

AMADOR TUOLUMNE COMMUNITY ACTION AGENCY

Amador Tuolumne Community Action Agency SPECIAL INTERNAL AFFAIRS COMMITTEE MEETING

Tuesday, July 22, 2025 | 10:00 A.M.

LOCATIONS

Host, Cheryl Clark: **ATCAA Sonora Service Center**, 427 N. Hwy 49, Ste. 305, Sonora, CA 95370 (209) 533-1397

Host, Joseph Bors, Janessa Stone: **ATCAA Jackson Service Center**, 10590 Hwy 88, Jackson, CA 95642 (209) 223-1485

SPECIAL AGENDA

1. **CALL TO ORDER:**
2. **ROLL CALL:**

ATCAA Internal Affairs Committee Members		
	Frank Axe, ATCAA Vice-Chair, Committee Chair	A-LI
	Mary Pulskamp	A-LI
	Lynn Morgan	A-PRI
	Andy Merrill	T-PUB
	Diane Bennett	T-PRI

ATCAA Staff	
	Joseph Bors, Executive Director
	Janessa Stone, Board Secretary
	Cheryl Clark, Sonora Front Desk Secretary
	Cheri Cunningham, Human Resources Director
	Alicia Watson, Human Resources Coordinator

Others Present:

3. **PUBLIC MATTERS NOT ON THE AGENDA:** Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject; however, any matter that requires action may be referred to Staff and/or Committee for a report and recommendation for possible action at a subsequent Board meeting. Please note there is a five (5) minute limit per topic.
4. **CONSENT CALENDAR:**
 - 4.1. Consideration and Approval of Minutes from *Wednesday, August 07, 2024* and *Tuesday, April 22, 2025 (Org. Std. 2.3) Pg. 2 (ACTION ITEM)*
5. **OLD BUSINESS:**
 - 5.1. Request for Approval of Revised Personnel Policies (**ACTION ITEM**)
 - 5.1.1. 6.17 Reproductive Loss Leave (*Revisited*) Pg. 7
 - 5.1.2. 6.2 Paid Time Off Pg. 8
6. **ADJOURNMENT:**

LATE AGENDA MATERIAL: Late agenda material can be inspected at the ATCAA Jackson Service Center 10590. State Hwy. 88 Jackson, CA and the ATCAA Sonora Service Center 427 N. State Hwy. 49 Sonora, CA.

SPECIAL NEEDS: Persons who need auxiliary aids or services are requested to call our Sonora Service Center at 209-533-1397 or our Jackson Service Center at 209-223-1485 during business hours at least 48 hours before the meeting so appropriate arrangements may be made.

AMADOR TUOLUMNE COMMUNITY ACTION AGENCY

Amador Tuolumne Community Action Agency INTERNAL AFFAIRS COMMITTEE MEETING

Wednesday, August 07, 2024 | 10:30 A.M.

LOCATIONS

Host, Cheryl Clark: **ATCAA Sonora Service Center**, 427 N. Hwy 49, Ste. 305, Sonora, CA 95370 (209) 533-1397

Host, Joseph Bors, Janessa Stone: **ATCAA Jackson Service Center**, 10590 Hwy 88, Jackson, CA 95642 (209) 223-1485

MINUTES

1. **CALL TO ORDER: 10:30 A.M. by Joni Drake, Vice-Chair Committee Chair**

2. **ROLL CALL:**

ATCAA Internal Affairs Committee Members		
P	<i>Joni Drake, Vice-Chair Committee Chair</i>	A-LI
A	Mary Pulskamp	A-LI
A	Lynn Morgan	A-PRI
P	Andy Merrill	T-PUB
P	Diane Bennett	T-PRI

ATCAA Staff	
P	Joseph Bors, Executive Director
A	Talibah Al-Rafiq, Fiscal Officer
A	Bruce Giudici, Outgoing Fiscal Officer
P	Janessa Stone, Board Secretary
A	Cheryl Clark, Sonora Front Desk Secretary
P	Cheri Cunningham, Human Resources Director
P	Alicia Watson, Human Resources Coordinator

Others Present: Sophia Kaufman, Communications Coordinator

3. **PUBLIC MATTERS NOT ON THE AGENDA:** Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject; however, any matter that requires action may be referred to Staff and/or Committee for a report and recommendation for possible action at a subsequent Board meeting. Please note there is a five (5) minute limit per topic.

4. **CONSENT CALENDAR:**

4.1. Approval of minutes from Wednesday, August 09, 2023 meeting Pg. 3 (**ACTION ITEM**)

Merrill states the minutes need correction in the "LGBTQ" acronym and use "Tuolumne", not "Volcano" in the following sentence. Bors mentions the last sentence should be "for" not "over". With those corrections being revised, the action item can be completed. Bennett motioned, Drake seconded, MPU on a Roll Call vote.

5. **NEW BUSINESS:**

5.1. Request for Approval of Revised Personnel Policies (ACTION ITEM)

Bennett asks about work hours and what the maximum number of hours an employee can have. Bors replies with 40 hours maximum, with the exception of overtime in certain cases. Merrill moved, Bennett seconded, MPU on a Roll Call vote.

5.1.1. 3.4.10 Criminal Records and Background Clearance (Along w/Memo) Pg. 5

Bors states the only major change in the written policy is the word “Background” being added. Cunningham adds employees will not be able to start without fingerprinting for both Head Start and Non-Head Start. Merrill questions what disqualifies someone to work at ATCAA, and what are the exceptions. Cunningham declares they make exceptions for certain petty crimes that were years old or a DUI that was a one-time incident, and it is also based on the position they would apply. The policy gives the Executive Director leeway to make hiring decisions based on the crime and the position to be filled.

5.1.2. 4.9 Meal Periods Pg. 11

Watson clarifies that for a 6-hour work period, employees must take a break prior to the end of the 5th work hour. Employees can sign a waiver to skip lunch, and get paid 1 extra hour, otherwise a lunch break is needed. Also, if an employee works more than 10 hours in a day, they must take a 2nd break before the end of the 10th work hour.

5.1.3. 5.1 Health Benefits Pg. 12

Substitute/temporary employees do not get benefits. Bors announces the critical change in policies--extending health benefits for 90 days for employees who are terminally ill and have exhausted their FMLA/CFRA. The board agrees, and Bennett addresses it's our moral responsibility.

5.1.4. 5.3 Travel Reimbursement Pg. 14

Bors explains the travel policy changes: ATCAA will switch to GSA defined Per Diem method and no longer require receipts for reimbursement of meals or lodging. Accounts Payable will cover lodging reservations and will maintain receipts. If the lodging amount exceeds the Per Diem the Executive Director may approve the extra amount using the 300% rule.

5.1.5. 6.7 Jury Duty and Court Appearances Pg. 17

Bennett asks what “Non-Personal Appearance” means. Cunningham indicates it is a court appearance due to anything outside of ATCAA. The board agrees to change the wording to “Non-Work Appearances”.

6. ADJOURNMENT: 11:21 A.M. by Joni Drake, Vice-Chair Committee Chair

LATE AGENDA MATERIAL: Late agenda material can be inspected at the ATCAA Jackson Service Center 10590. State Hwy. 88 Jackson, CA and the ATCAA Sonora Service Center 427 N. State Hwy. 49 Sonora, CA.

SPECIAL NEEDS: Persons who need auxiliary aids or services are requested to call our Sonora Service Center at 209-533-1397 or our Jackson Service Center at 209-223-1485 during business hours at least 48 hours before the meeting so appropriate arrangements may be made.



MINUTES OF THE INTERNAL AFFAIRS COMMITTEE – MEETING
SPECIAL MEETING, APRIL 22, 2025, 10:30 A.M.

ATCAA, Sonora Service Center, 427 N. Hwy 49, Ste. 305, Sonora, CA
95370, +1 (209) 533-1397

ATCAA, Jackson Service Center, 10590 Hwy 88, Jackson, CA 95642, +1
(209) 223-1485

1. **CALL TO ORDER:** The meeting was called to order at **10:36 A.M.**

2. **ROLL CALL:**

PRESENT: Joni Drake, LIR (*Amador*) – Committee Chair; Mary Pulskamp, LIR (*Amador*); Andy Merrill, PUB (*Tuolumne*) – City Council Member; Diane Bennett, PRI (*Tuolumne*); Cheri Cunningham, ATCAA HR Director; Alicia Watson, ATCAA Human Resources Coordinator II; Joseph Bors, ATCAA Executive Director; Cheryl Clark, ATCAA Sonora Service Secretary; Janessa Stone, ATCAA Board Secretary.

ABSENT: Lynn Morgan, PRI (*Amador*).

3. **PUBLIC MATTERS NOT ON THE AGENDA:** Joni Drake, Committee Chair, announced the item.

Joni Drake, Low-Income Representative for the ATCAA board, stated since she resigned as Vice-Chair last year, Frank Axe, ATCAA’s current Vice-Chair and Private Sector Representative, would be her replacement in further Internal Affairs committee meetings.

ATCAA Executive Director, Joe Bors, mentioned of the ATCAA All-Staff meeting on April 25th, 2025, in which board members are allowed to attend.

Mary Pulskamp, Low-Income Representative, talked about a specific client that is being served under ATCAA’s programs. She stated that the client had an injury that could’ve been prevented from the beginning. Pulskamp questioned the protocol and/or what we could’ve done to prevent this incident from elevating.

Bors responded that there is a protocol. Bors stated he will connect with the Program Director to clarify that protocol. Bors offered Pulskamp a one-on-one discussion outside of the Internal Affairs meeting to address it in further detail.

4. **NEW BUSINESS:** Joni Drake, Committee Chair, announced the item.

a. **Request for Approved Personnel Policies:** Joni Drake, Committee Chair, announced the item.

Cheri Cunningham, ATCAA HR Director, explained the reasons behind these policy changes. Cunningham stated that the changes were made under California Law, therefore these actions need to be taken by the committee. Cunningham continues to explain the draft summary of item 4.1.1. on the agenda.

PRI Diane Bennett suggested a few minor grammar changes.

i. **6.4.1 FMLA CFRA:** Joni Drake, Committee Chair, announced the item.

MOTION: Approve Revised 6.4.1 FMLA CFRA Policy.

RESULT: Approved
MOVER: LIR Pulskamp
SECONDER: PUB Merrill
AYES: 4-0
ABSENT: PRI Morgan

ii. **6.17 Reproductive Loss Leave:** Joni Drake, Committee Chair, announced the item.

Cunningham read over the draft summary of item 4.1.2. under the agenda.

Committee Chair, Drake, questioned if the California Law changed the verbiage from “pregnancy loss” to “reproductive loss”.

Cunningham answered, “Yes”.

ATCAA HR Coordinator II, Alicia Watson, elaborated that the term can be fluid, for families going through with surrogacy, adoption, et cetera.

PRI Bennett questioned what the pregnancy leave is under when reported if there was a stillborn.

Cunningham explained it would be under pregnancy disability leave, which allows up to 17 weeks, then further action would be taken if longer.

Bennett elaborated on changing the verbiage under the stillbirth section of the policy.

LIR Pulskamp highlighted the language change with “person” to “employee”.

Merrill questioned if the language from these policies is word-for-word from California Law.

HR stated that it is and allows for minor language changes.

MOTION: Approve Revised 6.17 Reproductive Loss Leave Policy.

RESULT: Rejected

The committee decided to table the second item, the 6.17 Reproductive Loss Leave Policy, until the next Internal Affairs meeting due to verbiage changes.

5. **ADJOURNMENT:** Committee Chair, Drake, adjourned the meeting at ***11:10 A.M.***

APPROVED:

Frank Axe
ATCAA Vice-Chair

ATTEST:

Janessa Stone
ATCAA Board Secretary

AMADOR TUOLUMNE COMMUNITY ACTION AGENCY

PERSONNEL POLICIES

6.17 Reproductive Loss Leave – **DRAFT 7-22-25**

(Board xx/xx/xx, PC – xx/xx/xx, Effective – xx/xx/xx)

ATCAA complies with California's Fair Employment and Housing Act (FEHA) enforced by the Civil Rights Department (CRD), which provides eligible employees up to **five days of leave** from work after a reproductive loss. Leave under this statute is unpaid, unless the employee chooses to use PTO. Reproductive loss leave does not need to be taken on consecutive days but must be completed within 3 months of the date of the event.

Eligibility:

- Any ATCAA employee who has worked for ATCAA for at least 30 days before taking leave are eligible.
- An employee can take leave following their own reproductive loss event or that of another person – such as a spouse or partner – if the employee would have been the parent of the child born or adopted.
- If an employee experiences more than one reproductive loss event within a 12-month period, reproductive loss leave time is limited to a total of 20 days within a 12-month period.

Reproductive loss leave is a separate and distinct right from any other right under the California Fair Employment and Housing Act and the Family Medical Leave Act.

ATCAA will maintain the confidentiality of any employee requesting a reproductive loss leave.

A reproductive loss event is any of the following and applies to an employee or the employee's current spouse or domestic partner, or by another individual if that person would have been a parent or legal guardian of the child:

- Miscarriage
- Stillbirth
- Failed adoption
- Failed surrogacy – for example, if a surrogate breaches or dissolves a surrogacy agreement, or if an embryo transfer fails. This event applies to a person who would have been the parent of a child born because of surrogacy.
- Unsuccessful assisted reproduction – for example, a failed intrauterine insemination embryo transfer, or of an assisted reproductive technology procedure.

It is against the law for an employer to interfere with or deny an employee's right to take leave after a reproductive loss if they meet the above criteria.



AMADOR TUOLUMNE COMMUNITY ACTION AGENCY PERSONNEL POLICIES

6.2 Paid Time Off (PTO) – DRAFT 7-22-25

(Board – 08/12/22, PC – 09/02/2022, Effective – 09/02/2022)

Introductory & Regular Status employees:

Introductory- and Regular-status employees will earn Paid Time Off (PTO) for each compensated hour, including PTO hours taken, except when programs or grantors require compensation for unworked hours (national disasters, emergencies, etc.) employees may be compensated but PTO will not be earned on those non-worked hours.

PTO is earned according to the following schedule:

Length of Service	Annual Accrual of PTO	Accrual Rate
Up to two (2) years	Three (3) weeks (fifteen (15) days)	5.77% per compensated hour
Over two (2) years	Four (4) weeks (twenty (20) days)	7.70% per compensated hour

Earned PTO will accrue up to a maximum of 320 hours. Once the maximum cap is reached, no further PTO will be earned or accrued until the PTO balance falls below the 320 hour cap. ATCAA does not allow for PTO buy-outs once the maximum cap is reached.

When an employee nears the 320 hour cap, the employee must meet with their supervisor to arrange for time off.

Because no PTO is earned after the employee's PTO balance reaches the maximum cap, there is no recapture or credit of PTO after the balance of PTO falls below the maximum cap. ~~PTO payments for any given day/week can never exceed the employee's normal work hours.~~

ATCAA will not pay an employee for unused accrued PTO in lieu of time off except upon separation of employment or when the employee's status changes to one that earns at a lower rate.

Employees on PTO when a holiday occurs will receive holiday pay in lieu of PTO pay.

Limited Term & Substitute Status employees:

Limited Term & Substitute Status employees will earn Paid Time Off (PTO) for each compensated hour, including PTO hours taken, except when programs or grantors require compensation for unworked hours (national disasters, emergencies, etc.) employees may be compensated but PTO will not be earned on those non-worked hours.



AMADOR TUOLUMNE COMMUNITY ACTION AGENCY PERSONNEL POLICIES

PTO is earned according to the following schedule:

For Limited Term & Substitute Employees		
Length of Service	Annual Accrual of PTO	Accrual Rate
n/a	n/a	3.50% per compensated hour

Earned PTO will accrue up to a maximum of 48 hours. Once the maximum cap is reached, no further PTO will be earned or accrued until the PTO balance falls below the 48 hour cap. Because no PTO is earned after the employee's PTO balance reaches the maximum cap, there is no recapture or credit of PTO after the balance of PTO falls below the maximum cap. ATCAA does not allow for PTO buy-outs once the maximum cap is reached.

PTO payments for any given day/week can never exceed the employee's normal work hours.

Additional PTO Policy Guidelines (For all employees):

The amount of PTO that can be taken on any given day is limited to one-fifth of an employee's weekly assigned hours.

PTO must be used in a minimum of fifteen (15) minute increments.

It is the employee's responsibility to notify their Supervisor immediately if PTO is taken for a purpose that may qualify for an authorized medical leave. PTO benefits will be coordinated with state disability benefits as appropriate. (For more information see ATCAA's personnel policy # 6.6 - Medical Leaves of Absence).

Specific policies governing leaves and PTO usage are explained in the applicable sections of this handbook.

It is the Supervisor's responsibility to implement PTO consistently in accordance with this policy.

An employee who takes PTO due to illness is required to inform their Supervisor of their illness as soon as possible. (Please see ATCAA's Attendance & Punctuality Policy # 6.11)

Except in emergency situations, an employee must submit a time off request for PTO to their Supervisor at least fifteen (15) working days prior to the first day of PTO requested. Reaching the maximum accrual cap is not considered an emergency. The employee must confirm scheduled PTO with their Supervisor a minimum of one (1) week prior to the first scheduled day off.

PTO is intended to be a complete separation from work so that employees can fulfill personal interests, spend time with family and friends, and restore balance. Therefore, while taking PTO, telecommuting is prohibited unless authorized in advance by the employee's supervisor. (x-ref: ATCAA policy 4.15 Telecommuting).



AMADOR TUOLUMNE COMMUNITY ACTION AGENCY PERSONNEL POLICIES

Except in emergency situations, PTO will be taken when mutually convenient to the employee and Supervisor. In some cases, an employee's request for PTO may have to be deferred, denied, set or rescinded due to program operational needs, upon the determination of the Program Director. The Supervisor is responsible for advising the employee promptly of the approval or denial of their request. The Program Director may also set up to ten (10) work days per calendar year as mandatory PTO days for staff for planned program needs or closures.

Employees are responsible for requesting only the amount of accrued PTO available to them.

Employees will document all PTO taken on their timesheets. Employees are responsible for taking only the amount of accrued PTO available to them. Employees will not be paid for any PTO in excess of accrued PTO available, ~~nor will an employee be paid for any PTO requested that would result in total weekly compensated hours exceeding the employee's normally assigned weekly hours.~~

If an employee's work day ends earlier than their normal work day due to program needs or lack of work, the employee may use PTO time for those hours not worked, but they are not required to. The employee must document clearly on their timesheet that ~~they were sent home early~~ **there was no work available on that day.**

There will be no advance of PTO.

PTO is available for use only by the employee who earned it and may not be donated to another employee.

Employees are responsible for keeping track of the amount of accrued PTO available to them and for notifying their Supervisor when approaching the maximum accrual cap in order to schedule PTO.

When employment with ATCAA ends, an employee will be paid for any unused accrued PTO/Professional Leave. When the employee's status changes to one that has a different rate of accrual, Payroll will process a PTO buyout on any unused accrued PTO so that the employee can begin to accrue PTO at the new rate.

No additional hours are accrued on the PTO buyout.

PTO will be paid at the employee's current rate of pay at the time the PTO is taken or at the time unused accrued PTO is paid upon separation of employment or when the employee's status changes to one that has a different rate of accrual.

Any pattern of un-expected absences may become a disciplinary matter.

Head Start Employees:

~~Head Start-e~~ **E**mployees are required to use all but one **three (3) weeks** of PTO during scheduled program closures.



AMADOR TUOLUMNE COMMUNITY ACTION AGENCY PERSONNEL POLICIES

Program closures are defined as a program area with recurring grant funding that only operates during certain months of the year based on program funding or due to coordination with the schedules of school districts or other agencies.

From: Christopher Schmidt <CSchmidt@co.tuolumne.ca.us>
Sent: Wednesday, June 11, 2025 1:43 PM
To: Cheri Cunningham <ccunningham@atcaa.org>
Cc: Joe Bors <jbors@atcaa.org>; Alicia Watson <awatson@atcaa.org>
Subject: RE: IA wanted you to review...

External Email

Hi Cheri, to document our conversation, neither our payroll nor HR responded likely due to not encountering this question. Overall our office approves your policies below as drafted. Regarding PTO donation, it is a lawful practice, many agencies including the County allow it, but I understand here are administrative burdens and policy issues ATCAA would need to contend with before adopting such a policy. Regarding the daily PTO daily limit, that is also a common practice and should be permissible, and ATCAA has options for the employee to make up the lost daily hours by working more hours on another day. Neither policy changes ATCAA practices, they only clarify them. And neither appear to negatively affect compensation or other property rights of the employee.

Best regards,
Christopher J. Schmidt
Deputy County Counsel
County of Tuolumne

From: Cheri Cunningham <ccunningham@atcaa.org>
Sent: Tuesday, May 27, 2025 9:55 AM
To: Christopher Schmidt <cschmidt@co.tuolumne.ca.us>
Cc: Joe Bors <jbors@atcaa.org>; Alicia Watson <awatson@atcaa.org>
Subject: IA wanted you to review...

Hi Chris,

I took ATCAA's Paid Time Off (PTO) policy to the Internal Affairs committee last Friday and they wanted me to get your input regarding these to parts of that policy. The entire policy is attached for your full review.

PTO is available for use only by the employee who earned it and may not be donated to another employee.

You have advised ATCAA many times through the years that donating PTO to another employee is not a good idea as it is hard to implement and manage fairly and consistently. Also, from what I am reading, these are the CONS:

Potential for Abuse:

- Some employees might overuse the donation program, potentially leading to burnout or resentment among those who are donating.

Undue Pressure:

- Employees might feel pressured to donate, even if they don't want to, leading to feelings of guilt or obligation.

Tax Implications:

- While the IRS provides some tax advantages, there can still be complex tax consequences for both the donor and recipient, requiring careful planning and compliance.

Unexpected Costs:

- Companies might need to allocate additional resources to manage the PTO donation program, potentially impacting their budget.

Logistical Challenges:

- Implementing and managing a PTO donation program can be complex, requiring careful consideration of policies, procedures, and communication.

Additional PTO Policy Guidelines (For all employees):

The amount of PTO that can be taken on any given day is limited to one-fifth of an employee's weekly assigned hours.

Do you see a problem with calculating PTO the way ATCAA does?

Thank you in advance for your help! 😊

Cheri Cunningham, IPMA-SCP
Human Resources Director
Amador Tuolumne Community Action Agency
Work: (209) 223-1485, ext. 225