

**A G E N D A**  
**EXECUTIVE COMMITTEE**  
**Administration Conference Room**  
**Monday, September 29, 2014 – 1:30 p.m.**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Chair's Announcements
5. Foundation Member Comments
6. **NEW BUSINESS**
  - a. Approve Purchase of Staff Cell Phones (pg.1 )
  - b. Adopt Policy 4245, Portable Electronic Equipment (pg. 3)
  - c. Amend Policy 2002, Administrative Organization (pg. 7)
  - d. Amend Policy 4001, Application of Personnel Policy (pg. 10)
  - e. Adopt Policy 4272, Vehicle Code (pg. 12)
  - f. Amend Policy 4292, Dress Standards (pg.14)
7. Committee Member Comments
8. Executive Session
  - a. Personnel Update
9. Adjournment
10. Monthly Meeting: Next monthly meeting will be held on October 14, 2014 at 1:00 p.m. in the Administration Conference Room

\*\*Agenda is Subject to Change\*\*

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MEMO

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

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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.

August 2014

# Employment and Labor Law Update

**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.

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MEMO

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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

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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**

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MEMO

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**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

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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 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)

Page 2 of 2

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MEMO

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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

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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 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 ~~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)

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MEMO

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**TO:** GRF EXECUTIVE COMMITTEE  
**FROM:** RUTH SMITH, HUMAN RESOURCES MANAGER  
**SUBJECT:** NEW POLICY 4272-20, VEHICLE CODE  
**DATE:** SEPTEMBER 2, 2014  
**CC:** RANDY ANKENY, EXECUTIVE DIRECTOR

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To ensure, employees have the proper vehicle licensing, registration, and insurance while driving on the Golden Rain Foundation's premises, Policy 4272-20, 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 proof of valid vehicle registration at time of issuance of decal and renewal.
- Employees must have proof of valid vehicle insurance at time of issuance of decal and renewal.
- 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 4272-20, 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 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**

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MEMO

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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

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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.

PERSONNELCONDITIONS OF EMPLOYMENTDRAFT FOR AMENDMENT9.29.14Dress 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, cCertain designated departments may require employees to wear well-soled, leather shoes which completely enclose the foot. Thongs, sSandals 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****DRAFT FOR AMENDMENT****9.29.14****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)