

A G E N D A
EXECUTIVE COMMITTEE
Administration Conference Room
Tuesday, September 9, 2014 – 1:00 p.m.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Chair's Announcements
5. Approval of Minutes of the Regular Meeting of August 12, 2014
6. Correspondence – attached (pg.1)
7. **REPORTS**
 - a. Safety/Emergency Coordinator (Eloy Gomez)
 - b. Foundation President (Ronde Winkler)
 - c. Mutual Administration Director (Carol Weller)
 - d. Human Resources Director (Ruth Smith)
 - e. Executive Director (Randy Ankeny)
8. Foundation Member Comments
9. **UNFINISHED BUSINESS**
 - a. Approve 2015 Budget for Cost Centers 20, Human Resources; 30, Administration; and 33, Mutual Administration
 - b. Election Services Contract Update
 - c. Recommendation from Architectural and Design Sub-Committee – Globe (pg. 3)
 - d. Amend Policy 4250, Provision of Uniforms (pg. 4)
 - e. Rescind Policy 4740, Severance Pay (pg. 7)
 - f. Amend Policy 5020, Organization Of The Board; Adopt Policy 5160, Architectural and Design Review Committee; Adopt Policy 5165, Mutual Administration Committee; Amend Policy 5135, Recreation Committee; and Rescind Policy 5151, Library Committee (pg. 9)
 - g. Amend Policy 5511, Legal Services (pg.19)

Agenda is Subject to Change

A G E N D A
EXECUTIVE COMMITTEE
Administration Conference Room
Tuesday, September 9, 2014 – 1:00 p.m.

10. **NEW BUSINESS**

- a. Approve Purchase of Staff Cell Phones (pg. 20)
- b. Adopt Policy 4245, Portable Electronic Equipment (pg. 22)
- c. Amend Policy 2002, Administrative Organization (pg. 26)
- d. Amend Policy 4001, Application of Personnel Policy (pg. 29)
- e. Adopt Policy 4272, Vehicle Code (pg. 31)
- f. Amend Policy 4292, Dress Standards (pg. 33)
- g. SRO Recovery Rate – Discussion Only

11. Committee Member Comments

12. Executive Session

- a. Personnel Update
- b. Approve Executive Session Minutes

13. Adjournment

14. Next Meeting: October 14, 2014 at 1:00 p.m. in the Admin. Conf. Room

Marisa McAuley

From: Randy L. Ankeny
Sent: Tuesday, August 19, 2014 3:45 PM
To: Courtney Knapp
Cc: Marisa McAuley
Subject: RE: Leisure World Seal Beach

Have Marisa , place this notice on the EC agenda

Randy L. Ankeny

Executive Director

for the Golden Rain Foundation

P.O. Box 2069

Seal Beach, CA 90740

Tel: (562) 431-6586, ext. 312

Fax: (562) 598-2009

Email: randya@lwsb.com

CONFIDENTIALITY NOTICE: If you have received this e-mail in error, please immediately notify the sender by e-mail at the address shown. This e-mail transmission may contain confidential information. This information is only for the use of the individual or entity to which it is intended even if addressed incorrectly. Please delete it from your files if you are not the intended recipient. Thank you for your compliance. The Golden Rain Foundation is not responsible for any virus that may be with an e-mail attachment. It is the responsibility of the recipient to utilize anti-virus scanning prior to opening any attached documents.

From: Courtney Knapp
Sent: Tuesday, August 19, 2014 11:44 AM
To: Randy L. Ankeny
Subject: FW: Leisure World Seal Beach

Randy,

Any thoughts on the Best of Seal Beach Awards for Real Estate Agents? It looks like Leisure World has been tapped again...

Please advise.

Courtney Knapp

Assistant to the President

Golden Rain Foundation

Tel: (562) 472-1303

Fax: (562) 598-2009

Email: courtneyk@lwsb.com

CONFIDENTIALITY NOTICE: If you have received this e-mail in error, please immediately notify the sender by e-mail at the address shown. This e-mail transmission may contain confidential information. This information is only for the use of the individual or entity to which it is intended even if addressed incorrectly. Please delete it from your files if you are not the intended recipient. Thank you for your compliance. The Golden Rain Foundation is not responsible for any virus that may be with an e-mail attachment. It is the responsibility of the recipient to utilize anti-virus scanning prior to opening any attached documents.

From: Barry Holland
Sent: Thursday, August 14, 2014 5:24 AM
To: Courtney Knapp
Subject: FW: Leisure World Seal Beach

Forwarded from the website.

From: Seal Beach Business Recognition [info@deparame.org]
Sent: Thursday, August 14, 2014 1:01 AM
To: GRF
Subject: Leisure World Seal Beach

Leisure World Seal Beach has been selected for the 2014 Best of Seal Beach Awards for Real Estate Agents.

For details and more information please view our website:
[2014 Best of Seal Beach Awards - Real Estate Agents](#)

If you are unable to view the link above, please copy and paste the following into your web browser:
[http://sealbeach.deparame.org/slnqks6 LEISURE-WORLD-SEAL-BEACH](http://sealbeach.deparame.org/slnqks6_LEISURE-WORLD-SEAL-BEACH)

Best Regards,

Seal Beach Business Recognition

This email was sent to: grf@lwsb.com.

[Remove](#) - to be safely and instantly removed.

[Report Abuse](#) - to safely report abuse and to stop all future email communications.

If you would like to stop receiving advertisements please write to: Business Recognition, PO Box 96503, Washington, DC 20090.

This email has been scanned by the Symantec Email Security.cloud service.

MEMO

TO: EXECUTIVE COMMITTEE
FROM: RANDY ANKENY
SUBJECT: RECOMEDATION FROM THE ARCHITECTUAL DESIGN REVIEW
SUB COMMITTEE
DATE: JULY 24, 2014
CC: FILE

At the first meeting of the Architectural Design Review Committee on July 24, 2014, general review and discussion was held re proposed improvements to the main entrance landscape. Discussion focused on the required steps to move this project forward noting that a key concern exists with the globe sculptor.

The globe now 50 plus years old shows the wear, aging and deterioration associated in a coastal region. It was of the consensus of the subcommittee that costs are required to:

Option A

- Remove all continents
- Sandblast the globe down to bare metal
- Perform required repairs (and if needed) to structure
- Fixed the globe in place (remove and secure rotation mechanism)
- Prime and paint (color to be provided)

Option B

- All items noted above including new continents to accurately depict a globe.

Option C

- Remove the globe

Cost estimates would allow factual information to be presented to the community in the final determination of the globe sculpture.

The Executive Committee is respectfully requested to send the appropriate request to the Physical Properties Committee for the drafting of the applicable Requests for Proposals and providing the Executive Committee and its Architectural Design Review Committee with the vital information required to make an informed recommendation to the Board.

MEMO

TO: GRF EXECUTIVE COMMITTEE
FROM: RUTH SMITH, HUMAN RESOURCES MANAGER
SUBJECT: AMEND POLICY 4250, PROVISION OF UNIFORMS
DATE: SEPTEMBER 2, 2014
CC: RANDY ANKENY, EXECUTIVE DIRECTOR

Policy 4250, Provision of Uniforms, sets forth the parameters for uniforms for Golden Rain Foundation personnel.

The policy was reviewed based on the reduction of certain uniform items for employees in specific departments beginning in 2015. Management recommends the following changes effective January 1, 2015 to Policy 4250, Provision of Uniforms, to clarify the acceptable standards:

- Change the wording under what is covered by the uniform laundry service from shirts, trousers, and shorts to the GRF provided uniform.
- Add a statement that if a department does not provide trousers or shorts, a specific color of trousers or shorts may still be required.
- Add a statement that a skirt or skort may be worn in lieu of shorts as long as the skirt or skort does not create a safety hazard.
- Add that it is the expectation of the Foundation that employees will arrive to work in clean and neat clothing.

Action by the Executive Committee to recommend the Board approve the amendment of Policy 4250, Provision of Uniforms, is requested.

PERSONNEL**CONDITION OF EMPLOYMENT****AMEND 9.3.14****Provision of Uniforms**

1. Foundation employees who serve as inspectors or maintenance, purchasing, security, or transportation personnel may be required to wear a uniform as a condition of employment. Uniforms are to be worn during the work shift and while traveling to and from the work site only.
2. Laundry service is provided for the GRF provided uniform at no cost to the employee. These items will be replaced by the Foundation when they are no longer in good condition.
3. Uniform items will be provided by the Foundation based on the specific needs of each department. Uniform items may include the following:
 - a. Long- or short-sleeved shirts.
 - b. Trousers or shorts specifically for service and repair departments.
 - c. Jacket.
 - d. Cap displaying a Golden Rain Foundation logo.
 - e. Badge for inspectors and security personnel.
 - f. Patch for transportation, maintenance, purchasing and security personnel.
4. In some departments, trousers or shorts will not be provided as part of the uniform; however, a particular color for the trousers or shorts will be required to establish a consistent, professional look. If a specific department does not provide for trousers or shorts as part of the uniform, the employee is allowed to wear any type of trousers or shorts with the color range specified for that department with the following exceptions:
 - a. Demin Jeans
 - b. Ripped clothing or clothing in need of repair
 - c. Clothing with slogans
 - d. Shorts with hems more than 2 inches above the knee
5. In departments where shorts are allowed as part of a uniform, a skirt and skort may be (Jul 95)

PERSONNEL**CONDITION OF EMPLOYMENT****AMEND 9.3.14****Provision of Uniforms**

worn as long as the skirt or skort does not create a safety hazard. The hem of the skirt or skort may not be more than 2 inches above the knee and the color of the skirt or skort must conform to the established color for the department.

6. It is the expectation of the Foundation, that employees will arrive to work in clean and neat clothing even if the clothing is not provided and maintained by the Foundation.

Policy

Adopted: 30 Aug 67
 Amended: Per Adopted 1970 GRB Budget
 Amended: 16 Oct 73 (Effective 01-01-74)
 Amended: 21 Oct 80
 Amended: 21 July 81
 Amended: 13 Aug 91
 Amended: 13 Oct 92
 Amended: 07 Jul 95
 Amended: 15 Apr 03
 Amended: 01 Jan 15
 Amended:

GOLDEN RAIN FOUNDATION
Seal Beach, California

(Jul 95)

Page 2 of 2

MEMO

TO: GRF EXECUTIVE COMMITTEE
FROM: RUTH SMITH, HUMAN RESOURCES MANAGER
SUBJECT: RESCIND POLICY 4740, SEVERANCE PAY
DATE: SEPTEMBER 2, 2014
CC: RANDY ANKENY, EXECUTIVE DIRECTOR

Policy 4740, Severance Pay, sets forth the parameters for severance pay if a position is eliminated or an employee is unable to perform the assigned job duties due to a substantial change in job content.

Management recommends rescinding Policy 4740, Severance Pay. When it comes to terminations due to the elimination of a position or an employee unable to perform job duties, severance pay should not be determined solely by years of service. Severance pay should be handled on a case by case basis with input from our Employment Attorney and the Executive Committee based on the circumstances of the termination, length of service, and Foundation liability.

Action by the Executive Committee to recommend the Board approve the rescinding of Policy 4740, Severance Pay, is requested.

PERSONNEL

TERMINATION OF EMPLOYMENT

Severance Pay

Effective August 1, 1990, regular full-time employees with at least six months of service are eligible for severance pay if they are involuntarily terminated because of:

1. Elimination of the job, or
2. Employee's inability to perform the assigned job due to substantial change in job content.

Severance pay will be based on the following schedule:

<u>Years of Service</u>	<u>Severance Pay</u>
Under six months	-0-
Six months to one year	One week
One to three years	Two weeks
Four to six years	Three weeks
Seven to nine years	Four weeks
Ten or more years	Five weeks

Severance Pay will be computed based on the employee's average weekly pay during the employee's last 12 months of employment (last six months if employed less than one year).

Employees other than regular full-time employees with six months or more of service are not eligible for severance pay.

Policy

Adopted: 11 Sept 90
 Amended: 08 Aug 95

**GOLDEN RAIN FOUNDATION
 Seal Beach, California**

(Aug 95)

GOLDEN RAIN OPERATIONS

DRAFT 8.26.14

ORGANIZATION OF THE BOARD

A. Members of the Board

The Board has eighteen members, The membership includes ~~consists of~~ consisting of two representatives each from ~~Mutuals No. One and No. Two~~ Mutual One and Mutual Two, and one representative from each of the other Mutuals.

B. Officers of the Board

President
 Vice President
 Corporate Secretary
 Treasurer
 Deputy Secretary

C. Executive Committee of the Board

The Executive Committee shall consist of the elected officers of the Golden Rain Board and the chairpersons of the Recreation, and Physical Property, and Mutual Administration committees.

D. Standing Committees

1. Finance Committee
2. Information Technology Services Committee
3. Communications Committee
4. Physical Property Committee
5. Recreation Committee (Library)
6. Security, Bus & Traffic Committee
7. Library Committee
7. Architectural and Design Committee
8. Mutual Administration Committee

E. Other Committees as Approved by the Board

(The suggested changes will take effect at the start of the 2015/2016 term.)

Policy

Adopted: 18 Jan 72

(Aug 2013)

GOLDEN RAIN FOUNDATION
Seal Beach, California

GOLDEN RAIN OPERATIONS

DRAFT 8.26.14

ORGANIZATION OF THE BOARD

Amended: 17 Feb 76
Amended: 16 Aug 83
Amended: 18 Feb 97
Amended: 15 Sep 09
Amended: 19 Apr 11
Changed: 27 Aug 13 (to update Committee title)
Amended:

(Aug 2013)

GOLDEN RAIN OPERATIONS**COMMITTEE FUNCTIONS****DRAFT TO ADOPT****Architectural and Design Review Committee**

Pursuant to state statute (**Corp. Code §7210**; **Corp. Code §7212(c)**.) and Article VIII of the Bylaws of the Golden Rain Foundation (GRF) the Board hereby appoints the **Architectural Design Review Committee** and grants to the Committee authority specifically stated within the Golden Rain Foundation of Seal Beach, California (Foundation) governing documents or other authority as specifically granted by the Board or as stated within this policy.

1. Purpose

The general purpose of an architectural and design review committee is to create and ensure compliance with aesthetic standards herein established by the Foundation. The architectural design and review committee is primarily focused on internal and external physical appearance of all Trust property.

2. Advisory Role

This Committee functions in an advisory or consultative capacity, unless specifically approved by a majority vote of the Board.

3. Committee Members

In accordance with article VII of the GRF Bylaws, committee chair and members shall be appointed by the President and approved by action of the Board in accordance with Policy 5020-30.

4. Duties and Responsibilities

The duties and responsibilities of the **Architectural and Design and Review Committee** shall include, but are not limited to:

- 4.1 Those duties, responsibilities and procedures as generally defined in;
 - 4.1.1 Trust Agreement
 - 4.1.2 Applicable State Statute

(month date)

GOLDEN RAIN OPERATIONS

COMMITTEE FUNCTIONS

DRAFT TO ADOPT

Architectural and Design Review Committee

- 4.1.3 Those duties and responsibilities specifically stated in the governing documents or otherwise granted or requested by the Board.
- 4.2 The Committee shall develop and submit for Board approval:
 - 4.2.1 An Architectural and Design Operating Procedures Manual and operate as stated within.
- 4.3 The Committee shall review and update the Operating Procedures not less than once per year with any changes submitted for Board approval.
 - 4.3.1 Develop and maintain Architectural, Design and Landscape guidelines and policies*.
- 4.4 Guidelines and policies shall focus on maintaining the value and appearance of all Trust property.

** **Membership 30-Day Review.** Architectural and Landscape guidelines and policies are developed and approved by the board of directors. Adopting or amending architectural guidelines and policies is considered an operating rule change that requires 30-days notice to the shareholders/membership before it can be adopted (Civ. Code §4360(a).)*
- 4.5 For all Trust property develop and maintain design and/or property appearance criteria including but not limited to:
 - 4.5.1 External appearance of Trust properties;
 - 4.5.2 Color, design, finishes, materials
- 4.6 Internal appearance of all Trust properties;
 - 4.6.1 Interior design, color, finishes and materials
 - 4.6.2 Furniture selections (requires Recreation Committee input as to need and function)

(month date)

GOLDEN RAIN OPERATIONS**COMMITTEE FUNCTIONS****DRAFT TO ADOPT****Architectural and Design Review Committee**

- 4.6.3 Landscape (hard and softscape) and appearance and related materials appearance of all Trust properties (requires review by the Physical Properties Committee);
- 4.6.4 Approved plant list
- 4.6.5 Landscape design
- 4.6.6 Floral selection (perennials and annuals)
- 4.6.7 Water feature design
- 4.6.8 Landscape appurtenances
- 4.7 Signage
 - 4.7.1 Color, design, materials and general layout of all signage.
 - 4.7.2 Does not include traffic signage and/or street surface markings
- 4.8 Image
 - 4.8.1 Develop and maintain the corporate image of the foundation.
 - 4.8.2 Develop and maintain design standards guidelines

Committee does not have the authority to enter into written contracts or oral agreements with any third parties on behalf of the Foundation or the Board of Directors. Authority to authorize contracts and/or expenses rests solely with the Board of Directors.

5. Code Compliance

Ensuring compliance with state and local building codes is not a duty of the Architectural and Design Review committee. Board and committee members are volunteers with no expertise in building codes and no jurisdiction over their enforcement. Code compliance is the duty of the governmental agencies (Federal, state, county and city), whichever one is applicable.

Policy

Adopted: date month year

GOLDEN RAIN FOUNDATION
Seal Beach, California

(month date)

GOLDEN RAIN OPERATIONS**COMMITTEE FUNCTIONS****DRAFT TO ADOPT****Mutual Administration Committee**

Pursuant to state statute and Article VIII of the Bylaws the Board hereby appoints the Mutual Administration Committee and grants to the Committee authority specifically stated within the Foundation governing documents or other authority as specifically granted by the Board or as stated within this policy.

Purpose

The general purpose of a Mutual Administration Committee is the review and recommendation of policies and general guidelines governing compliance with management agreements of the sixteen Mutuals comprising Leisure World Seal Beach in the operations of the Mutual Administration and Stock Transfer departments.

Advisory Role

Committees function in an advisory or consultative capacity, unless specifically approved by a majority vote of the Board.

Committee Members

In accordance with article VII of the Bylaws, the committee chair and members shall be appointed by the president and approved by action of the Board in accordance with Policy 5020.

Duties and Responsibilities

The duties and responsibilities of the Mutual Administration Committee shall include, but are not limited to:

- Those duties, responsibilities and procedures as generally defined in:
 - Trust Agreement
 - Management Agreements
 - Applicable State Statue
- Those duties and responsibilities specifically stated in the governing documents or otherwise granted or requested by the Board.

(month year)

GOLDEN RAIN OPERATIONS

COMMITTEE FUNCTIONS

DRAFT TO ADOPT

Mutual Administration Committee

The Committee shall develop and submit for Board approval:

- Recommendations for policies and operational procedures covering the operational procedures of the:
 - Mutual Administration Department
 - Stock Transfer Department.
- The Committee shall review and update the *policies and guidelines annually with any changes submitted for Board approval.

** **Membership 30-Day Review.** Architectural and Landscape guidelines and policies are developed and approved by the board of directors. Adopting or amending architectural guidelines and policies is considered an operating rule change that requires 30-days notice to the shareholders/membership before it can be adopted (Civ. Code §4360(a).)*
- Review and recommendation of any fees associated with the departments as noted above including but not limited to:
 - Transfer Fee
 - Members Certificate and Processing Fee
 - Initiation Fee
 - Pass Fees
 - Copy Fee
- Compliance with civil code 5600 (“...Boards may not impose assessments or fees that exceed the amount necessary to defray the costs for which it was levied...”)

The Committee does not have the authority to enter into written contracts or oral agreements with any third parties on behalf of the Foundation or the Board of Directors. Authority to authorize contracts and/or expenses rests solely with the Board of Directors.

Policy

Adopted: date month year

GOLDEN RAIN FOUNDATION

Seal Beach, California

(month year)

GOLDEN RAIN OPERATIONS

COMMITTEE FUNCTIONS

DRAFT TO AMEND

Recreation Committee1. FUNCTIONS

Through study and research, to become cognizant of the activities, problems and responsibilities relating to the many facets of Recreation, including, but not limited to:

- a. Individual and/or group recreation opportunities.
- b. Buildings and grounds and related facilities and equipment of Clubhouses, Amphitheater, Golf Course, Shuffleboard and Bowling Courts, Swimming Pool, Library, etc.
- c. Recreational finance.

2. DUTIES

- a. To originate, research and develop recreational plans, ideas and programs.
- b. To receive and analyze pertinent requests from residents, Mutual or Golden Rain Board members and administrative staff.
- c. To meet and confer with the Community Facilities Manager and/or other department heads as recommended or requested by the Golden Rain Board or Administration.
- d. To make prior referrals to the Physical Property Committee for cost and feasibility studies of those projects involving capital construction, additions to or modifications of existing structure or facilities, and/or maintenance thereof, before submitting recommendations to the Golden Rain Board for discussion, review and action.
- e. To keep the Board regularly informed of existing or prospective needs or procedures affecting recreation.

(Mar 96)

GOLDEN RAIN OPERATIONS

COMMITTEE FUNCTIONS

DRAFT TO AMEND

Recreation Committee

- f. Other duties as requested by the Golden Rain Board or Administration.

3. LIMITATIONS

Recreation Committee functions are basically advisory or consultative in nature. Regulatory or supervisory activities affecting employed personnel are functions of Management and not to be encroached upon by any Committee Chairman or member, individually or collectively.

Policy

Adopted: 11 Jul 69
Revised: 15 Dec 76
Revised: 19 Nov 85
Revised: 19 Mar 96
Amended:

**GOLDEN RAIN FOUNDATION
Seal Beach, California**

(Mar 96)

GOLDEN RAIN OPERATIONS**COMMITTEE FUNCTIONS****RESCIND****Library Committee****1. FUNCTIONS**

Through study and research to become cognizant of the activities, problems and responsibilities relating to the operation of the Leisure World Library.

2. DUTIES

It is the obligation of the Library Committee to meet with the Library Operations Supervisor at least monthly unless cancelled by the chairperson for lack of business. To furnish reports to the Golden Rain Board for discussion, review and action concerning the Committee's findings and recommendations.

3. LIMITATIONS

It is to be recognized that the function of the Committee is to act in an advisory and consulting capacity. Committee and Committee members should refrain at all times from any regulatory or supervisory activities as these are the functions of management.

Committee activity may, in certain cases, be extended to some phase of implementation of a plan, if such a request originates with the Administrator.

Policy

Adopted: 15 Aug 95
Amended: 12 Dec 95
Amended: 19 Mar 96
Amended: 19 Nov 96

GOLDEN RAIN FOUNDATION
Seal Beach, California

(Nov 96)

Page 1 of 1

GOLDEN RAIN OPERATIONS**BOARD INTERNAL OPERATIONS****ORIGINAL****Legal Services**

It is the policy of the Board of Directors of the Golden Rain Foundation to retain counsel for assistance and advice where proposed actions may involve legal relationships.

1. Obtaining legal counsel;
 - a. The President of the Foundation will authorize, in advance, contacts for legal services, either by making the contact himself or by authorizing committee chairmen to make the contact.
 - b. The Administrator shall perform the same function for all staff contacts for legal services.
 - c. When, however, the attorney is a member of a committee, the chairman of that committee shall have the right to request legal services from him until the conclusion of the work of that committee.
2. Authorization to institute formal legal proceedings is a function of the Board and will be referred to the Board for authorization prior to legal action being instituted, except where legal action is the outgrowth of normal operating procedures that have been previously authorized.

Policy

Adopted: 18 Jan 72

**GOLDEN RAIN FOUNDATION
Seal Beach, California**

(Jan 72)

MEMO

TO: GRF EXECUTIVE COMMITTEE
FROM: RUTH SMITH, HUMAN RESOURCES MANAGER
SUBJECT: CELLULAR PHONES
DATE: SEPTEMBER 2, 2014
CC: RANDY ANKENY, EXECUTIVE DIRECTOR

To assist the Golden Rain Foundation employees in their work and for the benefit of the Foundation, it is recommended by Corporate Legal Counsel (see attached notice by Rutan and Tucker dated August 2014) that cellular phones be issued to employees in the following positions. All the positions listed below are involved with management, safety, or the off-site business of the Foundation.

- Executive Director
- Facilities Manager
- Recreation Supervisor
- Service Maintenance Supervisor
- Security Chief
- Deputy Security Chief
- Mutual Administration Director
- Safety/Emergency Coordinator
- News Sales Staff

It is further recommended that all costs related to the issuance of the cellular phones be funded by the Foundation based on California Labor Code section 2802. Section 2802 requires employers to indemnify employees for all "necessary expenditures" incurred in carrying out their job duties.

Per the attached notice, if an employer expects an employee to be available by mobile device, the employer must either provide the employee with the device and pay all of its costs or reimburse the employee for a reasonable percentage of the employee's cost of using their own personal devices.

The approximate monthly cost of the cellular phone plan for 10 employees is \$600.00.

Action by the Executive Committee to approve the funding of cellular phones is requested.

NOTE: If approved, funding is available through the implementation of an eFax solution.

Employment and Labor Law Update

August 2014

RUTAN
RUTAN & TUCKER, LLP

CELL PHONES -- EMPLOYERS BEWARE!

In a precedent-setting decision issued on August 12, 2014, the California Court of Appeal created yet one more minefield for employers attempting to navigate California's wage and hour laws.

California Labor Code section 2802 requires employers to indemnify employees for all "necessary expenditures" incurred in carrying out their job duties. The question raised in *Cochran v. Schwan's Home Service, Inc.* was whether an employer *must always* reimburse an employee for the reasonable expense of a cell phone or is the reimbursement obligation limited to situations where the employee incurred an *extra* expense that would not have otherwise been incurred absent the job?

According to the court, "reimbursement is always required" to avoid an employer from receiving "a windfall because it would be passing its operating expenses onto the employee." The court rejected the argument that an employer should not be required to reimburse the employee in situations where the employee is already on an unlimited family plan (i.e., use of the cell phone for work did not result in an increase to what the employee was already paying for personal use). The court concluded that "it is irrelevant whether the employee changed plans to accommodate work-related cell phone usage. . . . [T]he details of the employee's cell phone plan do not factor into the liability analysis."

What this means for employers: If an employer expects an employee to be available by mobile device, the employer must either provide the employee with the device and pay all of its costs or reimburse the employee for a reasonable percentage of the employee's cost of using their own personal devices. The court did not define a "reasonable percentage."

Other mobile device risk areas: Apart from the cost, employers should also be mindful of other risks raised by employee mobile-device use. These include off-the-clock claims by non-exempt employees who review and respond to emails or calls after hours but fail to record their time as hours worked. Before permitting non-exempt employees to use mobile devices, an employer should have a clear and easy-to-follow policy for how to capture "after hours" work to ensure all work time is paid. In addition, employers should also be careful to put procedures in place to protect against the disclosure of confidential trade secret information and to ensure that the employer has the right to monitor all activity on the employee's mobile device.

To best protect against these risks, employers are strongly encouraged to adopt robust mobile-device policies.



Maria Z. Stearns is a Partner in the firm's Employment Law Department where she represents businesses in employment litigation and transactional matters. For more information, please contact Ms. Stearns (mstearns@rutan.com; 714.338.1821) or your regular Rutan & Tucker attorney.

This e-Alert is published periodically by Rutan & Tucker, LLP, and should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only.

611 Anton Boulevard, #1400, Costa Mesa, California 92626
Orange County | Palo Alto | www.rutan.com | 714.641.5100

MEMO

TO: GRF EXECUTIVE COMMITTEE
FROM: RUTH SMITH, HUMAN RESOURCES MANAGER
SUBJECT: NEW POLICY 4245, PORTABLE ELECTRONIC EQUIPMENT
DATE: SEPTEMBER 2, 2014
CC: RANDY ANKENY, EXECUTIVE DIRECTOR

To assist the Golden Rain Foundation employees in their work and for the benefit of the Foundation, portable electronic equipment may be issued to employees. It is recommended by Management that a policy be developed to set forth the Foundations and employees' responsibility and guidelines regarding GRF portable electronic equipment.

Management recommends the following rules and guidelines concerning employee use of Foundation portable electronic equipment.

- Define examples of electronic equipment as laptops, iPads, tablets, cellular phones and other portable platforms and devices;
- Equipment will be issued only with Executive Director authorization based on the necessity of the equipment to carry out an employee's duties;
- Equipment is for Foundation business only;
- Equipment will include standard operating business software and applications, and, if applicable, accessories such as charging cords, adapters, and cases;
- Employees shall be responsible for the protection and exclusive use of the equipment;
- Employees may download or add applications to equipment at their own risk, and shall be personally responsible for the cost of any software or application that necessitates the expenditure of funds or any expenditure not covered under a plan agreement (as in the case of cell phones.)
- Equipment is subject to search or subpoena only through the California or Federal court systems;
- Equipment shall be surrendered to the ITS Department at the end of the employment, when directed by GRF Management, or when equipment is returned for new equipment assignment.

Action by the Executive Committee to recommend the Board approve Policy 4245, Portable Electronic Equipment, is requested.

PERSONNEL

CONDITIONS OF EMPLOYMENT

Portable Electronic Equipment

Employee Use of Foundation Electronic Portable Equipment

To assist the Golden Rain Foundation (GRF) employees in its work, portable electronic equipment may be issued to employees. Such equipment is Foundation property recommended for the express use of Foundation business only.

Examples of portable electronic equipment include laptops, iPads, tablets, cellular phones and other platforms and devices.

Issuance and Authorization

Authorization for employees to receive Foundation equipment is to be initiated and approved by the Executive Director. Authorization is based on an employee's position and the necessity of the portable electronic equipment to carry out his/her duties for the benefit of the Foundation.

Equipment shall be issued with standard operating and business software, and, where applicable, standard accessories such as charging cords, adapters, and cases. Any additional accessories, other than software, which are purchased by an employee, shall remain the employee's property. Employees must sign for the issued equipment; upon receipt, they will receive a copy of this Policy. Equipment shall be identified via barcode and/or serial number where applicable. The original signed issued equipment form shall be placed in the employee's personnel file.

Equipment Protection

Employees are required to use the device for business purposes only. Email and photography is allowed for Foundation business use. Employees receiving Foundation equipment shall be responsible for the protection and exclusive use of the equipment, including hardware and software.

Software Updates and Control

The equipment shall be issued with standard business software/applications (i.e. Adobe Acrobat, Microsoft Office Suite, Apple iWorks and the integrative

associated software). The Information Technology Services (ITS) Department Manager shall have authority and responsibility for use and control of all software applications including upgrades and updates on all electronic assets.

Employees shall be issued passwords for email access and, when applicable, software. Employees may download or add applications (i.e. "apps") to equipment at their own risk. Employees will be personally responsible for the cost of any software or app that necessitates the expenditure of funds or any expenditure not covered under a plan agreement (as in the case of cell phones.)

All electronically stored information contained within Foundation equipment is subject to search or subpoena only through the California or Federal court systems.

Loss or Damage

Loss or damage shall be reported as soon as possible to the ITS Department. In the case of loss or theft, law enforcement may be contacted. Employees should exercise reasonable and prudent care of the equipment in their possession. If damage to equipment is beyond the scope of warranty protection the Foundation purchased, and the cause of damage is a result of negligence, the employee may be subject to discipline up to and including termination.

Return or Replacement

All equipment shall be surrendered to the ITS Department at the end of the employment, when directed by GRF Management, or when equipment is returned for new equipment assignment. Returns for technical issues shall be via the ITS Department for diagnosis and corrective action.

Adopted: XX XXX XX

**Policy GOLDEN RAIN FOUNDATION
Seal Beach**

MEMO

TO: GRF EXECUTIVE COMMITTEE
FROM: RUTH SMITH, HUMAN RESOURCES MANAGER
SUBJECT: AMEND POLICY 2002, ADMINISTRATIVE ORGANIZATION
DATE: SEPTEMBER 2, 2014
CC: RANDY ANKENY, EXECUTIVE DIRECTOR

Policy 2002, Administrative Organization, sets forth the organizations structure for the management team.

The policy was reviewed for accuracy based on current departments and procedures. Management recommends the following changes to Policy 2002, Administrative Organization:

- Change Administrator to Executive Director.
- Delete specific departments and state that the GRF Executive Director and GRF Board of Directors work together with all GRF departments.

Action by the Executive Committee to recommend the Board approve the amendment of Policy 2002, Administrative Organization, is requested.

ADMINISTRATIONAdministrative Organization

The Administrative organization is designed to provide adequate, competent staff to administer the policies of the Foundation.

The organization ~~pattern~~ consists of the offices of the ~~Administrator~~ Executive Director and the Golden Rain Foundation Board of Directors, together with ~~seven operating~~ all Golden Rain Foundation departments. They are:

~~Administrative Services~~
~~Controller's Office~~
~~Physical Property~~
~~Recreation~~
~~Publications~~
~~Library~~
~~Security~~

The ~~Administrative head~~ Director, Manager, and/or Supervisor of each department in accordance with Policy 5023, GRF Department Organizational Charts, is directly responsible to the ~~Administrator~~ Executive Director for the functioning of his/her department as a part of the management team. The management team concept issued ~~to ensure~~ to ensure maximum efficiency and economy by close communication and cooperation between all departments.

Policy

Adopted: 17 Oct 72

Revised: 15 May 73

Revised: 21 Aug 73

Revised: 10 Feb 98 (effective April 1, 1998)

Revised: 10 Jun 98

(Jun 98)

GOLDEN RAIN FOUNDATION
Seal Beach, California

| ADMINISTRATION

Administrative Organization

| Revised: XX XXX XX

(Jun 98)

MEMO

TO: GRF EXECUTIVE COMMITTEE
FROM: RUTH SMITH, HUMAN RESOURCES MANAGER
SUBJECT: AMEND POLICY 4001, APPLICATION OF PERSONNEL POLICY
DATE: SEPTEMBER 2, 2014
CC: RANDY ANKENY, EXECUTIVE DIRECTOR

Policy 4001, Application of Personnel Policy, sets forth the parameters of the personnel policies.

The policy was reviewed for accuracy based on current departments and procedures. Management recommends the following changes to Policy 4001, Application of Personnel Policy:

- Delete specific departments and state that the GRF Personnel Policies apply to all Golden Rain Foundation employees.
- Change the responsibility for maintaining the official personnel files from Administrative Services to Human Resources.
- Add the process the Controller uses to verify Payroll and Human Resources data.
- Update the role of department managers and supervisors based on the new time and labor system.

Action by the Executive Committee to recommend the Board approve the amendment of Policy 4001, Application of Personnel Policy, is requested.

PERSONNEL

Application of Personnel Policy

The Golden Rain Foundation Personnel Policies, as stated in Section 4000, apply to all employees of the Golden Rain Foundation.~~following departments:~~

- ~~1. Administration and Board Office~~
- ~~2. Administrative Services Department~~
- ~~3. Accounting Department~~
- ~~4. Physical Property Department~~
- ~~5. Recreation Department~~
- ~~6. News Office~~
- ~~7. Security Department~~

The ~~Administrative Services~~Human Resources Department of the Golden Rain Foundation is responsible for maintaining the official personnel files on all employees and job descriptions for each position.

The Controller of the Golden Rain Foundation is responsible for verifying the accuracy of the payroll records by verifying Payroll and Human Resources entry audit reports.

~~and a~~Through the time and labor system, all department managers and supervisors are required to verify ~~furnish that office~~ all data necessary to ~~verify the~~ to ensure the accurate payment status of all their employees. This includes all records of sick leave, vacation, other leave, overtime, as well as the regular pay time records of all individual employees.

Policy

Adopted: 15 Apr 69

Amended: 21 Apr 70

Amended: 09 Aug 88

Amended:

**GOLDEN RAIN FOUNDATION
Seal Beach, California**

(Aug 88)

MEMO

TO: GRF EXECUTIVE COMMITTEE
FROM: RUTH SMITH, HUMAN RESOURCES MANAGER
SUBJECT: NEW POLICY 4272, VEHICLE CODE
DATE: SEPTEMBER 2, 2014
CC: RANDY ANKENY, EXECUTIVE DIRECTOR

To ensure, employees have the proper vehicle licensing, registration, and insurance while driving on the Golden Rain Foundation's premises, Policy 4272, Vehicle Code, sets forth the parameters for Golden Rain Foundation personnel.

Management recommends the following rules and guidelines for employees to drive on the Golden Rain Foundation premises:

- Employees must have valid driver's license.
- Employees must display valid entry pass or decal.
- Employees must have valid vehicle registration.
- Employees must have valid vehicle insurance.
- Employees may not park on trust streets or parking areas with expired registration.
- Employees who are required to operate a Foundation vehicle must be in possession of a valid license while on duty and must have a clear driving record.
- Reference Policy 1920, Traffic Rules and Regulations.

Action by the Executive Committee to recommend the Board approve the amendment of Policy 4272, Vehicle Code, is requested.

PERSONNEL

CONDITION OF EMPLOYMENT

Vehicle Code

1. All employees who drive a personal vehicle on the Golden Rain Foundation premises must have a valid driver's license and display a valid Golden Rain Foundation pass or decal in their window or on their dashboard.
2. When an employee is hired, a temporary passes will be issued which will admit the employee to the premises for the first three (3) months of employment (orientation period.)
3. After completion of the three (3) months, the employee will be given an identification decal which the Security Department will affix to the vehicle's windshield.
4. At time of issuance of the pass or decal and at the time of renewal thereafter, proof of vehicle registration and valid vehicle insurance will be required.
5. Employees may not drive and/or park a vehicle on trust streets or parking areas with an expired registration.
6. The vehicle decal will be removed upon cessation of employment by a Security Officer.
7. Employees who are required to operate a Foundation vehicle in the course of their assigned duties are required to have a clear driving record and a valid California driver's license in their possession during work hours.
8. Other vehicle and pedestrian rules and regulations as defined in Community Operations Policy 1920, Traffic Rules and Regulations, will apply if specific to employees.

Policy

Adopted: XX XXX XX

**GOLDEN RAIN FOUNDATION
Seal Beach, California**

MEMO

TO: GRF EXECUTIVE COMMITTEE
FROM: RUTH SMITH, HUMAN RESOURCES MANAGER
SUBJECT: AMEND POLICY 4292, DRESS STANDARDS
DATE: SEPTEMBER 2, 2014
CC: RANDY ANKENY, EXECUTIVE DIRECTOR

Policy 4292, Dress Standards, sets forth the parameters for the personal appearance for all Golden Rain Foundation employees.

The policy was reviewed to ensure that the dress standards met the professional and safety standards required by the Foundation. Management recommends the following changes to Policy 4292, Dress Standards, to clarify the acceptable standards:

- Specify when uniforms can be worn.
- Detail the type of shoes that are acceptable
- Add sections for personal hygiene, fragrances, jewelry, and tattoos.
- Add that blue jeans and clothing with specific slogans are **not** acceptable and that approved shorts/skirts/skorts and hats are acceptable only as part of a uniform.
- Add that employees may be sent home if dressed inappropriately without pay.
- Add in the request process for religious or medical reasonable accommodations.

Action by the Executive Committee to recommend the Board approve the amendment of Policy 4292, Dress Standards, is requested.

PERSONNEL

CONDITIONS OF EMPLOYMENT

ORIGINAL

Dress Standards

The Foundation's professional atmosphere is maintained, in part, by the image that employees present to our shareholders/members, family members and vendors. In the interest of presenting a professional image to residents-shareholders/members and others with whom we deal, employees are expected to observe good grooming and personal hygiene habits. ~~Uniforms and other clothing~~ Clothing should be neat and clean. If a uniform is not required for the employee's position, employee should dress conservatively and appropriately for the nature of the position, and with attention to personal safety.

Uniforms – Foundation employees who serve as inspectors, maintenance, purchasing, security or transportation may be required to wear a uniform as a condition of initial and continued employment. Uniforms are to be worn during the work shift and while traveling to and from the work site only.

Shoes – ~~In that regard, c~~Certain designated departments may require employees to wear well-soled, leather shoes which completely enclose the foot. ~~Thongs, s~~Sandals or canvas rubber-soled shoes should not be worn in these areas. In all other areas, shoes must have a closed back or have a strap to ensure a tight fit around the foot for personal safety. Thongs, slippers, or any other type of loose fitting shoes may not be worn at any time.

Personal Hygiene – Hair (including mustaches and beards) must be clean, neat, and controlled. Make-up must be professional and conservative. Hands and nails should be clean and conservatively manicured.

Fragrances – Recognizing that employees and visitors to our offices may have sensitivity and/or allergic reactions to various fragrant products, personal fragrant products (fragrances, colognes, lotions, powders and other similar products) that are **perceptible to others** should not be worn by employees. Other fragrant products (potpourri and similar products) are also not permitted in the workplace.

Jewelry and Tattoos – Tattoos and body piercings (other than earrings) should not be visible. Employees may wear tasteful jewelry in moderation. The size and/or number of earrings, rings, necklaces, and bracelets may be determined at the department level based on specific job functions and safety factors.

(Jan 98)

PERSONNEL

CONDITIONS OF EMPLOYMENT

ORIGINAL

Dress Standards

Demin jeans are not acceptable for any position unless approved in advance by the Executive Director. Any clothing with slogans of an offensive, political, religious or suggestive nature is NEVER ACCEPTABLE and cannot be worn on the Foundation premises. Shorts and hats may only be worn as part of a uniform or if approved by the Executive Director and/or Department Head for that position.

Employees who are inappropriately dressed will be sent home and directed to return to work in proper attire. Such employees will not be compensated for the time away from work.

If employees have any questions to what attire is appropriate for their department, the matter should be discussed with the immediate supervisor.

Any employee that has a request for a dress standard accommodation due to religious or medical reasons needs to submit their request in writing to the Human Resources Director. Requests will be reviewed on a case by case basis by the Executive Director and the Human Resources Director. The final decision will be based on the safety of the employee in his/her position, the reasonableness of the request, and the overall impact to the Foundation.

Procedure

Approved: 09 Jan 98

Revised: XX XXX XX

Executive Director

Golden Rain Foundation

(Jan 98)