



City of Eureka
Economic Development Department
UPLIFT Eureka

Job Skills Training Program
Participant Handbook





OUR MISSION

The City of Eureka's mission is to meet the needs of Eureka residents, businesses and visitors by providing services and making decisions that are socially, fiscally and environmentally responsible, creating a workplace that values growth, inclusion and empathy for all.

Uplift Eureka is a City of Eureka program with a mission of supporting community members experiencing homelessness in accessing vital community resources to obtain housing, employment, and to reclaim their independence.

C.A.P.E. AND UPLIFT EUREKA

THE COMMUNITY ACCESS PROJECT FOR EUREKA (C.A.P.E.)

The Community Access Project for Eureka, also referred to as C.A.P.E., is a project of the City of Eureka's City Manager that provides access to resources, quality of life programs and opportunities for all members of our community regardless of their living situation or income.

UPLIFT EUREKA

UPLIFT Eureka is a program within C.A.P.E. UPLIFT Eureka believes in every individual's capacity for positive change and is invested in supporting those in need to overcome barriers to employment and housing.

The challenge with attempting to "solve" the issue of homelessness is that it's not one simple issue. There are many factors that fall under the umbrella of "homelessness". These include mental illness, addiction, poverty, unemployment and a wide variety of unique individual situations that result in members of our community finding themselves without housing.

UPLIFT Eureka is not designed to take the place of existing services, or even supplement them; it's a comprehensive program designed to directly guide individuals to existing resources, and ensure they are in a position to take advantage of those resources, by providing support and programming to help them empower themselves to a better quality of life.



WHAT IS THE JOB SKILLS TRAINING PROGRAM?

Jobs Skills Training Program Participants (that's you!) join a team for City beautification projects in a work-like environment, giving them valuable training and resume-building experience to help them to re-enter the workforce. In addition, Participants experience the reward of giving back to the community, very often getting recognized for their service. Positive relationships are formed with Co-Participants and Crew Leaders which are built on trust, compassion, and mutual respect.

Classroom time is used for resume building, employment and training workshops, employment searches, and application follow-ups in an effort to improve resume and job readiness with the ultimate goal of securing employment. Participants are compensated for their time with a stipend.

Field Experience

Description: Jobs Skills Training Program Participants engage in a variety of projects, including:

- *PPE Training*
- *Hazardous Materials Training*
- *Landscaping Basics*
- *Painting 101*
- *Litter Abatement*
- *Graffiti Removal*
- *Equipment Maintenance*

Time: Tuesdays and Thursdays 1:00pm-4:00pm.

Meeting Location*: Clarke Plaza, Corner of E & 3rd

**Meeting location subject to change depending on programming*

Classroom Experience

Description: Participants meet weekly in a classroom setting to engage in training topics including:

- *Documentation*
- *Workplace Etiquette and Safety*
- *Preparing to Work (Resume Building and Career Exploration)*
- *Barriers to Employment*
- *Interviewing 101*
- *Job Search 101*
- *Technology Skills*
- *Starting a New Job 101*
- *Transportation Resources*
- *Finance Basics*
- *Health*
- *Housing Resources*

Time: Group A Wednesdays 1:00-3:00pm, Group B Fridays 1:00-3:00pm.

Meeting Location: Betty Chinn Day Center (133 7th Street by EPD)

JOB SKILLS TRAINING PROGRAM SAFETY PROCEDURES

Sharps

- Participants are not permitted to handle needles under any circumstances. If a needle is found, participants should notify a Crew Leader immediately. Staff will remove the needle and dispose of it in the SHARPS container.

Hazardous Materials

- Fecal matter, dead animals, suspicious containers & unknown liquids (especially red fluid or containers that are smoking) must not be handled. If hazardous materials are found, participants should notify a Crew Leader immediately.

Miscellaneous

- Participant must stay within eyesight of a Crew Leader at ALL TIMES.
- Participants must have an UPLIFT vest on at all times.
- Occupied encampments are not to be approached.

- Clean-ups can only take place on City of Eureka property. Private property (including businesses and the accompanying park lots) are prohibited. If you are unsure of whether a property is private or public, ask a crew leader.
- Participants may encounter friends or acquaintances during their shift. It is okay to stop and say hello, but participants are expected to model workplace behavior and return to their job duties.

PARTICIPANT RESPONSIBILITIES

Participation within The Job Skills Training Program is contingent on complying with the agreed upon terms and guidelines listed below.

- Personal belongings cannot be stored by UPLIFT during a participant's shift.
- Participants must wear close-toed shoes at all times during their shift.
- Smoking is not permitted during scheduled shifts.
- Participants will treat all program staff & fellow Participants with respect and dignity.
- Participants will have a positive attitude and be encouraging with fellow Participants.
- Participants are required to inform the Homeless Services Coordinator upon gaining any form of employment.
- While participating in the Job Skills Training Program, participants agree to refrain from engaging in alcohol use, drug use, or any illegal activities. Participants also agree to not interact with those who are, including friends and acquaintances.
- Participants will communicate any concerns with program staff immediately upon experiencing a challenge with an aspect of the Job Skills Training Program.
- Participants will actively work towards gaining employment and follow through on any interviews and job offers received.

PARTICIPANT RESPONSIBILITIES (cont.)

Attendance

- Participants will attend the weekly Job Skills Training Program Classroom Workshop and twice-weekly Field Experience Workshops.
- Participants must report to their shift on time. Failure to do so will result in shift loss.
- Repeated tardiness may result in removal from the active crew and placement on the alternates list.
- Participants must not report to their shift when experiencing any of the following symptoms: Chills, Cough, Fever ($\geq 100.4^{\circ}\text{F}$), General Malaise, Sore Throat, Respiratory Distress, Nausea, Shortness of Breath, Loss of Taste or Smell. Participants must be symptom free, without the use of cold or fever-reducing medication for 1 full day (24 hours), with a negative rapid test to attend a shift, pursuant to the City of Eureka's Covid-19 policies.
- If participants are unable to report to a shift due to illness or other circumstances, the Homeless Services Coordinator must be notified prior to the scheduled shift.
- After two no-call, no-shows, participants may be removed from the active crew and placed on the alternates list.

PARTICIPANT COMPENSATION

- Participants are not employees of The City of Eureka.
- Duties entailed with The Job Skills Training Program may include but are not limited to trash/debris removal, graffiti removal, landscaping, cleaning, and vocational training such as resume building and job searching.
- Participants are provided with all necessary training and personal protective equipment, and are responsible for adhering to safety protocols at all times.
- Participation in the Job Skills Training Program is limited to 3 hours per day, 3 days a week, for a maximum of 10 weeks.
- The City agrees to provide participants with a daily stipend of \$30 that is distributed on a weekly basis. Stipend checks will be available for pickup at the Betty Chinn Day Center by 3pm each Friday.
- This is not a contract for employment; participants are not entitled to unemployment, health insurance or other benefits coverage.
- Participants are responsible for their own tax liability. Income from stipends is reportable to the IRS if a participant receives more than \$12,550 per year earnings. The City of Eureka will provide a 1099 Form to each participant, while participants are responsible for filing IRS Form 1099 with their tax return, if applicable.
- Stipends will be discontinued if the participant withdraws from the program.
- Participants agree to promptly notify The City of Eureka if they anticipate any interruption or discontinuation of their engagement in the program.

JOB SKILLS TRAINING PROGRAM RESOURCES

Public Computers and Phones

Betty Chinn Day Center

Mon.-Fri. 8am-4pm
133 7th Street, Eureka, CA
707-407-3833

The Job Market

Mon.-Fri. 8am-5pm, closed 12-1pm
409 K Street, Eureka, CA
707-441-5627

Employment Resource Center

Mon.-Fri. 8am-5pm, closed 1-5pm
537 W. Washington Street, Eureka, CA
707-441-4600

Eureka Main Library

Tues. 12-5pm, Wed. 12-8pm, Thurs. 12-5pm, Fri. 10-5pm, Sat. 11-4pm
1313 3rd Street, Eureka, CA
707-269-1915

Jefferson Community Center

Mon.-Fri. 10am-4pm
1000 B Street, Eureka, CA
707-497-6280

Uplift Contacts

Homeless Services Coordinator – Sierra Wood
707-672-2253

Program Coordinator – Katelyn Merrell
707-268-1844

SEXUAL HARASSMENT TRAINING

Vector Solutions Login Instructions

The City of Eureka's goal is to provide a training program that will help each person fulfill their training needs or requirements. You are required to take a mandatory training in order to be a Job Skills Training Program Participant.

Follow the instructions below to access your personal Vector Solutions training site:

URL: app.targetolutions.com/eureka (type directly into address bar)

Username: Your email address

Password: Sunshine!



The screenshot shows a login interface for Vector Solutions. On the left is the official seal of the City of Eureka, California, featuring a figure holding a torch and a plow, with the text 'CITY OF EUREKA CALIFORNIA' and '1850'. To the right of the seal is a dark grey login box. At the top right of the page is the 'Vector Solutions' logo with the tagline 'Vector LMS, TargetSolutions Edition'. Inside the login box, there are two white input fields: the first is labeled 'Username:' and the second is labeled 'Password:'. Below the password field is a yellow link that says 'Forgot Username or Password?'. At the bottom right of the login box is a red button with the text 'Login' in white.

1. The first time you log in, the system will prompt you to enter your email address twice. You will receive an email from support.publicsector@vectorsolutions.com to verify your email address and to set your own password and security questions. You must be sure to fully complete this process in order to validate your Vector Solutions account.
2. If you do not receive the verification email or have any difficulties logging in, please let the Job Skills Training Homeless Services Coordinator know. Once your information has been validated, should you ever forget your password or username, you will be able to follow the steps located on the login screen to successfully retrieve your information.

CITY OF EUREKA
DESIGNATED MEDICAL FACILITIES FOR WORK-
RELATED INJURIES/ILLNESSES

As always, please contact Human Resources prior to going to one of these facilities (or leave a voicemail at 441-4124 if after hours) so we can facilitate your claim.

During regular working/business hours:

Mad River Community Hospital

Occupational Health Services

3800 Janes Road, Suite 10

Arcata, CA 95521

707-825-4907

After hours and emergency care:

St. Joseph Hospital Emergency Room


2700 Dolbeer Street

Eureka, CA 95501

707-269-4250

M E M O R A N D U M

TO: ALL CITY OF EUREKA EMPLOYEES; VOLUNTEERS;
COUNCIL MEMBERS; AND BOARD AND COMMISSION
MEMBERS

FROM: DAVID W. TYSON, CITY ~~MANAGER~~ 

RE: ATTACHED POLICY FOR THE PREVENTION OF VIOLENCE
IN THE WORKPLACE

At the Eureka City Council meeting on December 21, 1999, the Council approved the attached Policy for the Prevention of Violence in the Workplace. This comprehensive Policy reflects the current status of workplace violence issues and affirms the City's commitment, and legal requirement, to provide a safe workplace free from violence. Under this policy, the City will not tolerate any form of verbal or physical violence in the workplace or in relation to any work-related activities by any person encountered in the workplace, including co-workers, supervisors, managers, City Council members, Board or Commission members, vendors, or citizens. Every instance of violent or potentially violent conduct in the workplace will be investigated promptly and thoroughly, and will be resolved as quickly as possible.

The attached Policy for the Prevention of Violence in the Workplace is the official City Policy regarding all forms of violent or potentially violent conduct in the workplace, and supersedes any others which may exist. The Policy includes examples of prohibited violent or potentially violent conduct, the reporting and investigation procedure to be followed when it is believed such conduct may occur or has occurred, and the disciplinary action which will result if such conduct is found to have taken place.

All incidents of reported violent or potentially violent conduct in the workplace must be discussed with the Personnel Department **before** a formal investigation is begun, or **before** any action is taken as the result of a report of such conduct.

It is the responsibility of each recipient of this Policy to become familiar with its contents as they apply to employment with the City and/or appointment to City service. It is especially important that all employees in supervisory and/or management positions be familiar with this Policy and its requirements.

Any questions regarding the Policy for the Prevention of Violence in the Workplace should be addressed to the Personnel Department at 441-4124.

First distributed 02-07-2000



CITY OF EUREKA POLICY FOR PREVENTION OF VIOLENCE IN THE WORKPLACE

The City of Eureka will not tolerate any form of verbal or physical violence in the workplace or in relation to any work-related activities. Any employee engaging in such violence will be subject to disciplinary action, up to and including termination.

In addition, any retaliation against an employee for reporting violent or potentially violent behavior, or for participating in a subsequent investigation, will not be tolerated. Any employee engaging in retaliatory behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

**CITY OF EUREKA
POLICY FOR THE PREVENTION OF
VIOLENCE IN THE WORKPLACE**

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CITY OF EUREKA

POLICY FOR THE PREVENTION OF VIOLENCE IN THE WORKPLACE

I. PURPOSE OF THE POLICY

The purpose of this policy is to affirm the City's commitment to provide a safe workplace free from violence, and to do whatever is necessary to prevent, prohibit and take appropriate action against violence in the workplace. All employees, volunteers, Board or Commission members, vendors, citizens, or anyone else at City worksites or activities are specifically prohibited from behaving in a violent or threatening manner. This policy clarifies what constitutes violence in the workplace, and explains the procedures involved in investigating and resolving any risk to workplace safety.

II. STATEMENT OF INTENT

All employees deserve to perform their job under safe and secure conditions in a workplace free of violence. The City of Eureka recognizes that workplace violence is a growing concern among employers and employees across the country, and believes the prevention of workplace violence begins with recognition and awareness of potential early warning signs. This policy is violated whenever any person engages in behavior that is specifically described herein, and the City will respond immediately to any situation that presents the possibility of violence.

In addition, any retaliation against an employee for reporting violent or potentially violent behavior, or participating in a subsequent investigation, will not be tolerated. Any employee engaging in retaliatory behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

III. DEFINITION OF WORKPLACE VIOLENCE

Workplace violence consists of violent or potentially violent verbal or physical acts which occur on an employer's premises and/or at other locations where employees are engaged in work-related activities, either as a condition of employment or for other reasons. For the purposes of this policy, the *intention* of a person engaging in such acts is not relevant; rather it is how those acts are *perceived* which will determine whether an act of workplace violence has occurred.

IV. EXAMPLES OF PROHIBITED VIOLENT OR POTENTIALLY VIOLENT CONDUCT

Examples of workplace violence include, but are not limited to:

- Threats of any kind – Violence in the workplace is not limited to physical acts.

CITY OF EUREKA
POLICY FOR THE PREVENTION OF
VIOLENCE IN THE WORKPLACE

Verbal threats such as, "I'll make you pay for this!" or "You'll be sorry!" whether or not such comments are accompanied by any physical component, undermine workplace safety and security.

- Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others – May include physically dominating or "bullying" someone, whether actually touching them or not, such as looming over them, blocking their path, etc; or shoving, pushing, striking, or otherwise physically assaulting or harming someone, with or without the use of a weapon or other object.
- Other behavior that suggests a propensity toward violence – May include belligerent speech, excessive arguing or swearing; sabotage, or threats of sabotage, of City property; or a demonstrated pattern of refusal to follow City policies and procedures, or to maintain effective working relationships with City employees and others contacted in the course of work.
- Vandalism or other destructive acts – May include defacing City property or causing physical damage to City property and/or facilities.
- Carrying weapons – With the exception of authorized Police personnel, bringing weapons, firearms, or other potentially harmful devices of any kind on City premises, in City parking lots, while conducting City business, or while involved in any City-related functions, is prohibited.

V. EMPLOYEE ASSISTANCE PROGRAM

Any employee who believes that (s)he may have a problem that could lead to the type of violent behavior described above is encouraged to use the City's Employee Assistance Program (EAP). The EAP is a *confidential* counseling service that is available to all regular part-time and full-time employees and their eligible family members (temporary employees should contact their supervisor, department head, or Personnel to determine what assistance is available to them). Counseling through the EAP can assist in resolving emotionally difficult issues, marital and family conflict, stress, chemical dependency, conflicts at work, and other types of personal concerns. The EAP counselor can help to clarify a problem and develop a plan for its resolution, by providing information to you over the phone and/or arranging for you to meet with a local counselor. EAP services are paid in full for the employee for up to eight sessions *per issue*. For more information about reaching the EAP, please obtain a brochure from your supervisor or from Personnel, or contact REMIF at (707) 938-2388.

VI. REPORTING VIOLENT OR POTENTIALLY VIOLENT SITUATIONS

If an individual observes or otherwise becomes aware of any of the above-listed actions or behavior by any person in the workplace, (s)he is to notify Personnel immediately. Further, employees should notify Personnel whenever a restraining order has been issued, or if a violent or potentially violent *non-work-related* situation exists which could result in violence in the workplace. Personnel will then begin an appropriate investigation into the allegations of threats or violence.

VII. INVESTIGATION PROCEDURE

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, the City will inform the reporting individual of the results of the investigation. To the greatest extent possible, the City will maintain the confidentiality of the reporting individual and of the investigation, but it may be necessary to disclose results in appropriate circumstances, for example, in order to protect the safety of the person(s) involved. The City will not tolerate retaliation against any employee who reports potential or actual workplace violence.

VIII. CORRECTIVE ACTION AND DISCIPLINE

If the City determines that workplace violence has occurred or may occur, appropriate corrective action will be taken, and appropriate discipline will be imposed on any offending employees. The discipline taken will depend on the particular facts involved, but may include verbal or written warnings, suspension, or termination. In addition, the City may send an employee for a fit-for-duty evaluation at any time it is felt that such action is necessary.

IX. RETALIATION

Individuals must report potential or actual violence in the workplace in order for the City to resolve these situations. Any retaliation against an employee for reporting violent or potentially violent behavior, or participating in a subsequent investigation, will not be tolerated. Any employee engaging in retaliatory behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

X. DUTY TO COOPERATE IN THE INVESTIGATION PROCESS

In order to promptly and fairly resolve workplace violence complaints, every City employee has an obligation to cooperate in the City's investigation of alleged violence or retaliation.

CITY OF EUREKA
POLICY FOR THE PREVENTION OF
VIOLENCE IN THE WORKPLACE

Failure to cooperate, deliberately providing false information, or withholding information during an investigation shall be grounds for disciplinary action, up to and including termination.

XI. DISTRIBUTION OF POLICY

All current employees, newly hired employees, volunteers, City Council members, and Board and Commission members shall be provided with a copy of this policy.

Any questions regarding violence in the workplace and/or this policy should be directed to the Personnel Department at (707) 441-4124.

Date adopted: 12-21-99



SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

- 1 *Unwanted sexual advances*
- 2 *Offering employment benefits in exchange for sexual favors*
- 3 *Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters*
- 4 *Derogatory comments, epithets, slurs, or jokes*
- 5 *Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations*
- 6 *Physical touching or assault, as well as impeding or blocking movements*

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within one year of the last act of harassment or retaliation. DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:



If you have a disability that prevents you from submitting a written intake form on-line, by mail, or email, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

SEXUAL HARASSMENT

THE FACTS

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

- ① *“Quid pro quo”* (Latin for “this for that”) sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
- ② *“Hostile work environment”* sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with your work performance or create an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. That means that it alters the conditions of your employment and creates an abusive work environment. A single act of harassment may be sufficiently severe to be unlawful.

CIVIL REMEDIES:



ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

- 1 Damages for emotional distress from each employer or person in violation of the law
- 2 Hiring or reinstatement
- 3 Back pay or promotion
- 4 Changes in the policies or practices of the employer

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

- ① Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.
- ② Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."
- ③ Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:
 - Be in writing.
 - List all protected groups under the FEHA.
 - Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
 - Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
 - Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of DFEH and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
 - Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).

- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
 - Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.
- ④ Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:
 - Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
 - Sending the policy via email with an acknowledgment return form.
 - Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
 - Discussing policies upon hire and/or during a new hire orientation session.
 - Using any other method that ensures employees received and understand the policy.
 - ⑤ If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.
 - ⑥ In addition, employers who do business in California and employ 5 or more part-time or full-time employees must provide at least one hour of training regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation, to each non-supervisory employee; and two hours of such training to each supervisory employee. Training must be provided within six months of assumption of employment. Employees must be trained during calendar year 2019, and, after January 1, 2020, training must be provided again every two years. Please see Gov. Code 12950.1 and 2 CCR 11024 for further information.

MEMORANDUM

TO: ALL CITY OF EUREKA EMPLOYEES; VOLUNTEERS; COUNCIL MEMBERS; AND BOARD AND COMMISSION MEMBERS

FROM: DAVID W. TYSON, CITY MANAGER

RE: ATTACHED ZERO TOLERANCE AGAINST HARASSMENT POLICY

In order to restate, reaffirm, and clarify the City of Eureka's zero tolerance stance against harassment in the workplace, the Eureka City Council approved the attached Zero Tolerance Against Harassment Policy on August 3, 1999. Under this policy, the City will not tolerate any harassment of its employees by any person encountered in the workplace, including co-workers, supervisors, managers, City Council members, Board or Commission members, vendors, or citizens. Zero tolerance means that every instance of harassment in the workplace will be dealt with immediately, and resolved as quickly as possible.

The attached Zero Tolerance Against Harassment Policy is the official City Policy regarding all forms of harassment in the workplace. Although individual departments may have previously adopted policies and/or procedures which address harassment, this Policy supersedes any others which may exist.

The Policy includes examples of prohibited harassing conduct, the complaint and investigation procedure to be followed when it is believed harassing conduct has occurred, and the disciplinary action which will result if harassing conduct is found to have taken place. All incidents of reported harassment must be discussed with the Human Resources Department **before** a formal investigation is begun, or **before** any action is taken as the result of a harassment complaint.

It is the responsibility of each recipient of this Policy to become familiar with its contents as they apply to employment with the City and/or appointment to City service. It is especially important that all employees in supervisory and/or management positions be familiar with their essential role in a zero tolerance workplace, as outlined within the Policy. Any questions regarding the Zero Tolerance Against Harassment Policy should be addressed to the Human Resources Department at 441-4124.



CITY OF EUREKA ZERO TOLERANCE POLICY AGAINST HARASSMENT

The City of Eureka will not tolerate any form of harassment, including sexual harassment, in the workplace. Any employee engaging in harassment will be subject to disciplinary action, up to an including termination.

Retaliation against a person for filing a harassment charge of making a harassment complaint will also not be tolerated. Any employee found to be retaliating against another employee will be subject to disciplinary action, up to an including termination.

Adopted 8/3/99

CITY OF EUREKA ZERO TOLERANCE POLICY AGAINST HARASSMENT

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CITY OF EUREKA ZERO TOLERANCE POLICY AGAINST HARASSMENT

I. PURPOSE OF THE POLICY

The purpose of this policy is to restate and reaffirm that, according to federal and state law and City policy, the City will take all reasonable steps to prevent, prohibit, and take appropriate action against harassment in the workplace. The policy also clarifies what constitutes harassment, and explains the procedures involved in investigating and resolving harassment complaints. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

II. STATEMENT OF INTENT

The City of Eureka recognizes that our success depends upon our employees. All employees deserve to perform their jobs in a workplace that is free from harassment, where each individual is a respected member of the team and is allowed to function at their highest potential. When one employee harasses another, he or she violates the rights of that person to perform their job under safe and secure conditions. Harassment undermines individual and team achievement, and damages employee morale. It is unacceptable behavior for any City employee, and will not be tolerated in any form.

III. ZERO TOLERANCE

The City is committed to providing a workplace free of all types of harassment, including but not limited to, those based on:

- X sex (including harassment based on gender, pregnancy, childbirth, or related medical conditions)
- X race
- X color
- X religion
- X national origin
- X ancestry
- X age
- X physical disability
- X mental disability
- X medical condition
- X marital status
- X sexual orientation
- X family care or medical leave status
- X veteran status.

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As the legal standards and consequences of harassment are constantly evolving, the City's policy is one of "zero tolerance". This means that our policy prohibits all harassment, even if it may not be considered illegal. This is because the City strongly believes that all employees deserve to be treated with respect, dignity, and professionalism. It does not matter whether or not an accused employee intended to offend another employee, or whether they believed their comments or actions were welcomed by another employee. The City's policy is violated whenever an employee, either as a recipient or as an observer, is offended by comments, behavior, or material which is based on those protected harassment categories outlined above.

Male and female workers may be victims of sexual and other forms of harassment by harassers of either gender. Harassment can occur between a supervisor and subordinate, between co-workers, or between an employee and an outside vendor or citizen. Under this "zero tolerance" policy, the City will not tolerate any harassment of its employees by any person encountered in the workplace, including co-workers, supervisors, managers, City Council members, Board or Commission members, vendors, or citizens. Any employee engaging in harassing behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

In addition, any retaliation against an employee for making a harassment charge, filing a harassment complaint, or participating in a harassment investigation will not be tolerated and will be taken as seriously as harassment itself. Any employee engaging in retaliatory behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

IV. DEFINITION OF HARASSMENT

Both federal and state law recognize two kinds of sexual harassment, the second of which encompasses other types of harassment as well. They are:

- X Quid Pro Quo Harassment This type of harassment occurs when submission to some form of unwelcome sexual advance is used either as a condition of employment, or as the basis for employment decisions affecting an employee. This could range from receiving a poor performance evaluation after refusing to date the reviewer, to sexual favors being requested in exchange for a promotion. Quid Pro Quo harassment can only be engaged in by an employee in a position of authority over the complainant.

- X Hostile Environment Harassment This type of harassment occurs when unwelcome

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verbal, physical, and/or visual conduct based on any of the protected harassment categories has the purpose or effect of unreasonably interfering with an individual's work performance, or when such conduct creates an intimidating, hostile, or offensive work environment. The prohibited conduct need not be directed specifically at an employee in order for a hostile environment to exist, and typically involves more than a single incident or event. This is a much broader category, and examples of this type of harassment include, but are not limited to, the following:

- X repeated requests for dates, by either the same or the opposite gender;
- X making derogatory comments or telling jokes or stories about minority groups, ethnicities, or nationalities, such as Black, Irish, Polish, or Arab, etc.;
- X making limp hand gestures or walking in a mincing way in reference to a person's sexual orientation;
- X belittling religious beliefs, such as telling Catholic jokes regarding birth control; or advancing religious stereotypes, such as that Jews are stingy;
- X making references to an employee's age, such as that they are too young and inexperienced to do their job, or too old to understand a new concept;
- X mimicking an accent or a physical condition, such as a limp;
- X ridiculing cultural clothing, such as a turban; or hairstyles, such as corn rows or dreadlocks.

It is important to note that these types of behavior are not only harassing, but are also simply discourteous. Employees are individuals, and their individuality is expressed in a variety of ways. Feeling comfortable with that expression leads to better job performance for all employees.

V. EXAMPLES OF PROHIBITED HARASSING CONDUCT

- X **Verbal Harassment** ■ Consists of such things as making or using unsolicited and unwelcome derogatory epithets (name-calling), comments, slurs, or jokes on the basis of any of the protected harassment categories. Conduct includes inappropriate sexually-oriented comments on appearance, including dress or physical features; sexually-oriented noises; questions about an employee's sexual practices; telling racially-oriented stories or using ethnic slurs; verbal sexual advances or propositions; verbal abuse; or making threats of reprisal after a negative response to sexual advances.
- X **Physical Harassment** ■ Consists of such things as unwelcome touching, impeding or blocking movement and/or physical interference with normal work or movement,

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when directed at an individual on the basis of any of the protected harassment categories. Conduct includes pinching, hitting, pushing, poking with finger, brushing against another's body, grabbing, patting, physical propositioning, leering, making sexual gestures, or making explicit or implied job threats or promises in return for submission to physical and/or sexual acts.

- X Visual Harassment ■ Consists of such things as sexually suggestive or obscene letters, notes, greeting cards, or invitations; displaying of sexually suggestive or derogatory objects, posters, notices, bulletins, cartoons, or drawings based on any of the protected harassment categories; staring at an employee's anatomy; mooning; unwanted love letters or notes.
- X Sexual Favors ■ Consists of such things as unwanted sexual advances; requests for sexual favors; repeated requests for dates after refusals; and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance, or creates an offensive work environment.

In California, whether or not a particular behavior is offensive is decided from the perspective of a "reasonable person". In other words, if a reasonable person would consider the conduct to be harassing, then it is. If an employee has any doubt as to whether any of their conduct might be considered harassment under this standard, they should stop the conduct immediately.

VI. COMPLAINT AND INVESTIGATION PROCEDURE

Employees are encouraged, whenever possible, to let a person know if he or she has said or done something which the employee finds offensive or unwelcome. Many potential complaints can be resolved in this way.

However, if an employee does not want to speak directly to the alleged harasser, or if he or she has done so and the harassment has continued, the employee may initially report the alleged harassing conduct to any of the following, either orally or in writing:

- X Employee's immediate supervisor (an employee is not required to make a complaint to his or her immediate supervisor if that person is the individual about whom the employee is making the complaint)
- X Any supervisor within the employee's department
- X Employee's department head

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- X Human Resources staff
- X City Manager

Employees may also, if desired, consult with an employee association representative, if applicable.

Employees should promptly report harassment complaints so that a timely and effective investigation can be conducted, and a resolution can be quickly reached. Any supervisor or department head who receives a harassment complaint shall notify the Director of Human Resources and/or the City Manager immediately. It is important to note that, once notified of a potential sexual harassment complaint, the City has a legal obligation to investigate the circumstances, regardless of whether the harassed employee has filed a complaint.

Upon notification of a harassment complaint, the Director of Human Resources or his/her designee shall:

- X *Provide a copy of this policy to the complainant, the accused harasser, and any other applicable persons;*
- X *Authorize and implement an immediate, effective, thorough, and objective investigation of the complaint.*

Although the City will make every reasonable effort to maintain confidentiality for the benefit of both the complainant and the accused, complete confidentiality cannot be guaranteed. In order to conduct a full and fair investigation, the accused harasser will be informed of the identity of the complainant, and each employee interviewed will be admonished to maintain confidentiality regarding the investigation or be subject to disciplinary action. To the greatest extent possible, the City will limit access to information contained in the complaint and obtained during the investigation process to those persons who need it to complete the investigation or to take appropriate disciplinary action or other forms of resolution.

Interviews will be held with (1) the complainant; (2) the accused harasser; and (3) any other persons the Director of Human Resources has reason to believe may have relevant knowledge concerning the complaint, which may include employees who have experienced similar conduct. During his or her interview, the complainant may specify the type of relief they feel is warranted from the alleged harasser, and this will be considered in evaluating the complaint and in determining the

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appropriate disciplinary action, if the charge is confirmed.

- X *Review factual information gathered through the investigation process; determine whether a violation of this policy has occurred, giving consideration to all the factual information, and the totality of circumstances, including the nature of the verbal, physical, visual, or sexual conduct, and the context in which the alleged conduct occurred;*
- X *Promptly report the results of the investigation and the determination as to whether this policy has been violated to appropriate persons, including the complainant, the alleged harasser, the supervisor, the department head, and as appropriate, to all others directly concerned;*
- X *If a violation of this policy has been established, recommend to the City Manager prompt and effective discipline against the harasser, in keeping with the severity of the offense.*

If discipline is imposed, this will be communicated to the complainant; however, to protect the privacy rights of the accused, the complainant will not be told what the specific disciplinary action was. The nature and severity of the discipline will vary depending upon the nature and severity of the harassment, whether or not the employee was in a supervisory or management position, any past history of misconduct, and the City's Standards of Employee Conduct (Policy and Procedure Memorandum 3.50).

- X *If the harassment charge is confirmed, take reasonable steps to protect the complainant and/or other employees from any further harassment; and*
- X *Take reasonable steps to protect the complainant and/or other employees from any retaliation as a result of the complaint or the investigation.*

VII. MANAGER AND SUPERVISOR RESPONSIBILITIES

Management and supervisory employees are responsible for ensuring that the work environment is free from harassment by:

- X Informing all employees under their direction of the City policy and complaint procedure;
- X Reporting any incidences of harassment to their department head and to the

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Human Resources Department;

- X Based on the findings of the investigation, implementing, or assisting in the implementation of, any actions necessary to prevent further harassment from occurring.

Management and supervisory employees may be held personally liable if they do not take corrective action to resolve harassment situations, when they *knew* or *should have known* that a harassing condition existed.

Examples of situations where it will be assumed a management or supervisory employee *knew* of harassment include, but are not limited to:

- X If a complaint is reported to them, but they do not take it seriously;
- X If they discourage an employee from filing a complaint;
- X If a complaint is made and they refuse to accept it; or
- X If they do not notify Human Resources and their department head when a complaint is made.

Examples of situations where it will be assumed a management or supervisory employee *should have known* of harassment include, but are not limited to:

- X If they did not take action on a questionable situation to determine if sexual harassment was or is occurring, or when found to be occurring, did not stop it.

VIII. RETALIATION

City employees have the right to complain about harassment without fear of retaliation. Any retaliation against an employee for making a harassment charge, filing a harassment complaint, or participating in a harassment investigation will not be tolerated and will be taken as seriously as harassment itself. Any employee found to be retaliating against another employee will be subject to disciplinary action, up to and including termination.

Examples of retaliation include:

- X A supervisor gives a poor performance evaluation to a complainant after he files a harassment charge against her.
- X A complainant finds notes on her car's windshield with the word "Snitch" on them.
- X An employee who participated in a harassment investigation is shunned by the co-

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worker friends of the accused harasser.

An employee who believes that he or she is being, or has been, retaliated against for complaining about harassment or participating in a harassment investigation should promptly notify the Director of Human Resources or his or her immediate supervisor. (Again, if the employee engaging in the retaliation is the immediate supervisor, the complainant should notify another supervisor or management employee, or go directly to Human Resources.)

Complaints of retaliation will be investigated in the same manner as harassment complaints. Any employee engaging in retaliatory behavior which is found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

Conversely, an employee who knowingly files a false claim of harassment against another employee or against another person contacted in the course of employment, or who knowingly supports or participates in the furtherance of a false claim, will be subject to disciplinary action, up to and including termination.

IX. DUTY TO COOPERATE IN THE INVESTIGATION PROCESS

In order to promptly and fairly resolve harassment complaints, every City employee has an obligation to cooperate in the City's investigation of alleged harassment or retaliation. Failure to cooperate, deliberately providing false information, or withholding information during an investigation shall be grounds for disciplinary action, up to and including termination.

X. DISTRIBUTION OF POLICY

All current employees, newly hired employees, volunteers, City Council members, and Board and Commission members shall be provided with a copy of this policy.

Any questions regarding harassment and/or this complaint procedure should be directed to the Human Resources Department at (707) 441-4124.

Memorandum

PERSONNEL DEPARTMENT

ASSEMBLY BILL 846 (AB 846) *SMOKING: PUBLIC BUILDINGS*

PERSONNEL MANAGEMENT

Recruitment &
Selection

Benefit Administration

Employee Records

Classification

Compensation

Employment Mandate
Compliance

Training

RISK MANAGEMENT

Safety

Workers=
Compensation

Risk Reduction

Insurance Programs

LABOR RELATIONS

Contract Negotiations

Organizational
Analysis

Disciplinary Actions

Grievance Arbitration

Effective January 1, 2004, Assembly Bill 846 (AB 846) Smoking: Public Buildings, was enacted.

This law prohibits any public employee or member of the public from smoking inside a public building and within 20 feet of a main exit, entrance, or operable window of a public building.

The law defines a public building as a building owned and occupied, or leased and occupied, by the state, a county, a city, a city and county, or a California Community College district.

“Inside a public building” includes all indoor areas of the building, except for covered parking lots and residential space. It also includes any indoor space leased to the state, county, or city, except for covered parking lots and residential space.

Memorandum

Date: November 21, 2003

To: Government Employees

From: Dileep G. Bal, M.D., Chief
Cancer Control Branch
1616 Capitol Avenue, Suite 74.516
MS 7202
(916) 449-5353

Subject: Assembly Bill (AB) 846

On January 1, 2004, a new law affecting public buildings goes into effect. AB 846 (Vargas) Chapter 342, Statutes of 2003, was signed by Governor Davis and amends Sections 7596-7598 of the Government Code. This new law prohibits smoking within 20 feet of main entrances, exits, and operable windows of any building owned, leased, and occupied by the state, county, or city, and buildings of the University of California (UC), California State University (CSU), and California community colleges. The previous law (Government Code 19994.30) prohibited smoking within five feet of the doorways of buildings owned, occupied, or leased and occupied by state government agencies only, excluding UC, CSU, and community colleges.

This bill was signed to further protect Californians from secondhand smoke (SHS) exposure. SHS has been known to cause 4,700 deaths annually in California, including deaths from lung cancer and heart disease. It has also been shown to be responsible for asthma, eye irritation, and respiratory problems in nonsmokers.

Your community may already have a law that prohibits smoking within 20 feet or more of doorways. This new law does not impede enforcement of current no smoking laws that go beyond 20 feet of a doorway or operable window. In addition, this law does not prevent government entities from adopting and enforcing future no smoking laws that go beyond 20 feet.

While funding for signage is not provided for in this law, it is important that signs and ash receptacles be placed accordingly. If you currently have an ordinance or policy that prohibits smoking less than 20 feet from doorways, and signage to support it, then those signs should be replaced to reflect the 20-foot no smoking boundaries. In addition, ash receptacles should be moved accordingly.

Prototypes of a sign and stickers to place on windows are available through your County Health Department's Tobacco Control Program (TCP). A directory of each county health department's and the three city health department's (Berkeley, Long Beach, and Pasadena) TCP is attached.

Government Employees
November 21, 2003
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The law does not provide funding for enforcement. However, local governments may determine enforcement protocols and the applicability of related laws, such as those addressing trespassing and nuisance.

Based upon experiences of cities and counties that have adopted smoke-free entryway ordinances in the past, it is anticipated that clear signage and placing ash cans at least 20 feet from affected entrances, exits, and windows will make the law virtually self-enforcing.

In addition to the TCP directory, also attached is a question and answer sheet on the law, as well as a copy of the law itself.

Should you have further questions, contact Joanne Wellman-Benson, R.D.H., M.P.H., Program Consultant, Local Programs Unit, Tobacco Control Section, at jwellman@dhs.ca.gov, or (916) 449-5514.

Attachments

**Implementing Assembly Bill (AB) 846,
The New Statewide Smoke-free Entryway Law
FACT SHEET**

What Does the Law Say?

The new law, which originated as Assembly Bill (AB 846), amends California Government Code Sections 7596-7598, to prohibit smoking within 20 feet of a main entrance, exit, and operable window of all public buildings (buildings owned and occupied, or leased and occupied by the state, county, or city) as well as buildings on the campuses of the University of California (UC), California State University (CSU), and California community colleges, effective January 1, 2004. For the law to be effective, a sign must be posted describing the no smoking prohibition.

What is a "Public" Building?

Section 7596(a) of the law defines a public building as "...a building owned and occupied, or leased and occupied, by the state, a county, a city, a city and county, or a California community college district." The law applies to all state, county, and city government buildings. The new law does NOT apply to privately owned buildings unless they are leased or occupied by a state, county, or city agency.

How will the Law be Enforced?

While no formal enforcement procedures are in place for this law, in order to achieve effective enforcement, the California Department of Health Services Tobacco Control Section (CDHS/TCS) strongly recommends that state, county, and local governments post appropriate signage concerning the law and move ash receptacles and urns at least 20 feet from main entrances, exits, and operable windows. Doing so will contribute to self-enforcement. The law does not provide state funding for signs. However, CDHS/TCS and the Tobacco Education Clearinghouse of California have developed a clear, uniform *prototype* sign that can be produced by local communities throughout the state. Decal signage also may be obtained from your local Tobacco Control Program. Please see the enclosed directory.

How Does the Law Apply to Privately Owned Buildings Partially Leased and Occupied by Government Agencies?

AB 846 applies to "public buildings," as defined above.

Government agencies, including colleges, are urged to notify owners/managers of buildings in which they lease space, that the law goes into effect January 1, 2004, and that it prohibits outdoor smoking within 20 feet of building doorways and operable windows in buildings leased and occupied by state or local governments and colleges. Government agencies and colleges are also urged to notify building owners and managers to enact a similar policy around their buildings. Building owners/managers may also wish to make compliance with the new state law a provision of future leases.

Does the Law Preempt Local Governments from Enacting More Restrictive Regulations Addressing Entryway Smoking?

No. The new entryway protection law allows local communities and colleges to adopt more restrictive local ordinances or policies regarding smoking on or around government facilities.

The text of AB 846 is available at http://www.leginfo.ca.gov/pub/bill/asm/ab_0801-0850/ab_846_bill_20030908_chaptered.pdf.

Assembly Bill No. 846
CHAPTER 342

An act to amend Sections 19994.30 and 19994.33 of, to amend the heading of Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of, to add Chapter 32 (commencing with Section 7596) to Division 7 of Title 1 of, and to repeal Sections 19994.31 and 19994.32 of, the Government Code, relating to tobacco.

[Approved by Governor September 8, 2003.
Filed with Secretary of State September 8, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 846, Vargas. Smoking: public buildings.

Existing law prohibits any state employee or member of the public from smoking a tobacco product inside a state-owned or state-occupied building, or a state-leased and state-occupied building, as defined, or within 5 feet of the main exit or entrance of these buildings, or in a passenger vehicle owned by the state.

This bill would instead prohibit smoking inside a public building, as defined, and within 20 feet of a main exit, entrance, or operable window of a public building. It would also provide that these provisions would not preempt the authority of any county, city, city and county, California Community College campus, campus of the California State University or campus of the University of California to adopt and enforce additional smoking and tobacco control ordinances, regulations, or policies that are more restrictive than the standards required by this bill.

This bill would also make other technical, nonsubstantive, and conforming changes to these provisions.

The people of the State of California do enact as follows:

SECTION 1. Chapter 32 (commencing with Section 7596) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 32. SMOKING IN PUBLIC BUILDINGS

7596. As used in this chapter:

(a) "Public building" means a building owned and occupied, or leased and occupied, by the state, a county, a city, a city and county, or a California Community College district.

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(1) "Inside a public building" includes all indoor areas of the building, except for covered parking lots, residential space, and state prison yard areas. "Inside a public building" also includes any indoor space leased to the state, county, or city, except for covered parking lots and residential space.

(2) "Residential space" means a private living area, but it does not include common areas such as lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of a multicomplex building such as a dormitory.

(b) "State" or "state agency" means a state agency, as defined pursuant to Section 11000, the Legislature, the Supreme Court and the Courts of Appeal, and each campus of the California State University and the University of California.

(c) "Public employee" means an employee of a state agency or an employee of a county or city.

7597. (a) No public employee or member of the public shall smoke any tobacco product inside a public building, or in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building, or in a passenger vehicle, as defined by Section 465 of the Vehicle Code, owned by the state.

(b) This section shall not preempt the authority of any county, city, city and county, California Community College campus, campus of the California State University, or campus of the University of California to adopt and enforce additional smoking and tobacco control ordinances, regulations, or policies that are more restrictive than the applicable standards required by this chapter. 7598. Except as provided in Section 7597, a public employee or other person may smoke in any outdoor area of a public building unless otherwise prohibited by state law or local ordinance and a sign describing the prohibition is posted by the state, county, or city agency or other appropriate entity.

SEC. 2. The heading of Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of the Government Code is amended to read:

CHAPTER 5.6. TOBACCO CONTROL

SEC. 3. Section 19994.30 of the Government Code is amended to read:
19994.30. As used in this chapter:

(a) "Building" means a building owned and occupied, or leased and occupied, by the state.

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(b) "State" or "state agency" means a state agency, as defined pursuant to Section 11000, the Legislature, the Supreme Court and the courts of appeal, and each California Community College campus and each campus of the California State University and the University of California.

(c) "State employee" means an employee of a state agency.

SEC. 4. Section 19994.31 of the Government Code is repealed.

SEC. 5. Section 19994.32 of the Government Code is repealed.

SEC. 6. Section 19994.33 of the Government Code is amended to read:

19994.33. (a) The State Department of Health Services may develop guidelines for the content and effective presentation of tobacco smoking control programs designed to assist an individual in either a self-help or group environment. The guidelines may be distributed to state agencies. The State Department of Health Services may provide a copy of the guidelines to any individual or group, upon request, and may charge a fee that shall not exceed the actual cost of producing a copy.

(b) State agencies may offer tobacco smoking control programs to their employees. A state agency may use existing employee training funds to pay for the presentation of tobacco smoking control programs

offered to state employees at a state-owned or state-leased building during normal work hours.

(c) Not later than January 31, 1994, and thereafter upon initial employment, each state agency shall inform its employees about the smoking prohibition contained in Section 7597, areas where smoking is permitted, and the availability of tobacco smoking control programs.

(d) Enrollment in a tobacco smoking control program by any state employee shall be voluntary.