gather feedback on their experience with the Department, reasons for leaving, and potential areas for improvement.

Stay Interview: A structured conversation or survey with a current employee, focused on understanding what makes the employee stay with the Department and what might cause them to leave.

Responsibility

Office of Civil Rights (OCR):

- Administer the Exit and Stay Interview program.
- Retain all records of Exit and Stay Interviews conducted.
- Conduct Exit or Stay Interviews on behalf of the program if requested by the manager/supervisor or the employee.
- Conduct follow-up interviews upon receipt of an Exit or Stay Interview that contains information related to discrimination, harassment, misconduct, or other prohibited behavior.
- Review information gathered in the Exit and/or Stay Interviews for trends, concerns, or needs for action from the OCR, Human Resources Branch (HRB), impacted program, or other internal party.
- Maintain confidentiality of information gathered in the Exit and/or Stay

Exit and Stay Interviews

Interviews to the extent possible and only share information only with those who have a need to know.

- Conduct investigations related to discrimination, harassment, workplace violence, hostility, retaliation, or other prohibited behavior as needed.

Human Resources Branch (HRB):

- Provide guidance to managers and supervisors if information shared would require discipline or other actions outlined in HRB policies and procedures.

Managers/Supervisors:

- Ensure every departing employee is provided with an opportunity to complete an [Exit Interview \(SO-9\)](#) prior to their last day of employment with CDFA.
- May conduct the Exit Interview verbally with a departing employee if the employee requests.
- Forward any received Exit or Stay Interviews to the OCR within 24-hours of receipt.
- Ensure employees identified by the OCR are encouraged to complete the [Stay Interview Form \(SO-10\)](#) by the identified deadline.
- Follow the procedures outlined in this policy.

Employees:

- If choosing to complete the Exit Interview form [\(SO-9\)](#), return the completed form to the OCR prior to the last day in the position.
- If selected to participate in a Stay Interview and choosing to participate, complete the Stay Interview form [\(SO-10\)](#) and return it to the OCR.
- If agreeing to participate in further inquiry after the Exit or Stay Interview, engage with the OCR or other identified CDFA official as requested.
- If declining to participate in either the Exit or Stay Interview, the employee may decline verbally or in writing to the individual(s) who provided the form.

Exit Interview Procedures

Upon learning an employee is separating, transferring, or promoting out of their program, the employee's manager/supervisor shall:

1. Offer the employee the opportunity to participate in a verbal Exit Interview and/or complete the Exit Interview Form [\(SO-9\)](#)
2. Notify the employee that:
 - They have the options of:

Exit and Stay Interviews

- A verbal Exit Interview with:
 - Their immediate supervisor;
 - Another manager or supervisor in the program/branch/or division; or
 - A representative from the OCR; or
- Completing the Exit Interview Form [\(SO-9\)](#) without a verbal interview.
- Completing an Exit Interview and/or the Exit Interview Form [\(SO-9\)](#) is encouraged, but not mandatory.
- The employee may remain anonymous if they choose, even if they fill out the form.
- If the employee does disclose their identifying information, that information will be held by the OCR, will be kept confidential to the extent possible, and will only be shared with those who have a need to know.
- If only completing the Exit Interview Form, the employee may use a reasonable amount of state time to complete and return the form to the OCR.
- 3. If conducting the Exit Interview verbally with the employee, follow the Exit Interview Form and complete each section as completely as possible based on the responses from the employee. If the employee wishes to remain anonymous, do not provide their name on the Exit Interview document.
- 4. Return all completed Exit Interview Forms or other Exit Interview related information to the OCR for review and record keeping.

The OCR will review and log all Exit Interview Forms received and contact the employee if necessary.

Stay Interview Procedures

The following procedures and practices will be followed to administer the Stay Interview program:

1. Each October the OCR will select approximately 5% of CDFA's employees at random to participate in the Stay Interview process.
2. The OCR will contact the identified employees via email or through their supervisors if they do not have CDFA email addresses and request that they complete the Stay Interview Form [\(SO-10\)](#) and return it to the OCR by a specific date.
3. Managers/supervisors of the identified employees will be cc'd on the respective email and separately notified of their employees' request to participate in the Stay Interview process.
4. Managers should encourage their employee(s) to participate, but inform them that:

Exit and Stay Interviews

- Participation, while highly encouraged, is voluntary.
 - The employee may remain anonymous if they choose.
 - If they do disclose identifying information, the information will be held by the OCR, will be kept confidential to the extent possible, and will only be shared with those who have a need to know.
5. The OCR will review and log all Stay Interview Forms received and contact the employee if necessary.
 6. The OCR will use the data collected to provide guidance as necessary based on the feedback received. This may include any trends, concerns, or necessary Departmental planning.

Distribution

Distribution of the above policy includes all CDFA employees.

If you have any questions regarding this policy, please contact the OCR at civil_rights@cdfa.ca.gov or 916-654-1005.

Legislative Policy and Representation

Rev. November 2017

Policy

It is the California Department of Food and Agriculture's (CDFA) policy that the Secretary's Office is responsible for departmental policy on any bill introduced in the Legislature. This includes the determination of the Department's position on any bill introduced in the Legislature.

Boards, councils, committees (boards), District Agricultural Associations (DAAs), and their employees, which operate under authority of CDFA, may participate in the development of legislative policy under the direction of the Legislative Office. Boards, and DAAs, with prior approval of the Secretary's Office, shall coordinate legislative recommendations and legislative appearances with staff from the Legislative Office.

Authority

Government Code, Title 2, Division 3, Part 1

Food and Agricultural Code, Division 1, Part 1, Chapter 3

Definitions

<i>Bill Analysis</i>	An analysis prepared on a legislative measure not yet approved by both houses. This document contains a summary of the provisions within a bill, sponsored by a State Legislator, and shall be written by Divisions concerned in a manner dictated by the Legislative Office, as specified.
<i>Enrolled Bill Report</i>	An analysis prepared on a legislative measure passed by both houses and referred to the Governor to provide information concerning the bill and a recommendation for action by the Governor. Enrolled bill reports are prepared by the Legislative Director, unless otherwise directed.
<i>Legislative Proposals</i>	A proposal for amendments or additions to existing state law to be translated into a legislative measure upon approval of the Legislative Office, the Secretariat and the Governor's Office. Upon request, Divisions are responsible for developing preliminary legislative proposals to be later edited and evaluated by the Legislative Office.

Department Legislative Representation

Responsibility

<i>Secretary's Office</i>	Secretary's Office staff may call upon Department or Board employees, and DAAs to assist them in the presentation of information or material to legislative committees, legislators, or industry groups interested in specific legislation concerning CDFA.
<i>Legislative Office</i>	The Legislative Office provides executive policy advice and assistance on matters impacting CDFA and the State's agricultural industries and interests. The Legislative Office develops and sponsors legislation on behalf of CDFA, monitors bills of departmental interest, edits bill analyses for final transmission to the Governor's Office, represents the department on legislative and regulatory matters, responds to inquiries from State and federal legislators, tracks the department's legislative reports, coordinates inquiries arising from legislative concerns, and liaises with external and internal stakeholders. More specifically, the Legislative Office represents the Department in legislative affairs and regulatory matters, and encourages public engagement.
<i>Department, Boards and DAAs</i>	All personnel of the Department, Boards, and DAAs who appear before legislative committees or who advise legislators, federal, state or local agencies and consumer, industry or other groups concerning legislation shall, prior to such appearances or communication, consult with the Legislative Office, in order that the department's policies and attitude with respect to such legislation can be coordinated. Division staff are responsible for completing legislative proposals and bill analyses for transmission to the Executive Office upon request of the Legislative Office.
<i>Employees</i>	Employees of the Department, Boards, and DAAs, who are specialists in their fields, may be called upon to appear before a legislative committee or confer with legislators, legislative staff, or industry groups with respect to legislation involving CDFA and other agriculture and resource related issues. In such cases, the employee is authorized to make such appearances based on his/her technical proficiency, but shall coordinate with the Legislative Office regarding the request for his/her consultative services and appearances.

Department Legislative Representation

Legislative Proposals, Bill Analyses or Enrolled Bill Reports Routing Procedure

Legislative proposals and bill analyses are prepared by the impacted Division(s) concerned, in consultation with the Budget Office and Legal Office, under the direction of the Legislative Office. Enrolled bill reports are prepared by the Legislative Office, with the input by the division concerned and the Budget office.

Upon routing a final legislative proposal, bill analysis or enrolled bill report to the Legislative Office, Divisions shall include documentation demonstrating approval by the Budget Office and approvals from the appropriate Division management or designee.

Communication with Stakeholders/Legislators

The Legislative Office must be notified of any contact with legislators, legislative staff, representatives of other state or local or federal agencies, boards or commissions, or representatives of industries, associations or groups regarding legislation or legislative issues of interest to or affecting the Department.

Any staff member of the Department, Boards, or DAAs contacted by a legislator, legislative aide, or analyst shall direct the legislator, legislative aide, or analyst to the Legislative Office and shall immediately inform the Legislative Office of the inquiry. Upon approval and in coordination with the Legislative Office, the staff member shall cooperate fully in supplying program information or providing technical assistance on legislative matters in his/her field. However he/she shall not commit the Department on policy or positions on legislation.

Correspondence with legislators, legislative staff, representatives or state agencies, boards or commissions, or representatives of industries, associations or groups on legislative matters affecting the Department shall be routed through the Legislative Office. With few exceptions, correspondence to legislators shall be prepared for the Secretary's or Legislative Director's signature.

*****Please note all discussion and supporting documents regarding legislation, including agency/Administration positions, shall remain confidential, unless directed by the Legislative Director.*

Distribution

Distribution of the above policy includes all employees.

Any questions concerning this policy or anyone seeking advice or consultation regarding legislation may contact the Legislative Office at (916) 654-0433.

Public Records Act Requests

Rev. April 2018

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) to comply with the intent and requirements of the California Public Records Act (the Act or PRA).

This policy establishes the Legal Office procedures for processing all aspects of a PRA request.

Authority

Article 1, Section 3, California Constitution

The California Public Records Act (Government Code §§ 6250 *et seq.*)

Information Practices Act of 1977 (Civil Code §§ 1798 *et seq.*)

State Department's Investigations and Hearings (Government Code § 11183)

Executive Order S-03-06

Political Reform Act (Government Code § 81008)

Definitions

<i>Public Record</i>	Any writing or recording containing information relating to the conduct of the public's business.

Responsibility

<i>Legal Office</i>	The Legal Office is responsible for processing, responding to, and billing for, PRA requests and educating and advising employees of CDFA and District Agricultural Associations (Program) on the requirements of the Act. After the initial request is received by the Program, all subsequent correspondence with the requester is handled by the Legal Office. A staff attorney shall be assigned to review the documents to determine whether they contain confidential or privileged information. If so, the necessary redaction will be performed by the Legal Office.

<i>All Employees</i>	Immediately upon receipt, the PRA request should be e-mailed to the General Counsel and copied to the Legal Assistant. If the request is received via e-mail, forward the e-mail. If the request was received via the United States

Public Records Act Policy

Postal Service (USPS), include a copy of the request along with the date-stamped envelope. Program should retain a copy of the request and begin collecting any responsive documents. Any subsequent correspondence received from the requester should be forwarded to the Legal Office immediately for reply.

The Program should not redact any information or alter the documents in any way.

Any concerns about confidentiality or proprietary information should be summarized in the submission e-mail to the Legal Office. The staff attorney assigned to review the documents will address those concerns and redact confidential or proprietary information before the documents are released.

If more than ten days is needed to collect the responsive documents, inform the Legal Assistant via e-mail as soon as possible.

The Act and Other Access to Records Law

The Act reads in part, "...access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." The Act ensures that every citizen has the right to inspect and/or obtain a copy of any public record. The requester is not required to provide a reason for requesting a public record. As a result, once a document is deemed a public record, its possible use is immaterial to its release.

Generally, a public record is defined as "any writing containing information relating to the conduct of the public's business," which includes any means of recording information upon any format of communication or representation. (Government Code § 6252(e))

The Department policy is to disclose all public records unless they are exempted under the law.

PRA requests should not be confused with *subpoenas duces tecum* which are court orders and can reach records exempt from disclosure under the Act. All subpoenas must be served directly to the Legal Office.

The Freedom of Information Act (FOIA) is the federal version of the Act that applies only to federal agencies. However, if a request is received stating it is pursuant to FOIA, it should be treated as a PRA request.

Public Records Act Policy

The Request

Although the Act does not require a request for records be in writing, doing so facilitates accuracy and efficiency. Therefore, if a verbal request is received, the requester should be asked to submit the request in writing. USPS, e-mail, or fax is acceptable.

All requests must clearly identify the desired records. If the request is so vague or overbroad that it is impossible to identify the desired records, the Legal Office will assist the requester in making a focused and effective request that reasonably describes an identifiable record or records. (Government Code § 6253.1(a))

The Legal Office shall, to the extent reasonable under the circumstances:

1. Assist the requester to identify records and information that are responsive to the request or to the purpose of the request, if stated;
2. Describe the information technology and physical location in which the records exist; and
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

These requirements are deemed to have been satisfied if the agency is unable to identify the requested information after making a reasonable effort to obtain additional information that will help identify the record or records.

These requirements do not apply if the agency makes available the requested records, determines that the request should be denied and bases that determination solely on an exemption pursuant to Government Code § 6254, or makes available an index of its records.

The Response

The Legal Office shall handle all responses to PRA requests. If the request is received by the Legal Office, the Legal Assistant shall notify the appropriate program staff that a request has been received, what documents are required in response and the statutory deadline for responding.

Unless the request otherwise specifies that the documents be produced in the electronic format in which the Program holds the information, the Program will provide Portable Document Format (PDF) copies of the requested records to the Legal Office. The Legal Office will then determine whether the records are responsive to the request and are appropriate for disclosure or exempt from disclosure. The Legal Office will then prepare the response and communicate any necessary information to the requester.

Public Records Act Policy

As an alternative to receiving records, the public may inspect the responsive records during normal office hours at the location where the records are kept or CDFA Headquarters. However, access will depend on the availability of staff, whether the records are kept on site, the kind of records, whether the records have to be reproduced or redacted, and a number of other factors.

Whether the request is by telephone, in person, or by correspondence, the requester should have no expectation that he or she will be able to inspect and copy records immediately.

Response Time Frame and Notice of Determination

Within ten days from receipt of the request for records, the Legal Office must determine whether the request, in whole or in part, will be disclosed. Requests for Form 700's Statement of Economic Interests must be provided within two days of the request.

In certain circumstances, the response may be extended for an additional 14 days upon written notice, setting forth the reasons for the extension and the date on which the determination is expected to be made. Acceptable circumstances for an extension include, but are not limited to:

1. The need to search for and collect the requested records from field facilities that are separate from the office processing the request;
2. The need to search for, collect, and examine a voluminous amount of separate and distinct records demanded in a single request; or
3. The need to consult with another agency having a substantial interest in the determination or the need to consult with various divisions of CDFA having substantial interest in the determination.

If a determination is made that some or all of the records are disclosable, the notice must state the estimated date and time when the records will be made available.

If a determination is made that some or all the records are not disclosable, the notice must state the reasons why, and the name and title of the person making the determination. (Government Code §§ 6253, 6255)

Determining Whether Records May Be Released

When a request for a reasonably identifiable record is received, the Legal Office shall determine if the public record is exempt from disclosure. Public records must be disclosed unless exempt under Government Code §§ 6254, 6275 *et seq.*, or other applicable law.

Public Records Act Policy

Disclosable public records are those which:

1. Relate to the public's business;
2. Do not meet one of the exceptions to disclosure; and
3. Are kept in the ordinary course of business.

Records maintained by CDFA are subject to numerous exemptions. Common exemptions are those that protect investigatory records, attorney-client privileged communications, trade secrets, and preliminary notes, drafts, and memoranda that are not retained by the agency in the ordinary course of business.

If a document should have been purged under the current Records Retention Schedule, but is present at the time of a request, the proper practice is to produce it, if it is not otherwise exempt. If in doubt, consult the Legal Office.

Additionally, records provided by outside sources that contain confidential information should be identified as such at the time it was provided to the Program by the original holder/supplier of the information, if possible. The supplier of confidential information may be notified of public records requests concerning such information. In limited situations, where the confidential nature of a record is in doubt, CDFA may advise the supplier of CDFA's intent to disclose and, as a courtesy, may give ten days for the supplier to obtain a court order.

If a supplier of records wishes the records returned, the supplier must request the return of such records *at the time the records are provided* to CDFA. Alternatively, at the time the records are provided to CDFA, the supplier may authorize their destruction by CDFA after they are no longer of use to CDFA. Requests for the return or destruction of records may not be made or granted to avoid producing the requested records pursuant to a PRA request.

Forms that are used for collecting confidential data should be designed so that any public information can be easily segregated from confidential information. Special care should be given to computer records which need to be properly formatted and secured.

Records that are exempt from public disclosure may be released to other governmental agencies that agree to treat the records as confidential and respect their protected status. The information so obtained by another governmental agency shall be used only for purposes that are consistent with existing law and shall be disclosed only to employees or officials of the agency who are authorized in writing by the head of the agency to obtain it. (Civil Code § 1798.24; Government Code § 6254.5(e))

Government agency requests for exempt records must be approved by the Legal Office and the Secretary.

Public Records Act Policy

Fees

The Legal Office fees for producing hardcopies of records under the Act will include the direct costs of duplication in addition to postage. The fee for hardcopy records will be determined at the time of the request. If the records are copied to a CD, the requester will be charged the cost of the CD and postage.

The Legal Office may recover the ancillary costs of producing electronic copies of records (e.g., computer disks, tape, PDF, etc.) in two cases:

1. When it must produce a copy of an electronic record between regularly scheduled intervals of production, or
2. When compliance with the request for an electronic record would require data compilation, extraction, or programming to produce the record.

The Legal Office may exercise discretion in waiving or reducing the fees as it deems appropriate or when the combined total is \$5 or less.

Distribution

Distribution of this policy includes Executive staff, Division Directors, Branch Chiefs, Administrative Assistants, Executive Assistants, all office locations and District Agricultural Associations.

Questions regarding this policy may be directed to the Legal Office at (916) 654-1393.

Attorney General Services Policy

Rev. February 2018

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) to request legal services from the Department of Justice (DOJ), Attorney General's Office (AGO) as necessary.

Authority

Government Code sections 11040, *et seq.*

Responsibilities and Procedures

Programs and District Agricultural Associations (DAAs)

- For matters other than judicial or administrative proceedings, Programs submit a completed [SO-200](#) Legal Referral Form (LRF) to the Legal Office when AGO services are requested.
- For judicial or administrative proceedings, Programs submit complaint, subpoena, appeal, claims or enforcement file to the Legal Office.
- The FI\$Cal Program Code (PC) to be charged must be included. If more than one PC is to be charged, the Program must indicate the percentage charge for each PC.
- DAAs submit requests through the Fairs & Expositions (F&E) Branch for all legal matters. The F&E Branch will forward the request to the Legal Office.

Legal Office

- For judicial and administrative proceedings, the Legal Office submits a request for representation to the AGO with the following information:
 - o Complete AGO Report to accompany request for representation.
 - o Necessary supporting documents.
 - o DOJ Agency/client code (corresponds to PC).
- Provides the Program or the DAA and Financial Services Branch, Accounts Payable Unit (AP) with a copy of the AGO request.
- Reviews all DOJ billing summaries for accuracy and approval, and submits to AP or the DAA for payment.

Attorney General Services Policy

- For AGO representation for other than judicial or administrative proceedings, submits a written analysis and recommendation on behalf of the Program or DAA to the Governor's Legal Office for review and approval.
 - Schedules DOJ charges for Program payment via Direct Transfer to PC(s) provided by Legal Office.
- Financial Services
Branch, Accounts
Payable Unit*

DOJ General Fund

The DOJ has an annual General Fund appropriation to relieve small client agencies from extraordinary legal charges. To qualify for relief, the Program or DAA must attach a justification memo to their LRF which includes the following information:

- Brief description of the case.
- Likely duration and cost of litigation, settlement, judgement.
- Proof of deficiency.

Upon receipt of the request, the Legal Office will forward the justification memo to the Executive Office for approval. Upon approval, the Legal Office will inform the AGO of CDFA's request to use the General Fund appropriation to fund legal services. If not approved, the Program must fund the expenditures.

Distribution

Distribution of the above policy/procedure includes Executive Office, Directors, Assistant Directors, Branch Chiefs, Presidents of DAA Board of Directors, DAA Chief Executive Officers, Program Supervisors, and Administrative Assistants.

If you have questions regarding this policy/procedure, please contact the Legal Office at (916) 654-1393.

Administrative Services – Audit Office

Rev. May 6, 2003

Policy

The California Department of Food and Agriculture maintains an Internal Audit Office as a means of providing management personnel with information to control the operations for which they are responsible. The audit function assist management in the effective discharge of their responsibilities by furnishing them with analysis, appraisals, recommendations, and comments concerning the activities reviewed. The Internal Audit Office provides reviews to assure that the Department's plans are carried out, policies and procedures are observed, assets are accounted for, and records and reports are reliable.

The Audit Chief of the Internal Audit Office will ensure that:

1. Organizations within the Department are reviewed at appropriate intervals to determine whether they are effectively carrying out their functions of planning, accounting, custody and control in accordance with management instructions, policies and procedures, and in a manner that is consistent both with departmental objectives and with high standards.
2. The result of the examinations made by the audits and the opinions that they form and the recommendations provided are promptly reported to management to take appropriate action.
3. Any plans or actions taken to correct reported conditions are evaluated for satisfactory disposition of audit findings and, if the disposition is considered unsatisfactory, to see that further discussions are held to achieve satisfactory dispositions.

The Internal Audit Office has access to all Department's activities, records, properties and personnel related to the subject under review.

The Internal Audit Office reports to the Chief Counsel of the Department. The Internal Audit Office's final reports are submitted to management of the area under review.

Each manager is responsible for seeing that corrective action on reported deficient conditions is either planned or taken within 30 days from receipt of a report disclosing those conditions. In addition, managers are responsible for seeing that a written report of action planned is forwarded to the Audit Chief. The Standards for the Professional Practice of Internal Auditing recommend that management views about audit conclusions or recommendations be included in the audit report. Audit reports are more balanced when management's views have been included in the final report.

Administrative Services – Audit Office

Rev. May 6, 2003

Authority

- SAM 20050 – Financial Integrity and State Manager’s Accountability Act
- Senate Bill 1397 (1966) & Business and Professions Code (BPC) Section 19620 – States that the CDFA is responsible for ensuring the integrity of the F&E Fund and providing oversight of activities carried out by each California fair.
- Legislature – Annually appropriate and the Board shall deposit to the credit of the F&E Fund, revenues received from the Horse Racing Board for the auditing of all district agricultural association fairs.
- Food & Agricultural Code Section 4504 – Section 4504 states that the Department may at any time examine the books and records of any fair to determine the correctness of any statement or report, which is filed with the Department.

Responsibility

The mission of the Internal Audit Office is to provide our clients the highest quality services to safeguard public assets and promote operational effectiveness.

Audit Chief

The Audit Chief is responsible for:

- Appropriately organizing and supervising competent audit staff, and maintaining professionalism through adherence to the applicable standards of the Institute of Internal Auditors, the United States General Accounting Office and the American Institute of Certified Public Accountants.
- Establishing procedures for the auditing activity and directing its technical and administrative functions.
- Developing and executing a comprehensive audit program for the evaluation of the management controls provided over all departmental activities.
- Informing managers and supervisors promptly about the scope of each review and the findings and the recommended measures for improvement.
- Recommending improvement of management controls designed to safeguard the Department and State of California resources, and to ensure compliance with laws and regulations.
- Reviewing procedures and records for their adequacy to accomplish intended objectives, and appraising policies and plans relating to the activity or function under audit review.
- Authorizing the publication of reports on the audit examinations, including recommendations for improvements.

Administrative Services – Audit Office

Rev. May 6, 2003

- Appraising the adequacy of the actions taken by operating management to correct reported deficient conditions; accepting adequate corrective action; continuing reviews with appropriate management personnel on action considered inadequate until there has been satisfactory resolution of the matter.
- Conducting special examinations at the request of management, including the reviews of representations made by persons outside of the Department.
- Determine the extent to which resources are used efficiently and effectively.
- Reviewing and appraising the soundness, adequacy, and application of accounting, financial, and other operating controls to promote effective controls at a reasonable cost.
- Coordinating internal and external audit activity to avoid duplicating effort.

Internal Audits

The principle function of internal auditing is to provide assurance that the obligations of collecting, disbursing, and reporting funds are properly performed and are in compliance with the departmental policies and State rules and regulations. This is accomplished through continuous testing and evaluating of financial cycles, data processing cycles, and departmental program reviews. Internal audit activities include:

- Internal Control and Fiscal Compliance Audits (mandated)
- Computer Services Operational Audits (mandated)
- General Services Purchase Delegation Audits (mandated)
- Program Compliance Audits and Special Investigations as requested
- Special Program Reviews

Administrative Services – Audit Office

Rev. May 6, 2003

External Audits

External auditing examines and evaluates industry's compliance with laws and regulations pertaining to specific agricultural programs. Agricultural programs subject to external audits include the following:

- Fairs and Expositions: 52 District Agricultural associations
- Marketing Boards and Commissions
- County Audits: 57 County Agricultural Commissioners and 55 Sealers of Weights and Measures
- Milk Pooling Audit (mandated compliance audit)
- Commercial Feed Program
- Commercial Fertilizer Program
- Egg Quality Control Program
- Motor Oil Program
- Curly Top Virus Program
- Nursery Inspection Program
- Pink Bollworm Program

Special Investigations

Special Investigations are conducted when requested by departmental legal staff and investigators, Attorney General's Office, local district attorneys, and other law enforcement agencies.

Distribution

Distribution of the above policy includes: Secretariat, Division Directors, and Branch Chiefs.

If you have any questions or need additional information regarding this policy, please contact the Audit Office at (916) 327-6614.

 cdfa CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE	OFFICE OF INFORMATION TECHNOLOGY SERVICES 	
INFORMATION TECHNOLOGY POLICY	NUMBER: 6.1.2	DATE ISSUED: September 2023
Change and Configuration Management Policy	EXPIRES: Until Canceled or Superseded	

1. Overview

Business functions are highly dependent on secure and resilient Information Technology (IT) operating environments. Secure and resilient IT environments are enabled through both maintaining standard configurations and establishing processes and procedures to effectively manage changes to the operating environments.

IT change management facilitates IT changes while minimizing negative impacts to the organization. IT configuration management establishes, implements, and manages information asset baseline configurations and maintains consistency throughout the information asset lifecycle.

This policy establishes the California Department of Food and Agriculture's (CDFA) requirement for formal change and configuration management.

The objective for this policy is to establish CDFA requirements for standardized methods and procedures for the management of information asset configurations and changes to CDFA's information and technology environments, while integrating security and risk considerations.

2. Scope

The scope of this policy extends to all state and agency information assets owned and operated by CDFA, information assets managed by third parties on behalf of CDFA, and all information assets that process or store CDFA information in support of CDFA's mission and business functions.

This policy applies to CDFA program management, owners of information assets, and information asset custodians.



3. Definition of Key Terms

CDFA uses information security and privacy definitions issued by the California Department of Technology (CDT) Office of Information Security (OIS) in implementing information security and privacy policy. Terms and definitions are defined here and are also on the CDT website at <https://cdt.ca.gov/security/technical-definitions/>.

Term	Definition
Agency Information Officer	The Agency Information Officer (AIO) oversees information technology (IT) responsibilities for the department and is responsible for the development and implementation of plans to improve the department's communication, access to information, security and risk mitigation, and organizational efficiency. The AIO ensures that the agency meets the requirements of the law.
Agency Information Security Officer	The Agency Information Security Officer (AISO) is responsible for ensuring information assets and technologies are adequately protected by establishing appropriate standards and controls, managing security technologies, and directing the establishment of and implementing policies and procedures. The AISO directs staff in identifying, developing, implementing, and maintaining processes across the department to reduce information technology (IT) risks to the department.
Agency Secretary	The Agency Secretary of the California Department of Food and Agriculture participates in all program policy development, planning, decision making, and evaluation for the Department; recommends new program direction, policies, rules, and regulations; plans and manages a variety of operational programs such as contract management, security, telecommunications, safety, maintenance and facilities development programs, or administrative programs including personnel, computer services, procurement, and financial operations. Core functions include protecting and promoting California agriculture, investing in the Department's employees to provide the best service to farmers, ranchers and consumers, and fostering an agricultural industry that embraces its role as a global leader on everything from the most technical aspects of farming to the broadest environmental imperatives.
Change Management	Change management is a formal IT service management discipline that is intended to govern any and all changes to an IT operating environment. The goal of the change management process is to ensure that standardized methods and procedures are used for efficient and prompt handling of all changes, in order to minimize the impact of change-related incidents upon service quality, and consequently improve the day-to-day operations of the organization.



Term	Definition
Chief Information Officer	The Chief Information Officer (CIO) reports to and assists the AIO in directing, planning, organizing, and controlling all activities of the Department to ensure effective, efficient, and secure operations.
Configuration Management	Configuration management is the process responsible for ensuring that information assets required to deliver services are properly controlled, and that accurate and reliable information about those assets is available when and where it is needed. This information includes details of how the assets have been configured and the relationships between assets.
Employees	All CDFA's personnel and users (full or part time), retired annuitants, volunteers, students, interns/externs, consultants or contractors, temporary help, aides, board members, executive management, special consultants, appointees, including District Agricultural Association (DAA) personnel and Chief Executive Officers, or other third-party users commissioned, employed, assigned or otherwise engaged in the work associated to be performed or administered and authorized to access and use all forms of information assets owned and managed by CDFA.
Information Assets	Information Assets include (a) all categories of paper and automated information, including (but not limited to) records, files, and databases; and (b) information technology (IT) facilities and equipment (including telecommunications networks, personal computer systems, laptops, tablets, and mobile devices), and software owned or leased by state entities.
Information Asset Configurations	Information asset configurations refers to specific operating environment settings that are standardized across the environment. (see also <i>Operating Baselines</i>)
Information Asset Custodian	Personnel or organizational unit (such as a data center or information processing facility) responsible as caretaker for the proper use and protection of information assets on behalf of the information asset owner.
Information Security Office	The Information Security Office (ISO) is responsible for providing guidance in protecting IT infrastructure, networks, devices, and data. The ISO responds to Incidents, Service Requests, monitors and reacts to attacks, and reports data breaches.
Information Technology (IT)	Information technology means all computerized and auxiliary automated information handling, including systems design and analysis, conversion of data, computer programming, information storage and retrieval, voice, video, data communications, requisite systems controls, and simulation. The term "information technology" is commonly abbreviated as "IT".



Term	Definition
National Institute of Standards and Technology	The National Institute of Standards and Technology (NIST) is a physical sciences laboratory and a non-regulatory agency of the United States Department of Commerce. https://www.nist.gov/
Office of Information Security	The Office of Information Security (OIS) is an office within the California Department of Technology. The OIS is the primary state government authority charged with ensuring the confidentiality, integrity, availability of state systems and applications, and ensuring the protection of state information assets.
Operating Baselines	Operating baselines refers to specific information asset settings and configurations that are standardized for the environment, and includes devices such as database, endpoints, servers, and network equipment. <i>(see also Information Asset Configurations)</i>
Owner of Information Assets	An organizational unit having responsibility for making classification, categorization and control decisions regarding information assets.
Personnel	See “Employees”.
Security Variance	A Security Variance refers to exemption from compliance with an established Information Technology policy. An exception to comply with established policies may be granted when there is valid justification for not being able to comply.
State Administrative Manual	The State Administrative Manual (SAM) is a reference resource for statewide policies, procedures, requirements, and information developed and issued by authoring agencies in order to provide a uniform approach to statewide policy management.
Statewide Information Management Manual	The Statewide Information Management Manual (SIMM) contains standards, instructions, forms, and templates that State agencies must use to comply with Information Technology (IT) policy.

4. Acronyms

Acronym	Definition
AIO	Agency Information Officer
AISO	Agency Information Security Officer
CDFA	California Department of Food and Agriculture
CDT	California Department of Technology



Acronym	Definition
CIO	Chief Information Officer
CSF	Cybersecurity Framework
DAA	District Agricultural Association
ISO	Information Security Office
IT	Information Technology
NIST	National Institute of Standards and Technology
OIS	Office of Information Security
OITS	Office of Information Technology Services
SAM	State Administrative Manual
SIMM	Statewide Information Management Manual

5. Authority

This policy complies with the State of California Government Code Section [11549.3](#).

References and Implementation Guidance		
Reference	Policy/Article Description	Control/Section
NIST Cybersecurity Framework (CSF)	PROTECT	
	Information Protection Processes & Procedures	PR.IP
NIST Special Publication (SP) 800-53	Configuration Management	CM-2, CM-3, CM-4, CM-5, CM-6 CM-9
SAM	Information Security Integration	5315
	Configuration Management	5315.5
	Endpoint Defense	5355
SIMM	Foundational Framework	5300-B
	Cloud Security Guide	140
	Project Requirements Development Instructions	170B
	Project Management Risk Assessment	45B



Related Policies, Procedures, and Standards		
Reference	Policy/Article Description	Control/Section
CDFA Policies	Firewall Configuration Policy	6.3.6
	Security Patches and Security Upgrade Policy	6.3.4
	Server Configuration Policy	6.3.3
	Technology Upgrade Policy	6.4.2

6. Roles and Responsibilities

Role	Role Definition
Agency Information Security Officer	The CDFA Agency Information Security Officer (AISO) shall: Participate in change management processes and will provide advice and assist in assessing security requirements for change requests as appropriate.
Agency Secretary or Designee	The CDFA Agency Secretary or Designee owns this policy and is responsible for: - Ensuring that all owners, custodians, and users of CDFA information assets are aware of this policy and acknowledge their individual responsibilities; - Ensuring that this policy will be reviewed annually, and updated accordingly; and - The annual auditing and assessment of compliance with this policy.
Employees/Users of Information Assets	The CDFA Employees/Users of Information Assets must: Report policy violations to their management and the ISO upon discovery.
Information Asset Custodians	The CDFA Information Asset Custodians shall: - Implement configuration and change management technology, process, and workflow controls as approved by owners of information assets; and - Maintain change and configuration management records for a minimum period of 12 months.



Role	Role Definition
Owners of Information Assets	The CDFA Owners of Information Assets shall: • Ensure that this policy is implemented and will review the policy's implementation annually; and • Ensure access technology and process controls commensurate with asset sensitivity or criticality are implemented for assets under their purview.

7. Policy

The California Department of Food and Agriculture shall:

- 7.1. Formally manage all changes to information assets;
- 7.2. Establish a change management discipline which includes a change advisory board that meets on a regular and periodic basis to review changes to information assets;
- 7.3. Ensure that the change advisory board comprises representation from appropriate stakeholders, and in particular from impacted business areas;
- 7.4. Ensure that the change advisory board includes formal security representation, and that change management processes formally integrate security evaluations and risk impact assessments in all change activities;
- 7.5. Establish a comprehensive enterprise-wide change management system, comprising supporting processes, workflows, and centralized repository for all changes, including changes to baseline configurations;
- 7.6. Establish, implement, and manage CDFA operating baselines for information asset configurations;
- 7.7. Implement technologies, processes, and procedures to maintain and manage information asset configurations; and
- 7.8. Ensure CDFA change and configuration management processes are reviewed annually to incorporate continuous improvement.

8. Policy Compliance Agreement

Non-compliance with this policy and other state laws may result in loss of delegated privileges, subject to administrative corrective and disciplinary actions, or other civil and criminal penalties.

As set forth in Government Code section 11549.3, state entities shall comply with the information security and privacy policies, standards and procedures issued by the California OIS. In addition to compliance with the information security and privacy policies, standards, procedures, and filing requirements issued by the OIS, state entities shall ensure compliance with all security and privacy laws, regulations, rules, and standards specific to and governing the administration of their programs. Program administrators shall work with their general counsel, AISO, and Privacy Program Officer/Coordinator to identify all security and privacy requirements applicable to their programs and ensure implementation of the requisite controls.



The consequences of state entity negligence and non-compliance with state laws and policies may include loss of delegated authorities, negative audit findings, monetary penalties, and legal actions.

9. Auditing

CDFA has the right to audit any activities related to the use of State information assets.

10. Reporting

Violations of this policy must be reported to the CDFA ISO upon discovery.

11. Security Variance Process

If compliance is not feasible or is technically impossible, if existing policy currently in place already meets these requirements, or if deviation from this policy is necessary to support a business function, the Division Director must formally request a security variance as defined in the CDFA Security Variance policy.

The CDFA Agency Secretary or their defined designee will approve/deny policy exceptions within the organization, as appropriate. The requesting Division Director is responsible for ensuring that required documentation with proper and clearly defined justification to support the security variance request is prepared and submitted.

12. Distribution

Distribution of this policy includes all CDFA employees.

If you have any questions or need additional information, please contact the ISO at CDFA.ISO@cdfa.ca.gov.



13. Revision History

History Chart				
Version #	Revision Date	Revised by	Description of Change(s)	Approved by
Initial Release	9/27/23	N/A	Initial Release	Karen Ross



 CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE	OFFICE OF INFORMATION TECHNOLOGY SERVICES 	
INFORMATION TECHNOLOGY POLICY	NUMBER: 6.1.4	DATE ISSUED: October 2023
Media Protection Policy	EXPIRES: Until Canceled or Superseded	

1. Overview

The California Department of Food and Agriculture (CDFA) will safeguard media in digital and/or non-digital form from unauthorized access, use, modification, or disposal, inside or outside of the CDFA's control areas whether in storage or transport. All information assets shall meet the required security controls defined in this policy, which is based on the National Institute of Standards and Technology (NIST) SP 800-53, Security and Privacy Controls.

Media includes, but is not limited to, all digital media like compact disks (CDs), diskettes, magnetic tapes, external/removable hard drives, mobile devices including portable storage media such as USB memory sticks, and portable computing and communications devices with storage capability (e.g., notebook/laptop computers, tablets, smartphones and cellular telephones, digital cameras, and audio recording devices), and non-digital media (e.g., paper, microfilm. etc.).

All data classifications and categorizations shall be reviewed annually or when there is a significant change that impacts the security posture of the data and/or system requiring a reevaluation. A significant change includes but is not limited to, data aggregation, commingling, or decoupling of data. A reevaluation should also occur when a system classified as low or medium risk is later interconnected with a system classified as high risk.

2. Scope

The scope of this policy extends to all information assets owned or operated by CDFA, as well as information assets owned or operated by third parties (if applicable) on behalf of CDFA.

This policy applies to CDFA Agency Secretary or Designee, program management, owners of critical infrastructure, information assets, Agency and Department Information Security Officers, Technical Recovery Program Coordinators, Business Continuity coordinators/managers, and Information Asset Custodians.

This policy covers all CDFA information and information systems to include those used, managed, or operated by a third-party, or other organizations on behalf of the State. This policy applies to all CDFA employees, contractors, and all other users of CDFA information and information systems that support the operation and assets of the CDFA.



3. Definition of Key Terms

CDFA uses information security and privacy definitions issued by the California Department of Technology (CDT) Office of Information Security (OIS) in implementing information security and privacy policy. Terms and definitions are defined here and are also on the CDT website at <https://cdt.ca.gov/security/technical-definitions/>.

Term	Definition
Agency Information Officer	The Agency Information Officer (AIO) oversees information technology (IT) responsibilities for the department and is responsible for the development and implementation of plans to improve the department's communication, access to information, security and risk mitigation, and organizational efficiency. The AIO ensures that the agency meets the requirements of the law.
Agency Information Security Officer	The Agency Information Security Officer (AISO) is responsible for ensuring information assets and technologies are adequately protected by establishing appropriate standards and controls, managing security technologies, and directing the establishment of and implementing policies and procedures. The AISO directs staff in identifying, developing, implementing, and maintaining processes across the department to reduce IT risks to the department.
Agency Secretary	The Agency Secretary of the California Department of Food and Agriculture participates in all program policy development, planning, decision making, and evaluation for the Department; recommends new program direction, policies, rules, and regulations; plans and manages a variety of operational programs such as contract management, security, telecommunications, safety, maintenance and facilities development programs, or administrative programs including personnel, computer services, procurement, and financial operations. Core functions include protecting and promoting California agriculture, investing in the Department's employees to provide the best service to farmers, ranchers and consumers, and fostering an agricultural industry that embraces its role as a global leader on everything from the most technical aspects of farming to the broadest environmental imperatives.
Chief Information Officer	The Chief Information Officer (CIO) reports to and assists the AIO in directing, planning, organizing, and controlling all activities of the Department to ensure effective, efficient, and secure operations.
Employees	All CDFA's personnel and users (full or part time), retired annuitants, volunteers, students, interns/externs, consultants or contractors, temporary help, aides, board members, executive management, special consultants, appointees, including District Agricultural Association (DAA) personnel and Chief Executive Officers, or other third-party users commissioned, employed, assigned or otherwise engaged in the work associated to be performed or administered and authorized to access and use all forms of information assets owned and managed by CDFA.



Term	Definition
Information Assets	Information assets include (a) all categories of paper and automated information, including (but not limited to) records, files, and databases; and (b) IT facilities and equipment (including telecommunications networks, personal computer systems, laptops, tablets, and mobile devices), and software owned or leased by state entities.
Information Security Office	The Information Security Office (ISO) is responsible for providing guidance in protecting IT infrastructure, networks, devices, and data. The ISO responds to Incidents, Service Requests, monitors and reacts to attacks, and reports data breaches.
National Institute of Standards and Technology	The National Institute of Standards and Technology (NIST) is a physical sciences laboratory and a non-regulatory agency of the United States Department of Commerce. https://www.nist.gov/
Office of Information Security	The Office of Information Security (OIS) is an office within the California Department of Technology. The OIS is the primary state government authority charged with ensuring the confidentiality, integrity, availability of state systems and applications, and ensuring the protection of state information assets.
Personally Identifiable Information	Any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual.
Personnel	See "Employees".
Privacy Program Coordinator	The Privacy Program Coordinator (PPC) is responsible for CDFA's Privacy Program including daily operations of the program, development, implementation, and maintenance of policies and procedures, monitoring program compliance, investigation and tracking of incidents and breaches, and ensuring compliance with federal and state laws.
Protected Health	Individually identifiable health information: (1) Except as provided in paragraph (2) of this definition, that is: (i) Transmitted by electronic media; (ii) Maintained in electronic media; or (iii) Transmitted or maintained in any other form or medium. (2) Protected health information excludes individually identifiable health information in: (i) Education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. 1232g; (ii) Records described at 20 U.S.C. 1232g(a)(4)(B)(iv); and (iii) Employment records held by a covered entity in its role as employer.



Term	Definition
Security Variance	A Security Variance refers to exemption from compliance with an established IT policy. An exception to comply with established policies may be granted when there is valid justification for not being able to comply.
State Administrative Manual	The State Administrative Manual (SAM) is a reference resource for statewide policies, procedures, requirements, and information developed and issued by authoring agencies in order to provide a uniform approach to statewide policy management.
Statewide Information Management Manual	The Statewide Information Management Manual (SIMM) contains standards, instructions, forms, and templates that State agencies must use to comply with IT policy.

4. Acronyms

Acronym	Definition
AIO	Agency Information Officer
AISO	Agency Information Security Officer
CDFA	California Department of Food and Agriculture
CDT	California Department of Technology
CIO	Chief Information Officer
CSF	Cybersecurity Framework
DAA	District Agricultural Association
FIPS	Federal Information Processing Standards
FTI	Federal Tax Information
ISO	Information Security Office
IT	Information Technology
NIST	National Institute of Standards and Technology
OIS	Office of Information Security
OITS	Office of Information Technology Services
PCI	Payment Card Industry
PHI	Protected Health Information
PII	Personally Identifiable Information
PIN	Personal Identification Numbers



Acronym	Definition
PRA	Public Records Act
SAM	State Administrative Manual
SIMM	Statewide Information Management Manual

5. Authority

This policy complies with the State of California Government Code Section [11549.3](#)

References and Implementation Guidance		
Reference	Policy/Article Description	Control/Section
NIST Cybersecurity Framework (CSF)	PROTECT	
	Protective Technology	PR.PT
	Data Security	PR.DS
NIST Special Publication (SP) 800-53	Media Protection	MP-1, MP-2, MP-3, MP-4, MP-5, MP-6, MP-7
NIST SP 800-60	Guide for Mapping Types of Information and Information Systems to Security Categories	Volume 1, Revision 1
	Appendices to Guide for Mapping Types of Information and Information Systems to Security Categories	Volume 2, Revision 1
NIST SP 800-88	Guidelines for Media Sanitization	Revision 1
SAM	Media Protection	5365.2
	Personnel Management	5305.4
	Risk Assessment	5305.7
	Information Security Integration	5315
	Malicious Code Protection	5355.1
	Continuous Monitoring	5335.1
	Access Control for Output Devices	5365.1
SIMM	Information Security Program Management Standard	5305-A



Related Policies, Procedures, and Standards		
Reference	Policy/Article Description	Control/Section
Federal Information Processing Standards (FIPS) Publication	Standards for Security Categorization of Federal Information and Information Systems	FIPS 199
CDFA Policies	Media Protection	6.1.4
	Personnel Security	6.2.3
	Security Analytics and Continuous Monitoring	6.2.9
	Access Control	6.2.12
	Risk Assessment	6.2.15
	Network Activity Monitoring	6.3.1



6. Roles and Responsibilities

Role	Role Definition
Agency Information Officer	The CDFA Agency Information Officer (AIO) is responsible for: The oversight of all entity information systems.
Agency Information Security Officer	The CDFA Agency Information Security Officer (AISO) must: - Assist owners of information assets and information asset custodians in the identification of data security controls and processes; - Participate in incidents involving data security; - Ensure that data security controls, methods, and processes meet CDFA and applicable regulatory requirements for security and privacy; - Develop, implement, document, disseminate, and maintain operational security practices to ensure confidentiality, integrity, and availability of data; - Ensure that security logs are maintained and monitored regularly; - Identify solutions that enable consistency in compliance, and aggregate and report on available compliance metrics; - Develop, establish, maintain, and enforce information security policy and relevant standards and processes; - Provide oversight of information security governance processes; and - Educate the CDFA community about individual and organizational information security responsibilities.
Agency Secretary or Designee	The CDFA Agency Secretary or Designee owns this policy and is responsible for: - Ensuring that all users of CDFA information assets are aware of this policy and acknowledge their individual responsibilities; - Ensuring that this policy be reviewed annually and updated accordingly; and - Auditing and assessment of compliance with this policy on an annual basis.



Role	Role Definition
Custodians of Information Assets	The CDFA Custodians of Information Assets must: • Implement user access and associated rights and privileges as requested and approved by owners of information assets; • Revoke or modify individual user access rights and privileges upon notification from the owners of information assets; • Maintain access records as defined by owners of information assets; • Notify CDFA's ISO and the asset owner when a security incident occurs; • Implement the user access policies specified by Owners of Information assets; • Ensure that data quality is sustained during technical processing (such as data entry or Extract-Transport-Load operations); • Ensure that the recipient of a data extract receives a copy of the entity metadata that corresponds to the extracted data; • Follow change management practices during maintenance of data within a data collection; • Ensure that changes to data content and controls can be audited; and • Advise trustees on technology solutions that support the type of access the trustee wants to provide.



Role	Role Definition
Employees/Users of Information Assets	All CDFA Employees/Users of Information Assets must: • Use and protect CDFA information assets in accordance with this policy and applicable information security and privacy policies; • Report any security concerns pertaining to CDFA information asset security of which they become aware to the CDFA ISO, designee, or appropriate security staff upon discovery. Security concerns in information asset security include unexpected software or system behavior, which could result in unintentional disclosure of information or exposure to security threats upon discovery; • Report any suspected or actual activities and/or events indicating misuse or violation of this Media Protection Policy to the CDFA ISO, designee, or appropriate security staff upon discovery; • Report policy violations to their management and the ISO upon discovery; • Not use CDFA information assets to engage in or solicit the performance of any activity that violates laws, regulations, rules, policies, standards, and/or other applicable requirements issued by the federal government, the State of California, and the CDFA; • Not engage in any activity that attempts to circumvent CDFA's security controls (e.g., spoofing email, anonymous proxies, or unauthorized encryption), or other activities that may degrade the performance of information resources, or may deprive an authorized user access to CDFA assets; • Not use CDFA information assets for personal enjoyment, private gain or advantage, personal benefit, political activity, unsolicited advertising, unauthorized fundraising, or an outside endeavor not related to state business; • Not connect or otherwise attach personal and/or unauthorized devices or equipment to the CDFA network infrastructure; and • Not share their work related account(s), passwords, Personal Identification Numbers (PIN), security questions/answers, security tokens (e.g., smartcard, key fob), or other information or devices used for identification, authentication, and/or authorization purposes.



Role	Role Definition
Owners of Information Assets	The CDFA Owners of Information Assets shall: • Ensure that this policy is implemented, and that implementation is reviewed annually; • Ensure access technology and process controls are commensurate with the sensitivity or criticality of information assets under their purview; • Periodically review accounts with elevated privileges and verify that continued privilege account access is required; • Audit and assess user access rights and privileges to ensure alignment with individual job roles and functions annually; • Ensure that information within their domain is governed across systems and lines of business; • Approve data glossaries and other data definitions; • Ensure the accuracy of information as used across the Entity; • Direct data quality activities; • Work with other staff to resolve data issues and dissonance across business units; and • Provide input to the governance committee on software solutions, policies, or regulatory requirements that impact their data domain.

7. Policy

Media Access

CDFA shall:

- 7.1. Ensure personally owned and/or unauthorized devices are not used on state networks nor for storing entity-derived data;
- 7.2. Implement security controls to protect the confidentiality, integrity, and availability of data contained on any media from unauthorized disclosure and modification throughout the life of those storage media, including disposal;
- 7.3. Require access controls to include the physical protection of and accountability for removable media;
- 7.4. Assess risk for the selection of media types, storage location, and associated information contained on that media requiring controlled access;
- 7.5. Require Owners of Information Assets to document controls for the media such as requiring privileged access, individuals authorized to access the media, and the specific measures taken to control access;



- 7.6. Document the processes required to ensure the protection of media, the information on the media, and any metadata relating to each;
- 7.7. Require all CDFA employees to use approved devices to store any data;
- 7.8. Ensure all removable media is encrypted using FIPS 140-2 [or FIPS 140-3] compliant encryption algorithms (e.g. AES 256), unless the CIO or designee has classified the data as public;
- 7.9. Ensure all removable devices are isolated and scanned for malware prior to use on the CDFA network;
- 7.10. Ensure autorun capabilities are deactivated to reduce any risk of malware leak;
- 7.11. Ensure any detected malware is removed from the media;
- 7.12. Ensure the media is verified and safe to use on the CDFA's network; and
- 7.13. Ensure automated tools are employed to monitor internally and at network boundaries for unauthorized, unusual, and/or suspicious transfers or events of the following data types:
 - Personally Identifiable Information (PII)
 - Federal Tax Information (FTI)
 - Protected Health Information (PHI)
 - Payment Card Industry (PCI) data

Media Marking

CDFA shall:

- 7.14. Ensure all CDFA data be labeled to reflect its classification level. Recipients of information shall maintain an assigned label and protect the information;
- 7.15. Ensure the highest classification will appear on the label when a storage volume or information source contains multiple classifications. Data labeling may be automated where technically configurable, or it may be done manually; and
- 7.16. Ensure removable media is labeled with its sensitivity level. This includes CDs, DVDs, diskettes, magnetic tapes, external hard drives, and flash drives.

System Classes

Desktops, laptops and supporting systems used by agencies are typically Low Risk unless they store, process, transfer, or communicate Medium Risk or High Risk data. Low Risk systems must maintain a minimum level of protection, e.g. passwords and data-at-rest restrictions. Low risk systems are also subject to state laws and may require legal review to ensure that only public data is released in response to a public records request. Breaches of Low Risk systems can potentially pose significant



risk to the State. Websites with high visibility are often targets of opportunities for compromise and defacement. In addition, an unauthorized user may be able to pivot to a higher classified system. However, this policy is confined to data classification requirements.

CDFA shall:

- 7.17. Use System Classifications based on the data stored, processed, transferred, or communicated by the system and the overall risk of unauthorized disclosure, corruption, or availability;
- 7.18. Use the following System Classification per FIPS 199, SIMM 5305-A, and NIST 800-53:
 - **Low Risk System** – Systems that contain only data that is public by law or directly available to the public via such mechanisms as the Internet or Public Records Act (PRA) request.
 - **Medium Risk System** – Stores, processes, transfers, or communicates Medium-Risk data or has a direct dependency on a Medium-Risk system.
 - **High Risk System** – Stores, processes, transfers or communicates High-Risk data or has a direct dependency on a High-Risk system.

Media Archiving Process

CDFA shall:

- 7.19. Provide a method of accessing data when archiving data associated with legacy systems;
- 7.20. Label the classification level of the back-up media so the sensitivity of the data can be determined;
- 7.21. Store media back-ups in a secure location, preferably an off-site facility;
- 7.22. Ensure all back-up media are physically secured from theft and destruction; and
- 7.23. Migrate data to another system or archive data in accordance with applicable records management regulations and policies for potential future access;

Media Storage

CDFA shall:

- 7.24. Ensure the proper storage of data and information files for which they are responsible;
- 7.25. Protect and back up stored data such that a restoration can occur in the event of accidental or unauthorized deletion or misuse;
- 7.26. Meet all applicable statutory and regulatory requirements for data retention, destruction, and protection;



- 7.27. Protect the State of California's information assets and comply with the CDFA records retention policy;
- 7.28. Ensure encryption keys are properly stored (separate from data) and available, if needed, for later decryption. When using encryption to protect data, CDFA shall follow FIPS 140-2 information security standard for encryption;
- 7.29. Establish change management procedures for the emergency modification of data that occurs outside normal software functions and procedures. All emergency modifications or changes will be properly documented and approved and will meet all applicable statutory and regulatory requirements;
- 7.30. Physically control and securely store media containing Confidential, Sensitive, and Personal data;
- 7.31. Protect information system media until the media is destroyed or sanitized using approved equipment, techniques, and procedures. See NIST SP 800-88, Guidelines for Media Sanitization, for additional details;
- 7.32. Encrypt data stored on secondary storage devices (devices that retain copies of data stored on primary data storage devices, i.e. backups) as required for the protection of the highest level of information contained therein; and
- 7.33. Keep stored public data to a minimum of what is necessary to adequately perform business functions. Sensitive or confidential data that is not needed for normal business functions should not be stored.

Media Transport

CDFA shall:

- 7.34. Ensure all users follow the requirements for transferring or communicating information based on its sensitivity. Owners of Information Assets, or their assigned representatives, may designate additional controls to further restrict access to, or to further protect, information;
- 7.35. Grant access to data only after a business need has been demonstrated and approved by the Owners of Information Assets;
- 7.36. Use transmittals or an equivalent documented tracking method to ensure Confidential or Sensitive data reaches its intended destination;
- 7.37. Ensure media are transported by secured courier or other delivery method that can be accurately tracked;
- 7.38. Obtain management approval before moving any media from a secure area; and
- 7.39. Maintain inventory logs of all media, and perform inventory processes at least annually.



8. Policy Compliance Agreement

Non-compliance with this policy and other state laws may result in loss of delegated privileges, subject to administrative corrective and disciplinary actions, or other civil and criminal penalties.

As set forth in Government Code section 11549.3, state entities shall comply with the information security and privacy policies, standards and procedures issued by the California OIS. In addition to compliance with the information security and privacy policies, standards, procedures, and filing requirements issued by the OIS, state entities shall ensure compliance with all security and privacy laws, regulations, rules, and standards specific to and governing the administration of their programs. Program administrators shall work with their general counsel, AISO, and Privacy Program Officer/Coordinator to identify all security and privacy requirements applicable to their programs and ensure implementation of the requisite controls.

The consequences of state entity negligence and non-compliance with state laws and policies may include loss of delegated authorities, negative audit findings, monetary penalties, and legal actions.

9. Auditing

CDFA has the right to audit any activities related to the use of State information assets.

CDT OIS and CDFA AISO have the statutory right to audit CDFA's readiness to respond and recover from an incident.

10. Reporting

Violations of this policy must be reported to the CDFA ISO upon discovery.

11. Security Variance Process

If compliance is not feasible or is technically impossible, if existing policy currently in place already meets these requirements, or if deviation from this policy is necessary to support a business function, the Division Director must formally request a security variance as defined in the CDFA Security Variance policy.

The CDFA Agency Secretary or their defined designee will approve/deny policy exceptions within the organization, as appropriate. The requesting Division Director is responsible for ensuring that required documentation with proper and clearly defined justification to support the security variance request is prepared and submitted.

12. Distribution

Distribution of this policy includes all CDFA employees.

If you have any questions or need additional information, please contact the ISO at CDFA.ISO@cdfa.ca.gov.



13. Revision History

History Chart				
Version #	Revision Date	Revised by	Description of Change(s)	Approved by (Name and Date)
Initial Release		First and Last Name	Initial Release	



 CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE	OFFICE OF INFORMATION TECHNOLOGY SERVICES 	
INFORMATION TECHNOLOGY POLICY	NUMBER: 6.2.3	DATE ISSUED: August 2023
Personnel Security Policy	EXPIRES: Until Canceled or Superseded	

1. Overview

This Personnel Security Policy allows CDFA to integrate personnel security within its information security program, and its business processes and procedures. This policy establishes the requirements for personnel security as part of CDFA's standard business practices.

Personnel security helps ensure that appropriate levels of system access are provided, which helps reduce risks to systems posed by personnel, also known as insider threats. Personnel security can be defined as *"a system of policies and procedures which seek to mitigate the risk of workers (insiders), unintentional acts, or insiders exploiting their legitimate access to an organization's information assets for unauthorized purpose."* For the purpose of this policy, personnel is defined the same as the term "employees."

2. Scope

The scope of this policy extends to all CDFA personnel who are provided access to information assets owned or operated by CDFA, including third party personnel engaged to provide services to CDFA.

The policy applies to all program management, owners of information assets, information asset custodians, all CDFA employees authorized to use these assets, all information assets owned or operated by CDFA, including third party personnel engaged to provide services to CDFA.

This policy helps protect CDFA's information assets and its data from unauthorized access, misuse or illegal activities and ensures compliance with state laws and regulations.

3. Definition of Key Terms

CDFA uses information security and privacy definitions issued by the California Department of Technology (CDT) Office of Information Security (OIS) in implementing information security and privacy policy. Terms and definitions are defined here and are also on the CDT website at <https://cdt.ca.gov/security/technical-definitions/>.



Term	Definition
Agency Information Officer	The Agency Information Officer (AIO) oversees information technology (IT) responsibilities for the department and is responsible for the development and implementation of plans to improve the department's communication, access to information, security and risk mitigation, and organizational efficiency. The AIO ensures that the agency meets the requirements of the law.
Agency Information Security Officer	The Agency Information Security Officer (AISO) is responsible for ensuring information assets and technologies are adequately protected by establishing appropriate standards and controls, managing security technologies, and directing the establishment of and implementing policies and procedures. The AISO directs staff in identifying, developing, implementing, and maintaining processes across the department to reduce information technology (IT) risks to the department.
Agency Secretary	The Agency Secretary of the California Department of Food and Agriculture participates in all program policy development, planning, decision making, and evaluation for the Department; recommends new program direction, policies, rules, and regulations; plans and manages a variety of operational programs such as contract management, security, telecommunications, safety, maintenance and facilities development programs, or administrative programs including personnel, computer services, procurement, and financial operations. Core functions include protecting and promoting California agriculture, investing in the Department's employees to provide the best service to farmers, ranchers and consumers, and fostering an agricultural industry that embraces its role as a global leader on everything from the most technical aspects of farming to the broadest environmental imperatives.
Employees	All CDFA's personnel and users (full or part time), retired annuitants, volunteers, students, interns/externs, consultants or contractors, temporary help, aides, board members, executive management, special consultants, appointees, including District Agricultural Association (DAA) personnel and Chief Executive Officers, or other third-party users commissioned, employed, assigned or otherwise engaged in the work associated to be performed or administered and authorized to access and use all forms of information assets owned and managed by CDFA.
Information Assets	Information Assets include (a) all categories of paper and automated information, including (but not limited to) records, files, and databases; and (b) information technology (IT) facilities and equipment (including telecommunications networks, personal computer systems, laptops, tablets, and mobile devices), and software owned or leased by state entities.
Information Asset Custodian	Personnel or the organizational unit (such as a data center or information processing facility) responsible as caretaker for the proper use and protection of information assets on behalf of the information asset owner.



Term	Definition
Information Security Office	The Information Security Office (ISO) is responsible for providing guidance in protecting IT infrastructure, networks, devices, and data. The ISO responds to Incidents and Service Requests, monitors and reacts to attacks, and reports data breaches.
Insider Threat	[Adapted from NIST 800-53 Glossary on Insider Threat]. The threat that an insider will use her/his authorized access, wittingly or unwittingly, to do harm to the security of the state entity and/or United States. This threat can include damage to the state entity and/or United States through espionage, terrorism, unauthorized disclosure of national security information, or through the loss or degradation of departmental resources or capabilities.
Least Privilege Access	Access requiring that every program and every user of the system operates using the least set of privileges necessary to complete the job. (https://www.us-cert.gov/bsi/articles/knowledge/principles/least-privilege)
National Institute of Standards and Technology	The National Institute of Standards and Technology (NIST) is a physical sciences laboratory and a non-regulatory agency of the United States Department of Commerce. https://www.nist.gov/
Office of Information Security	The Office of Information Security (OIS) is an office within the California Department of Technology. The OIS is the primary state government authority charged with ensuring the confidentiality, integrity, availability of state systems and applications, and ensuring the protection of state information assets.
Owner of Information Assets	An organizational unit having responsibility for making classification, categorization, and control decisions regarding information assets.
Personnel	See “Employees.”
Personnel Security	Personnel security is a system of policies and procedures which seek to mitigate the risk of workers (insiders) exploiting their legitimate access to an organization's assets for unauthorized purposes. (https://www.cpni.gov.uk/personnel-and-people-security).
State Administrative Manual	The State Administrative Manual (SAM) is a reference resource for statewide policies, procedures, requirements, and information developed and issued by authoring agencies in order to provide a uniform approach to statewide policy management.
Statewide Information Management Manual	The Statewide Information Management Manual (SIMM) contains standards, instructions, forms, and templates that State agencies must use to comply with Information Technology (IT) policy.



4. Acronyms

Acronym	Definition
AIO	Agency Information Officer
AISO	Agency Information Security Officer
CDFA	California Department of Food and Agriculture
CDT	California Department of Technology
CSF	Cybersecurity Framework
DAA	District Agricultural Association
ISO	Information Security Office
IT	Information Technology
NIST	National Institute of Standards and Technology
OIS	Office of Information Security
OITS	Office of Information Technology Services
SAM	State Administrative Manual
SIMM	Statewide Information Management Manual

5. Authority

This policy complies with the State of California Government Code Section 11549.3.

References and Implementation Guidance		
Reference	Policy/Article Description	Control/Section
NIST Special Publications (SP)	Personnel Security	PS-1, PS-2, PS-3, PS-4, PS-5, PS-6, PS-7, PS-8
NIST CSF (Cybersecurity Framework)	Identify	ID.GV
SAM	Information Security Roles and Responsibilities	Section 5305.3
	Training and Awareness for Information Security and Privacy	Section 5320
	Personnel Security	Section 5320.4



Related Policies, Procedures, and Standards		
Reference	Policy/Article Description	Control/Section
CDFA Policies	Acceptable Use Policy	6.1.1
	Access Control Policy	6.2.12
	Security Variance Policy	6.2.1

6. Roles and Responsibilities

Role	Role Definition
Agency Secretary or Designee	The CDFA Agency Secretary or Designee owns this policy and is responsible for: - Ensuring that all users of CDFA information assets are aware of this policy and acknowledge their individual responsibilities; - Ensuring this policy be reviewed annually and updated accordingly; and - Auditing and assessment of compliance with this policy on an annual basis.
Employees/Users of Information Assets	The CDFA Employees/Users of Information Assets must: Report policy violations to their management and the ISO upon discovery.
Owners of Information Assets	The CDFA Owners of Information Assets are responsible for: Approving and authorizing access for all personnel based on the least privilege principle.
Program Management	The CDFA Program Management must: - Ensure compliance with this and applicable organizational policies; - Immediately notify CDFA authorities of any changes in personnel employee status or responsibilities in order to appropriately synchronize access permissions to information assets; and - Ensure that all users of CDFA information assets are aware of this policy and acknowledge their individual responsibilities.



7. Policy

The California Department of Food and Agriculture shall:

- 7.1. Establish processes and procedures for screening employment candidates prior to providing access to State information assets commensurate with their job functions;
- 7.2. Ensure all personnel are aware of their individual responsibilities pertaining to access, use, and protection of State information assets prior to start of their employment and on a regular basis thereafter;
- 7.3. Ensure personnel are assigned access privileges commensurate with their job functions and based on the least privilege principle. Least privilege requires that “every program and every user of the system should operate using the least set of privileges necessary to complete the job;”
- 7.4. Ensure due consideration is given to separation of duties when assigning personnel roles and responsibilities;
- 7.5. At minimum, on an annual basis, and immediately upon any change in personnel employment conditions, review access rights and privileges of individuals;
- 7.6. Disable or revoke user accounts for personnel who are on extended absences contingent on the length of absence;
- 7.7. Immediately revoke access to information assets of terminated or separated personnel, and transfer access to appropriate managers or officials as needed;
- 7.8. Ensure all State property, including information assets, entrusted to terminated or separated employees is returned to the reporting manager prior to departure; and
- 7.9. Formally define sanctions for personnel who do not comply with CDFA and State security policies and procedures.

8. Policy Compliance Agreement

Non-compliance with this policy and other state laws may result in loss of delegated privileges, subject to administrative corrective and disciplinary actions, or other civil and criminal penalties.

As set forth in Government Code section 11549.3, state entities shall comply with the information security and privacy policies, standards and procedures issued by the California OIS. In addition to compliance with the information security and privacy policies, standards, procedures, and filing requirements issued by the OIS, state entities shall ensure compliance with all security and privacy laws, regulations, rules, and standards specific to and governing the administration of their programs. Program administrators shall work with their general counsel, AISO, and Privacy Program Officer/Coordinator to identify all security and privacy requirements applicable to their programs and ensure implementation of the requisite controls.

The consequences of state entity negligence and non-compliance with state laws and policies may include loss of delegated authorities, negative audit findings, monetary penalties, and legal actions.



9. Auditing

CDFA has the right to audit any activities related to the use of State information assets.

CDT OIS and the CDFA AISO have the statutory right to audit CDFA's readiness to respond and recover from an incident.

10. Reporting

Violations of this policy must be reported to the CDFA ISO upon discovery.

11. Security Variance Process

If compliance is not feasible or is technically impossible, if existing policy currently in place already meets these requirements, or if deviation from this policy is necessary to support a business function, the Division Director must formally request a security variance as defined in the CDFA Security Variance policy.

The CDFA Agency Secretary or their defined designee will approve/deny policy exceptions within the organization, as appropriate. The requesting Division Director is responsible for ensuring that required documentation with proper and clearly defined justification to support the security variance request is prepared and submitted.

12. Distribution

Distribution of this policy includes all CDFA employees.

If you have any questions or need additional information, please contact the ISO at CDFA.ISO@cdfa.ca.gov.



13. Revision History

History Chart				
Version #	Revision Date	Revised by	Description of Change(s)	Approved by (Name and Date)
1	8/3/23	N/A	Initial Release	Karen Ross



 cdfa CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE	OFFICE OF INFORMATION TECHNOLOGY SERVICES 	
INFORMATION TECHNOLOGY POLICY	NUMBER: 6.2.4	DATE ISSUED: August 2023
Audit and Accountability Policy	EXPIRES: Until Canceled or Superseded	

1. Overview

In order to detect and respond to signs of attack, anomalies, and suspicious or inappropriate activities, the California Department of Food and Agriculture (CDFA) requires an audit and security event logging strategy. This ensures CDFA's ability to continuously monitor access and activities conducted using CDFA information assets.

Information assets owned by CDFA are strategic assets intended for official business use and are entrusted to CDFA employees as well as CDFA business partners to assist with the performance of their job-related duties. Because inappropriate or unauthorized access and use of CDFA information assets could result in harm to the State and/or CDFA, it is important to detect and respond to signs of attack, anomalies, and suspicious or inappropriate activities in a timely and proper manner.

This policy guides the development and implementation of CDFA event logging and continuous monitoring strategy. It also describes supporting processes to identify and respond to attack indicators, anomalies, and suspicious or inappropriate activities.

2. Scope

The scope of this policy extends to all information assets owned or operated by CDFA.

Identify and implement controls for audit trails and auditability of events for each system as well as for the internal network, accounting for separation of duties, as appropriate.



3. Definition of Key Terms

CDFA uses information security and privacy definitions issued by the California Department of Technology (CDT) Office of Information Security (OIS) in implementing information security and privacy policy. Terms and definitions are defined here and are also on the CDT website at <https://cdt.ca.gov/security/technical-definitions/>.

Term	Definition
Agency Information Officer	The Agency Information Officer (AIO) oversees information technology (IT) responsibilities for the department and is responsible for the development and implementation of plans to improve the department's communication, access to information, security and risk mitigation, and organizational efficiency. The AIO ensures that the agency meets the requirements of the law.
Agency Information Security Officer	The Agency Information Security Officer (AISO) manages the security governance in relation to supporting, evaluating, defining, and directing the security efforts for CDFA. The AISO is also responsible for ensuring information assets and technologies are adequately protected by establishing appropriate standards and controls, managing security technologies, and directing the establishment of and implementing policies and procedures. The AISO directs staff in identifying, developing, implementing, and maintaining processes across the department to reduce information technology (IT) risks to the department.
Agency Secretary	The Agency Secretary of the California Department of Food and Agriculture participates in all program policy development, planning, decision making, and evaluation for the Department; recommends new program direction, policies, rules, and regulations; plans and manages a variety of operational programs such as contract management, security, telecommunications, safety, maintenance and facilities development programs, or administrative programs including personnel, computer services, procurement, and financial operations. Core functions include protecting and promoting California agriculture, investing in the Department's employees to provide the best service to farmers, ranchers and consumers, and fostering an agricultural industry that embraces its role as a global leader on everything from the most technical aspects of farming to the broadest environmental imperatives.
Audit Trail	A chronological set of logs and records used to provide evidence of a system's performance or employee activity that took place on the system and used to detect and identify intruders.
Chief Information Officer	The Chief Information Officer (CIO) reports to and assists the AIO in directing, planning, organizing, and controlling all activities of the Department to ensure effective, efficient, and secure operations.



Term	Definition
Employees	All CDFA's personnel and users (full or part time), retired annuitants, volunteers, students, interns/externs, consultants or contractors, temporary help, aides, board members, executive management, special consultants, appointees, including District Agricultural Association (DAA) personnel and Chief Executive Officers, or other third-party users commissioned, employed, assigned or otherwise engaged in the work associated to be performed or administered and authorized to access and use all forms of information assets owned and managed by CDFA.
Information Assets	Information Assets include (a) all categories of paper and automated information, including (but not limited to) records, files, and databases; and (b) information technology (IT) facilities and equipment (including telecommunications networks, personal computer systems, laptops, tablets, and mobile devices), servers and software owned or leased by state entities.
Information Asset Custodian	Employee or organizational unit (such as a data center or information processing facility) responsible as caretaker for the proper use and protection of information assets on behalf of the information asset owner.
Information Security Office	The Information Security Office is responsible for providing guidance in protecting IT infrastructure, networks, devices, and data. The ISO responds to Incidents, Service Requests, monitors and reacts to attacks, and reports data breaches.
Lifecycle	The anticipated length of time that the IT system or application can be expected to be efficient, cost- effective and continue to meet the agency's programmatic requirements. Synonymous with operational life system.
National Institute of Standards and Technology	The National Institute of Standards and Technology (NIST) is a physical sciences laboratory and a non-regulatory agency of the United States Department of Commerce. https://www.nist.gov/
Office of Information Security	The Office of Information Security (OIS) is an office within the California Department of Technology. The OIS is the primary state government authority charged with ensuring the confidentiality, integrity, availability of state systems and applications, and ensuring the protection of state information assets.
Owner of Information Assets	An organizational unit having responsibility for making classification, categorization, and control decisions regarding information assets.
Personnel	See "Employees".
Statewide Information Management Manual	The Statewide Information Management Manual (SIMM) contains standards, instructions, forms, and templates that State agencies must use to comply with Information Technology (IT) policy.



4. Acronyms

Acronym	Definition
AIO	Agency Information Officer
AISO	Agency Information Security Officer
CDFA	California Department of Food and Agriculture
CDT	California Department of Technology
CIO	Chief Information Officer
CSF	Cybersecurity Framework
DAA	District Agricultural Association
ISO	Information Security Office
IT	Information Technology
NIST	National Institute of Standards and Technology
OIS	Office of Information Security
OITS	Office of Information Technology Services
SIMM	Statewide Information Management Manual

5. Authority

This policy complies with the State of California Government Code Section [11549.3](#).

References and Implementation Guidance		
Reference	Policy/Article Description	Control/Section
NIST Special Publication (SP) 800-53r4	Audit and Accountability (AU)	AU-1, AU-2, AU-3, AU-4, AU-5, AU-6, AU-7, AU-8, AU-9, AU-10, AU-11
	Physical and Environmental Protection	PE-2, PE-6, PE-8
	Risk Assessment	RA-3
SIMM	Information Security Management Program Standard	5305-A
	Incident Reporting and Response Instructions	5340-A



Related Policies, Procedures, and Standards		
Reference	Policy/Article Description	Control/Section
CDFA Policies	Access Control Policy	6.2.12
	Acceptable Use Policy	6.1.1
	Security Variance Policy	6.2.1
	Security Variance Process	ISO Process

6. Roles and Responsibilities

Role	Role Definition
Agency Information Security Officer	The CDFA Agency Information Security Officer (AISO) or Privacy Officer must: Guide the development and implementation of the CDFA event logging and continuous monitoring strategy.
Agency Secretary or Designee	The CDFA Agency Secretary or Designee owns this policy and is responsible for: - Ensuring that all users of CDFA information assets are aware of this policy and acknowledge their individual responsibilities; - Ensuring that this policy will be reviewed annually, and updated accordingly; and - The periodic auditing and assessment of compliance with this policy.
Employees/Users of Information Assets	The CDFA Employees/Users of Information Assets must: Report policy violations to their management and the ISO upon discovery.
Information Asset Custodians	The CDFA Information Asset Custodians must: - Participate in the development and implementation of an event logging and continuous monitoring strategy; and - Implement and maintain the CDFA event logging and continuous monitoring strategy.



Role	Role Definition
Owners of Information Assets and/or Program Management	The CDFA Owners of Information Assets and/or Program Management are responsible for ensuring: • Protection of information assets under their purview; • Requirements for audit trails and auditability of events and transactions processed on information assets under their purview are clearly defined; • Participation in the development and implementation of an event logging and continuous monitoring strategy; and • Assets are independently and continuously monitored based on the criticality of information assets.

7. Policy

CDFA information asset owners in collaboration with information asset custodians and the CDFA AISO will develop and implement an event logging and continuous monitoring strategy of access and activities conducted using CDFA information assets.

This strategy will include, at a minimum, the following items:

- 7.1. Define and document the audit logging requirements and security events that must be recorded, monitored, and reviewed;
- 7.2. Identify and implement controls for audit trails and auditability of events for each system as well as for the internal network and accounting for segregation of duties, as appropriate;
- 7.3. Perform, at minimum, monthly monitoring of event logs of critical information assets to identify and respond to indicators of attacks, anomalies, and suspicious or inappropriate activities in a timely manner;
- 7.4. Define secure storage and retention of event logs, taking into account the official records retention schedule defined by the information asset owners; and
- 7.5. Clearly define roles and responsibilities for event logging and monitoring.

8. Policy Compliance Agreement

Non-compliance with this policy and other state laws may result in loss of delegated privileges, subject to administrative corrective and disciplinary actions, and/or other civil and criminal penalties.

As set forth in Government Code section 11549.3, state entities shall comply with the information security and privacy policies, standards and procedures issued by the California OIS. In addition to compliance with the information security and privacy policies, standards, procedures, and filing requirements issued by the OIS, state entities shall ensure compliance with all security and privacy laws, regulations, rules, and standards specific to and governing the administration of their programs. Program administrators shall work with their general



counsel, AISO, and Privacy Program Officer/Coordinator to identify all security and privacy requirements applicable to their programs and ensure implementation of the requisite controls.

The consequences of state entity negligence and non-compliance with state laws and policies may include loss of delegated authorities, negative audit findings, monetary penalties, and legal actions.

9. Auditing

CDFA has the right to audit any activities related to the use of State information assets.

10. Reporting

Violations of this policy must be reported to the CDFA ISO upon discovery.

11. Security Variance Process

If compliance is not feasible or is technically impossible, if existing policy currently in place already meets these requirements, or if deviation from this policy is necessary to support a business function, the respective manager must formally request a security variance as defined in the CDFA Security Variance policy.

CDFA Agency Secretary or Designee will approve/deny policy exceptions within the organization, as appropriate. The requesting manager is responsible for ensuring that required documentation with proper and clearly defined justification to support the security variance request is prepared and submitted

12. Distribution

Distribution of this policy includes all CDFA employees.

If you have any questions or need additional information, please contact the ISO at CDFA.ISO@cdfa.ca.gov.



13. Revision History

History Chart				
Version #	Revision Date	Revised by	Description of Change(s)	Approved by (Name and Date)
1	8/3/23	N/A	Initial Release	Karen Ross



 cdfa CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE	OFFICE OF INFORMATION TECHNOLOGY SERVICES 	
INFORMATION TECHNOLOGY POLICY	NUMBER: 6.2.5	DATE ISSUED: August 2023
Physical And Environmental Protection Policy	EXPIRES: Until Canceled or Superseded	

1. Overview

Information assets owned by the California Department of Food and Agriculture (CDFA), including but not limited to CDFA data and information, servers, laptops, tablets, cell phones, and removable storage devices, are strategic assets intended for official business use, and they are entrusted to state personnel in the performance of their job-related duties.

Restricting physical access to information assets reduces the potential for their damage and misuse. Implementing and maintaining environmental controls provides optimal operating conditions for information assets that are critical to CDFA business functions.

Objectives for this Physical and Environmental Protection Policy are to establish physical security and environmental protection control requirements to safeguard CDFA information assets against unauthorized access, use, disclosure, disruption, modification, or destruction.

2. Scope

The scope of this policy extends to all State information assets owned or operated by CDFA and governs physical access to CDFA information assets.

This policy applies to all CDFA personnel.

3. Definition of Key Terms

CDFA uses information security and privacy definitions issued by the California Department of Technology (CDT) Office of Information Security (OIS) in implementing information security and privacy policy. Terms and definitions are defined here and are also on the CDT website at <https://cdt.ca.gov/security/technical-definitions/>.

Term	Definition
Agency Information Officer	The Agency Information Officer (AIO) oversees information technology (IT) responsibilities for the department and is responsible for the development and implementation of plans to improve the department's communication, access to information, security and risk mitigation, and organizational efficiency. The AIO ensures that the agency meets the requirements of the law.



Term	Definition
Agency Information Security Officer	The Agency Information Security Officer (AISO) is responsible for ensuring information assets and technologies are adequately protected by establishing appropriate standards and controls, managing security technologies, and directing the establishment of and implementing policies and procedures. The AISO directs staff in identifying, developing, implementing, and maintaining processes across the department to reduce information technology (IT) risks to the department.
Agency Secretary	The Agency Secretary of the California Department of Food and Agriculture participates in: all program policy development, planning, decision making, and evaluation for the Department; recommends new program direction, policies, rules, and regulations; plans and manages a variety of operational programs such as contract management, security, telecommunications, safety, maintenance and facilities development programs, or administrative programs including personnel, computer services, procurement, and financial operations. Core functions include protecting and promoting California agriculture, investing in the Department's employees to provide the best service to farmers, ranchers and consumers, and fostering an agricultural industry that embraces its role as a global leader on everything from the most technical aspects of farming to the broadest environmental imperatives.
Employees	All CDFA's personnel and users (full or part time), retired annuitants, volunteers, students, interns/externs, consultants or contractors, temporary help, aides, board members, executive management, special consultants, appointees, including District Agricultural Association (DAA) personnel and Chief Executive Officers, or other third-party users commissioned, employed, assigned or otherwise engaged in the work associated to be performed or administered and authorized to access and use all forms of information assets owned and managed by CDFA.
Information Assets	Information Assets include (a) all categories of paper and automated information, including (but not limited to) records, files, and databases; and (b) information technology (IT) facilities and equipment (including telecommunications networks, personal computer systems, laptops, tablets, and mobile devices), and software owned or leased by state entities.
Information Asset Custodian	Personnel or organizational unit (such as a data center or information processing facility) responsible as caretaker for the proper use and protection of information assets on behalf of the information asset owner.
Information Security Office	The Information Security Office is responsible for providing guidance in protecting IT infrastructure, networks, devices, and data. The ISO responds to Incidents, Service Requests, monitors and reacts to attacks, and reports data breaches.
National Institute of Standards and Technology	The National Institute of Standards and Technology (NIST) is a physical sciences laboratory and a non-regulatory agency of the United States Department of Commerce. https://www.nist.gov/



Term	Definition
Office of Information Security	The Office of Information Security (OIS) is an office within the California Department of Technology. The OIS is the primary state government authority charged with ensuring the confidentiality, integrity, availability of state systems and applications, and ensuring the protection of state information assets.
Owner of Information Assets	An organizational unit having responsibility for making classification, categorization, and control decisions regarding information assets.
Personnel	See “Employees.”
State Administrative Manual	The State Administrative Manual (SAM) is a reference resource for statewide policies, procedures, requirements, and information developed and issued by authoring agencies in order to provide a uniform approach to statewide policy management.

4. Acronyms

Acronym	Definition
AIO	Agency Information Officer
AISO	Agency Information Security Officer
CDFA	California Department of Food and Agriculture
CDT	California Department of Technology
CSF	Cybersecurity Framework
DAA	District Agricultural Association
ISO	Information Security Office
IT	Information Technology
NIST	National Institute of Standards and Technology
OIS	Office of Information Security
OITS	Office of Information Technology Services
SAM	State Administrative Manual



5. Authority

This policy complies with California Government Code Section [11549.3](#).

References and Implementation Guidance		
Reference	Policy/Article Description	Control/Section
NIST Cybersecurity Framework (CSF)	PROTECT	
	Access Control	PR.AC-1, AC-2, AC-4
	Data Security	PR.DS-3, DS-4
	Information Protection Processes and Procedures	PR.IP-5, IP-6
	Maintenance	PR.MA-1, MA-2
	Protective Technology	PR.PT-1, PT-2, PT-3, PT-4
NIST Special Publication (SP) 800-53	Physical and Environmental Protection	PE-1, PE-2, PE-3, PE-4, PE-5, PE-6, PE-8, PE-9, PE-10, PE-11, PE-12, PE-13, PE-14, PE-15, PE-16, PE-17
	Maintenance	MA-01, MA-02, MA-03, MA-04, MA-05
	Contingency Planning	CP-02, CP-03
	Incident Response	IR-01, IR-02, IR-03, IR-04, IR-05, IR-06, IR-07
	Media Protection	MP-01, MP-02, MP-03, MP-04, MP-05, MP-06, MP-07
SAM	Business Continuity Planning	5325
	Identity and Access Management	5360
	Physical Security	5365

Related Policies, Procedures, and Standards		
Reference	Policy/Article Description	Control/Section
CDFA Policies	Access Control	6.2.12
	Security Variance Policy	6.2.1
	Security Variance Process	ISO Processes



6. Roles and Responsibilities

Role	Role Definition
Agency Secretary or Designee	The CDFA Agency Secretary or Designee owns this policy and is responsible for: - Ensuring that all users of CDFA information assets are aware of this policy and acknowledge their individual responsibilities; - Ensuring that this policy will be reviewed annually, and updated accordingly; and - Periodically auditing and assessing compliance with this policy.
Employees/Users of Information Assets	The CDFA Employees/Users of Information Assets must: Report policy violations to their management and the ISO upon discovery.
Information Asset Custodians	The CDFA Information Asset Custodians must: - Implement, manage, maintain, monitor, and periodically test physical and environmental protection controls to safeguard state information assets for which they have custodianship and as defined by the respective owners of information assets; - Track and monitor all access to information assets, including physical access, as defined by owners of information assets; and physical and environmental controls to validate correct operation; and - Maintain all maintenance records and results of periodic tests.
Owners of Information Assets and/or Program Management	The CDFA Owners of Information Assets and/or Program Management must: - Define protection and control requirements for information assets under their purview; - Formally approve and authorize access and revocation of access to information assets; - Validate access to information assets under their purview on an annual basis; - Validate protection requirements for information assets under their purview on an annual basis; and - Identify, remediate and/or report security risks to the AISO.



7. Policy

The California Department of Food and Agriculture shall:

- 7.1. Ensure control requirements for the physical environmental protection of information assets are defined;
- 7.2. Ensure physical security is implemented, managed, monitored, and regularly maintained; in addition to environmental protection controls to safeguard state information assets;
- 7.3. Ensure personnel identification systems and facility access controls are implemented for all personnel and visitors, with logging reviewed at least annually;
- 7.4. Ensure environmental controls are implemented in computer rooms and data centers, including but not limited to, temperature and humidity regulators, fire detection and suppression, and electrical power conditioning;
- 7.5. Ensure supporting controls, processes, and procedures to control physical access (e.g., security gates), handling digital media, and emergency processes, and procedures are implemented; and
- 7.6. Ensure service records of periodic maintenance of physical and environmental protection controls (e.g., heating/cooling unit servicing) and results of tests of environmental controls (e.g., power outage) are retained for a minimum of twelve (12) months.

8. Policy Compliance Agreement

Non-compliance with this policy and other state laws may result in loss of delegated privileges, subject to administrative corrective and disciplinary actions, or other civil and criminal penalties.

As set forth in Government Code section 11549.3, state entities shall comply with the information security and privacy policies, standards and procedures issued by the California OIS. In addition to compliance with the information security and privacy policies, standards, procedures, and filing requirements issued by the OIS, state entities shall ensure compliance with all security and privacy laws, regulations, rules, and standards specific to and governing the administration of their programs. Program administrators shall work with their general counsel, AISO, and Privacy Program Officer/Coordinator to identify all security and privacy requirements applicable to their programs and ensure implementation of the requisite controls.

The consequences of state entity negligence and non-compliance with state laws and policies may include loss of delegated authorities, negative audit findings, monetary penalties, and legal actions.

9. Auditing

CDFA has the right to audit any activities related to the use of State information assets.

CDT OIS and the CDFA AISO have the statutory right to audit CDFA's readiness to respond and recover from an incident.



10. Reporting

Violations of this policy must be reported to the CDFA ISO upon discovery.

11. Security Variance Process

If compliance is not feasible or is technically impossible, if existing policy currently in place already meets these requirements, or if deviation from this policy is necessary to support a business function, the Division Director must formally request a security variance as defined in the CDFA Security Variance policy.

The CDFA Agency Secretary or their defined designee will approve/deny policy exceptions within the organization, as appropriate. The requesting Division Director is responsible for ensuring that required documentation with proper and clearly defined justification to support the security variance request is prepared and submitted.

12. Distribution

Distribution of this policy includes all CDFA employees.

If you have any questions or need additional information, please contact the ISO at CDFA.ISO@cdfa.ca.gov.



13. Revision History

History Chart				
Version #	Revision Date	Revised by	Description of Change(s)	Approved by (Name and Date)
1	08/03/23	N/A	Initial Release	Karen Ross



Asset Management Policy

Rev. January 2025

Policy

It is the California Department of Food and Agriculture's (CDFA) policy that the Departmental Services Branch, Fleet and Asset Unit shall manage and maintain all non-financial aspects of asset tracking. The Information Technology Services Division (ITSD) shall manage and maintain all Information Technology (IT) asset documentation. Assets which meet the requirements set forth by the Department of General Services (DGS) State Administrative Manual (SAM) and the Government Code sections referenced below will be tracked from purchase to disposal.

Authority

Code of Federal Regulations (CFR) [2 CFR 200.310-200.316](#)

Government Code Sections [14613.7](#), [14674](#), and [14675](#)

SAM Sections [1600-1624](#), [3520.10](#), [5001](#), [5300](#), [5365.3](#), [5900-5953](#), [7624](#), and [8600-8670.2](#)

Definitions

Asset: Tangible or intangible property owned by CDFA which either meets the description of major or minor equipment, or the Program chooses to track to prevent theft or loss.

Asset Tags: Unique identifier for a CDFA asset. Tags are classified as follows:

- Green Tag: Asset value of \$5,000 or more.
- Red Tag: Asset value of less than \$5,000 but requires a tag (e.g., laptops, cellphones, printers, microscopes, and storage media).
- Metal Tag: All-terrain vehicles (ATVs).
- Vehicle License Number: Vehicle license plate.
- Etcher or permanent marker: Assets for which tag placement is impractical.

Capital Asset: State owned property with an economic value (capital) that meets the Major Equipment criteria defined below. Capital assets include land, buildings, some equipment, and intellectual property, and include the purchase price or construction cost, and the related costs incurred that are necessary to place the asset in its intended location and in a condition where it is ready for use.

Intangible Asset: Asset that possesses all of the following characteristics:

- Lacks physical substance. May be contained in or on an item with physical substance (e.g., software stored on external media) or closely associated with another item that has physical substance.
- Is nonfinancial in nature (is not cash, a claim or right to monetary assets, or

Asset Management Policy

a prepayment for goods and services).

- Is capable of being separated or divided from the Department and sold, transferred, licensed, rented, exchanged, or disposed of, either individually or together with a related contract, asset, or liability.

Major Equipment: State owned asset that meets the following three requirements:

- Has an expected useful life of greater than one year
- The purchase cost or internally generated cost of each individual unit is \$5,000 or more.
 - If the asset is a transfer or gift, note the fair market value at the time of receipt.
- Is used to conduct state business.

Minor Equipment: State owned asset with a purchase price of less than \$5,000 and is sensitive and/or high risk (prone to theft/loss, misuse, and/or may contain sensitive data), such as laptop and desktop computers, printers, copiers, scanners, tablets, and intangible assets such as software.

Tangible Asset: An asset that has physical substance.

Wired-In or Plumbed-In State Property: Items wired-in or plumbed-in to a building (e.g., water heaters, emergency lights, burglar alarms, etc.), are not considered assets if the items will not be removed when the building is vacated.

Responsibility

Fleet and Asset Unit

- Manages the official book of record for CDFA's asset inventory.
- Administers CDFA's biennial asset inventory process in coordination with ITSD and all programs.
- Processes all asset records and transaction requests received from Programs and ITSD including tag requests, transfers, and surveys. Notifies the CDFA Audit Office of any losses of state property due to fraud or embezzlement.

Information Technology Services Division (ITSD)

- Submits [SO-504 Tag Request](#) for all IT assets and affixes to the assets before deploying assets to the Programs. For field locations, ITSD will work with the programs to provide asset tags and ensure they are affixed to the IT assets.
- Receives all requests from Programs via a [service ticket](#) to transfer or survey an IT asset, processes requests, and submits [SO-26 Transfer/Survey Requests](#) to the Fleet and Asset Unit.

Asset Management Policy

- Maintains all IT asset records and transactions requests, including asset inventory, [SO-504 Tag Request](#) forms, and [SO-26 Transfer/Survey Request](#) forms.
- Performs biennial inventory of desktop and laptop computers, mobile devices, and infrastructure hardware.
- Addresses instances of lost, stolen, or misused IT assets.
- Addresses instances of fraud and embezzlement of information assets, including IT security incidents and computer related crimes.

CDFA Programs

- Track and safeguard all state- owned assets against misuse, loss, theft, vandalism, etc.
- Designate an employee responsible for facilitating the Program's asset tracking process, including maintaining a record of the Programs assets, transactions, and inventory.
- Submit [SO-504 Tag Request](#) forms to the Fleet and Asset Unit upon receipt of new non-IT assets.
- Submit [SO-26 Transfer/Survey Request](#) forms to the Fleet and Asset Unit when transferring non-IT assets between Programs or disposing of assets.
- Submit [SO-26 Transfer/Survey Request](#) forms to the ITSD [Service Desk](#) when transferring IT assets between Programs or disposing of IT assets.
- Conduct physical inventory of all Program assets every two years and submit all inventory documentation to the Fleet and Asset Unit.
- Immediately report all lost, missing, stolen, or destroyed assets to the Fleet and Asset Unit, and IT assets to CDFA's Information Security Office as well.
- Immediately report instances of fraud or embezzlement related to assets to the Fleet and Asset Unit.
- Immediately report IT security incidents and computer related crimes to CDFA's Information Security Office.
- If the asset is purchased with federal funds, at the close of the federal performance period inform the federal awarding agency of the fair market value of the asset.
- If the Program is receiving an asset as a gift or donation, submit a [DF-581 Request for Approval of Gift](#) to the CDFA Budget Office prior to accepting the gift or donation at cdfa.budgets@cdfa.ca.gov to obtain the required approval from the Department of Finance.

Asset Tags

All tangible major and minor equipment assets must be tagged. Programs request a tag by submitting an [SO-504 Tag Request](#) to the Fleet and Asset Unit at cdfa.asd_assetmanagement@cdfa.ca.gov. The Fleet and Asset Unit will return the [SO-504 Tag Request](#) to the requester with the tag(s). The Program then must affix

Asset Management Policy

the tag(s) to the asset(s), complete the remaining fields on the [SO-504 Tag Request](#) acknowledging the tag(s) has been affixed, and return the [SO-504 Tag Request](#) to the Fleet and Asset Unit at cdfa.asd_assetmanagement@cdfa.ca.gov.

For IT assets, ITSD will obtain and affix the asset tag prior to deploying the asset to the Program. If the IT asset is for a field location, ITSD will work with the Program to ensure an asset tag is provided and affixed to the asset.

Programs may choose to tag additional items for their internal tracking purposes. Examples of property a Program may choose to track include speakers, monitors, docking stations, or any items the Program has deemed necessary. If CDFA asset tags are requested for these assets, they will be tracked by the Fleet and Asset Unit similar to other assets. If tags are not requested, the Fleet and Asset Unit will not track these items as part of CDFA's asset inventory.

Additional information on the process to request asset tags can be found on the Asset Management section of the [CDFA SharePoint portal](#).

Asset Transfers

When Non-IT assets are moved to a different location or assigned to a different Program Code, the Program must submit an [SO-26 Transfer/Survey Request](#) to the Fleet and Asset Unit at cdfa.asd_assetmanagement@cdfa.ca.gov within 10 business days.

When moving or reassigning IT hardware assets to a new user or purpose within a Division, Branch, or Program, regardless of whether or not it involves the property transfer process as outlined on the Asset Management section of the [CDFA SharePoint portal](#), the move or transfer must be requested through and coordinated by the ITSD [Service Desk](#) to ensure proper software and licensing uninstallation and/or reassignments are tracked and occur properly, and that any hardware-specific configurations and assignment information are changed to reflect the new assignment. ITSD will prepare and submit the [SO-26 Transfer/Survey Request](#) and submit to the Fleet and Asset Unit.

Additional information on the process to transfer an asset can be found on the Asset Management section of the [CDFA SharePoint portal](#).

Asset Surveys

An [SO-26 Transfer/Survey Request](#) for non-IT assets must be submitted to the Fleet and Asset Unit at cdfa.asd_assetmanagement@cdfa.ca.gov and approved prior to disposing of tagged assets, electronics with an initial value of \$100 or more, furniture, vehicles, and anything with an initial value of \$5,000 or more.

Asset Management Policy

Requests to survey any IT assets (such as but not limited to; computers, tablets, iPads, phones, printers, copiers, flash drives, hard drives, cameras.) must be submitted through the Service Desk on a [survey ticket request](#).

The Fleet and Asset Unit or ITSD will work with the Program on disposing of the asset(s) once the [SO-26 Transfer/Survey Request](#) has been approved and processed.

Additional information on the process to survey an asset can be found on the Asset Management section of the [CDFA SharePoint portal](#).

Lost, Stolen, or Destroyed Assets

CDFA management shall promptly investigate incidents involving loss, damage, or misuse of information assets. Whenever state property is lost or stolen, the Program must notify the Fleet and Asset Unit by immediately submitting an [SO-26 Transfer/Survey Request](#) to cdfa.asd_assetmanagement@cdfa.ca.gov and attaching an [Std 99 Crime Report](#) and police report.

If the asset is an IT asset and has a hard drive or potential to store information (i.e. computer, phone, tablet, printer/copier, etc.) inform CDFA's Information Security Office at cdfa.iso@cdfa.ca.gov immediately. A security incident report must be completed for any incidents involving loss, damage, or misuse of information assets. This includes any incident with the potential of jeopardizing the confidentiality, integrity, or availability of an information system or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

Employees will be charged with any loss and damages to state property due to their negligence or unauthorized use.

Additional information on the process to report a lost, stolen or destroyed asset can be found on the Asset Management section of the [CDFA SharePoint portal](#).

Fraud or Embezzlement

All instances of fraud or embezzlement related to assets must be immediately reported to the Fleet and Asset Unit at cdfa.asd_assetmanagement@cdfa.ca.gov. The Fleet and Asset Unit will then work with CDFA's Audit Office to notify the appropriate entities.

CDFA Programs shall immediately notify CDFA's Information Security Office at cdfa.iso@cdfa.ca.gov upon discovery of all IT security incidents and computer related crimes.

Asset Management Policy

Additional information on fraud or embezzlement can be found on the Asset Management section of the [CDFA SharePoint portal](#).

State Property Inventory

Each Division is responsible for tracking and managing their inventory history (excluding computers and cell phones) and ensuring a physical inventory is completed every two years. All asset records must be maintained and updated regularly to ensure accuracy.

Inventory of computers and cell phones will be completed by ITSD. ITSD manages the CDFA computer and cell phone inventory history and ensures an inventory is completed every two years. Exceptions to ITSD-tracked IT assets are specialty computers, such as power workstations, and laboratory equipment. These items will remain in the Programs' inventory history. Contact ITSD at servicedesk@cdfa.ca.gov for questions regarding what may or may not be considered a specialty computer or laboratory equipment.

Assets Purchased with Federal Funding

If federal funds are used to purchase an asset, at the close of the federal performance period the Program must inform the federal awarding agency of the fair market value for each piece of equipment per [2 CFR 200.313](#).

Distribution

Distribution of the above policy includes all employees.

For questions regarding this policy, please contact the Fleet and Asset Unit at CDFA.ASD_AssetManagement@cdfa.ca.gov.

For questions regarding IT assets please contact ITSD at servicedesk@cdfa.ca.gov.

Records Management Program Policy

Rev. January 2025

Policy

It is the California Department of Food and Agriculture's (CDFA) policy to ensure that an efficient records management system is effectively implemented for the management of all CDFA records, regardless of their physical or electronic form.

Authority

California Code of Regulations, [Title 2, Section 26](#)

California Government Code Sections [12270-12279](#) (State Records Management Act) and [14740-14741.1](#) (State Records Storage Act)

[California Secretary of State, State Archives Records Management Handbook](#)

Code of Federal Regulations, [Title 2, Section 200.334](#)

State Administrative Manual Sections [1600-1624](#) and [5310.6](#)

Definitions

California State Archives: A division of the Office of the Secretary of State (SOS) that provides a repository of the state's governmental records.

Custodian of Records: Program employee responsible for managing that branch's records retention schedule and certifying authenticity.

Official File Record: Any document or writing that chronicles the functions, policies, decisions, obligations, or official business of CDFA. Records can include papers, electronic data, e-mail, maps, exhibits, tapes, photographs, films, punched cards, and other documents produced, received, owned, or used by CDFA, regardless of physical form or characteristics.

Records Management: The system used to control records from creation to final disposition, including creating, maintaining, storing, accessing, preserving or destroying records.

Records Management Coordinator: Primary contact for CDFA's records management program and all related records management issues.

Records Retention Schedule: A plan for the maintenance, storage, and eventual disposition (archival transfer or destruction) of state records.

Records Management Program Policy

Retention Period: The amount of time CDFA keeps and maintains its records after they become inactive.

Working File: A physical or electronic note written by CDFA staff for their personal use on a project.

Responsibility

Departmental Services Branch, Records Management Coordinator (RMC):

- Coordinates CDFA's Records Management Program and approves all Records Retention Schedules.
- Distributes notices of records management activities and procedures to program staff assigned to manage their records.
- Provides training to CDFA staff on records management processes.
- Reviews the purchase or rental of filing and shredding equipment. Manages CDFA's document shredding and disposal services contracts, and any equipment related to the retention or destruction of state records within CDFA.
- Provides all requested reports, written justifications, requests for offsite storage approval, or any other retention schedule documentation to California Records and Information Management (CalRIM) or the SOS' State Records Appraisal Program.

Branch Chiefs and Program Managers:

- Assign at least one person to serve as their official Custodian of Records.
- Ensure a Records Retention Schedule is kept on file in each Branch/Program.
- Periodically audit all records subject to the Branch's/Program's Records Retention Schedule.

Custodians of Records:

- Maintain and update the Records Retention Schedule for their Branch/Program every five years in accordance with this policy.
- Annually audit their Branch's/Program's records to ensure they are in compliance with the retention dates specified on their Records Retention Schedules. Audits should include ensuring that only required documents subject to the Records Retention Schedule are retained.
- Coordinate submission of their Branch's/Program's Records Retention Schedules to the RMC every five years.

Records Management Program Policy

Retention Period

A retention period should be based on the records' usefulness and value to CDFA. Retention periods are based on the functional value of the records, not on the format or media type of the record (e.g. electronic, film, magnetic, and paper).

Records Retention Schedule

A records retention schedule is a written statement of actions to be taken with respect to all records produced or maintained by a Branch or Program. It ensures the prompt disposal of expired records and the preservation of records that are of historical value or subject to a court order. Programs must use the [Records Retention Schedule form \(STD. 73\)](#).

A records retention schedule shall meet the following standards:

- Cover all records created and maintained by the Branch or Program.
- Provide an accurate description of each record series.
- State the period of time each record series shall be retained in the office, Department, and/or records center space before destruction or transfer to the State Archives.

Official Files

Official Files shall be arranged into "Public" and "Confidential" sections. Official Files shall contain all records produced, received, owned, or used by CDFA in connection with a project, regardless of physical form or characteristics.

Working Files

An employee's hand-written or electronic notes meant for their own use and only their use is not subject to this Policy. These personal notes should be destroyed when the subject matter assignment of the notes is completed.

E-Mail

Per [Electronic Mail Management Policy 1.2.15](#), CDFA generally restricts retention of emails beyond a three-month time period, with some exceptions for retention of emails serving as a reminder of an upcoming meeting or pending decision or assignment, and for information that may need to be recalled over an

Records Management Program Policy

extended period of time. However, when those emails are no longer needed, they must be deleted.

Record Purging/Destruction

Expired records shall be destroyed only pursuant to CDFA's approved [Records Retention Schedule \(Form STD. 73\)](#).

CDFA does not recycle hard copy documents; all printed materials shall be disposed of using a secure shredding service. Contact the RMC at BPMU@cdfa.ca.gov for necessary shredding if available shredding bins are full or if bulk shredding is required.

Records that have been identified as "Notify Records" on the Retention Schedule are identified as having enduring historical value and must be provided to the State Archives at the end of their retention. The RMC must contact the State Records Appraisal Program archivists about any Notify Archives-flagged records on a Retention Schedule that have met retention so that they can help facilitate their transfer to the State Archives.

Once a record has reached the end of its retention period, and if it has not been identified as "Notify Archive," the record may be destroyed. When a record series is identified as "Notify Archive," and when it has reached the end of its retention period, the RMC must notify the State Archives and arrange for the transfer of the record series to the State Archives. Any records labeled "Notify Archive" will be subject to State Archives inspections prior to destruction.

Public Records Act Requests

The CDFA Legal Office is responsible for processing Public Record Act (PRA) requests pursuant to the [Public Records Act Requests Policy 4.4.1](#).

For questions regarding PRA requests, please contact the Legal Office at CDFA.LegalOffice@cdfa.ca.gov.

Distribution

Distribution of the above policy includes all CDFA employees.

Questions regarding this policy should be directed to the RMC at BPMU@cdfa.ca.gov or (916) 654-1243.

State Owned Housing Policy

Est. June 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that State Owned Housing (SOH) shall be managed in accordance with applicable state and local laws, rules, and regulations. This SOH policy is intended to ensure that employee housing is managed efficiently, economically, and in accordance with State and Department policy.

Authority

[California Government Code, Section 19822](#)

[California Code of Regulations, Title 2, Sections 599.640-599.649](#)

[California Department of Human Resources \(CalHR\) Manual, Section 2301](#)

[California Food and Agricultural Code, Sections 3332, 4051](#)

[Internal Revenue Code, 26 CFR Section 1.119-1](#)

[State Administrative Manual, Sections 8572, 11000, 11010](#)

Definitions

Fair Market Rental Value (FMRV):

The monthly amount of rent a property is likely to generate in a particular area. The amount is determined by how much a tenant is willing and able to pay and an indication of what others are charging tenants for similar properties.

Residential Month to Month Rental Agreement

Agreement where the length of stay is on a month-to-month basis.

Tenant

A state employee who has a rental agreement in place to occupy SOH.

Responsibilities

Departmental Services Branch (DSB), Building and Property Management Unit (BPMU)

Works with programs to ensure compliance with state and federal laws and regulations related to SOH.

Ensures the Department of General Services (DGS)

State Owned Housing Policy

Est. June 2024

housing database is updated regularly with information provided by programs, and property appraisals.

Ensures CDFA's SOH policy is consistent with current state laws, regulations, policies, and collective bargaining unit agreements.

Reports any changes in FMRV to CalHR by February 1 each year.

Submits the Possessory Interests Annual Usage Report, BOE 502-P, to the County Assessor for which the property is located by February 15 each year.

Submits the update of real property and major structures to DGS by July 1 each year.

Submits Rental Rate Market Analysis (RRMA) Appraisals to CalHR Benefits Division, SOH Coordinator 10 business days after receipt of completed appraisal but no later than September 30 every five years.

Submits update on rental and utility rate increases to CalHR by November 30 each year.

Notifies tenants of any rent increase by December 1 each year.

CDFA Programs

Compile required SOH data, such as year built, square footage and quantity of beds/baths and ensure timely submission to BPMU.

Guarantee SOH structures are in a safe and habitable condition.

Ensure employees occupying SOH complete and submit the executed Residential Month to Month Rental Agreement [SO-44](#) and Payment Agreement to Occupy State Owned Housing [SO-33](#) to BPMU at bpmu@cdfa.ca.gov by January 1 each year.

Obtain via contract and submit Rental Rate Market Analysis (RRMA) Appraisals to BPMU upon receipt no later than September 30 every 5 years.

Financial Services Branch (FSB)

Maintains current and accurate documentation and records for all SOH payments assessed and received.

State Owned Housing Policy

Est. June 2024

Human Resources Branch
(HRB)

Upon receipt of the Payment Agreement to Occupy State Owned Housing [SO-33](#) , works with the State Controller's Office (SCO) to establish automatic payroll deductions for rent.

Ensures that the difference between the FMRV of employer-provided SOH and employee paid rent for housing (FMRV minus rent) is reported by the 10th of every month to SCO as taxable income to avoid subjecting CDFA to civil and criminal actions.

Ensures the value of Possessory Interest Tax (if any) paid by the tenant for SOH is reported by the 10th of every month to SCO as taxable income.

Notifies tenants in writing by December 1 each year that the FMRV is being reviewed and the review may result in a change to the amount of the fringe benefit subject to taxation.

Tenant

Submits an executed Residential Month to Month Rental Agreement [SO-44](#) to BPMU prior to occupying a SOH residence and by January 1 each year.

Reports any maintenance and repair issues immediately to onsite Program management.

Complies with all requirements of the Residential Month to Month Rental Agreement [SO-44](#) and this Policy.

Reporting Requirements

January 1 each year – Tenant must submit [SO-44](#) to BPMU.

February 1 each year – BPMU reports any changes in FMRV to CalHR.

February 15 each year – BPMU submits Possessory Interests Annual Usage Report, [BOE 502-P](#), to the County Assessor in which the property is located.

July 1 each year – BPMU submits annual update of real property and major structures to DGS.

September 30 once every five years –BPMU submits Rental Rate Market Analysis Appraisals received from Programs with SOH to CalHR 10 business days after

State Owned Housing Policy

Est. June 2024

receipt of completed appraisal no later than September 30.

November 30 each year – BPMU submits annual update on rental and utility rate increases to CalHR.

December 1 each year – BPMU notifies tenant of any rent increase.

Allocation and Classification of Housing

Housing will be allocated to employees in the following order of preference:

- a. Essential Housing - Employees for whom living onsite is an essential requirement of their position.
- b. Operational Housing - Employees for whom living onsite is optional and where they provide operational support at the site which is recognized through concessional rent.
- c. Remote Housing - Employees living in remote locations where housing is provided as an incentive to attract or retain their services.
- d. Optional Housing - Employees for whom living in employee housing is optional and subject to 100 percent of the FMRV.

No state employee may use or permit others to use the state-owned building or facility for personal purposes.

Residence Category

All residences in this SOH Policy shall fall into one of two categories: required or beneficial.

A. Required Housing

Housing is designated as required when occupancy is required as a condition of employment. Assignment of required housing shall be done in the following manner:

1. The position must be advertised as "housing required."
2. The position duty statement shall include a statement that housing is a required condition of employment and must be the employee's primary residence.
3. Unless otherwise specified by the Residential Month to Month Rental Agreement [SO-44](#) , employee(s) must occupy the residence until the position and residence can be refilled with the same classification of the employee, the employee transfers or is reassigned, or the employee is otherwise no longer employed at the location. Failure to maintain occupancy in the residence until

State Owned Housing Policy

Est. June 2024

the position is refilled to fulfill the same function may result in eviction and administrative relocation.

B. Beneficial Housing

Housing is designated as beneficial when occupancy of the housing is not required as a condition of employment but has a documented benefit to CDFA and is the employee's primary residence. The housing benefits CDFA when the employee is available to respond to an emergency or critical event occurring outside the employee's normal work hours, when the presence of the employee discourages vandalism within CDFA boundaries, or when a resident employee's presence otherwise provides security to CDFA.

Tax Liabilities/Fringe Benefits Tax

While CDFA designates the residence and working condition fringe benefits taxation classification based on law and policy, the tenant has ultimate responsibility for all personal tax liability related to residency. CDFA shall encourage tenants to consult with a professional tax advisor regarding housing-related working conditions, fringe benefits, and possessory interest taxation. If an employee's housing is classified as tax-exempt by CDFA and an Internal Revenue Service (IRS) audit later determines that the housing does not meet the exemption criteria, the following consequences may occur:

- The employee may be required by the IRS to pay back taxes and penalties on the difference between the employee rental rate and FMRV, retroactive several years as prescribed by law.
- CDFA may be required by the IRS to pay back taxes and penalties for the employer's portion of taxes (i.e., Social Security) for the difference between the employee rental rate and FMRV, retroactive several years as prescribed by law.

IRS rules and the Code of Federal Regulations (CFR) establish that employee housing constitutes a taxable working condition fringe benefit. The difference between the FMRV of a CDFA housing unit and the rental rate paid by the employee is considered additional compensation and is taxable as income.

To be considered exempt from this working condition fringe benefit taxation, the residence must meet the requirements of IRS regulations. 29 CFR Section 1.119-1(b) sets parameters of tax-exempt employee housing as follows:

- The housing must be located on the employer's premises.
- The employee's presence must provide a benefit to the employer.

State Owned Housing Policy

Est. June 2024

- The housing must be necessary or practically necessary for the employee to perform their duties.

CDFA may rescind the tax-exempt classification if the housing no longer meets the IRS criteria or the employee's job function changes so the housing no longer provides the same benefit to CDFA under the IRS rules.

Rental Agreements

Each tenancy must be supported by a Residential Month to Month Rental Agreement [SO-44](#). Both CDFA and the tenant shall be bound by the agreement by state, federal and local laws.

Rental Determination and Payments

CDFA shall adjust rents with a 30-day written notice to the tenant with the implementation of rent adjustments in the first pay period occurring on or after January 1 each year.

Rental payments for CDFA must be by payroll deduction. Rental Payments are due on the first of each month.

Rental Concessions

When providing housing accommodations for employees, CDFA must charge the employee a rental rate in accordance with applicable laws, regulations, and collective bargaining agreements. (Rental concessions for employees are permissible as long as they are consistent with any applicable rental agreement and state laws and regulations.)

Occupancy/Tenancy

Occupancy of a SOH facility shall not occur without an executed Residential Month to Month Rental Agreement [SO-44](#) .

Tenancy of the premises commences upon the signature of both CDFA and the tenant on the Residential Month to Month Rental Agreement [SO-44](#) and remains in full force until either party notifies the other in writing. Occupancy of the premises occurs on the move-in date agreed upon by both parties and documented in the Residential Month to Month Rental Agreement [SO-44](#) . The commencement of occupancy does not necessarily coincide with the beginning of tenancy, due to the time it may take the tenant to relocate. Up to thirty (30) calendar days are allowed for tenancy to commence.

Employees no longer employed by the Program providing the SOH will be given

State Owned Housing Policy

Est. June 2024

written notice to vacate the SOH in accordance with the Residential Month to Month Rental Agreement [SO-44](#).

Fair Market Rental Value (FMRV)

All CDFA housing must have a current FMRV. It is important for DSB and the impacted Program to work with DGS or an authorized appraiser to ensure they are fully aware of any unique aspects of the residence. CalHR and IRS require an annual review of each appraisal to ensure comparability with changes in local rental rates.

The tenant must be notified in writing by December 1 each year that the FMRV is being reviewed and that the review may result in a change to the amount of the working condition fringe benefit subject to taxation. If the FMRV is increased, the tenant will be given thirty (30) calendar days' notice that the working condition fringe benefit subject to taxation is subject to change. The tenant may opt to vacate the residence and give written notice in accordance with the Residential Month to Month Rental Agreement [SO-44](#). BPMU shall report any changes in FMRV to CalHR by February 1 of each year.

Conflicts of Interest

Tenants of SOH who are also involved in its administration, management or maintenance must ensure that they do not:

- a. Allocate resources or undertake/authorize work without appropriate authority.
- b. Attempt to influence, with the intent of gaining a financial or material advantage, persons appointed or engaged to make managerial, administrative or valuation decisions or judgments.
- c. Do or refrain from doing anything that could reasonably be considered to constitute a conflict of interest or a breach of CDFA.

Distribution

Distribution of the above policy includes all employees.

Questions concerning this policy should be directed to BPMU at BPMU@cdfa.ca.gov.

Advertising Vacant Positions

Rev. July 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) to provide equal employment and promotional opportunities for all employees. Supervisors, managers, and other departmental employees involved in the hiring process shall advertise all true vacancies¹ on the California Department of Human Resources (CalHR) [jobs website](#) and CDFA's [SharePoint Portal](#). Vacant positions shall be advertised for at least 10 calendar days. A longer period may be advisable depending on the recruitment difficulty of the position. A job vacancy is not required to be re-advertised if an identical vacancy was previously advertised and fewer than 180 calendar days have elapsed since the final file date.

Authority

California Code of Regulations, Title 2, [Section 249.2](#)

California Code of Regulations, Title 2, [Section 249.3](#)

Definitions

*Examination and Certification
Online System ([ECOS](#))*

CalHR's statewide online employment selection tool for all State departments' advertised vacancies.

Identical Vacancy

A position with the same position title, classification code, time base, tenure, reporting location, and duties.

Job Posting

A detailed description for a specific job advertised on the CalHR job posting website.

Job Vacancy

A newly created or unoccupied position.

Responsibility

*Supervisors/Managers/Chief
Executive Officers*

Ensures job announcements are submitted to Human Resources Branch (HRB) for posting to CalHR's website utilizing CDFA's [ECOS Generator](#) and [SharePoint Portal](#).

Classification Analysis Unit

Posts job announcements on CalHR's website and emails job posting links to the

¹ The program's intention is to fill on a permanent or limited term basis.

Advertising Vacant Positions

Personnel Officer

Supervisors/Managers/ CEOs. Ensures identical vacancies not being re-announced meet the criteria.

Reviews and approves/denies exceptions to this policy.

Recruitment

All employees involved in the hiring process should use every possible recruitment effort to ensure a broad candidate pool. Focused advertising (such as scientific journals or college student recruitment) aimed at specialized groups is the responsibility of the hiring supervisor.

Exceptions

While it is the policy of CDFA to advertise all true vacancies, it is understood that on rare occasions an exception must be considered.

Requests for advertising exemptions must be emailed to the Personnel Officer, HRB at cdfa.asd_hrb_main@cdfa.ca.gov using the Request for Advertising Exemption form ([SO-30](#)) and must include a detailed explanation of the need for the exemption.

Distribution

Distribution of the above policy includes all employees. Questions regarding this policy should be directed to HRB at cdfa.asd_hrb_main@cdfa.ca.gov or (916) 654-0790.

Medical Clearances And Physical Examinations

Rev. September 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) and the District Agricultural Associations (DAAs), that the use of pre-employment medical (PEM) examinations will be required only when it has been determined the essential functions of the position entail an elevated level of risk and the PEM examination is warranted to safeguard the health and safety of others.

Authority

[Americans with Disabilities Act](#)

California Code of Regulations Title 2 Sections [11065](#), [11071](#), and [11072](#)

[Fair Employment and Housing Act](#)

[Government Code Section 12940, et seq](#)

[State Administrative Manual \(SAM\) Section 0191](#)

Definitions

<i>Applicant</i>	Any individual who has applied for a position with CDFA, including current CDFA employees.
<i>Conditional Offer of Employment</i>	An offer of employment that is contingent upon the applicant meeting certain conditions or requirements.
<i>Employee's Statement</i>	Employee's certification as to their ability to perform the essential functions of the position with or without reasonable accommodation (RA).
<i>Essential Functions</i>	Tasks that are fundamental to the performance of the job. A job task may be considered 'essential' if the position exists to perform that function.
<i>Reasonable Accommodation (RA)</i>	An accommodation that allows an employee to perform all the essential functions of the position and does not create an undue hardship for the employer. Any modification or adjustment to a job, work environment, or in the method of performing functions, which enables an individual with a disability to enjoy equal employment opportunities and perform the essential functions of the position. Accommodations in the job application, examination, or hiring processes may enable an individual with a disability to have equal opportunity in the hiring process.

Medical Clearances And Physical Examinations

Responsibility

<i>Applicant</i>	It is the responsibility of the applicant to obtain a medical exam when required by the duties of the job. Where the results of the physical examination result in disqualification, an applicant may submit to the hiring Supervisor/Manager/CEO (Hiring Manager) independent medical opinions for consideration before a final determination is made. The medical opinions shall be submitted to CDFA's Human Resources Branch (HRB) at: cdfa.asd_hrb_main@cdfa.ca.gov.
<i>Hiring Supervisors/ Managers/Chief Executive Officers (CEOs) (Hiring Manager)</i>	Prior to advertising a vacant position, reviews the duty statement to determine if the duties of the position would require an applicant to obtain a PEM examination after receiving a conditional offer of employment based on the following criteria: 1. Duties that involve a greater than normal level of trust, responsibility for, or impact on the health and safety of others; and 2. Errors in judgment, inattentiveness, diminished coordination, dexterity, or composure while performing their duties could reasonably be expected to result in mistakes that would endanger the health and safety of others; and 3. Employees in these positions work with such independence, or perform such tasks, that it cannot be safely assumed that mistakes could be prevented by a supervisor or another employee. When it has been determined the duties of the position meet the above criteria, contact the assigned Classification and Pay (C&P) Analyst for consultation.
<i>Human Resources Branch (HRB)</i>	The HRB Medical Clearance Officer acts as liaison to the Hiring Manager and State's Medical Officer. Notifies the Hiring Manager when an applicant has been medically cleared. Where RA is noted in the medical clearance, refers the Hiring Manager to the Office of Civil Rights (OCR).

Medical Clearances And Physical Examinations

Office of Civil Rights Provides guidance to Hiring Managers on providing RAs.
(OCR)

Procedure

If the Hiring Manager has determined a PEM examination is warranted, they must complete the Medical Clearance Review Form ([SO-190](#)) and submit to HRB, C&P Unit, along with the Request for Personnel Action ([SO-12](#)) Part I, via the CDFA.HRB_SO_12@cdfa.ca.gov email box or the Request for Personnel Action-Seasonal ([SO-12a](#)) Part I via the CDFA.HRB_SO_12a@cdfa.ca.gov email box.

Upon HRB approval of the SO-190 and SO-12/SO-12a Part I, Hiring Managers will conduct their recruitment following the usual process. Once completed, Hiring Managers provide the duty statement to the selected applicant and instruct them to read the document and then initial the applicable Employee's Statement(s), sign, and date. The Hiring Manager completes the top portion of the Conditional Offer of Employment ([SO-212](#)) and the Summary of Essential Functions (SEF) attached to the Interim Health Care Provider's Pre-Employment Medical Report (Report) ([SO-174](#)); provides the applicant with the forms including a copy of the signed duty statement and instructs the applicant to schedule a PEM examination with a licensed physician, MD or DO (medical examiner) and to take the forms with them.

Upon completion of the physical examination, the Hiring Manager instructs the applicant to submit the SO-212 and the SO-174 to the Hiring Manager who submits them electronically to HRB at: cdfa.asd_hrb_main@cdfa.ca.gov noting 'Medical Clearance' in the email subject line.

HRB notifies the Hiring Manager of the date the applicant was medically cleared for employment. The Hiring Manager will then inform the applicant of the effective date of their appointment, which can be no earlier than the first day following the medical clearance date.

Hiring Managers have the discretion to waive the PEM if the selected applicant is a current CDFA employee who has had a medical clearance within a five-year period or is transferring between CDFA positions requiring medical clearance. If waiving the PEM, Hiring Managers will send an email to the Medical Clearance Officer detailing the specific reason the PEM is being waived; if approved the Medical Clearance Officer will send the approval to the Hiring Manager who will include the approval in the SO12/SO-12a package.

When an RA is recommended by the medical examiner, the Hiring Manager notifies, and consults with, CDFA's OCR. Please refer to the procedures cited in the [Reasonable Accommodation Policy 2.4.1](#) regarding the interactive process and if the Hiring Manager believes they cannot accommodate the limitations provided by

Medical Clearances And Physical Examinations

the medical examiner due to an undue hardship or direct threat. All RA requests, including those recommended through medical clearances, must be processed by the OCR.

Distribution

Distribution of the above policy includes all employees.

Questions regarding this policy should be directed to HRB at:
cdfa.asd_hrb_main@cdfa.ca.gov or (916) 654-0790.

Fitness for Duty

Est. November 2020

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) to maintain a safe and healthy work environment for all employees. In order to ensure this environment, employees must be able to perform the essential functions of their position in a safe, secure, and effective manner, and remain able to do so throughout the entire time they are working. Employees who are not fit for duty may present a safety risk to themselves, co-workers, property, or the public at large.

Authority

[California Government Code Section 19253.5](#)

Definitions

<i>Essential Functions</i>	Tasks that are fundamental to the performance of the job. A job task may be considered “essential” if the position exists to perform that function.
<i>Fitness For Duty (FFD)</i>	A physical, mental, and emotional state which enables the employee to perform the essential functions of their position, with or without reasonable accommodation, in a manner which does not threaten the health and safety of the employee, coworkers, property, or the public at large.
<i>FFD Medical Evaluation</i>	A medical examination requested by the Return-to-Work-Coordinator (RTWC) which requires the employee to submit to a medical evaluation by a physician(s) designated by the RTWC to evaluate the physical, mental, and/or emotional capacity of the employee to perform the essential functions of their position, with or without reasonable accommodation, in a manner which does not threaten the health and safety of the employee, coworkers, property, or the public at large.

Responsibility

<i>Employee</i>	Perform the essential functions of their position, with or without reasonable accommodation, in a manner which does not threaten the health and safety of themselves, coworkers,

Fitness for Duty

property, or the public at large.

Comply with this policy and any authorized request and instruction to attend an FFD evaluation. Failure to appear for the FFD evaluation may result in progressive discipline, up to and including dismissal from State service.

*Supervisor/Manager
/Chief Executive
Officer (CEO)*

Contact CDFA's RTWC for consultation when concerned about the ability of an employee to perform the essential functions of their position, with or without reasonable accommodation.

Provide sufficient reason(s) as evidence for requesting an FFD evaluation, including but not limited to:

- Knowledge that an employee cannot perform the essential functions of their position due to medical limitations, but is otherwise unable to obtain medical verification. This includes excessive or extended unplanned absences due to an unverified illness or injury.
- Behavior by an employee that causes a safety or security concern for the employee, coworkers, property, or the public at large.
- Conflicting medical information.
- Employee disagrees with medical documentation and is ready, willing, and able to work.
- Employee's application for disability retirement is denied by the California Public Employees' Retirement System (CalPERS) and the Supervisor/Manager/CEO has medical information that is not being considered.

An FFD examination is not appropriate when:

- It is sought as an alternative to, or before, addressing performance problems.
- An employee has an open workers' compensation claim.

RTWC

Consult with Supervisor/Manager/CEO to discuss the need for the FFD evaluation, explain the costs, and obtains Branch Chief/CEO approval.

Identify(ies) a physician(s) to perform the evaluation; schedules an appointment(s); provides physician(s) with the following information:

Fitness for Duty

- Description of facts that generated the need for the FFD evaluation.
- Supporting medical information provided by the employee.
- Copy of the employee's Essential Functions Duty Statement.
- Request that the physician determine the following:
 - Is the employee able to perform the essential functions of their position?
 - If not, what limitations does the employee have?
 - Are the limitations temporary or permanent?
 - If temporary, what is the duration?
 - Does the employee present a safety risk to themselves, coworkers, property, or the public at large?
 - If the employee is unable to perform the essential functions of their position, are they capable of performing duties in another classification?
 - Are there factors the Department should consider when determining the type of work to assign to the employee?

NOTE: All information obtained from the evaluation shall remain CONFIDENTIAL.

As a part of the interactive process, contact the employee by telephone to explain the FFD evaluation process; follow up with a confirmation letter or email detailing the following:

- Time and date of appointment.
- Name and address of the physician performing the evaluation.
- Job related reason for the evaluation.
- Right of employee to bring medical records to the appointment.
- Statute that prevents the employee from receiving a copy of the medical report, but requires the Department to provide a copy of the medical report to a physician designated by the employee ([California](#)

Fitness for Duty

[Government Code Section 19253.5](#)

Notify the Supervisor/Manager/CEO of the scheduled evaluation.

Send a confirmation letter or email to the chosen physician detailing the appointment, as well as the scope of the FFD evaluation.

Follow up with the physician(s) to ensure the employee appeared for the evaluation.

Follow up with the physician(s) if a written report of the medical findings has not been provided within 10 business days.

Expected Results

One of the following is the expected result of an FFD evaluation:

- The employee will return to work full duty with or without reasonable accommodation.
- There is a need to medically transfer or demote the employee.
- The employee will file for disability or service retirement with CalPERS.
- CDFA will file an employer-initiated disability retirement with CalPERS on the employee's behalf.
- The employee will be medically terminated.

Distribution

Distribution of the above policy includes all employees.

If you have any questions regarding this policy, please contact the Human Resources Branch, Disability Management Unit at CDFA.DMU@cdfa.ca.gov or (916) 654-0790.

DMV Employer Pull Notification Program Policy

Rev. July 2024

Policy

It is the California Department of Food and Agriculture's (CDFA) policy that all employees who drive on state business or possess a California Driver's License (CDL) be enrolled in the Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) Program. The DMV EPN Program enables CDFA to monitor the driving records of employees who may drive during the course of business. By monitoring employees' driving records, CDFA can ensure each driver has a valid CDL, recognize problem drivers or driving behavior, improve public safety, and minimize the Department's liability.

Authority

[Bargaining Unit Contracts \(MOUs\)](#)

[California Code of Regulations Sections 599.800-599.809](#)

[California Government Code Section 11019.9](#)

[California Vehicle Code \(CVC\) Section 12810.5](#)

Department of General Services [Management Memos \(MM\) 06-12 and 08-11](#)

[Information Practices Act of 1977 \(California Civil Code Section 1798 et seq.\)](#)

Definitions

<i>Authorization to Use Privately Owned Vehicles on State Business</i> (STD. 261)	Form used to authorize the use of privately owned vehicles on state business.
<i>DMV</i> INF 1101	Form used to enroll employees in the DMV EPN Program.
<i>Negligent Operator</i>	A person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months.
<i>Supervisor's Drop File</i>	Employee file maintained by the supervisor for forms and documents not placed in the Official Personnel File (OPF).

Responsibility

<i>Division Directors</i>	Assign the Division's DMV EPN Coordinator (DEPNC) to manage the EPN Program; ensure the DEPNC maintains

DMV Employer Pull Notification Program Policy

Managers and Supervisors

confidentiality of all Personally Identifiable Information (PII) in accordance with CDFA's Information Privacy Policy ([1.2.10](#)).

Identify employees with a CDL and inform them about the DMV EPN Program requirements. Ensure employee completes DMV Form INF 1101 upon hire; review, sign, and submit to Division's DMV DEPNC to enroll the employee in the EPN Program.

Ensure employees complete the Authorization to Use Privately Owned Vehicles on State Business ([STD. 261](#)); sign and maintain in employee's supervisor drop file. Renew agreement annually with the employee during the Annual Performance, Training, and Policy Review period.

Ensure employees complete the Defensive Driver Training in [CDFA's Online University](#) once every four years.

Contact their assigned Human Resources Branch (HRB) [Performance Management Analyst](#) if driving is a requirement for the employee's position and they are showing signs of becoming a negligent operator.

Notify DEPNC when an employee separates from State service or transfers to another Division or Department.

CDFA Employees

Maintain a valid CDL, vehicle insurance, and not be classified as a negligent operator.

Complete DMV form INF 1101. Complete the STD. 261 upon hire and annually thereafter during the Annual Performance, Policy, and Training Review period.

Complete the Defensive Driver Training through CDFA's Online University upon initial hire and once every four years thereafter.

DMV EPN Coordinators (DEPNC)

Ensure all employees with a CDL are enrolled in the EPN Program.

Maintain and disseminate driving records to employee's manager/supervisor in accordance with CDFA's Information Privacy Policy (1.2.10).

Ensure that driving infraction notifications are sent to the

DMV Employer Pull Notification Program Policy

appropriate manager/supervisor for:

- Convictions
- Failures to Appear
- Accidents
- Driver's License Suspensions or Revocations
- Any other actions taken against the employee's driving privilege.

Disenroll employees from the EPN Program upon separation from state service or transfer to another Division or Department.

*Office of Information
Technology Services
(OITS)*

Ensure all devices used to access the DMV EPN Portal and/or download and store EPN-sourced information are encrypted per State and CDFA security requirements.

*Human Resources
Branch*

Maintain a list of DEPNC with access to the DMV EPN Portal. Reconcile quarterly and advise OITS of any changes. Provide direction to supervisors/managers when an employee has violated CVC Section 12810.5.

Distribution

Distribution of the above policy includes all CDFA employees.

If you have any questions regarding this policy, please contact HRB at CDFA.ASD_hrb_main@cdfa.ca.gov.

Merit Salary Adjustments, Special In-Grade Salary Adjustments, and Range Changes

Rev. November 2016

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that employees who meet the standards of efficiency required for their classification will receive a Merit Salary Adjustment (MSA), Special In-Grade Salary Adjustment (SISA), or Range Change. Employees who do not, will receive advance notification (at least 10 working days prior to the effective date) that their MSA, SISA, or Range Change is being withheld.

Authority

Government Code Section 19832

California Code of Regulations, Title 2, Sections 599.683 and 599.684

Definitions

Merit Salary Adjustment

A pay increase equivalent to one step in the salary range granted to an employee who is not paid at the maximum step of the salary and who has met the standards of efficiency required for their classification following completion of 12 months of qualifying state service or completion of 1920 hours (intermittent employees).

Range Change

A pay increase achieved by an employee in a classification with alternate ranges who has met the standards of efficiency required for their classification for the period of time noted in the criteria for the alternate range **OR** possesses the education/experience/skills/competencies as defined under each alternate range criteria for each classification.

Special In-Grade Salary Adjustment

A pay increase to a second step of the salary range for an employee who is paid at the minimum step of the salary range who has met the standards of efficiency required for their classification after six months of qualifying state service or completion of 960 hours (intermittent employees), and who is in a class designated by the California Department of Human Resources (CalHR) as eligible for a SISA.

Merit Salary Adjustments, Special In-Grade Salary Adjustments, and Range Changes

Responsibility

<i>Personnel Specialist (PS)</i>	Distribute the Supervisor Certification of Salary Adjustment (SO-48) each month to the appropriate attendance clerk for any employee entitled to an MSA, SISA, or Range Change during the following month.
<i>Classification Analysis Unit (CAU)</i>	Assist the supervisor in writing a letter to the employee when an MSA, SISA, or Range Change is being withheld.
<i>Supervisors/Chief Executive Officers (CEO's)</i>	Approve the MSA, SISA, or Range Change when an employee has met the standards of efficiency required for their classification. Withhold the MSA, SISA, or Range Change when an employee has not met the standards of efficiency required for their classification.

MSA, SISA, and Range Change Approval Procedures

The supervisor shall return the signed SO-48 to the PS by the 16th of the month prior to the effective date of the MSA, SISA, or Range Change.

MSA, SISA, and Range Change Withhold Procedures

The supervisor shall return the signed SO-48 to the PS by the 16th of the month prior to the effective date of the MSA, SISA, or Range Change.

The supervisor shall inform CAU of their recommendation to withhold the MSA, SISA, or Range Change prior to the ten working day employee notification.

The CAU shall assist the supervisor in writing the letter that will be given to the employee. The letter will detail the reason(s) why the MSA, SISA, or Range Change is being withheld, including the performance standard(s) which have not been met. The letter will include a date, no less than three months in the future, at which time the MSA, SISA, or Range Change will be reconsidered.

The supervisor shall inform the employee that their MSA, SISA, or Range Change is being withheld **at least** ten working days prior to the effective date.

Merit Salary Adjustments, Special In-Grade Salary Adjustments, and Range Changes

Appeal Procedures

The denial of an MSA, SISA, or Range Change may be grievable. Refer to the appropriate Bargaining Unit contract for the procedure.

Distribution

Distribution of the above policy/procedure includes all employees.

If you have any questions regarding this policy, please contact the Human Resources Branch at CDFA.ASD_hrb_main@cdfa.ca.gov.

Employment of Minors

Rev. July 2024

Policy

The California Department of Food and Agriculture (CDFA) employs minors on school days, during school vacations and on weekends. It is the policy of CDFA that minors being employed be at least 16 years of age.

A minor 16 or 17 years of age can work no more than eight hours in one 24 hour day, or no more than 48 hours in a seven day week. A minor 16 or 17 years of age cannot work prior to 5:00 a.m., or after 10:00 p.m. on any day preceding a school day. A minor 16 or 17 years of age may work until 12:30 a.m. on a non-school day beginning on the evening preceding the non-school day. While school is in session, a minor 16 or 17 years of age may work no more than four hours a day.

Authority

California Labor Code [Section 1391](#)

California Education Code Sections [49100 – 49101](#) and [49110 – 49119](#)

Definitions

<i>School Day</i>	Any day in which a minor is required to attend school for 240 minutes or more.
<i>Minor</i>	For the purpose of this article a minor is a person employed by the Department that is either 16 or 17 years of age.

Procedure

State law requires that in order to employ minors under 18 years of age, the employer must have a work permit on file issued by the school attended by the minor.

Any minor (16 or 17 years of age) who is to be employed by CDFA at any time must obtain the necessary permit to be submitted with the appointment papers.

All work permits issued during the school year expire five days after the opening of the next succeeding school year.

Employment of Minors

Penalties

Any person who directly violates or causes or suffers the violation of Section 1391 of the Labor Code is guilty of a misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than six months, or both.

Distribution

Distribution of the above policy includes all employees.

For additional information, please contact the Human Resources Branch at CDFA.ASD_hrb_main@cdfa.ca.gov.

Employment of Noncitizens

Rev. April 2016

Policy

It is the policy of the State of California (State) and the California Department of Food and Agriculture (CDFA) that noncitizens who are authorized to work in the United States may be employed by the State and CDFA. Noncitizens may be employed in all classifications except peace officer classifications.

For employment beginning on or after November 7, 1986, the Federal Immigration Reform and Control Act of 1986 require both citizens and noncitizens to have appropriate identification and employment eligibility documents.

Authority

[Federal Immigration Reform and Control Act of 1986](#)
[The Immigration Act of 1990 \(P. L. 101-649\)](#)
[U.S. Citizenship and Immigration Services](#)

Responsibility

<i>Employee</i>	Complete and sign Section 1 of Federal Employment Eligibility (Form I-9) no later than the first day of employment. Provide supervisor documentation that establishes identity and employment authorization from the List of Acceptable Documents on the last page of Form I-9 no later than the third day after beginning employment.
<i>Supervisor</i>	Complete Section 2 of Form I-9 only after ensuring that Section 1 has been properly completed by the employee and submitted on time. Physically examine each original document to determine if it reasonably appears to be genuine. Forward the completed Form I-9 and copies of supporting documents to the Human Resources Branch (HRB).
<i>HRB</i>	Retain employee's completed Form I-9 in the official personnel file for as long as the individual works for CDFA and for five years after date of separation.

Employment of Noncitizens

Consequences

Failure of the employer to ensure proper completion of the Form I-9 for each employee may result in the imposition of civil or criminal penalties. In addition, employing individuals knowing they are unauthorized to work in the United States may subject the employer to civil and/or criminal penalties.

Distribution

Distribution of the above policy/procedure includes all employees.

If you have any questions or need further information, please contact the HRB at CDFA.ASD_hrb_main@cdfa.ca.gov.

Wages to Separated Employees

Rev. July 2024

Policy

It is the policy of the Department of Food and Agriculture (CDFA) to ensure the timely payment of wages to separated employees.

California (CA) Labor Code requires that employees who separate from State service must receive all monies accrued and owed to them as follows:

- If an employee is separated because of the seasonal nature of the job, laid off due to lack of work, or terminated, wages are to be paid immediately.
- If an employee resigns or retires without notice, wages are to be paid within 72 hours¹.
- If an employee gives 72 hours notice of the intention to resign or retire, wages are to be paid on the date of resignation or retirement.

Authority

CA Labor Code [Sections 200-220](#)

Responsibility

<i>Employees</i>	When resigning, immediately notify manager/supervisor/Chief Executive Officer (CEO) in writing of intent to resign, giving at least 72 hours notice when possible. When retiring, notify manager/supervisor/CEO of intent to retire 120 days but no later than 30 days before retirement date when possible.
<i>Managers/ Supervisors/CEO's</i>	Immediately notify the Attendance Clerk (AC) (CDFA) of impending separations. CEO's immediately notify the Timekeeper, District Agricultural Association (DAA) and/or California Fair Services Authority (CFSA) of impending separations.
<i>Attendance Clerks (CDFA)/ Timekeepers, (DAA)</i>	Act as Program Liaison to Human Resources Branch (HRB) and Financial Services Branch/CFSA (DAA's only), immediately notifying each of impending separations.

¹ This 72 hours is a continuous period that includes weekends and holidays. For example, if an employee resigns without prior notice on a Friday at 5:00 p.m., payment must be made by the following Monday no later than 5:00 p.m.

Wages to Separated Employees

<i>Financial Services Branch (FSB)</i>	Upon receipt, process the Checklist for Seasonal or Permanent Separations (SO-8) and forward to HRB upon completion.
<i>Personnel Specialist (PS), HRB</i>	Immediately process all separations to ensure timely payment of wages.

Procedures

1. The employee shall complete an [Absence and Additional Time Worked Report](#) (Std. 634). The employee's supervisor shall complete Part I of the [Checklist for Seasonal or Permanent Separation](#) (SO-8), review and approve the Std. 634, and submit all to the AC (CDFA)/Timekeeper (DAA). Supervisors in field offices shall email or fax completed forms to their AC (CDFA) to ensure timely payment of wages.
2. The AC (CDFA) will email the SO-8 to the FSB at CDFA.HRB_Separations@cdfa.ca.gov, with a cc to the PS; complete the Time and Attendance Report (Std. 672); submit the Std. 672 and Std. 634 to the PS. The Timekeeper (DAA) will email or fax the SO-8, Std. 634, and Leave Card to the PS.
3. FSB will complete Part III of the SO-8 and forward to PS.
4. The PS will process the Std. 634 for pay, withholding any monies due to the Department. The Timekeeper (DAA)/CFSA will process the Std. 634 for pay, withholding any monies due the DAA.
5. The AC (CDFA)/Timekeeper (DAA)/CFSA will distribute the check immediately, ensuring compliance with CA Labor Code. Payment may be made by mail if the employee so requests and designates a mailing address. When such a request is made, the date of the mailing shall constitute the date of payment for purposes of meeting the 72-hour requirement.

Penalties

Failure to comply with CA Labor Code may result in monetary penalties to CDFA.

Distribution

Distribution of the above policy includes all employees.

If you have questions or need additional information, please contact HRB at CDFA.ASD_hrb_main@cdfa.ca.gov.

Merit Issue Complaint Policy

Est. June 2022

Policy

It is the California Department of Food and Agriculture’s (CDFA) policy that employees are appointed and promoted based on merit ([California Constitution Article VII](#)). Set forth in this Policy are the applicable guidelines, procedures, and timelines to address merit issue complaints regarding CDFA’s hiring and selection processes.

Authority

[California Constitution Article VII](#)
[Government Code Section 3513 \(e\)](#)
[Government Code Section 18500-18502](#)
[Government Code Section 18952](#)
[California Code of Regulations, Title 2 Section 51.2](#)
[California Code of Regulations, Title 2 Section 52.4](#)
[California Code of Regulations, Title 2 Section 53.2](#)
[California Code of Regulations, Title 2 Section 53.4](#)
[California Code of Regulations, Title 2 Section 66.1](#)

Definitions

Complainant	The State Civil Service employee or job applicant filing a complaint.
Merit Issue Complaint	An allegation that a State agency has violated the State Civil Service Act or State Personnel Board (SPB) regulation or policy. The complaint may allege a violation of the State Civil Service Act (Government Code Section 18500-18502); California Code of Regulations, Title 2 Section 51.2, and Section 66.1, SPB regulations and policies. Merit issue complaints are assigned for investigative review by an Investigative Officer (CDFA’s Labor Relations Office), pursuant to California Code of Regulations, Title 2 Section 53.2, unless otherwise assigned pursuant to California Code of Regulations, Title 2 Section 53.4. Merit issue complaints include but are not limited to:

Merit Issue Complaint Policy

- Interference with promotional opportunities.
[Government Code Section 18952](#).
- Disputes regarding the effective dates of appointments or promotions.
- Applicability of alternate salary ranges.
- Interference with any person's access to SPB's appeals process.
- The designation of managerial positions pursuant to [Government Code Section 3513](#) (e).
- Discrimination.

Responsibility

Labor Relations Office

Upon receipt of the merit issue complaint, the Labor Relations Office in coordination with other units in the Human Resources Branch (HRB), will:

- Inform complainant, at the time the complaint is received, of their right to challenge a denial or failure to respond by filing a complaint with SPB's Appeals Division and the timelines for filing according to [section 66.1 \(e\)](#).
- Investigate the complaint.
- Respond in writing within 90 calendar days of receipt.

Complainant

Within three years of the alleged violation of Board regulation or policy in the hiring and selection process, the employee or job applicant shall:

- Prepare the merit issue complaint letter.
- Include the required information in the complaint to ensure a thorough investigation.
- Direct all merit issue complaints to CDFA's Labor Relations Office.
- Appeal to SPB within 30 calendar days of CDFA's response, if not satisfied with the decision.

Merit Issue Complaint Policy

- Appeal to SPB within 30 calendar days after the 90 calendar days pass without CDFA's decision on the complaint.

Procedure

Employees who have concerns regarding an appointment or promotion they believe may have violated the State Civil Service Act or SPB regulation or policy in the hiring and selection process, may file a written merit issue complaint. Merit issue complaints shall first be filed with CDFA. The complaint must include the following information (California Code of Regulations, Title 2 Section [52.4](#) and [66.1](#)):

- The complainant's name and contact information.
- The action or decision the complainant wishes to challenge (include copies of action or decision, if possible).
- The name(s) of person(s) involved in the action or decision.
- The reason the complainant feels that the action or decision is incorrect or improper (include supporting documentation, if possible).
- The remedy sought by the complainant.

A formal complaint must be filed in writing, to the CDFA's Labor Relations Office, within three years of the alleged violation of Board regulation or policy in the hiring and selection process. Timely submission of a complaint helps facilitate the investigation, and an untimely submission of a complaint may lead to its dismissal. Complaints may be sent via email to cdfa.asd_hrb_main@cdfa.ca.gov or by mail to:

California Department of Food and Agriculture
Attn: Labor Relations Office
1220 N Street, Room 242
Sacramento, CA 95814

CDFA shall inform the complainant, at the time the complaint is received, of their right to challenge a denial or failure to respond, by filing a complaint with the Appeals Division, the timelines for filing according to [Section 66.1](#), and the address where to file.

CDFA will respond to all merit issue complaints in writing within 90 calendar days of receipt of the complaint. The response will include the results of the investigation as well as CDFA's decision. CDFA's failure to respond to a merit issue complaint within 90 calendar days of receipt of the complaint shall be deemed a denial of the complaint's allegations.

An employee or job applicant may appeal CDFA's response, or lack of a response,

Merit Issue Complaint Policy

to a merit issue complaint to SPB's Appeals Division within 30 calendar days after the following:

- CDFA responds to the complaint, or
- The 90 calendar days pass without CDFA's decision on the complaint.

If CDFA issues a response to the complaint, the appeal to SPB should include a copy of the response. If no decision has been rendered by CDFA, then a copy of the original merit issue complaint should be included.

Resources

The following resources are available on SPB's website:

- [State Personnel Board Appeals Resource Guide](#)
- [State Personnel Board Evidentiary Hearing Process Manual](#)

Distribution

Distribution of the above policy includes all employees.

If you have any questions regarding this policy, please contact the Labor Relations Office at (916) 654-0790 or cdfa.asd_hrb_main@cdfa.ca.gov.

Out-of-Class Assignment and Experience

Rev. July 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that out-of-class (OOC) assignments are permitted on a temporary basis as a last resort after all other assignments (i.e., temporary reassignments, limited term, rotation, or training and development) have been exhausted in accordance with the Bargaining Unit (BU) contracts. Approved OOC experience can be used to meet the minimum qualifications (MQs) for an examination.

Authority

[Bargaining Unit Contracts](#)

[California Code of Regulations \(CCR\), Title 2, Section 52.4; 75.1; 212; 599.810](#)
[Government Code, Section 18523](#)

Definition

Class/Classification	A group of positions with similar duties and responsibilities that may also require the same MQs.
Class Series	Any vertically related group of two or more classes in the same occupational specialty or program area, but different in level or responsibility, which constitutes a primary promotional pattern for a specifically identifiable group of employees.
Deep Class	A class which has more than one salary range and where, by State Personnel Board (SPB) resolution, a salary range other than the lowest range of the class may be used for determining employee status.
Out-of-Class Assignment	The performance of higher-level duties not consistent with the employee's current classification of legal appointment, due to a critical temporary vacancy or business need.
Out-of-Class Experience	Experience gained as a result of the performance of duties which are outside the scope of the class to which the employee is appointed. Must include the full range of duties and must consist of more than 50 percent of the employee's time; occasional work does not count and OOC duties must be documented.

Out-of-Class Assignment and Experience

There are two types of OOC experience that can be used to meet MQs:

Paid: OOC duties pre-approved by Human Resources Branch (HRB) with an OOC Approval Memorandum placing an employee on an official OOC assignment for a specified period of time and the employee is compensated.

Non-paid: OOC duties that are not pre-approved by HRB but can be documented for examination purposes on Request for Verification of Non-Paid Out-of-Class Experience form [SO-11](#). These requests cannot be made prior to performing the OOC duties, must be for a minimum of 30 consecutive calendar days, and submitted no later than one year after the ending date of the OOC duties, in accordance with Title 2 CCR 212.

Responsibility

Managers/Supervisors/ Chief Executive Officers (CEOs)	Program or District Agricultural Association (DAA) provides documentation (OOA Assignment Request package) for OOC duties performed by employees. Review the employee's BU Contract for current OOC provisions.
Branch Chief/Division Director/CEOs	Review OOC documentation prior to submitting to HRB.
Employees	When applying for examinations or jobs, submit documentation for either paid or non-paid OOC experience with their Examination/Employment Application, STD. 678 (state application). The OOC duties must be included on the state application.
Classification Analysis Unit (CAU), HRB	Review OOC Assignment Request package to determine if it meets the requirements prior to placing an employee on an OOC assignment. Prepare OOC approval/denial memorandum to Program/DAA.
Examination Unit, HRB	Review state application submitted for an examination, or job, along with supporting OOC documentation. Determine if OOC experience claimed is relevant to the examination, or job, for which the employee has applied.

Out-of-Class Assignment and Experience

Out-of-Class Duties Assigned

OOO assignments must align with the employee's applicable BU Contract and any California Department of Human Resources (CalHR) laws, rules, and regulations. Assignments must be made in advance and in writing to HRB prior to the employee performing the duties. Applicable guidelines for represented, excluded, managerial, and exempt classifications are outlined below:

OOO Duties – Represented Employees

Generally, represented employees may serve on an OOO for up to 120 calendar days in any consecutive twelve calendar months, however, this may vary by BU Contract.

There are no exceptions to request extensions of OOO assignments beyond the BU Contract provisions.

OOO Duties – Excluded Employees

If an excluded employee is needed to perform the full range of duties and responsibilities allocated to a higher-level class for more than 50 percent of the time and for more than 15 consecutive workdays it would be appropriate to seek approval for an OOO assignment. The compensation would be for the rate of pay the excluded employee would receive if appointed to the higher-level class during the assignment, not to exceed one year.

OOO Duties – Managerial Employees

Employees in managerial classes can reasonably expect to perform work as needed to help the department function smoothly. For limited periods of time, a manager, without additional compensation, should expect to fulfill a wide range of duties and assignments not normally part of their assignment and classification.

Under rare circumstances, it may be determined a managerial OOO assignment is required and must continue beyond a short time frame. The OOO assignment must include the full range of duties of the higher-level class and the incumbent serving must have all the powers and authority vested in the position.

Reasonable efforts should be made to avoid managerial OOO assignments. In rare cases, approved compensation is appropriate after the 91st day and shall not exceed one year.

OOO Duties – Exempt Positions

It is the policy of CalHR, that employees "acting" in lieu of an exempt appointee (i.e., working OOO as an exempt) will do so without further compensation based on the exempt classification. Exempt OOO assignments require pre-approval by CalHR.

Out-of-Class Assignment and Experience

Procedure

Placing Employees on an OOC Assignment

1. Prior to placing an employee on an OOC assignment, Program/DAA prepares OOC Assignment Request package containing: OOC Request Memorandum, current and proposed duty statements, and current and proposed organizational charts. Then, routes and obtains Branch Chief/Division Director/CEO approval.
2. Program/DAA submits the approved OOC Assignment Request package to the assigned CAU Analyst for review. CAU Analyst analyzes and provides status within six business days.
3. CAU Analyst determines if an OOC assignment is appropriate based upon the applicable laws, rules, regulations, and BU Contracts.
4. Program/DAA receives direct communication from the CAU Analyst as to the status of the request. An OOC Approval or Denial Memo is prepared and sent to Program/DAA.

Please refer to the [OOO Assignment](#) for more information.

Use OOC Experience for Examinations

1. An employee whose OOC experience was pre-approved (paid), and who wants to use that experience to meet the MQs when applying for an examination, or job must:
 - a. Ensure the OOC experience is documented on their state application and follow the instructions on the Examination Bulletin, or Job Announcement, for submitting their completed state application and OOC Approval Memorandum by the final file date posted. Please note: If the OOC experience was performed while at another department, an official memorandum from that department's HRB must be submitted.
 - b. The Examination Analyst will review the state application and OOC documentation, approve or deny OOC claimed and notify the employee of the determination. If approved, the Examination Analyst will apply the appropriate amount of time to meeting the MQs.
2. An employee who wants to use OOC experience that was not pre-approved

Out-of-Class Assignment and Experience

(non-paid) by HRB must:

- a. Complete a [Request for Verification of Non-Paid Out-of-Class Experience, SO-11](#) and give to the supervisor who assigned the OOC duties who will complete Section 3 of the SO-11 and return to the employee.
- b. The employee will ensure the OOC experience is documented on their state application; follow the instructions on the Examination Bulletin, or Job Announcement, to submit their completed SO-11 and completed state application by the final file date posted. Please note: If the OOC experience was performed while at another department, an official memorandum from that department's HRB must be submitted.
- c. The Examination Analyst will review the SO-11 and state application to determine if the full range of OOC duties were performed; ensure duties were performed at least 50 percent of the time; verify duties were performed for a minimum of 30 consecutive calendar days; and verify the duties were not performed more than one year before the date of the request.
- d. The Examination Analyst will approve or deny the OOC experience claimed and notify the employee of the determination. If approved, the Examination Analyst will apply the appropriate amount of time to meeting the MQs.

Application

The OOC experience shall not be used to progress from the trainee level to the journey level in a class series or deep class at a rate faster than allowed for persons appointed to such classes.

If the employee's class of appointment has a transfer relationship to the class series or deep class in which OOC experience was gained and verified, and the OOC experience gained was at the trainee level through journey level, the experience shall be credited for examination purposes on a cumulative basis starting at the level to which the employee could have transferred.

Where a promotional relationship exists between the employee's class of appointment and the class series or deep class in which OOC experience is claimed and verified, the experience shall be credited on a cumulative basis starting at the entry level to the class series or deep class.

Once OOC experience is credited under this section, such experience may be used for any other examination without the need for reverification.

Out-of-Class Assignment and Experience

All verification statements will remain on file with HRB for audit purposes for a period not less than five years.

Appeals

An employee may appeal in writing to SPB pursuant to Title 2 CCR 52.4 if a request for use of OOC experience for meeting MQs is denied. The Appeal must be received within 30 days of the notice of denial, must be in writing, must specify the facts, and must include a copy of the notice received. The Appeal can be filed through the SPB Appeals Online System (AOS) at https://spb.ca.gov/appeals/appeals_information.aspx. It can also be sent via mail to:

State Personnel Board, Appeals Division,
801 Capitol, MS #22
Sacramento, CA 95814.

Appeals can also be faxed to (916) 654-6055 or emailed to appeals@spb.ca.gov.

Distribution

Distribution of the above policy includes all employees. If you have any questions regarding this policy, please contact HRB at (916) 654-0790.

Overtime

Rev. July 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that the work week of State employees shall be forty (40) hours and the workday shall be eight (8) hours. Work weeks and workdays of a different number of hours may be established in order to meet the varying needs of the programs and divisions¹. It is also the policy of the State and CDFA to avoid the necessity for overtime hours whenever possible. This policy does not restrict the use of overtime hours where it is necessary to carry on State business during emergencies or when qualified employees are in short supply.

When overtime work is necessary, adherence to the Fair Labor Standards Act (FLSA) is required. For specifics regarding assignment and compensation for overtime, refer to the appropriate bargaining unit contract (MOU) or the California Department of Human Resources (CalHR) rules.

Authority

Government Code Sections [19843-19849.1](#)

Title 2, California Code of Regulations, Sections [599.700-599.711](#)

[FLSA United States Code: Title 29, Labor, Sections 201 et seq.](#)

[CalHR Pay Scales](#)

Definitions

<i>FLSA</i>	A United States Federal law enacted in 1938 which protects workers by setting standard minimum wage, overtime, record keeping and youth labor. The law covers full-time and part-time workers.
<i>FLSA Exempt</i>	Those workers who are “FLSA exempt and do not earn overtime.” In California state service, Work Week Groups E and SE are considered exempt employees.
<i>FLSA Non-exempt</i>	Those workers who are covered by FLSA and earn overtime. In California state service, Work Week Group 2 employees are considered non-exempt employees.

¹ See Administrative Manual Section 9.5.9, Alternate Work Schedules

Overtime

Responsibility

Managers and Supervisors

A supervisor shall not allow an employee to perform overtime work without prior authorization and shall take steps to prevent unauthorized overtime.

A supervisor shall ensure that compensating time off (CTO) accrual does not exceed 240 hours.

Employees

An employee shall not work overtime without prior authorization from his or her supervisor.

Work Week Groups

Work Week Groups 2, E, and SE are established under FLSA. Work hours and overtime are applied as follows:

Employees in Work Week Group 2 – The regular work week of full-time employees shall be forty (40) hours, Monday through Friday. The regular work shift shall be eight (8) hours. Supervisors and Branch Chiefs may vary the work week or work shifts in order to meet the needs of the Department. Once the beginning day of an employee's work week is established and noted in the records, it remains fixed. The beginning of a work week may be changed if the change is intended to be permanent and is not designed to evade the overtime provisions of the FLSA.

An employee shall not work overtime unless authorized in advance by his or her supervisor. A supervisor shall not allow an employee to perform overtime work without prior authorization and shall take steps to prevent unauthorized overtime from being worked.

Compensation – The method of compensation, cash or CTO for FLSA overtime worked, shall be at the discretion of the Supervisors and Branch Chiefs pursuant to the MOU provisions and in accordance with the following:

- CTO on a one and one-half time basis may be authorized in lieu of cash compensation. Employees may accrue up to 240 hours of CTO pursuant to either their MOU or Title 2 of the California Code of Regulations Section 599.705.
- Cash compensation may be authorized at the rate of one and one-half times the hourly equivalent of the employee's salary when the overtime was worked.

Overtime

- Upon termination of employment, unused CTO shall be paid in cash at the employee's current salary rate at the time of termination.
- Upon separation from State Service unused CTO shall be paid pursuant to the employee's MOU provisions.

Employees in Work Week Group E and SE – include those in classes that are exempt from coverage under the FLSA because of the “white-collar” (administrative, executive, professional) exemptions.

Compensation – Employees shall not receive any form of additional compensation, whether formal or informal, unless otherwise provided by the provisions of this work week group. Consistent with the “salaried” nature of such positions, exempt employees are subject to the following:

- Management determines the products, services, and standards which must be met by FLSA exempt employees.
- The salary paid to FLSA exempt employees is full compensation for all hours worked in providing the product or service. Hours of work in excess of the average work week are not compensable, and shall not be deemed overtime.
- FLSA exempt employees are not authorized to receive any form of overtime compensation, whether formal or informal.
- FLSA exempt employees are expected to work, within reason, as many hours as necessary to accomplish their assignments or fulfill their responsibilities and must respond to directions from management to complete work assignments by specific deadlines. FLSA exempt employees may be required to work specific hours to provide services when deemed necessary by management.
- FLSA exempt employees shall not be charged paid leave or docked for absences in less than whole-day increments. Less than full-time employees shall be charged time proportionate to their scheduled hours of work. Record keeping for accounting, reimbursements, or documentation relative to other applicable statutes, such as FMLA, is permitted.
- FLSA exempt employees shall not be suspended for less than five (5) days when facing discipline.
- With the approval of the appointing power, the supervisor may grant time off for FLSA exempt employees of one or more whole days when the employee has previously worked hours in excess of their normal work week, or other special circumstances without charging leave

Overtime

credits. Subject to prior notification and management concurrence, FLSA exempt employees may alter their work hours. Employees are responsible for keeping management apprised of their schedule and whereabouts. Prior approval from management for the use of formal leave (e.g., vacation, sick leave, personal leave or personal day) for absences of an entire day or more is required.

- FLSA exempt employees shall receive up to eight (8) hours of holiday credit when required to work on a holiday.

If the provisions of this definition are in conflict with the provisions of a collective bargaining agreement, the collective bargaining agreement shall be controlling.

Reporting Overtime

Overtime is reported at the end of each pay period on Absence and Additional Time Worked Report form [Std. 634](#), in Section 7.

Distribution

Distribution of the above policy/procedure includes all employees.

If you have any questions regarding this policy, please contact the Human Resources Branch at CDFA.ASD_hrb_main@cdfa.ca.gov.

Family and Medical Leave Act/California Family Rights Act

Rev. September 2023

Policy

It is the California Department of Food and Agriculture's (CDFA) policy that employees are offered protected benefits to enable them to take time off work for various reasons. Federal Family and Medical Leave Act ([FMLA](#)), California Family Rights Act ([CFRA](#)), Pregnancy Disability Leave ([PDL](#)), Qualifying Exigency Leave ([QEL](#)), and Military Caregiver Leave ([MCL](#)) are types of leaves offered to employees with a medical condition that may take them off work for a short period of time under a protected leave benefit.

Authority

Americans with Disabilities Act ([ADA](#))
 Bargaining Unit Agreements/Memorandum of Understandings ([MOUs](#))
[Family Medical Leave Act of 1993](#)
 Fair Employment and Housing Act ([FEHA](#))
 Government Code Sections [12940](#), [12945](#), and [12945.2](#)
 National Defense Authorization Act, Section [565](#)
 Title 29, Code of Federal Regulations (CFR), [Sections 825.110 and 825.218](#)

Definitions

<i>Designated Person</i>	Any individual related by blood or whose association with the employee is the equivalent of a family relationship.
<i>Family Medical Leave Act/California Rights Act</i>	Entitlements that allow eligible employees up to 12 workweeks of unpaid, job-protected leave each calendar year for specified family and medical leave reasons.
<i>Military Caregiver Leave</i>	Under FMLA/CFRA, this leave allows eligible employees to take up to 26 weeks of leave in a single 12-month period to care for a family member (spouse, child, parent, next of kin) who is a covered service member/veteran with a serious injury or illness.
<i>Pregnancy Disability Leave</i>	Unpaid leave for a period of actual disability caused by pregnancy, childbirth, or related medical conditions; and is provided for a maximum of four months, as medically needed.

Family and Medical Leave Act/California Family Rights Act

Qualifying Exigency Leave

Entitlement that allows employees to up to 12 workweeks of unpaid FMLA leave during any 12-month period. Qualifying exigencies arise when the spouse, child, or parent of an employee is on covered active duty in the Armed Forces or has been notified of an impending call or order to covered active duty. Covered active duty includes duty of a member of a regular component of the Armed Forces during deployment to a foreign country, and duty of a member of a reserve component of the Armed Forces during deployment to a foreign country under a call or order to active duty in support of specified contingency operations. QEL under FMLA helps employees manage family affairs when their family members are called to or on covered active duty.

Responsibility

Human Resources Branch (HRB), Disability Management Unit (DMU), Return-To-Work Coordinator (RTWC)

Verifies eligibility and sends the employee the Notice of Eligibility AND Rights and Responsibilities ([CalHR 752](#)). For pregnant employees, also sends Your Rights and Obligations as a Pregnant Employee ([DFEH-E09P-ENG](#)) and Family Care and Medical Leave (CFRA), Pregnancy Disability Leave ([DFEH-100-21\(A\)](#)) notifications, and Certification of Health Care Provider for Pregnancy Disability Leave, and Transfer and/or Reasonable Accommodation ([DFEH-E10P-ENG](#)).

Refers employee to CDFA's Office of Civil Rights (OCR) if employee requests a [reasonable accommodation](#).

If the employee meets eligibility, the RTWC will provide the employee with the Certification of Health Care Provider for Employee's Serious Health Condition ([CalHR 754](#)) or Certification of Health Care Provider for Family Member's Serious Health Condition ([CalHR 755](#)).

Upon receipt of the CalHR 754 or CalHR 755, the RTWC will email the Designation Notice ([CalHR 753](#)) within five business days to the employee informing them of the status of their request.

Only one CalHR 753 is required for each FMLA/CFRA qualifying event, per calendar year, regardless of whether the leave is taken as a continuous block of leave or on an intermittent or reduced leave schedule basis. The RTWC may approve retroactive leave as long as it does not cause a disadvantage to the employee. However, the RTWC may not retroactively designate leave after the employee has returned to work.

Family and Medical Leave Act/California Family Rights Act

If the form CalHR 754 or CalHR 755 is incomplete or insufficient, the RTWC will request in writing from the employee the specific additional information necessary to make a determination for FMLA/CFRA leave.

The RTWC can ask for a second opinion (Fitness for Duty) for the employee's own health condition. This examination would be conducted before an employee is allowed to return to work following an FMLA/CFRA leave. The examination is to address the employee's ability to perform the essential functions of their position. Refer to CDFA's Fitness for Duty Policy ([9.2.4](#)).

<i>Office of Civil Rights</i>	Implements the provisions of ADA and FEHA. Provides the employee with a copy of CDFA's Reasonable Accommodation Policy (2.4.1) and the Reasonable Accommodation Request (SO-142).
<i>Managers and Supervisors</i>	Notifies the RTWC within two business days when an employee submits a request using the FMLA/CFRA/PDL/QEL/MCL Worksheet Notification (SO-156) for themselves or to care for an immediate family member's serious health condition, or when the manager or supervisor becomes aware that the leave may qualify for FMLA/CFRA.
<i>Employees</i>	Provides supervisor with advance notice as soon as they become aware of the need for FMLA/CFRA, PDL, QEL, and/or MCL. Completes and submits SO-156 to supervisor.

Family and Medical Leave Act/California Family Rights Act

FMLA/CFRA allows eligible employees to take job-protected unpaid leave and/or use appropriate paid leave, if the employee has earned or accrued it, up to a total of 12 weeks in a calendar year under the following conditions:

- For the birth of a child, to care for the newborn child, and for the placement of a child with the employee for adoption or foster care. Exception: An employee may take up to 17.33 weeks for benefit continuation under PDL and 12 weeks of CFRA for baby bonding. Bonding leave must be completed within one year of the event. (See "Pregnancy Disability Leave" section of this policy.)
- To care for a family member, child, spouse, parent, or designated person with a serious health condition. The designated person may be identified by the employee at the time the employee requests the leave. CDFA may limit an employee to one designated person per 12-month period for family care and medical leave.
- For the employee's own serious health condition rendering the employee unable

Family and Medical Leave Act/California Family Rights Act

to perform the essential functions of their job.

- To care for a child, spouse, parent of a covered member, or designated person of the Armed Forces is deployed by the military to a foreign country.
- To care for a child, spouse, parent, next of kin, or designated person who is a covered member of the Armed Forces, including the National Guard or Reserves, who has incurred a serious injury or illness in the line of active duty.
- To care for a child, spouse, parent, next of kin, or designated person who is a covered veteran in the Armed Forces, including the National Guard or Reserves. The veteran must have been a member of the Armed Forces at any time within five (5) years preceding treatment.

In certain cases, this leave may be taken on an intermittent basis rather than all at once, or the employee may work a reduced schedule. Employees working less than full-time will have their leave entitlement prorated based on their established workweek or time base.

Eligibility

An employee is eligible for FMLA/CFRA leave when they have worked for the State of California for a total of 12 months, even with a break in service. The employee must also have worked a total of 1,250 hours in the past 12 months. The only exception to the 1,250 hours requirement is for an employee disabled by pregnancy, childbirth, or a related medical condition. Under these circumstances, an employee does not have to meet the eligibility requirements to qualify for FMLA. (See "Pregnancy Disability Leave" section of this policy.) If an employee becomes eligible for FMLA by working a total of 12 months while on leave, the leave period prior to meeting the requirement is non-FMLA leave, and the leave period after the requirement is fulfilled as FMLA leave. To further clarify, the periods of leave do not count towards the 1,250 hours requirement but do count towards the 12 months of employment requirement.

Example: An employee requests FMLA/CFRA leave but has only worked for the employer 11 months and does not meet the 12-month requirement for FMLA/CFRA. FMLA/CFRA leave is denied. The employee is allowed to take a non-FMLA/CFRA leave. During the time taken for non-FMLA/CFRA leave the employee meets the 12-month requirement for FMLA/CFRA eligibility and is now eligible for FMLA/CFRA leave.

Pregnancy Disability Leave

An employee disabled due to pregnancy, childbirth, or a related medical condition is entitled to take up to four months (17.33 weeks) of unpaid leave. PDL runs concurrently with any leave the employee is eligible for under FMLA.

The employee may elect to use leave credits including accrued sick leave during any unpaid portion of PDL. When PDL ends, the employee is entitled to take up to 12

Family and Medical Leave Act/California Family Rights Act

additional weeks of unpaid leave for bonding with their new child under CFRA, for a total of 29.33 weeks of leave.

The State will continue the employee's health benefits for 17.33 weeks under PDL (overlapping with FMLA's 12 weeks) and 12 weeks of CFRA, for a total of 29.33 weeks of continued health benefits.

Unlike FMLA and CFRA, PDL does not require the employee to work 1,250 hours. The employee need only provide medical verification certifying they are disabled due to pregnancy, childbirth, or a related medical condition.

Requirements

- Employee Obligations – When the need is foreseeable, which includes planned birth, adoption, foster care placement, or medical treatment, employees must notify their supervisor, preferably 30 days before the leave commences, of their request for FMLA/CFRA. In cases where the leave is unforeseen, employees may download the SO-156 from the CDFA SharePoint portal and follow the instructions on the form. Failure to comply with this requirement may result in a delay to the start of the approved leave.

If an employee has provided sufficient verbal or written notice to their supervisor that there is a need for protected leave, the RTWC shall provisionally designate the time as FMLA/CFRA pending verification of eligibility and medical certification from the health care provider.

If the leave is approved, the RTWC will email a CalHR 753 form to the employee. The employee must inform their supervisor when requesting time off if the leave is for an FMLA/CFRA reason and document it on the "Absence and Additional Time Worked Report" ([STD 634](#)) on line 7F as "FM".

- Certification of Health Care Provider for Employee or Family Member's Serious Health Condition – If the basis for the leave is a serious health condition of the employee or the employee's child, parent, spouse, or designated person the employee must submit a medical certification from a health care provider as substantiation that a serious health condition exists to the RTWC within 15 calendar days from the submission date of the SO-156. Failure to comply with this requirement may delay the start of approved leave.
- Certification of Qualifying Exigency for Military Family Leave – Employees are entitled to take up to 12 weeks of QEL in a 12-month period when a spouse, child, parent, or designated person in the Armed Forces, National Guard, or Reserves is called to active duty. QEL allows the employee time off for reasons related to their family member's call to active duty. A complete and sufficient certification to support a request must be included.

Such documentation could be a copy of the military member's active-duty orders or documentation from the military verifying that the military member is on active duty (or has been notified of an impending call to active duty) in support of a

Family and Medical Leave Act/California Family Rights Act

contingency operation. Employees must meet eligibility requirements and download the SO-156 from the CDFA SharePoint portal.

- Military Caregiver Leave - To care for an employee's spouse, child, parent, next of kin, or designated person of a covered service member with a serious injury or illness incurred in the line of active duty. A covered service member is either:
 - A current member of the Armed Forces, including National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list for a serious injury or illness that may render the service member medically unfit to perform their military duties; or,
 - A veteran of the Armed Forces including National Guard or Reserves, discharged within the five-year period before the family member first takes MCL to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness that rendered the veteran medically unfit to perform their military duties, or substantially impairs the veteran's ability to work.

The employee is entitled to take up to 26 workweeks of leave during a single 12-month period to care for a seriously injured or ill covered service member. Employees must provide 30 calendar days advance notice to their supervisor of the need to take FMLA or MCL leave for planned medical treatment for a serious injury or illness of a covered service member. When the need is unforeseeable, employees must notify their supervisor within two business days of learning of the need for such leave. Failure to comply with this requirement may result in a delay in the start of the approved leave.

- Use of Leave Credits – Employees may use leave credits during FMLA/CFRA leave. Sick, vacation, or annual leave may only be used in accordance with [MOUs](#) and/or applicable civil service laws and rules and CDFA policies. While on approved FMLA/CFRA, employees are able to choose to use their leave credits or dock (unpaid leave). For types of leave available for use, please contact the RTWC. An employee who has been placed on an attendance restriction for abuse of sick leave shall not be prohibited from using sick leave for a qualifying FMLA/CFRA leave. Paid leave due to industrial injuries or illnesses is not counted against an employee's FMLA/CFRA leave. In some circumstances, employees may apply for Catastrophic Leave. Refer to CDFA's Catastrophic Leave Policy ([9.4.2](#)).
- Health Benefits Maintenance – An employee who qualifies for FMLA/CFRA leave will have their health benefits maintained on the same basis that coverage would have been provided if the employee had been continuously employed or remained at work. Therefore, if an employee was paying all or part of the

Family and Medical Leave Act/California Family Rights Act

premium payments prior to any authorized leave, the employee will continue to pay their share during the leave period, and CDFA will continue to pay the State share.

- Intermittent Leave – When FMLA/CFRA leave is taken for the serious health condition of the employee, or the serious health condition of the employee’s spouse, parent, child, or designated person, leave may be taken intermittently or on a reduced work schedule when the health care provider of the person with a serious health condition indicates that it is necessary.
- Return to Work/Reinstatement – A returning employee is entitled to return to the same classification the employee held when the leave commenced, or to an equivalent classification within the branch, division, or department. All reasonable efforts will be made to return the employee to the same position held prior to commencement of the leave. If the absence was based upon the employee’s own serious health condition, the employee must present a certification to their supervisor from a physician of their fitness to return to work. If the employee is unable to perform an essential function of their former position or any equivalent position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under FMLA/CFRA regulations, but may be eligible under CDFA’s Reasonable Accommodation Policy (2.4.1). Contact OCR at (916) 654-1005 or at CDFA.OCR_Civil_Rights@cdfa.ca.gov for more information.
- ADA, FEHA, and FMLA/CFRA Overlap – ADA’s “substantial limitation,” FEHA’s “limitation,” and FMLA/CFRA’s “serious health condition” are distinct and different concepts and must be analyzed separately. However, there are instances in which the laws may overlap with respect to an employee who meets ADA and/or FEHA and FMLA/CFRA criteria. In this situation OCR or the RTWC will notify the employee of these benefits.
- Complaint Process – HRB will make all reasonable efforts to resolve any disputes about the authorization of FMLA/CFRA, PDL, QEL, and MCL. Employees are encouraged to contact the HRB Personnel Officer at (916) 654-0790 with any questions or concerns. Employees may bypass HRB and proceed directly to the [United States Department of Labor](https://www.dol.gov) to file a complaint under FMLA, or the [California Department of Fair Employment and Housing](https://www.cdfeh.com) to file a complaint under CFRA, FEHA or ADA. Employees may also file a complaint under ADA with the [Federal Equal Employment Opportunity Commission](https://www.eeoc.gov) and/or CDFA’s OCR.

District Agricultural Associations (DAAs)

Direct questions regarding FMLA, CFRA, PDL, QEL, or MCL to CDFA’s RTWC at cdfa.dmu@cdfa.ca.gov. The RTWC will assist the DAAs with the process and give

<i>Family and Medical Leave Act/California Family Rights Act</i>

sample worksheets.

Requesting Leave

Requests for FMLA, CFRA, PDL, QEL, or MCL shall be made using the SO-156.

Distribution

Distribution of the above policy includes all employees.

Questions regarding this policy may be directed to DMU at CDFA.DMU@cdfa.ca.gov.

Catastrophic Leave

Rev. July 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that an employee may request a catastrophic leave bank be established if the employee has exhausted all leave credits and faces financial hardship due to the injury or prolonged illness of himself/herself or a family member¹, or is unable to work due to the effect of a natural disaster on the employee's principal residence.

Authority

California Code of Regulations [Sections 599.925 - 599.925.1](#) – For excluded employees

[Bargaining Unit Contracts \(MOUs\)](#)

Definitions

<i>Catastrophic Leave Bank</i>	A special bank set up to receive donations of leave to be used to take time off for the purpose established in the initial request.
<i>Eligible Leave Credits</i>	Annual leave, vacation, personal holiday, voluntary personal leave program, compensating time off, and/or holiday leave credits. Eligible leave credits do not include sick leave. Consult with the appropriate MOU.
<i>Natural Disaster</i>	An event such as an earthquake, flood, mudslide, or wildfire.

Responsibility

<i>Managers, Supervisors, and Chief Executive Officers</i>	Review requests for catastrophic leave, ensure proper documentation substantiates the request, and submit request with supporting documentation to the Human Resources Branch, Disability Management Unit (DMU).
<i>Employees</i>	Provide written request with supporting documentation to their supervisor requesting establishment of a catastrophic leave bank.

¹ Represented employees should refer to appropriate MOU for qualifying family members.

Catastrophic Leave

Requesting a Catastrophic Leave Bank

Employees (or their designees) must submit a written request to their supervisor when requesting a catastrophic leave bank due to illness or injury. The request must include medical substantiation stating the general nature of the illness or injury and prognosis, which specifies how long the employee is expected to be off work, or if the employee will be off work intermittently. If the request is for a family member's illness or injury, the substantiation must also specify that the employee's attendance of that family member is required. This information will be maintained as confidential.

Requests for catastrophic leave due to a natural disaster resulting in financial hardship must include the verification that the natural disaster directly affects the employee's principal residence and requires the employee's absence from work and must include the estimated date of return to work.

If approved, the supervisor shall forward the request and attach all supporting documentation to the Human Resources Branch, DMU.

The DMU analyst will review the request and notify the employee's supervisor of approval or denial and forward the information to the appropriate personnel specialist for processing. If approved, the DMU analyst will inform the CDFA Service Desk to notify the department via e-mail requesting donations.

Requesting Leave Donations

The employee's supervisor is responsible for sending an email to CDFA employees requesting leave donations. The Catastrophic Leave Donation Form, [SO-198](#), should be attached to the email.

Donating Leave Credits

Represented employees, should refer to their MOU for the minimum number of hours that may be donated. Excluded employees may donate a minimum of one hour. Donations must be in one-hour increments.

Any employee, excluded or represented, may donate leave credits to another employee, excluded or represented.

Leave credits will be deducted from the donor's leave balance only as they are needed by the recipient on a first-in, first-out basis.

Once processed for use by the receiving employee, the donation is irrevocable.

Donations are voluntary.

Donors' names may be released to the recipient unless confidentiality is requested.

Catastrophic Leave

Using Donated Leave

An employee must exhaust all leave credits prior to using donated leave credits.

Donated leave credits will be credited as vacation or annual leave when they are used. Use of donated credits by excluded employees may not exceed a maximum of 12 continuous months for any one catastrophic illness or injury. Use of donated credits by represented employees shall not exceed six months.² The recipient shall use any leave credits they continue to accrue on a monthly basis prior to using donated time.

When the specific need for the use of donated leave no longer exists, or the maximum length of time has been reached, donations will no longer be accepted. Remaining donations will be returned to the donor.

If the medical need persists beyond the allowed time frame, the employee should contact HRB to discuss options.

When on a Nonstandard Work Schedule

An employee receiving and using catastrophic leave is automatically changed to an eight hours per day, 5/8/40 work schedule.

Distribution

Distribution of the above policy/procedure includes all employees.

If you have any questions regarding this policy/procedure, please contact the HRB at CDFA.ASD_hrb_main@cdfa.ca.gov.

² Represented employees should refer to appropriate MOU for guidance.

Vacation/Annual Leave Accumulations

Rev. October 2023

Policy

It is the California Department of Food and Agriculture's (CDFA) policy to maintain employees' vacation or annual leave balances at a level no higher than the prescribed maximum number of hours. The prescribed maximum number of hours for excluded employees and employees represented by California Statewide Law Enforcement Association (CSLEA), Service Employees International Union (SEIU), International Union of Operating Engineers (IUOE), California Attorneys, Administrative Law Judges, and Hearing Officers in State Employment (CASE) is 640. For those represented by California Association of Professional Scientists (CAPS), the maximum is 832.

Authority

[Bargaining Unit Contracts/Memorandums of Understanding](#)

California Code of Regulations, Title 2, [Sections 599.736 through 599.742.1](#), [599.752](#)

[California Department of Human Resources Online Manual Section 2124](#)

[Government Code Section 19858.7](#)

Definitions

<i>Leave Reduction Plan</i>	Outlines how employees plan to use excess leave to bring their balances below their Memorandum of Understanding (MOU) cap.

Responsibility

<i>Human Resources Branch (HRB)</i>	Ensures leave usage requests are processed.
<i>Deputy Secretary of Administration & Finance</i>	Reviews and approves/denies additional leave requests beyond the initial 90 days when applying for retirement.
<i>Division Director</i>	Evaluates and approves/denies requests for additional time beyond the 90 days the employee requested when applying for retirement. Forwards approved requests to the Deputy Secretary of Administration and Finance for final approval.
<i>Chief Executive Officer (CEO)</i>	Evaluates and approves/denies requests for additional time beyond the 90 days the employee requested when applying for retirement. Ensures leave usage requests are processed.

Vacation/Annual Leave Accumulations

Supervisors

Monitors employee vacation or annual leave balances to ensure they are within the prescribed maximum.

Provides reasonable opportunity for employees to use vacation or annual leave commensurate with their annual accrual rate.

Ensures employees adhere to their leave reduction plan and maintain vacation or annual leave balances at or below the prescribed maximum.

Employees

Requests to use vacation or annual leave in advance from supervisor, in accordance with supervisor's procedures for requests for time off.

Uses vacation or annual leave to ensure balance do not exceed the prescribed maximum.

By January 1 of each year, submits a leave reduction plan to their supervisor to use vacation or annual leave if leave balances exceed or will exceed the prescribed maximum.

Accumulated Hours

Employees whose accumulated hours of vacation or annual leave exceed or will exceed the prescribed maximum must submit a leave reduction plan to their supervisor by January 1 of each year consistent with operational needs.

If an employee fails to submit a leave reduction plan, or fails to follow the plan, the supervisor may require the employee to use the hours that exceed the maximum at the convenience of CDFA.

Running Out Credits Upon Retirement

Upon applying for retirement, an employee entitled to a lump-sum payment for any unused or accumulated vacation or annual leave may request to take leave prior to the effective date of their retirement up to 90 days. An employee may request up to an additional 90 days of vacation or annual leave, not to exceed a total of six months. Requests for additional time beyond the 90 days require written justification and the approval of the requestor's Division Director and the Deputy Secretary of Administration and Finance or the District Agricultural Association's (DAA) CEO.

Vacation/Annual Leave Accumulations

Once approvals are obtained, the supervisor will forward the approval to the Human Resources Branch at cdfa.asd_hrb_main@cdfa.ca.gov.

The DAA will retain the original approved request and issue payment.

Distribution

Distribution of the above policy includes all employees.

If you have questions, or need further information, please contact HRB at cdfa.asd_hrb_main@cdfa.ca.gov.

Leaves of Absence

Rev. July 2024

Policy

It is the policy of the Department of Food and Agriculture (CDFA) to grant mandatory leaves of absence to employees provided the required documentation is submitted and verified.

While a permissive leave of absence is not a right, CDFA will reasonably grant permissive leaves of absence to employees provided certain conditions are met for the particular leave requested. It is CDFA's policy to treat employees with similar requests equitably.

If this policy is in conflict with provisions of the Bargaining Unit Agreements (MOUs), the MOUs shall be controlling.

Authority

Government Code Sections [8522](#), [8543](#), [19771-74](#), [19991.1-.2](#), [19991.4](#), [19991.6](#), and [19991.8-.9](#)

California Code of Regulations (CCR), Title 2, Sections [599.781-783](#), and [599.785 Bargaining Unit Agreements \(MOUs\)](#)

Definition

Leave of Absence

A leave of absence is an approved absence from work. A leave may be granted to an employee for a period of time not less than one (1) month nor greater than one (1) year, and may be mandatory or permissive, paid or unpaid, depending on the reason for the leave. A leave so granted assures the employee the right to return to his or her former position, as defined in Government Code Section 18522.¹

Responsibility

Branch Chiefs

Responsible for final approval of requests for leaves of absence.

¹ "Former position" means a position at substantially the same level to which CDFA could have assigned the employee, including positions in other classes and organizational locations.

Leaves of Absence

Managers and Supervisors

Responsible for reviewing requests for mandatory and permissive leaves of absence, ensuring proper supporting documentation is attached and submitting requests to Branch Chiefs with a recommendation to either approve or deny the requests for permissive leaves of absence.

Employees

Responsible for providing necessary documentation justifying mandatory leaves of absence.

Responsible for providing written requests for permissive leaves of absence and submitting requests with supporting documentation to their supervisors and/or managers.

Exclusions

A leave of absence shall not be granted to an employee for any of the following conditions:

- To accept another position in State service; or
- To leave State service to accept other employment outside of State service, except when mitigating the effects of a layoff (see page 9.4.4.4); or
- When the employee does not intend to, or cannot reasonably be expected to return to State service on or before the expiration of the leave.

Mandatory Leaves of Absence

All employees are entitled to the following mandatory leaves of absence:

Parental Leave

For female employees with permanent status for purposes of pregnancy, childbirth, recovery therefrom, or care for the newborn child for a period not to exceed one (1) year. Medical substantiation is required to support the leave request.

For male spouses, male parents, or domestic partners² with permanent status for the purposes of caring for his/her newborn child for a period not to exceed one (1) year. Represented employees must provide medical substantiation to support the leave request.

²Certified with the California Secretary of State in accordance with Family Code Section 297.

Leaves of Absence

Adoption Leave	For employees for the adoption of a child for a period not to exceed one (1) year. For non-represented employees, adoption leave is permissive. Represented employees should refer to the appropriate MOU to determine if adoption leave is mandatory or permissive. Adoption leave is mandatory if applied for under the Federal Family Medical Leave Act (FMLA).
Military Leave	For employees to serve on active duty in the Armed Forces, National Guard, or Naval Militia for the period of active duty specified in the orders, but not to exceed five (5) years for a permanent, probationary, or exempt employee, or for the remainder of a limited-term employee's appointment or a temporary employee's appointment. A copy of order for active duty is required to support the leave request. For employees who are members of the National Guard for the period of active duty during such time as the Governor may have issued a proclamation of a state of extreme emergency or insurrection. A copy of the military order is required to support the leave request. For employees who are members of reserve military units and the National Guard who are required to attend scheduled reserve drill periods or perform other inactive duty reserve obligations. A copy of the military order is required to support the leave request.
Veterans' Educational Leave	For permanent employees who have served in the Armed Forces and are eligible for veterans' education or training. The employee must be enrolled for a minimum of ten (10) credit hours of school work each school year. Proof of military service and school enrollment is required to support the leave request.
Disability Leave	For any employee who is required to be absent from his or her position by reason of an injury or disease for which he or she is entitled to receive temporary disability compensation. Medical substantiation is required.
Family and Medical Leave (FMLA)	FMLA is a federal law requiring employers to provide employees job-protected and unpaid leave for qualified medical and family reasons. See Administrative Manual Section 9.4.1, Family and Medical Leave Act/California Family Rights Act, and Pregnancy Disability Leave.

Leaves of Absence

Permissive Leaves of Absence

A permissive leave of absence is not a matter of right, but may be granted to an employee for a period longer than one (1) month up to but not exceeding one (1) year, and must be approved by the Branch Chief.

When considering requests for permissive leaves of absence, Branch Chiefs should apply the policies as described in this section uniformly, and approve requests after considering:

- The intention of the employee to return to CDFA following the leave.
- The effect of the leave on CDFA operations.
- The purpose of the leave.
- The feasibility of temporarily filling the position during the employee's absence.
- The employee's service record (performance, attendance, etc.).
- The employee's length of service.

Permissive leaves of absence may include the following:

- To attend school or college or to enter training when it is directly related to the employee's development and will benefit one's employment with CDFA.
- Union activity.
- Participation in a research project when it is directly related to the employee's development and will benefit one's employment with CDFA.
- Loaned to another governmental agency for performance of a specific assignment.
- To seek or accept other employment during a layoff situation or otherwise lessen the impact of an impending layoff.
- To serve in a technical cooperative program as a temporary employee of another governmental agency, a nonprofit organization, or a recognized college or university upon request of the agency.
- Mentoring leave to provide mentoring services to a bonafide mentoring organization for children and youth.
- For other reasons equally satisfactory as determined by CDFA, such as: to campaign in one's own election, illness in the family, child care, to serve as an officer or participant in a charitable or community organization where the term of office is clearly distinguishable and does not exceed one (1) year.

Requesting/Approving a Leave of Absence

All leave requests should be submitted to the employee's immediate supervisor.

Leaves of Absence

Mandatory Leaves of Absence

The employee shall provide the required substantiation to support the request, which includes the length and reason for the leave.

Upon receipt of a request for mandatory leave of absence, the supervisor shall endorse the request and forward it to the Branch Chief for approval. An approved copy of the request with required documentation shall be sent to the Human Resources Branch (HRB) for processing.

Permissive Leaves of Absence

Requests shall be in writing, state the length and reason for the leave, and be signed by the employee making the request. When applicable, the employee shall provide substantiation to support a request for a permissive leave of absence. When documentation is not applicable, the employee's written request should be as specific as possible in addressing the foregoing considerations outlined in the section on Permissive Leaves of Absence. Supporting documentation may include proof of school enrollment, written request for employee's services from cooperative agency, employee layoff notice, etc.

The supervisor shall review the request and supporting documentation, provide a recommendation for approval or denial, and forward the entire package to the Branch Chief for approval. An approved copy of the request with supporting documentation shall be sent to the HRB for processing.

Leave of Absence Extensions

Once a leave has been approved for the specified period of time requested by the employee, any subsequent change in the length of time is permissive and must be requested in writing by the employee, and approved in the same manner as the original leave request. The same reasons considered when granting the first leave request must again be reviewed when evaluating an extension request.

The total leave time cannot exceed one (1) year.

Leave Termination

An unpaid leave of absence shall be terminated by the Branch Chief:

1. At the expiration of the leave.
2. Prior to the expiration date with written notice of at least 15 work days for non-represented employees. (Refer to the MOU for represented employees).

Leaves of Absence

A leave of absence may be terminated with a written request from the employee to his/her supervisor or by the employee's voluntary resignation.

Distribution

Distribution of the above policy/procedure includes all employees.

Any questions regarding this policy should be directed to the Human Resources Branch at CDFA.ASD_hrb_main@cdfa.ca.gov.

Excluded Employees – Grievances and Non-Merit Statutory Appeals

Rev. July 2024

Policy

It is the California Department of Food and Agriculture’s (CDFA) policy that all excluded employees have information regarding their rights to representation and to file a grievance and/or a non-merit statutory appeal.

Authority

Title 2, California Code of Regulations, Sections [599.856](#), [599.858](#) and [599.859](#)
Government Code Sections [3513\(f\), \(g\)](#) and [3525-3539.5](#)

Definitions

<i>Excluded Employee</i>	An excluded employee is an employee of the State, excluded from, or otherwise without exclusive representation.
<i>Grievance</i>	A grievance is a dispute involving the application or interpretation of a statute, regulation, policy or practice which falls under the jurisdiction of the Director, California Department of Human Resources (CalHR).
<i>Non-Merit Statutory Appeal</i>	A non-merit statutory appeal is an appeal of transfer, a petition to set aside a resignation, an appeal for reinstatement after automatic resignation (AWOL), or an appeal of layoff.

Responsibility

<i>Labor Relations Officer</i>	Distributes and maintains a written policy informing excluded employees of their right to file a grievance and the respective timelines for doing so. Provides management with timelines for responding to grievances filed by excluded employees. Provides advice and consultation to management when investigating and responding to grievances. Provides interpretation and application of the various laws, rules, and Government Code sections that apply to excluded employees.

Excluded Employees – Grievances and Non-Merit Statutory Appeals

*Managers,
Supervisors, and
Chief Executive
Officers (CEO)*

Ensure that CDFA policies and procedures, laws and rules, are applied appropriately and consistently.

Make every attempt to resolve the grievance promptly and to complete the required action within the identified time limits.

Allow excluded employee and their representative to have a reasonable amount of Administrative Time Off (ATO) to prepare and present a grievance or appeal.

Levels of Review

<i>Informal Discussion</i>	Excluded employee's immediate supervisor
<i>First Level</i>	Branch Chief
<i>Second Level</i>	Division Director/CEO
<i>Third Level</i>	The Secretary or his/her designee
<i>Fourth Level</i>	Director, CalHR

Grievances

An excluded employee wishing to file a grievance involving the application or interpretation of a statute, regulation, policy, or practice must begin the process with an informal discussion with his/her immediate supervisor. If the informal discussion does not settle the matter within five (5) working days, a written grievance may be filed. Grievances shall be filed on [Excluded Employee Grievance Form \(Form STD. 631\)](#).

Non-Merit Statutory Appeals

An excluded employee wishing to file a non-merit statutory appeal of transfer, a petition to set aside a resignation, an appeal for reinstatement after AWOL, or an appeal of layoff, files the appeal directly with the Director, CalHR. These appeals shall be filed on Form STD. 631.

Filing Process

The process for filing, as well as the time frame for response at each level, is listed on the reverse side of the Form STD. 631.

Excluded Employees – Grievances and Non-Merit Statutory Appeals

Distribution

Distribution of this policy includes all employees.

Please direct questions to the Labor Relations Officer at (916) 654-0790.

Time Off to Vote

Rev. December 2016

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that employees who do not have sufficient time outside of their working hours to vote in a statewide election, be granted a maximum of two hours of work time to enable them to vote without loss of pay.

Authority

California Elections Code, Section 14000

Responsibility

<i>Supervisors/Chief Executive Officers</i>	Shall allow employees up to two hours time off to vote.
<i>Employees</i>	Shall provide no less than two working-days advance notification when requesting time off to vote.

Procedure

Employees who know, or have reason to believe they will need time off, must give their supervisors at least two working-days notice prior to the election date. This notice will include the amount of time needed and the reason that work time is required for voting. If additional time is needed the employee must use personal leave time.

Distribution

Distribution of the above policy/procedure includes all employees.

Not less than 10 days before every statewide election, this policy shall be posted where it can be seen as employees come or go to their place of work.

If you have any questions regarding this policy, please contact the Human Resources Branch at 916-654-0790.

Non-Standard Schedules

Rev. July 2024

Policy

It is the California Department of Food and Agriculture's (CDFA) policy to allow full-time employees to work non-standard schedules (NSS). Participation in an NSS is voluntary and subject to approval of the employee's Branch Chief. Participation is not limited by classification or employee. Intermittent and part-time employment is already non-standard by the nature of the time base; therefore, not eligible for an NSS.

NSS provides flexibility in work hours while maintaining operational efficiency, productivity, and effective services to the public.

In the event any portion of this policy conflicts with provisions of the Bargaining Unit/Memorandum of Understanding (BU/MOU), the BU/MOU shall control.

Authority

[Bargaining Unit Agreement/Memorandums of Understanding](#)

California Code of Regulations (CCR), Title 2, Sections [599.665](#) and [599.923](#)

California Department of Human Resources (CalHR) Online Manual Sections [1501](#) and [1503](#)

[Fair Labor Standards Act \(FLSA\) Guide](#)

Government Code (GC) Sections [12945.7](#), [19851](#), [19853](#) and [19859.3](#)

Definitions

<i>Alternate Work Schedule (AWS)</i>	An NSS which allows Work Week Group (WWG) 2 employees to work a schedule other than five days per week or more than eight hours per day.
<i>Attendance Clerk</i>	Employees who are responsible for a branch's/unit's timekeeping functions.
<i>Deficit Hours</i>	Scheduled hours that fall below the 168 or 176 hours designated for the pay period.
<i>Dills Act</i>	The State Employer-Employee Relations Act of 1978, known as the Ralph C. Dills Act (Dills Act), establishing collective bargaining for state government employees.
<i>Excess Hours</i>	Hours worked more than the required number in a pay period.

Non-Standard Schedules

<i>MOUs</i>	Memorandum of Understanding, also known as Collective Bargaining Agreement, and commonly known as a contract. Agreement between the State and State employees through which the Unions that represent the State employees define wages, benefits, and other terms and conditions of employment.
<i>Non-Represented Employees</i>	Employees who are excluded from collective bargaining under the Dills Act.
<i>Non-Standard Schedule (NSS)</i>	A work schedule which allows the employee to work other than five days per week or more than eight hours per day.
<i>Pay Period</i>	A set period of time for which employees are paid. The calendar year is divided into 12 pay periods consisting of 21 or 22 workdays, or 168 or 176 designated work hours, respectively.
<i>Regular Day Off (RDO)</i>	A regularly scheduled day off work due to the NSS.
<i>Represented Employees</i>	Employees represented by an exclusive BU/MOU.
<i>Whole Workday</i>	Total hours employees are scheduled to work on a workday.
<i>Work Week</i>	A fixed and regularly recurring period of 168 hours, which is seven consecutive 24-hour periods. The work week may begin on any day of the week and at any hour of the day, but typically coincides with the calendar week. The work week is the basis on which determinations of overtime compensation is made.
<i>Work Week Group</i>	Method of recognizing whether a classification is covered by FLSA or is exempt from FLSA coverage in determining eligibility for overtime.
<i>Work Week Group 2</i>	Designation of classifications covered by the FLSA and entitled to receive overtime compensation. May be either represented or excluded from collective bargaining.
<i>Work Week Group E</i>	Designation of classifications exempt from the FLSA's minimum wage and overtime compensation requirements and are typically employed in supervisor, manager, and specialist (i.e., Staff Services Manager I (Specialist))

Non-Standard Schedules

	classifications.
<i>Work Week Group SE</i>	Designation of classifications exempt from the FLSA's minimum wage and overtime compensation requirements and are typically employed as Attorneys.
<i>5/8/40</i>	A fixed work schedule consisting of five eight-hour days.
<i>9/8/80</i>	A type of NSS consisting of eight nine-hour days and one eight-hour day in a two-week period with one RDO scheduled every other week.
<i>4/10/40</i>	A type of NSS consisting of four 10-hour days and one RDO scheduled every week.

Responsibility

<i>Human Resources Branch (HRB)</i>	Receive signed Request for Non-Standard Schedule (SO-117) and AWS Calendar from the Attendance Clerk. Retain until the termination of the NSS or the end of the calendar year, whichever comes first.
<i>Branch Chiefs</i>	Review, approve, and sign SO-117. Return SO-117 and AWS Calendar to employee's manager/supervisor.
<i>Attendance Clerks</i>	Submit approved SO-117 to HRB. Ensure that Absence and Additional Time Worked Report (STD 634 /timesheet) is completed reflecting the information on the SO-117.
<i>Managers/Supervisors</i>	Review NSS requests and assess based on eligibility requirements. Submit completed SO-117 with Branch Chief approval and AWS Calendar to the Attendance Clerk.
<i>Employees</i>	Complete required training class on CDFA's Online University prior to approving NSSs for employees. Complete the SO-117 and the CalHR AWS Calendar. Submit both to their manager/supervisor for approval. Complete required training class on CDFA's Online University prior to the commencement of the NSS. Maintain satisfactory attendance, job performance, and required minimum of 40 hours of leave credits.

Non-Standard Schedules

Eligibility

Employees may be eligible for an NSS based on the following conditions:

- The request must be in compliance with the employee's MOU, if applicable.
- Service to the public or to clients will be maintained at the same or higher level.
- There will be no increased State costs, delays in services, or inefficiencies.
- There will be adequate staff coverage.
- There will be no impact on the manager's/supervisor's ability to monitor work performance.
- Employees must have 40 hours of available leave credits to enroll in an NSS. To continue participation on an NSS, an employee must maintain a minimum balance of 40 hours. EXAMPLE: 20 hours of sick leave and 20 hours of vacation to equal 40 hours or 40 hours of annual leave. If the employee's available leave falls below 40 hours, the NSS will be terminated. To re-establish the NSS, the employee must maintain 40 hours of leave credits for six consecutive months. The employee may then submit a new NSS request to their manager/supervisor. Dock cannot be used to maintain 40 hours of leave credits.

Requesting NSS

The employee obtains AWS Calendars from the Program's Attendance Clerk or by accessing the [Human Resources Forms](#) page on the [CDFA Share Point Portal](#).

The employee initiates a request by identifying a schedule proposing the days which they will work, the number of hours projected to work each day, and the projected earning or usage of excess hours¹.

The employee completes the SO-117 and CalHR AWS Calendar. The CalHR AWS Calendar should reflect only the current calendar year (or less) that the employee is requesting. The employee will submit both to their manager/supervisor for approval.

The manager/supervisor will review the request to ensure the criteria specified above are met, sign the SO-117, and then obtain Branch Chief approval. The manager/supervisor will retain the original request bearing the approvals and will send a copy to the employee and the Program's Attendance Clerk. The Attendance Clerk will submit electronically to HRB at cdfa.asd_hrb_main@cdfa.ca.gov.

¹ Only applies to WWG 2 employees.

Non-Standard Schedules

At the end of each calendar year, the employee must submit a new SO-117 and CalHR AWS Calendar to their manager/supervisor and Branch Chief for approval of continued participation and submit via their Attendance Clerk to HRB at cdfa.asd_hrb_main@cdfa.ca.gov.

Provisions and Documentation¹

Employees enrolled in an NSS must work the required number of hours in each pay period. If the employee has not worked the required 168/176 hours, they must charge leave credits or excess hours to complete the pay period. The number of hours required in each pay period corresponds with the number of days in the pay period. A 21-day pay period requires 168 hours, and a 22-day pay period requires 176 hours.

The employee must work the required number of hours in each work week and must complete line 7A on the STD 634, Absence and Additional Time Worked Report, indicating what days and hours the employee actually worked. If the employee has not worked the required number of hours, they must charge leave credits to complete the 168/176 hours.

When an employee works more than the required number of hours for the pay period but does not exceed 40 hours per week (or 80 hours over two weeks for a 9/8/80 schedule) and the number of hours required by the NSS, the employee will earn excess hours. Excess hours will appear on the employee's leave statement and may be carried indefinitely. When an employee encounters deficit hours for the pay period, previously earned excess hours equal to the deficit must be used before any other leave type.

Excess hours can only be earned when the extra time worked has not already been compensated for through some other method, such as overtime.

Overtime¹

Overtime is earned in accordance with the WWG designation for the classification, and only when the employee has worked in excess of 40 hours in the established seven-day work week. Any authorized hours (hours approved by the manager/supervisor) worked in excess of 40 hours in the employee's regularly scheduled seven-day work week will be recorded as overtime and will not be counted toward the 168/176 hours required for the pay period.

Using Leave Credits

When an employee is using leave credits, they must charge leave credits equal to the number of hours scheduled to work that day. EXAMPLE: An employee scheduled to work nine hours must charge enough leave credits to equal nine hours.

Non-Standard Schedules

Bereavement Leave

Bereavement leave will be granted in accordance with the MOU. The number of hours required for bereavement leave will be reported on an hour-for-hour basis, based on the number of hours the employee is scheduled to work (i.e., nine hours on a nine-hour day). The number of hours approved will not exceed 24 hours per occurrence, or per year, as stated in the MOU and/or GC.

Holidays

Employees on NSS (9/8/80 or 4/10/40) will receive credit for the holidays as shown on the AWS calendar.

On any regularly scheduled workday which falls on an observed State holiday, eight hours are credited toward hours worked. Employees are required to use leave credits to supplement the required number of hours for their NSS.

For RDOs that fall on a holiday, eight hours will be credited to either Holiday Credit or Excess Hours as defined by the employee's MOU.

Travel

Travel time will continue to be handled in the manner addressed by the appropriate MOU and/or CalHR Travel outside of the employee's normal work hours (based on their NSS) may be counted as hours worked based on the employee's WWG.

Jury Duty/Subpoenaed Witness

Jury Duty/Subpoenaed Witness leave will continue to be handled in the manner addressed in the MOUs. When an appearance for jury duty/subpoenaed witness is required, the employee must normally report to work before and after the period required, unless this is determined to be impractical by the manager/supervisor.

Only eight hours per day may be charged to Jury Duty/Subpoenaed Witness. If this results in the employee not working the required 168/176 hours for the pay period, they must charge leave credits or excess hours to complete the pay period.

When required to report to jury duty or as a subpoenaed witness on their RDO, the manager/supervisor will notify the employee if they must revert to a standard 5/8/40 work week for the week(s) they must report.

Non-Standard Schedules

Training

When an employee is required to attend training, they would normally report to work before and after the training session, unless this is determined to be impractical by the manager/supervisor.

If the employee does not work before and/or after the scheduled training and this results in the employee not working the required 168/176 hours for the pay period, they must charge leave credits or excess hours to complete the pay period.

When the employee will be required to report to training on an RDO, the manager/supervisor will notify the employee if they will be required to revert to a standard 5/8/40 work week for the week in which they will be in training.

Mandatory Reversion to 5/8/40 Work Schedule

In order to minimize the effect of various situations on employee benefits, the manager/supervisor shall be required to return the employee to a standard 5/8/40 work schedule under the following conditions:

- When on Disability Leave (i.e., Non-Industrial Disability, Industrial Disability Leave, or Workers Compensation Temporary Disability).
- When on Military Leave.
- When on a temporary assignment to another unit/State agency that is not on a 9/8/80 or 4/10/40 work schedule.
- When using Catastrophic Leave.
- When Leave Credits fall below 40 hours.

Changes to NSS

Employees will not be allowed to change their RDO without the prior approval of their manager/supervisor. Exchanging days could result in overtime if the employee works more than 40 hours in that work week. This is most likely to happen on the 9/8/80 schedule when the work week includes the employee's eight-hour workday.

Termination of NSS

An NSS may be terminated at any time at the request of the employee and/or employees' manager/supervisor. Reasons for termination may include, but are not limited to:

Non-Standard Schedules

- The schedule adversely affects job performance.
- The employee transfers to another unit.
- The employee is unable to abide by the terms and conditions of the NSS.
- Operational needs are not met.
- Leave credits fall below 40 hours.

If an employee transfers or separates within a pay period, the total number of hours worked must be calculated to determine whether the employee has met the required minimum hours to generate a full salary warrant for that period. Excess hours or leave credits must be used when the employee has not worked the required number of hours. On the other hand, excess hours are earned when the employee has worked more hours than required.

An employee may terminate an NSS at any time. To voluntarily terminate an NSS, the employee must notify their supervisor/manager prior to termination of the NSS.

Employees in WWGs E and SE

WWG E/SE employees normally average 40 hours of work per week and are expected to work as many hours as necessary to complete work assignments. Their schedules may fluctuate at times depending on the nature and amount of work to be performed. In the absence of work requiring irregular or fluctuating hours of work, they are expected to maintain a consistent work schedule as directed by their manager/supervisor.

Distribution

Distribution of the above policy includes all employees.

Questions regarding this policy should be directed to HRB at cdfa.asd_hrb_main@cdfa.ca.gov or (916) 654-0790.

Reduced Work Time

Rev. July 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that requests for reduced work time are to be granted to interested employees when administratively feasible.

Authority

[Government Code Sections 19996.19-19996.29](#)

[California Code of Regulations Title 2, Division 1, Chapter 3, Article 19](#)

Definitions

Reduced Work Time Employment of less than 40 hours of work per week.

Responsibility

Employee	Submits the completed Reduced Worktime Request (Form SO-18) to his/her Supervisor/Manager for review.
Supervisor/Manager	Reviews employee's Reduced Work Time Request to determine if the request is administratively feasible and meets the needs of the program and the employee.
Branch Chief Division Director Chief Executive Officer	Once approved by the employee's Supervisor/Manager, reviews and determines whether to approve or deny.

Requesting Reduced Work Schedule

An employee who wishes to work less than their current schedule may submit a request for a [reduced work schedule](#) on Form SO-18. The request should propose suggestions on how workload will be handled. The employee is encouraged to discuss workload distribution suggestions with his/her Supervisor/Manager. The Supervisor/Manager will consider both the needs of the work unit and those of the employee. The Supervisor/Manager will recommend approval if it is determined the proposal is administratively feasible.

If the determination is made that the proposal is not feasible, the Supervisor/Manager may offer the employee an acceptable alternative. If no

Reduced Work Time

alternative is found to be administratively feasible and acceptable to the employee, the Supervisor/Manager will mark "Request Denied" and return it to the employee with a written explanation.¹

The recommendation to approve or deny the request shall be made by the Supervisor/Manager within 15 working days after receipt and shall be routed to the employee's Branch Chief or higher authority for final decision.

Implementation

The [reduced work schedule](#) may be implemented as soon as approval is received from the approving authority and the employee has had a reasonable opportunity to evaluate any changes in status or benefits which will occur and has signed the acceptance section of the request form.

The Supervisor/Manager will send the completed form to the Human Resources Branch (HR) with a completed [SO-12](#), Request for Personnel Action, along with current and proposed duty statements and org charts.

The reduced work time schedule affects only the employee, not the position. If the position is a full-time position, it remains such.

Returning to Full Time – Employee Request

If an employee who voluntarily reduced his/her work time wishes to return to full-time work, the employee must make the request in writing to their Supervisor/Manager. The employee must be offered full-time employment in available department vacancies in the class and location² in which the employee is serving at the time of the request. Vacant positions in that class and location may not be filled by transfers from within or outside the department; appointments from employment lists, including reemployment lists; or by permissive reinstatement, unless the employee requesting to be returned to full-time work has refused the position. At the employee's request, with the approval of HR and the employee's Supervisor/Manager, positions in different locations and classes for which the employee is eligible may be offered in lieu of a position in the same class and location.

If a hiring freeze is in effect at the time the employee wishes to return to full-time, a freeze exemption may be required. Please review the conditions of any hiring freeze to determine restrictions.

¹ Some MOUs require that a copy of disapproval and explanation be sent to the union.

² The same location shall be any work location that the employee could reasonably accept without a change in residence.

Reduced Work Time

Employees who refuse three (3) offers of full-time work in the same class and location may be considered to have waived their right to full-time employment offers for six months. Within each class and location, return to full-time work requests shall be considered on a first-come, first-served basis. Requests from employees who previously refused three (3) offers will be considered new requests.³

Returning to Full Time – CDFA Request

If, at any time, the CDFA makes a determination that it is not administratively feasible to continue a position at a reduced work time, an employee who has reduced his/her time base under the provisions of this section may be required to return to full-time work.

The approving authority must provide the employee with written notice of the required return at least thirty (30) days prior to the date the employee is to report to work full time.

In an emergency, such as flood, fire, or other extreme emergency, the approving authority may require the employee to work full-time without prior notice for the duration of the emergency.

General Information

A reduction in time base may impact some of the employee's benefits, such as leave accruals, state service, retirement, etc. Questions regarding impacts to retirement and retirement service credit should be directed to the [California Public Employees' Retirement System \(CalPERS\)](#) at (888) 225-7377, or visit their website at www.calpers.ca.gov.

Distribution

Distribution of the above policy includes all employees.

If you have any questions regarding this policy, please contact HR at cdfa.asd_hrb_main@cdfa.ca.gov or (916) 654-0790.

³ Exceptions to this order of return may be made where warranted by instances of extreme employee hardship.

Telework Policy

Rev. July 2024

Policy

The California Department of Food and Agriculture (CDFA) encourages the use of teleworking where it is a viable option with benefits for the employee and department.

This policy applies to CDFA, its employees, and DAA employees. Supervisors and employees must understand that adherence to the policy and procedures are an essential requirement of the Telework Program.

For bargaining units (BUs) with an existing Memorandum of Understanding (MOU), if the MOU contains telework language that is in conflict with this policy, the MOU language shall be controlling.

Authority

Government Code Sections [11549](#), [14200-14203](#) and [19996.2](#)

State Administrative Manual (SAM) [5350.1](#), [5355](#) and [5365.2](#)

[Statewide Information Management Manual \(SIMM\) 5360-A](#)

[Statewide Telework Policy - 0181](#)

[2 California Code of Regulations § 599.616.1 \(a\) Definitions – Excluded Employees](#)

Definitions

<i>Alternate Work Location</i>	The approved work location other than the office. Alternate work location could be an employee's residence or other approved site.
<i>Dependent Care</i>	Support and nurturing of persons who cannot meet their own needs, such as children, functionally impaired adults, or the elderly.
<i>Field Worker</i>	An employee who performs a job (inspection, investigation, audit, etc.) at a work site other than a CDFA facility. A field worker is considered to be an office worker and their job site is considered to be their office.
<i>Hoteling</i>	Providing office space to a Remote-Centered Teleworker which may be occupied by other teleworkers on other days.
<i>Incidental Telework</i>	Unplanned situation causing an employee to request and receive supervisorial approval to work from an alternate

Telework Policy

	work location.
<i>Office</i>	The location, state building, or official worksite that would be the employee's work location if not teleworking.
<i>Office-Centered Telework</i>	Work is performed more than fifty percent of the time from the office. Office-Centered teleworkers maintain a dedicated workstation in the office and utilize department provided mobile equipment for teleworking at their designated alternate work location.
<i>Regular Business Hours</i>	Telework hours should conform with regular business hours of the teleworker's headquarters. 8:00 a.m. to 5:00 p.m., Monday through Friday with a lunch period. May vary for field offices.
<i>Telework</i>	The terms 'telework,' 'teleworking,' 'telecommute,' and 'telecommuting' are defined as a work flexibility arrangement established between the department management and the employee under which the employee performs the duties and responsibilities of the employee's position, and other authorized activities, from an approved location other than the office. In practice, telework is a work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternate work location.
<i>Remote-Centered Telework</i>	Work is performed fifty percent or more of the time from an alternate work location. Remote-Centered teleworkers shall have their dedicated workstation located at their designated alternate work location. Remote-Centered teleworkers may use shared space when working in the office.
<i>Shared Space</i>	Work area that is used on an individual basis by multiple people, most often a hoteling station where some stations may provide computers and others provide docking stations for laptops.
<i>Telework Coordinator</i>	Officer responsible for coordination of the Telework Program. This function resides in CDFA's Labor Relations Office.
<i>Teleworker</i>	An employee who understands and has complied with this policy and has approval to work from their residence or

Telework Policy

other pre-established location up to a specified number of hours per week.

Responsibilities

*Branch Chiefs and
District Agricultural
Association (DAA) Chief
Executive Officers
(CEOs)*

Administer the Telework Program in their respective branches/DAAs, including ensuring compliance with all applicable policies, procedures, laws and identify positions suitable for the telework option. All employees who reside in suitable positions shall be qualified to participate in telework and are authorized to participate to the fullest extent possible without diminished individual or organizational performance.

Approve the purchase of appropriate information technology (IT) equipment and software necessary for the employee to telework unless the teleworker's existing office equipment can be used at the remote location. Procurement policies regarding additional equipment must be followed.

Ensure the supervisor annually reviews the Telework Agreement with the teleworker and evaluates the efficacy of the Telework Agreement to determine if it should either continue or end.

Supervisors

Determine if proposals for their employees to telework are likely to contribute to CDFA's objectives, while maintaining or improving program objectives, efficiency, productivity, service, benefits, and safety conditions.

Approve alternate work locations, taking into consideration the following: technology, security, proximity to the employee's headquarters location of record, safety, distractions, performance, etc.

Ensure employees who remain in the office are not burdened by handling the teleworker's regular assignments (i.e., answering telephone calls, dispensing information).

Treat teleworking employees the same as an employee working in the office with respect to performance management, conduct, training, and promotional opportunities.

Provide specific, measurable, and attainable performance expectations for the teleworker, define assignments and

Telework Policy

corresponding deadlines in detail, and the quality of the work expected.

Inform teleworkers that failure to comply with the policy and procedures may be cause for terminating participation in the program and/or possible discipline.

Designate each teleworker as Remote-Centered or Office-Centered.

When applicable, include the following language in job announcements and duty statements where a position is conducive to telework: “Regular or recurring telework may occur as part of the incumbent’s ongoing regular schedule in accordance with CDFA’s Telework Policy.”

Maintain signed and approved originals of the Telework Agreement, [STD 200](#).

Review employee Telework Agreements at least annually to ensure the agreement continues to meet business needs.

Teleworkers

When telework is determined to be a viable work option, employees must work with their supervisors to develop and follow an acceptable [STD 200](#).

Abide by the provisions set forth in this policy.

Establish and maintain an acceptable and safe home-office environment as outlined in [Teleworker’s Guide to Setting up the Home Office, SO-173](#).

Are required to secure needed internet service prior to the start of a telework arrangement. Lack of adequate internet service may result in termination or denial of a telework agreement.

Are required to notify their supervisor in advance, and obtain approval, when their alternate work location will change (i.e., moving or temporarily working from another location). Permanent changes to the alternate work location will require submission of a modified STD. 200.

Adhere to all applicable laws, rules, regulations, policies, and procedures regarding information security as outlined in “Information Security” in the “Telework Environment” section of this policy and in all other appropriate policies. Comply

Telework Policy

with all IT policies and practices involving handling and maintenance of IT equipment and software.

Must be prepared to come in to a CDFA office on short notice when the supervisor requests for business needs, for equipment repair or replacement, or for other resource needs. Office of Information Technology Services (OITS) staff are prohibited from traveling to the teleworkers non-office worksite.

Must ensure dependent care and other personal responsibilities do not adversely affect their normal work duties or professionalism.

Shall be familiar with and responsible for safeguarding the property they use to perform their duties.

Observe departmental policy for overtime. A telework agreement does not amend compensation or time reporting requirements.

Complete annual Information Security and Privacy Awareness training. Employees who are not compliant with Information Security and Privacy Awareness training are not eligible to telework.

Are required to participate when there are studies, inquiries, reports, or analyses relating to the telework program.

Telework Coordinator

Responsible for day-to-day coordination and management of the Telework Program, including compliance with policies, procedures, and guidelines.

Provides training on telework as needed.

Serves as a telework informational resource for all employees.

Assists with completion and reporting of metrics to ascertain effectiveness of telework program.

Serves as point of contact for the Department of General Services regarding the telework program and its effectiveness.

Office of Information Technology Services (OITS)

Ensure computing hardware and software are compatible for telework.

Communicate to supervisors and employees that State data

Telework Policy

are only to be accessed, saved, shared, or stored on approved State equipment or an authorized alternate storage service according to existing IT security policies, including use of encrypted storage for personal, sensitive, and/or confidential data.

Facilitate the reuse and transfer of State-owned IT equipment meeting departmental standards where appropriate.

Ensure routine maintenance and repair of CDFA IT assets used by teleworkers.

Provide employee training on the use of equipment and CDFA standard software as required for the employee to function effectively and independently.

*Human Resources
Branch (HRB)*

Provide instruction on the proper method for teleworkers to report their time.

*Office of Civil Rights
(OCR)*

Responsible for handling all reasonable accommodation (RA) requests, including those related to telework.

*Health and Safety
Officer*

Provides guidance on setting up a safe work environment.

Purpose

The purpose of the Telework Program is to:

- Improve program effectiveness and employee productivity and morale.
- Facilitate optimum utilization of office and parking facilities.
- Reduce absenteeism.
- Promote employee health and wellness.
- Improve air quality and reduce traffic congestion.
- Improve employee retention.
- Maintain employee productivity.
- Effectively continue business as part of a disaster recovery or emergency plan.
- Encourage participation of eligible employees.
- Maintain or improve customer service.

Responsibilities and Approvals

Duty statements must clearly identify telework eligible positions.

Telework Policy

1. The Teleworker's Guide to Setting up the Home Office, SO-173, is reviewed by the employee.
2. Employee completes and signs the [STD 200](#). The [STD 200](#) is forwarded to the supervisor. The [STD 200](#) must not be altered.
3. The agreement is signed and dated by the supervisor/CEO. The supervisor/CEO retains the original signed form. A copy of the completed and signed form is submitted to the Telework Coordinator at CDFA.asd_hrb_main@cdfa.ca.gov with 'TELEWORK AGREEMENT' noted in the email subject line.

Supervisors are responsible for ensuring their divisions, branches, and working units have office coverage during CDFA regular business hours of 8:00 a.m. to 5:00 p.m., (or regular business hours of assigned office) including the lunch period. Consideration should be given to the employee's workload and the type of work performed. These matters must be considered prior to approving any request for a telework schedule.

Any adjustments to the employee's original request should be discussed with the employee to develop a work schedule that is agreeable to both the supervisor and the employee. Adjustments to the original agreement must be documented by completing and submitting a revised [STD 200](#). Temporary adjustments to the schedule (3 months or less duration), do not require submission of a revised STD. 200.

Telework Eligibility

Not all positions or job classifications may be appropriate for telework arrangements and the Department has the discretion to determine an employee's participation in telework. All employees in positions designated by management as eligible shall be qualified to participate in telework and are authorized to participate to the fullest extent possible without diminished individual or organizational performance.

Department Management will consider telework for all possible positions in which telework can promote effective and efficient business operations.

The following guidance may be used to determine what functions may be appropriate for telework:

- Activities that do not require physical presence, including, but not limited to, analysis, data entry, telephoning, writing and editing.
- Responsibilities that do not require public presence.
- Activities where data is not sensitive or confidential or where an information

Telework Policy

security risk assessment and resulting security approach is in place for telework access to sensitive or confidential data.

- Consider at a minimum the following factors when determining which positions may be eligible for a telework arrangement:
 - Nature of work performed.
 - Efficiency of work processes.
 - Effectiveness of existing project teams.
 - Impact on ability to provide quality customer service.
 - Utilization of office space or space savings.
 - Technology readiness of the Department such as equipment, infrastructure, and support.
 - Impact to employee retention.

Voluntary participation in the Telework Program is subject to prior written approval by the employee's supervisor. Approval must be completed prior to the start of the employee's telework schedule by execution of a [STD 200](#).

Teleworker Rights

Employee rights guaranteed under the [Dills Act](#) as well as those negotiated in the [MOU](#) between the State and the employee organizations are neither enhanced nor abridged by participating in a Telework Program. Teleworkers retain the right to grieve in accordance with the provisions of their [MOU](#).

Teleworkers retain the right to meet with their union representatives in accordance with their [MOU](#).

Employees participating in telework will be eligible for the same opportunities as employees who are not participating. This includes assignments, development opportunities, promotions, and awards/recognitions.

Telework Schedule

Telework Schedules

All telework schedules must be established prior to the start of the work arrangement and must be mutually agreeable to the employee and the supervisor. All temporary changes of the agreed-upon schedule must be approved by the supervisor. Permanent changes must be documented and a modified [STD 200](#) must be submitted and approved by the supervisor/CEO. The supervisor and the teleworker must take action to prevent the teleworker from becoming isolated from office staff. If an employee becomes ill on a scheduled telework day, the employee shall follow his/her branch's established protocol used for reporting absences.

When necessary, a teleworker may be called in to the office during, before, or after

Telework Policy

their regular telework schedule to meet operational needs or to provide emergency response. If called in, the teleworker must report to the office as directed. The supervisor will provide reasonable notice whenever possible. However, the employee may be required to report to the office without advance notice.

During regular business hours, employees must be accessible for communication (i.e., telephone, cell phone, email, etc.). Specific requirements are subject to the needs of the branch as determined by the supervisor/CEO.

Incidental Telework

Employees may be allowed to telework on a temporary basis as their workload permits. A [STD 200](#) is not required for incidental telework. Ongoing, incidental telework is prohibited.

Headquarters Designation

The employee's designated headquarters does not change due to an employee's approved telework agreement. The headquarters location of record will continue to be used by the department to describe the location where the employee would normally work if not teleworking.

Dependent on the employee's duty statement, the distance from headquarters to the alternate work location must be close enough such that the employee can return to headquarters in a reasonable amount of time agreed to by the employee and the supervisor.

Expenses Incurred While Teleworking

Travel expenses may be reimbursed in accordance with the [CDFA Travel Guide](#).

Termination of Telework Participation

Telework Agreements may be canceled at any time by either the employee or supervisor, in accordance with the following criteria:

Employee

The employee may terminate participation in the Telework Program, at any time, for any reason, on written or verbal notice to their supervisor. When feasible, the employee shall provide such notice at least 10 working days in advance of terminating participation. The employee must begin work at the office immediately following the program termination date.

Supervisor

The supervisor may terminate an individual employee's participation in the program

Telework Policy

at any time as follows:

- 10 working days written notice shall be provided in cases of changes in circumstances, operational needs, or funding.
- A telework agreement may be revised or canceled and does not require advance written notice, when it is determined the telework arrangement results in a reduction in performance, does not enable training, oversight, or any other supervision deemed necessary. Consult with your HRB [Classification & Pay \(C&P\) Analyst](#).

Telework Environment

Equipment, Software, Services, Maintenance, Repair, and Replacement

The employee's branch or organization is responsible for providing and/or funding the purchase of all supplies, IT equipment, and software to be used in a telework assignment.

Employee-owned computing equipment shall not be used in a telework assignment.

The maintenance, repair, or recommendation to replace CDFA/DAA provided IT equipment and software is the responsibility of CDFA's OITS or each DAA's IT support entity. Computer equipment must have a configuration that is compatible with CDFA's current IT infrastructure, as well as with each DAA's current IT infrastructure as appropriate. In the event of equipment malfunction, the teleworker must notify their supervisor immediately. If repairs will take some time, the teleworker may be asked to report to the office to work and for equipment repair or replacement, or until the equipment is usable.

Any CDFA-owned equipment must be properly tagged for inventory control. Such equipment must be returned to the Department upon termination of the Telework Agreement.

Equipment that is needed due to a disability or other medical limitation must follow the RA processes and procedures detailed in the Reasonable Accommodation Policy (See Administrative Manual Section 2.4.1 [Reasonable Accommodation Policy](#)).

Telework Policy

The following chart specifies what an employee may be entitled to, based on the amount of their telework days:

Items	Office Centered	Remote Centered
	50% or less per week telework	More than 50% per week telework
Dedicated Headquarters Workstation	Department discretion subject to state space planning requirements	No
Computing Equipment		
Department Provided Computing Device and Software (only one device per employee, not a secondary device)	Yes	Yes
Department Provided Monitor(s)	Yes	Yes
Department Provided Peripherals (i.e. printers, scanners, etc.)	Yes	Yes
Phone		
VoIP or cellular voice/text/data services through Department Provided Computer or Other Telephone Solution That Ensures One Phone per Employee	Yes	Yes
Network		
Department Provided Internet Hotspot	No	Department discretion
Office Equipment		
Department Provided Chair	Yes	Yes
Other Ergonomic Equipment as supported by an approved Reasonable Accommodation request	Yes	Yes
Office Supplies	Yes	Yes

Restricted Use

The employee acknowledges the use of any CDFA/DAA-provided equipment, software, data, and supplies is limited to authorized teleworker use and only for purposes related to CDFA/DAA business, or as allowed by law or under the provisions of the employee's [MOU](#).

Information Security

Security of confidential information is of primary concern and importance to CDFA. You can find additional information in the [Information System Security and Connectivity Policy](#).

Teleworkers must adhere to all applicable laws, rules, regulations, policies, and

Telework Policy

procedures regarding information security and privacy.

Telework Security Standard

CDFA and DAAs ensure the Telework Program is implemented in accordance with all applicable laws, policies, and standards, including those governing the protection of State information assets.

Statewide information security policies, standards, procedures, and guidelines are issued by the California Department of Technology (CDT). The State Telework and Remote Access Security Standard is available at the [CDT website](#).

Health and Safety

Failure to maintain a proper and safe work environment, in accordance with this policy, may be cause for terminating an employee from the Telework Program.

Liability

The alternate work location is an extension of CDFA's workplace only when used for work. All existing CDFA health and safety rules, as well as all existing employment laws, rules, and policies apply the same as they would for staff reporting to the office.

If an employee incurs a work-related injury while teleworking, worker's compensation laws and rules apply just as they would if such an injury occurred at the office. Employees must notify their supervisor immediately and complete all necessary documents regarding the injury.

The State of California is not responsible for any injuries to family members, visitors, or other guests at the employee's alternate work location. The teleworking employee shall not have any business guests at a residence designated as an alternate work location.

Each employee shall be familiar with and responsible for safeguarding the property they use to perform their duties.

The teleworking employee is solely responsible for any tax implications, insurance requirements, and compliance with state and local laws and ordinances when the alternate work location is a residence.

Distribution

Distribution of the above Policy includes all CDFA/DAA employees.

If you have questions or need further information, please contact the HRB at CDFA.asd_hrb_main@cdfa.ca.gov.

Statement of Economic Interests – Form 700

Rev. July 2024

Policy

It is the California Department of Food and Agriculture’s (CDFA) policy to provide procedures, obligations, and requirements for the filing of the Statement of Economic Interests – Form 700 (Form 700) by designated filers and the consequences for not filing or filing late.

Authority

California Code of Regulations, Title 2, Division 6, Sections [18104-18117](#), [18200-18250](#), [18700-18720](#), [18722-18740](#), [18741.1-18747](#), [18750-18757](#)

[CDFA Conflict of Interest Code](#)

[Fair Political Practices Commission Guidelines for Waiving Late Fines – FPPC EAED 11.17 \(Rev. 3\)](#)

Government Code (GC) Sections [12950.1](#), [19990](#), [81008](#), and [91013](#)

[Political Reform Act of 1974 \(Act\)](#)

Definitions

<i>Annual Statement</i>	Form 700 filed to cover the period of January 1 through December 31.
<i>Assuming Office Statement</i>	Form 700 filed by newly appointed officials or employees in a designated position, no later than 30 calendar days of their effective date. The assuming office effective date is either the swear in or appointment date.
<i>Biennial Code Review</i>	Review of the CDFA Conflict of Interest (COI) Code and notification to the Fair Political Practices Commission (FPPC) if changes are to be made.
<i>Board Liaison</i>	Liaison between a board/committee and CDFA’s Filing Officials.
<i>COI Code</i>	Document adopted by CDFA that lists designated filers required to disclose economic interests according to disclosure categories.
<i>Designated Filer</i>	Agency positions that involve the making or participation in making of decisions that “may foreseeably have a material effect on any financial interest.” This covers agency members, appointed officials, and employees, which include volunteers on a boards and committees if the

Statement of Economic Interests – Form 700

	members make or participate in making government decisions.
<i>Disclosure Category</i>	Description of the various types of financial interests filers must disclose on Form 700s. The categories are tailored to the financial interests affected but does not require public officials to disclose private financial information that does not relate to their public employment or position.
<i>DisclosureDocs</i>	Secured automated database used by the Filing Officer, that manages the business process associated with FPPC mandated Form 700 filing.
<i>eDisclosure</i>	Secured web access used by designated filers to file and submit Form 700s and upload the required Sexual Harassment Prevention (SHP) and Ethics Orientation for State Officials (Ethics) training certificates.
<i>FPPC</i>	Governing entity that administers and enforces the Act, as well as informs and assists public officials, employees, and volunteers to comply with its provisions. The FPPC has the authority to adopt, amend, and rescind rules and regulations to carry out the purposes of the Act.
<i>Filer Transfer</i>	Transfer of CDFA employees between designated positions unless the position they are transferring into is not designated. Transfer of board/committee members between multiple positions within the same board/committee. This does not apply to transfers between boards/committees.
<i>Filing Officer</i>	Individual designated within the Human Resources Branch (HRB) responsible for compliance within the eDisclosure system.
<i>Filing Official</i>	Division/Board Liaison between the filer and Filing Officer.
<i>Form 700</i>	Document used by designated filers to disclose assets and income actions of designated filers. Filed when assuming a designated position, annually thereafter, and when leaving a designated position.
<i>Good Cause</i>	Incapacitation for medical reasons, hospitalization, accident involvement, loss or unavailability of records, or other good cause as shown per GC 91013.

Statement of Economic Interests – Form 700

<i>Late Fee Module</i>	Module within eDisclosure that tracks late filers, assigns statuses to their late filings, and allows the Filing Officer/Filing Officials to track whether a late fee has been assigned or waived, whether the filer has requested a waiver, and whether the filer paid the late fee or has yet to pay. It allows filers to submit waivers directly through their online account.
<i>Leaving Office Statement</i>	Form 700 filed within 30 calendar days of the effective date a designated filer leaves their position.
<i>Not Good Cause</i>	Vacation, designated filer's workload, second party failed to file on behalf of the designated filer, filer needed additional time to gather information, filer is waiting for professional assistance from financial advisor/certified public accountant/FPPC before filing, form was accidentally misplaced, filer did not receive a reminder to file, notification sent to incorrect email address, etc. per GC 91013.
<i>Training Module</i>	Gives filers the ability to upload their SHP and Ethics training certificates using eDisclosure, tracks filer's certificates, and sends automated email reminders when certificates are due.

Responsibility

<i>CDFA's Filing Officer</i>	Manages DisclosureDocs and CDFA's Form 700 process. Generates Annual Filing Notifications in DisclosureDocs. Reviews the Form 700 cover page to ensure completeness and accuracy. Reviews 20 percent of on-time and 100 percent of late filings to compare the designated filer's Form 700 with the disclosure category within CDFA's COI Code. Reviews and considers filers' late fee waiver requests. Consults with CDFA Legal Office and HRB management prior to denying a waiver request. Requests amendments from designated filers when issues are identified. Maintains communication log in designated filers' eDisclosure accounts.

Statement of Economic Interests – Form 700

Communicates updated annual filing information to the District Agricultural Associations' (DAAs) Fairs and Expositions (F&E's) Liaison. Provides information to F&E's Liaison as to new DAA Filing Officer duties.

Provides oversight to Marketing Orders (MO) Filing Officer.

Refers non-filers to the FPPC for enforcement.

Provides the public with access to filings upon request. For CDFA, Form 700s are obtained via eDisclosure. For the DAAs and MOs, Form 700s are requested from the respective Filing Officer.

Provides designated filers access to required SHP and Ethics training courses.

Reviews and approves uploaded training certificates for compliance.

Initiates Biennial Code Review and works with the CDFA Legal Office to complete resulting COI Code amendments.

Trains Filing Officials on eDisclosure and Form 700 process.

CDFA Legal Office

Determines whether new boards, committees, advisory panels, and/or new or modified employee positions are designated as required to file a Form 700.

DAA and MO Filing Officers

Forwards updated annual filing information to their designated filers.

Reviews the Form 700 cover page for completeness and accuracy.

Reviews 20 percent of on-time and 100 percent of late filings to compare designated filer's Form 700 with the disclosure category portion of CDFA's COI Code.

Reviews filers' late fee waiver requests and submits to CDFA's Filing Officer for processing.

Submits a hard copy of all Form 700s to FPPC.

Requests amendments from filers when issues are identified.

Maintains a record of communication with the filers.

Statement of Economic Interests – Form 700

Upon request, provides the public with access to filings.

Grants filers access to required SHP and Ethics training courses.

Maintains copies of training certificates for all filers. Retains the original Form 700 for their filers in accordance with [Records Management Program Policy](#) (8.8.1).

Tracks filing status of their filers.

Sends initial late notification to any late filers and follows up with a second notification if their filers do not file within 30 calendar days of the initial late notification.

Promptly communicates any filers who are out of compliance to F&E/MO's Liaisons.

Filing Official

Enters designated filer activity into eDisclosure (i.e., assuming, transferring, or leaving office) on or before the effective date.

Upon receipt of a Summary Notification from eDisclosure, reaches out to filers to remind them to file and provides assistance, if needed.

Maintains and updates contact information for their designated filers' eDisclosure profile (i.e., email address, home/work address, and home/work phone numbers).

Maintains a record of Form 700 related communications with designated filers by logging a note into eDisclosure.

Upon receipt of the Biennial COI Code Review, determines whether any classifications, branches, divisions, boards, and/or committees have been added, reclassified, or abolished; determines whether all designated filers have been added to eDisclosure, and when necessary, adds, transfers, or removes designated filers.

As it occurs, notifies Filing Officer of new, reclassified, or abolished positions; new boards, committees, branches, or divisions; and provides duty statements and organizational charts.

Assists designated filers with access to eDisclosure database and resets passwords.

Statement of Economic Interests – Form 700

	Monitors summary email notifications from eDisclosure. Notifies and assists potential late filers.
	Tracks completion of the SHP and Ethics training. Assists filers with certificate upload to their eDisclosure profile.
<i>Board Liaison</i>	Provides notification to prospective board/committee members of their requirement to file a Form 700 via eDisclosure. Immediately notifies Filing Officer of new boards/committees. Immediately notifies their board's Filing Official when there is a new or departing board/committee member.
<i>F&E's DAA Liaison</i>	Provides updated annual filing information to the DAA Filing Officers. Maintains record of DAA Form 700s submitted to FPPC. Notifies CDFA's Filing Officer of any non-compliant filers.
<i>MO's Liaison</i>	Provides updated annual filing information to the DAA Filing Officers. Maintains a record of MO Form 700s. Sends follow up notification to any late filers and follows up with a second if their filers do not file within 10 calendar days. Notifies CDFA's Filing Officer of any non-compliant filers. Works with Branch management to remove non-compliant filers from their board position.
<i>Attendance Clerks and Personnel Liaisons</i>	Immediately notifies their division's Filing Official when there is a new or departing designated employee.
<i>Supervisors</i>	Immediately notifies their division's Filing Official when there is a new or departing designated employee. Reminds designated employees of their obligation to file timely. Consults with HRB's Performance Management Unit for guidance on possible progressive discipline if an employee is a non-compliant filer.
<i>Designated Filers</i>	Reads CDFA's Statement of Economic Interest - Form 700

Statement of Economic Interests – Form 700

Policy (9.6.1).

Reads CDFA's COI Code prior to completing their Form 700.

Provides current and accurate contact information to their Filing Official. This includes home/business email address, phone number, and physical address.

Submits Form 700 as prescribed by the FPPC via eDisclosure by established deadlines. Discloses certain personal economic interests as determined by CDFA's COI Code.

If an error or omission on any statement occurs, electronically files an amendment as soon as possible.

Completes the SHP and Ethics trainings every two years. Uploads certificates of completion to their eDisclosure profile on or before the required deadline.

Notifies their Filing Official prior to leaving their position. Provides the effective date and an email address they will access regularly. Submits a Leaving Office Form 700.

Form 700 Procedures

At the beginning of each calendar year, CDFA's Filing Officer sends the Annual Filing Notification to F&E's Liaison and the MO's Filing Officer via email and all filers via DisclosureDocs of their filing requirements, deadline, and consequences for not filing.

All Form 700s must be filed electronically using eDisclosure (with limited exceptions, such as DAA and MO filers).

<i>Annual</i>	Statements must be filed no later than April 1 of each year. Such statements shall cover the preceding calendar year.
<i>Assuming Office</i>	Statements must be filed within 30 calendar days after assuming office. Such statements shall cover the year preceding the effective date.
<i>Leaving Office</i>	Statements must be filed within 30 calendar days of leaving office. Such statements shall cover the year preceding the effective date.

Statement of Economic Interests – Form 700

Form 700 Notification Process

In addition to the required initial notification, additional automated reminder notifications will be sent from the eDisclosure System as identified below. A summary email identifying which notification was sent, and to which filer, is emailed to the Filing Official, backup Filing Official, and the Filing Officer. Upon receipt, Filing Officials will reach out to filers to remind them to file and provide assistance if needed.

<i>Assuming Office</i>	When a filer is added to eDisclosure they will receive an email informing them of their requirement to file an Assuming Office Form 700. If the filer delays in filing, a reminder is scheduled to be sent two weeks prior to the due date.
<i>Annual Filing</i>	Every January, Annual Filing Notifications are sent to all filers via DisclosureDocs informing them of their requirement to file. If a filer delays in filing, additional reminders are scheduled to be sent 30 calendar days after initial notification, 30 calendar days after the first reminder, two weeks before the due date, and a final reminder is sent three days before the due date.
<i>Leaving Office</i>	When a filer is marked as leaving office in eDisclosure, the filer will receive an email informing them of their requirement to file a Leaving Office Form 700. If the filer delays in filing, a reminder is scheduled to be sent two weeks before the deadline to file.
<i>Late Fee</i>	If the due date passes and a filer has not filed, they will receive a “Notice of Non-filing” email informing them late fees have begun to accrue. Another “Notice of Non-filing” will be sent on day four informing them they have 30 calendar days from initial Notice of Non-filing to file or request a waiver. • If the filer does not file or request a waiver within 30 calendar days of receipt of the “Notice of Non-filing” email, they will receive a “Not Yet Filed, 30-Day Notice – No Waiver” email. • If the filer files late but does not request a waiver, they will receive a “Filed Late, No Waiver Requested” email. • If the filer files late and requests a waiver, they will either

Statement of Economic Interests – Form 700

receive a “Waiver Status,” “Waiver Granted,” or “Waiver Denied” email.

To ensure filers receive all email notifications and reminders, they must maintain a current email address by notifying their Filing Official any time there is a change to their email address.

Late Filers

Designated filers who file after the deadline are liable for a late fee pursuant to GC Section 91013. Fees issued pursuant to this section shall not exceed \$10 per day to a maximum of \$100.

Board/Committee Members

Members who have not filed their Annual and/or Assuming Office Form 700 by the deadline shall not participate in the board/committee until they file and pay the late fee, if not waived.

Employees

Employees who fail to file may be subject to disciplinary action until they file and pay the late fee, if not waived.

Late Fee Waiver Request

CDFA's Filing Officer will consider a request to waive the payment of a late fee based upon the Fair Political Practices Commission Guidelines for Waiving Late Fines (Good Cause and Not Good Cause) and GC 91013(a).

Waiver Request

Designated filers who use the eDisclosure filing system may request a waiver of the late fee. When requesting a waiver, it must be submitted through the eDisclosure filing system.

DAA and MO filers shall request a waiver through their Filing Officer. The DAA and MO Filing Officers will submit all waiver requests to the CDFA Filing Officer.

Statement of Economic Interests – Form 700

Non-Filers

Any filer who fails to file their Form 700 within 45 calendar days of receipt of the initial late notice shall be referred to the FPPC's Enforcement Division (in some cases, to the Attorney General or District Attorney) for investigation and possible prosecution. In addition to the late filing penalties, FPPC may impose a fine of up to \$5,000 per violation.

*Board/Committee
Members*

Referral to FPPC for failure to file will result in removal from the board/committee until Form 700 has been filed.

If the filer is to be reinstated, they must first file the outstanding Form 700, be current in both the SHP and Ethics trainings, and pay the late fee, if not waived.

Employees

Referral to FPPC for failure to file may result in disciplinary action. Employees shall not perform the duties that designated the requirement to file until the Form 700 has been filed and the late fee has been paid, if not waived.

Distribution

Distribution of the above policy/procedure includes all Designated Filers, Supervisors/Managers, Board Liaisons, F&E Liaison, MO Liaison, and Filing Officials.

Questions regarding this policy should be directed to CDFA's Filing Officer at CDFAForm700@cdfa.ca.gov.

Performance Appraisals, Individual Development Plans, Rev. November 2023 and Annual Training/Policy Review

Policy

It is the California Department of Food and Agriculture's (CDFA) policy that permanent employees shall receive an annual performance appraisal for work performed during the prior calendar year. This is also the time that supervisors should review their employee's duty statement to ensure it accurately reflects the duties being performed. Each employee, together with their supervisor, may prepare an Individual Development Plan (IDP) for further development.¹

In the event any portion of this policy conflicts with provisions of the Bargaining Unit/Memorandum of Understanding (BU/MOU), the BU/MOU shall control.

Authority

[Bargaining Unit Contracts/Memorandums of Understanding \(MOUs\)](#)

California Code of Regulations, Title 2, Sections [599.798](#) and [599.859](#)

Government Code Sections [19992-19992.4](#), and [19992.8-19992.13](#)

Definitions

<i>Annual Training/Policy Checklist</i> (SO-149)	A comprehensive list of training courses and policies to be completed and/or reviewed with each employee annually as part of the Performance Review process.
<i>Chief Executive Officer (CEO) Performance Evaluation</i> (SO-148)	Form used by the District Agricultural Association (DAA) Board to evaluate the performance of the CEO as per each individual DAA's policy and/or procedure.
<i>Individual Development Plan (IDP)</i> (STD 637)	Form used to prepare a plan for permanent employees to enhance job performance, establish personal objectives, and achieve professional growth and future career changes.

¹ Optional for Service Employees International Union (SEIU) covered employees. See Annual Appraisal sections.

Performance Appraisals, Individual Development Plans, and Annual Training/Policy Review

*Manager/Supervisor
Appraisal Form
([SO-150](#))*

Form used to evaluate a manager/supervisor's job performance in leadership, management/supervision, and administrative skills during the preceding calendar year. This form is not required if the manager/supervisor is still on probation.

*Official Personnel File
(OPF)*

File containing an employee's personnel records maintained by Human Resources Branch (HRB) for purposes of administering benefits, providing training, and maintaining the employment history of employees for continued employment and/or promotional opportunities.

*Performance Appraisal
Summary ([STD 638](#))*

Form used to evaluate an employee's job performance during the preceding calendar year. This should be used for represented employees and excluded employees who do not supervise (i.e., Staff Services Manager I (SSM I) (Specialist)) that have completed their probationary period. This form is not required if the employee completed their probationary period within the previous 12 months.

Responsibilities

*HRB Performance
Management Staff*

Provide guidance to managers/supervisors/CEOs when their employee's job performance is not meeting standards. Ensure Performance Appraisal Summaries and Manager/Supervisor Appraisal Forms are saved in employees' OPFs.

*Managers/Supervisors/
CEOs*

Complete and provide accurate and substantial performance appraisals to their permanent employees by April 1 of each year.

Contact their assigned HRB Performance Management Analyst when an employee's performance is not meeting standards.

Performance Appraisals, Individual Development Plans, and Annual Training/Policy Review

Notify employees annually of the opportunity to submit a STD 637 IDP. Work together with employees who choose to submit an IDP.

Review their employees' duty statements to ensure duties listed are still accurate. Work with their assigned HRB Classification and Pay Analyst if significant changes need to be made to ensure the changes still align with the classification.

Review the Annual Training/Policies Review Checklist with their direct reports to ensure compliance.

By May 1 of each year, provide a list to Division Management of the date all completed performance evaluations and checklists were submitted to HRB. Division Management is responsible for ensuring each Division's compliance with this policy.

DAA Board of Directors Complete and provide performance evaluation to their CEO by April 1 each year.

Fairs and Expositions (F&E) Liaison Provide the SO-149 to the CEOs annually.

Annual Appraisals of Represented Employees and Excluded Employees Who Do Not Supervise

By April 1 of each year, supervisors are required to prepare an annual performance appraisal covering the previous calendar year for each of their permanent represented employees and excluded employees who do not supervise (i.e., SSM I (Specialist)). The supervisor is responsible for accurately assessing their employee, completing the STD 638 Performance Appraisal Summary, and discussing the appraisal with the employee.

Performance Appraisals, Individual Development Plans, and Annual Training/Policy Review

The supervisor sends the completed STD 638 to HRB at cdfa.asd_hrb_main@cdfa.ca.gov to become part of the employee's OPF.

An annual performance appraisal is discretionary for employees who successfully completed their probationary period within the last 12 months.

Annual Appraisals of Managers/Supervisors and Career Executive Assignments (CEAs)

By April 1 of each year, all managers/supervisors and CEAs must receive an appraisal evaluating their leadership abilities, management and supervision skills, and administrative skills for the previous calendar year. The SO-150 Manager/Supervisor Appraisal Form is to be completed, discussed, and signed by the employee and their manager/supervisor, and sent to HRB at cdfa.asd_hrb_main@cdfa.ca.gov. The completed SO-150 becomes part of the employee's OPF.

An annual performance appraisal is discretionary for managers/supervisors who successfully completed their probationary period within the last 12 months. CEAs do not serve a probationary period.

Annual Appraisals of CEOs

By April 1 of each year, all CEOs must receive an appraisal from their DAA Board for the previous calendar year. The SO-148 CEO Performance Evaluation is discussed with and signed by the CEO and the Board Chair. The Board Chair then submits the form to F&E for submission to CDFA's HRB at cdfa.asd_hrb_main@cdfa.ca.gov to be filed in the CEO's OPF.

Appeal of Annual Performance Appraisals

Represented employees may file an appeal of a performance appraisal. Represented employees should refer to the appropriate MOU for performance grievance procedures.

An excluded employee may file a grievance of a performance appraisal to the appointing power as outlined in [Excluded Employees – Grievances and Non-Merit Statutory Appeals Policy \(9.5.2\)](#), if the employee believes the performance appraisal

Performance Appraisals, Individual Development Plans, and Annual Training/Policy Review

was used to abuse, harass, or discriminate against the employee.

Rebuttal of Annual Performance Appraisals

In addition to the appeal rights, an employee may provide a written rebuttal to the annual performance appraisal if the employee does not agree with the evaluation. The employee may submit the written rebuttal to their direct manager/supervisor, another supervisor within their chain-of-command, or to HRB. The rebuttal will be filed in the employee's OPF, attached to the annual performance appraisal.

Individual Development Plan

The STD 637 is to be completed jointly by the manager/supervisor and the employee by April 1 of each year. This can occur by the employee submitting their completed STD 637 to their supervisor to review, and then both discuss, or the employee and their manager/supervisor discuss and complete the STD 637 together. Together they will determine performance objectives for the coming year and the plan for achieving those objectives (training, rotational assignments, etc.). The completed and signed STD 637 is submitted to CDFA's HRB at cdfa.asd_hrb_main@cdfa.ca.gov and becomes part of the employee's OPF.

Please note: The manager/supervisor/CEO must notify each eligible employee of the opportunity to submit an IDP annually. The employee is not required to participate and shall not be subject to retaliation for their decision.

Annual Training/Policy Checklist

Managers/Supervisors/CEOs will provide the SO-149 to their employees in advance of the appraisal discussion to allow time for review of all relevant documents and required training and must be completed by April 1 of each year. During the performance review, the manager/supervisor will discuss the training due and policies with the employee. The completed and signed SO-149 is submitted to CDFA's HRB at cdfa.asd_hrb_main@cdfa.ca.gov and becomes part of the employee's OPF.

Performance Appraisals, Individual Development Plans, and Annual Training/Policy Review

Tracking

Annually, each Division is responsible for maintaining a list of employees and the date the performance appraisals and checklists were completed, signed, and submitted to HRB. This list will be reviewed by Division management by May 1 each year to determine compliance with CDFA policy that every permanent employee receives a timely appraisal.

Submission of Appraisals, IDPs, and Annual Training/Policy Checklists

Sign and complete all documents electronically and submit to:

cdfa.asd_hrb_main@cdfa.ca.gov

Use ***Annual Performance and Policy Review*** as the subject line.

Label the attachments with Last Name, First Name Middle Initial.

The individual signature pages for policies do not need to be submitted to HRB. These documents should be electronically retained in CDFA's Online University.

Distribution

Distribution of the above policy includes all CDFA employees.

If you have questions or need further information, please contact HRB at cdfa.asd_hrb_main@cdfa.ca.gov.

Reports of Performance for Probationary Employees

Est. October 2023

Policy

It is the California Department of Food and Agriculture's (CDFA) policy that every probationary employee shall receive Reports of Performance for Probationary Employees (probationary reports) from their manager/supervisor/Chief Executive Officer (CEO) in a timely manner. A probationary period of not less than six months or more than one year is required before permanent civil service status is attained, and probationary reports are due at the end of each one-third portion of the period.

Authority

California Code of Regulations (CCR) Title 2, Sections [86.2](#), [321](#), and [559.795](#)
Government Code Section [19170](#)

Definitions

<i>Improvement Needed Rating</i>	Performance on the job indicates the knowledge, skills, and abilities are somewhat inadequate and greater effort or training is needed to reach the standard required of a competent permanent employee in that job.
<i>Official Personnel File (OPF)</i>	File containing an employee's personnel records maintained by the Human Resources Branch (HRB) for purposes of administering benefits, providing training, and maintaining the employment history of employees for continued employment and/or promotional opportunities.
<i>Outstanding Rating</i>	Performance on the job indicates the knowledge, skills, and abilities are superior. Performance by the end of the probationary period can be expected to be well above the standard required of a competent permanent employee in that job.
<i>Permanent Civil Service Status</i>	Status of an employee who is lawfully retained after completion of the probationary period.
<i>Probationary Employee</i>	Employee serving a probationary period in a specified classification for evaluation purposes, and prior to being granted permanent civil service in that classification.
<i>Probationary Period</i>	Final phase of the hiring process. Specific period of time during which an employee's performance in the job is

Reports of Performance for Probationary Employees

	evaluated prior to granting an employee permanent civil service status in the position. Probation periods are either six or twelve months, depending on the classification.
<i>Rater</i>	Supervisor/Manager/CEO evaluating employee.
<i>Report of Performance (Probation Report) for Probationary Employee (STD. 636)</i>	Form used to evaluate a probationary employee's job performance.
<i>Reviewing Officer</i>	Designated person who reviews and signs the probationary report after it has been provided to the employee. This person must be a supervisor/manager and is usually the next level manager/supervisor of the Rater (manager/supervisor/CEO) who completed the probationary report.
<i>Standard Rating</i>	Performance on the job indicates the knowledge, skills, and abilities are thoroughly satisfactory. Performance by the end of the probationary period can be expected to be up to, or somewhat above, the standard required of a competent permanent employee in that job.
<i>Unacceptable Rating</i>	Performance on the job indicates the knowledge, skills, and abilities are very inadequate. Special training, reassignment, or rejection might be advisable.

Responsibility

<i>HRB</i>	Sends email notifications to manager/supervisor/CEO, including the probationary report, with instructions and calendar reminders to complete the probationary report at predetermined intervals during their employee's probationary period, at one-third, two-thirds, and completion of the probationary period. Sends email reminder(s) (up to two) to the manager/supervisor/CEO and includes the Branch Chief, Division Director, and CDFA Personnel Officer when each completed probationary reports is not completed/submitted within 10 days after the end of each 1/3 portion of the probationary period. Reports to the Deputy Secretary of Administration and Finance and Director of the Administrative Services Division

Reports of Performance for Probationary Employees

for those supervisors/managers/CEOs who are not current on probationary reports and have not responded to the first reminder.

Provides guidance to managers/supervisors/CEOs when their employee's job performance is not meeting expected standards.

Notifies employees in writing if their probationary period will be automatically extended based on the required hours worked.

Raters
(Managers/Supervisors/
CEOs)

Complete and ensure timely submission of employee's probationary reports within the designated timeframe.

Contact their assigned HRB Performance Management Analyst when an employee's performance is not meeting expected standards.

Reviewing Officers

Discuss probationary reports with the Rater who completed the probationary report, or the employee, upon their request.

Review and sign probationary report after it is provided to the employee, ensuring the report is accurate, specific, and substantial.

May recommend modifications to comments and/or ratings on probationary reports assigned to them for review. Changes cannot be made unless the Rater who completed the probationary report agrees. If any changes are made, the report is not valid unless they are reported to the employee and recorded on their copy.

Reports of Performance for Probationary Employees

Employees shall receive a minimum of three probationary reports during their probationary period.

The Rater is required to provide each probationary report within 10 days of the due date noted on the calendar reminder distributed by HRB. The Rater is responsible for accurately assessing their employee and completing the probationary report. Qualification Factors #1 - 7 should be rated (8 and 9 if applicable). Overall written comments should be provided, and specific examples must be given for Qualification Factors that are rated as "outstanding" and/or "unacceptable".

Reports of Performance for Probationary Employees

The Rater is responsible for discussing the probationary report with the employee and, if requested, the Reviewing Officer. The Rater must sign the probationary report. After the report is provided to the employee, the employee may sign the probationary report. After the probationary report is discussed with the employee the Reviewing Officer must sign. The Rater shall provide a copy of the signed report to their employee, as well as submit the signed report to HRB at CDFA.Probation_Report_Tracking@cdfa.ca.gov. The probationary report becomes part of the employee's OPF.

Additional probationary reports (interim reports) may be prepared at any time during the probationary period. If the Rater determines that the employee has not met the level of performance for that classification and will not pass probation, the Rater must contact their assigned HRB Performance Management Analyst as early as possible for guidance, but no less than six weeks before the probation end date.

Temporary employees (i.e., employees serving in a limited term appointment), Career Executive Assignments (CEAs), and Exempt Appointees (i.e., Deputy Secretaries) do not serve a probationary period.

Rebuttal of Probationary Reports

An employee may provide a written rebuttal to their probationary report if they do not agree with the evaluation. The employee may submit the written rebuttal to their direct manager/supervisor/CEO, another supervisor within their chain-of-command, or to HRB. The rebuttal will be filed in the employee's OPF, attached to the probationary report.

Required Hours

An employee serving a probationary period is required to work the following number of hours:

- 840 hours for a six-month probationary period
- 1680 hours for a one-year probationary period

Vacation, sick leave, military leave or other leaves of absence, compensating time off, suspension or other separations, including separations subsequently voided or otherwise set aside, shall not be considered working time. If the required hours are not met, the probationary period will be automatically extended until the employee has worked the required number of hours. The employee shall be notified in writing by HRB of the extension.

Reports of Performance for Probationary Employees

Distribution

Distribution of the above policy includes all CDFA employees.

Questions concerning this policy should be directed to HRB at cdfa.asd_hrb_main@cdfa.ca.gov or (916) 654-0790.

Training Policy

Rev. July 2022

Policy

It is the California Department of Food and Agriculture's (CDFA) policy to assure quality service to the public by developing the skills, knowledge, and abilities of its employees through training activities. Such training shall be economical, effective, and consistent with the interests of the State, CDFA, the public, and the individual employee. These interests are served by having competent employees able to maintain productivity, adjust to changes in service requirements, and assume increased responsibilities.

It is also the policy of CDFA that all training provided to CDFA employees will be accessed through the CDFA Online University (University) and coordinated through the Department's Training Office, located within the Human Resources Branch.

Authority

[Government Code Sections 19400-19406](#)

[California Code of Regulations, Title 2, Sections 599.815-599.824](#)

Definitions

<i>Career Development Plan</i>	An employee's written plan for advancement, which identifies a career goal and specific self-development actions, including, but not limited to, work experiences, college courses, and training classes, needed to achieve the goal.
<i>Career Related Training</i>	Training designed to assist employees in the development of career potential and is intended to help provide them with an opportunity for self-development while also assisting in the achievement of CDFA's or the State's mission. Career-related training may be unrelated to a current job assignment. A current Individual Development Plan (IDP) is required for all career-related training and must include the career-related objectives to be met by the requested training.
<i>In-House Training</i>	Training sponsored and administered by CDFA, wherein CDFA maintains control over course content.

Training Policy

<i>In-Service Training</i>	Training sponsored and administered by a State agency or joint-powers agency for State employees, wherein the State maintains a high degree of control over course content. ¹
<i>Job-Related Training</i>	Training designed to increase efficiency or effectiveness and improve performance above the acceptable level of competency established for a specific job assignment or classification, and to prepare an employee for assuming increased responsibility.
<i>Job-Required Training</i>	Training designed to assure adequate performance in a current assignment. This includes orientation training, training made necessary due to new duties or technology, refresher training for the maintenance of ongoing programs, safety training, and training mandated by law or other state authority.
<i>Out-Service Training</i>	Training sponsored by a non-State entity, which is open to the public as well as persons employed by the State, and the State has no control over course content. ²
<i>Upward Mobility (UM) Training</i>	Training designed to provide career movement opportunities for employees in low-paying occupations. (See Administrative Manual Section 2.3.1, Upward Mobility Policy).

Responsibility

<i>Executive Staff, Directors, Chief Executive Officers, Program Managers</i>	Establish the proper climate and provide the resources to accomplish necessary employee development.
<i>Managers and Supervisors</i>	Identify employees' training and development needs; develop individual training and development plans; assign employees to attend the agreed-to training and development activities; create an environment where employees are encouraged to apply on the job what has

¹ Includes classes at other State agencies and Cooperative Personnel Services (CPS).

² Includes college or university classes and classes provided by private vendors.

Training Policy

been learned in training and development activities; and ensure that all mandatory training responsibilities are met.

Consult with the Classification Analysis Unit for guidance on possible progressive discipline when an employee refuses to complete required compliance training, and/or repeatedly fails to complete required compliance training timely.

Employees

Keep their supervisor apprised of their intent to enroll in the University courses.

Complete the CDFA Online University [In-Service and Out-Service Training Information form \(SO-82\)](#) for all training taken through an in-service or out-service vendor and obtain their supervisor's signature, prior to the date of the class.

Scan the certificate of completion or other proof of completion, along with the completed/signed SO-82; upload both into the University, for all in-service/out-service training.

Unit Training Coordinators (UTC)

Assist employees within their areas of responsibility as follows:

- Assist new employees with registering in the University.
- Assist employees with login issues and provide general direction on how to navigate the system including uploading certificates for in-service and out-service classes, enrolling in or un-enrolling from classes, or in locating a course.
- Serve as their branch/program's first point of contact for all training related matters.
- Monitor employees' University profiles for accuracy and update as needed.
- Monitor employees' University transcripts to ensure employees are compliant regarding required training

Training Policy

and remind them of their need to complete any classes when a certificate has expired. When trainings are not completed, let the Supervisors know of non-compliance.

- Ensure that certificates of completion for the employee have been uploaded to the University.
- Attend UTC meetings to keep abreast of changes.

Training Officer

Plans, organizes, and evaluates CDFA's training program; monitors required training to ensure compliance; assists management with all their training needs; holds UTC meetings; trains, informs, and directs UTCs; and maintains the University as System Administrator.

Procedures

Employees log into the University to register for all classes. Employees must notify their supervisor of all training they plan to complete.

Online Required Training – Does not require supervisor approval.

CDFA Instructor Led Courses – Require supervisor approval. Once the employee obtains their supervisor's approval, they enroll in the desired course. The employee must select a session for the enrollment process to be complete and to be given access to the training. If the registration deadline passes the employee will not be able to enroll in the session.

University Webinars – Do not require supervisor approval.

In-Service/Out-Service Courses – Accessed through the Resources tab on the user's dashboard. Employees are required to receive prior supervisor approval via the SO-82. Once the training has been completed, the employee or their UTC will need to upload the certificate of completion via the External Training tab on the dashboard, except for the State-mandated training that is tracked in the University. State-mandated training certificates are to be uploaded into the specific course.

Cancellations – Employees are required to cancel no less than 24-hours in advance of the class date or send a qualified substitute.

To ensure seating for employees who enrolled in the session, drop-ins are not permitted for in-person classes.

Training Policy

Training Expenditures

Training expenses will be reimbursed as follows:

Job Required – Full reimbursement shall be provided for tuition and other necessary expenses, including travel expenses and the allocation of time with pay.

Job Related – Full reimbursement may be provided for tuition and other necessary expenses, including travel expenses and the allocation of time with pay.

Upward Mobility and Career Related – Reimbursement may be provided for tuition, books, and supplies. Reimbursement for travel and per diem shall not be allowed. Reimbursement for such training may be made only if the employee has entered the UM Program and/or developed a Career Development Plan with their supervisor and successfully completed all course requirements as specified by the training provider.

If these provisions conflict with specific training reimbursement provisions contained in a Bargaining Unit Contract (MOU), the MOU shall prevail.

Distribution

Distribution of the above policy includes all employees.

If you have questions regarding this policy, please contact the Training Office at cdfa.asd_hrb_training_office@cdfa.ca.gov.

Training and Development Assignments

Rev. July 2024

Policy

The California Department of Food and Agriculture (CDFA) is committed to providing its employees with opportunities to help prepare them for future promotion and to facilitate entry into new occupational fields. One means of accomplishing this objective is through a Training and Development (T&D) Assignment.

Authority

Government Code Section [19050.8](#)

State Personnel Board Rules 426, 438, 440, 441, and 444

Responsibility

Hiring Supervisors

Hiring supervisors are responsible for advertising vacancies, pursuant to CDFA policy, for a minimum of ten (10) calendar days and including a statement that T&Ds may be considered; selecting a candidate on an equitable basis; consulting with the Human Resources Branch (HRB) Personnel Analyst as to the appropriateness of a T&D, and working with the HRB Personnel Analyst and the employee to develop the T&D agreement.

Employees

Are responsible for locating, applying for, and securing T&Ds, and for fulfilling all the requirements set forth in the agreement.

Human Resources Branch

Is responsible for overseeing and assisting with the recruitment and selection process; advising on and approving T&D plans, and processing all necessary paperwork to officially document the T&Ds.

Training and Development Assignments

Definitions

Training & Development Assignments

T&D assignments are temporary, voluntary assignments for the purpose of training and career development, and may be offered to any employee (except C.E.A.) with permanent status or currently on probation but who previously had permanent status without a break in service.

T&D assignments are intended to:

- Provide employees broader experiences and skills that will improve their ability to perform in their current assignments;
- Help prepare employees for future promotion; or
- Facilitate employees' entry into new occupational fields.

T&D assignments may occur within the same agency or between agencies.

The maximum length of a T&D assignment is two (2) years.

T&D assignments may not be used to circumvent promotional certification lists.

Training & Development Assignment Plans

T&D Assignment Plans are written agreements between the employee, the supervisor, the Branch Chief, and the Human Resources Branch (HRB), detailing the scope, duties, expectations, reinstatement rights at the conclusion of the T&D assignment, etc.

Reinstatement Rights

At the conclusion of the T&D, or at the request of either the employee or the supervisor, the employee has the right to return to his/her former position.

Former Position

The former position is the classification the employee held prior to the T&D or any class to which he/she could be transferred.

Permanent Status

Permanent status is achieved following the successful completion of the employee's initial probationary period.

Substantially the Same Salary

Classifications with a maximum salary rate the same as or less than 10 percent of the maximum salary rate of the classification to which the employee was last appointed from a certification list.

Training and Development Assignments

Promotional Salary Relationship

Classifications with a maximum salary rate of 10 percent or higher than the maximum salary rate of the classification to which the employee was last appointed from a certification list.

Demotional Salary Relationship

Classifications with a maximum salary rate of 10 percent or lower than the maximum salary rate of the classification to which the employee was last appointed from a certification list.

Recruitment/Selection Procedures

1. The hiring supervisor identifies the need to fill a vacant position, completes the Request for Personnel Action (Form [SO-12](#)), and routes it to the HRB for review and approval.
2. The HRB staff advertises the vacancy in accordance with CDFA policy and includes reference to possible consideration of T&Ds.
3. The hiring supervisor receives applications from interested candidates and requests that HRB's Transactions Unit verify candidate eligibility.
4. The hiring supervisor interviews eligible candidates, makes a tentative selection, and consults with the personnel analyst if a T&D assignment is being considered.

Development of the Training & Development Assignment Work Plan

The hiring supervisor will work with the HRB Personnel Analyst to develop the T&D and incorporate the information identified in 1 – 4 below. Refer to the Training and Development Assignment Plan (attached) for the correct format.

1. Determine the appropriate classification for the T&D. In most cases, the T&D will be for a classification with substantially the same salary range as the employee's current classification. On rare occasions, the T&D may be to a classification with a promotional or demotional salary range.
2. Identify and describe the duties, the training to be accomplished, and the intent of the T&D. The T&D should be consistent with the career development and/or upward mobility plan of the employee and provide real developmental experience.
3. Identify the employee's rights, such as: reinstatement rights; ability to take promotional examinations, salary, benefit, and leave accumulation guarantees, etc.

Training and Development Assignments

4. Finalize the T&D and obtain all necessary signatures beginning with the HRB Personnel Analyst.

Distribution

Distribution of the above Section includes all employees.

If you have any questions regarding this policy/procedure, please contact the HRB at CDFA.ASD_hrb_main@cdfa.ca.gov.

Leadership Training and Development

Rev November 2020

Policy

It is the California Department of Food and Agriculture's (CDFA) policy that multi-level integrated leadership training and development shall be provided to employees appointed to a supervisory, managerial, or career executive assignment (CEA) position so that the quality of leadership services rendered by persons in those positions may be continually improved and succession planning supported.

Authority

[Government Code Section 19995.4](#)

Definitions

<i>CEA</i>	An employee serving as executive management appointed to a high administrative and policy influencing position within the state civil service.
<i>Managerial Employee</i>	An employee who serves as a mid-line manager with significant responsibility for formulating or administering departmental policies and programs.
<i>Supervisory Employee</i>	A first or second-line supervisor who directly or indirectly oversees a group of rank and file staff who perform a variety of activities within a particular field or scope.
<i>Initial Appointment Mandated Training</i>	Training provided by the California Department of Human Resources (CalHR) to supervisors, managers, and CEAs.

Responsibility

<i>Division Directors, Chief Executive Officers, CEAs, Managers, and Supervisors</i>	Take required training and ensure designated employees complete the appropriate training and developmental activities to guide them in their transition to a supervisory/managerial role. Consult with the Classification Analysis Unit for guidance on possible progressive discipline when an employee refuses to complete required compliance training, and/or repeatedly fails to complete required compliance training timely.

Leadership Training and Development

<i>Training Officer</i>	Prepares and disseminates training information. Notifies newly appointed CEAs, managers, and supervisors of their requirement to complete leadership training.

Procedure

All employees appointed to a supervisory, managerial, or CEA position are required to complete the initial appointment mandated training that enhances the quality of the leadership services they provide as designated below:

<i>CEAs</i>	Within 12 months of the initial appointment, employees in a CEA position shall complete the 20-hour CEA training.
<i>Managers</i>	Within 12 months of the initial appointment, employees in a managerial position shall complete the 40-hour manager training.
<i>Supervisors</i>	Within six-months of their initial appointment, but no later than the term of the probationary period, employees in a designated supervisory position shall complete the 80-hour supervisor training.

Upon completion of the initial leadership training, each employee shall be required to complete a minimum of 20-hours of leadership training every two years as prescribed by CDFA.

Distribution

Distribution of the above policy includes all employees.

If you have any questions regarding this policy, please contact the Human Resources Branch at (916) 654-0790.

Superior Accomplishment Awards

Rev. July 2024

Policy

It is the policy of the State of California and the Department of Food and Agriculture (CDFA) that individual employees and/or employee teams be recognized for exceptional contributions, resulting in tangible benefits or savings to the Department, by virtue of superior accomplishment.

Authority

Government Code Section [19823](#)

California Code of Regulations, Title 2, Sections [599.655\(i\)](#) and [599.663\(a\)](#)

Definitions

<i>Superior Accomplishment</i>	An act which may include but is not limited to: a performance resulting in an important contribution to science, outreach, research, or development; an unequaled personal effort in overcoming unusual difficulties or obstacles while completing a major project or task; or completion of a major project or task significantly ahead of schedule.
<i>Superior Accomplishment Award – Silver</i>	An award given to an individual or team who demonstrates an outstanding accomplishment of a nonrecurring nature. The award amount may range from \$25 to a maximum of \$250, though a cash award is not required.
<i>Superior Accomplishment Award – Gold</i>	An award given to an individual or team who demonstrates an exceptional accomplishment of a nonrecurring nature. The award amount may range from \$50 to a maximum of \$500, though a cash award is not required. Note: it would be rare for a group of individuals to receive a gold award as this award is of such prominent degree that it merits recognition of the highest order.
<i>Sustained Superior Accomplishment Award</i>	An award given to an individual or team who demonstrates superior job performance over a two-year period. The award amount may range from \$25 to a maximum of \$250, though a cash award is not required.

Superior Accomplishment Awards

Responsibilities

<i>Supervisor</i>	Submits the Superior Accomplishment Gift or Cash Award Recommendation (SO-313 Form) to employee's Division Director/Chief Executive Officer (CEO) for approval/signature.
<i>Division Directors/CEOs</i>	Completes, and obtains Executive Office's signature of approval for the the award. Emails the completed and approved SO-313 Form to CDFA.Training_Office@cdfa.ca.gov .
<i>Merit Awards Administrator (MAA)</i>	Upon receipt of nomination: The MAA, Human Resources Branch, reviews the SO-313 Form, as set forth by the California Department of Human Resources (CalHR). The MAA generates the certificate of recognition, congratulations letter, and award memorandum and provides to the Supervisor.

Nominations

All CDFA/District Agricultural Association (DAA) employees are eligible to receive a Superior Accomplishment Award.

CDFA/DAA recommendations are made for CDFA/DAA employees only.

A supervisor or manager may nominate an individual or team who meets the criteria for an award at any time. Nominations are made on SO-313 Form.

The Division Director/CEO must approve the nomination.

The completed and approved SO-313 Form is sent via email to the MAA at CDFA.Training_Office@cdfa.ca.gov for review and processing.

The MAA generates the certificate and congratulations letter and if there is a cash award, submits a request for the cash award to the Human Resources Branch, Transactions Unit, for processing. The MAA routes the certificate for signatures (Division Director and Secretary) which are then returned to the MAA. The certificate and congratulations letter are returned to the nominee's supervisor for presentation. If there is a cash award, the cash award is either presented at the time of the presentation or is direct deposited into the employee's bank account.

Superior Accomplishment Awards

Distribution

Distribution of this policy includes all CDFA/DAA employees.

If you have any questions regarding this policy, please contact Human Resources at cdfa.asd_hrb_main@cdfa.ca.gov.

Form and Document Compliance Policy

Rev. August 2024

Policy

It is the California Department of Food and Agriculture's (CDFA) policy to provide forms and documents for business and public use which are compliant with the requirements established by the California Department of General Services (DGS), the California Department of Technology (CDT) the Dymally-Alatorre Bilingual Services Act, and the Americans with Disabilities Act of 1990 (ADA).

All CDFA forms must adhere to DGS' State Forms Management Program guidelines to design, implement, and effectively maintain an inventory of forms authored by each division within CDFA (standardize, consolidate, simplify, efficiently manage, and where possible, reduce the number of departmental forms).

All CDFA forms for business and public use must adhere to CDT's information security requirements, including the completion of a Privacy Impact Assessment (PIA) for each form.

All CDFA documents and forms must comply with the ADA and the Dymally-Alatorre Bilingual Services Act. Programs should design, implement, and maintain documents and forms that are accessible to both employees and external customers that may have disabilities, or that may not speak English as their first language.

All forms that are designed to be completed by employees or external customers conducting business with the State of California, whether standard (STD) or agency forms, must be available in electronic format. All state agencies must allow electronic signatures in place of wet signatures unless prohibited by law.

Authority

Americans with Disabilities Act of 1990, [42 U.S.C. Section 12132](#)

Federal Electronic Signatures in Global and National Commerce Act (E-Sign Act), [15 U.S.C. Section 7001, et seq.](#)

California Government Code, Sections [7290-7299.8](#), [11135](#), [14770-14775](#)

State Administrative Manual, [Chapter 1700](#) and [Section 5310.8](#)

Statewide Information Management Manual (SIMM), [Section 5310C](#)

Uniform Electronic Transaction Act, California Civil Code Sections [1633.1-1633.17](#)

Form and Document Compliance Policy

Definitions

<i>Accessible/ Accessibility</i>	To provide equal access for documents, content and services to persons with disabilities.
<i>Business/Public Use Form (Form)</i>	Document used to gather information from a business or the public.
<i>Documents</i>	Writings, both physical and electronic, provided by CDFA both internally and externally, including but not limited to, communication used by CDFA staff, District Agricultural Association (DAA) staff, board members, contractors, temporary employees, volunteers, and the public.
<i>Electronic Record (e-Record)</i>	A record created, generated, sent, communicated, received, or stored by electronic means.
<i>Electronic Signature (e-Signature)</i>	An electronic symbol or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the e-Record.
<i>Language Survey</i>	The biennial survey administered by the California Department of Human Resources designed to identify those languages other than English that the Department encounters in its dealings with the public. The CDFA Office of Civil Rights (OCR) ensures that certified bilingual staff are available to provide services or documents to the public. (See 2.2.1 Bilingual Services Policy)
<i>Privacy Threshold Assessment (PTA) / Privacy Impact Assessment (PIA)</i>	An assessment of the impact on individual privacy of state information assets and record systems that collect or maintain personal information, and identification of the strategies to mitigate such impact.
<i>State Agency/Department Form</i>	A form created and used specifically by an agency to carry out the agency's administrative functions.

Form and Document Compliance Policy

Responsibility

Administrative Services Division

Serves as the Department Forms Coordinator (DFC) and implements CDFA's Forms Management Program, ensuring DGS and CDFA policy compliance.

Informs Division Forms Representatives of changes in DGS guidelines and manages CDFA's Annual DGS Forms Inventory Certification.

Reviews CDFA internal, business, and public use forms for conformance to DGS and CDFA policies.

Submits electronic business and public use forms to CDFA's Office of Information Technology Services (OITS) for publication on CDFA's [Business and Public Use Forms](#) webpage.

Obtains [PTAs/PIAs](#) from programs and submits to the CDFA Information Security Office (ISO) for new and revised business and public use forms.

Maintains the Form Repository on CDFA's internal website for CDFA's internal (SO) forms.

Divisions and Programs

Submit new and revised business and public use forms, accompanied by an [SO-110 Form Approval Request](#) and [PTA/PIA](#), to the DFC at adminservices@cdfa.ca.gov.

Submit SO-110 Form Approval Requests to the DFC at adminservices@cdfa.ca.gov to remove business and public use forms from CDFA's Business and Public Use Forms webpage.

Accept e-Signatures on internal, business, and public use forms and documents.

Consult with the CDFA Legal Office to determine if a form or document is legally binding and subject to a higher level of e-signature than CDFA's standard e-signature.

Manage all paper and e-Records in accordance with the CDFA [Records Management Program Policy 8.8.1](#).

Appoint a representative to serve as the Division Forms Representative.

Maintain a list of all public facing forms translated into

Form and Document Compliance Policy

	language other than English for the purposes of an audit and submission during the biennial Language Survey.
<i>Division Forms Representatives</i>	Oversee the Division's implementation of CDFA's Forms Management Program. Serve as the primary contact between the Division and the DFC to ensure that all forms follow DGS and CDFA policy guidelines. Review forms for compliance with CDFA and DGS requirements. Work with the DFC to complete the Annual DGS Forms Inventory Report. Work with the CDFA ISO on PTAs/PIAs for business and public use forms.
<i>Form Author (FA)</i>	Produces accessible compliant documents and ensures documents are organized and easily understood. Tests and checks all forms created with the appropriate technology to ensure the forms are accessible. Works with their Division Forms Representative to ensure newly created and established forms adhere to the policy guidelines before being submitted to the DFC with the SO-110 Form Approval Request and PTA/PIA.
<i>OCR Chief</i>	As ADA and Bilingual Coordinator, monitors ADA and Language Access laws for regulation revisions. Maintains Department-wide contracts for document translations into non-English languages. Advises and trains staff on ADA compliance, investigates complaints of noncompliance, and audits documents annually for ADA and Bilingual Compliance. Assists CDFA employees and the public with questions or concerns about ADA or bilingual standards on CDFA forms and documents.
<i>Information Security Office (ISO)</i>	Implements confidentiality procedures to address accurate identification, authentication, authorization, and accountability of e-Signatures on CDFA's internal, business and public use forms.

Form and Document Compliance Policy

	Implements integrity procedures to address non-repudiation of e-Signatures on CDFA's internal, business and public use forms.
	Reviews and assesses programs' PTAs/PIAs for business and public use forms, and works with programs to ensure data security on personally identifying information collected by CDFA.
<i>Legal Office</i>	Works with Divisions and Programs to determine if a form or document is legally binding and subject to a higher level of e-signature than CDFA's standard e-signature.
<i>OITS</i>	Works with divisions and programs as needed to secure the appropriate service to obtain a higher level of e-signature for legally binding forms and documents than CDFA's standard e-signature as determined by the Legal Office.
	Manages CDFA's Business and Public Use Forms website.

Electronic Signatures

All CDFA internal, business and public use forms must be digitally available and accept e-Signatures. Each e-Signature must include the following:

- The date the document was signed.
- A statement confirming agreement (for example: "I confirm," "I agree," or "I accept") that is tied to the e-Signature to create a binding electronic record.
- Must clearly and unambiguously show the chain of approval of all parties required to sign that same document.

Where state or federal laws, regulations, or rules require a handwritten signature, that requirement is met if the document contains an e-Signature unless otherwise prohibited by policies, laws, or regulations.

An e-Record may serve as the official copy of a document. Electronic records must be retained or disposed of in accordance with CDFA's [Records Management Policy 8.8.1](#).

Limitations and Exclusions

If a party (e.g., contractor, grantee, licensee, employee, etc.) is unwilling or unable to sign a form or document electronically, CDFA must accept a wet or original signed form or document.

Form and Document Compliance Policy

In general, CDFA internal, business and public use documents accept the Department's standard Adobe Digital ID for e-signatures. If a division or program requires an e-Signature on a legally binding document, it is their responsibility to contact the CDFA Legal Office to determine if the legally binding document requires a higher level of e-Signature than the CDFA standard e-Signature. If the CDFA Legal Office determines that a higher level of e-Signature is necessary, the division or program must work with OITS to obtain the appropriate e-Signature service.

Form Design Standards and Document Requirements

DGS Form Design Requirements

1. All forms should effectively capture data and be designed so they are easy to read, complete, and have a functional layout and logical sequence of the information they collect.
2. All forms must contain the following identifying information:
 - "State of California"
 - "California Department of Food and Agriculture"
 - The name of the Division or Branch originating the form
 - Form title
 - Form number
 - Form creation or revision date (Est. or Rev.)
3. All forms must be digitally available and those requiring signatures must accept e-Signatures.

ADA Document Design Requirements

1. All documents must be tested for accessibility using the Adobe pdf software's built-in accessibility checking tools and must pass the accessibility check.
2. All documents must be tested using a screen reader to ensure the document is sufficiently accessible to similar technologies.

Dymally-Alatorre Document Requirements

1. Provide documents in languages relevant to areas where there is a substantial number of non-English-speaking people which has been determined by the biennial language survey.
2. In accordance with CDFA's Bilingual Services Policy, determine which public facing forms are vital and ensure they are translated in at least Spanish. This requirement is beyond the Dymally-Alatorre requirements to ensure CDFA's largest non-English speaking demographic has full access to services.

Form and Document Compliance Policy

Form Approvals and Publishing

New and revised business and public use forms must be submitted to the DFC with an [SO-110 Form Approval Request](#) and [PTA/PIA](#) to adminservices@cdfa.ca.gov. The DFC will verify the form meets all the DGS form design requirements, will forward the PTA/PIA to the ISO, and will forward the form to OITS to be published on the [CDFA Business and Public Use Forms](#) webpage.

Requests to delete business and public use forms must be submitted to the DFC with an SO-110 Form Approval Request to adminservices@cdfa.ca.gov. The DFC will remove the form from the DGS Forms Inventory and forward the request to OITS to remove the form from the CDFA Business and Public Use Forms webpage.

Privacy Threshold Assessments (PTA) and Privacy Impact Assessments (PIA)

PTAs are an essential practice employed by CDFA in accordance with state and federal policies that help to determine if additional security measures are needed to protect the privacy level of information. These assessments are conducted on a range of systems, assets, forms, processes, projects, and programs that involve handling personal information. The primary objective of conducting a PTA is to systematically evaluate and mitigate privacy risks associated with the collection, creation, maintenance, distribution, or disposal of personal information. If a PTA reveals that personal data is included in a system or asset, an additional PIA must then be performed to identify and mitigate the risks to loss, breach, or destruction of that data.

Programs must complete a PTA for all business and public use forms to assess privacy risks associated with the information being collected by CDFA. If the PTA identifies a need for a PIA to be completed, Programs must then complete the PIA portion of the form.

[PTA/PIA](#) forms must accompany the [SO-110 Form Approval Request](#) when new and revised forms are submitted to the DFC for approval, and the DFC will forward the PTA/PIA to the ISO when the form is approved. If a PTA/PIA has already been completed for a form that is being revised, the original PTA/PIA must be updated and resubmitted to reflect the form revisions. For questions on the PTA/PIA form and process, please contact the ISO at cdfa.iso@cdfa.ca.gov.

Language Access and Discrimination Complaints

Persons unable to access CDFA services due to accessibility issues or language access may contact the ADA Coordinator or Language Coordinator via CDFA's OCR at civil_rights@cdfa.ca.gov or (916) 654-1005, or they may submit an [SO-215](#)

Form and Document Compliance Policy

[Language Access Complaint Form](#) or [SO-80 Accessibility Suggestion Form](#) for CDFA public documents, forms or other items hosted on the CDFA website.

For information on filing a discrimination complaint with the CDFA OCR, the California Civil Rights Department, the Equal Employment Opportunity Commission, or other entity, please refer to the CDFA [Discrimination and Harassment Prevention Policy](#).

Distribution

Distribution of the above policy includes all employees.

Questions regarding e-Signatures, DGS requirements, and the form submittal/ approval process should be directed to the DFC at AdminServices@cdfa.ca.gov.

Questions regarding ADA compliance and bilingual standards should be directed to OCR at civil_rights@cdfa.ca.gov.

Questions regarding the PTA/PIA process should be directed to the ISO at cdfa.iso@cdfa.ca.gov.

CDFA ADA Document Accessibility Standards Attachment Est. August 2019

CDFA Recommended Style Standards

Plain Language

Written communication should be clear, organized, and understood in a single reading.

Font Style and Size

Font should be a sans serif font (example: Arial or Tahoma) and 12 pt. or larger.

Color-Contrast Ratio

Black text on a white background should be used whenever possible on printed documents. Since high contrast is necessary for many users, high contrast is encouraged during document composition.

Color alone should not be used to convey important information indicating an action, prompting a response, or distinguishing a visual element.

Wrapping Style for Non-Text/Visual Items

When adding visual elements set the wrapping style for these elements to be inline with text.

Headings

All documents must have at least one Heading style. The heading in a document must be a Heading 1. Heading levels are assigned by their relationship to one another and should be assigned in a logical (sequential) order. Heading levels should not be skipped.

Hyperlink Text

Hyperlink text by itself must provide enough meaning to describe where the hyperlink leads the reader. The author may include the URL address in the document. If the document is intended to appear in print, including the URL would be appropriate. If the document remains mostly online, including the URL would be redundant and it should be left off.

Lists

Lists must be created using built-in list formatting tools, for example, bullets, numbered or alphabetical. Lists should not be created using the tab key or space bar.

Table of Contents

If the document includes a Table of Contents, you should generate the Table of Contents using the built-in style from the Reference tab of the Home ribbon.

CDFA ADA Document Accessibility Standards Attachment

Cont.

Abbreviations and Acronyms

For the first occurrence in a document of the abbreviation or acronym, provide the expansion or explanation with the abbreviation or acronym in parenthesis.

Document Title

A descriptive title must be included in the document properties.

Accessibility Testing

Check the accessibility and usability of all documents and forms manually and with the software's built-in tools.

Injury and Illness Prevention Program

Rev. June 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) to provide and maintain a safe work environment and to ensure that employees comply with safe and healthy work practices. It is also the policy that each Division shall develop and maintain an effective Injury and Illness Prevention Program (IIPP) to protect employees from injuries and illnesses in the workplace.

Authority

California Code of Regulations, [Title 8, Section 3203](#)

Definitions

<i>Injury and Illness Prevention Program</i>	A written plan specific to each work location that is designed to prevent workplace accidents, injuries, and illnesses.
<i>Near Miss</i>	A non-serious accident that may result in occupational injury or illness.

Responsibility

<i>Health and Safety Coordinator (HSC)</i>	• Administers and oversees the IIPP, disseminates information, providing guidance to managers, supervisors, and staff regarding occupational health and safety materials, and assists managers and supervisors in developing IIPPs for their worksites. • Prepares, maintains, and provides an IIPP template for programs. • Reviews and approves each program's proposed IIPP prior to implementation.

Injury and Illness Prevention Program

Division Directors or Designees

- Administer and oversee their IPPs. This includes ensuring that an IIPP is established and implemented for each worksite within their Division, and submitted to the Health and Safety Office (HSO) for approval when initially developed or revised.

Managers and Supervisors

- Ensure all elements of this policy are implemented and carried out by their staff.
- Attend trainings and safety meetings as required.
- Conduct or assign a designee to perform periodic safety inspections to identify unsafe working conditions and hazards.
- For each occupational injury or illness that occurs, provide medical assistance and report the incident by following the [Guide to Accident and Crime Reporting](#).
- Follow established safety procedures and comply with safe work practices as identified in the IIPP.
- Notify their manager or supervisor of any hazards or unsafe conditions or practices at the worksite.
- Report any occupational injuries or illnesses to their manager or supervisor.

Employees

- Attend all required trainings and safety meetings.
- Comply with all Accident Investigations.

Injury and Illness Prevention Program

IIPP Elements

A written IIPP is required for each individual worksite and shall be readily accessible to all employees. An effective IIPP includes:

- Assignment of Responsibility
- Compliance
- Communications
- Hazard Assessment
- Accident/Exposure Investigation
- Hazard Correction
- Training
- Record Keeping

Divisions must review each IIPP annually and update as necessary. All new and revised IIPPs must be submitted to the HSO for approval prior to implementation.

Compliance

Each program shall establish a system for ensuring that employees comply with safe work practices. Compliance with this section includes:

- Recognition of employees who follow safe work practices.
- Required training.
- Disciplinary actions for employees who do not adhere to CDFA and individual program health and safety policies and procedures.
- Other reasonable means programs use to ensure employee compliance with safe work practices.

Injury and Illness Prevention Program

Communications

Each program shall develop a system for communicating effectively with employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite. Compliance with this section includes:

- Meetings.
- Required training.
- Postings, notifications, or updates.
- Written communications.
- A system of anonymous notification by employees about hazards.
- Participation in programs' Health, Safety and Wellness (HSW) committees.

Hazard Assessment and Correction

Each program shall develop procedures for identifying and evaluating workplace hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made at least quarterly to identify and evaluate hazards when:

- The IIPP is first established.
- New substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard.
- Management is made aware of a new or previously unrecognized hazard.

Accident & Exposure Investigation

Each program shall develop procedures for investigating occupational injuries or illnesses. Serious accidents, minor accidents, and near misses must all be investigated. Investigations must be documented in written form and available upon request from the HSO, management, or an authorized Cal/OSHA representative. Additionally, all hazardous or toxic substance exposures must be recorded on the SO-35 Hazardous/Toxic Substance Exposure Record Form.

Injury and Illness Prevention Program

Training

All programs are required to establish and implement a formal training program. Programs should work with the HSO to, establish, maintain, and provide quality, current training to employees. Programs must provide training and instruction:

- To all employees when the IIPP is first established.
- To all new employees.
- To all employees given new job assignments for which training has not been previously received.
- Whenever new substances, processes, procedures, or equipment are introduced to the workplace and present a new hazard.
- Whenever management is made aware of a new or previously unrecognized hazard.
- For all supervisors to ensure they are familiar with the safety and health hazards to which employees under their immediate direction and control may be exposed.

Record Keeping

Programs shall maintain records of steps taken to implement and maintain the IIPP. These records shall include:

- Records of scheduled and periodic inspections to identify unsafe conditions and work practices, including:
 - Person(s) conducting the inspection.
 - The unsafe conditions and work practices that have been identified.
 - Actions taken to correct the identified unsafe conditions and work practices.
- Documentation of health and safety training including:
 - Employee name or other identifier.
 - Training dates.
 - Type(s) of training.
 - Training provider.
- These records shall be maintained by the program for at least one year.

Injury and Illness Prevention Program

Health, Safety, and Wellness Committee

Each program may establish an individual HSW committee to address and improve workplace health and safety. The program's HSW committee should incorporate the following guidelines:

- Meets regularly, but not less than quarterly.
- Prepares and makes available to the affected employees, written records of the safety and health issues discussed at the committee meetings. The committee meeting records shall be maintained for at least one year.
- Reviews results of periodic, scheduled worksite inspections.
- Reviews investigations of occupational accidents and causes of incidents resulting in occupational injury, occupational illness, or exposure to hazardous substances and, where appropriate, submits suggestions to management for the prevention of future incidents.
- Reviews investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, the committee may conduct its own inspection and investigation to assist in remedial solutions.
- Submits recommendations to program management to assist in the evaluation of employee safety suggestions.
- Verifies abatement action taken by the program to abate citations issued by Cal/OSHA.

Each Division shall nominate one or more employees to serve as a representative on the CDFA HSW Committee. If a program has its own HSW Committee, their representative(s) should be from that committee. The CDFA HSW Committee shall follow the compliance guidelines outlined above.

Distribution

Distribution of the above policy includes all CDFA employees.

If you have any questions regarding to this policy/procedure, please email the HSO at CDFA.ASD_Safety@cdfa.ca.gov.

Hazard Communication Program

Rev. June 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that all employees be protected from chemical hazards and other hazardous substances in the workplace. It is also the policy that each affected Program develops a Hazard Communication Program (HazCom) that provides information to its employees about chemical hazards and other hazardous substances at their worksite and ensures that employees receive proper training in the use of these substances. A written HazCom shall be made readily available to all employees. In addition, the HazCom shall be provided, upon request, to the employees' union representatives, the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA), and the National Institute of Occupational Safety and Health (NIOSH).

Authority

California Code of Regulations, [Title 8, Section 5194](#)

California Labor Code, [Sections 6360-6363](#)

Definitions

<i>Exposure or Exposed</i>	Any situation arising from a work operation where an employee may ingest, inhale, absorb through the skin or eyes, or otherwise come in contact with a hazardous chemical.
<i>Hazardous Chemical/Material</i>	Any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, a hazard not otherwise classified, or is included on the Cal/OSHA Director's List of Hazardous Substances .
<i>Health Hazard</i>	A chemical which is classified as posing one of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard.
<i>Mixture</i>	A combination or a solution composed of two or more substances which do not react.

Hazard Communication Program

<i>Physical Hazard</i>	A chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; combustible liquid; water-reactive; or in contact with water emits flammable gas.
<i>Pictogram</i>	A composition that may include a symbol plus other graphic elements, such as a border, background pattern, or color, that is intended to convey specific information about the hazards of a chemical. Eight pictograms are designated for application to a hazard category. (List of pictograms)
<i>Precautionary Statement</i>	A phrase that describes recommended measures that should be taken to minimize or prevent adverse effects resulting from exposure to a hazardous chemical, or improper storage or handling.
<i>Product Identifier</i>	The name or number used for a hazardous chemical on a label or in the Safety Data Sheet (SDS) to provide a unique means by which the user can identify the chemical. The product identifier used shall permit cross-references to be made among the list of hazardous chemicals required in the written HazCom, the label and the SDS.
<i>Pyrophoric Gas</i>	A chemical in a gaseous state that will ignite spontaneously in air at a temperature of 130 degrees F (54.4 degrees C) or below.
<i>Safety Data Sheet (SDS)</i>	Written or printed material detailing the properties of a hazardous chemical.
<i>Signal Word</i>	A word used on the label to indicate the relative level of severity of a hazard and alert the reader to the potential hazard. The signal words used in this section are “Danger” and “Warning.” “Danger” is used for the more severe hazards such as high flammability, while “Warning” is used for the less severe, such as skin irritation.
<i>Simple Asphyxiant</i>	A substance or mixture that displaces oxygen in the ambient atmosphere and can thus cause oxygen deprivation in those who are exposed, leading to unconsciousness and death.

Hazard Communication Program

Substances

Chemical elements and their compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurities deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Responsibility

Health and Safety Coordinator (HSC)

- Ensures that each affected Program establishes its own HazCom, and that it is reviewed and updated on an annual basis. Also reviews and approves each Program's individual HazCom before it is implemented.
- Disseminates information, provides guidance to managers, supervisors, and employees regarding hazardous materials, and assists in providing required training.

Programs

- Request from manufacturer the SDS, or any required item, if not initially provided by the manufacturer or importer and maintain these SDS forms for recordkeeping purposes.
- Notify the Director of Industrial Relations if no response is received from the manufacturer or importer within 25 working days when SDS is requested.
- Ensure SDS documents are readily available and provide them to employees upon request.

Division Directors or Designees

- Submit Division HazCom to the HSO for annual review and approval.
- Implement, administer, and oversee the Division's HazCom. This includes providing information, assistance, and required training to supervisors and employees.

Managers and Supervisors

- Ensure that all elements of the HazCom, including hazardous substance lists, SDS's, labeling, and training are implemented and provided to all employees who are exposed, or can reasonably expect to be exposed, to hazardous chemicals.

Hazard Communication Program

Employees

- Ensure that every container and secondary container of hazardous chemicals are properly labeled as described in the “Labels and Other Forms of Warning” section of this policy, and that damaged or defaced labels are replaced.
- Notify employees working near any hazardous materials that are in use and that they may be exposed to, and provide a SDS upon request by employees, the HSO, or a designated representative of Cal/OSHA.
- Complete Annual Hazard Communication Training.
- Notify their supervisor of any new hazardous chemical that is brought onto the worksite.
- Label containers as described in the “Labels and Other Forms of Warning” section of this policy.
- Complete the Hazard Communication Awareness training prior to starting a job and annually thereafter.

Written Hazard Communication Program

Each Program shall develop, implement, and maintain at each worksite a written HazCom for their employees which at least describes how the criteria for labels and other forms of warning, SDS’s, and employee information and training will be met, and which also includes:

- A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate SDS’s. The list may be compiled for the Program as a whole or for individual work areas.
- The methods the Program will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

Each Program shall make the written HazCom readily available to employees, their designated representatives, contractors, the HSO, authorized representatives of Cal/OSHA, and NIOSH. The written HazCom may be incorporated into the Program’s Injury and Illness Prevention Program ([IIPP](#)). The HazCom, regardless of its inclusion in the Program’s IIPP, shall be reviewed and updated annually or as necessary. The HazCom shall be submitted to the HSO for approval before implementation and annually thereafter.

Hazard Communication Program

Labels and Other Forms of Warning

No container of hazardous chemicals will be released for use until it is labeled, marked, or placarded. Supervisors are responsible for ensuring that every container of hazardous chemicals is properly labeled with:

- Product Identifier.
- Signal Word.
- Hazard Statement(s).
- Pictogram(s).
- Precautionary Statement(s).
- Name, address, and telephone number of the chemical manufacturer, importer or other responsible party.

These labels, tags, and markings must be legible, in English, and prominently displayed on the container. No container shall be used or stored with a damaged or defaced label. Managers and supervisors shall replace damaged and defaced labels immediately.

Programs shall ensure that all secondary containers (i.e. buckets, cans, pitchers, etc.) are labeled with either an extra copy of the original manufacturer's label or with generic labels that have the product identifier and words, pictures, symbols, or a combination, which provides general information regarding the hazards of the chemicals and with the other specific information regarding the physical and health hazards of the hazardous chemicals unless the contents are to be used in their entirety during the work shift.

Safety Data Sheets (SDS)

Programs shall have an SDS for each hazardous chemical or chemical group they use. Each SDS must include:

- Section 1: The product identifier; manufacturer or distributor name, address, phone number; emergency phone number; recommended use; and restrictions on use.
- Section 2: Hazard identification of all hazards regarding the chemical and the required label elements.
- Section 3: Composition/information on chemical ingredients.
- Section 4: First-aid measures.
- Section 5: Fire-fighting measures.

Hazard Communication Program

- Section 6: Accidental release measures.
- Section 7: Exposure controls/personal protection.
- Section 8: Physical and chemical properties.
- Section 9: Stability and reactivity.
- Section 10: Toxicological Information.
- Section 11: Ecological information.
- Section 12: Disposal considerations.
- Section 13: Transport information.
- Section 14: Regulatory information.
- Section 15: Other information, including the date of preparation or last revision.
- A description in lay terms, if not otherwise provided, on either a separate sheet or with the body of the information specified in this section, of the specific potential health risks posed by the hazardous chemical intended to alert any person reading the information.

The Program shall maintain copies of the required SDS for each hazardous chemical in the workplace and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s).

Electronic access and other alternatives to maintaining paper copies of the SDSs are permitted as long as no barriers to immediate employee access in each workplace are created by such options.

Where employees must travel between workplaces during a work shift, i.e., their work is carried out at more than one geographical location, the SDS's may be kept at a central location at the primary workplace facility. In this situation, the Program shall ensure that employees can immediately obtain the required information in an emergency.

SDS's may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the Program shall ensure that in all cases the required information is provided for each hazardous chemical and is readily accessible during each work shift to employees when they are in their work area(s).

SDS's shall also be made readily available, upon request, to:

- Designated employee representatives (unions).
- Designated representatives of Cal/OSHA.

Hazard Communication Program

- NIOSH.
- The employee's physician.
- The HSO.

If the SDS, or any required item, is not provided by the manufacturer or importer, the Program shall:

- Within seven working days of noting this missing information, make a written inquiry to the manufacturer or importer of a hazardous chemical responsible for the SDS asking that the complete SDS be sent to the Program. A copy of this request should be kept for documentation.
- If a response is not received within 25 working days, send a copy of the original written inquiry, along with a cover memo stating that no response or SDS was received, to the Director of Industrial Relations, P.O. Box 42063, San Francisco, CA 94142, and retain a copy at the Program level.
- If any individual requests the SDS during this process, provide the individual with a copy of the written inquiry and any response. When the SDS is received, provide the requestor with a copy of the SDS within 15 calendar days.

Employee Information and Training

Programs shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard is introduced into their work area. Information and training may relate to general classes of hazardous chemicals to the extent appropriate and be related to reasonably foreseeable exposures of the job. Chemical-specific information must always be available through labels and SDS's.

Information and training shall consist of at least:

- The requirements of this policy and the Program's HazCom.
- Any operations in the work area where hazardous chemicals are present.
- The location and availability of the written HazCom, including the list(s) of hazardous chemicals and SDS's.
- The methods and observations that may be used to detect the presence or release of hazardous chemicals in the work area (such as monitoring conducted by the supervisor, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.).
- The physical and health hazards, such as simple asphyxiation, combustible dust and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area.

Hazard Communication Program

- The measures employees can take to protect themselves from relevant hazards; including specific procedures the Program has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.
- The details of the HazCom developed by the Program, including an explanation of the labels received on shipped containers and the workplace labeling system used by the Program, the SDS's, and how employees can obtain and use the appropriate hazard information.
- The rights of the employees:
 - To personally receive information regarding hazardous chemicals to which they may be exposed.
 - To have their physician or collective bargaining agent receive information regarding hazardous chemicals to which the employee may be exposed.

Programs shall provide new information to the affected employees whenever the Program receives a new or revised SDS that contains new information indicating that risks or measures necessary to protect employee health have significantly changed. The Program shall provide this new information to employees not more than 30 days after receipt of the revised SDS.

Distribution

Distribution of the above policy includes all CDFA employees.

For questions regarding to this policy, please email the HSO at CDFA.ASD_Safety@cdfa.ca.gov.

Access to Employee Exposure & Medical Records

Rev. July 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) to ensure that employees, their designated representatives, and/or authorized representatives of the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA), have the right of access to relevant exposure and medical records.

Authority

California Code of Regulations (CCR), Title 8, [Sections 3204](#) and [5194](#)

California Labor Code Sections [6360-6363](#)

Definitions

Access	The right and opportunity to examine and copy.
Designated Representative	A person given written permission by an employee to access their exposure and medical records, such as a union representative.
Employee Exposure Record	A record which measures or monitors the amount of a toxic substance or harmful physical agent to which the employee is currently being exposed or has been exposed.
Employee Medical Record	A record concerning the health status of an employee which is made or maintained by a health professional.
Exposure or Exposed	Exposure to a harmful substance or agent at work, including past exposure or potential exposure through any means (e.g., inhaling, eating, skin contact, etc.). This includes exposures that occurred by accident or perceived exposures. The supervisor must document these exposures using the SO-35: Hazardous/Toxic Substance Exposure Record Form .
Health Professional	A physician, occupational health nurse, industrial hygienist, toxicologist, or epidemiologist providing medical or other occupational health services to exposed employees.

Access to Employee Exposure & Medical Records

<i>Record</i>	Any item, collection, or grouping of information regardless of the form or process by which it is maintained (e.g., paper document, X-ray film, or electronic data).
<i>Safety Data Sheet (SDS)</i>	Written or printed material concerning a hazardous chemical that is prepared in accordance with CCR, Title 8, Section 5194 (g) .
<i>Specific Chemical Identity</i>	The chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance.
<i>Toxic Substance or Harmful Physical Agent</i>	Any chemical substance, biological agent (e.g., bacteria, virus, fungus, etc.), or physical stress (e.g., noise, heat, cold, vibration, repetitive motion, ionizing and non-ionizing radiation, hypo- or hyperbaric pressure, etc.) which: • Is regulated by any California or Federal law or rule due to a hazard to health; • Is listed in the National Institute for Occupational Safety and health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) Index, per CCR section 3204-Appendix B. • Is referenced in the comprehensive guide to the RTECS. • Has yielded positive evidence of an acute or chronic health hazard in human, animal, or other biological testing conducted by, or known to, the Department; or • Is the subject of a SDS kept by or known to the Department which indicates that the material may pose a hazard to human health.

Access to Employee Exposure & Medical Records

Responsibility

Health and Safety Coordinator (HSC)

- Assists CDFA programs in the implementation of this policy.
- Provides information and guidance to all affected employees, managers and supervisors.
- Retains and disposes of employee exposure records.
- Provides employee exposure records to employee or designated representative upon request.

Human Resources Branch (HRB)

- Retains and disposes of employee medical records and provides employee medical records to employee or designated representative upon request.

Managers and Supervisors

- Provide employees with information and training on toxic substances or harmful physical agents in their work area at the time of the initial assignment, and whenever a new substance or harmful physical agent is introduced into their work area.
- Maintain SDS at the work location.
- Prepare/update Cal/OSHA's [Access to Medical and Exposure Records](#) annually and conspicuously post the form at areas that are frequented and readily accessible by employees.
- Document employee exposure incidents on the [SO-35: Hazardous/Toxic Substance Exposure Record Form](#). Maintain SO-35 forms for one year and submit a copy to the HSO monthly.

Employees

- Report any incidents of toxic substance or harmful physical agent exposure to their supervisor or manager immediately or as soon as possible.
- Complete and submit the [SO-271](#) Authorization for Release of Employee Exposure or Medical Record to the HSO.

Access to Employee Exposure & Medical Records

Employee's Rights of Access to Records

Employees have the right to the following:

- To personally receive information regarding potential exposure to toxic substances or harmful physical agents.
- For the employee's designated representative to receive information regarding potential exposure to toxic substances or harmful physical agents.

Confidentiality

Employee exposure and medical records shall be kept confidential and released only as specified and required by this policy. Whenever access is requested for purposes of analysis which reports the contents of employee exposure and medical records by either direct identifier or information that could identify specific employees, these identifiers will be removed by HRB or HSO before access is granted.

Employee Exposure Record

Employee exposure records shall be maintained at the CDFA Health and Safety Office, 1220 N Street, Sacramento, CA, 95814.

Employee exposure records contain any of the following kinds of information concerning employee exposure to toxic substances or harmful physical agents:

- A) Environmental (workplace) monitoring or measuring, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;
- B) Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs;

Access to Employee Exposure & Medical Records

- C) SDS indicating that the material may pose a hazard to human health; or
- D) In the absence of (A), (B) or (C) above, a record, such as a chemical inventory or any other record, which reveals the identity (e.g., chemical, common, or trade name) of a toxic substance or harmful physical agent and where and when the toxic substance or harmful physical agent was used.

Managers and Supervisors are responsible for documenting employee exposure incidents on the [SO-35 Hazardous/Toxic Substance Exposure Record Form](#). This form is intended to provide a record of all exposures on a daily basis per employee. Managers and Supervisors shall maintain the SO-35 forms for one year and submit a copy to the HSO monthly.

Employee Medical Record

Individual employee medical records shall be maintained in a separate file from other employee records. These medical records shall only be maintained by the CDFA HRB.

Employee medical records include the following:

- Medical and employment questionnaires or histories (including job description and occupational exposures);
- The results of medical examinations (pre-employment, pre-assignment, periodic, or episodic) and laboratory tests (including chest and other X-ray examinations taken for the purposes of establishing a baseline or detecting occupational illness, and all biological monitoring not defined as an employee exposure record);
- Medical opinions, diagnoses, progress notes, and recommendations
 - First-aid records;
 - Descriptions of treatments and prescriptions; and
 - Employee medical complaints.

Employee medical records do not include medical information in the form of:

- Physical specimens (e.g. blood or urine samples) which are routinely discarded as a part of normal medical practice;
- Records concerning health insurance claims if maintained separately from the employer's medical program and its records, and not accessible to the employer by employee name or other direct personal identifier (e.g., social security number, payroll number, etc.);

Access to Employee Exposure & Medical Records

- Records created solely in preparation for litigation which are protected from discovery under the applicable rules of procedure or evidence; or
- Records concerning voluntary employee assistance programs (alcohol, drug abuse, or personal counseling programs) if maintained separately from CDFA's medical program and its records.

Safety Data Sheet

CCR, Title 8, [Section 5194](#) requires that a SDS be completed and kept on file for each hazardous substance used in the workplace. The required information should be obtained from the manufacturer, producer, or any other seller of a hazardous substance.

The manager or supervisor of each program where hazardous substances are used and stored in the workplace is responsible for obtaining the SDS and retaining a copy in a binder at the worksite.

SDS forms need not be retained for any specific period as long as a record of the chemical substance or agent, where and when it was used is retained for at least thirty (30) years.

Preservation of Records

Employee medical records shall be preserved and maintained by HRB for at least the duration of employment plus thirty (30) years, except that the following types of records do not need to be retained for any specific period:

- Health insurance claims records maintained separately from CDFA's medical program and its records;
- First aid records (not included in employee's medical history) of one-time treatment of minor scratches, cuts, burns, splinters, made on the worksite by a non-physician and if maintained separately from CDFA's medical program and its records; and
- The medical records of employees who have worked for less than one (1) year for CDFA need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment.

Employee exposure records shall be preserved and maintained by the HSO for at least thirty (30) years, except that:

- The background data for workplace monitoring or measuring need only be retained for one (1) year, if the results and methods are retained for at least thirty (30) years.

Access to Employee Exposure & Medical Records

Access to Records

If an employee or designated representative requests access to an exposure or medical record, CDFA must provide access in a reasonable time, place, and manner. If CDFA cannot provide access to the records within fifteen (15) working days, CDFA must notify the employee or designated representative of the reason for the delay and advise of the earliest anticipated date records can be made available.

When an employee or designated representative requests a copy of an exposure or medical record, it is the responsibility of the HSO and/or HRB to ensure that a copy of the record is provided at no cost to the employee or designated representative. Requests for exposure and medical records do not need to be in writing if made by the employee. Requests for designated representatives to receive records must be made by submitting the [SO-271 Authorization for Release of Employee Exposure or Medical Record](#) to the HSO and/or HRB.

Employee Information

Managers and supervisors shall inform employees of Cal/OSHA's [Access to Exposure and Medical Records](#) form upon initial employment with CDFA and annually thereafter. It shall include:

- The existence, location, and availability of any exposure and medical records;
 - The identity of the person(s) responsible for maintaining and providing access to exposure and medical records; and
- Each employee's rights of access to these records.

Distribution

Distribution of the above policy includes all CDFA employees.

For questions regarding this policy, please email the Health and Safety Office at CDFA.ASD_Safety@cdfa.ca.gov.

Heat Illness Prevention Program

Rev. June 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that all employees shall be protected from heat illness during the course of their work. It is also the policy that a Heat Illness Prevention Plan (HIPP) must be available at each worksite; and that all employees required to work outdoors and their supervisor, receive training to identify the risk factors, to control the employee's exposure to the environment, and to seek medical assistance in the event of a heat illness.

Authority

California Code of Regulations, Title 8, Sections [1524](#), [3395](#) and [3457](#)

Definitions

<i>Acclimatization</i>	Temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it. Acclimatization peaks in most people within four to 14 days of regular work for at least two hours per day in the heat.
<i>Environmental Risk Factors</i>	Working conditions that create the possibility that heat illness could occur and include air temperature, relative humidity, radiant heat from the sun and other conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment worn by employees.
<i>Heat Illness</i>	A serious medical condition resulting from the body's inability to cope with a particular heat load, which includes heat cramps, heat exhaustion, heat syncope, and heat stroke.
<i>Personal Risk Factors</i>	Factors such as an individual's age, degree of acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and the use of prescription medication which may affect the body's water retention or other physiological responses to heat.
<i>Shade</i>	Blockage of direct sunlight. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade,

Heat Illness Prevention Program

which is to allow the body to cool. A car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning. Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use.

Responsibility

Health and Safety Coordinator (HSC)

- Provides information, guidance, and training to all affected employees and supervisors on heat illness prevention.

Managers and Supervisors

- Ensure that all elements of this policy are implemented and develop a HIPP that is relevant to the work performed by their program at each worksite.
- Conduct pre-shift meetings before the commencement of work to inform employees about the possible conditions of and expectations for the workday.
- Know the symptoms of heat cramps, heat exhaustion, heat syncope, and heat stroke.
- Complete the required training annually if supervising staff who work outdoors.
- For each occupational injury or illness that occurs, provide medical assistance and report the incident by following the [Guide to Accident and Crime Reporting](#).

Employees

- Follow the established procedures related to heat illness prevention.
- Complete Heat Illness Prevention training prior to starting an outdoor assignment and annually thereafter.

Heat Illness Prevention Program

- Report any incidents of heat illness to their supervisors or managers immediately or as soon as possible.
- Know the symptoms of heat cramps, heat exhaustion, heat syncope, and heat stroke as covered in the Heat Illness Prevention training.

Provision of Water

Employees shall have access to potable drinking water including but not limited to the requirements that it be fresh, pure, suitably cool, and provided to employees free of charge. The water shall be located as close as practicable to the areas where employees are working. Where it is not plumbed or otherwise continuously supplied, water shall be provided in sufficient quantity to provide one quart per employee per hour or two gallons per employee for an eight-hour shift to replace water lost by perspiration. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour.

Access to Shade

When the outdoor temperature in the work area exceeds 80 degrees Fahrenheit, shaded areas must be available to assist with the employee's ability to cool down at all times.

The amount of shade present shall be at least enough to accommodate the number of employees on recovery or rest periods, so they can sit in a normal posture fully in the shade without having to be in physical contact with each other. The shade shall be located as close as practicable to the areas where employees are working.

Subject to the same specifications, the amount of shade present during meal periods shall be at least enough to accommodate the number of employees during the meal period who remain onsite.

Employees shall be allowed and encouraged to take a preventative cool-down rest in the shade when they feel the need to do so to protect themselves from overheating. Such access to shade shall be permitted at all times.

An individual employee who takes a preventative cool-down rest shall be monitored and asked if they are experiencing symptoms of heat illness; shall be encouraged to remain in the shade; and shall not be ordered back to work until any signs or symptoms of heat illness have abated, but in no eventless than ten minutes in addition to the time needed to access the shade. If an

Heat Illness Prevention Program

employee exhibits signs or reports symptoms of heat illness during a preventative cool-down rest period, the supervisor shall provide appropriate first aid or emergency response.

High Heat Procedures

When the outdoor temperature in the work area exceeds 95 degrees Fahrenheit, the following steps must be taken:

1. Programs shall ensure that effective communication by voice, observation, or electronic means is maintained, so that employees at the worksite can contact a supervisor when necessary. An electronic device such as a cell phone may be used for this purpose only if reception in the area is reliable.
2. Supervisors shall observe employees for alertness and signs or symptoms of heat illness by the appropriate technique, as designated by the program, which may include:
 - Direct observation of 20 or fewer employees.
 - Mandatory buddy system.
 - Regular communication with a sole employee by radio or cellular phone.
 - Other effective means of observation as recommended by the Health and Safety Office (HSO) or program management.
3. Programs shall designate one or more employees at each worksite as authorized to call for emergency medical services and allow other employees to call for emergency medical services if the designees are not available.
4. Program worksite supervisors and designees shall remind employees to drink plenty of water.
5. Supervisors or designated employees shall facilitate pre-shift meetings before the commencement of work to review the high heat procedures, encourage employees to drink plenty of water, how to call for help or emergency services if a cellular device is not being used, and remind employees of their right to take a cool-down rest when necessary.
6. Supervisors shall ensure that employees take a minimum of ten minutes preventative cool-down rest period every two hours. Time to and from the designated shaded rest location shall not count as part of the rest period.

Heat Illness Prevention Program

7. An employee who has been newly assigned to a high heat area shall be closely observed by a supervisor or designee for the first 14 days of the assignment.

Emergency Response Procedure

In the event an employee exhibits the signs and symptoms of heat illness (as covered in the Heat Illness Prevention Training), co-workers and supervisors are to assist the employee and follow the recommended guidelines as follows:

Heat Exhaustion/Heat Stroke

1. Move the employee to shade.
2. Remove or loosen clothing, shoes/boots, hats, and other items that may exacerbate the employee's condition.
3. Fan the employee.
4. Provide cooling towels to the employee.
5. Give the employee plenty of liquids.
6. If necessary, seek emergency medical assistance or call 911 and move the employee to an area where they can be reached by the emergency medical provider. If the employee is suffering from heat stroke, seek emergency medical assistance immediately.

Training

Employees who work outdoors are required to complete CDFA's Heat Illness Prevention Training prior to beginning their outdoor assignment and annually thereafter.

Managers and supervisors that supervise outdoor staff shall complete CDFA's Heat Illness Prevention Training prior to supervising any outdoor staff and annually thereafter.

Managers, supervisors, and/or leads shall conduct short 'tailgate' meetings when the temperature is expected to exceed 80 degrees. A 'tailgate' session includes reviewing the weather report, reinforcing heat illness prevention with all workers, reminding employees to drink water frequently, informing employees that shade can be made available upon request and to remind them to be on the lookout for signs and symptoms of heat illness.

New employees will be assigned a "buddy" or experienced coworker to ensure they understand the training and follow procedures prior to working in each new location.

Heat Illness Prevention Program

Heat Illness Prevention Plan

Each program is responsible for establishing and maintaining their own HIPP that adheres to this policy. Programs may utilize the departments HIPP as a reference to create their site-specific guide on prevention. The HIPP shall include at minimum:

1. Practical procedures for the provision of water and access to shade.
2. High heat procedures as described in this policy.
3. Emergency response procedures that include the name, number, and address of the emergency response provider.
4. Acclimatization methods and procedures.

Each program's HIPP shall be reviewed annually and if revisions are made, forwarded to the HSO for approval prior to implementation.

Distribution

Distribution of the above policy/procedure includes all CDFA employees.

If you have any questions regarding to this policy, please email the HSO at CDFA.ASD_Safety@cdfa.ca.gov.

Bloodborne Pathogens Control Program

Rev. June 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) to prevent or minimize employees' occupational exposure to blood, bloodborne pathogens, and other potentially infectious materials (OPIM) during the course of their work. It is also the policy of CDFA that procedures be established, and safe work practices are used in workplace settings where occupational exposure to blood, bloodborne pathogens, or OPIM are likely to occur.

Authority

California Code of Regulations, Title 8, [Section 5193](#)

Definitions

<i>Blood</i>	Human blood, human blood components, and products created by human blood.
<i>Bloodborne Pathogens</i>	Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).
<i>Engineering Controls</i>	Controls (e.g., sharps disposal containers, needleless systems and sharps with engineered sharps injury protection) that isolate or remove the bloodborne pathogens hazard from the workplace.
<i>Engineered Sharps Injury Protection</i>	A physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, which effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal or other effective mechanisms; or a physical attribute built into any other type of needle device, or into a non-needle sharp, which effectively reduces the risk of an exposure incident.
<i>Exposure Control Plan</i>	Provided to eliminate or minimize occupational exposure to bloodborne pathogens.

Bloodborne Pathogens Control Program

<i>Exposure Determination</i>	A document that lists job classifications, tasks, and procedures that may have occupational exposure to blood, bloodborne pathogens or OPIM.
<i>Exposure Incident</i>	A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood, bloodborne pathogens, or other potentially infectious materials that results from the performance of an employee's duties.
<i>Occupational Exposure</i>	Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.
<i>Other Potentially Infectious Materials (OPIM)</i>	OPIM may include human body fluids, and any of the following, if known or reasonably likely to contain or be infected with HIV, HBV, or HCV: cell tissue, organ cultures from humans or animals, blood organs, other tissues from animals, or culture medium or other solutions.
<i>Parenteral Contact</i>	Piercing mucous membranes or the skin through needles, human bites, cuts, or abrasions.
<i>Personal Protective Equipment (PPE)</i>	Specialized clothing or equipment worn or used by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be PPE.
<i>Regulated Waste</i>	Waste that is liquid or semi-liquid blood or OPIM, contaminated items that contain liquid or semi-liquid blood or are caked with dried blood or OPIM and are capable of releasing these materials when handled or compressed, contaminated sharps, pathological and microbiological wastes containing blood or OPIM, and medical waste.
<i>Sharp</i>	Any object used or encountered that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills and burs.
<i>Sharps Injury</i>	Any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needle sticks.
<i>Universal Precautions</i>	An approach to infection control where all human blood and certain body fluids are treated as if known to be

Bloodborne Pathogens Control Program

Work Practice Controls

infectious for HIV, HBV, HCV, and other bloodborne pathogens.

Controls that reduce the likelihood of exposure by defining the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique and use of patient-handling techniques).

Responsibility

Health and Safety Coordinator (HSC)

- Provides information and guidance to managers, supervisors and staff regarding eliminating or minimizing employees' occupational exposure to blood, bloodborne pathogens, and OPIM, and assists in overseeing required training.
- Develops or reviews and approves the content for the required Bloodborne Pathogen Awareness training.
- Maintains [SO-153](#) Sharps Injury Log records for evaluation and recordkeeping.

Managers and Supervisors

- Ensure that all elements of this policy are implemented and develop an Exposure Control Plan (ECP) and an Exposure Determination that is relevant to the work performed in their program at each worksite.
- Assure employees practice safe work habits during the course of their work and that the worksite is maintained in a clean and sanitary condition.
- Identify employees who have occupational exposure and who must complete the annual Bloodborne Pathogen Awareness training.
- Implement, update and maintain engineering controls and work practice controls to eliminate or minimize employee exposure.
- Ensure that all procedures involving blood or OPIM are performed in such a manner as to minimize splashing, spraying, spattering, and generation of

Bloodborne Pathogens Control Program

Employees

- droplets of these substances.
- Complete the Bloodborne Pathogen Awareness training annually.
- In the event of an employee's exposure, provide medical assistance and report the incident by following the Guide to Accident and Crime Reporting.
- Follow the established procedures to ensure their safety and to eliminate or minimize their occupational exposure to blood, bloodborne pathogens, and OPIM.
- Complete the Bloodborne Pathogen Awareness training prior to starting a job with occupational exposure and annually thereafter.
- Report any incidents of exposure to their supervisors or managers as soon as possible (and in no case later than the end of the work shift during which they occurred.)

Exposure Control Plan (ECP)

Each affected program is responsible for developing its own ECP that adheres to this policy. Programs may include the ECP in their Injury and Illness Prevention Program (IIPP) or maintain their ECP as a stand-alone document. The ECP shall be reviewed and/or updated annually and whenever necessary and be routed through the Health and Safety Office (HSO) for approval before implementation. The Program's ECP shall include at minimum:

- Program's Exposure Determination (see next section).
- Schedule and method of implementation for the methods of compliance to this policy, encouragement of the Hepatitis B Vaccination and records of vaccination, post-exposure evaluation and follow-up, communication of hazards to employees, and recordkeeping.
- The program's procedures for the evaluation of the circumstances surrounding exposure incidents.
- Procedures for gathering the information required on the SO-153 Sharps Injury Log.

Bloodborne Pathogens Control Program

- Procedures for periodic determination of the frequency of use of the types and brands of sharps involved in the exposure incidents documented on the SO-153 Sharps Injury Log.
- Procedures for identifying currently available engineering controls, and selecting such controls, where appropriate, for the procedures performed by employees in their respective work areas.
- Procedures for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas.

Each affected program shall ensure that a copy of the ECP is accessible to all employees.

Exposure Determination

Each affected program is responsible for developing an exposure determination. The exposure determination shall be made without regard to the use of PPE and shall include:

- A list of all job classifications in which all employees in those job classifications have occupational exposure.
- A list of job classifications in which some employees have occupational exposure.
- A list of all tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and that are performed by employees.

Exposure Prevention, Reporting, HBV Vaccination and Incident Follow-Up

Universal precautions shall be observed to prevent or minimize contact with blood or OPIM.

Employees should take the following precautions when performing work:

- Avoid direct and indirect skin or mucous membrane contact with blood.
- Avoid punctures from needles, broken glass, and other sharp objects.
- Use barriers such as gloves, eye shields, etc., to prevent contact with blood.

Bloodborne Pathogens Control Program

- Wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or OPIM.
- Change gloves after contact with an injured entity (human or animal) before touching another when there is more than one injured.
- Dispose of sharps in an appropriate and safe manner.
- When handling potentially contaminated broken glassware, use mechanical means, such as a brush and dustpan, tongs, or forceps to clean up.

All exposure incidents are to be reported to a supervisor as soon as possible (and in no case later than the end of the work shift during which they occurred) regardless of whether first aid was rendered.

If employees may be exposed to bloodborne pathogens, then the employee may seek services from their medical provider or the [Medical Provider Network](#) (MPN) to receive the HBV vaccine series.

The program shall perform a post-exposure evaluation and follow-up for bloodborne pathogens exposure to all employees who have had an exposure incident. Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including:

- Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred.
- Identification and documentation of the source.
- Arrangement for collection and testing of the employee's blood for HBV, HCV and HIV.
- Arrangement for counseling and evaluation of reported illnesses.

Prohibited Practices

The following practices are prohibited:

- Shearing or breaking contaminated needles and other contaminated sharps.
- Improperly storing contaminated sharps that require employees to reach by hand into the container where these sharps have been placed.
- Reusing disposal sharps.
- Picking up potentially contaminated broken glassware with bare hands.

Bloodborne Pathogens Control Program

- Eating, drinking, smoking, applying cosmetics, and handling contact lenses in work areas where there is a reasonable likelihood of occupational exposure.
- Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on countertops or benchtops where blood or OPIM is present.

Handling Contaminated Sharps, Sharps Containers, and Regulated Waste Disposal

All procedures involving the use of sharps shall be performed using handling techniques and other methods designed to minimize the risk of a sharps injury.

Immediately or as soon as possible after use, contaminated sharps shall be placed in a sharps container. Containers for contaminated sharps shall be:

- Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found.
- Maintained upright throughout use, where feasible.
- Replaced as necessary to avoid overfilling.

Programs are responsible for contracting for the services of professional sharps and regulated waste disposal services.

When any container of contaminated sharps or regulated waste is moved from the area of use for the purpose of disposal, the container shall be closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping. The container shall be:

- Structurally sound: Rigid, leak proof on the sides and bottom, puncture resistant, and portable if portability is necessary to ensure easy access by the user.
- Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping.
- Labeled and color-coded according to the type of hazard.
- Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

If outside contamination of a container of sharps or regulated waste occurs, it shall be placed in a second container. The second container shall adhere to the same provisions above.

Bloodborne Pathogens Control Program

Labels

Warning labels shall be affixed to containers of regulated waste, refrigerators, and freezers containing blood or OPIM; and other containers used to store, transport or ship blood, sharps, or OPIM.

Labels shall include the universal biohazard symbol and the words, "Biohazard," "Biohazardous Waste," or "Sharps Waste." The labels shall be fluorescent orange or orange-red with lettering and symbols in a contrasting color.

Handling Specimens of Blood and OPIM

Specimens of blood or OPIM shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

- The container for storage, transport, or shipping shall be labeled or color-coded, and closed prior to being stored, transported, or shipped. When a facility utilizes Universal Precautions in the handling of all specimens, the labeling/color-coding of specimens is not necessary provided containers are recognizable as containing specimens. This exemption only applies while such specimens/containers remain within the facility. Labeling or color-coding is required when such specimens or containers leave the facility.
- If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during collection, handling, processing, storage, transport, or shipping and is labeled or color-coded appropriately.
- If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture-resistant in addition to the above characteristics.
- Equipment which may become contaminated with blood or OPIM shall be examined prior to servicing or shipping, labeled and color-coded, and shall be decontaminated as necessary.

Cleaning and Decontamination of the Worksite

Managers and Supervisors shall:

- Ensure that the worksite is maintained in a clean and sanitary condition.
- Determine and implement appropriate written methods and schedules for cleaning and decontamination of the worksite.

Bloodborne Pathogens Control Program

- Ensure the method of cleaning or decontamination used is effective and appropriate for the:
 - Location within the facility.
 - Type of surface or equipment to be treated.
 - Type of soil or contamination present.
 - Tasks or procedures being performed in the area.
- Ensure all equipment and environmental and work surfaces are cleaned and decontaminated after contact with blood or OPIM no later than at the end of the shift.
- Ensure that contaminated work surfaces are cleaned and decontaminated with an appropriate disinfectant immediately or as soon as feasible when:
 - Surfaces become overtly contaminated.
 - There is a spill of blood or OPIM.
 - Procedures are completed.
 - At the end of the work shift if the surface may have become contaminated since the last cleaning.
- Receptacles including but not limited to bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or OPIM shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.
- Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the work shift if they may have become contaminated during the shift.

Sharps Injury Log

If an employee has experienced an exposure incident involving a sharp, the direct supervisor or designee is responsible for completing a [SO-153](#) Sharps Injury Log, within 14 working days of the date on which the exposure incident was reported. The supervisor or designee shall submit the form to the HSO.

The Sharps Injury Log shall be kept on file with the HSO for five years from the date of the exposure incident.

Bloodborne Pathogens Control Program

Hygiene

Programs shall provide handwashing facilities which are readily accessible to employees.

If handwashing is not feasible, programs shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, employees shall wash their hands with soap and running water as soon as feasible.

Employees shall wash their hands immediately or as soon as feasible after removal of gloves or other PPE.

Employees shall wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or OPIM.

Personal Protective Equipment (PPE)

Where occupational exposure remains after institution of Engineering and Work Practice Controls, the program shall provide, at no cost to the employee, appropriate PPE such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. PPE is considered “appropriate” only if it does not permit blood or OPIM to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the PPE will be used.

Training

All employees with occupational exposure are required to complete CDFA's Bloodborne Pathogens Awareness training upon their assignment and annually thereafter.

Managers and supervisors that supervise employees with occupational exposure are required to complete CDFA's Bloodborne Pathogens Awareness training upon their assignment and annually thereafter.

Bloodborne Pathogens Control Program

Distribution

Distribution of the above policy/procedure includes all CDFA employees.

If you have any questions regarding to this policy/procedure, please contact the Health and Safety Office at CDFA.ASD_Safety@cdfa.ca.gov.

Hearing Conservation Program

Rev. June 2024

Policy

It is the policy of the Department of Food and Agriculture (CDFA) that all employees be protected from noise exposure during the course of their work. It is also the policy that a Hearing Conservation Program be established for the prevention of hearing loss and to provide employees with proper protection against the effects of noise exposure whenever employee noise exposures equal or exceed exposure limits.

Authority

California Code of Regulations, Title 8, Sections [5095-5100](#).

Definitions

<i>Action Level</i>	Noise exposure level which requires ear protection and noise monitoring. Based on an eight-hour time-weighted average of 85 decibels (dB) measured on the A-scale, slow response, or equivalently, a dose of 50 percent.
<i>Audiogram</i>	A chart, graph, or table resulting from an audiometric test showing an individual's hearing measurements.
<i>Baseline Audiogram</i>	Initial audiogram against which future audiograms are compared.
<i>Decibel (dB)</i>	Unit of measurement of sound level.
<i>Standard Threshold Shift (STS)</i>	A 10dB (at 2000, 3000, or 4000 Hz) change in either ear from the baseline audiogram.

Responsibility

<i>Health and Safety Coordinator (HSC)</i>	- Provides information and guidance to managers, supervisors and staff to prevent work-related hearing loss. - Establishes the required training for the prevention of hearing loss and provides training to affected employees and supervisors. - Establishes and maintains an audiometric (hearing) testing program by making testing

Hearing Conservation Program

available to all employees whose exposure level is equal to or exceeds that of the action plan.

- Maintains audiometric test records of all exposure measurements.

Managers and Supervisors

- Provide hearing protection to employees for noise levels that are 85dB or higher.
- Coordinate audiometric testing for all affected staff annually.
- Ensure that hearing protectors are worn by all employees who are required to wear personal protective equipment; or who are exposed to noise at or above the action level.
- Complete the CDFA hearing conservation training annually.
- In the event of an employee's occupational injury or illness related to hearing, obtain medical assistance for the employee and report the incident as required in CDFA's [Guide to Accident and Crime Reporting](#).

Employees

- Follow the established procedures to ensure their safety and to prevent hearing loss.
- Report any incidents of hearing loss to their supervisors.
- Affected employees shall complete required audiometric testing annually.
- Complete the CDFA hearing conservation training annually.

Noise Monitoring

Noise exposure must be monitored through either area monitoring or personal monitoring that accurately reflects an employee's actual noise exposure levels.

Noise monitoring indicates that an employee's noise exposure may equal or exceed the action level of 85 dB or higher.

Managers and supervisors shall repeat monitoring whenever a change in production, process, equipment, or control increases noise exposures to the extent that:

Hearing Conservation Program

- Additional employees may be exposed at or above the action level; or
- The attenuation provided by hearing protectors being used by employees may be rendered inadequate.

Employees shall be notified of exposure at or above the action level of the results of noise monitoring. Employees have the opportunity to observe any measurements of noise exposure, upon request.

Audiometric Testing

Programs are responsible for providing audiometric testing for their affected employees annually. Audiometric tests shall be performed by a licensed or certified audiologist, otolaryngologist, or other physician, or by a technician who is certified by the Council of Accreditation in Occupational Hearing Conservation, or who has satisfactorily demonstrated competence in administering audiometric examinations; obtaining valid audiograms; and properly using, maintaining, and checking calibration and proper functioning of the audiometers being used.

A new audiogram shall be obtained for each employee exposed at or above the action level on an annual basis after obtaining the baseline audiogram.

The employee's annual audiogram shall be compared to their baseline audiogram to determine if the audiogram is valid and if a standard threshold shift has occurred.

Hearing Protection

Hearing protection is required to be worn when employees are exposed to loud noises that may result in hearing loss or damage. Managers and supervisors shall make hearing protectors available to all employees exposed to an 8-hour time-weighted average of 85 dB or higher. Hearing protectors shall be replaced as necessary.

Hearing protection shall be reevaluated whenever employee noise exposures increase to the extent that the hearing protection provided may no longer provide adequate attenuation. Programs shall provide more effective hearing protectors where necessary.

Hearing Conservation Program

Training

Employees who are exposed to noise at or above an eight-hour time-weighted average of 85dB are required to complete the CDFA hearing conservation training annually.

Access to Records

All records shall be provided upon request to employees, former employees, representatives designated by the individual employee, and any authorized representative of Cal/OSHA.

Distribution

Distribution of the above policy includes all CDFA employees.

For questions regarding this policy, please email the Health and Safety Office at CDFA.ASD_Safety@cdfa.ca.gov.

Reporting Work-Connected Serious Injuries

Rev. June 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that serious occupational accidents, injuries, or illnesses must be reported immediately to the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA).

Authority

California Code of Regulations, Title 8, [Sections 330\(h\)](#) and [342](#)

Definitions

<i>Immediately</i>	As soon as practically possible but not longer than 8 hours after the manager or supervisor knows or with diligent inquiry would have known of the death or serious on-the-job injury or illness. If the Program can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.
<i>Serious Injury or Illness</i>	Any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement. This definition would also include strokes, heart attacks, or aneurisms that occur while at work, but may not necessarily be related to on-the-job activities.

Responsibility

<i>Health and Safety Coordinator (HSC)</i>	- Distributes and maintains a written policy which informs CDFA employees of immediate Cal/OSHA accident/injury reporting requirements. - Coordinates with CDFA managers and supervisors to notify Cal/OSHA of accidents/injuries.
<i>Managers and Supervisors</i>	Report accidents and injuries immediately to the nearest Cal/OSHA office by telephone.

Reporting Work-Connected Serious Injuries

- Notify CDFA's Disability Management Unit (DMU) and the HSC of accidents and injuries immediately after contacting Cal/OSHA.
- Complete the SCIF form [e3067](#) for all workplace injuries and send the form to DMU at cdfa.dmu@cdfa.ca.gov.
- Give the injured employee the SCIF form [e3301](#) to fill out and return to the supervisor.
- Once the supervisor completes the bottom portion of the e3301, then it shall be forwarded to the DMU mailbox at cdfa.dmu@cdfa.ca.gov

Disability Management Unit (DMU)

- Completes and maintains the Cal/OSHA Form 300 Log of Work-Related Injuries and Illnesses.
- Receives, processes and maintains the [e3067](#) and [e3301](#) forms.

Affected Employees

- Adhere to all Health and Safety policies, regulations and requirements.
- Report any accidents, injuries and illnesses that occur during work hours to their supervisor immediately.

When to Report

Managers and supervisors are required to report serious occupational accidents, injuries, or illness to the nearest Cal/OSHA office when:

- A state, county, or local fire or police agency is called to an accident or incident involving an employee.
- An employee is hospitalized for longer than 24 hours for anything other than medical observation.
- An employee loses any member of their body.
- An employee suffers permanent disfigurement.
- An incident results in the death of an employee.

Reporting an Incident

For guidance on reporting, refer to the [Guide to Accident and Crime Reporting](#). The manager, supervisor, or designee reporting the incident shall access Cal/OSHA's office locator page at <https://www.dir.ca.gov/dosh/report-accident-or-injury.html> enter the ZIP code or city name where the

Reporting Work-Connected Serious Injuries

occurred under the “All other industries” tab, and search. The Cal/OSHA District Office listing that appears will be the office that the incident should be reported to.

When reporting to Cal/OSHA, it must be by telephone, by the manager, supervisor, or designee where the incident occurred, and should include all the following information:

- Time and date of the incident.
- Department name (CDFA), address where incident occurred, and CDFA’s contact information (cdfa.dmu@cdfa.ca.gov).
- Name and job title of the person making the report.
- Address of the site of the incident.
- Name of person to contact at the site of the incident if different from the person reporting.
- Name and address of the injured employee(s).
- Nature of the injury.
- Location where the injured employee(s) was (were) moved to.
- List other law enforcement agencies present at the site of the incident.
- A description of the accident and whether the accident scene or instruments involved have been altered.

After Cal/OSHA is notified, the supervisor shall complete the [SCIF e3067](#), and the injured employee shall complete the [SCIF e3301](#). DMU shall complete the [Cal/OSHA Form 300](#).

The manager or supervisor shall notify DMU via email at cdfa.dmu@cdfa.ca.gov that a Cal/OSHA notification was required for an occupational injury, accident or illness. Include:

- Employee(s) name.
- Incident date.
- Incident location.
- Type of injury.

Distribution

Distribution of the above policy includes all CDFA employees.

For questions regarding this policy, please email the Health and Safety Office at CDFA.ASD_Safety@cdfa.ca.gov.

Ergonomic Program

Rev. June 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) to introduce and promote a work environment which is compatible with the physical and behavioral capabilities of the employee. CDFA shall maintain an effective Ergonomic Program by selecting furniture and equipment and arranging workstations that will reduce health risks and personal injury in the workplace.

Authority

California Code of Regulations, Title 8, [Section 5110](#)

Definitions

<i>Cumulative Trauma Disorder (CTD)</i>	Any physical disorder that develops from or is aggravated by cumulative stress to tissues and joints caused by repetitive motion.
<i>Engineering Controls</i>	Includes devices such as adjustable workstations, tables, chairs, equipment, keyboards, and tools; or physical modifications to workstations, equipment, tools, or production processes.
<i>Ergonomics</i>	The study of physical and behavioral interaction between humans and their environment, and the science of fitting workplace conditions and job demands to the capabilities of the employees.
<i>Personal Protective Equipment (PPE)</i>	Items worn on or attached to the body for protection i.e., clothes, padding, gloves, devices, or equipment.

Ergonomic Program

Responsibility

Health and Safety Coordinator (HSC)

- Manages the Ergonomic Program, disseminates information and provides direction to managers, supervisors and staff regarding ergonomics.
- Schedules, evaluates and provides evaluation results to both employees and supervisors.

Managers and Supervisors

- Identify work activities that are prone to risk factors.
- Allow employees the opportunity to attend ergonomic training.
- Encourage early reporting of symptoms, such as wrist or shoulder pain, and prompt evaluation by an appropriate health care provider.
- Initiate the ergonomic workstation evaluation process upon request by an employee, or on behalf of an employee, by providing the completed Ergonomic Evaluation Request Form ([SO-152](#)) to the HSC.

Employees

- Follow applicable workplace safety and health rules and follow work practice procedures related to their jobs.
- Notify their supervisors of any pain and/or discomfort associated with their work, equipment, tools, new products or new operation.
- Initiate the workstation ergonomic self-evaluation process by completing the [SO-261](#) Ergonomic Evaluation Form and submit to their supervisor.

Ergonomic Program

Workstation Evaluations

Each employee has unique physical characteristics: height, weight, reach, strength, sight and hearing. Employees bring individual work methods and styles, such as lifting techniques, and sometimes unique ways of performing a task. Ergonomic workstation evaluations take into consideration all the physical characteristics of an employee and attempt to match the employee to their work activities using ergonomic principles. Prior to any evaluation, an employee is required to inform the HSC if a medical condition exists.

Workstation Evaluation Objectives

The objective of an ergonomic workstation evaluation is to identify health risks in the workplace. Supervisors should identify work activities that are prone to CTD risk. The following are some CTD Risk Factors:

- Repetitive use of the same tool or similar tools.
- Repetitive keystroking, which consists of manually striking or pressing a data-entry device such as a keypad or button.
- Repetitive processing of items (i.e., assembly, cutting, trimming, packing, loading, or mail handling).
- Repetitive use of a mechanical or electronic device, such as chainsaw, hand drill, or power tool.
- The interval between repetitive motions and exertions, or between periods of repetitive activity, which is needed to prevent fatigue of the body parts performing the activity.
- The presence of vibration while performing repetitive activities.
- Exposure of fingers and toes to cold temperatures while performing repetitive activities.
- Awkward posture, which puts stress on tendons, muscles and joints.
- Static posture measured by one position held for a prolonged period of time.

Where repetitive activity is present, the high-risk activities listed above can occur together. It is essential to identify each separately to ascertain which are the most hazardous and how each can be reduced. Supervisors should initiate an inquiry whenever an employee discusses or reports that they are experiencing discomfort associated with their work, workstation, equipment, a new product or new operation.

Ergonomic Program

Control Interventions

Engineering controls are aimed at eliminating the source of the ergonomic problem through engineering and design. Engineering controls involve incorporating items such as tables, chairs, workstations, keyboards, and tools to optimize the employee's workplace and overall ergonomic comfort. Minor adjustments may include lowering or raising worktables, reorganizing the work process and reducing hand forces which may reduce CTD risk in the workplace.

Distribution

Distribution of the above policy includes all CDFA employees.

For questions regarding this policy, please email the Health and Safety Office (HSO) at CDFA.ASD_Safety@cdfa.ca.gov.

Wildfire Smoke Prevention Program

August 2024

Policy

It is the policy of the California Department of Food and Agriculture (CDFA) that all outdoor employees shall be protected from exposure to wildfire smoke when the current Air Quality Index (AQI) for PM2.5 is 151 or greater. It is also CDFA's policy that a Wildfire Smoke Prevention Plan (WSPP) must be available at each worksite; and that all employees required to work outdoors and their supervisors, receive training to identify the risk factors to control the employee's exposure to the environment.

Authority

California Code of Regulations, Title 8, Section [5141.1](#)
California Labor Code Sections [142.3](#) and [144.6](#)

Definitions

<i>Current Air Quality Index (Current AQI)</i>	The method used by the U.S. Environmental Protection Agency (U.S. EPA) to report air quality in real time. The NowCast AQI is a real-time estimate of air quality that uses hourly air quality monitor readings to calculate the AQI for ozone and particle pollution.
<i>NIOSH</i>	The National Institute for Occupational Safety and Health of the U.S. Centers for Disease Control and Prevention. NIOSH tests and approves respirators for use in the workplace.
<i>Particulate Matter 2.5 (PM2.5)</i>	Solid particles and liquid droplets suspended in air, known as particulate matter, with an aerodynamic diameter of 2.5 micrometers or smaller.
<i>Wildfire Smoke</i>	Emissions from fires in "wildlands" which are sparsely populated geographical areas covered primarily by grass, brush, trees, crops, or combination thereof, or in adjacent developed areas.

Wildfire Smoke Prevention Program

Responsibility

Health and Safety Coordinator (HSC)

- Provides information and guidance to all affected employees and supervisors on wildfire smoke prevention.

Managers and Supervisors

- Ensure that all elements of this policy are implemented and develop a WSPP that is relevant to the work performed by their programs at each worksite.
- Assess the AQI by using the [AirNow](#) whenever their employees may encounter wildfire smoke.
- Review the AQI for PM2.5 levels before each shift and regularly throughout the day, particularly when the AQI surpasses 151.
- Regularly update employees on the current PM2.5 AQI and the protective measures available to them.
- Complete the WSPP Awareness training prior to supervising outdoor staff and annually thereafter.
- Implement protective measures for outdoor workers exposed to wildfire smoke.
- Ensure that N95 respirators are readily available and enforce their use when the PM2.5 AQI exceeds 500.
- Respond promptly if an employee reports symptoms related to poor air quality, such as by providing clean air breaks or relocating them from areas with unfavorable AQI conditions.

Employees

- Complete the WSPP Awareness training prior to beginning their outdoor assignment and annually thereafter.
- Understand and follow the requirements of this policy.
- Talk to their doctor if they have health issues that affect their ability to wear a respirator. If health issues exist, notify their supervisor.
- Wear a respirator when AQI PM2.5 is greater than 500.

Wildfire Smoke Prevention Program

- Request a N95 mask for voluntary use when AQI PM2.5 is 151 or greater.
- Notify their supervisor if air quality is getting worse.
- Inform their supervisor if suffering from symptoms of poor air quality such as asthma attacks, chest pain, nausea, or trouble breathing.

Determining Exposure

Air quality is evaluated through the US EPA's AQI, with higher values indicating increased levels of pollution and greater health risks. The current AQI is classified into six categories, as detailed in Table 1 below. Among various pollutants, small particulates referred to as PM2.5 represent the most significant health threat, as they can penetrate deep into the lungs when inhaled. Consequently, PM2.5 should be the primary pollutant to monitor when engaging in outdoor activities during wildfire events.

Air Quality Index (AQI) - Categories for PM2.5	
Index Value	Description of Air Quality
0 to 50	Good
51 to 100	Moderate
101 to 150	Unhealthy for Sensitive Groups
151 to 200	Unhealthy
201 to 300	Very Unhealthy
301 to 500	Hazardous

Table 1 – AQI Categories, Title 40 of Federal Regulations, Part 58, Appendix G

The manager/supervisor will determine the potential employee exposure to PM2.5 before each shift and periodically after that to protect employee health by any of the following methods:

Check AQI forecasts and current AQI for PM2.5 by consulting the following online resources: [US EPA AirNow](#) website, [US Forest Service Wildland Air Quality Response Program](#) website, [California Air Resources Board](#) website, local air pollution control district website, or local air quality management district website.

Wildfire Smoke Prevention Program

Communication of Wildfire Smoke

The manager/supervisor will ensure that information about wildfire smoke hazards is conveyed in a manner that is easily understandable for all employees. This information will include the current AQI for PM2.5 and the protective measures available to minimize exposure to wildfire smoke.

Employees are urged to notify their manager/supervisor if they notice a decline in air quality or experiencing any negative symptoms of wildfire smoke exposure, including asthma attacks, chest pain, nausea, or breathing difficulties.

Exposure Control

The program will use the following controls to reduce employee exposure to PM2.5:

- Enclosed buildings, structures, or vehicles where the air is mechanically filtered—air forced by a fan through a filtering material that traps particles and removes them from the air—will be provided when feasible.
- The goal is to reduce exposure to an AQI of less than 151 or as much as possible.
- Relocating work activities to a location where the current AQI for PM2.5 is lower, such as buildings or vehicles with filtered air
- Changing work schedules
- Lowering work intensity to reduce breathing and heart rate
- Providing rest areas with filtered air
- Allowing extended or additional rest periods.
- Respiratory protection will be provided as follows:
 - Voluntary use for AQI of 151-500. NIOSH-approved N95 respirators (filtering face pieces) will be provided by program and affected employees will be encouraged to use them whenever the current AQI for PM2.5 is equal to or greater than 151. N95 filtering facepiece respirators will be stored, maintained, and replaced so they do not create a health hazard to the wearer.

Wildfire Smoke Prevention Program

- Required use for AQI greater than 500. Respirator use is required when the current AQI for PM2.5 is greater than 500. Required respirator use must follow the requirements of the California Code of Regulations, Title 8, Section [5144](#), which includes training, medical evaluation, and fit testing of respirator users. The protection provided by the respirator during these conditions must reduce the AQI PM2.5 to below 151 inside the respirator.

Note - When the AQI is above 500, respirators with a higher assigned protection factor (APF) than an N95 respirator, such as a full-face respirator or a powered-air-purifying respirator (PAPR), may be necessary.

Training

Employees who work outdoors are required to complete CDFA's WSPP Awareness training prior to beginning their outdoor assignment and annually thereafter.

Managers and supervisors that supervise outdoor staff shall complete CDFA's WSPP awareness training prior to supervising any outdoor staff and annually thereafter.

Wildfire Awareness Prevention Plan Training will be provided on the CDFA Online University for all outdoor employees and supervisors with potential exposure to wildfire smoke.

Additional information on the use of N95 respirators for protection from wildfire smoke can be found on the Cal/OSHA page [N95 Mask Commonly Asked Questions](#).

Distribution

Distribution of the above policy includes all outdoor CDFA employees.

If you have any questions regarding this policy, please email the Health and Safety Office at CDFA.ASD_Safety@cdfa.ca.gov.



37th DISTRICT AGRICULTURAL ASSOCIATION

GOLF CART, UTILITY VEHICLE, AND ATV/UTV POLICY

Board Adoption Statement. The Board of Directors of the 37th District Agricultural Association hereby adopts the following Golf Cart, Utility Vehicle, and ATV/UTV Policy, effective immediately upon approval, to govern the use of such vehicles on Santa Maria Fairpark property unless and until amended or rescinded by the Board.

1. Purpose

The purpose of this policy is to establish rules for the safe and limited operation of golf carts, utility vehicles, and certain ATV/UTV-type vehicles on the property of the 37th District Agricultural Association / Santa Maria Fairpark. This policy is intended to protect employees, volunteers, contractors, exhibitors, vendors, guests, and the public, and to reduce the risk of injury, property damage, and unsafe operations.

2. Scope

This policy applies to all golf carts, utility vehicles, side-by-sides, UTVs, ATVs, and similar small motorized vehicles operated on Fairpark property, whether owned, leased, rented, borrowed, or personally owned.

3. General Policy

1. Golf carts and utility vehicles may be operated on Fairpark property only for authorized Fairpark business, approved event operations, authorized accessibility assistance, or other purposes specifically approved by Fairpark management.
2. ATVs, four-wheelers, dirt bikes, and similar recreational off-road vehicles are prohibited on Fairpark property unless specifically authorized in writing by Fairpark management for maintenance, security, agricultural or livestock operations, emergency response, or a sanctioned event activity.
3. The Fairpark reserves the right to limit, restrict, suspend, or prohibit the use of any such vehicle at any time based on safety, crowd conditions, operational needs, or policy violations.

4. Operator Authorization

1. No person may operate a golf cart, utility vehicle, ATV, or UTV on Fairpark property unless authorized by Fairpark management.
2. Operators must be at least eighteen (18) years of age.
3. Operators must possess a valid driver's license.
4. Each authorized operator must read this policy and sign the acknowledgment form prior to operating any covered vehicle.



5. Fairpark management may require safety instruction or training before granting authorization to operate a vehicle.
6. Authorization to operate a vehicle may be suspended or revoked at any time for unsafe conduct, misuse, or violation of this policy.

5. Vehicle Approval, Registration, and Permit

1. Any non-Fairpark-owned golf cart, utility vehicle, ATV, or UTV must be approved in advance by Fairpark management before being brought onto Fairpark property.
2. Fairpark may require registration information, ownership information, proof of insurance, and identification of authorized operators before issuing approval.
3. Any required Fairpark-issued permit, placard, credential, or identification shall be displayed on the vehicle at all times while on Fairpark property.
4. Fairpark may limit the number of approved vehicles and designate where and when such vehicles may operate.

6. Insurance

1. No personally owned, vendor-owned, contractor-owned, rented, or borrowed vehicle may be operated on Fairpark property without proof of current liability insurance acceptable to the Fairpark.
2. Fairpark may require that the 37th District Agricultural Association / Santa Maria Fairpark be named as an additional insured when deemed necessary by management.
3. The owner and operator of any non-Fairpark-owned vehicle shall be responsible for any injury, loss, damage, claim, or liability arising from the operation or presence of that vehicle on Fairpark property.

7. Operating Rules

1. Pedestrians shall have the right-of-way at all times.
2. All vehicles shall be operated with courtesy, care, and full attention to safety.
3. In pedestrian areas, vehicles shall be operated at no more than a slow walking pace.
4. No vehicle covered by this policy shall be operated at a speed greater than ten (10) miles per hour anywhere on Fairpark property unless specifically authorized by Fairpark management in a controlled work area.
5. Operators shall reduce speed and exercise extreme caution when approaching intersections, blind corners, gates, barns, buildings, restrooms, exhibit areas, loading areas, or other congested locations.
6. Reckless operation, horseplay, racing, stunt driving, or operation for personal convenience or recreation is prohibited.
7. The use of cell phones or other handheld devices while driving is prohibited, except in an emergency when the vehicle is safely stopped.



8. Operators shall use only approved routes and operating areas when such routes or areas are designated by Fairpark management.
9. Vehicles shall not be operated inside buildings, barns, exhibit halls, on carnival or midway areas during public hours, or in any area closed to vehicle traffic, unless specifically authorized by Fairpark management.
10. Vehicles shall not be driven on landscaped areas, grass, planters, or other non-traffic areas except where necessary for specifically authorized work.
11. Public rides are prohibited except for authorized accessibility assistance, emergency transport, or other operational purposes approved by Fairpark management.

8. Occupants and Load Limits

1. The number of occupants shall not exceed the manufacturer's designed seating capacity for the vehicle.
2. All occupants must remain seated while the vehicle is in motion.
3. Riding in cargo beds, flatbeds, tilt beds, on tailgates, on rear steps, or on any area not designed for seating is prohibited.
4. Hands, arms, legs, and feet must remain within the vehicle while it is in motion.
5. Loads must be secured and must not obstruct the driver's vision or interfere with the safe operation of the vehicle.

9. Night and Low-Visibility Operation

1. Any vehicle operated during darkness or other low-visibility conditions must have functioning headlights and tail lights.
2. Fairpark management may restrict or prohibit night operation of vehicles at any time for safety or operational reasons.

10. Parking and Vehicle Security

1. When a vehicle is unattended, it shall be turned off, placed in neutral or park as applicable, the parking brake shall be engaged, and the key shall be removed.
2. Vehicles shall be stored overnight only in locations designated by Fairpark management.
3. Vehicles shall not be parked:
 - a. in fire lanes;
 - b. in accessible parking spaces or access aisles;
 - c. in reserved spaces without authorization;
 - d. in roadways, drive aisles, loading areas, doorways, gates, or emergency access areas; or
 - e. in any location or manner that impedes pedestrian traffic, emergency access, or normal operations.



4. Operators are responsible for the security of assigned vehicles and keys during the time such vehicles are under their control.

11. Vehicle Condition and Maintenance

1. All vehicles operated on Fairpark property must be in safe operating condition.
2. Vehicles with unsafe brakes, steering, tires, lights, or other essential safety equipment shall not be operated.
3. Fairpark management may remove any unsafe vehicle from service immediately.
4. Any mechanical issue, damage, or unsafe condition shall be reported promptly to the appropriate supervisor and to Fairpark management.

12. Accidents, Damage, and Incident Reporting

1. Any accident, collision, personal injury, property damage, or near-miss involving a covered vehicle shall be reported immediately to the operator's supervisor and to Fairpark management.
2. An incident report shall be completed as soon as practicable following the event.
3. A vehicle involved in an accident or unsafe incident may be removed from service pending review.

13. Enforcement

1. Violation of this policy may result in immediate suspension or revocation of vehicle operating privileges.
2. Fairpark management may require the immediate removal of any non-compliant vehicle from Fairpark property.
3. Violations by employees may result in disciplinary action consistent with applicable policy or procedure.
4. Violations by contractors, vendors, exhibitors, concessionaires, licensees, or other third parties may result in loss of access, loss of credentials, removal from the grounds, towing at the owner's expense, or other action deemed appropriate by Fairpark management.

14. Policy Administration

The Chief Executive Officer, or designee, shall have authority to implement and administer this policy, including approval procedures, training requirements, vehicle permits, operating restrictions, and enforcement measures.

15. Effective Date

This policy shall become effective upon approval by the Board of Directors of the 37th District Agricultural Association and shall remain in effect unless amended or rescinded by the Board.

Operator Acknowledgment

I acknowledge that I have received, read, and understand the 37th District Agricultural Association / Santa Maria Fairpark Golf Cart, Utility Vehicle, and ATV/UTV Policy. I agree to comply with all policy



requirements and understand that violation of this policy may result in loss of operating privileges, removal of the vehicle from Fairpark property, disciplinary action, or other corrective measures.

Operator Name:	
Organization / Department:	
Driver's License Verified:	Yes / No
Operator Signature:	
Approved By:	
Title / Date:	



37TH DISTRICT AGRICULTURAL ASSOCIATION

Board Policy and Administrative Procedure Draft

Naming of Buildings, Facilities, Grounds, Programs, and Spaces

Policy Type	Board-ready draft tailored for the 37th DAA / Santa Maria Fairpark
Prepared As	Combined policy structure with administrative procedure for implementation

Purpose. This draft creates a structure appropriate for the 37th District Agricultural Association, a public fair entity operating the Santa Maria Fairpark. It provides both permanent and term naming options, requires Board approval, and reserves full Board discretion for naming, renaming, and revocation decisions.

BOARD POLICY – NAMING OF BUILDINGS, FACILITIES, GROUNDS, PROGRAMS, AND SPACES

1. Purpose

The 37th District Agricultural Association (“37th DAA” or “Fairpark”) may recognize exceptional philanthropy, capital support, historic service, or extraordinary contributions to the public mission of the Fairpark through the naming of eligible Fairpark assets, programs, and spaces.

Any naming approved under this policy shall be consistent with the 37th DAA’s public purpose, the interests of the State of California, and the dignity, reputation, and operational needs of the Santa Maria Fairpark.

2. Authority

The Board of Directors of the 37th District Agricultural Association retains sole authority to approve, deny, modify, rename, or revoke any naming under this policy.

All naming recommendations shall be presented to the Board by the Chief Executive Officer (“CEO”) or the CEO’s designee following administrative review under the corresponding administrative procedure.

No naming shall become effective unless approved by formal Board action.

3. Scope

This policy applies to the naming of buildings, facilities, grounds, programs, public spaces, definable portions of facilities, and other Fairpark assets under the control of the 37th DAA.

This policy does not create any right to naming recognition, and satisfaction of a donation level, contribution category, or other criterion does not obligate the Board to approve a proposed name.

4. Eligible Naming Opportunities

Eligible naming opportunities may include, without limitation: buildings; arenas; barns; exhibit halls; pavilions; stages; conference rooms; meeting rooms; plazas; courtyards; gates; gardens; roads; entry features; livestock facilities; grandstand areas; and annual programs, exhibitions, or community spaces.

The 37th DAA may decline to name staff positions, operational functions, or any asset category the Board determines is not appropriate for Fairpark use, public understanding, or long-term administration.

5. Standards for Approval

In considering any proposed naming, the Board may evaluate: (a) the significance of the proposed contribution; (b) the visibility, public prominence, and importance of the asset or space; (c) the cost, condition, improvement value, or replacement value of the asset; (d) the long-term benefit to the 37th DAA;

(e) whether maintenance, endowment, or ongoing support is included; (f) the historical, civic, agricultural, or community relevance of the proposed honoree; and (g) whether the proposal advances or supports the Fairpark's public mission.

Approval shall also require a finding that the proposed name is appropriate for a public entity, does not imply ownership or control by a private party, does not create public confusion, and does not constitute or appear to constitute an endorsement beyond the approved recognition itself.

6. Exclusions and Limitations

The 37th DAA will generally not approve naming recognition that: (a) conflicts with an existing contract, sponsorship, lease, license, operating agreement, or other legal commitment; (b) is proposed for a sitting Board member, current employee, or active contractor absent extraordinary circumstances and express Board findings; (c) is associated with a person, business, or organization that presents reputational, ethical, political, legal, or operational concerns; or (d) interferes with public wayfinding, emergency response, event operations, or required official signage.

The Board may impose conditions, duration limits, design controls, or other terms as part of any approval.

7. Submission and Administrative Review

Each naming request shall be submitted to the CEO or designee and shall include, at a minimum: the proposed name; the asset, program, or area to be named; a written rationale; relevant background information regarding the proposed honoree or donor; the nature and amount of the proposed gift or contribution; whether recognition is intended to be permanent or term-limited; the estimated cost of signage, fabrication, installation, maintenance, and future removal; identification of the party responsible for those costs; and confirmation of legal, operational, and contractual review.

Administrative review shall include consideration of conflicts of interest, reputational risk, compatibility with existing sponsorship or naming arrangements, potential gift-of-public-funds concerns, state-entity considerations, and any other matter the CEO or Board determines relevant.

8. Board Approval

Following administrative review, the CEO or designee may present a recommendation to the Board. The Board may approve, deny, modify, defer, or return any proposal for further review in its sole discretion.

Board approval may include specific conditions regarding duration, signage, wording, placement, maintenance obligations, payment schedules, and any other terms deemed necessary.

9. Written Agreements

Any donor-based naming or other naming involving conditions, financial commitments, campaign commitments, or time-limited recognition shall be documented in a written agreement approved as to form and implementation by the 37th DAA.

The agreement shall identify the named asset or space, the approved name, the contribution or basis for recognition, the recognition term if applicable, required payments or milestones, responsibility for signage and related costs, maintenance expectations, conditions for revocation, and acknowledgment that no property right is created by the naming.

10. Duration of Naming

The 37th DAA may approve either permanent naming or term naming.

Permanent naming may be used where the Board determines the contribution, history, or public significance warrants enduring recognition.

Term naming may be used for sponsorship-linked recognition, campaign recognition, capital project support, or other circumstances where time-limited recognition is more appropriate. Every approved naming shall specify its duration in writing.



11. Signage and Recognition Standards

All plaques, signs, lettering, acknowledgments, and recognition displays shall be subject to 37th DAA design, safety, placement, operational, and branding standards.

The 37th DAA shall retain final authority over wording, size, materials, design, location, installation method, and compatibility with event branding, sponsor inventory, wayfinding systems, and official operational signage.

12. Renaming, De-Naming, and Revocation

The Board may rename, remove, or revoke any naming when it determines such action is in the best interest of the 37th DAA. Circumstances that may support such action include, without limitation: failure to fulfill a pledge or other written obligations; demolition, substantial renovation, repurposing, or relocation of a named asset; expiration of a term naming; criminal, fraudulent, unethical, or discrediting conduct by the honoree or associated organization; reputational harm to the 37th DAA; conflict with law, policy, public mission, or superior public interest; or a name change by the recognized person or organization.

Naming recognition does not create a vested or compensable property right. The Board retains sole discretion to determine whether substitute recognition, if any, is appropriate.

13. Existing Named Assets

Existing named buildings, spaces, facilities, and recognitions shall remain in effect unless modified by Board action.

This policy applies prospectively unless the Board expressly determines otherwise.

14. Reservation of Board Discretion

The Board may waive, modify, or supplement administrative requirements where doing so serves the public interest and remains consistent with applicable law.

Nothing in this policy limits the Board's discretion over State property under the control of the 37th DAA.

ADMINISTRATIVE PROCEDURE – IMPLEMENTATION OF NAMING REQUESTS

A. Submission Requirements

A naming request should be submitted in writing to the CEO or designee and include all materials required by Section 7 of the Board Policy.

Incomplete submissions may be returned for additional information before further review.

B. Review Checklist

The CEO or designee should verify, as applicable: legal review; consistency with existing agreements; operational feasibility; sponsor and branding conflicts; budget and maintenance implications; funding status; signage costs; and any required background review of the proposed honoree or donor.

C. Option A Contribution Analysis

Rather than relying on fixed dollar thresholds, staff should evaluate the significance of a proposed naming by considering the total contribution, public prominence of the asset, capital cost or improvement value, long-term Fairpark benefit, and whether ongoing maintenance or endowment support is provided.

D. Agreement Preparation

For any approved donor-based or term naming, staff shall prepare a written agreement for execution by the appropriate parties. No signage should be fabricated or installed until all required approvals are complete.



E. Signage Coordination

All recognition materials shall be coordinated with Fairpark management to ensure consistency with design standards, safety requirements, event operations, and future maintenance needs.

F. Recordkeeping

The 37th DAA should maintain a central record of approved namings, including approval date, duration, agreement status, installed signage, payment status if applicable, and any scheduled review or expiration date.

G. Review of Existing Namings

Existing namings may be periodically reviewed for condition, continued appropriateness, expiration status, and consistency with current operations and branding.

Quick Reference Summary

Topic	Policy Direction	37th DAA Approach
Governance	Board approval required	Board of Directors with CEO/designee recommendation
Naming basis	Case-by-case review	No fixed thresholds; significance and public value analysis
Duration	Permanent or term	Both expressly allowed and documented in writing
Protection of Fairpark	Operational and ethics review	Conflicts, reputation, contracts, safety, and branding reviewed
Revocation	Board retains control	No property right created; Board may rename or revoke



37th DISTRICT AGRICULTURAL ASSOCIATION

Naming Request Application

Santa Maria Fairpark

Use this form to request naming consideration for a building, facility, ground, space, program, or definable Fairpark asset. Complete as much information as is reasonably available. Submission of this application does not guarantee approval, and additional information may be requested during review.

1. Requestor Information

Applicant /
Organization

Contact Person

Mailing Address

City / State / ZIP

Phone

Email

2. Proposed Naming Request

Proposed Name

Asset, Facility, Space, Program, or Area to be Named

Requested Category: ☐ Building ☐ Arena / Barn ☐ Exhibit Hall / Pavilion ☐ Room / Plaza / Gate ☐ Program / Event ☐ Other

Requested Recognition Term: ☐ Permanent ☐ Term-Limited ☐ Unsure / Request Board Determination

If term-limited, proposed duration

Brief summary of request (1-3 sentences)



3. Basis for the Request

Primary basis: ☐ Philanthropic gift ☐ Capital support ☐ Historic service ☐ Community / agricultural impact ☐ Memorial / honorary recognition ☐ Other

Describe the contribution, history, service, or circumstances supporting this request

Explain why the proposed name is appropriate for the specific asset, space, or program requested

4. Contribution and Support Information

Type of contribution

Estimated /
committed value

Pledge or payment
schedule, if any

Expected
completion date

Ongoing support included? ☐ No ☐ Yes - maintenance support ☐ Yes - endowment support ☐ Yes - other ongoing support

Additional contribution details, conditions, or milestones

5. Operational and Public Interest Considerations

Identify any known signage, branding, sponsorship, lease, or operating agreement considerations

Describe any public mission, civic, agricultural, or community benefit advanced by this request

List any known concerns the 37th DAA should evaluate, including reputational, legal, or operational issues

6. Supporting Documentation Checklist

☐	Background information on proposed honoree, donor, or organization
☐	Description of gift, service, contribution, or community significance
☐	Supporting documents, pledge materials, or correspondence, if applicable
☐	Sketch, map, or clear identification of the requested asset, space, or program
☐	Estimated signage / fabrication / installation / removal cost information, if known
☐	Any additional information the Board should consider

7. Applicant Certification

I certify that the information submitted with this application is true and complete to the best of my knowledge. I understand that the 37th DAA may request additional information, may approve or deny the request in its sole discretion, and that submission of this application does not create any right to naming recognition.



Signature

Date

Printed Name

Title



8. Internal Review and Routing (Fairpark Use Only)

Date Received	
Received By	
Completeness Review	
Legal / Contract Review	
Operational Review	
Branding / Signage Review	
CEO Recommendation	
Board Action / Date	

Use this application in conjunction with the 37th DAA Naming of Buildings, Facilities, Grounds, Programs, and Spaces Policy and Administrative Procedure.