



WEST VALLEY WATER DISTRICT
855 W. BASE LINE ROAD, RIALTO, CA 92376
PH: (909) 875-1804 FAX: (909) 875-1849

REGULAR BOARD MEETING
AGENDA

THURSDAY, JULY 1, 2021
CLOSED SESSION - 6:00 PM • OPEN SESSION – 6:30 PM

BOARD OF DIRECTORS

Channing Hawkins, President
Kyle Crowther, Vice President
Dr. Michael Taylor, Director
Greg Young, Director
Dr. Clifford Young, Director

"In order to comply with legal requirements for posting of agendas, only those items filed with the District Secretary's office by noon, on Wednesday a week prior to the following Thursday meeting, not requiring departmental investigation, will be considered by the Board of Directors."

Teleconference Notice: In an effort to prevent the spread of COVID-19 (Coronavirus), and in accordance with the Governor's Executive Order N-29-20 and the order of the County of San Bernardino dated March 17, 2020, there will be no public location for attending this Board Meeting in person. Members of the public may listen and provide public comment via telephone by calling the following number and access code: Dial: (888) 475-4499, Access Code: 840-293-7790 or you may join the meeting using Zoom by clicking this link: <https://us02web.zoom.us/j/8402937790>. Public comment may also be submitted via email to the Board Secretary, Peggy Asche at peggy@wvwd.org. The webinar will also be available for public viewing by visiting www.wvwd.org. If you require additional assistance, please contact peggy@wvwd.org.

OPENING CEREMONIES

Call to Order
Pledge of Allegiance
Opening Prayer
Roll Call of Board Members

ADOPT AGENDA

PUBLIC PARTICIPATION

Any person wishing to speak to the Board of Directors on matters listed or not listed on the agenda, within its jurisdiction, is asked to complete a Speaker Card and submit it to the District Clerk. Each speaker is limited to three (3) minutes. Under the State of California Brown Act, the Board of Directors is prohibited from discussing or taking action on any item not listed on the posted agenda. Comments related to noticed Public Hearing(s) and Business Matters will be heard during the occurrence of the item.

Public communication is the time for anyone to address the Board on any agenda item or anything under the jurisdiction of the District. Also, please remember that no disruptions from the crowd will be tolerated. If someone disrupts the meeting, they will be removed.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the Board of Directors, Staff Member, or any member of the public request a specific item(s) be removed for separate action.

Consideration of:

1. June 3, 2021 – Regular Board Meeting Minutes. **(Page No. 5)**
2. Approval of the Human Resources Policies and Practices Manual Updates. **(Page No. 9)**
3. Notice of Completion Recordation for the Pump Station 6-2 Emergency Generator. **(Page No. 393)**
4. REJECTION OF CLAIMS - Staff recommends that the Board reject the following claim(s) and direct staff to send appropriate notice of rejection to claimant(s): Claim No. 7009 1410 0002 4379 2861, Nadia Loukeh. vs West Valley Water District and Claim No. 7009 1410 0002 4379 2878, Diana Gunn vs West Valley Water District. **(Page No. 401)**
5. Approval of Payment to Hunt Ortmann Palfy Nieves Darling & Mah, Inc., for Professional Services rendered through May 31, 2021, Invoice No. 88491; \$11,836.86. **(Page No. 417)**
6. Approval of Payment to Ivie McNeill Wyatt Purcell & Diggs, for Professional Services rendered in April 2021, Davis v. WVWD, Invoice No. 744659; \$10,287.50. **(Page No. 418)**
7. Approval of Payment to Ivie McNeill Wyatt Purcell & Diggs, for Professional Services rendered regarding Romero v WVWD, Invoice No. 744657; \$5,071.50. **(Page No. 419)**
8. Approval of Payment to Leal Trejo, for Professional Services rendered in April 2021, Invoice No. 18384; \$12,656.66. **(Page No. 420)**
9. Approval of Payment to Tafoya Law Group, APC, for Professional Services rendered in April 2021, Invoice No. 21-1004; \$27,547.30. **(Page No. 421)**

10. Approval of Payment to Tafoya Law Group, APC, for Professional Services rendered in May 2021, Invoice No. 21-2005; \$ 26,462.20. **(Page No. 422)**

BUSINESS MATTERS

Consideration of:

None

REPORTS - LIMITED TO 5 MINUTES MAXIMUM (Presentations or handouts must be provided to Board Members in advance of the Board Meeting).

1. **Board Members**
2. **General Manager**
3. **Legal Counsel**

UPCOMING MEETINGS

1. July 5, 2021 – District Office **CLOSED** in Observance of Independence Day.
2. July 6, 2021 - San Bernardino Valley Municipal Water District Regular Board Meeting at 2:00 p.m., 380 E. Vanderbilt Way, San Bernardino, CA 92408.
3. July 8, 2021 - West Valley Water District External Affairs Committee Meeting at 6:00 p.m., at District Headquarters.
4. July 12, 2021 - West Valley Water District Human Resources Committee Meeting at 6:00 p.m., at District Headquarters.
5. July 13, 2021 – West Valley Water District Safety & Technology Committee Meeting at 6:00 p.m., at District Headquarters.
6. July 14, 2021 - West Valley Water District Finance Committee Meeting at 1:00 p.m., at District Headquarters.
7. July 14, 2021 - West Valley Water District Engineering, Operations & Planning Committee at 6:00 p.m., at District Headquarters.
8. July 15, 2021 – West Valley Water District Regular Board of Directors Meeting at 6:45 p.m. (6:00 p.m. Closed Session), at District Headquarters.
9. July 20, 2021 - San Bernardino Valley Municipal Water District Regular Board Meeting at 2:00 p.m., 380 E. Vanderbilt Way, San Bernardino, CA 92408.
10. July 27, 2021 - West Valley Water District Policy Review & Oversight Committee Meeting at 6:00 p.m., at District Headquarters.

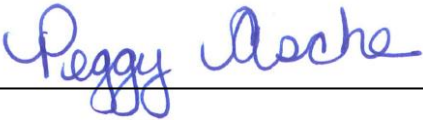
CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957, Title(s): General Manager.
- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9(b): Number of Cases: Three (3).
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Naisha Davis v. West Valley Water District et al. Case No. 20STCV0323.

ADJOURN

DECLARATION OF POSTING:

I declare under penalty of perjury, that I am employed by the West Valley Water District and posted the foregoing Agenda at the District Offices on June 28, 2021.



Peggy Asche, Board Secretary

Please Note:

Material related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the District's office located at 855 W. Baseline, Rialto, during normal business hours. Also, such documents are available on the District's website at www.wvwd.org subject to staff's ability to post the documents before the meeting.

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in the above-agendized public meeting should be directed to Peggy Asche, at least 72 hours in advance of the meeting to ensure availability of the requested service or accommodation. Ms. Asche may be contacted by telephone at (909) 875-1804 ext. 703, or in writing at the West Valley Water District, P.O. Box 920, Rialto, CA 92377-0920.

MINUTES
REGULAR BOARD MEETING
of the
WEST VALLEY WATER DISTRICT
June 3, 2021

Attendee Name	Present	Excused	Absent
Board of Directors			
Channing Hawkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Taylor	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Crowther	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Clifford Young	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Gregory Young	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Staff			
Shamindra Manbahal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Van Jew	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Naseem Farooqi	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Haydee Sainz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peggy Asche	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Jadeski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jon Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joanne Chan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Albert Clinger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jose Velasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rosa Gutierrez	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Legal Counsel			
Robert Tafoya	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>

OPENING CEREMONIES

Pledge of Allegiance - Led by President Channing Hawkins.
Opening Prayer - Led by Pastor Bratton, Greater Faith Grace Bible Church.
Call to Order
Roll Call of Board Members

ADOPT AGENDA

Director Dr. Clifford Young motioned to adopt the agenda as presented and Director Dr. Michael Taylor second the motion. Hearing no discussion, the following vote was taken:

WVWD

Minutes: 6/3/21

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clifford Young, Director
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

PUBLIC PARTICIPATION

Ms. Peggy Asche, Board Secretary, reported that she received an email from Dr. Carl Christman requesting to speak to the Board. At this time, Dr. Christman addressed the Board with his concerns. There were no other comments via email or zoom.

CONSENT CALENDAR

Director Dr. Clifford Young motioned to adopt the agenda moving Item No. 2 for separate discussion and Director Dr. Michael Taylor second the motion. Hearing no discussion, the following vote was taken:

RESULT:	ADOPTED [4 TO 1]
MOVER:	Clifford Young, Director
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young
NAYS:	Gregory Young

1. **MAY 6, 2021 – REGULAR BOARD MEETING MINUTES.**
2. **ADOPT RESOLUTION 2021-11, ADOPTING OPTION 1A DEVELOPMENT FEE SCHEDULE AND FIRE SERVICE CAPACITY CHARGE.**
 Item No. 2 was moved to Business Matters for discussion during the adoption of the Consent Calendar.
3. **ADOPT RESOLUTION 2021-12, ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2021-22.**
4. **ADOPT RESOLUTION NO. 2021-13, SALARY SCHEDULE AND JOB CLASSIFICATION PAY SCHEDULE FOR FISCAL YEAR 2021-2022.**
5. **EMERGENCY PURCHASE OF A VARIABLE FREQUENCY DRIVE (VFD) FOR THE NORTH WELL AT EAST COMPLEX.**

BUSINESS MATTERS

2. **ADOPT RESOLUTION NO. 2021-11, ADOPTING OPTION 1A DEVELOPMENT FEE SCHEDULE AND FIRE SERVICE CAPACITY CHARGE.** (Moved from the Consent Calendar)

Vice President Kyle Crowther motioned to adopt Resolution No. 2021-11 and Director Dr. Michael Taylor second the motion. Hearing no discussion, the following vote was taken:

WVWD

Minutes: 6/3/21

RESULT:	ADOPTED [3 TO 2]
MOVER:	Kyle Crowther, Vice President
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther
NAYS:	Clifford Young, Gregory Young

REPORTS - LIMITED TO 5 MINUTES MAXIMUM (Presentations or handouts must be provided to Board Members in advance of the Board Meeting).

1. Board Members

- President Hawkins mentioned that this past weekend was the time to honor the individuals who sacrificed their lives on behalf of the United States of America and enabled us to have freedom and democracy. Unfortunately, received word that a fellow Water Board member, Mr. Donald D. Galleano, Western Municipal Water District, passed away. In addition, would like to acknowledge and honor the passing of San Bernardino County Law Enforcement Officer, Sgt. Dominic Vaca who was killed in the line of duty on Monday. Our hearts and prayers go out to his family and entire public safety community. Also, would like to honor the passing of the district's former General Manager, Clarence Mansell. Wished his family peace and comfort during this difficult time.
- Director Dr. Clifford Young requested to speak in the memory of Don Galleano stating that he was a friend of his and was very instrumental in the efforts of Western Municipal Water District as well as the entire Inland Empire. Dr. Young stated that he will truly be missed.
- Director Dr. Michael Taylor would like to also speak in honor of Don Galleano stating that he was a very kind man and will be truly missed by all. Also, was saddened of the passing of Clarence Mansell stating that he was a very kind and gentle spirit, as well as a tireless worker in the industry of water. Dr. Taylor stated that his heart goes out to his family and friends. Lastly, the tragic news of Sgt. Dominic Vaca who was only 43 years old and a 17-year veteran with the San Bernardino County Sheriff's Department. As a fellow former law enforcement person, he wants to send his heartfelt condolences to his family. Recommending that the Board close the meeting tonight in honor of Sgt. Dominic Vaca, Clarence Mansell and Donald Galleano.
- Director Greg Young echoed the comments of his fellow colleagues in the passing of Sgt. Vaca stating that it was a real tragedy for our community. Director Young stated that he was very sad to hear of the passing of Clarence Mansell and pray for his family during this sad time. Also, would like to send his condolences to the family of Don Galleano stating that he will truly be missed in the wine and water industry.

2. General Manager

- Mr. Shamindra Manbahal reported that the district celebrated today with a safety luncheon for 290 without a loss time claim and congratulated all employees for a job well done.

3. Legal Counsel

WVWD

Minutes: 6/3/21

Mr. Robert Tafoya reported out of Closed Session stating that the Board did consider several items; however, no final actions were taken.

CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9(b): Number of Cases: Three (3).
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Naisha Davis v. West Valley Water District et al. Case No. 20STCV0323.
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – San Bernardino County Election Date Change.
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - West Valley Water District v. The Dow Chemical Company, et al., San Bernardino Superior Court, Judicial Council Coordination Proceeding No. 4435, Case No. CGC-21-590529.
- PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957 Title(s): General Counsel.

ADJOURN

There being no further business, the meeting adjourned at 7:08 p.m., in honor of Clarence Mansell, Sgt. Dominic Vaca and Donald Galleano.

Channing Hawkins
President of the Board of Directors
of West Valley Water District

ATTEST:

Peggy Asche, Board Secretary

WVWD

Minutes: 6/3/21



**BOARD OF DIRECTORS
STAFF REPORT**

DATE: July 1, 2021
TO: Board of Directors
FROM: Shamindra Manbahal, Interim General Manager
SUBJECT: APPROVAL OF REVISED HUMAN RESOURCES POLICIES AND PROCEDURES – ADOPT RESOLUTION 2021-18

BACKGROUND:

The Board members serving on the Human Resources Committee and the Human Resources and Risk Manager have reviewed and revised the District's Human Resources Personnel and Practices Manual since it was last approved at the April 19, 2018, Board of Director's meeting by Resolution 388-70.

On June 3, 2021, staff met with the International Union of Operating Engineers, Local 12 to meet and discuss the impact and effects of the revisions to their members. The District has completed its obligation of the meet and confer process with Local 12. At the June 14, 2021, Human Resources Committee meeting the members recommended the updated Human Resources Personnel and Practices Manual be presented to the Board.

DISCUSSION:

The April 19, 2018, Human Resources Personnel Policies and Practices Manual is attached as Exhibit A. The proposed 2021 Human Resources Policies and Practices Manual with tracked changes is Exhibit B. The revised 2021 Human Resources Policies and Practices Manual is attached as Exhibit C. Resolution 2021-18 is attached as Exhibit D.

FISCAL IMPACT:

No fiscal impact.

STAFF RECOMMENDATION:

Staff recommends that this item be submitted for consideration, and that the Board of Directors approve this item and authorize the Interim General Manager to execute the necessary documents. Staff requests approval of revised Human Resources Policies and Procedures – Adopt Resolution 2021-18 Establishing Human Resources Policies and Practices and rescinding all previous resolutions adopted hereto.

Respectfully Submitted,

Shamindra Manbahal

Shamindra Manbahal, Interim General Manager

SM:hs

ATTACHMENT(S):

1. Exhibit A part I 7.1.2021
2. Exhibit A part II 7.1.2021
3. Exhibit B part I 7.1.2021
4. Exhibit B part II 7.1.2021
5. Exhibit C 7.1.2021
6. Exhibit D 7.1.2021

EXHIBIT A

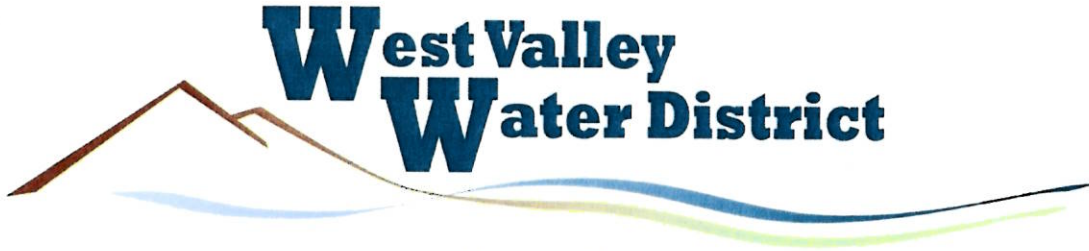
West Valley Water District

HUMAN RESOURCES POLICIES & PRACTICES MANUAL



855 West Baseline
P.O. Box 920
Rialto, CA 92377
(909) 875-1804

Approved
April 19, 2018



**Human Resources
Policies & Practices
Manual
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**Human Resources
Policies & Practices
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 <p>West Valley Water District Board of Directors</p>	<p>WEST VALLEY WATER DISTRICT Human Resources Policies & Practices Manual</p>	Article No. 1
		Board Effective Date: 04-19-18
		Revision Date & No:
TITLE: GENERAL PROVISIONS		Page 1 of 2

101. SHORT TITLE

This Resolution shall be known and may be cited as "WEST VALLEY WATER DISTRICT REGULATIONS GOVERNING EMPLOYMENT".

102. WORDS AND PHRASES

For the purpose of this Resolution, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

103. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Resolution.

104. EXECUTION OF PROVISIONS

It shall be the duty of those placed in authority by this Board of Directors to execute the provisions of this Resolution.

105. DISCIPLINARY ACTION


See Article 17, Section 1702.

106. ADMINISTRATIVE DECISIONS

The General Manager is hereby authorized to make such administrative decisions as are necessary to implement this Resolution on behalf of the Board of Directors.

The District, through the General Manager, retains, solely and exclusively, all rights of management which have not been expressly abridged or limited by the various provisions of this Resolution. The sole and exclusive rights of management which are not abridged by this Resolution shall include, but shall not be limited to, the following:


- a) The right to determine the existence or non-existence of facts which are the basis for a management decision.

 <p>West Valley Water District Board of Directors</p>	<p>WEST VALLEY WATER DISTRICT Human Resources Policies & Practices Manual</p>	Article No. 1
		Board Effective Date: 04-19-18
		Revision Date & No:
<p>TITLE: GENERAL PROVISIONS</p>		Page 2 of 2

- b) The right to establish, continue, discontinue or modify policies, practices, or procedures.
- c) The right to transfer, re-classify, promote, or demote employees, or to layoff, terminate, or otherwise relieve employees from duty for lack of work; to determine the facts of lack of work. (See Article 3, Section 306)
- d) The District shall also reserve all other prerogatives and responsibilities normally inherent in management, provided the same are not contrary to this Resolution.

107. EFFECTIVE DATE

This Resolution shall take effect , and shall supersede any previous resolutions, revisions and/or amendments.

 <p>West Valley Water District Board of Directors</p>	<p>WEST VALLEY WATER DISTRICT Human Resources Policies & Practices Manual</p>	Article No. 2
		Board Effective Date: 04-19-18
		Revision Date & No:
TITLE: DEFINITION OF TERMS		Page 1 of 5

The words and terms defined in this article shall have the following meanings in this Resolution and any other Resolution classifying and fixing the salaries and compensation authorizing the employment of personnel of the District. To provide a mutual understanding and agreement in terminology, the following terms are defined as follows:

Accruals means the start at the beginning of the first complete pay period worked.

Administrative Leave means at the discretion of the General Manager and Board of Directors, exempt management employees may be granted administrative leave each calendar year. Such leave requires the prior approval of the General Manager. Additional administrative leave may be authorized at the discretion of the General Manager and/or Board of Directors; provided, that any such additional leave is authorized and in writing and signed by the General Manager and/or President of the Board of Directors.

Allocate means the assignment of a single position to its proper grade in accordance with the duties performed and the authority and responsibilities exercised.

Anniversary Date means the anniversary of the hire date.

Applicant means a candidate who has been included on a list to participate in any interviews and testing necessary for a position.


At-Will Employment A contractual relationship in which an employee can be dismissed by the District for any reason (that is, without having to establish “just cause” for termination), and without warning.

Board of Directors means publicly elected officials of the District. Also referred to collectively as “Board”.

Compensation means the salary, wages, allowances, fringe benefits, and other forms of valuable compensation earned by or paid to any employee by reason of employment with the District.

Demotion means the movement of an employee from one step to another step having a lower step of pay; or the movement of the pay of an employee from one step to a lower step within the established salary schedule for that employee’s classification.

Department means an organizational unit with responsibility for carrying out a function or variety of functions under the supervision of a manager or supervisor.

	WEST VALLEY WATER DISTRICT Human Resources Policies & Practices Manual	Article No. 2
		Board Effective Date: 04-19-18
		Revision Date & No:
TITLE: DEFINITION OF TERMS		Page 2 of 5

Dependent means any dependent who meets the eligibility requirements of the West Valley Water District's benefit providers.

Dependent Spouse or Spouse of Disabled, Retired, or Deceased Employee means a person married to employee at least one (1) year prior to retirement, disability or death.

Disciplinary Action means a dismissal, demotion, reduction in pay, suspension, reprimand of an employee, or other similar process for dealing with and/or attempting to correct behavior that does not meet the expected performance standards.

Dismissal means the termination of an employee from District service by his/her manager and/or supervisor under the authority of the General Manager.

District means the West Valley Water District (District).

Eligibility List means a list of applicants competing for a position.

Eligible means an applicant meets the criteria and whose name is on an eligibility list.

Evaluation means an evaluation conducted by the supervisor of an employee's job performance within the assigned position and classification.

Evaluation Date means the annual date when an employee is provided with a performance evaluation. Also, after completion of six months' probationary period.


Executive/Management Staff includes General Manager, Assistant General Manager, Assistant General Manager of Public Affairs, Chief Financial Officer, Public Information & External Affairs Manager Engineering Services Manager, Operations Manager Human Resources/Risk Manager, Business Systems Manager and Board Secretary.

Exempt Employee means position classifications not entitled to overtime. Refer to the "Salary List" for positions that are Exempt Employees.

General Manager means the chief executive officer of the West Valley Water District.

Grievance means a dispute over the interpretation or application of the District's rules and regulations.

Hire Date means the date an employee is last hired.

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Lay-Off means separation from employment by the District resulting from lack of work, lack of funds, elimination of a District position, restricting or reorganization, cost reduction, or a decrease in the work force, as determined by the General Manager. A layoff is not a disciplinary measure. Notwithstanding any other provisions of these rules, nothing provided herein shall prohibit the District from discharging, suspending or transferring an employee upon a determination by the District that the needs of the District do not require continuance of the employee's position. If an employee is rehired within one year of layoff, the accrued and unused sick leave existing at the time of layoff will be restored to the employee.

Merit Pay Increase means a salary increase awarded based on performance.

Non-exempt Employee means position classification entitled to overtime compensation. These positions are all positions not previously listed under "exempt employee."

Overtime means time worked in excess of the normally scheduled workday and/or 40 hours worked per workweek by a nonexempt employee.

Overtime Compensation means payment for overtime earned in the current pay period. Said payment shall be for all hours in excess of the normally scheduled workday and/or 40 hours worked per workweek at a rate of one and one-half times the employee's regular hourly wage. Exempt employees are not entitled to overtime compensation.


Part-Time Employee means an at-will employee who fills an authorized District position and who is regularly scheduled to work fewer than 40 hours per week per fiscal year. A part-time employee is not eligible for benefits offered by the District, unless legally required.

Payroll Period means the year is divided into twenty-six (26) equal payroll periods consisting fourteen (14) calendar days each.

Performance Improvement Plan means concurrent with, or independent of any other disciplinary measures, a Department Supervisor may place an employee on a Performance Improvement Plan during which time the employee's performance, attention to job duties, attitude, and timeliness are closely supervised. The length of period of the Performance Improvement Plan may not exceed 90 calendar days.

Position means a group of duties and responsibilities requiring the employment of one person.

Probation means that each newly hired, appointed, promoted or transferred employee shall serve a probationary period of six (6) months. At the conclusion of the probationary period, his/her

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supervisor shall prepare a report of performance and evaluation. The General Manager shall have the discretion to extend an employee's probation period for up to an additional six-month period upon written notice to the employee that an additional period of evaluation is required.

Promotion means an advancement to a classification having greater responsibility and meets the requirements of the position.

Reclassification means a change in allocation for a position from an existing range to another existing range, or to a new range.

Regular Full-Time Employee means a regular employee who fills an authorized District position and works a regularly scheduled 40-hour week.

Reinstatement means the reemployment of a former employee within one year following his/her resignation from the District if that person left in good standing. Such action must have approval of the General Manager.

Resignation means the termination of employment of an employee by his/her voluntary action which may include job abandonment.


Satisfactory Service means meeting the work, conduct, attitude, educational requirements, and aptitude standards established by the District.

Sick Leave means leave from employment with pay for the diagnosis, care or treatment of an existing health condition, or for preventative care for, an employee or an employee's qualified family member, or for an employee who is the victim of domestic violence, sexual assault or stalking as provided for in Labor Code sections 230 (c) and 230.1 (a).

Supervisor means an employee who is a supervisor who oversees a specified operation of the District.

Suspension means the temporary separation of an employee from District service with or without pay for disciplinary purposes or pending investigation of charges.

Temporary Employee Is one who is hired to work within any job classification, but whose position is not "full time" in nature; and shall be limited in duration of employment and may be limited in hours of work per day. The "temporary" employee works whenever the District's work load increases to a level that "full time" employees cannot accommodate it. A "temporary" employee will work less than one thousand (1,000) hours per fiscal year. A "temporary" employee shall not accrue

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vacation, holidays or any other employee benefits, except as provided by law. A “temporary” employee shall accrue sick leave based on the schedule found in Article 10, Section 1001 (b).

Termination means the dismissal of employment of an employee by action of the General Manager and/or designee for reasons other than layoff or resignation.

Transfer means the change of an employee from one position to another position in the same step and salary range, involving the performance of similar duties and requiring the same basic qualifications.

Vacation Leave means a leave from employment for the purpose of vacation for the employee to relax away from work. Such a vacation leave is beneficial for the well-being of the employee.

Year of Service means twelve (12) continuous months of service following date of employment.

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301. ANNOUNCEMENTS

- a) If the General Manager deems it advisable, the job announcement may also be posted in other public places, posted on the District website and/or published in newspapers and professional/trade publications. The announcement will minimally specify job title, salary range, necessary qualifications, opening and closing dates, time, place, and manner of making applications.
- b) In addition, positions may be posted as “promotional” and open internally for District employees only instead or prior to inviting “outside” applicants to apply.

302. APPLICATIONS

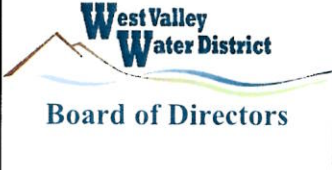
Applications for employment will be standardized and will request information pertinent to the individual’s background necessary to determine the eligibility of the applicant. All applicants must complete and sign a District application in order to be considered for a position. If it is determined that an applicant or employee has falsified any portion of his/her employment application, such falsification could be grounds for refusal to hire an applicant or immediate dismissal of an employee.

303. SELECTION PROCESS

- a) Interviews and Examinations. The General Manager, directly or through a designee, shall determine the manner and method by which the interviews and examinations will be prepared and administered. The General Manager may contract with any competent agency or individual for the performance of such interviews and examinations. In the absence of such a contract, the General Manager, or designee, shall perform such duties.

The selection process may include written and/or oral assessment, or any combination, and may include appropriate physical or practical testing, to evaluate the education, experience, knowledge, skills, abilities, and/or physical and mental fitness that fairly evaluates the relative capacities of the candidate to successfully perform the duties and responsibilities of the position to which he/she seeks to be appointed (See Article 14, Section 1402).

All offers of employment or promotion with change in level of physical activity by the District may be contingent upon the completion of a medical examination (See Article 14, Section 1402) and an employee’s demonstrated ability to perform the essential functions of the job, with or without reasonable accommodation, and may

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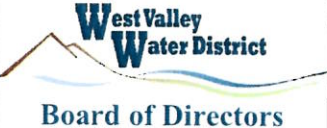
include drug and alcohol testing. The District shall pay the cost of the examination and drug screen. No employee shall hold any position unless he/she is physically and mentally able to perform the essential functions of the job, with or without reasonable accommodation, without posing a direct threat to the health or safety of the employee or others. New employees who test positive for alcohol and/or illegal drugs will have their offer of employment rescinded and will not become employed by the District.

All selections will be conducted in accordance with the District's fair employment policy. In conducting interviews and examinations, there will be no consideration given to race, color, gender, age (over 40), ancestry, national origin, political or religious affiliation, marital status, military status, genetic information, pregnancy, sexual orientation/identity or physical/mental disability that does not prevent the employee from safely performing the essential duties of the job, with or without reasonable accommodation, except where a bona fide occupational qualification so dictates.

- b) **Proof of Employable Status.** The Immigration Reform and Control Act of 1986 requires that the District verify the legal status and identity of all individuals accepting employment with the District. Acceptable proof of legal status and identity shall be determined by review of appropriate documentation as set forth in the regulations passed under the Immigration Reform and Control Act.
- c) **Orientation and Training.** The General Manager, or designee, shall conduct an orientation for new employees as to District policies, procedures, and benefits. Subsequently, each employee shall be responsible for being familiar with the policies of West Valley Water District. The supervisor shall acquaint employees with all aspects of the job function as represented in the job description.
- d) **Public Employee Disaster Service Worker Status.** As set forth in the California Government Code Sections 3100 through 3109, in the event of a disaster, all public employees become "disaster service workers." The law requires, as a condition of employment, that every District employee take and subscribe to the oath set forth in the State Constitution that declares them to be disaster service workers in time of need.

304. ANTI-NEPOTISM POLICY

It is the policy of the District to ensure equal opportunity to all persons with regard to employment and benefits and that no person shall be given nor withheld privileges because of the employment relationship of immediate family members. However, the District reserves the right to refuse employment of a relative, spouse, live-in or domestic partner of

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an employee under the direct supervision of that employee or in the same department or facility, where the potential may exist for creation of an adverse effect on supervision, safety, security or morale.

A member of an employee's immediate family shall be considered for employment only upon meeting the qualifications of the position. Applicants may not be hired, nor employees assigned, transferred or promoted into a position if such action would create a supervisor/subordinate relationship with a member of their immediate family or where it would create an actual or apparent conflict of interest.

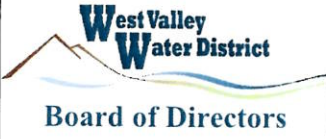
For the purposes of this policy, "immediate family" includes spouse, mother, father, registered domestic partner, child, step-child, grandchild, sister, brother, brother-in-law, sister-in-law, mother-in-law, father-in-law, step-parent, grandparent, legal guardian, aunt, uncle, niece, nephew, first cousin, regardless of their place of residence, or any other individual related by blood or marriage living within the same household as the District employee. The General Manager has the authority to disapprove hiring, assigning, transferring or promoting an individual when due to a close personal relationship with an existing employee, such action would:

- a) Have the potential for creating an adverse impact on work performance.
- b) Create a conflict of interest or appearance thereof, or create a situation that would be in violation of any other policy law or regulation.

305. INTERNAL PROMOTION

The West Valley Water District supports internal promotion whenever possible and practicable. Upon recommendation by an employee's supervisor, and approval by the General Manager, an employee may be promoted from one classification to another, subject to a six-month probationary period as defined in Article 3, Section 310. An employee promoted to a higher position will receive the minimum salary for the higher position or at least a 5% increase above the employee's former position, whichever is higher, provided the increase is within the range of the higher position. In order for an internal promotion to occur, the following criteria must be met:

1. The position to be promoted into must be included in the current approved budget. If the position is not in the current budget, approval by the Board of Director's is required to either (1) add a position to the budget or (2) upgrade the current position.
2. Candidates for internal promotion must have the certification(s) required by the open

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position's job description, or must have passed the exam, and submitted their application for the required certification(s). In the case of a successful candidate who has submitted their application, but not received the required certification(s), the promotion will become effective upon receipt of the required certification.

3. If the employee does not perform in his/her new position in a satisfactory manner pursuant to Article 3, Section 310, he/she shall not return to his/her previous position or transfer to another position unless approved by the General Manager.

Management reserves the right to recruit for any open position both internally and externally at their discretion.

306. AUTHORITY TO EMPLOY, DISCHARGE, DISCIPLINE, PROMOTE OR ADVANCE


The General Manager shall have full power and authority to employ, promote, advance, transfer, discipline and/or discharge all employees subject to policies of the District. In the absence of the General Manager, the Assistant General Manager shall have the authority to act on behalf of the General Manager. **Personnel decisions regarding Executive Staff shall be subject to the approval of the Board of Directors.**

307. MEDICAL EXAMINATIONS

Employees entering District employment may be required to take, at the District's expense, a physical examination prior to appointment to confirm the ability of the employees to perform the essential functions of the job with or without reasonable accommodation.

308. EMPLOYMENT CLASSIFICATION

1. A regular "full-time" employee is one who has been hired to fill a full time position in any job classification and has completed his/her probationary period as provided for in Article 3, Section 310.
2. A "probationary" employee is:
 - a) A regular "full time" employee who has not completed an initial probation period of six (6) continuous months of service with the District.
 - b) A regular "full time" employee who has not completed a probation period in a position to which he/she was promoted, demoted or transferred.

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3. A regular "part-time" employee is one who is hired to work within any job classification whose position is "full time" in nature and may be limited in hours of work per day or week. The "part-time" employee may be working within the District's Workers' Compensation or Rehabilitation Program or a special program approved by the Board of Directors. The regular "part-time" employee shall be eligible for all District benefits. Sick leave, vacation, retirement and holidays shall accrue on a pro-rated basis.
4. A "temporary" employee is one who is hired to work within any job classification, but whose position is not "full time" in nature; and shall be limited in duration of employment and may be limited in hours of work per day. The "temporary" employee works whenever the District's work load increases to a level that "full time" employees cannot accommodate it. A "temporary" employee will work less than one thousand (1,000) hours per fiscal year. A "temporary" employee shall not accrue vacation, holidays or any other employee benefits, except as provided by law. A "temporary" employee shall accrue sick leave based on the schedule found in Article 10, Section 1001(b).

309. CLASSIFICATIONS

All vacancies shall ordinarily be filled at Step 1 of the salary range for each classification. The General Manager is authorized to employ qualified persons at higher step positions.

310. PROBATION

Each newly hired, appointed, promoted or transferred employee shall serve a probationary period of six (6) months or up to twelve (12) months for newly hired employees in certain highly compensated positions. At the conclusion of the probationary period, his/her supervisor shall prepare a report of performance evaluation and upon the recommendation of the employee's supervisor, department head, Assistant General Manager and the General Manager, said employee will be granted full or part time employee status. The General Manager shall have the discretion to extend an employee's probation period for up to an additional six-month period upon written notice to the employee that an additional period of evaluation is required. Employees serving a probationary period are not entitled to due process in discipline or termination. They may be terminated **at-will**, without notice and without a hearing. In cases where the employee has been promoted into a new position and does not pass the probationary period, the General Manager shall have the discretion to return the employee to his/her previous position or a similar position if such a position is available and the needs of the District would warrant the return of the employee to such

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a position.

311. IDENTIFICATION CARDS

District employees shall be issued identification and/or security access cards verifying their affiliation with the District.

312. PERFORMANCE EVALUATION

On or before the anniversary of an employee's hire date, or the anniversary of the employee's last promotion, or as soon as practical thereafter, his/her supervisor shall prepare an evaluation of the employee's performance for the past year. This report shall be discussed with the department head and Human Resources before being discussed with the employee. Where applicable, the evaluation will be forwarded along with any recommendations of the supervisor to the General Manager for consideration. All performance evaluations will be signed off by the department head, Human Resources, Assistant General Manager and the General Manager.

If an employee is on an extended leave of absence their merit and review dates will be adjusted by the number of days they were on such leave.

313. ADVANCEMENTS


For newly hired employees, salary advancements shall be made upon evidence of satisfactory performance. Employees may be considered eligible for salary increases on an annual basis.

For all other employees, salary advancements shall be made upon evidence of satisfactory performance upon each employee's anniversary date until employee reaches the cap level of his/her job classification.

Advancement in salary is not automatic. It should be considered a reward for meritorious service. Employees must meet goals and expectations set forth by their supervisor in a satisfactory manner before a salary advancement will be awarded.

The General Manager may authorize the advancement of an employee who has performed twelve (12) months continuous satisfactory service. (See Article 3, Section 305)

An employee who furthers his/her knowledge in the field of employment may become eligible for consideration of a salary review by the General Manager.

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314. RECLASSIFICATION

Employees may be reclassified or an employee's job duties or functions may be changed for more efficient operation of the District or for any other reason the General Manager feels are warranted to achieve better District operations.

315. TEMPORARY RECLASSIFICATION

A regular full-time employee designated by their supervisor and approved by the General Manager to act in a higher classification shall receive a salary increase of 5% of the employee's base salary, or will be paid at the lowest step of the higher classification (whichever is more) for all the time actually spent working in the acting position until such time as the employee is returned to their original job classification. The employee must meet the requirements of the higher position as specified in the job description to be designated by their supervisor to act in the higher classification. Temporary reclassified status shall not exceed six months and must be approved by the General Manager in advance. Should the higher classification position become vacant and open for recruitment during the temporary reclassification, the employee may be considered a candidate through the competitive recruitment process.

316. TEMPORARY ASSIGNMENT – ACTING PAY


In the event that another position within a department becomes vacant and/or another employee is placed on a leave of absence, the General Manager may temporarily assign additional duties to an employee in order to meet the operations of the department. Temporary assignments must be for a minimum of 14 days and may be up to six (6) months. Employees placed on a temporary assignment shall receive a salary increase of 5% of the employee's base salary or may be considered for a temporary reclassification.

317. CROSS TRAINING

All District employees are expected to accept cross training in other positions and shall be expected to fill those positions in the event of illness, vacation or emergency operations of the District.

318. OPEN DOOR POLICY

If an employee has a problem, a complaint, a suggestion, or an observation, District


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management wants to hear from the employee. By listening to the employee, the District is able to improve, to address complaints, and to support employee understanding of the rationale for practices, processes and decisions.

It is the policy of the District that if any employee has a concern within their work environment, they shall allow their immediate Supervisor or Manager to address their concern. If the employee is not satisfied with the Supervisor or Manager's response to the concern, the employee shall then bring that concern to next level of authority respecting the appropriate chain of command. The final level of review and decision making authority regarding the employee's concern shall rest with the General Manager. Human Resources related issues may always be addressed directly with Human Resources.

319. EXIT INTERVIEW

An exit interview may be requested, but not required, of an employee who submits a written resignation. The interview shall be conducted by the General Manager or designee.

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

401. EMPLOYEE APPEARANCE AND DRESS


It is important that our District convey to the public, customers, and business associates the best possible image. The dress, personal hygiene, and appearance of employees plays a significant role in casting this image.

Employees are expected to maintain a professional, neat, clean, and well-groomed appearance. Hair, beards, and mustaches must be of style and length to avoid coming into contact with moving equipment. Loose clothing is not to be worn when operating equipment, as shown in the District's Safety and Injury Illness Prevention Program Manual.

No dress code can cover all contingencies so employees must use good judgement in their choice of clothing and shoes worn to work. Please use common sense. For example – If you would wear it to the beach or pool, it is not appropriate for the workplace.

Casual dress is every Friday, the week of Thanksgiving, the two weeks at Christmas and New Year's, and any other day as designated by the General Manager or Department Head. Some examples include: (This is not an exhaustive list.)

 DO	 CASUAL DAYS ONLY	 DON'T
<ul style="list-style-type: none"> • WVWD Logo attire • Blouses/sweaters/knit tops/banded-collar shirts • Collared polo shirts • Corduroys • Footwear: Loafers, dress boots ankle or knee, flats, dress shoes, pumps, dress sandals, leather deck shoes • Khaki/chino/twill pants • Knitted shirts • Oxford button-down shirts • Polo/golf shirts • Slacks, dress pants and capris • Sport coats/blazers • Tights with acceptable skirt or dress lengths • Ties (optional) • Suits • Turtlenecks • Dresses • Sweaters 	<ul style="list-style-type: none"> • Jeans • Casual skirts, culottes, and Bermudas (below the knee) • Capri pants • Footwear: athletic shoes, sneakers, casual boots, western boots, sandals • T-Shirts • Non-collared shirts • Sweatshirts without hoods • Shirts with sports team, university or school names. 	<ul style="list-style-type: none"> • Loungewear • Flip flops, slippers or unsafe shoes • Sweatpants, running suits, shorts, overalls • Spandex pants, leggings, jeggings • Short, tight skirts; mini-skirts; skorts; beach dresses • Skin-tight, thin or transparent clothing • Spaghetti strap tops or dresses • Velcro sandals (no Tevas or Birkenstocks) • Shirts with potentially offensive words, terms, logos, pictures, cartoons, graphic designs or slogans • Tops: Halter, tank-like chemise undergarments by themselves, tube, low-cut, bare midriff, bare back clothing • Torn/ripped/frayed clothing • Clothing revealing tattoos, cleavage, your back, your chest, your stomach or your underwear • Clothing shorter than 2" from the knee • Piercings: nose, lip, tongue, ear plugs or those that interfere with your work. • Hoodie type sweatshirts

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402. FIELD

The District supplies all field personnel with uniforms, including District T-shirts. Any field employee not wearing a complete uniform while performing District functions is subject to disciplinary action. Uniforms are not to be worn for personal use. During the summer months, field staff may wear District issued shorts at the discretion of the Department Supervisor. Each employee who is required to wear a uniform will be issued the necessary amount of uniforms.

Field employees shall wear their uniforms on casual days.

The District shall determine the uniform to be worn by the uniformed supervisors, and shall be as follows: white one pocket dress shirts (short or long sleeved); blue chino-type pants; a District logo and name tag or a photo identification clipped to the shirt.

All other field employees who have routine customer contact in the field or off-premises shall wear a District issued uniform. The District uniform to be worn by field employees shall be as follows: blue button-down shirts or t-shirts (short or long sleeved); blue chino-type pants or shorts; a District logo and name tag or a photo identification clipped to the shirt.

Any individual who is issued a uniform or who is required to wear photo identification is prohibited from using a nickname as identification.

Supervisors will ensure all their employees are wearing complete uniforms. Failure to wear a complete uniform may result in disciplinary action.


The District will replace torn, worn out, or damaged uniforms, as they occur during the normal course of the employee's work day, at no cost to the employee. However, lost or missing uniforms are the responsibility of the employee and the cost of replacing lost or missing uniforms will be billed to the employee. Upon separation from the District an employee is required to return all uniforms. If they do not do so, they may be billed for the cost of the missing uniforms.

403. SHOES AND BOOTS


All field employees are required to wear steel toed safety shoes or boots. The District will reimburse each field employee annually on or after the employee's hire date then on or after the employee's anniversary date; thereafter, for said shoes or boots upon proof of purchase. The maximum reimbursement amount will allow for the purchase of acceptable shoes or boots and will be set per the Board of Directors (see Salary Schedule Exhibit "A").

404. COMPLIANCE

If clothing fails to meet these standards as determined by the employee's manager, supervisor or the Human Resources Manager, the employee may be sent home to change clothes and will be required to use vacation or floater hours for time away from work.

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If hours are not available, the time away from the office for non-exempt employees will be unpaid. Any work time missed because of failure to comply with this policy will not be compensated, and repeated violations of this policy will be cause for disciplinary action. (See Disciplinary Action Article 17, Section 1702)

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501. SALARY PAYMENT

Salary payments shall be based on twenty-six (26) pay periods each year. Every other Thursday is established as payday. Should pay day fall on a holiday, payday shall be the day before the holiday. If employee is not available on payroll day, it is important to see the Accounting Department upon return to receive their pay check/stub.

502. TERMINATION PAY

Employee shall receive termination pay equivalent to all hours worked, accrued vacation and available floater holidays not used. The termination paycheck shall be issued as follows:

- a) Termination Notice Given with More Than 72 Hours' Notice – issued the last day of employment. An employee who provides a 72-hour notice shall be entitled to receive payment by mail if he or she so requests and designates a mailing address. The paycheck shall be made on the last day of employment.
- b) No Termination Notice Given or Less Than 72 Hours' notice - issued within seventy-two (72) hours of the last day of employment.
- c) Termination/Firing – at termination.

Checks are available at the District office and can be mailed only upon written request of the employee.


503. COST-OF-LIVING TYPE SALARY ADJUSTMENTS

All cost-of-living type salary adjustments shall be approved by the Board of Directors and become effective as determined by the Board.

504. STIPEND FOR CLASS "A" DRIVERS' LICENSE AND BILINGUAL COMPENSATION


A stipend of \$25 per pay period shall be paid to any field employees that have a class "A" drivers' license and are included in the random drug/alcohol testing.

District employees who qualify as a bilingual Spanish speaker by taking a test with a passing score of 70% or higher will receive a stipend of \$25 per pay period.

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505. INCENTIVES FOR CERTIFICATION

All full-time, regular field and/or office employees that are required by job position to obtain or maintain a Water Treatment/Distribution Operation certificate issued by the State Water Resources Control Board Division of Drinking Water will be reimbursed for the tuition, books and other course required costs associated with obtaining and maintaining said certificate. The actual cost for the certification will be 100 percent reimbursed by the District. No late fees will be reimbursed for certifications not renewed in a timely manner.

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601. ADMINISTRATIVE/MANAGEMENT AND SUPERVISORY

Employees hired in an administrative/management and supervisory staff (51% of time utilized in supervising only and in a non-working status) shall be considered as Exempt employees.

602. CLASSIFICATION AND SALARY

Exhibit "A" attached hereto, by this reference made a part hereof, establishes the classification and salary schedule for employees of the District.

603. TRAVEL EXPENSES

See Purchasing Policy

604. ATTENDANCE AT CONFERENCES, SEMINARS, WORK SHOPS AND OTHER DISTRICT RELATED FUNCTIONS

District staff are authorized to attend water industry and Special District related conferences, workshops and seminars, as well as any other functions or meetings pertaining to the water industry, at District expense, should it be of benefit to the District, subject to the approval of the General Manager or designee. See travel guidelines located in the Purchasing Policy.


605. EMPLOYEE REPRESENTATIVES

As is the policy of West Valley Water District employees shall select a committee from among themselves to meet with the Human Resources Committee of the Board of Directors and the General Manager and/or designee, to submit any cost-of-living requests for changes in salaries and/or benefits for the upcoming fiscal year.


During the budget process, the Human Resources Committee of the Board of Directors will make their recommendations to the Board of Directors. The direction of the Board will be incorporated into the proposed annual operating budget.

606. SALARY SCHEDULE REVIEW (SCHEDULE "A")

Prior to the second meeting in June of each fiscal year, the Board shall review the salary resolution to amend Exhibit "A", to add to and clarify position titles, to make provisions which, in its judgment, it considers necessary and proper to the efficient operation of the

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affairs of the District.

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701. WORK HOURS

The normal work week consists of forty (40) straight time hours. Employee's scheduled work hours will be dependent upon the department to which he or she is assigned. Supervisors will advise individual employees of their specific work schedules.

Changes to work hours shall be at the discretion of the General Manager and/or the Board of Directors.

The District has established the following work schedules:

a. **Standard Schedule:**

Employees work eight (8) straight time hours per day, Monday through Friday, forty (40) straight time hours per work week.

b. **9/80 Schedule:**

Employees work nine (9) straight time hours per day, Monday through Thursday and work eight (8) hours every other Friday, averaging forty (40) straight time hours per work week.

c. **4/10 Schedule:**

Employees work ten (10) straight time hours per day for four days per week, forty (40) straight time hours per work week.

d. **Rotation Schedule:**


Employees' schedules consist of a variation of the above schedules, forty (40) hours per work week.

702. WORK WEEK

For all schedules with exception to rotation, the work week is defined as starting on Friday at mid-day and ending the following Friday at mid-day. For the rotation, the work week is defined as starting on Thursday at 12 am and ending the following Thursday at 11:59pm.

703. REST BREAKS AND MEAL PERIODS

a. **Rest Period:**

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Employees get one fifteen (15) minute paid break for every four (4) hours of work, to be taken in the middle of the four (4) hour period. Supervisors will schedule an employee's rest break. Employees shall not leave the job site or the area of the District office during rest breaks.

b. Meal Period:

A meal period of no less than thirty (30) minutes and no more than sixty (60) minutes unpaid, will be taken each work period no later than six (6) hours after an employee's regular start time. Supervisors will schedule an employee's meal period. Employees may leave the job site or District office during meal periods.

704. ON-CALL WITH CELL PHONE


On-call employees are not expected to disrupt their normal routine day-to-day activities while being on-call, but are expected to remain within the general area of the District and carry a District cell phone at all times when away from any previously arranged telephone location.

A schedule shall be maintained by the Operations Manager whereby field employees and supervisors shall be assigned, on a rotational basis, to be "on-call" after hours, on weekends, holidays and other times not considered regular hours of work for District employees.

On-call employees will serve on-call for one (1) week beginning on Monday at 8 a.m. through the following Monday, 8 a.m. or Tuesday following a Holiday. The on-call employee shall receive a minimum of two (2) hours overtime pay for a call-out while on-call after normal work hours.

- a. If the on-call employee receives a second call-out within two (2) hours of the start time for the first call-out, the employee shall not receive a second two (2) hour minimum overtime pay.
- b. The start time for the call-out and overtime pay to begin shall be at the time the employee receives the call from either the on-call dispatcher or answering service.
- c. The on-call employee shall receive his/her call from the on-call dispatcher, a supervisor or a member of the administrative staff unless prior arrangements are made for the on-call employee to receive calls from the answering service.

On-call supervisors will serve on-call for a fourteen day period, beginning and ending

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Mondays at 8:00 a.m. On-call supervisors shall receive on-call pay of one (1) hour overtime pay each day during their assigned rotation.

- a. On-call dispatchers shall document the time spent actually taking calls.
- b. When time spent taking calls is less than 60 minutes a day, the only compensation will be the on-call pay of one (1) hour of overtime pay for that day.
- c. When time spent taking calls exceeds 60 minutes in a day, the time in excess of 60 minutes shall be considered hours worked and will be paid at the overtime rate in accordance with Section 706 of this manual.
- d. Exempt employees assigned to on-call duties shall receive a \$250.00 per week stipend.

705. ATTENDANCE

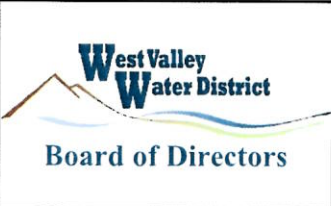
Punctuality and regular attendance are expected and necessary to the proper functioning of the District. In case of unplanned absence or tardiness, the employee must notify his/her immediate supervisor, or another supervisor within an employee's work area, within the first one-half (1/2) hour of the employee's start time daily. Text or voice mail notice is acceptable, however, an acknowledgment must be received by the employee's supervisor. If an employee must leave early during work hours, the supervisor should be notified as far in advance as possible. Any employee with unexcused excessive absenteeism or tardiness shall be subject to disciplinary action, which may include termination.

706. OVERTIME

Overtime will be paid in accordance with laws governing alternative and standard work schedules as follows:

- a. Time worked in excess of forty (40) straight time hours per work week, or in the case of a 9/80 or 4/10 alternative schedule, in excess of 80 hours in the two-week period will be paid at overtime rates. Time worked includes hours worked, sick leave used, legal holiday during the work week, vacation, jury duty and other authorized leave time used during the work week. Overtime will be paid at time and a half (1.5x) the employee's regular hourly rate.
- b. Scheduled hours consist of the following

Standard:	Eight (8) hours per day
9/80:	Nine (9) hours per day; and eight (8) hours on Friday
4/10:	Ten (10) hours per day

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- c. Due to the nature of demands on the District, all employees may be asked to work beyond normal employee's scheduled work shift or forty (40) hours per work week. All employees who are required to work overtime shall be paid at time and one-half (1½ or 1.5) their regular hourly rate of pay for those hours worked beyond the normal employee's scheduled work hours or over forty (40) hours per work week.
- d. If an employee is called back to work after hours, on weekends, holidays or other times not considered regular hours of work, overtime shall begin at the time the employee arrives at the District or job site.
- e. If an employee is schedule to work on a District recognized holiday, they shall receive double time (2 times their regular hourly rate of pay) for hours worked on the day the holiday is observed.


707. COMPENSATORY TIME OFF

Requests for scheduling CTO shall be submitted to the supervisor at least seven (7) days in advance. CTO shall be scheduled and taken only as authorized by the supervisor. When possible, the scheduling of earned CTO shall be by mutual agreement of the employee and the supervisor. Upon reasonable notice to the employee, the supervisor may direct the employee to take earned CTO.

- a. CTO should be taken within the year it is earned whenever possible. Once an employee has a CTO balance in excess of eighty (80) hours he/she shall be paid in cash for all CTO hours in excess of eighty (80) hours.
- b. Upon request of the employee, the supervisor shall provide an accounting of the employee's CTO balance.
- c. When an employee is separated from service, he/she is entitled to a lump-sum payment for any earned CTO by reason of previous overtime worked.
- d. Overtime eligibility and overtime rates shall be by classification.

708. FLEX TIME HOLIDAY

If a District holiday falls on a non-working day under the 9/80 schedule, 4/10 schedule or rotating schedule, each employee will receive a full day's work hours added to the employee's holiday accrual bank to be used at another time designated by the employee with Supervisor approval.

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801. DISTRICT HOLIDAYS

The following are considered as approved holidays for employees of the District:


1. New Year's Day, January 1st
2. Martin Luther King, Jr. Day (shall follow Federal Guidelines)
3. Lincoln/Washington Birthday - Presidents' Holiday
4. Memorial Day, Last Monday in May
5. Independence Day, July 4th
6. Labor Day, First Monday in September
7. Veteran's Day, November 11th, or as designated
8. Thanksgiving Day, Fourth Thursday in November
9. Day after Thanksgiving
10. Day before Christmas Day
11. Christmas Day, December 25th
12. Day before New Year's Day
13. Floating Holiday- Effective January 1st of each Calendar Year
14. Floating Holiday-Effective July 1st of each Fiscal Year

802. SPECIAL SIGNIFICANCE HOLIDAY

The Board of Directors shall have the authority to grant a holiday in any year on any nationally recognized holiday, if there is some special significance given the holiday to be celebrated.

803. HOLIDAY ON WEEKEND

When any of the above holidays fall on a Saturday or Sunday, such holiday shall be observed on either the preceding Friday or the following Monday.

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901. VACATION

Vacation is an earned right to a leave with pay for recreation and well-being of the employee. Vacation time shall not be used for sick leave except upon a special written request of the employee and approved by the General Manager.

902. ACCRUAL

Vacation leave accrues per complete pay period and is credited each pay period.

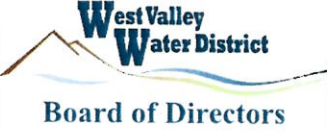
Such vacation allowance shall be available as accrued.

Length of Continuous Service	Annual Vacation Allowance	Per Pay Period Accrual	Maximum Allowed Accrued Vacation
After 1 Year	80 Work Hours	3.1 Work Hours	120 Work Hours
After 4 Years	120 Work Hours	4.6 Work Hours	180 Work Hours
After 9 Years	160 Work Hours	6.2 Work Hours	240 Work Hours
After 14 Years	200 Work Hours	7.7 Work hours	300 Work Hours

Once an employee's vacation accrual allowance reaches the maximum allowed accrued vacation, the employee will no longer continue to accrue vacation time until the vacation is used or cashed out (per Section 904). Once the accrued vacation balance falls below the accrued maximum, the employee will begin to accrue vacation time again, up to the maximum.

903. APPROVAL

Vacation periods shall be taken annually with the approval of the employee's supervisor. Vacation leave shall be taken at such time as will not impair the work schedule or efficiency of the District, except that no employee shall lose earned vacation time because of the urgency of work. Employees must provide as much notice as possible and provide a two week notice for vacation requests of one week or more. Employees will receive notice of approval or denial within 5 days of request.

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904. VACATION/FLOATER CASH OUT

Employees may cash out four (4) times during the year for a maximum of 160 hours of their accrued vacation/floater time, as long as they maintain a minimum of 80 hours of accrued vacation/floater time and they have used 40 hours of accrued vacation/floater time in the previous 12- month period. The cash out increment can be any combination with a minimum of 20 hours and a maximum of 60 hours within the calendar year. The request needs to be submitted to the Human Resources Department.

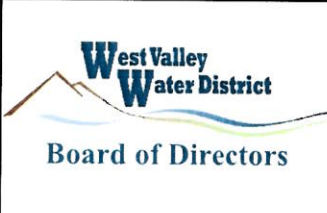
The employee is allowed a maximum of 80 floater hours. Once an employee's floater accrual allowance reaches the maximum allowed, the employee will no longer continue to accrue floater time until the floater hours are used or cashed out. Once the accrued floater balance falls below the accrued maximum, the employee will begin to accrue floater time again, up to the maximum.

905. ADMINISTRATIVE LEAVE

Executive Management Staff may be granted 80 hours of Administrative Leave per fiscal year with exception to the General Manager, Assistant General Manager and Assistant General Manager of Public Affairs whom may be granted 120 hours of Administrative Leave.

906. ADMINISTRATIVE LEAVE CASH OUT

Employees entitled to Administrative Leave shall cash out the unused balance at the end of the fiscal year during the month of June. Administrative Leave will not be carried over to the next fiscal year. The request needs to be submitted to the Human Resources Department.

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1001. SICK LEAVE

- a) Sick leave is provided to promote the health and welfare of the individual employee. It is not an earned right to time off from work. Sick leave may be used for (1) diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member; or (2) for an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in Labor Code sections 230(c) and 230.1(a). Sick leave shall not be used for vacation or personal leave, unless approved by the General Manager or his designee. A medical release may be required upon returning to work for any sick leave absence exceeding three (3) consecutive work days.. (See Article, 11, Section 1103 and 1107)


SICK LEAVE FOR TEMPORARY EMPLOYEES

- b) Effective July 1, 2015, a temporary employee may begin to accrue paid sick leave at the rate of one (1) hour of pay for every 30 hours worked beginning on the first day of employment. The temporary employee is not eligible to begin using any accrued paid sick until after 90 days at the District. A temporary employee is only allowed to use up to the maximum of 3 days or 27 hours whichever is greater of paid leave in a 12-month period. A temporary employee can accrue paid sick leave up to a cap of 6 days or 54 hours. Sick leave does not accrue once the cap is reached, but accrual begins again when accrued sick leave drops below the cap.

Any unused accrued paid sick leave carries over year to year while continuously employed. A temporary employee will not be compensated for sick leave at the time of termination. However, if rehired by the District within one year of the date of separation, the previously- accrued and unused paid sick leave hours shall be reinstated. The temporary employee can use up to one-half of their annual sick leave accrual amount for Kin Care, once that time is accrued. No other benefits apply. A medical release is required upon returning to work after three (3) consecutive work days of sick leave. (See Article 11, Section 1103) The minimum charge against sick leave shall be one-fourth (1/4) hour increments.

1002. BEREAVEMENT

The District allows up to five (5) days bereavement leave due to the death of persons in the immediate family or any relative living with the employee. Upon request, additional earned sick leave may be used, subject to the approval of the General Manager or designee. Immediate family is considered to include mother, father, brother, sister, child, spouse, registered domestic partner, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandmother, grandfather, and step child, parent and grandparent.

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1003. ACCUMULATIVE SICK LEAVE

Each full time employee accrues 3.7 hours for each complete pay period of employment. Part time employees accrue sick leave in a prorated amount based upon the percentage of full time hours they are scheduled, but at a rate of no less than one (1) hour accrued for every 30 hours worked. Employees must be employed for 90 days before taking any accrued sick leave. Earned sick leave is available for use the first day following the pay period in which it is earned. Sick leave is accumulated in unlimited amounts. The minimum charge against sick leave shall be one-fourth (1/4) hour increments.

1004. PAY

Sick leave will be paid at the employee's regular hourly rate at the time used.


1005. ACCRUAL

All sick leave will be accrued per complete pay period and will be credited per pay period. Persons on sick leave who have exhausted all accrued sick time will not accumulate additional sick leave until after returning to work, except under special circumstances as approved by the Board of Directors. (See Article 10, Section 1012a)

1006. NOTICE OF SICKNESS

The employee must notify his/her immediate supervisor, or in his/her absence, another supervisor within their work area at the District offices within one-half (1/2) hour after the employee's normal start time each day of absence to qualify for sick leave with pay, unless the employee has provided the District with a work release signed by his/her doctor or unless a medical emergency prevents prior notice, in which case, notice must be provided as soon as reasonably possible. Text or voice mail notice is acceptable, however, an acknowledgement must be received by the employee's Supervisor. An employee provided with a work release shall periodically notify his/her supervisor of the status of his/her health or injury condition and estimated time of return to work.

The Supervisor should be given as much notice as possible when an employee has scheduled a medical appointment.

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1007. IMPROPER USE

Extending your vacation, weekends, and/or holidays increases the workload of your co-workers, places an undue burden on the team, and unreasonably delays projects, daily work-loads and/or scheduled maintenance without good cause. Employees are expected to be at work unless on pre-approved leave and employees shall not extend weekends, holidays, or approved time off unless time off has been pre-approved or appropriate certification is submitted to the District.


Where there is reason to believe an employee has abused any paid leave; the District may require the employee to submit a doctor's certificate, affidavit, or other documentation on forms prescribed by the District, as substantiation of a sick leave absence in excess of three (3) consecutive work days. A failure to provide the required documentation will result in the deduction of salary of the days of absence and may result in disciplinary action.

The District encourages its employees to maintain sufficient paid leave balances in the event the employee is subjected to an unforeseen emergency or incident requiring multiple days off with little or no notice to the Supervisor. Leave use patterns indicated above may suggest an "earn and burn" leave abuse pattern and may be subject to disciplinary action.

1008. SICK LEAVE CONVERSION-TERMINATION BENEFITS

- a) Upon retirement, permanent disability or death, an employee, or estate of a deceased employee, may elect to have all accrued sick leave applied to such employee's PERS retirement account as provided for in the contract between PERS and the District. Such employee, or estate of a deceased employee, must elect to apply one hundred percent (100%) of accrued sick leave to such employee's PERS retirement account, or Sections (b) and (c) below shall apply.
- b) In the event the employee, or estate of a deceased employee, does not make the election pursuant to Section (a) above, upon retirement, permanent disability or death, an employee or the estate of a deceased employee will be paid for unused sick leave accrued to the date of retirement, permanent disability or death, based upon the formula below.

Sick Leave Accrued as of Date of Retirement, Permanent Disability or Death	Percentage (%) to be Paid
480 Hours or less	30%
481 to 600 Hours	35%
601 to 720 Hours	40%
721 to 840 Hours	45%
841 to 960 Hours	50%

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- c) Upon retirement, permanent disability or death, all accrued and unused sick leave above the cash payment formula shall be applied to the employee's PERS retirement account as provided for in the contract between PERS and the District or an employee may elect to allow all sick leave to be applied to the retirement account.
- d) In no event shall any employee, or estate of a deceased employee, receive cash payment under this Section in excess of four hundred eighty (480) hours.

1009. SICK LEAVE CASH OUT

The District will pay up to forty (40) hours of accrued sick leave per year under the following conditions.


- a) A total of 160 hours must be maintained after reimbursement.
- b) The request for reimbursement must be submitted in writing to the Human Resources Department.
- c) The General Manager must approve all requests.
- d) Sick Leave Cash Out payments will be made on an off cycle payroll week in November.

1010. WORKER'S COMPENSATION

If an employee is injured at work and is temporarily unable to perform his or her usual and customary work, the employee will be allowed to take an unpaid leave of absence while receiving Workers' Compensation benefits. Certification from a recognized medical professional confirming the necessity of the leave must be provided to the District within fourteen (14) days after the leave begins. The duration of the leave will be determined on a case-by-case basis, considering both the injured employee's medical condition and the District's business needs.

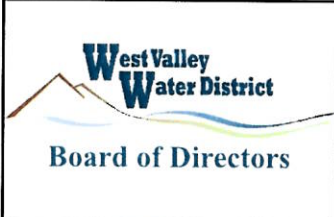
The employee may elect during such absence to apply sick leave on a prorated basis to such absence and receive compensation in an amount equal to the difference between compensation received as regular salary and the amount received as Workers' Compensation benefits, not to exceed the amount of available accrued sick leave. Similarly, the employee may elect to use any accrued paid leave time and accrued time off after the sick leave is exhausted.

The employee may return to work only after a recognized medical professional certifies

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that the employee is capable of resuming all of the essential functions of the employee's position with or without reasonable accommodation. The District may, in its discretion, provide modified or light duty work if the employee's release contains such limitation. If the employee has been released without limitation, the employee will be offered the same position he or she held previously, unless the job no longer exists or has been filled so that the District can operate safely and efficiently or the employment relationship has otherwise been terminated.

Workers' compensation leave will run concurrently with any family and medical leave. During the period of leave, the District will continue payment of all premiums for employee benefit plans in place at the time the leave begins. The District will also continue the employer contribution for employee benefit premiums, as if the employee were not in leave status, for the duration of the leave. The employee must reimburse the District for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by the District within 30 days of the date of the invoice or written notification. If the District does not receive the reimbursement from the employee within 30 days, the District can cancel any policies and/or plans for which they have not been reimbursed. No accrual of vacation time, holiday, sick leave or employment service will take place during such leaves of absence.

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1101. LEAVE WITHOUT PAY

A leave of absence up to one (1) day without pay shall be granted only upon the approval of the Supervisor. The employee will not accrue sick leave, vacation time, holiday pay, or employment service while on a leave without pay.

1102. EXTENDED LEAVE WITHOUT PAY

An extended leave of absence of two (2) or more days, not to exceed six (6) months without pay shall be granted only upon the approval of the General Manager or designee. The employee will not accrue sick leave, vacation time, holiday pay, or employment service while on an extended leave without pay. The employee's right to return to his/her original position, or a comparable position once the leave has expired, is solely at the discretion of the General Manager.


1103. MEDICAL LEAVE

An employee who is ill due to a non-work related illness for five (5) consecutive work days will be transferred to medical leave status. Sick leave rules apply and authorization to return to work will be given by the General Manager or his designee only after a recognized medical professional certifies that the employee is capable of resuming all of the essential functions of the employee's position with or without reasonable accommodation. The District may, in its discretion, provide modified or light duty work if the employee's release contains such limitation. The District reserves the right to have the employee examined by the District's doctor to be qualified as fit-for-duty. The District will attempt to return the employee to the employee's original position. However, if this is not possible, the employee may be placed in a similar position; if such a position is available, for which the employee may be qualified.

1104. PREGNANCY DISABILITY LEAVE

Any female employee planning to take Pregnancy Disability Leave (PDL) should advise their supervisor as soon as possible. The employee should also inform their supervisor when such leave is expected to begin and how long it will likely last. The employee should make arrangements with their supervisor regarding the scheduling of any planned medical treatment or appointments in order to minimize disruption to the operations of the District.

Upon the request of an employee and recommendation of the employee's health care provider, the employee's work assignment may be modified if necessary to protect the health

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and safety of the employee and her child.

PDL begins when ordered by the employee's health care provider. The employee must provide their supervisor with a certification from a health care provider containing:


1. The date on which the employee became disabled due to pregnancy;
2. The probable duration of the period or periods of disability; and
3. A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

Return to work from PDL will be allowed only when the employee's health care provider endorses a release that must be submitted to the employee's supervisor. The duration of the leave will be determined by the employee's health care provider, but in accordance with regulations may be for not more than 17 1/3 weeks or 693 hours. Regular part-time employees are entitled to leave on a prorated basis. The 17 1/3 weeks or 693 hours of available leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

The employee will remain in paid status while using appropriate accrued leave (sick or vacation) during a PDL to satisfy any disability waiting periods and/or to supplement disability benefits in order to maintain the equivalent of full salary.

The employee will be in non-paid status after exhaustion of appropriate accrued leave balances or at the employee's election to not use accrued leave benefits.

During the period of PDL, the District will continue payment of all premiums for employee benefit plans in place at the time the leave begins. The District will also continue the employer contribution for employee benefit premiums as if the employee were not in leave status, as required by law or regulations. The employee must reimburse the District for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by the District within 30 days of the date of the invoice or written notification. If the District does not receive the reimbursement from the employee within 30 days, the District can cancel any policies and/or plans for which they have not been reimbursed.

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Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a PDL, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a PDL has no greater right to reinstatement than if the employee had been continuously employed.

1105. FAMILY AND MEDICAL LEAVE ACT (FMLA)

To be eligible for leave under the FMLA, an employee must have: (1) been employed by the District for at least 12 months within a 5 year period, which need not be consecutive; and (2) worked for the District at least 1,250 hours during the 12 months immediately preceding the commencement of leave.


Eligible employees will be provided with up to 12 weeks of unpaid leave each year (1) to care for a new-born, adopted, or foster child or for a child, parent, or spouse with a serious health condition or (2) if unable to perform the functions of their position because of the employee's own serious health condition. When the District knows that a leave is being taken for a reason that qualifies under the FMLA, the District will notify the employee in writing.

"Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that entails (1) inpatient care in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider.

To be eligible for leave under the FMLA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave for the first part of the 12-week statutory leave. Paid leave may not be added to the end of the 12 weeks of unpaid leave without the General Manager's prior approval. If a husband and wife are both employed by the District, the total number of workweeks of leave to which both may be entitled shall be limited to 12 weeks if leave is taken for the birth, adoption, or foster placement of a child or for the purpose of caring for a seriously ill parent.

Employees on leave who were previously covered by the District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work.

If an employee fails to return to work, the District shall seek to recover the contributions to their health benefits during the leave unless:

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- a) The employee fails to return because of a medical condition that would allow leave. In such case, the employee must submit documentation of a medical reason for not returning to work; or
- b) The employee fails to return to work because of other circumstances beyond the employee's control.

At the end of the leave the employee will be reinstated to his/her previous position or to an equivalent job with equivalent pay, benefits and working conditions. However, the employee will not accrue seniority, leave or other employment benefits during the leave period. The District may also require the employee to obtain medical certification that they are able to resume work.

District employees that are on an approved FMLA leave are entitled to any Board approved Cost of Living increase (COLA) as soon as it becomes available. Future annual evaluations/merit increases if applicable will be extended by the number of days the employee was out on FMLA leave.


If the event necessitating the leave is foreseeable, the employee must provide Human Resources with at least 30 days' prior written notice. If 30 days' advance notice is not practicable, the employee must provide as much notice as practicable.

Employees seeking leave for their own serious health condition must provide Human Resources with medical certification regarding their condition. The employee may be required to obtain, at the District's expense, a second opinion. If the second opinion differs from the first, the District may require a third opinion from a mutually-agreed on health care provider.

For most leaves, employees will not be permitted to take their leave intermittently or on a reduced-leave schedule without approval from the General Manager. However, intermittent leave or a reduced-leave schedule may, if medically necessary, be taken by the employee because of a serious health condition. An employee who seeks intermittent leave or leave on reduced-leave schedule because of planned medical treatment may be required to transfer temporarily to a different position, with equivalent working conditions, that accommodates recurring periods of leave better than the employee's regular job.

1106. DISABILITY LEAVE - STATE DISABILITY INSURANCE (SDI)

Disability includes any illness or injury either physical or mental including pregnancy,

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childbirth or related medical condition that prevents the employee from performing his/her regular or customary work. (Work-related injury or illness is covered under Workers' Compensation Insurance.)

An employee with an illness or injury extending beyond five (5) consecutive days will be placed on Medical Leave.

State Disability Insurance (SDI) provides partial wage replacement to eligible workers who are unable to work because of a non-work-related disability.

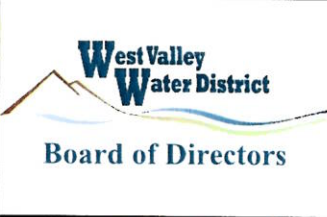
Disability is defined as any mental or physical illness or injury which prevents the employee from performing his or her regular or customary work according to California Unemployment Insurance Code, Section 2626.

1. If the employee's injury/illness extends beyond seven (7) calendar days (the normal waiting period during which no State Disability benefits are payable), the employee must request that the doctor place him/her on disability.
2. An employee's sick time, vacation time, holiday pay, and employment service will accrue on a pro-rata basis if he or she accrued sick/vacation time, which will be (combined with SDI) to provide a full paycheck. However, if the employee has no accrued sick/vacation time, he/she will not accrue employment benefits or employment service. If you are working and are placed on disability leave, SDI benefits received are *not taxable*.
3. For additional information regarding SDI, please see the Human Resources Department or visit the State Disability Insurance Online at www.edd.ca.gov/Disability/SDI_Online.htm

1107. RETURN TO WORK

The District will provide temporary modified work and, if accommodations can be made, permanent modified work. The District encourages the employees to return to work as soon as reasonably possible from a Workers Compensation injury or from any other serious illness/injury, with the approval of their medical provider.

A medical release is required upon returning to work after three (3) consecutive work days of sick and/or disability leave. The release must indicate the employee is capable to return to his/her normal duties or to modified work if it is available.

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The District reserves the right to have the employee examined by the District's doctor to be qualified as fit-for-duty.

1108. MILITARY LEAVE

Military leave, and regulations pertaining thereto, shall be in accordance with the California Military and Veterans Code, including Chapter 7 of Part 1 of Division 2, which provisions are by reference made a part of this resolution as well as the applicable federal law. Upon receiving orders and prior to requested military leave, a copy of the official orders, if available, with the employee's name and unit must be provided to your Supervisor.

Absence of an employee for one (1) day for the purpose of taking an officially ordered physical examination prior to entrance into the Armed Forces of the United States shall be covered by pay at the employee's regular rate, upon submission of a copy of the orders.

West Valley Water District provides up to 10 days of job-protected, unpaid leave to employees who are spouses or registered domestic partners of military personnel who are home on leave during a period of military deployment.


An eligible employee works at least an average of 20 hours per week and is the spouse or registered domestic partner of a member of the armed forces of the United States, National Guard or Reserves who has been deployed during a period of military conflict.

Employees requesting leave under this policy may choose to use accrued paid leave (such as vacation or paid time off) concurrently with some or all of the leave under this policy.

1109. JURY DUTY

Please notify your Supervisor of jury duty summons as soon as possible. Also, if required to serve, notify your Supervisor as soon as known.

When required to serve jury duty, a regular employee will be compensated regular wages for the time served. Verification from the Court Clerk, generally Attendance Slips, are to be turned in to your Supervisor. If you are not required to serve jury duty for the entire work day, you are expected to return to work for the remainder of the work day. However, depending on your work schedule and which courthouse you report to, it is understood that this may not be possible. Check with your Supervisor ahead of time to discuss this.

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Regular District employees are to complete the *Waiver of Pay* form at the courthouse. Please ask the court clerk for more information.

General Jury Duty Information:

- Complete the court's Waiver of Pay form. **Regular full time employees are required to only waive the daily per diem fee. Mileage and/or parking may be optional.**
- If you receive a court check that includes a per diem or daily fee, it is your responsibility to return those monies to the court.
- Employees keep any mileage and/or parking reimbursements.
- Some courts pay cost of parking.

1110. CIVIL AIR PATROL LEAVE – STATE OF CALIFORNIA

West Valley Water District provides eligible employees who are volunteer members of the California Wing of the Civil Air Patrol and are called to emergency operational missions up to 10 days of unpaid leave per calendar year. Leave for a single emergency operational mission will generally be limited to three days unless an extension is granted by appropriate government entities and approved by the company.


1111. CRIME VICTIM LEAVE

West Valley Water District provides unpaid leave to each eligible employee who is a victim of certain, specified felony crimes, or who is an immediate family member of a victim, a registered domestic partner of a victim or the child of a registered domestic partner of a victim of certain, specified felony crimes to attend and participate in judicial proceedings related to the crime.

Any employee who is a victim of the specified felonies below, or who is an immediate family member, registered domestic partner or the child of a registered domestic partner who is a victim of these felonies, will be eligible for leave when the employee notifies the company, as soon as practicable, of the need for leave under this policy. Appropriate documentation will be provided before the leave, or if not possible, as soon as is reasonable to do so.

Covered felonies include:

- A violent felony, as defined in subdivision (c) of §667.5 of the Penal Code.

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- A serious felony, as defined in subdivision (c) of §1192.7 of the Penal Code.
- A felony provision of law proscribing theft or embezzlement.

Employees may use accrued, unused paid time off (including [vacation/paid time off]) for leave taken under this policy.

1112. WITNESS DUTY OR SUBPOENA

West Valley Water District encourages all employees to accept their civic responsibilities, and as a good corporate citizen, the company is pleased to assist employees in the performance of their civic duties. The company provides unpaid leave to eligible employees who are summoned to appear as witnesses in a judicial proceeding, pursuant to a subpoena or other court order.

Employees may use accrued time, including vacation or compensatory time off, and/or unused paid time off for leave taken under this policy.

1113. CALIFORNIA PAID FAMILY LEAVE

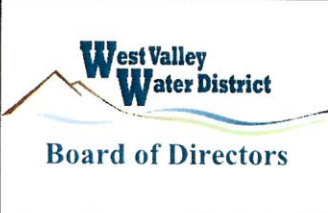
California Paid Family Leave (PFL) provides up to 6 weeks of partial pay to employees who take time off from work to care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner) or to bond with a new child (including newly fostered and adopted children).

1114. ORGAN AND BONE MARROW DONATION LEAVE

West Valley Water District provides eligible employees up to 30 days in a 12-month period of paid leave to donate an organ to another person, and up to five days in a 12-month period of paid leave to donate bone marrow to another person.

To be eligible, employees must have been employed with the company for 90 days immediately preceding the commencement of leave. Additionally, the company may require written certification that the employee is a bone marrow or organ donor and that the procedure is medically necessary.

Employees will be required to use up to five days of their accrued paid time off for leave under this policy to donate bone marrow, and up to two weeks of their accrued paid time off for leave to donate an organ.

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1115. SCHOOL ACTIVITIES/SCHOOL APPEARANCE LEAVE

Employees are entitled to take unpaid time-off from work to participate in their child's school activities, as stated below. The employee taking School Activities Leave must be a parent, grandparent, guardian, stepparent, foster parent, or person who stands in *loco parentis* to a child of the age to attend kindergarten through grade 12, or at a licensed child care provider.

Employees may take up to 40 hours of School Activities Leave each year to participate in the following child-related activities:

1. To participate in activities of the school or licensed child care provider of a child;
2. To find, enroll, or re-enroll a child in a school or with a licensed child care provider; or
3. To address a "child care provider or school emergency," as defined.


"Child care provider or school emergency" means that an employee's child cannot remain in a school or with a child care provider due to one of the following reasons:

- The school or child care provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or child care provider;
- Behavioral or discipline problems;
- Closure or unexpected unavailability of the school or child care provider, excluding planned holidays; or
- A natural disaster, including, but not limited to fire, earthquake or flood.

Time-off to participate in school or child care activities or to find, enroll, or re-enroll in school or child care (items 1 and 2, above) is limited to 8 hours per month. Employees can be required to use vacation, personal leave or compensatory time for planned absences. A note from the school or child care provider that shows an employee participated in a covered activity (with date and time) should be provided to your supervisor and Human Resources. If both parents are employed West Valley Water District, the parent who first gives notice to the District has priority for the planned absence, though both may participate if the approved.

1116. CALIFORNIA EMERGENCY RESPONDER LEAVE

West Valley Water provides unpaid leave to eligible employees who are volunteer

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firefighters, reserve peace officers or emergency rescue personnel so that such employees may respond to a call to emergency duty. Additionally, the District provides unpaid leave, up to 14 days per calendar year, to such employees so that they may engage in scheduled fire, law enforcement or emergency rescue training.

Employees should notify the District of their status as a volunteer firefighter, reserve peace officer or emergency rescue personnel. Additionally, employees should provide as much advanced notice as practicable of the need for leave under this policy when they are called to emergency service. Employees may use accrued, unused paid time off vacation or compensatory leave off for leave taken under this policy.

1117 CALIFORNIA DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING LEAVE


West Valley Water District provides reasonable and necessary unpaid leave and other reasonable accommodations to employees who are victims of domestic violence, sexual assault or stalking to attend legal proceedings or obtain other needed relief.

Employees who are victims of domestic violence, sexual assault or stalking are eligible for this leave.

Unpaid leave under this policy is available for an employee who is the victim of domestic violence, sexual assault or stalking to attend legal proceedings or to obtain or attempt to obtain any relief necessary, including a restraining order, to ensure the employee's own health, safety or welfare, or that of the employee's child or children. Employees may also request unpaid leave for the following purposes:

1. Obtain services from a domestic violence shelter or rape crisis center.
2. Seek medical attention for injuries caused by domestic violence or sexual assault.
3. Obtain psychological counseling for the domestic violence or sexual assault.
4. Take action, such as relocation, to protect against future domestic violence or sexual assault.

To request leave under this policy, an employee should provide his or her supervisor or Human Resources with as much advance notice as practicable under the circumstances. If advance notice is not possible, the employee requesting leave under this policy should provide his or her supervisor or Human Resources one of the following certifications upon returning back to work:

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1. A police report showing that the employee was a victim of domestic violence or sexual assault.
2. A court order protecting the employee from the perpetrator or other evidence from the court or prosecuting attorney that the employee appeared in court.
3. Documentation from a medical professional, domestic violence or sexual assault victim advocate, health care provider, or counselor showing that the employee's absence was due to treatment for injuries from domestic violence or sexual assault.


Employees requesting leave under this policy may choose to use accrued paid [vacation/sick] leave.

In addition, the company will provide reasonable accommodations to employees who are victims of domestic violence, sexual assault or stalking for the employees' safety while at work. A reasonable accommodation may include the implementation of safety measures, such as a transfer, reassignment, modified schedule, changed work telephone, changed work station or installed lock; assistance in documenting domestic violence, sexual assault or stalking that occurs in the workplace; an implemented safety procedure; or another adjustment to the employee's job duties and position.

To request an accommodation under this policy, an employee should contact [human resources/other job title]. The company will engage the employee in a timely, good faith and interactive process to determine effective reasonable accommodations.


1118. VOTING LEAVE

In circumstances where an employee's work schedule does not provide sufficient time to vote on an election day, the District will provide a reasonable amount of time off during scheduled work time, including up to two hours of paid time off, for employees to vote. Employees who need time off to vote should notify their supervisors at least two days prior to election day and submit proof of voting. The District reserves the right in its sole discretion to specify a time period during which the polls are open for employees to leave work to vote.

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1201. BENEFIT PLANS

- a) Social Security Plan. The District participates in Social Security with the employee/employer being responsible for their respective portion as mandated by the Social Security Administration.
- b) California Public Employees' Retirement System (CalPERS).
 1. The California Public Employees' Pension Reform Act (PEPRA), which took effect in January 2013, changes the way CalPERS retirement and health benefits are applied, and places compensation limits on members. The greatest impact is felt by new CalPERS Members (2% @ 62). As defined by PEPRA a new member includes:
 - A member who first established CalPERS membership prior to January 1, 2013, and who is rehired by a different CalPERS employer after a break in service of greater than six months.
 - A new hire who is brought into CalPERS membership for the first time on or after January 1, 2013, and **who has no prior membership** in any California public retirement system.
 - A new hire who is brought into CalPERS membership for the first time on or after January 1, 2013, and **who is not eligible for reciprocity** with another California public retirement system.
 2. All members that don't fall into the definitions above are considered Classic Members. Classic Members will retain the existing benefit levels for future service with the same employer. Classic Members (2% @ 55), the District pays the total cost of the member (employee) and employer contributions.
- c) Long Term Disability Plan. Becomes effective the first of the following month after sixty (60) days of employment. District pays total cost.
- d) Life Insurance Plan. Becomes effective the first of the following month after sixty (60) days of employment. District pays total cost, including dependents. Coverage: Two-times annual salary up to a maximum of \$125,000.00.
- e) Health Plans: 1) Become effective the first of the following month after thirty (30) days of employment; 2) District pays total cost including dependents.
- f) Vision Service Plan. Becomes effective the first of the following month after thirty (30) days of employment. District pays total cost, including dependents.

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- g) Dental Plan. Becomes effective the first of the following month after thirty (30) days of employment. Coverage includes orthodontic benefits after one year (1) year of employment. There is the option of "fee-for-service" or the "HMO" plan. District pays total cost, including dependents.
- h) Worker's Compensation. All District employees are covered on the first day of work. The law requires that the employer pay all premiums.
- i) Deferred Compensation. A Deferred Compensation Plan is available to those who wish to participate. The District will match the following contributions per pay period based on the employee's contribution as follows :

Employee Contributions	Employer Match
\$50 =	\$25.00
\$100 =	\$50.00
\$150 =	\$75.00

- j) C.O.B.R.A. (Consolidated Omnibus Budget Reconciliation Act of 1985). Employees (or former employees), their spouses and dependents shall be offered a temporary extension of group health insurance when coverage is lost due to certain events, such as: Change in employee's work status, divorce, and/or dependent child ages out of coverage. The Human Resources Department should be notified immediately of these type of changes.
- k) Employees must notify the Human Resources Department immediately of any life event changes such as: marriage, divorce, legal separation, birth or adoption and death as these have an effect on insurance coverage.

1202. LOOK-BACK MEASUREMENT AFFORDABLE CARE ACT POLICY

- a) **Purpose:** The District is committed to ensuring compliance with the Patient Protection and Affordable Care Act (ACA) and the Internal Revenue Code Section 4980H Shared Responsibility for employers regarding Health Care Coverage. The District will adopt the Look-Back Measurement Method Safe Harbor provision of the ACA to determine the full-time status of employees where section 4980H defines "full-time" status as "an employee who is employed on average at least 30 hours of service per week."
- b) **Policy:** Beginning January 1, 2014, the ACA will require the District to offer health insurance coverage to at least ninety-five percent (95%) of employees who work, on average, thirty (30) or more hours per week or pay tax penalties and show proof. The District establishes the Look-Back Measurement Method Safe Harbor with regard to all ongoing employees as follows:

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<u>Standard measurement period:</u>	November 1 - October 31
<u>Administrative period:</u>	November 1 - December 31
<u>Stability Period:</u>	January 1 through December 31

The District establishes the following periods for new, part-time, variable hour & temporary employees:

<u>Initial Measurement period:</u>	Twelve months (beginning on the first of the month following the first date of work).
<u>Administrative period:</u>	One month following the initial measurement period.
<u>Stability period:</u>	Twelve months following the administrative period.

The District may amend the measurement periods, administrative period and the stability period.

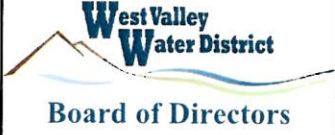
- c) **Procedure:** Upon hire, the District will determine whether a new employee is expected to be a full-time employee, part-time employee, variable hour employee, or a temporary employee. If the employee is expected to be full-time, the District will offer the employee health coverage the month following appointment

The Finance Department will provide Human Resources and department supervisors with reports summarizing part-time hours worked. The Finance Department and Human Resources will share the responsibility of providing Employer Notifications, as required by the Department of Labor and in compliance with IRS reporting requirements.

- d) **Allowable Hours:** Allowable hours for all new, part-time, variable hour and temporary employees will be less than 1,560 hours in the first twelve months of employment. Allowable hours for ongoing, part-time, variable hour and temporary employees will vary by position and depend on prior approval from the Manager or her/his designee. Supervisors are responsible for ensuring their employees do not exceed the allowable number of hours worked. If an employee works more than the allowable number of hours, the District will offer medical coverage to the employee, during the administrative period.

All new, part-time hours worked will be measured over two periods:

1. During the twelve-month period beginning on the first day of the month following the date of employment.

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2. During the standard measurement period.

The initial measurement period and the standard measurement period will be applied to variable hour employees regardless of any break in service they may experience during the periods.

If a break in service occurs, the District will calculate the average hours worked by inputting hours of service for the special unpaid leave/break period at a rate equal to average weekly hours of service.

- e) **Employment Status Change:** If an ongoing employee's employment status changes before the end of a stability period, the change in employment status will not affect the employee's medical coverage status for the remaining stability period.


1203. DEPENDENT COVERAGE

Dependents of employees shall be insured under the same group plan at the District's expense. Eligible dependent is defined as the following:

- a) Spouse;
- b) Children to their 26th birthday including children placed in the home for adoption;
- c) Unmarried children who were enrolled before age 26 and are incapable of self-sustaining employment due to physical or mental condition. A physician must certify in writing within 60 days this condition and it is subject to carrier approval;
- d) Children eligible for coverage as a result of a valid qualified medical child support order;
- e) Domestic Partner as defined by the State of California for state registration requirements;
- f) Those designated according to the law;

For an eligible dependent to be eligible for coverages, a copy of a marriage license, State of California Declaration of Domestic Partnership form (NP/SF DP-1), birth certificate, or other identifying paperwork is required;

NOTE: It is the employee's responsibility to notify the District's Human Resources Department in writing upon divorce, termination of Domestic Partnership, over-age

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dependent or any event that changes the status of dependency.


1204. BENEFITS AFTER RETIREMENT OR DEATH

- a) A retired employee and dependent spouse (See Article 2 -“Dependent Spouse or Spouse of Disabled, Retired, or Deceased Employee”), or spouse of a deceased employee or retiree, may continue his/her medical, dental and vision insurance at District's expense on the basis of the following: employee is a minimum of fifty (50) years of age with a minimum of ten (10) years of continuous service. If the spouse of a deceased employee or retiree remarries and becomes eligible for health benefits under his/her new spouse's health plan, all District benefits shall be terminated.
- b) Effective on March 13, 2019, Resolution No. 388.72, if a retired employee was hired on or after July 1, 2006, such employee and dependent spouse, or the spouse of a deceased employee or retiree, may continue his/her medical, dental and vision insurance at the District's sole cost and expense based on a Tier Program (see table below) dependent on years of service and if such employee is a minimum of fifty-five (55) years of age; An employee hired on or after January, 2015, the retired employee and dependent spouse shall be required to pay at his/her/their sole cost and expense any cost associated with Medicare Part B (or any successor statute or law). If the spouse of a deceased employee or retiree remarries and becomes eligible for health benefits under his/her new spouse's health plan, all District benefits shall be terminated.

Years of Service	Employer Premium Contribution	Employee Premium Contribution
5	25%	75%
10	50%	50%
15	75%	25%
20	100%	0%

1205. BENEFITS AFTER DISABILITY

A disabled employee may continue his/her medical, dental and vision insurance at District's expense on the basis of the following: fifty-five (55) years of age and ten (10) years of continuous service, and their dependent spouse (See Article 2 – “Dependent Spouse or Spouse of Disabled, Retired, or Deceased Employee”) who was married for one (1) year at the time of disability. The extent of this coverage shall be in accordance with the particular benefits and policies of the District that are in effect from time to time. Should the disabled

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employee become employed, or employable for full-time employment at some future date, benefits shall be terminated.

1206. EMPLOYEE RETENTION INCENTIVE PROGRAM (INCENTIVE PAY)

Regular, full-time employees are eligible for longevity pay upon continuous length of service with the District. Continuous length of service begins with the date the employee was hired as a full time employee and continues as long as the employee is considered an active employee. Longevity pay occurs in one annual lump sum payment subject to a satisfactory performance review and the approval of the General Manager.

After 5 years through the end of the 9 th	\$150.00
After 10 years through the end of 14 th	\$225.00
After 15 years through the end of 19 th	\$350.00
After 20 years through the end of 24 th	\$475.00
After 25 years	\$600.00

1207. EDUCATIONAL ASSISTANCE LOANS PROGRAM

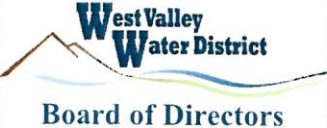
- a) **Policy:** The District encourages employees to enroll in educational programs which will aid them in the performance of their current jobs, or better qualify them for positions which are important to the continued successful operation of the District.

It is District policy to provide loans for educational assistance to regular, full-time employees for certain expenses*(registration fees, tuition (educational fees), books, parking and laboratory fees) for an approved educational course(s) or undergraduate degree program that will mutually benefit the District and the employee.

The Human Resources Department is responsible for administering this policy and any policy interpretation or course eligibility questions should be directed to that department. However, all final approval of the employee educational assistance loan requests shall be granted by the General Manager. The Board of Directors reserves the right to amend or repeal this policy.

The Board of Directors reserves the right to amend or repeal this policy.

- b) **Eligibility:** Regular, full-time employees are eligible for tuition assistance loans, once they have passed their probationary period, provided their job performance is satisfactory prior to enrollment in any course(s) and they are on the payroll at both

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the beginning and conclusion of the course(s).

Reimbursement will be provided if the education is undertaken to:

1. Maintain or improve competency in the current job.
2. Provide related knowledge in order to advance to a higher level position in the field.
3. Provide the training/knowledge needed to progress on any approved career path at the District.

- c) **Eligible Courses:** Courses eligible for reimbursement loans are those taken at an accredited** college, university, technical or business school. Correspondence or online courses do not qualify unless offered by an accredited college or university.

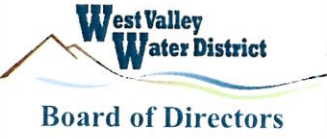
Courses taken under this program shall be attended on the employee’s own time, during hours other than scheduled work hours.

- d) **Reimbursable Loan Fees:** Reimbursable loan fees shall include registration fees, tuition (educational fees), books, parking, and laboratory fees.

One hundred percent of fees will be eligible for the loan program each fiscal year, not to exceed \$ 5,000.00. The employee shall successfully complete the course(s) with a “C” or equivalent passing grade. Failure to successfully complete the course(s) with the required grade will result in no reimbursement loan. The Board of Directors will review fees and make adjustments, if necessary, to the educational assistance amount on a periodic basis.

If an employee remains employed by the District for 48 months after completing any course, the loan will be forgiven. If the employee leaves prior to 48 months, the loan incurred for the course(s) shall be paid back to the District by the employee on a prorated basis (see table below). Any exceptions must be approved by the General Manager.

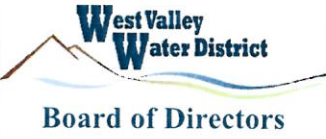
Payback Proration	
Less than 12 months	100%
13 to 24 months	75%
26 to 36 months	50%
37 to 48 months	25%
49 + months	0%

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Employees are required to apply for Free Application for Federal Student Aid (FAFSA) and provide proof of application. Employees who receive educational benefits from other sources such as the GI Bill, a scholarship fund, etc., will be reimbursed only for amounts that are not covered by those sources.

Employees are encouraged to review the Federal Student Aid Loan Forgiveness Program for eligibility. (See the Human Resources Department)

*"Accredited" is defined as a college or university that has been accredited by an accrediting association recognized by the U.S. Department of Education or the Council for Higher Education Accreditation (CHEA).

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In compliance with the District's Safety & Injury Illness Prevention Program, the following procedure is outlined.

1301. REPORTING A WORKPLACE INJURY

District personnel shall report ALL injuries, however slight, to his/her immediate supervisor, or if not available, another supervisor in your work area, and the Human Resources Department before the end of the work shift in which the accident occurred.

The Human Resources Department will furnish the claim form to be completed and the Workers' Compensation Benefit form.

If medical treatment is needed, the Human Resources Department will provide an "Authorization for Treatment" form. All personnel shall be treated at the San Bernardino Industrial Medical Clinic unless a personal physician has been designated and on file. If prompt medical attention is essential, the Human Resources Department should be notified of the injury and they will call the treating facility with the authorization for treatment.

In the event injuries render an employee unable to complete the claim form, the District will furnish one to an immediate family member.

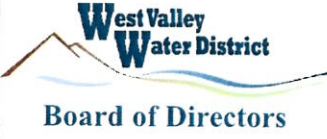
It is essential that the claim form be completed and returned to the Human Resources Department within twenty-four (24) hours of the injury.

1302. COMPENSATION

For the first three (3) days following an injury, you will receive a full paycheck from the District. Starting on the fourth (4th) day, temporary disability payments will be made by the Workers' Compensation carrier, if authorized by the physician. At that time, the District will pay only that portion not paid by temporary disability to equal a full day's pay.

Your first temporary disability check should be mailed by the Workers' Compensation carrier within fourteen (14) days. After that, you will receive a check every two weeks until the doctor releases you to return to work.

Payments for lost wages are not made for the first three (3) days you are off work by Workers' Compensation. However, if you are hospitalized as an inpatient, or unable to work for more than fourteen (14) days, payments will be made by Workers' Compensation for even the first three (3) days.

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The *first week following an occupational injury*, no deduction of sick leave shall be made, except where gross negligence is established. After the first week, an employee is required to use accrued sick leave, and upon employee request, the employee can use accrued vacation time to make up the difference in what he or she is receiving in temporary disability payments to equal a full day's pay. This will continue until the employee exhausts accrued sick leave and/or vacation time. At that time, the employee will be receiving checks only from the Workers' Compensation carrier.

1303. SICK LEAVE/VACATION ACCRUALS

During the time you *employee is receiving* partial checks from the District:

- a) You will accrue sick leave on a pro-rated basis;
- b) You will accrue vacation time on a pro-rated basis;
- c) If a holiday falls on a day you are on disability leave, you will receive holiday pay on a pro-rated basis;
- d) District will continue to pay your medical benefits.

When not receiving partial checks from the District, you will not accrue sick leave, vacation time, or receive holiday pay. However, the District will continue to pay your medical benefits until termination or return to work.

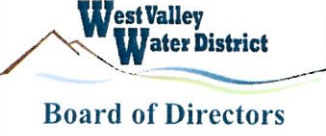
If you return to work on a part-time basis, all your accruals will be pro-rated accordingly.

1304. EMPLOYEE'S OBLIGATION


If you continue working and are undergoing treatment, all treatment slips from the treating facility must be given to the Human Resources Department and your Supervisor prior to returning to your regular work duties.

If you are off work more than fourteen (14) days, Workers' Compensation will pay you for the first three waiting days. As the District has already paid you in full for those first three days, that amount paid to you by Workers' Compensation will be deducted from your first paycheck if/when you return to work.

A medical release shall be required upon returning to work after three (3) consecutive days of disability leave indicating that the employee is physically able to return to his/her normal

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duties or to modified work, if it is available. (See Article 11, Section 1107)

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1401. PURPOSES

Due to the nature of our business, direct public contact is required. Also, the construction, operation, and maintenance of facilities is imperative to fulfill the continual responsibility for providing water service to customers in the District's service area. Therefore, a safe and healthy place for business transactions must be established and maintained. The District recognizes that in order to maintain a safe, effective and productive work environment, it is necessary to identify job applicants and employees who have a health problem which may interfere with job performance or be detrimental to the health of District employees or the public.

The purposes of this policy are as follows:

- a) To establish and maintain a safe, healthy working environment for all employees.
- b) To establish and maintain a safe, healthy environment for the public.
- c) To reduce the incidence of accidental injury to persons or property.
- d) To reduce absenteeism and tardiness.


This policy supplements, but does not replace, disciplinary rules and procedures currently in force relating to the abuse of sick leave, excessive absenteeism or tardiness.

1402. MEDICAL EXAMINATIONS

The District shall require the prospective employee to take a medical examination to identify any health problem which could interfere with his/her job performance or be detrimental to the health or safety of the applicant, District employees, or the public.

This examination shall include drug and alcohol testing. The examination shall be administered after the job applicant has been given a conditional offer of employment and before the first day of work. The condition to the offer of employment shall include passage of the examination in that no such health problem is revealed and there is no presence of any detectable amount of drugs or alcohol that may impair the applicant's ability to work safely and effectively.

- a) All applications for employment shall contain a statement to prospective applicants advising them that the selection procedure includes taking and passing a medical


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examination, which includes, but is not limited to, testing for the presence of health problems which may interfere with their prospective job performance or be detrimental to the District employees or the public and testing for the presence of drugs or alcohol.

- b) Applicants who are referred for a medical examination shall be required to sign consent forms authorizing the examination and the release of the examination results to the Human Resources Department.
- c) Any applicant who refuses to sign the consent form(s) or to submit to the medical examination shall not be considered for employment.
- d) Examination results are confidential and shall be used solely for assistance in the District's determination for employment of the applicant and will not be released except to:
 - 1. Appropriate District personnel.
 - 2. The applicant upon written request.
 - 3. Pursuant to court order.
 - 4. Examination reveals a medical problem that should be brought to the applicant's attention. This shall be done only on the advice of the examining physician.
- e) Applicants who are taking medication prescribed by a physician shall so indicate on the examination form and must be otherwise disclosed prior to the examination. Any positive indications related to the presence of that medication will not prohibit employment unless, pursuant to applicable law, the use of said medication would otherwise interfere with the applicant's job performance or create an unsafe condition for the applicant, District employees, or the public.
- f) If a required medical examination reveals a medical problem that is recommended by the examining physician to be investigated further, any such investigation and/or follow-up medical procedures shall be paid for by the applicant.

1403. CURRENT EMPLOYEE MEDICAL EXAMINATION


The District recognizes that it is in the best interest of the employee, as well as the District,

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that all employees enjoy good health. To assist the employee in their health and overall physical condition, the District provides all full-time employees with medical and disability insurance, as well as sick leave and other benefits. The District encourages the use of health benefits provided for employees whenever the need arises.

Medical examinations may be required when an employee returns to work after time off for sick leave (See Article 10, Section 1001) or medical leave of absence (See Article 11, Section 1103). The District reserves the right to have the employee examined by the District's doctor to be qualified fit-for-duty.

This policy supplements, but does not replace, the disciplinary rules and procedures currently in force relating to violations of District policy with regard to sick leave, tardiness and absenteeism. (See Articles 10, 11, 17)

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1501. USE OF DISTRICT VEHICLES

Due to the need for designated District personnel to respond to emergencies as soon as possible and be available to the public on a 24-hour basis, the General Manager, Assistant General Manager, Assistant General Manager of Public Affairs, Operations Manager, field supervisors, shift operator, and on-call employees shall be assigned a District vehicle to be used for commuting from home to work and from work to home. The use of a District vehicle for this purpose is a benefit to the District, not the employee; however, per IRS regulations the use of the vehicle for commuting must be calculated as a taxable benefit.

1502. PERSONAL USE OF DISTRICT VEHICLES

Use of District vehicles for personal use is generally prohibited. However, the District recognizes that the District Vehicle may be used by the standby personnel on occasion for personal errands within the response time area. Failure to comply shall subject the employee to disciplinary action and/or termination.

1503. EQUIPMENT

District owned equipment shall not be used for personal use.


1504. TOOLS

District owned tools shall not be used for personal use.

1505. CELL PHONE USE WHILE DRIVING


In the interest of the safety of our employees and other drivers, West Valley Water District employees are prohibited from using cell phones, including text messaging, while driving or operating District vehicles or equipment and while driving or operating personal vehicles or equipment while on District business and/or District time.

If your job requires that you keep your District issued cell phone turned on while you are driving, you must use a hands-free device or safely pull off the road before conducting District business. Under no circumstances should employees place phone calls or text message while driving or operating equipment or a motor vehicle while on District business and/or District time. Violating this policy is a violation of District rules and could be a violation of the law beginning July 1, 2008.

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1506. PERSONAL CELL PHONE USE

District employees may use their personal cell phones as long as it does not interfere with the productivity of the employee or his/her co-workers. Office personnel shall use the District two way radios to contact field personnel. In turn, field personnel will use the District two way radios to conduct daily business. In emergency situations, cell phones may be utilized for communication purposes.

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1601. OVERVIEW

The purpose of this policy is to establish acceptable and unacceptable use of electronic devices and network resources at West Valley Water District in conjunction with its established culture of ethical and lawful behavior, openness, trust, and integrity.

The District provides computer devices, mobile/cellular phones, network access and other electronic information systems to meet missions, goals, initiatives and must manage them responsibly to maintain the confidentiality, integrity, and availability of its information system assets. This policy requires the users of information assets to comply with District policies and protects the District against damaging legal issues.

The District reserves the right to listen to voice mail messages and to monitor, review and/or access electronic systems to ensure compliance with District policies, without notice to the employee and/or in the employee's absence. Employees have no right of privacy in any District electronic systems. It may be necessary to assign and/or change passwords and personal codes for the voice mail and computer. These items are to be used for District business, and they remain the property of the District. The District may keep a record of all passwords and codes used and/or may be able to override any such password system.

1602. SCOPE

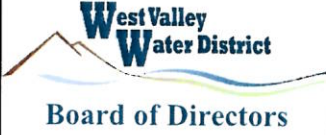
All employees, contractors, consultants, temporary and other workers at the District, including all personnel affiliated with third parties must adhere to this policy. This policy applies to information assets owned or leased by the District, or to devices that connect to a District network or reside at a District site.

Information security must approve exceptions to this policy in advance through Department Supervisor and Information Technology Administrator.

1603. POLICY STATEMENT

a) **General Requirements**

1. Employees are responsible for exercising good judgment regarding appropriate use of District resources in accordance with District policies, procedures, and guiding principles. District resources may not be used for

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any unlawful or prohibited purpose.

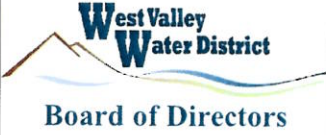
2. For security, compliance, and maintenance purposes, authorized personnel may monitor and audit equipment, accounts, systems, and network traffic per the District Policy. Devices that interfere with other devices or users on the District network may be removed from network. The District prohibits actively interfering with District security measures.

b) System Accounts

1. You are responsible for the security of data accounts and systems under your control. Keep passwords secure and do not share account or password information with anyone, including other personnel, family, or friends. Providing access to District information systems either deliberately or through failure to secure system access is a violation of this policy.
2. You must maintain system-level authentication and user-level passwords in accordance with policy.
3. You must ensure through legal or technical means that proprietary information remains within the control of the District at all times. Conducting District business that results in the storage of proprietary information on personal or non-District controlled environments, including devices maintained by third parties with whom the District does not have a contractual agreement, is prohibited. This specifically prohibits the use of an e-mail account that is not provided by the District for District business.

c) Computing Assets

1. You are responsible for ensuring the protection of District electronic assets assigned to you by the District. Promptly report any security breaches or theft of District assets to the Information Technology Department and Supervisor.
2. All District PC's, PDA's, smart phones, laptops, and workstations must be secured with a password. You must lock the screen or log off when the device is unattended.

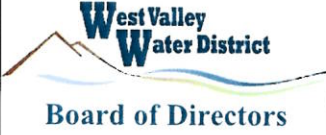
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3. Devices that connect to the District network must comply with District security standards.
4. Do not interfere with District device management or security systems software, including, but not limited to, antivirus, network security protocols, Sungard utility systems, and any other District computer system.

d) **Network Use**

You are responsible for the security and appropriate use of West Valley Water District network resources under your control. District employees are allowed to access the internet through the District network for work related activities and research. However, using District resources for the following is strictly prohibited:

1. Causing a security breach to either District or other District connected network resources, including, but not limited to accessing restricted data, servers, or accounts to which you are not authorized; circumventing user authentication on any device; or capturing network traffic.
2. Causing a disruption of service to either District or other network resources, including, but not limited to ICMP floods, packet spoofing, denial of service, heap or buffer overflows, and forged routing information for malicious purposes.
3. Violating copyright law, including, but not limited to illegally duplicating or transmitting copyrighted pictures, music, video, and software. See the Information Technology Administrator for additional information on copyright restrictions.
4. Exporting or importing software, technical information, encryption software, or technology in violation of international or regional export control laws.
5. Use of the internet or District networks that violates the District Policies, or local, State or Federal laws.
6. Intentionally introducing malicious code, including, but not limited to viruses, worms, Trojan horses, e-mail bombs, spyware, adware, and key

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loggers.

7. Port scanning or security scanning on a District network unless authorized in advance by the Information Technology Administrator.

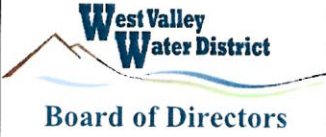
e) **Electronic Communications**

The following are strictly prohibited:

1. Inappropriate use of communication vehicles, internet and equipment, including, but not limited to supporting illegal activities, and procuring or transmitting material that violates District policies against harassment or the safeguarding of confidential or proprietary information.
2. Sending spam via e-mail, text messages, pages, instant messages, voice mail, or other forms of electronic communication.
3. Forging, misrepresenting, obscuring, suppressing, or replacing a user identity on any electronic communication to mislead the recipient about the sender.
4. Use of a District e-mail or IP address to engage in conduct that violates District policies or guidelines. Posting to a public newsgroup, bulletin board, or listserv with a District e-mail or IP address that represents the District.
5. When communicating with the public; you must exercise good judgment to avoid misrepresenting or exceeding your authority in representing the opinion of the District.

1604. DISCIPLINARY ACTION FOR VIOLATION OF ACCEPTABLE USE POLICY

An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. A violation of this policy by a temporary worker, contractor or vendor may result in the termination of their contract or assignment with the District.

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1605. ELECTRONIC TRACKING TECHNOLOGY POLICY

This policy governs West Valley Water District's ("District") use of Electronic Tracking Technology in vehicles it owns or leases that are used by its employees.

Employees of West Valley Water District may, in the course of employment, be required to drive and/or ride in an agency-owned or leased vehicle equipped with Electronic Tracking Technology. Electronic Tracking Technology means a technological method or system used to observe, monitor, or collect information, including telematics, Global Positioning System (GPS), wireless technology, or location-based technologies.

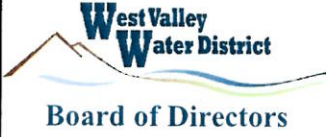
Electronic Tracking Technology may include event data recorders (EDR), sensing and diagnostic modules (SDM), or other systems that are used for the purpose of identifying, diagnosing, or monitoring functions related to the potential need to repair, service, or perform maintenance on the West Valley Water District vehicle and/or to capture safety systems-related data for retrieval after a collision or similar incident has occurred.

Electronic Tracking Technology is intended to allow the District to monitor location, elevation, and velocity of its vehicles. Electronic Tracking Technology use for public safety greatly enhances job performance, personnel safety, situational awareness, and may provide assistance in time critical scenarios. Electronic Tracking Technology in District-vehicles may also be used to for other business-related purposes, including, but not limited to, measuring productivity, locating stolen vehicles, providing aid to vehicles that break down, increasing employee safety, managing agency resources effectively, or ensuring that employees are following their routes or assignments.

The District may use Electronic Tracking Technology at the agency's sole discretion. Not all District vehicles are required to have Electronic Tracking Technology.

The District may utilize Electronic Technology to initiate a disciplinary investigation or discipline of its employees pertaining to the misuse or abuse of their vehicles, inappropriate use of time, speeding or other misconduct. Thus, the documents provided by the Electronic Tracking Technology, if any, could be part of a personnel file and subject to protections afforded the same.

The California Public Records Act may require that the District disclose specified public records. In response to requests for such disclosure, it may be necessary to examine Electronic Tracking Technology records to determine whether they are public records that are subject to disclosure. Additionally, the agency may be required to produce

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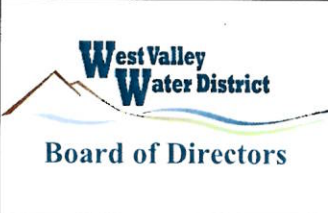
information obtained from Electronic Tracking Technology pursuant to a court order, subpoena, or statute.

Employees shall obey all laws while driving West Valley District vehicles. Employees shall not drive West Valley Water District vehicles when they are in an unsafe mechanical condition. Employees shall inspect their assigned vehicle before each tour of duty and immediately report any damage or mechanical failure to their supervisor.

Employees are prohibited from altering or attempting to alter or disable Electronic Tracking Technology in the District's vehicles.

Disciplinary action up to and including termination of employment will be instituted if this policy is violated.

All District employees shall receive a copy of this policy and shall acknowledge receipt of this policy in writing.

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1701. PROHIBITION AGAINST VIOLENCE IN THE WORKPLACE

The safety and security of employees and customers are very important to the District. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or Districts ability to execute its daily business will not be tolerated.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on District property shall be removed from the premises immediately pending the outcome of an investigation. Threats, threatening behavior, or other acts of violence off District property, but directed at District employees, District members or the public while conducting business for the District, is a violation of this policy.

Off-site threats include but are not limited to threats made via telephone, fax, electronic or conventional mail, or any other communication medium. Violations of this policy will lead to disciplinary action that may include dismissal, arrest, and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from District property, termination of business relationships with that individual, and/or prosecution of the person(s).


Employees are responsible for notifying their immediate supervisor. In the event said immediate supervisor is involved in an incident, then the employee shall report the matter to the next level of supervisor. All reports of workplace violence will be investigated by management. No retaliation will occur against an employee who reports actual or potential workplace violence.

For the purpose of maintaining workplace safety and productivity, employees involved in an incident may be suspended immediately pending investigation of the incident. All incident reports and findings of the investigation shall be documented. Said documentation shall also include statements of the individuals involved in the incident. When appropriate, law enforcement shall be contacted.

Once the investigation is completed, management shall take the appropriate disciplinary action as provided in these Human Resources Policies & Practices Manual.

1702. DISCIPLINARY ACTION

As used herein, disciplinary action is an action taken by a supervisor or management against an employee, which could mean the dismissal, demotion, reduction in pay,

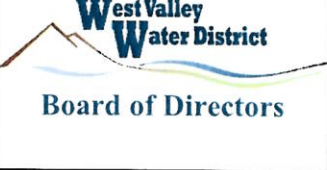
 <p>West Valley Water District Board of Directors</p>	<p>WEST VALLEY WATER DISTRICT Human Resources Policies & Practices Manual</p>	Article No. 17
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suspension, reprimand of an employee or other similar process for dealing with and/or attempting to correct behavior that does not meet the expected performance standards.

1. Grounds for Disciplinary Action

The following is a non-exhaustive list of offenses giving rise to disciplinary action:

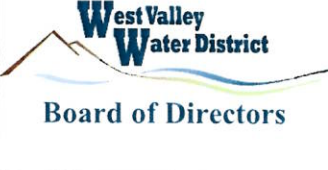
- a) Failure to follow direction, procedure, or policies of the District.
- b) Rudeness or discourtesy to the public, a supervisor, or fellow employees.
- c) Misuse or damage of District property and/or equipment.
- d) Incompetence, insubordination, lack of ability or failure to perform the assigned duties in a satisfactory manner.
- e) Physical violence, fighting, or creating a disturbance. Such conduct may include, but is not limited to, the following:
 1. Threatening, intimidating, coercing, or abusing fellow employees or customers.
 2. Physically intimidating or attacking another individual through the use or intended use of force.
 3. Verbal or physical abuse to the public, a supervisor or fellow employee.
 4. Disorderly, indecent or immoral conduct while on duty or while in District uniform, either during or outside of duty hours which causes discredit to the District.
- f) Theft or unauthorized use of District property.
- g) Dishonesty.
- h) Frequent or habitual tardiness, unexcused absences or unsatisfactory attendance.

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- i) Conducting non-District business activities during working hours.
- j) Harassment, bullying and/or discrimination in any form.
- k) Consumption of alcoholic beverages, use of drugs and marijuana/cannabis while on duty or on District premises, or being under the influence of alcohol and or drugs while on duty.
- l) Use of, possession of, and/or transfer or sale of, non-prescribed drugs or narcotics while on duty or on District premises.
- m) Conviction of any felony or of a misdemeanor involving moral turpitude, dishonesty or immoral conduct.
- n) Unauthorized absence from work.
- o) Failure to report an injury promptly or significant unsafe working practices to a supervisor.
- p) Misrepresentations in obtaining employment with or promotion within the District.
- q) Falsification of forms, records, or reports; including, but not limited to, time sheets, employment applications and District documents.
- r) Possessing or bringing firearms or weapons onto District property.
- s) Destroying or willfully damaging District or employee property, records, or other materials.
- t) Failure to immediately report the loss of a California driver's license due to suspension, withdrawal, forfeiture or confiscation by any court of law or by the California Department of Motor Vehicles by employees who must maintain such a license as a condition of employment.

2. Disciplinary Actions Not Subject to Notice and Hearing Procedures

The following disciplinary actions may be taken against any employee without compliance with the procedures set forth in Section 1702 (4) below:

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- a) Counseling statements.
- b) Verbal or written warnings.
- c) Performance Improvement Plan (PIP) (Form A) for 90 calendar days during which time the employee's performance, attention to job duties, attitude, and timeliness are closely supervised. This can lead to further disciplinary action.
- d) Reassignment not entailing a salary reduction or demotion.
- e) Suspension for three (3) days or less without pay.


The following form shall be used for procedures of disciplinary action under Section 1702 (2):

Employee Commendation/Disciplinary Action Report Form 1702 A

3. Disciplinary Actions Subject to Notice and Hearing Procedures

The following disciplinary actions may be taken against a regular employee either by the General Manager or his designee:

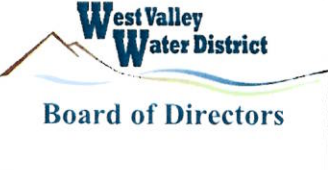
- a) **Suspension from Duty:** Suspension from duty for four (4) or more days without pay.
- b) **Salary Reduction:** A reduction in pay from the employee's current pay range to any lower amount within that same range, as such range is recorded in the Districts current salary schedule.
- c) **Demotion:** Reduction from a position in one class to a position in another class having a lower salary range for disciplinary purposes. (Demotions resulting from employee's inability to satisfactorily complete his/her probationary period, organizational changes, or layoffs are not disciplinary in nature and not subject to this Section.)
- d) **Termination:** Discharge from District employment.

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4. Disciplinary Procedures

The procedures provided below apply to regular employees who have completed their probationary periods and are subject to disciplinary measures set forth in Section 1702 (3).

- a) **Notice of Disciplinary Action.** If a disciplinary action under Section 1702 is warranted, the employee shall be notified in writing five (5) working days prior to the effective date of the disciplinary action. The contents of the notice shall be as follows:
- i. A description of the disciplinary action being taken.
 - ii. The date on which that action will become effective. A statement of the charges upon which the action is based, including a reference to or description of the specific District rule or policy violated.
 - iii. A statement that if the employee feels that the proposed action is not appropriate, he/she has the right to respond to the charges either orally or in writing at any time before the proposed disciplinary action is to become effective. This right is separate from the right to hearing as set forth below.
 - iv. A statement that the employee has the right to a hearing on the charges. Said right may be exercised by filing a written request for a hearing, dated, and signed by the employee. Said request shall be submitted to the employee's supervisor personally or by certified mail before the end of the fifth (5th) working day after the notice is delivered to the employee (counting the day of delivery as the first day).
 - v. A statement that the employee requesting a hearing is entitled to be represented at the hearing by an attorney or anyone else of his choosing.

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- vi. A statement that in the absence of a timely written request for a hearing, the proposed discipline will become effective as scheduled unless it is modified or rescinded.

At the discretion of the District, an employee may be placed on paid or unpaid administrative leave during the pendency of disciplinary action.

- b) **Right to Respond.** The employee shall have the right to respond in writing to a notice of discipline before the discipline becomes effective.
- c) **Request for a Hearing.** The employee shall have the right to request a hearing on the proposed disciplinary action, within the time limits set forth in the notice of disciplinary action and/or in Section 1702 (4a) (v).
- d) **Hearing.** Upon receipt of a timely request for a hearing, the General Manager shall appoint a Hearing Committee composed of three individuals. The members of this Hearing Committee must consist of supervisory staff of the District and/or individuals employed by other entities in supervisory positions. One of the members of the Hearing Committee shall preside over the hearing as Chair. During the hearing, the employee shall have the right to:
- i. Call witnesses and question them;
 - ii. Be represented by anyone of his choice, including an attorney;
 - iii. Introduce other oral and written evidence on his/her behalf; and
 - iv. Record the proceedings.

If an employee intends to be represented by legal counsel, he must notify the District immediately. In the event a hearing is requested, the District shall submit to the employee a copy of the General Manager's policy regarding the format for the hearing.

- e) **Result of Hearing.** Within five (5) working days after completion of the hearing, the Hearing Committee shall submit its written findings and recommendations to the General Manager whose decision will be made within five (5) days and shall be final. The recommendation by the

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Committee and the final decision by the General Manager shall be one of the following:


- i. Rule in favor of the proposed action.
- ii. Rule against the proposed action.
- iii. Rule that less severe action is warranted.

1703. GRIEVANCE RIGHTS OF EMPLOYEES

The District provides every employee the right to present any question or problem, which affects his/her work environment or status of employment, directly to supervision. The following procedure shall not apply to any disciplinary matters or procedures that are covered by Section 1702.

The rights of employees will be better preserved and protected if questions and problems are presented in accordance with the following procedures:

- a) **First Level Review:** The employee shall first discuss the problem with his/her immediate supervisor, with a sincere effort on the part of both to reach a satisfactory understanding. Should the supervisor's oral answer to the problem be unsatisfactory to the employee, the problem should then be reduced to writing, using the Request for Review Form, Level One, and presented to the employee's immediate supervisor. It is understood that a supervisor shall be obligated to accept a question or problem in writing only when it is presented within *five working days* from the date of the occurrence which forms the basis for the problem or question. The supervisor shall deliver a written answer to the employee within five working days and distribute copies to the next level of management and/or the General Manager.
- b) **Second Level Review:** Should the answer in "Level One" be unsatisfactory to the employee, the employee may, within five working days, present his/her problem to the next level of management, by delivering the Request for Review Form, Level Two, directly to the appropriate supervisor. The written answer shall be delivered to the employee within five working days and copies delivered to his/her immediate supervisor and the General Manager.

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- c) **Third Level Review:** Should the answer in "Level Two" be unsatisfactory to the employee, he/she may, within five working days, appeal his/her case to the General Manager by submitting the Request for Review Form, Level Three, to the General Manager. The General Manager's decision will be made within five (5) working days and shall be final.

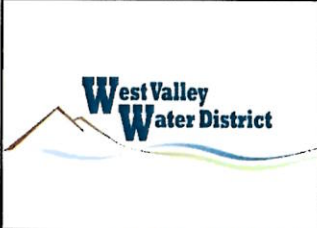
Warning against Retaliation: It is illegal and inappropriate to retaliate against any person who has participated in complaining or filing a grievance.

Inquiries regarding the Employee's Review Procedure or the necessary forms may be directed to the General Manager.

The following forms shall be used for procedures of grievance rights:

- Request for Review:
- Level One Form 1703-A
 - Level Two Form 1703-B
 - Level Three Form 1703-C

NOTE: The time limits set forth in the text above are intended to be maximum periods. Supervisors and the General Manager should, in all cases, respond promptly and only use the maximum period when absolutely necessary.

	WEST VALLEY WATER DISTRICT P. O. Box 920 Rialto, CA 92377	Article No. 17 Form A
		Board Effective Date: 04-19-18
		Revision Date & No:
EMPLOYEE COMMENDATION/DISCIPLINARY *ACTION REPORT		Page 1 of 1

Employee: _____ Classification: _____

Date: _____ Time: _____ Department: _____

- Subject of Report:
- | | |
|--|--------------------------------------|
| <input type="checkbox"/> Investigation Only | <input type="checkbox"/> Exceptional |
| <input type="checkbox"/> Rule or Policy Infraction | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Safety Violation | |

Description of Incident: (Include Date, Time, Etc.)

Action Taken:

(Explain)

- | | |
|---|--|
| <input type="checkbox"/> Commendation | <input type="checkbox"/> Counseling Statement |
| <input type="checkbox"/> Verbal warning given | <input type="checkbox"/> Written warning given |
| <input type="checkbox"/> Performance Improvement Plan (90 days) | <input type="checkbox"/> Suspension without compensation: |
| <input type="checkbox"/> Reassignment | <input type="checkbox"/> 1 day <input type="checkbox"/> 2 day <input type="checkbox"/> 3 day |

(Attach additional sheets as needed)

This Consultation was Conducted with:

Employee Only

Others present (if any): _____

Comments/Action Plan:

Supervisor's Name/Title _____ Signature _____

Duration of Consultation: Hours Minutes

I hereby acknowledge receipt of a true copy of this report.

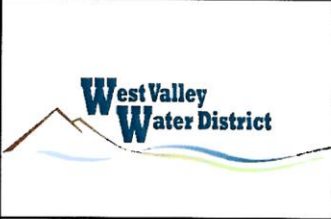
Employee Signature _____ Date _____

Employee Comments: _____

Reviewed for Filing (initials)	
_____	Supv
_____	Supt.
_____	AGM.
_____	Gen. Mgr.
_____	Pers. File

Distribution: **Verbal:** Original – Supervisor; Copy – Employee **All Other:** Original – Human Resources; Copies – (1) Employee; (1) Supervisor

***Form to be used for Disciplinary Actions not subject to Notice and Hearing Procedures per Article 17 of the Human Resources Personnel Policies & Practices Manual**

	<p align="center">WEST VALLEY WATER DISTRICT P. O. Box 920 Rialto, CA 92377</p>	<p align="center">Article No. 17 Form B</p>
		<p align="center">Board Effective Date: 04-19-18</p>
		<p align="center">Revision Date & No:</p>
<p align="center">NOTICE OF TERMINATION DURING PROBATIONARY PERIOD</p>		<p align="center">Page 1 of 1</p>

NAME OF EMPLOYEE: _____

HOME ADDRESS: _____

CLASSIFICATION: _____

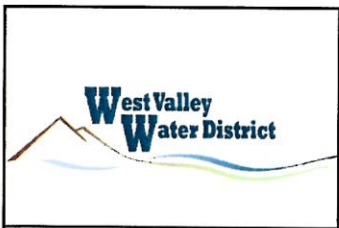
DEPARTMENT: _____

You are hereby notified that you are terminated effective _____.

WEST VALLEY WATER DISTRICT

Date _____

By _____

	WEST VALLEY WATER DISTRICT P. O. Box 920 Rialto, CA 92377	Article No. 17 Form C
		Board Effective Date: 04-19-18
		Revision Date & No:
NOTICE OF PROPOSED SUSPENSION <i>IN EXCESS OF FIVE DAYS</i>		Page 1 of 1

NAME OF EMPLOYEE: _____

HOME ADDRESS: _____

CLASSIFICATION: _____

DEPARTMENT: _____

You are hereby notified that you are suspended, without pay, from your above-referenced position with WEST VALLEY WATER DISTRICT. Your suspension is effective immediately, for a period of _____ days and will conclude on _____ 20__ at _____ a.m./p.m. The reason for your suspension is as follows: _____

_____.

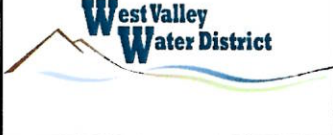
A copy of all charges and materials upon which your suspension is based is attached. (Number of pages ____.)

You may respond to this notice either orally or in writing within five business days following the service of this notice on you. If you fail to respond within five days, the above-described action shall be final.

WEST VALLEY WATER DISTRICT

Date: _____

By _____

	<p align="center">WEST VALLEY WATER DISTRICT P. O. Box 920 Rialto, CA 92377</p>	<p align="center">Article No. 17 Form D</p>
		<p align="center">Board Effective Date: 04-19-18</p>
		<p align="center">Revision Date & No:</p>
<p align="center">NOTICE OF PROPOSED DEMOTION</p>		<p align="center">Page 1 of 1</p>

NAME OF EMPLOYEE: _____

HOME ADDRESS: _____

CLASSIFICATION: _____

DEPARTMENT: _____

You are hereby notified that you are demoted from your position with WEST VALLEY WATER DISTRICT from the above-referenced classification to the following classification: _____

This action is being taken for the following reasons: _____


A copy of all charges and materials upon which this action is based is attached hereto. (Number of pages ____.)

Your demotion will continue through and conclude on _____. This demotion will be effective at the end of the fifth business day following the service of this Notice on you, unless you respond, either orally or in writing, to the undersigned before that time and request a hearing. If you fail to respond within the five days, the above-described action shall be final.

WEST VALLEY WATER DISTRICT

Date: _____

By _____

	WEST VALLEY WATER DISTRICT P. O. Box 920 Rialto, CA 92377	Article No. 17 Form E
		Board Effective Date: 04-19-18
		Revision Date & No:
NOTICE OF PROPOSED TERMINATION		Page 1 of 1

NAME OF EMPLOYEE: _____

HOME ADDRESS: _____

CLASSIFICATION: _____

DEPARTMENT: _____

You are hereby notified that you will be dismissed from your position with WEST VALLEY WATER DISTRICT. The reason for your dismissal is as follows: _____


A copy of all charges and materials upon which your dismissal is based is attached hereto. (Number of pages _____.)

Your dismissal will be effective at the end of the fifth business day following the service of this Notice on you, unless you respond to this Notice, either orally or in writing, before that time, and request a hearing. If you fail to respond within five days, the above-described action shall be final. Until such time as all matters herein are finalized, you are hereby placed on a temporary leave of absence with pay.

WEST VALLEY WATER DISTRICT

Date: _____

By _____

	WEST VALLEY WATER DISTRICT P. O. Box 920 Rialto, CA 92377	Article No. 17 Form F
		Board Effective Date: 04-19-18
		Revision Date & No:
DECLARATION OF SERVICE		Page 1 of 1

I, _____, declare:
 (Name of person serving notice)

I am and was at the time of the service of the attached paper over the age of eighteen years and not a party to the proceedings involved.

On _____, 20 ____, I served the attached Notice of _____
 _____ on _____.
 (Name of employee served)

Said service was accomplished as follows:

_____ Personal Service

_____ Service by Mail, by placing a true copy thereof in a sealed envelope addressed to the last known address of the said employee, at the address set forth below, and depositing said envelope in the mail certified, with return receipt requested and postage thereon fully prepaid at _____, California.


Address _____
 _____.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20 __ at _____, California.

 Signature

(This form is to be used with WVWD 1702 - B, C, D, and E.)

	WEST VALLEY WATER DISTRICT P. O. Box 920 Rialto, CA 92377	Article No. 17 Form A
		Board Effective Date:
		Revision Date & No:
REQUEST FOR REVIEW LEVEL ONE		Page 1 of 1

NAME _____

TITLE AND LOCATION _____

PROBLEM OR QUESTION _____

WHAT DO YOU THINK SHOULD BE DONE? _____

Employee Signature

Date

TO BE COMPLETED BY SUPERVISOR

DATE RECEIVED _____

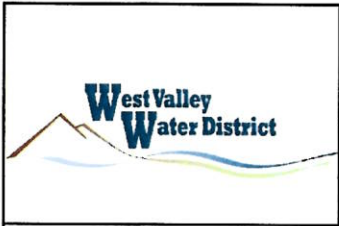
ANSWER _____

SUPERVISOR SIGNATURE _____

SIGNATURE OF EMPLOYEE RECEIVING ANSWER _____

DATE _____

- cc: General Manager
 Chief Financial Officer
 Assistant General Manager
 Superintendent
 Employee

	<p align="center">WEST VALLEY WATER DISTRICT P. O. Box 920 Rialto, CA 92377</p>	<p align="center">Article No. 17 Form B</p>
		<p align="center">Board Effective Date:</p>
		<p align="center">Revision Date & No:</p>
<p align="center">REQUEST FOR REVIEW <i>LEVEL TWO</i></p>		<p align="center">Page 1 of 1</p>

NAME _____ TITLE/LOCATION _____

PROBLEM OR QUESTION _____

ANSWER GIVEN BY SUPERVISOR _____

WHY FIRST LEVEL WAS UNSATISFACTORY _____

SIGNED _____

TO BE COMPLETED BY SUPERVISOR/SUPERINTENDENT/OFFICE MANAGER

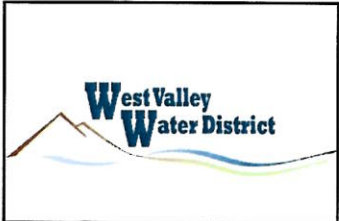
DATE RECEIVED _____

ANSWER _____

SUPERVISOR OR SUPERINTENDENT/OFFICE MANAGER _____

SIGNATURE OF EMPLOYEE RECEIVING ANSWER _____

- cc: General Manager
- Chief Financial Officer
- Assistant General Manager
- Superintendent
- Employee

	<p align="center">WEST VALLEY WATER DISTRICT P. O. Box 920 Rialto, CA 92377</p>	<p align="center">Article No. 17 Form C</p>
		<p align="center">Board Effective Date:</p>
		<p align="center">Revision Date & No:</p>
<p align="center">REQUEST FOR REVIEW LEVEL THREE</p>		<p align="center">Page 1 of 1</p>

NAME _____ TITLE/LOCATION _____

PROBLEM OR QUESTION _____

ANSWER GIVEN BY SUPERVISOR OR SUPERINTENDENT/OFFICE MANAGER

WHY SECOND LEVEL ANSWER WAS UNSATISFACTORY _____

Signature

TO BE COMPLETED BY GENERAL MANAGER

DATE RECEIVED _____


ANSWER _____

GENERAL MANAGER SIGNATURE _____

SIGNATURE OF EMPLOYEE RECEIVING ANSWER _____

DATE _____

- cc: General Manager
 Chief Financial Officer
 Assistant General Manager
 Superintendent
 Employee

 Board of Directors	DISTRICT Human Resources Personnel Policies & Practices Manual	Article No. 18
		Board Effective Date:
		Revision Date & No: 4-18-19, Res 388.73
TITLE: POLICY AND COMPLAINT PROCEDURE AGAINST HARASSMENT, DISCRIMINATION AND RETALIATION		Page 1 of 8

1801. PURPOSE

The West Valley Water District has a strong commitment to prohibiting and preventing discrimination, harassment, and retaliation in the workplace. The West Valley Water District has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of state or federal law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. This Policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation. The West Valley Water District encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible. Any retaliation against an employee because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited. Individuals found to have retaliated in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including termination.


1802. STATEMENT OF POLICY

Harassment or discrimination against an applicant, unpaid intern, volunteer, or employee by a supervisor, management employee, elected or appointed official, co-worker, member of the public, or contractor on the basis of race, religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, citizenship status, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), military or veteran status, or any other protected classification as defined below, will not be tolerated.

1803. COVERED INDIVIDUALS AND SCOPE OF POLICY


The individuals covered by this Policy are: applicants, employees regardless of rank or title, elected or appointed officials, interns, volunteers, and contractors. 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.

Disciplinary action or other appropriate sanction up to and including termination will be instituted for prohibited behavior as defined below.

 Board of Directors	DISTRICT Human Resources Personnel Policies & Practices Manual	Article No. 18
		Board Effective Date:
		Revision Date & No: 4-18-19, Res 388.73
TITLE: POLICY AND COMPLAINT PROCEDURE AGAINST HARASSMENT, DISCRIMINATION AND RETALIATION		Page 2 of 8

1804. DEFINITIONS

- A. Protected Classifications: This Policy prohibits harassment or discrimination because of an individual’s protected classification. “Protected Classification” includes race, religious creed, color, national origin, ancestry, citizenship status, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identify, gender expression, age (over 40), sexual orientation, or military or veteran status or any other basis protected by law. This Policy prohibits discrimination, harassment or retaliation because: 1) of an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.
- B. Protected Activity: This Policy prohibits discrimination, harassment or retaliation because of an individual’s protected activity. Protected activity includes: making a request for or receiving an accommodation for a disability; making a request for or receiving accommodation for religious beliefs or practices; making or supporting a complaint under this Policy; opposing violations of this Policy; or participating in an investigation pursuant to this Policy.
- C. Discrimination: This policy prohibits treating individuals differently and adversely because of the individual’s protected classification, actual or perceived; because the individual associates with a person who is member of a protected classification, actual or perceived; or because the individual participates in a protected activity as defined in this Policy.
- D. Harassment includes, but is not limited to, the following types of behavior that are taken because of a covered individual’s actual or perceived protected classification.
- (1) Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, dress, physical features, gender identification, or race, ethnic or sexually-oriented stories and jokes.
 - (2) Physical acts, such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement. This includes


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pinching, grabbing, patting, or making explicit or implied job threats or promises in return for submission to physical acts.

- (3) Visual acts, such as derogatory posters, cartoons, emails, pictures, or drawings related to a protected classification.
- (4) Sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

E. Guidelines for Identifying Harassment: Harassment includes any conduct which would be unwelcome or unwanted to an individual of the recipient's same protected classification. The following guidelines to determine if conduct is unwelcome or unwanted should be followed:

- (1) It is no defense that the recipient "appears" to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
- (2) Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.
- (3) Even visual, verbal, or physical conduct between two individuals who appear to welcome the conduct can constitute harassment of a third individual who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
- (4) Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over

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attention, endearing nicknames, hugs).

- F. Retaliation: Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" may include but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint or someone who supports or assists the complainant, shunning and avoiding an individual who reports harassment or discrimination, or making real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.


1805. PROACTIVE APPROACH

The West Valley Water District takes a proactive approach to potential Policy violations and will conduct an investigation if its supervisory or management employees become aware that harassment, discrimination or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

1806. COMPLAINT PROCEDURES

Covered individuals who believe they have been subjected to discrimination, harassment or retaliation may make a complaint -- orally or in writing -- to any supervisor, manager, or department head, without regard to any chain of command. Any supervisory or management employee who receives a harassment complaint should immediately notify the Human Resources Manager. Upon receiving notification of a harassment complaint, the Human Resources Manager will complete and/or delegate the following steps. If the Human Resources Manager is accused, or a witness to the events at issue, an individual with higher authority will complete and/or delegate the following steps:

- A. Authorize and supervise the investigation of the complaint by impartial and qualified personnel and/or investigate the complaint. The investigation will usually include interviews with: 1) the complainant; 2) the accused; and 3) other persons who have relevant knowledge concerning the allegations in the complaint.
- B. Review the factual information gathered through the investigation to determine whether the alleged conduct occurred, and whether it violates the Policy giving consideration to all factual information, the totality of the circumstances, including the

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nature of the conduct, and the context in which the alleged incidents occurred.

- C. Report a summary of the determination as to whether the Policy has been violated to appropriate persons. If discipline is imposed, the level of discipline will not be communicated to the complainant.
- D. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
- E. Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.

1807. OPTION TO REPORT TO OUTSIDE ADMINISTRATIVE AGENCY


An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, in the government section of the telephone book or employees can check the posters that are located on West Valley Water District bulletin boards for office locations and telephone numbers.

1808. CONFIDENTIALITY

Every possible effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. However, an employee may discuss the interview with their bargaining unit representative who is not otherwise a party to the complaint. The West Valley Water District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

1809. RESPONSIBILITY


Each employee or contractor is responsible for:

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1. Treating all individuals in the workplace or on worksites with respect and consideration.
2. Modeling behavior that conforms to this Policy.
3. Participating in periodic training.
4. Cooperating with the West Valley Water District investigations by responding fully and truthfully to all questions posed during the investigation.
5. Taking no action to influence any potential witness while the investigation is ongoing.
6. Reporting any act the employee believes in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy, to the employee's immediate supervisor, or department head, or Human Resources Manager.

In addition to the responsibilities listed above, each manager and supervisor is responsible for:

1. Informing employees of this Policy.
2. Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring, including monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
3. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
4. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
5. Informing those who complain of harassment or discrimination of the option to contact the EEOC or DFEH regarding alleged Policy violations.
6. Assisting, advising, or consulting with employees and the Human Resources Manager regarding this Policy.
7. Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with the West Valley Water District's Personnel Rules, up to and including termination.
8. Implementing appropriate disciplinary and remedial actions.
9. Reporting potential violations of this Policy of which the supervisor or manager becomes aware, to the Human Resources Manager, regardless of whether a complaint has been submitted.
10. Participating in periodic training and scheduling employees for training.


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1810. TRAINING REQUIREMENTS

In accordance with applicable federal and state regulations, all West Valley Water District employees are required to undergo harassment prevention training. All non-supervisory employees are required to attend one hour of sexual harassment prevention training once every two years. All supervisory employees are required to attend two hours of sexual harassment prevention training once every two years. Training is to take place within six months of hire or promotion and every two years thereafter.

1811. DISSEMINATION OF POLICY

All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this Policy.

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EMPLOYEE'S NAME _____

POSITION _____ DEPARTMENT _____

NAME OF SUPERVISOR _____

Employee's statement of complaint if oral. If written, attach a copy of Complaint Form (include facts, dates, policy or regulation involved, if any, and the remedy desired).

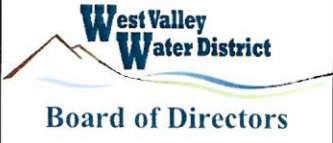
Employee's Signature _____ Date _____

Date Received by Manager _____

Manager's Decision _____

Manager's Signature _____

Date Given to Employee _____

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1901. PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Highway Administration (FHWA) of the Department of Transportation has enacted 49 CFR Part 382 that mandates urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. The policy incorporates those requirements of safety-sensitive employees and others when so noted.


The District recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances.

1902. APPLICABILITY

This policy applies to all safety-sensitive employees and contractors when they are on District property or when performing any District related business. It applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work. Visitors, vendors, and contracted employees are governed by this policy while on District premises, and they will not be permitted to conduct business if found to be in violation of this policy. A safety-sensitive position is defined as any position requiring the use of a Class "A" or Class "B" commercial driver's license. A listing of the Districts safety-sensitive employee (function and/or position) classifications can be found in Section 1910 of this policy statement. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

1903. PROHIBITED SUBSTANCES


"Prohibited substances" addressed by this policy include the following:

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- a) Drugs. Marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.
- b) Alcohol. The use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of that stated in Department of Transportation guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited. "Alcohol" is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

1904. PROHIBITED CONDUCT


1. Manufacture, Trafficking, Possession, and Use. Any safety-sensitive employee engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on District premises, in District vehicles or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from his/her duties and referral to a Substance Abuse Professional (SAP).
2. Impaired/Not Fit for Duty. Any safety-sensitive employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to a Substance Abuse Professional (SAP). A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the Department of Transportation guidelines.
3. Alcohol Use. No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned function is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty or while performing safety-sensitive functions. No safety-sensitive employee shall use alcohol within four hours of reporting for duty nor during hours that he/she is on call. Violation of this provision is prohibited and will subject the employee to removal from safety-sensitive duty and referral to a Substance Abuse Professional (SAP).

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4. Compliance with Testing Requirements. All safety-sensitive employees are subject to controlled substance testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tapering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to a Substance Abuse Professional (SAP). Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

5. Treatment/Rehabilitation Program. An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:
 - a) **Positive Controlled Substance and/or Alcohol Test:** A Rehabilitation Program is available for employees who have tested positive for a prohibited substance on a one- time basis only. Employee will be immediately terminated on the occurrence of a second verified positive test result. Program costs and subsequent controlled substance and/or alcohol-testing costs will be paid by the employee. When recommended by the Substance Abuse Professional (SAP), participation and completion of the rehabilitation program is mandatory. Failure of a safety-sensitive employee to attend and/or complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one year or longer than five years.

 - b) **Voluntary Admittance:** All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to an Administrator or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol-testing costs will be paid by the safety-sensitive employee. An employee failing to complete the program may be subject to termination from employment. An employee completing a rehabilitation program must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to

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unannounced follow-up testing for 36 months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests within a 36-month period will result in termination from employment.

Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any.

1905. NOTIFYING THE DISTRICT OF CRIMINAL DRUG CONVICTION

Pursuant to the "Drug Free Workplace Act of 1988" any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

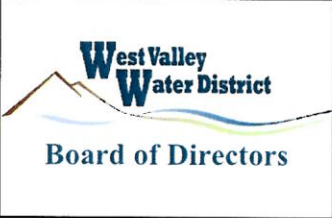
1906. PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirement of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination.

1907. TESTING FOR PROHIBITED SUBSTANCES

Analytical urine controlled substance testing and breath testing for alcohol will be conducted as required under Department of Transportation guidelines. All safety-sensitive employees shall be subject to testing prior to employment, randomly, for reasonable suspicion, and following an accident, as defined in the Department of Transportation guidelines. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five years, as determined by a Substance Abuse Professional (SAP). Safety-sensitive employees who perform safety-sensitive functions as defined in the Department of Transportation guidelines shall also be subject to testing on randomly selected, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved by the Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in the Department of Transportation guidelines.

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The controlled substances that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the Department of Transportation guidelines.


Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. An employee who has a confirmed alcohol concentration of 0.02 but less than 0.04 will be removed from his/her position for at least twenty-four hours unless a retest results in an alcohol concentration less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of Department of Transportation guidelines and this policy.

Any safety-sensitive employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of education and rehabilitation program available, and evaluated by a Substance Abuse Professional (SAP).

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Employees in safety-sensitive positions may be tested under any of the following circumstances:

1. Employment Testing. All new employees conditionally hired for safety-sensitive classifications shall undergo urine controlled substance testing. Receipt of satisfactory test results is required as a condition of employment and failure of a controlled substance test will disqualify the applicant from further employment. Employment testing requirements will be conducted in compliance with the current law and the testing procedures set.
2. Reasonable Suspicion Testing. All safety-sensitive employees will be subject to urine and/or breath testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the effects of substance abuse.

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Examples of reasonable suspicion include, but are not limited to, the following:


- a) Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- b) Physical signs and symptoms consistent with prohibited substance use.
- c) Occurrence of a serious or potentially serious accident that may have been caused by human error.
- d) Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

3. Post-Accident Testing. Employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; and the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination. Post-accident testing of employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident.

4. Random Testing. Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be

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by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing his/her duty.

5. Return-To-Duty Testing. All employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the SAP. However, it shall not be less than 6 tests during the first 12 months, nor longer than 60 months in total, following return to duty.
6. Employee Requested Testing. Any safety-sensitive employee who questions the result of a required controlled substance test under Department of Transportation guidelines may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Request after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

1908. EMPLOYEE ASSESSMENT

Any safety-sensitive employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the Department of Transportation guidelines will be assessed by a Substance Abuse Professional (SAP). A SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.


If a safety-sensitive employee is returned to duty following rehabilitation, he/she must agree

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to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one to five years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the safety-sensitive employee and is on a one-time basis only. The employee will immediately be terminated on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation and floating holidays, if any, to participate in the prescribed rehabilitation program.


1909. DEFINITIONS

1. Accident. Means an unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.
2. Alcohol. Means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
3. Alcohol Concentration. Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air.
4. Alcohol Use. Means consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the Department of Transportation prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing affect due to the presence of other elements (e.g., antihistamines).
5. Breath Alcohol Technician (BAT). Means a person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BATs are the only qualified personnel to administer the EBT tests.
6. Chain of Custody. Means the procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

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7. Collection Site. Means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.
8. Commercial Motor Vehicle. Means a motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - a) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - b) Has a gross vehicle weight rating of 26,001 or more pounds;
 - c) Designed to transport 16 or more passengers, including the driver; or
 - d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.
9. Confirmation Test. For alcohol testing means a second test, following a screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which used a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)
10. Controlled Substance (Drug) Test. A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

Controlled substances will be tested under the Department of Health and Human Services guidelines. The primary (initial or screening) controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:

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Marijuana Metabolites	50 ng/ml
Cocaine Metabolites	300 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates Metabolites (1)	300 ng/ml
Amphetamines	1000 ng/ml

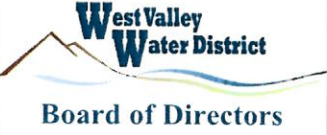
(1) 25 ng/ml if immunoassay

A confirmation drug testing is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principle in order to confirm reliability and accuracy. The confirmatory controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:

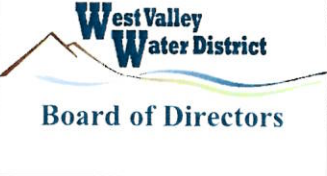
Marijuana Metabolite (THC) (1)	15 ng/ml
Cocaine Metabolite (2)	150 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates	
Morphine	300 ng/ml
Codeine	300 ng/ml
Amphetamines	
Amphetamine	500 ng/ml
Methamphetamine (3)	500 ng/ml
a) Delta-9-tetrahydrocannabinol-9-carboxylic acid	
b) Benzoylcegonine	
c) Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml	

The DOT has determined that use of medical marijuana, hemp and hemp products that result in a Positive controlled substance test, will *not* be accepted as reasons to negate the test result. Under the DOT rules and regulations, the test will be reported as a *Positive* by the testing facility to the District.


11. Covered Employee. Means a person including a volunteer, applicant, or transferee, who performs a safety-sensitive function for the District.

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12. Department of Transportation Guidelines. Means the controlled substance and alcohol testing rules (49 CFR Part 199 (RSPA - Pipeline), Part 219 (FRA - Railroad), Part 382 (FHWA - Commercial Motor Vehicle), 654 (FTA - Mass Transit) and 14 CFR 61 (FAA - Aviation) et. al.) setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all the transportation industries.
13. District. Means West Valley Water District.
14. District Time. Means any period of time in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
15. Driver. Means any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of employment pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.
16. Drug (Controlled Substance) Metabolite. Means the specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.
17. Evidential Breath Testing Device (EBT). Means the device to be used for breath alcohol testing.
18. Medical Review Officer (MRO). Means a licensed physician responsible for analyzing laboratory results generated by an employer's controlled substance (drug) testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.
19. Performing (Safety Sensitive Function). Means a safety-sensitive employee is considered to be performing a safety sensitive function and includes any period in which the safety-sensitive employee is actually performing, ready to perform, or

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- immediately available to perform such functions.
20. Post-Accident Alcohol and/or Controlled Substance Testing. Conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. (See Accident)
 21. Employment Controlled Substance Testing. Conducted after an offer to hire, but before a prospective employee actually begins employment. It is also required when an employee transfers to a safety-sensitive position.
 22. Prohibited Drugs (Controlled Substances). Means Marijuana, Cocaine, Opiates, Amphetamines, or Phencyclidine.
 23. Prohibited Substances. Means and is synonymous to drug abuse and/or alcohol misuse or abuse.
 24. Random Alcohol and/or Controlled Substance Testing. Conducted on a random unannounced basis just before, during or just after performance of safety sensitive functions.
 25. Under the Influence. Any detectable amount of alcohol or drugs that may impair an employee's ability to work safely and effectively.
 26. Reasonable Suspicion Alcohol and/or Controlled Substance Testing. Conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.
 27. Refuse to Submit (To an Alcohol and/or Controlled Substance Test). Means that a safety-sensitive employee fails to provide an adequate breath or urine sample for testing without a valid medical explanation after that safety-sensitive employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.)
 28. Rehabilitation. The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to

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resolve personal, physical or emotional/mental problems which contributed to job problems.

29. Return-To-Duty and Follow-up Alcohol and/or Controlled Substance Testing. Conducted when an individual who has violated the prohibited alcohol or controlled substance conducts standards return to performing safety sensitive-duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty upon the SAP recommendation.
30. Return-To-Duty Agreement. Means a document agreed to and signed by the employer, safety-sensitive employee and the Substance Abuse Professional that outlines the terms and conditions under which the safety-sensitive employee may return to duty after having had a verified positive controlled substance test result or an alcohol concentration of 0.04 or greater on an alcohol test.
31. Safety-Sensitive Employee (Function and/or Position). An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

A complete list of safety-sensitive employee (function and/or position) classifications is listed in Section A: Applicability of this Substance Abuse Policy Statement.

32. Screening (Initial) Test. In alcohol testing, it means an analytical procedure to determine whether a safety-sensitive employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.
33. Substance Abuse Professional (SAP). Means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders, the license alone does not authorize this), Certified

Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge or/and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

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- 34. Supervisor. Means a person in authority who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour of training on the signs and symptoms of controlled substance abuse.
- 35. Vehicle. Means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

As with any policy, the District reserves the right to change, alter, amend, and interpret this policy with or without prior notification.

This policy supplements, but does not replace, the disciplinary rules and procedures currently in force relating to the use of alcohol and other drugs or to job performance.

1910. SAFETY-SENSITIVE EMPLOYEE (FUNCTION AND/OR POSITION) CLASSIFICATIONS FOR DISTRICT

Funded and Unfunded Classifications Impacted by the Regulations: (subject to change)


- Pump Operator
- Supervisor
- Water Service Operator
- Water Quality

An Administrator will maintain a list of the specific positions within the above-listed classifications that are covered under Department of Transportation regulations.

1911. PROCEDURES - REASONABLE SUSPICION TESTING

- 1. A safety-sensitive employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor.


Any employee may identify someone suspected of alcohol and/or controlled substance to any supervisor. Employees should realize, however that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action being taken against the offending employee. However, the supervisor must witness first hand the safety-sensitive employee's signs and symptoms.

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2. The supervisor is then obligated to insure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the safety-sensitive employee in question may indeed be under the influence of alcohol and/or controlled substances.
3. When the supervisor(s) suspect and believe that the safety-sensitive employee may be under the influence of alcohol and/or controlled substances, the safety-sensitive employee is then immediately suspended from duty (with pay) and driven by District staff (or others designated) to the District specified collection site. Because of a testing facility requirement, the safety-sensitive employee in question must show proof of identification, such as a photo driver's license or state-issued photo identification card.

Whenever practical, an Administrator should be notified in advance of the employee being taken to the collection site.

4. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are suspected or a breath sample in the event that alcohol intoxication is suspected to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
5. The District will take precautions to prevent the safety-sensitive employee being tested from going back to work and driving their own car home. Instead, the safety-sensitive employee will be given assistance in obtaining a ride home from the collection site.
6. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.


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7. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

1912. PROCEDURES - RANDOM TESTING (FOR SAFETY-SENSITIVE EMPLOYEES)

1. The compliance company notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.
2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are to be tested for, or a breath sample in the event that alcohol is being tested for to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

Failure to follow the accepted recommendations or refusal to submit to return-to-duty


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and unannounced follow-up testing will result in the safety-sensitive employee's termination.

5. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

1913. PROCEDURES - POST ACCIDENT

1. The safety-sensitive employee notifies a supervisor that an accident has occurred.
2. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. An Administrator will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
5. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be

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referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

6. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

1914. PROCEDURES - RETURN-TO-DUTY AND FOLLOW-UP

1. The compliance company notifies the District to send the safety-sensitive employee to the collection site for alcohol and controlled substance testing.
2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are to be tested for, or a breath sample in the event that alcohol is being tested for to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 or whose controlled substance test is verified positive will be terminated.


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1915. PROCEDURES - CHAIN OF CUSTODY FOR CONTROLLED SUBSTANCE SPECIMENS

1. At the time a specimen is collected, the safety-sensitive employee will be given a copy of the specimen collection procedures.
2. Urine will be in a wide-mouthed clinic specimen container, which will remain in full view of the safety-sensitive employee until split, transferred to sealed and initialed in two tamper-resistant urine bottles.
3. Immediately after the specimens are collected, the urine bottles will, in the presence of the safety-sensitive employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol-testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the safety-sensitive employee's presence and the safety-sensitive employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.
4. A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.


1916. PROCEDURES - SPECIMEN COLLECTION OF STRANGE AND/OR UNRECOGNIZABLE SUBSTANCES

1. A safety-sensitive employee is observed with a strange and/or unrecognizable substance.
2. The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled, and signed by both the supervisor and a witness.
3. An incident report is made and signed by both the supervisor and a witness.
4. The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

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1917. PROCEDURES - ALCOHOL CONCENTRATION

1. The safety-sensitive employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
2. After an explanation of how the breathalyzer works, an initial breath sample is taken.
3. If the results of the initial test show an alcohol concentration of 0.02 or greater a second or confirmation test must be conducted. The confirmation test must not be conducted less than 15 minutes after or more than 20 minutes after the screening test.
4. The confirmation test will utilize Evidential Breath Testing devices that prints out the results, date and time, a sequential test number, and the name and serial number of the Evidential Breath Testing device to ensure the reliability of the results.

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2001. PURPOSE

To provide guidelines for District officers and employees regarding participation in political activities.

(See California Government Code Sections 3201 and 3207)

2002. APPLICABILITY

This policy applies to all District officers and employees, including full-time and hourly/part-time District employees.

(See California Government Code Sections 3201-3203, and Section 3207)


2003. POLICY

The political activities of District officers and employees are restricted by certain State and Federal laws. District officers and employees shall obey all applicable laws.

District officers and employees are prohibited from engaging in political activities of any kind while on duty for the District or during work hours, while wearing a District uniform, or while on District premises. District Officers and employees may not use District assets, property, funds, equipment or other District resources for the purpose of providing support or opposition to a candidate or a ballot measure. Such resources include, but are not limited to, District computers, email systems, internet services, telephones, photocopying, and fax machines, office supplies, postage, vehicles, office spaces, facilities, and field sites owned, leased or controlled by the District.

District officers and employees may not solicit political contributions from other District officers or employees on eligibility lists for District jobs. District Officers or employees may solicit contributions from District Officers or employees in connection with ballot measures affecting their wages, hours, and working conditions, provided that no such solicitation may occur while on duty for the District or during work hours.

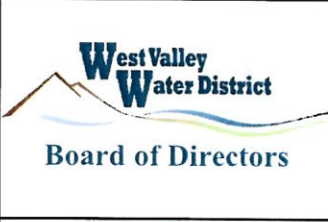
Disciplinary action up to and including termination of employment will be instituted if this policy is violated.

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Nothing stated herein shall be construed as limiting any District Officer's or employee's right to vote, or freedom of reasonable expression or right of association, nor the exercise of any rights protected by the Constitution of the United States of America and the State of California.

All District Officers and employees shall receive a copy of this policy annually, and all District employees shall acknowledge receipt of this policy in writing as part of new employee orientation and annually thereafter.

(See California Government Code Sections 3201-3207, and Section 3209)

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2101. PURPOSE

To provide guidelines for Anti-Bullying.

2102. APPLICABILITY

This policy applies to all full-time and hourly/part-time District employees.

2103. POLICY

West Valley Water District is committed to providing a safe work environment. In addition to prohibiting all forms of discrimination and harassment, West Valley Water District also prohibits any form of “intimidation or bullying” in the workplace or elsewhere, such as at offsite events.

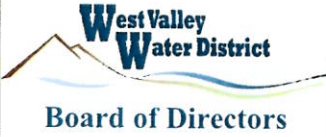
2104. POLICY COVERAGE

Every employee and other individuals, such as temporary agency workers, consultants, independent contractors and visitors, have the right to be treated with respect. Bullying is the use of aggression with the intention of harming another individual. It can include any intentional written, visual, verbal, or physical act, when the act physically harms the individual or damages his or her property; has the effect of interfering with an employee’s ability to work; is severe or pervasive; and creates an intimidating or threatening environment.

Bullying comes in many shapes and sizes and can take many forms including, but not limited to, excluding, tormenting, taunting, abusive comments, using threatening gestures; pushing, shoving, punching, unwanted physical contact, or any use of violence; graffiti; name-calling, sarcasm, spreading rumors, teasing. Such conduct can also occur via use of electronic or telephonic communications such as the internet, email and chatroom misuse, mobile threats by text messaging, or calls or misuse of cameras and video equipment.

2105. COMPLAINT PROCEDURE

West Valley Water District will not tolerate bullying in any form. Any individual who believes that he or she is being or has been subjected to any form of bullying should immediately report this to his or her supervisor, department head, or the Manager of Human Resources and Risk. In addition, any person who believes they have witnessed bullying and

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any person who has received a report of such conduct, whether the perpetrator is an employee or a non-employee, shall immediately report the conduct to their supervisor or other appropriate person in the chain of command. If this is not possible, the conduct should be reported to the General Manager or District Legal Counsel.

Any employee who is reported to be a perpetrator will be provided due process before any disciplinary action is taken. Individuals who violate this bullying policy are subject to disciplinary action, up to and including termination.

2106. POLICY AGAINST RETALIATION

No employee will be subjected to any form of retaliation for reporting an incident of bullying, or participating in an investigation by West Valley Water District or its representatives into allegations of bullying. Additionally, all employees have a duty to cooperate in connection with any investigation being conducted.



HUMAN RESOURCES PERSONNEL POLICIES AND PRACTICES MANUAL ACKNOWLEDGEMENT

My signature below indicates that I have received a copy of West Valley Water District's (District) ***Human Resources Policies & Practices Manual***. I understand that this manual contains information regarding the District's rules, regulations, policies and procedures which affect me as an employee.

I acknowledge that I am responsible for reading and understanding the rules, regulations, policies and procedures set forth in the ***Human Resources Policies & Practices Manual***. I also understand that the District may revise, supplement or rescind rules, regulations, policies and procedures at any time. If any of these changes are made, I understand that I will be notified of such via my District issued email.

Print Name _____

Signature _____

Date _____

EXHIBIT B



***PERSONNEL POLICIES AND PROCEDURES
FOR
WEST VALLEY WATER DISTRICT***

APPROVED DISTRICT ON

**WEST VALLEY WATER DISTRICT
PERSONNEL POLICIES & PROCEDURES
Revised on July 1, 2021**

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1500 OTHER LEAVES

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1502 WORKERS' COMPENSATION/INDUSTRIAL INJURY LEAVE

1503 PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION LEAVE

1504 STATE DISABILITY INSURANCE (SDI)/PAID FAMILY LEAVE (PFL)

1505 MILITARY LEAVE

1506 JURY DUTY/SUBPOENAED OR COURT-ORDERED WITNESS LEAVE

1507 REGARDING CRIME VICTIM/ VICTIM FAMILY MEMBER COURT
ATTENDANCE LEAVE

1508 REGARDING CRIME VICTIM/ FAMILY MEMBER VICTIMS' RIGHTS
PROCEEDINGS LEAVE

1509 LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR
STALKING TO OBTAIN RESTRAINING ORDERS OR INJUNCTIVE RELIEF

1510 LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR
STALKING TO OBTAIN MEDICAL ATTENTION, COUNSELING OR SAFETY
PLANNING

1511 CIVIL AIR PATROL LEAVE – STATE OF CALIFORNIA

1512 ORGAN AND BONE MARROW DONATION LEAVE

1513 SCHOOL ACTIVITIES / APPEARANCE LEAVE / SUSPENSION LEAVE

1514 CHILD SUSPENSION LEAVE

1515 CALIFORNIA EMERGENCY RESPONDER LEAVE

1516 VOTING LEAVE

- 1600 LEAVE OF ABSENCE WITH OR WITHOUT PAY
- 1601 PAID ADMINISTRATIVE LEAVE

- 1700 RESIGNATION, JOB ABANDONMENT, LAYOFF, SEPARATION AND EMPLOYMENT REFERENCES
- 1701 TYPES OF SEPARATION
- 1702 PROBATIONARY RELEASE
- 1703 RELEASE OF AT-WILL EMPLOYEES
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2307 CELL PHONE USE WHILE DRIVING
2308 ELECTRONIC TRACKING TECHNOLOGY

2400 FITNESS FOR DUTY EXAMINATIONS
2401 APPLICANTS
2402 ROLE OF HEALTH CARE PROVIDER
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2500 WHISTLEBLOWER PROTECTION
2501 POLICY COVERAGE
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2600 REASONABLE ACCOMMODATION AND INTERACTIVE PROCESS
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- 2603 POTENTIAL ACCOMMODATIONS FOR EMPLOYEES AFFECTED BY PREGNANCY AND RELATED MEDICAL CONDITIONS
 - 2604 POTENTIAL ACCOMMODATIONS FOR EMPLOYEES REQUESTING TIME FOR LACTATION
 - 2605 POTENTIAL ACCOMMODATIONS FOR EMPLOYEE-VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING
 - 2606 POTENTIAL ACCOMMODATIONS FOR RELIGIOUS CREED, RELIGIOUS DRESS PRACTICE, OR RELIGIOUS GROOMING PRACTICE
 - 2607 DETERMINATION
-
- 2700 POLITICAL ACTIVITIES POLICY
 - 2701 APPLICABILITY
 - 2702 POLICY

SECTION 100

PERSONNEL POLICIES AND PROCEDURES

The Personnel Policies and Procedures contained in this document, in their entirety, shall be known and may be cited as the "Human Resources Policies & Procedures.

Any reference to policies contained within these Human Resources Policies & Procedures may be referred to as "Policies."

101 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of these Personnel Policies & Practices Manual is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Manual.

102 DELEGATION OF AUTHORITY

The Board of Directors ("Board") of the West Valley Water District ("District") retains the ultimate authority over all personnel actions as authorized by law and these Policies.

The Board may delegate to a Personnel Officer or Officers the authority to authorize employment, establish job responsibilities, and perform other personnel actions as to subordinate employees in accordance with all federal and state laws and regulations and these Policies.

The Personnel Officer(s) may be any manager or human resources professional the Board deems suitable to act in its best interest on a particular subject. This may include, but is not limited to, the General Manager, the Human Resources Manager, or any other appropriate Department Head.

103 EFFECT AND APPLICABILITY OF POLICIES

These Policies do not create any contract right, or any express or implied contract of employment.

The District retains the full discretion to modify these Policies at any time in accordance with law.

104 APPLICABILITY OF POLICIES

These Policies apply to all categories of employees of the District unless a specific section or provision excludes them.

Independent contractors, volunteers, and Board members are not employees, although some provisions may apply to them through applicable law or as specified in these Policies.

105 EMPLOYEE ACCEPTANCE OF POLICIES AND REVISIONS

As a condition of employment, all employees are required to read and request necessary clarification of these Policies.

Each employee is required to sign a statement of receipt acknowledging that:

1. He or she has received a copy, or has been provided access to the Policies; and
2. Understands that he or she is responsible to read and become familiar with the contents and any revisions to the Policies.

106 MANAGEMENT RIGHTS

The District shall retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority necessary to determine the level of, and the manner in which, the District's activities are conducted, managed, and administered.

All employees shall recognize the exclusive right of the District to establish and maintain District-wide rules and procedures and to manage the affairs of the District in all of its various services and other aspects, including, but not limited to the following rights:

- Direct and schedule work and/or overtime work as required in the manner most advantageous to the District.
- Direct employees to perform all job duties, including those incidental job duties not expressly stated in a job description. Every incidental duty connected with operations enumerated in job descriptions is not always specifically described; nevertheless, it is intended that the employee perform all such duties.
- Discipline or discharge employees subject to Article 1900 of this Manual.
- Lay off personnel at any time as described in Article 1707 of this Manual.
- Determine assignments and establish methods and processes by which assignments are performed.
- Transfer employees within departments, divisions and sections and to a position outside of a department, division or section in a manner most advantageous to the District.
- Effect reorganizations and reallocation of work of the District.
- Contract for matters relating to District operations. The right of contracting or

subcontracting is vested exclusively in the District.

- Determine and adopt safety, health, and property protection measures for the District.
- Establish, continue, discontinue, amend, and enforce District policies, practices, or procedures.

The District shall also reserve all other prerogatives and responsibilities normally inherent in management.

107 CATEGORIES OF EMPLOYEES AND NON-EMPLOYEES

a) At-Will Employee

An at-will employee is one who serves at the pleasure of the appointing authority and therefore can be dismissed by the District, without warning, for any legal reason.

The employee has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal. The following are examples of at-will employees:

- General Manager
- Assistant General Manager
- Chief Financial & Administrative Officer
- Probationary employees
- Temporary employees
- Part-Time employees

a) Probationary Employee

A probationary employee is one who is serving a probationary period at either: the outset of initial employment with the District; or at the outset of a promotion to a higher classification. For more information regarding probation, see Article 303.

b) Regular Employee

A regular employee is a full-time employee who has satisfactorily completed the initial probationary period and cannot be disciplined except when the District has cause to do so.

A regular employee has a property right in continued employment, and has the right to pre- and post-disciplinary procedural due process and an evidentiary

appeal for certain types of disciplinary actions that result in a significant deprivation of property.

c) Full or Part-Time Employee

A full time employee is one whose position is budgeted to work at least 40 hours per week. Full-time employees receive all benefits provided in these Policies, unless otherwise provided in an agreement approved by the District.

A part time employee is one whose position is budgeted to work less than 30 hours per week.

Part time employees may have different rights to leave and other benefits under the law or these Policies than full time employees. However, if a regular full time employee is working less than 40 hours per week because the employee is, for instance, working within the District's Workers' Compensation or Rehabilitation Program, he or she shall remain eligible for all District leaves and benefits.

d) Temporary (1,000 Hour) Employees

A temporary employee (also called a 1,000-hour employee) is one who is appointed for a short term or seasonal basis, not to exceed one thousand (1,000) hours per fiscal year, whenever the District's work load increases to a level that full time employees cannot accommodate it and/or whenever the District seeks to offer individuals relevant work experience on a short term basis.

A temporary employee serves at-will and at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal.

The Board reserves the right to renew a temporary employee for an additional one thousand (1,000) hour term(s) at the beginning of each fiscal year.

A temporary employee shall not accrue vacation, holidays, or any other benefits, except as provided by law.

e) Volunteer

A volunteer is not an employee, but instead is an individual who provides services to the District for civic or philanthropic reasons and receives no compensation or benefits other than nominal fees and reimbursement of expenses.

A volunteer serves at-will and at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal.

108 EFFECTIVE DATE

These Personnel Policies & Procedures shall take effect as of the date of the Board's approval, and shall supersede any previous personnel policy and procedures manuals, resolutions, revisions and/or amendments.

SECTION 200

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The District affords equal employment opportunity for all qualified employees and applicants as to all terms of employment, including compensation, hiring, training, promotion, transfer, discipline and termination.

The District prohibits discrimination against employees or applicants for employment on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or military and veteran status or any other basis protected by law.

Employees, volunteers, or applicants who believe they have experienced any form of employment discrimination or abusive conduct are encouraged to report the conduct immediately by using the complaint procedures provided in these Policies, or by contacting the U.S. Equal Employment Opportunity Commission (EEOC), or the California Department of Fair Employment and Housing (DFEH).

201 POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION; COMPLAINT PROCEDURE

The District has a strong commitment to prohibiting and preventing discrimination, harassment and retaliation in the workplace.

The District has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of state or federal law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.

This Policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation. The District encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible.

Any retaliation against an employee because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited. Individuals found to have retaliated in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including termination.

Covered Individuals and Scope of Policy

The individuals covered by this Policy are: applicants, employees regardless of rank or title, elected or appointed officials, interns, volunteers, and contractors.

This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement,

promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

1 DEFINITIONS

a) Protected Classification

This Policy prohibits harassment, discrimination or retaliation because of an individual's protected classification. "Protected Classification" includes race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or military and veteran status, or any other basis protected by law. This Policy prohibits discrimination, harassment or retaliation because: 1) of an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

b) Protected Activity

This Policy prohibits discrimination, harassment, or retaliation because of an individual's protected activity. Protected activity includes: making a request for an accommodation for a disability; making a request for accommodation for religious beliefs; making a complaint under this Policy; opposing violations of this Policy; or participating in an investigation under this Policy.

c) Discrimination

This Policy prohibits treating covered individuals differently and adversely because of the individual's protected classification, actual or perceived; because the individual associates with a person who is member of a protected classification, actual or perceived; or because the individual participates in a protected activity as defined in this Policy.

d) Harassment

Harassment includes, but is not limited to, the following types of behavior that are taken because of a person's actual or perceived protected classification:

- Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This includes inappropriate comments about appearance, dress, physical features, gender identification, or race-oriented stories and jokes.
- Physical acts, such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement. This includes pinching, grabbing, patting, or making explicit or implied job threats or promises in return for submission to physical acts.

- Visual acts, such as derogatory posters, cartoons, emails, pictures or drawings related to a protected classification.
- Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

Guidelines for Identifying Harassment

Harassment includes any conduct which would be unwelcome or unwanted to an individual of the recipient's same protected classification. The following guidelines to determine if conduct is unwelcome or unwanted should be followed:

- It is no defense that the recipient "appears" to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.
- Even visual, verbal, or physical conduct between two people who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
- Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual would find it offensive (e.g., gifts, over-attention, endearing nicknames, hugs).

2. RETALIATION

Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy.

"Adverse conduct" may include but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or

discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

3. COMPLAINT PROCEDURE

A covered individual who believes he or she has been subjected to discrimination, harassment or retaliation may make a complaint -- orally or in writing -- to any supervisor, manager, or department head, without regard to any chain of command.

Any supervisory or management employee who receives a harassment complaint should immediately notify the Human Resources Manager or Manager.

Upon receiving notification of a harassment complaint, the Human Resources Manager or Manager will complete and/or delegate the following steps. If it is the Human Resources Manager or Manager that is accused, or a witness to the events at issue, an individual with higher authority will complete and/or delegate the following steps:

- a) Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with: 1) the complainant; 2) the accused; and 3) other persons who have relevant knowledge concerning the allegations in the complaint.
- b) Review the factual information gathered through the investigation to determine whether the alleged conduct violates the Policy giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
- c) Report a summary of the determination as to whether this Policy has been violated to appropriate persons. If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.
- d) If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
- e) Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

3. PROACTIVE APPROACH

The District takes a proactive approach to potential Policy violations and will conduct an investigation if it's supervisory or management employees become aware that harassment, discrimination or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

- a) Option to Report to Outside Administrative Agencies

An individual has the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH).

These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, in the government section of the telephone book or employees can check the posters that are located on District bulletin boards for office locations and telephone numbers.

b) Confidentiality

Every effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law.

Occasionally though, complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action.

An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss his or her interview with a designated representative.

The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

c) Employee Responsibilities

Each non-manager or non-supervisor is responsible for:

- Treating all individuals in the workplace or on worksites with respect and consideration.
- Modeling behavior that conforms to this Policy.
- Participating in periodic training.
- Cooperating with the District's investigations pursuant to this Policy by responding fully and truthfully to all questions posed during the investigation.
- Taking no actions to influence any potential witness while the investigation is ongoing.

- Reporting any act he or she believes in good faith constitutes harassment, discrimination or retaliation as defined in this Policy, to his or her immediate supervisor, or department head, or to the Human Resources Manager or Manager.

d) Manager Responsibilities

In addition to the responsibilities listed above, each manager and/or supervisor is responsible for:

- Informing employees of this Policy.
- Taking all steps necessary to prevent harassment, discrimination and, retaliation from occurring, including monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
- Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
- Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
- Informing those who complain of harassment or discrimination of his or her option to contact the EEOC or DFEH regarding alleged Policy violations.
- Assisting, advising, or consulting with employees and the Human Resources Manager regarding this Policy.
- Assisting in the investigation of complaints involving employee(s) in their departments and, when appropriate, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with these Policies, up to and including termination.
- Implementing appropriate disciplinary and remedial actions.

SECTION 300**HIRING, APPLICATIONS, SELECTION, PROBATION, NEPOTISM, ETC****301 JOB ANNOUNCEMENTS**

The Human Resources Manager in collaboration with the affected department head will prepare a job posting to announce a proposed recruitment.

The announcement may be posted on the District's website and other locations deemed appropriate, depending upon whether the recruitment is open to the public or current employees only.

The announcement will include:

- The title and pay for the position;
- The nature of the work to be performed and essential job duties of the position;
- The minimum qualifications, including whether the job is a promotional position;
- A statement of the employment status of the position – for cause (regular) or at-will;
- The last date that the District will accept applications, if any;
- The time, place, and type of the examination, if known, and if a medical examination, and/or a drug screen will be required following a conditional offer of employment; and
- Such other information as determined in the discretion of the Human Resources Manager or designee.

In addition, the District, in its discretion, may post positions as “promotional” and open internally for District employees only instead or prior to inviting “outside” applicants to apply. In order to establish a competitive internal recruitment process there must be at least three (3) qualified internal candidates to open a closed/promotional recruitment.

302. APPLICATIONS

Job applications shall require information describing an individual's training, experience, and other pertinent information as deemed necessary to assess qualifications for the job.

Applicants may be required to provide supplementary information, including but not limited to: answers to job-related questions; resume; licenses; certifications; diplomas; letters of recommendation; and references.

All applications must be completed in full and signed, physically or electronically, by the person applying. The District will not process any application which is not fully completed and signed. Should an applicant be appointed to a position, the supplemental information shall become a part of the individual's permanent employment records.

The District may reject any application which: is not properly completed or incomplete; received after the application deadline; or indicates that the applicant does not meet the minimum qualifications for the position. Whenever an application is rejected, notice of such rejection shall be emailed to the applicant.

If it is determined that an applicant or employee has falsified any portion of his/her employment application, such falsification could be grounds for refusal to hire an applicant or discipline of an employee.

303. SELECTION PROCESS

a) Interviews and Examinations

The Human Resources Manager or Manager in collaboration with the affected department head shall determine the manner and method by which the interviews and examinations will be prepared and administered.

The District may contract with any competent agency or individual for the performance of such interviews and examinations. In the absence of such a contract, the Human Resources Manager or designee shall perform such duties.

Examinations may consist of: written tests; oral tests; performance tests; evaluations of prior training and performance, experience and/or education; interviews; working style assessments; practical exercises; file review; or any combination thereof. The content of all examinations will be job-related and designed to test knowledge, skills or abilities that help predict successful completion of job duties.

The content of all examinations will be kept confidential prior to the administration of the examination. All applicants who are invited to the examination will be notified of the nature of the examination.

An applicant with a disability may request accommodation in an examination

process. Following receipt of a request for accommodation, the Human Resources Manager or designee may require additional information, such as reasonable documentation of the existence of a disability.

Failure in one part of the examination, or the failure to meet established standards described in the job announcement, may be grounds for declaring such applicant as failing in the entire examination or as disqualified for subsequent parts of an examination. Each applicant will be notified in writing via email whether he or she will continue in the examination process.

Applicants who meet the minimum qualifications and pass all examinations may be subject to a background and reference checks.

b) Eligibility Lists

1. After completion of an open or promotional examination for a classification, the Human Resources Manager or designee will prepare an eligibility list consisting of the names of candidates who passed the examination. Eligibility lists shall become effective upon the certification by the Human Resources Manager or designee. Employment lists shall remain effective one (1) year, unless sooner exhausted.
2. A person appearing on an eligible list will be emailed a notice of his or her placement on the list.
3. A person placed on an eligibility list shall be removed from the list if he or she so requests in writing or fails to respond to notification of an opening within five days after notification. It is the responsibility of the eligible person to keep the Human Resources Department informed of his/her current physical or email address, or phone number.

c) Appointments

The Human Resources Manager or designee, in collaboration with the department head, will make all appointments except for those classifications that report directly to the Board of Managers.

The Human Resources Manager or designee has discretion to decide in what manner a vacancy shall be filled. Vacancies may be filled by reinstatement, promotion, transfer, demotion, appointment of temporary employees, or from an appropriate eligibility list if available. No specific list shall have priority over other lists.

The District's Board will make appointments for those classifications that report to it.

d) Promotional or open from Eligibility List

When a position is to be filled from a promotional or open eligibility list, the Human Resources Manager or designee may choose from the specified list one of the top

three candidates on the eligibility list.

If no person among the top three candidates indicates a willingness to accept the appointment, the Human Resources Manager or designee may make the appointment from among the remaining names on the eligibility list, may request a new examination and establish a new eligibility list, or may fill the position by any other method authorized by these Policies.

e) Drug and Alcohol Testing/Medical and Psychological Examinations.
Appointment to certain positions may be made contingent upon the applicant/employee passing a drug / alcohol test, and/or a job-related medical and/or psychological examination.

Such examination shall only be required after a conditional offer of employment has been made. (See Section 2600, Reasonable Accommodation and Interactive Process; and Section 1800, Prohibitions on Drugs and Alcohol in the Workplace.)

f) Criminal Conviction Checks

After the District makes a conditional offer of employment, the Human Resources Manager or designee may then request information about criminal convictions, except for misdemeanor marijuana-related convictions that are over two years old, or convictions that have been judicially sealed, eradicated, or expunged. Unless required by law, the District will not deny employment to any applicant solely because he or she has been convicted of a crime. The District may, however, consider the nature, date and circumstances of the offense, evidence of rehabilitation, as well as whether the offense is relevant to the duties of the position.

The person accepting appointment shall report to the Human Resources Manager or designee on the date designated by the Human Resources Manager or designee. Otherwise, the applicant shall be deemed to have declined the appointment.

g) Proof of Employable Status

The Immigration Reform and Control Act of 1986 requires that the District verify the legal status and identity of all individuals accepting employment with the District.

Acceptable proof of legal status and identity shall be determined by review of appropriate documentation as set forth in the regulations passed under the Immigration Reform and Control Act.

h) Orientation and Training.

The Human Resources Manager or designee shall conduct an orientation for new employees as to District policies, procedures, and benefits. Subsequently, each employee shall be responsible for being familiar with the policies of the District.

The supervisor shall acquaint employees with all aspects of the job function as represented in the job description.

i) Public Employee Disaster Service Worker Status

As set forth in the California Government Code Sections 3100 through 3109, in the event of a disaster, all public employees become "disaster service workers."

The law requires, as a condition of employment, that every District employee take and subscribe to the oath set forth in the State Constitution that declares them to be disaster service workers in time of need.

304. PROBATION

1) Probationary Appointments

a) At-Will Status:

The probationary period is part of the examination process and is used to determine whether work performance or work-related behavior meets the required standards of the position. A probationary employee may be rejected at any time during the probationary period with or without cause or reason, without notice or appeal or grievance, and without any rights set forth under Section 1900, Causes for Discipline and Procedures.

The probationary employee will be notified prior to the expiration of the probationary period that he or she has been rejected from probation.

b) Evaluation:

At the conclusion of the probationary period, if the probationary employee has not already been released, the probationary employee's supervisor will prepare and sign a performance evaluation. The evaluation must be reviewed and approved by Human Resources before it is provided to the employee.

Upon the recommendation of the employee's supervisor, Department Head and the General Manager, said employee will be granted full or part time employee status.

c) Length of Probation:

Unless otherwise specified by memorandum of understanding or these Policies, the probationary period is six months of actual and continuous service. The probationary period is automatically extended by the length of any absence of one work week or more.

The probationary period can also be extended by the District at the discretion of the Human Resources Manager or Manager, or his/her designee.

2) Probationary Period for Promotional Appointments

a) At-Will Status:

A promotional probationary employee may be rejected at any time during the promotional probationary period with or without cause or reason, without notice or appeal or grievance, and without any rights described in Section 1900, Causes for Discipline and Procedures.

In cases where the employee has been promoted into a new position and does not pass the probationary period, the Human Resources Manager or Manager, in conjunction with the employee's supervisor in the previous position, shall have the discretion to return the employee to his/her previous position or a similar position if such a position is available and the needs of the District would warrant the return of the employee to such a position, unless he or she is terminated for cause.

b) Length of Probation:

On accepting a promotion, an employee serves a new probationary period of six months of actual and continuous service. The probationary period is automatically extended by the length of any absence of a week or more.

305. (ANTI-NEPOTISM POLICY) - EMPLOYMENT OF RELATIVES, SPOUSES, AND DOMESTIC PARTNERS

The District regulates the employment and placement of relatives, spouses, and domestic partners so as to avoid conflicts of interest and to promote safety, security, supervision, and morale.

1) Definitions

a) Relative

Child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.

b) Spouse

One of two persons to a marriage, or two people who are registered domestic partners, as those terms are defined by California law.

c) Supervisory Relationship

One in which one employee exercises the right or responsibility to control, direct, reward, or discipline another by virtue of the duties and responsibilities assigned to his or her District appointment.

2) Employment of Relatives

The District will not appoint, promote or transfer a person to a position within the same department, division, or facility in which the person's relative already holds a position, if any of the following would result:

- a) A direct or indirect supervisory relationship between the relatives;
- b) The two employees having job duties which require performance of shared duties on the same or related work assignment;
- c) Both employees having the same supervisor; or
- d) A potential for creating an adverse impact on supervision, safety, security, morale or efficiency.

3) Spouses or Domestic Partners

The District will not appoint, promote, or transfer a person, to the same department, division, or facility in which the person's spouse or registered domestic partner already holds a position, if such employment would result in any of the following:

- One spouse or domestic partner being under the direct supervision of the other spouse or domestic partner; or
- Potential conflicts of interest or hazards for married persons or those in domestic partnership which are greater than for those who are not married or in domestic partnerships.

4) Marriage or Domestic Partnership after Employment

a) Transfer:

If two District employees who work in the same department later become spouses or domestic partners, the Human Resources Manager or Manager has discretion to transfer one of the employees to a similar position in another department.

Although the wishes of the two employees will be considered, the Human Resources Manager or Manager retains sole discretion to determine which employee will be transferred based upon District needs for supervision, safety, security or morale.

Any such transfer that results in a salary reduction is not disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process.

b) Separation:

If continuing employment of both employees, who work in the same department and who later become spouses or domestic partners, cannot be accommodated in a manner the Human Resources Manager or Manager finds to be consistent with

the District's interest in the promotion of supervision, safety, security, or morale, then the Human Resources Manager or Manager retains sole discretion to separate one employee from District employment.

Absent the resignation of one employee, the less senior employee will be separated. Any such separation is not considered to be disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process.

306. EMPLOYMENT CLASSIFICATION

1) Classification Plan

The Classification Plan establishes the classification and salary schedule for employees of the District.

When a new position is created, such position may not be filled until the classification plan has been amended to provide for the new position. Any revisions to the plan shall become effective upon approval of the District's Board.

All vacant positions shall ordinarily be filled at Step 1 of the salary range for each classification. However, the Human Resources Manager or Manager in collaboration with the Department Head may employ qualified persons at higher step positions based on bona fide factors other than prior salary, such as education or experience.

2) Reclassification

The Human Resources Manager in collaboration with the General Manager and the affected department head may initiate a job audit to determine whether the duties of a position have changed to such an extent that they necessitate reclassification of the position from the existing classification to a more appropriate classification.

Upon completion of the job audit, the Human Resources Manager shall make a recommendation regarding reclassification to the District's Board.

3) Temporary Reclassification

A regular full-time employee designated by their supervisor and approved by the Human Resources Manager to act in a higher classification shall receive a salary increase of 5% of the employee's base salary, or will be paid at the lowest step of the higher classification (whichever is more) for all the time actually spent working in the acting position until such time as the employee is returned to their original job classification.

The employee must meet the requirements of the higher position as specified in the job description to be designated by their supervisor to act in the higher classification.

Temporary reclassified status shall not exceed six months and must be approved by the Human Resources Manager in advance. Should the higher classification position become vacant and open for recruitment during the temporary reclassification, the

employee may be considered a candidate through the competitive recruitment process.

4) Temporary Assignment – Acting Pay

In the event that another position within a department becomes vacant and/or another employee is placed on a leave of absence, the Human Resources Manager may temporarily assign additional duties to an employee in order to meet the operations of the department. Temporary assignments must be for a minimum of 14 days and may be up to twelve (12) months.

Employees placed on a temporary assignment shall receive a salary increase of 5% of the employee's base salary or may be considered for a temporary reclassification.

307. IDENTIFICATION CARDS

District employees shall be issued identification and/or security access cards verifying their affiliation with the District.

Employees shall return identification cards and/or security access cards upon resignation or separation.

308. PERFORMANCE EVALUATIONS

The General Manager, Department Heads, Managers and Supervisors will prepare probationary or annual Performance Evaluations for direct reports only.

A non-probationary employee's manager or supervisor will prepare and sign a performance evaluation on a District form for probationary and each one-year performance evaluation periods.

The performance evaluation should be prepared on or before the probationary period expires, before anniversary of the employee's hire date, or before he anniversary of the employee's most recent promotion, or as soon as practical thereafter.

- The General Manager and Department Heads may only review performance evaluations of subordinates in his or her department.
- The General Manager will review and approve all performance evaluations of department heads or any other employees under his or her direct supervision.
- All performance evaluations must also be reviewed and approved by Human Resources before they are provided to the employee.
- If an employee is on an extended leave of absence, his or her merit and review dates will be adjusted by the number of days he or she was on such leave.

1) Probationary Employee Performance Evaluations

At the conclusion of the probationary period, if the probationary employee has not already been released, the probationary employee's supervisor will prepare and sign a performance evaluation.

The evaluation must be reviewed and approved by Human Resources before it is provided to the employee.

Upon the recommendation of the employee's supervisor, Department Head and the General Manager, said employee will be granted full or part time employee status.

a) Performance Evaluation Meeting

The supervisor will meet with the employee to discuss the evaluation. The employee shall sign the evaluation to acknowledge its contents and that he or she has met with his or her supervisor to discuss the evaluation.

The employee's signature shall not mean that he or she endorses the contents of the evaluation.

2) Advancements and Performance Improvement Plans (PIPS)

The District reserves the right to place any employee whose performance is rated below satisfactory on a Performance Improvement Plan (PIP).

A PIP is designed to provide assistance and guidance to an employee in order help the employee improve his or her job performance.

Employees who are rated as having satisfactory (or higher) performance may be eligible for a salary advancement, as discussed further below in Section ***.

3) No Appeal Right

An employee does not have the right to appeal or submit a grievance regarding any matter relating to the content of a performance evaluation.

Instead, the employee may comment on the evaluation in a written statement which will then be placed with the evaluation in the employee's personnel file. The written comment or statement must be submitted within 10 days after the employee receives the evaluation.

309. CROSS TRAINING

All District employees are expected to accept cross training in other positions and shall be expected to fill those positions in the event of illness, vacation, or emergency operations of the District.

310. OPEN DOOR POLICY

If an employee has a problem, a complaint, a suggestion, or an observation, District management wants to hear from the employee. By listening to the employee, the District is able to improve, to address complaints, and to support employee understanding of the rationale for practices, processes and decisions.

It is the policy of the District that if any employee has a concern within their work environment, they shall allow their immediate Supervisor or Manager to address their concern. If the employee is not satisfied with the Supervisor or Manager's response to the concern, the employee shall then bring that concern to next level of authority respecting the appropriate chain of command. The final level of review and decision making authority regarding the employee's concern shall rest with the General Manager and Human Resources.

311. EXIT INTERVIEW

An exit interview may be requested, but not required, of an employee who submits a written resignation. The interview shall be conducted by the Manager of Human Resources or Manager and/or a designee.

**SECTION 400
CLASSIFICATIONS AND SALARY SCHEDULE**

Classification and Salary Schedules are established and approved by the District's Board of Director.

401 SCHEDULE REVIEW BY THE BOARD

Prior to the second meeting in June of each fiscal year, the Board reviews the Classification and Salary Schedule, attached as Exhibit "A", to add to and clarify position titles and to otherwise make provisions which, in its judgment, it considers necessary and proper to the efficient operation of the affairs of the District.

402 PAYROLL PERIODS

A payroll period means the period consisting of fourteen (14) calendar days which is the time period for the District issuing salary payments.

There are twenty-six (26) equal payroll periods per year.

Every other Thursday is established as payday. Should pay day fall on a holiday, payday shall be the day before the holiday.

403 SEPARATION PAY

Upon separation from employment, an employee shall receive pay equivalent to all hours worked for which he or she has not already been compensated, as well as all accrued vacation, administrative leave hours and available floating holidays not used.

The separation paycheck shall be issued as follows:

- a) Separation Notice Given with More Than 72 Hours' Notice – issued the last day of employment.
- b) No Separation Notice Given or Less Than 72 Hours' notice - issued within seventy-two (72) hours of the last day of employment.
- c) Involuntary Separation –Where the employee's separation is involuntary (i.e., lay-off, release from probation, or termination for cause), the employee shall receive payment within seventy-two (72) hours of the last day of employment or, in the case of a termination for cause, with delivery of the final Notice of Termination.

- d) Checks are available at the District office and/or can be mailed only upon written request of the employee.

404 ADVANCEMENTS

Salary advancements (also known as salary increases or raises) shall be made upon evidence of satisfactory performance, which is defined as meeting the work, conduct, attitude, educational requirements, and aptitude standards established by the District.

Employees may be considered eligible for salary increases on an annual basis until the employee reaches the cap level of his/her job classification.

Advancement in salary is not automatic. It should be considered a reward for meritorious service. Employees must meet goals and expectations set forth by their supervisor in a satisfactory manner before a salary advancement will be awarded.

Employees who receives a Satisfactory (Meets Expectation) Annual Performance Evaluation (4 and 3 ratings) may receive no more than a one-step advancement increase.

Employees who receives an Outstanding (Exceeds Expectation) Annual Performance Evaluation (5 and 4 ratings) may receive a two-step advancement increase only if;

- The evaluation request for such an increase is accompanied by a compelling and persuasive memorandum from the employee's supervisor clearly justifying the 2-step increase; and only
- If the Director of Human Resources, in his or her sole discretion, approves or disapproves such a requested increase.

At no time can an employee receive more than a 2-step increase related to a single evaluation period.

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An employee who furthers his/her knowledge in the field of employment may become eligible for consideration of a salary review by the Director of Human Resources or Manager in collaboration with the Department Head.

405 COST-OF-LIVING TYPE SALARY ADJUSTMENTS

All cost-of-living type salary adjustments shall be approved by the Board of Directors and become effective as determined by the Board.

SECTION 500 ATTENDANCE

Employees showing up to work is very important in order for the District to be able to conduct its business. The following are the attendance guidelines and rules for all employees, including all exempt and non-exempt employees.

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501 ADVANCE REQUEST FOR PERMISSION TO DEVIATE FROM REGULAR WORK HOURS

An overtime-eligible non-exempt employee is required to seek advance permission from his or her supervisor for any foreseeable absence or deviation from regular working, break, and meal times.

502 NOTIFICATION OF UNFORESEEN LATE ARRIVAL OR ABSENCE

An overtime-eligible non-exempt employee who is unexpectedly unable to report for work as scheduled must notify his or her immediate supervisor no later than thirty (30) minutes after the beginning of the employee's scheduled work time and report the expected time of arrival or absence. If the immediate supervisor is not available, the employee must notify the department head.

503 UNAUTHORIZED ABSENCE IS PROHIBITED

Arriving late to work or leaving early in connection with scheduled work times, breaks, or meal periods is prohibited, absent authorization. An overtime-eligible non-exempt employee who fails to timely notify the supervisor of any absences as required by this Policy, or who is not present and ready to work during all scheduled work times will be deemed to have an unauthorized tardy or absence and will not receive compensation for the period of absence.

504 EXCESSIVE TARDINESS/ABSENTEEISM AND ABUSE OF LEAVE

Excessive tardiness occurs when an overtime-eligible non-exempt employee who, without authorization, is late to work or late to return from breaks more than three times during any 30-day period.

Excessive absenteeism occurs when the number of unapproved absences for reasons that are not permitted by state or federal law, exceeds three days in any three-month period. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination.

Abuse of leave is a claim of entitlement to leave when the employee does not meet the requirements for taking the leave, and may be grounds for discipline, up to and including termination.

Should the District suspect that there is an abuse of leave by an employee, the District may require that the employee submit a physician's certificate to support the absence.

505 ACCURATE TIME REPORTING

All employees must accurately report all work time to the nearest fifteen minutes.

506 NO VOLUNTEERING OF WORK TIME

All time spent for the benefit of the District must be reported as hours worked on time records so that the employee is paid for all work. ~~Overtime eligible-Non-exempt~~ employees may not "volunteer" work time to perform duties that are the same or similar as their stated or regular job duties.

Employees have no authorization to work without compensation. No supervisor has authority to request ~~overtime eligible-non-exempt~~ employees to volunteer work time.

SECTION 600 EMPLOYEE APPEARANCE AND DRESS

These dress code, tattoo, and body piercing appearance standards are designed to promote the District's legitimate and non-discriminatory goals to promote workplace safety and a professional image that is consistent with the employee's job duties and level of public contact.

It is important that our District convey to the public, customers, and business associates the best possible image.

601 DRESS CODE

Employees are required to dress appropriately for the jobs they are performing. The following dress code regulations shall apply to all District employees, unless otherwise stated:

- a) All clothing and footwear must be neat, clean, in good repair, and appropriate for the work environment and functions performed. Loose clothing is not to be worn when operating equipment, as shown in the District's Safety and Injury Illness Prevention Program Manual.
- b) Prescribed uniforms and safety equipment must be worn.
- c) Hair must be neat, clean and well-groomed. The District will not consider traits that are historically associated with race, including, but not limited to, hair texture and protective hairstyles, such as braids, locks, and twists, inappropriate under this Policy. However, the District may prohibit hairstyles based on a bona fide occupational qualification or applicable security regulations. Hair must be of a style and length to avoid coming into contact with moving equipment.
- d) Beards, mustaches, and sideburns must be maintained in neat and well-groomed fashion. Beards and mustaches must be of style and length to avoid coming into contact with moving equipment.
- e) Jewelry that does not pierce the skin is acceptable except where it constitutes a health or safety hazard.
- f) Good personal hygiene is required.

- g) Dress must be professionally appropriate to the work setting, particularly if the employee has contact with the public at work.
- h) No dress code can cover all contingencies so employees must use good judgment in their choice of clothing and shoes worn to work. Employees must use common sense. For example – If you would wear it to the beach or pool, it is not appropriate for the workplace.

Casual dress is every Friday, the week of Thanksgiving, the two weeks at Christmas and New Year’s, and any other day as designated by the General Manager.

1) Additional Guidelines for Non-Field Employees

DO	CASUAL DAYS ONLY	DON'T
WVWD Logo attire Blouses/sweaters/knit tops/banded-collar shirts Collared polo shirts Corduroys Footwear: Loafers, dress shoes, ankle or knee boots, flats, dress shoes, pumps, dress sandals, leather deck shoes Khaki/chino/twill pants Knitted shirts Oxford button-down shirts Polo/golf shirts Slacks, dress pants and capris Sport coats/blazers Tights with acceptable skirt or dress lengths Suits (ties optional) Turtlenecks Dresses Sweaters	Jeans Casual skirts, culottes, and Bermudas (below the knee) Capri pants Footwear: athletic shoes, sneakers, casual boots, western boots, sandals T-Shirts Non-collared shirts Sweatshirts without hoods Shirts with sports team, university or school names.	Loungewear Flip flops, slippers or unsafe shoes Sweatpants, running suits, shorts, overalls Spandex pants, leggings, jeggings Short, tight skirts; mini-skirts, beach dresses Skin-tight, thin or transparent clothing Spaghetti strap tops or dresses Velcro sandals (no Texas or Birkenstocks) Shirts with potentially offensive words, terms, logos, pictures, cartoons, graphic designs or slogans Torn/ripped/frayed clothing Clothing revealing tattoos, cleavage, your back, your chest, your stomach or your underwear Clothing shorter than 2" from the knee Hoodie type sweatshirts

2) Additional Guidelines for Field Employees

a) Clothing

The District supplies all field personnel with uniforms. Any field employee not wearing a complete uniform while performing District functions is subject to disciplinary action.

Uniforms are not to be worn for personal use. Each employee who is required to wear a uniform will be issued the necessary amount of uniforms.

b) Field employees shall wear their uniforms on casual days.

The District shall determine the uniform to be worn by the uniformed supervisors, and shall be as follows: white one-pocket dress shirts (short or long sleeved); blue chino-type pants; a District logo and name tag or a photo identification clipped to the shirt.

All other field employees who have routine customer contact in the field or off-premises shall wear a District issued uniform. The District uniform to be worn by field employees shall be as follows: blue button-down shirts or t-shirts (short or long sleeved); blue chino-type pants; a District logo and name tag or a photo identification clipped to the shirt.

Supervisors will ensure all their employees are wearing complete uniforms. Failure to wear a complete uniform may result in disciplinary action.

The District will replace torn, worn out, or damaged uniforms, as they occur during the normal course of the employee's work day, at no cost to the employee. However, lost or missing uniforms are the responsibility of the employee and the cost of replacing lost or missing uniforms will be billed to the employee.

Upon separation from the District an employee is required to return all uniforms. If they do not do so, they may be billed for the cost of the missing uniforms.

3) Compliance

If clothing fails to meet these standards as determined by the employee's director, supervisor or the Director of Human Resources & Risk Management, the employee may be sent home to change clothes and will be required to use vacation or floater hours for time away from work.

If hours are not available, the time away from the office for non-exempt employees will be unpaid. Any work time missed because of failure to comply with this policy will not be compensated, and repeated violations of this policy will be cause for disciplinary action.

If an employee has questions about how these standards apply to him or her, the matter should be immediately raised with his/her supervisor for consideration and determination.

602 FOOTWEAR

All field employees are required to wear steel toed safety shoes or boots. The District will reimburse each field employee annually on or after the employee's hire date then on or after the employee's anniversary date; thereafter, for said shoes or boots upon proof of purchase.

The maximum reimbursement amount allowed for the purchase of acceptable shoes or boots and will be set per the Board of Directors (see Salary Schedule Exhibit A).

If an employee has questions about how these standards apply to him or her, the matter should be immediately raised with his/her supervisor for consideration and determination.

603 TATTOOS

Employees are expected to project a professional appearance while at work and must abide by the standards below.

- a) No tattoos are allowed anywhere on the head, face, or neck.
- b) Any visible tattoos shall not be obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang-related.
- c) No visible tattoos shall be larger than 4 by 6 inches.
- d) Any non-conforming tattoos will be covered with clothing, bandage or makeup while at work, or removed.

604 PIERCING

Employees are expected to project a professional appearance while at work and not endanger themselves or others with excessive body piercing. If an employee has questions about how these standards apply to him or her, the matter should be immediately raised with his/her supervisor for consideration and determination.

- a) No objects, articles, jewelry or ornamentation of any kind shall be attached to or through the skin if visible on any body part including the tongue or any part of the mouth except that a set of reasonably-sized pierced earrings may be worn in each lobe.
- b) Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.

SECTION 700**WORK SCHEDULES, REST BREAKS, ON CALL, OVERTIME AND COMP TIME OFF****701 WORK SCHEDULES**

Work schedules are determined at the discretion of the supervisor and department head and are subject to change with or without notice, according to the needs of the department or the District. An overtime-eligible employee shall be in attendance and at work during the hours specified by the supervisor.

702 DIFFERENT SCHEDULES

The District has established the following work schedules:

a) Standard Schedule:

Employees work eight (8) straight time hours per day, Monday through Friday, forty (40) straight time hours per work week.

b) 9/80 Schedule:

Employees work nine (9) straight time hours per day, Monday through Thursday and work eight (8) hours every other Friday, averaging forty (40) straight time hours per work week, with employee being off every other Friday.

c) 4/10 Schedule:

Employees work ten (10) straight time hours per day for four days per week, forty (40) straight time hours per work week. RG

a) Rotation Schedule:

Employees' schedules consist of a variation of the above schedules, forty (40) hours per work week.

703 WORK WEEK

For employees on the standard and 4/10 schedules, the work week begins at 12:00 a.m. on Saturday and ends the following Friday at 11:59 p.m.

For employees working a 9/80 work schedule, each employee's designated work week shall begin exactly four hours after the start of his/her eight hour shift on the day of the week that corresponds to the employee's alternating regular day off.

For employees on the rotation schedule, the work week begins on Thursday at 12:00am and ends the following Wednesday at 11:59pm.

704 REST BREAKS AND MEAL PERIODS

a) Rest Period:

Employees receive one fifteen (15) minute paid break for every four (4) hours of work, to be taken at a time designated by the employee's supervisor. Rest periods may not be combined to shorten the workday or to extend the meal period. Employees shall not leave the job site or the area of the District office during rest breaks.

b) Meal Period:

A meal period of no less than thirty (30) minutes and no more than sixty (60) minutes unpaid, will be provided to all full-time overtime-eligible employees who work at least an eight hour work day.

A 30 minute non-compensated meal period will be provided to all overtime-eligible full-time employees who work more than five hours, but less than eight hours during the work day. Supervisors will schedule an employee's meal period.

Overtime-eligible employees are responsible for taking their meal period at a time designated by the supervisor.

Employees may leave the job site or District office during meal periods.

705 ON-CALL POLICY

On-call employees are not expected to disrupt their normal routine day-to-day activities while being on-call, but are expected to remain within the general area of the District and carry a District cell phone (charged and turned on) at all times when away from any previously-arranged telephone location.

The "general area of the District" means that the employee should be able to return to District offices in no more than 60 minutes.

On-call employees are also expected to refrain from any activities that might impair the performance of their assigned duties if called back to work.

A schedule shall be maintained by the Operations Manager whereby field employees and supervisors shall be assigned, on a rotational basis, to be "on-call"

after hours, on weekends, holidays, and other times not considered regular hours of work for District employees.

On-call employees will serve on-call for one (1) week beginning on Monday at 8 a.m. through the following Monday, 8 a.m. unless the following Monday is a Holiday, in which case the on-call period will end at 8 a.m. on Tuesday.

1. Call Backs

- a) If an on-call employee is called back to work after normal work hours, he or she shall receive a minimum of two (2) hours overtime pay.
- b) The call back period shall begin when the employee receives the call from either the on-call dispatcher or answering service. The call back period shall end when completes all assigned work and leaves the District premises where he or she was working. _____.
- c) If the on-call employee receives an additional call(s) within two (2) hours of the start time for the first call and/or before the call back period ends, the employee shall not receive a second two (2) hour minimum overtime pay, but will receive overtime pay for any time actually worked beyond the two (2) minimum.

This rule applies regardless of the number of calls the employee receives during the initial two-hour period and during the call back period. In order for the employee to receive a new two (2) hour minimum, he or she must receive a call two (2) or more hours after the start time for the first call-out *and* after the call back period has ended.

- d) The on-call employee shall receive his/her call from the on-call dispatcher, a supervisor, or a member of the administrative staff, unless prior arrangements are made for the on-call employee to receive calls from the answering service.

2. On-Call Supervisors

~~On-call supervisors will serve on call for a seven or fourteen day period, beginning and ending Mondays at 8:00 a.m.~~

~~On-call supervisors shall receive on-call pay of one (1) hour overtime pay each day during their assigned rotation.~~

3. On-Call Dispatchers

On-call dispatchers shall document the time spent actually answering and responding to calls.

- a) When time spent answering and responding to calls is less than 60 minutes a day, the only compensation will be the on-call pay of one (1) hour of overtime pay for

that day.

- b) When time spent answering and responding to calls exceeds 60 minutes in a day, the time in excess of 60 minutes shall be considered hours worked and will be paid at the overtime rate in accordance with the Overtime Policy, set forth below.

4. ~~Exempt Employees~~

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~~Exempt employees assigned to on-call duties shall receive a \$250.00 per week stipend.~~

706 OVERTIME

Overtime is all hours an overtime-eligible employee works over forty (40) hours in his or her designated work week. Time worked includes actual hours worked, sick leave used, District-recognized holiday during the work week, vacation, jury duty, and other authorized leave time used during the work week.

- a) Due to the nature of demands on the District, all employees may be asked to work beyond normal employee's scheduled work shift or forty (40) hours per work week. Overtime-eligible employees who are directed to work overtime must do so.
- b) Overtime will be paid at time and a half (1.5 times) the employee's regular rate of pay. However, if an employee is scheduled to work on a District-recognized holiday, they shall not receive overtime, but instead will receive holiday pay plus straight time pay for the actual time worked on the holiday.
- c) If an employee is called back to work after hours, on weekends, holidays or other times not considered regular hours of work, overtime shall begin at the time the employee arrives at the District or job site. The only exception to this is provision is for on-call work, discussed above in section 528. For on-call work, the start time for overtime pay to begin shall be at the time the employee receives the call from either the on-call dispatcher or answering service.
- d) Unless the Director of Human Resources specifies otherwise in writing, overtime-eligible employees may not have remote access to District equipment, resources, or email.
- e) Non-Exempt employees are not permitted to work overtime except as directed and authorized by their supervisor, or in case of emergency, as determined by the District. Working overtime without prior authorization or approval is grounds for discipline. In emergency situations that necessitate working

overtime, the employee must notify a supervisor as soon as possible, and in no event later than the end of that day upon which the emergency occurred. If the supervisor denies the request to work overtime, the employee must obey the supervisor's directive and cease working. Failure to follow these overtime approval procedures may subject the employee to disciplinary action, up to and including termination, for violating the overtime approval procedures.

1. Exempt Employees

"Exempt" employee means an employee in a position classification not entitled to overtime.

Generally, employees hired in an administrative/management and supervisory staff (i.e., employees who spend at least 51% of work time utilized in supervising only and in a non-working status) shall be considered "Exempt" employees.

Refer to Exhibit A—, the Classification and Salary Schedule, for positions that are considered exempt.

707 COMPENSATORY TIME OFF

An overtime-eligible employee may opt to accrue compensatory time-off (CTO) in lieu of cash payment for overtime worked if his or her supervisor agrees prior to overtime work being performed.

a) Accrual Rate:

CTO accrues at the rate of 1.5 hours for each hour, or fraction thereof, worked after 40 hours within the employee's designated work week.

Like overtime, time worked includes actual hours worked, sick leave used, District-recognized holiday during the work week, vacation, jury duty, and other authorized leave time used during the work week.

CTO cannot be accumulated in excess of eighty (80) hours at any given time. Once an employee has a CTO balance in excess of eighty (80) hours he/she shall be paid in cash for all CTO hours in excess of eighty (80) hours.

b) Employee Request to Use CTO:

The District will grant an employee's request to use accumulated CTO provided that: 1) the department can accommodate the use of CTO on the day requested without undue disruption to department operations; and 2) the employee makes the request in writing to the supervisor no later than seven days prior to the date requested.

If the employee does not provide seven days' notice, or if the department cannot accommodate the time off without undue disruption, the District will provide the employee the opportunity to cash out the amount of CTO requested at the end of the current pay period.

- c) Upon reasonable notice to the employee, the supervisor may direct the employee to take earned CTO. The District also reserves the right to cash out accumulated CTO at any time.
- d) Whenever possible, CTO should be taken within the year it is earned.
- e) An accounting of the employee's CTO balance is provided to employees in their biweekly check stubs.
- f) During employment, CTO is cashed out at the employee's current FLSA regular rate of pay (including all FLSA-applicable salary differentials and special pays).

Employees separating from District service shall be compensated for all accrued, unused compensatory hours at their current FLSA regular rate of pay, or their average FLSA regular rate for the prior three years, whichever is higher.

SECTION 800 BENEFITS

Employees who have questions about the benefit programs offered by the District should contact the Human Resources Department.

Employees must notify the Human Resources Department immediately of any life event changes such as: marriage, divorce, legal separation, birth or adoption and death as these have an effect on insurance coverage.

801 LOOK-BACK MEASUREMENT AFFORDABLE CARE ACT POLICY

The District is committed to ensuring compliance with the Patient Protection and Affordable Care Act (ACA) and the Internal Revenue Code Section 4980H Shared Responsibility for employers regarding Health Care Coverage.

The District will adopt the Look-Back Measurement Method Safe Harbor provision of the ACA to determine the full-time status of employees where section 4980H defines "full-time" status as "an employee who is employed on average at least 30 hours of service per week."

Beginning January 1, 2014, the ACA will require the District to offer health insurance coverage to at least ninety-five percent (95%) of employees who work, on average, thirty (30) or more hours per week or pay tax penalties and show proof. The District establishes the Look-Back Measurement Method Safe Harbor with regard to all ongoing employees as follows:

Standard measurement period:	November 1 - October 31
Administrative period:	November 1 - December 31
Stability Period:	January 1 through December 31

The District establishes the following periods for new, part-time, variable hour & temporary employees:

1) Initial Measurement period:

Twelve months (beginning on the first of the month following the first date of work).

2) Administrative period:

One month following the initial measurement period.

3) Stability period:

Twelve months following the administrative period. The District may amend the measurement periods, administrative period and the stability period.

4) Procedure:

Upon hire, the District will determine whether a new employee is expected to be a full-time employee, part-time employee, variable hour employee, or a temporary employee. If the employee is expected to be full-time, the District will offer the employee health coverage the month following appointment

The Finance Department will provide Human Resources and department supervisors with reports summarizing part-time hours worked. The Finance and Human Resources Department will share the responsibility of providing Employer Notifications, as required by the Department of Labor and in compliance with IRS reporting requirements.

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5) Allowable Hours:

Allowable hours for all new, part-time, variable hour and temporary employees will be less than 1,560 hours in the first twelve months of employment.

Allowable hours for ongoing, part-time, variable hour and temporary employees will vary by position and depend on prior approval from the Manager or her/his designee.

Supervisors are responsible for ensuring their employees do not exceed the allowable number of hours worked. If an employee works more than the allowable number of hours, the District will offer medical coverage to the employee, during the administrative period.

All new, part-time hours worked will be measured over two periods:

- 1) During the twelve-month period beginning on the first day of the month following the date of employment.
- 2) During the standard measurement period. The initial measurement period and the standard measurement period will be applied to variable hour employees regardless of any break in service they may experience during the periods.

If a break in service occurs, the District will calculate the average hours worked by inputting hours of service for the special unpaid leave/break period at a rate equal to average weekly hours of service.

803 EDUCATIONAL ASSISTANCE LOANS REIMBURSEMENT PROGRAM

The District encourages employees to enroll in educational programs which will aid them in the performance of their current jobs, or better qualify them for positions which are important to the continued successful operation of the District.

~~The District policy to provide loans for educational assistance reimbursement for eligible and pre-approved course work for regular, full-time employees for certain expenses for a pre-approved educational course(s) or undergraduate/graduate-degree programs that will mutually benefit the District and the employee. "Certain expenses" may include registration fees, tuition, books, parking, and/or laboratory fees.~~

The Human Resources Department is responsible for administering this policy and any policy interpretation or course eligibility questions should be directed to that department. However, the General Manager shall make the final decision on all final whether to approve or deny approval of the employee educational assistance loan requests at his or her discretion shall be granted by the General Manager.

The Board of Directors has reserves the right to unilaterally amend or repeal this policy at any time at its discretion.

— SIGNED EMPLOYEE AGREEMENT

~~In order for employees to participate in District' Educational Assistance Loan Program, they will have to sign an agreement that outlines the terms of this policy, including the reimbursement and payback provisions in Sections ___ and ___ of this policy.~~

2)1) ELIGIBILITY

~~Regular, full-time employees are eligible for tuition assistance loans education reimbursement, once they have passed their probationary period, provided their job performance is satisfactory in the evaluation period prior to enrollment in any course(s) and they are on the payroll at both the beginning and conclusion of the course(s).~~

The education is subject to R reimbursement will be provided if the education is undertaken to:

1. Maintain or improve competency in the current job.
2. Provide related knowledge in order to advance to a higher level higher-level position in the field.

3. Provide the training/knowledge needed to progress on any approved career path at the District.

3) ELIGIBLE COURSES

Courses eligible for reimbursement loans are those taken at an accredited college, university, technical or business school. Correspondence or online courses do not qualify unless offered by an accredited college or university.

"Accredited" is defined as a college or university that has been accredited by an accrediting association recognized by the U.S. Department of Education or the Council for Higher Education Accreditation (CHEA).

Courses taken under this program shall be attended on the employee's own time, during hours other than scheduled work hours.

3) REIMBURSABLE LOAN FEES PRE-APPROVED COURSE WORK

Course work must be approved by the Human Resource Department prior to enrollment to be eligible for reimbursement.

4) REIMBURSEMENT

The employee is responsible for pay shall pay for the courses at the time of enrollment. Upon receiving approval by demonstrating to the Human Resources Department that the employee has completed the coursework with a "passing" grade of a C or better, the employee will be eligible to receive:

- (a) \$2,500 for all general employees per fiscal year; or
- (b) \$5,000 for all management level employees per fiscal year.

Reimbursable loan fees may include registration fees, tuition (educational fees), books, parking, and laboratory fees.

One hundred percent of fees will be eligible for the loan program each fiscal year, not to exceed \$ 5,000.00. The employee shall successfully complete the course(s) with a "C" or equivalent passing grade. Failure to successfully complete the course(s) with the required grade will result in no reimbursement loan. The Board of Directors will review fees and make adjustments, if necessary, to the educational assistance amount on a periodic basis.

If an employee remains employed by the District for 48 months after completing any course, the loan will be forgiven.

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5) EMPLOYEE PAYBACK OBLIGATION

If the employee leaves prior to 48 months, the loan incurred for the course(s) shall be paid back to the District by the employee on a prorated basis (see table below). Any exceptions must be approved by the General Manager.

Payback Proration

13 to 24 months	75%	Formatted: Font color: Red
26 to 36 months	50%	Formatted: Font color: Red
37 to 48 months	25%	Formatted: Font color: Red
49 + months	0%	Formatted: Font color: Red
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6) REQUIREMENT TO APPLY FOR FEDERAL STUDENT AID (FAFSA)

Employees are required to apply for Federal Student Aid (FAFSA) and provide proof of application.

Employees who receive educational benefits from other sources such as the GI Bill, a scholarship fund, etc., will be reimbursed only for amounts that are not covered by these sources.

Employees are encouraged to review the Federal Student Aid Loan Forgiveness Program for eligibility. (For inquiries, please consult with the Human Resources Department)

804 STIPEND FOR CLASS "A" DRIVERS' LICENSE

A stipend of \$25 per pay period shall be paid to any field employees that have a class "A" drivers' license and are included in the random drug/alcohol testing program. (See Article ****.)

805 BILINGUAL COMPENSATION

District employees who qualify as a bilingual Spanish speaker by taking a test with a passing score of 70% or higher will receive a stipend of \$25 per pay period.

806 INCENTIVES FOR CERTIFICATION

All full-time, regular field and/or office employees that are required by job position to obtain or maintain a Water Treatment/Distribution Operation

certificate issued by the State Water Resources Control Board Division of Drinking Water will be reimbursed for the tuition, books and other course required costs associated with obtaining and maintaining said certificate.

The actual cost for the certification will be 100 percent reimbursed by the District. District employees are responsible for renewing their certification and the District will not reimburse late fees for certifications not renewed in a timely manner.

807 COSTS FOR ATTENDING CONFERENCES, SEMINARS, WORK SHOPS

District staff may be authorized to attend water industry and Special District related conferences, workshops and seminars, as well as any other functions or meetings pertaining to the water industry, at District expense, should it be of benefit to the District, subject to the approval of the Human Resources Director and the Department Head.

If approved, the cost for attending any of these functions will be paid ahead of time by the District, or it will be reimbursed to the employee if he or she pays for it.

It is the responsibility of the attending employee to inquire with the Human Resources Department regarding what expenses can and will be reimbursed.

808 LONGEVITY PAY

Regular, full-time employees are eligible for longevity pay upon continuous length of service with the District.

Continuous length of service begins with the date the employee was hired as a full time employee and continues as long as the employee is considered a working or active employee.

Longevity pay occurs in one annual lump sum payment subject to a satisfactory performance review and the approval of the Department of Human Resources and the General Manager.

-After 5 years through the end of the 9 th	\$150.00
After 10 years through the end of 14 th	\$225.00
After 15 years through the end of 19 th	\$350.00
After 20 years through the end of 24 th	\$475.00
After 25 years	\$600.00

SECTION 900 DISTRICT HOLIDAYS

Full time employees, with the exception of temporary employees, receive the holidays listed below with pay.

If New Year's Day, Independence Day, or December 25 falls on a Sunday, the Monday following shall be treated as the holiday. If any of those three holidays falls on a Saturday, the preceding work day shall be treated as the holiday.

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veteran's Day, November 11th, or as designated
8. Thanksgiving Day
9. Day after Thanksgiving
10. Day before Christmas Day
11. Christmas Day
12. Day before New Year's Day

13. Floating Holiday- Effective January 1st of each Calendar Year
14. Floating Holiday-Effective July 1st of each Fiscal Year

Employees entitled to paid holidays or floating holidays shall be paid for the number of hours the employee was scheduled to work had it not been a holiday or floating holiday.

901 FLEX TIME HOLIDAY

If a District holiday falls on a non-working day under the 5/40 schedule, 9/80 schedule, 4/10 schedule or rotating schedule, each employee will receive a full day's work hours added to the employee's holiday accrual bank to be used at another time designated by the employee with Supervisor approval.

902 FLOATING HOLIDAYS

Any floating holidays not used during the year that were granted will be cashed out on the last pay period of the calendar year.

903 HOLIDAY WORK

A non-exempt employee who is required to work on a holiday will receive holiday pay and straight time pay for the actual time worked on the holiday.

904 HOLIDAY WHILE ON VACATION

If one or more holidays falls within a vacation leave that an eligible full time employee is taking, such holiday shall not be charged as vacation leave.

905 SPECIAL SIGNIFICANCE HOLIDAY

The Board of Directors shall have the authority to grant a holiday in any year on any nationally recognized holiday, if there is some special significance given the holiday to be celebrated.

SECTION 1000 VACATION

Vacation is an earned right to a leave with pay for recreation and well-being of the employee.

1001 ACCRUAL OF VACATION TIME

For regular full time employees, vacation leave accrues per complete pay period and is credited each pay period. Vacation leave will not accrue during leaves of absence without pay unless required by law.

Length of Continuous Service	Annual Vacation Allowance	Per Pay Period Accrual	Maximum Allowed Accrued Vacation
After 1 Year	80 Work Hours	3.1 Work Hours	120 Work Hours
After 4 Years	120 Work Hours	4.6 Work Hours	180 Work Hours
After 9 Years	160 Work Hours	6.2 Work Hours	240 Work Hours
After 14 Years	200 Work Hours	7.7 Work hours	300 Work Hours

Once an employee's vacation accrual allowance reaches the maximum allowed accrued vacation, the employee will no longer continue to accrue vacation time until the balance falls below the accrued maximum. Once the accrued vacation balance falls below the accrued maximum, the employee will begin to accrue vacation time again, up to the maximum.

Part-time employees earn vacation leave while in paid status in a pro-rated amount based upon the accrual applicable to full time employees. Once a part-time employee reaches the pro-rated accrual cap, they stop earning vacation.

Any employee separating from the District who has accrued vacation leave shall be paid for all accrued vacation at his or her rate of pay at the time of separation.

The District may, at its discretion, require an employee to use accrued vacation.

1002 APPROVAL FOR SCHEDULING VACATION TIME

Vacation leave may not be used until it is earned and vacation periods shall be taken annually with the approval of the employee's supervisor.

The scheduling of vacation time off will be based on the employee's preference and the District's operational needs.

Vacation leave shall be taken at such time as will not impair the work schedule or efficiency of the District.

Employees must provide as much notice as possible and provide a two week notice for vacation requests of one week or more.

1003 VACATION CASH OUT

Employees may cash out four (4) times during the year for a maximum of 160 hours of their accrued vacation/floater time, as long as they maintain a minimum of 80 hours of accrued vacation/floater time and they have used 40 hours of accrued vacation/floater time in the previous 12- month period.

The cash out increment can be any combination with a minimum of 20 hours and a maximum of 160 hours within the calendar year. The request needs to be submitted to the Human Resources Department.

1004 FLOATER HOURS

The employee is allowed a maximum of 80 floater hours. Once an employee's floater accrual allowance reaches the maximum allowed, the employee will no longer continue to accrue floater time until the floater hours are used or cashed out.

Once the accrued floater balance falls below the accrued maximum, the employee will begin to accrue floater time again, up to the maximum.

1005 MANAGEMENT ADMINISTRATIVE LEAVE

Executive Management Staff may be granted 80 hours of Management Administrative Leave per fiscal year, with exception to the General Manager and Assistant General Manager may be granted 120 hours of Management Administrative Leave.

The amount of administrative leave hours granted will be prorated depending on the month when the employee is hired.

Executive/Management Staff includes the Director of Finance, Director of General Services, Public Information & External Affairs Manager Engineering Services Manager, Operations Manager, Human Resources/Risk Manager, Business Systems Manager, General Services Manager, and Board Secretary.

Management Administrative Leave Cash Out

Employees entitled to Management Administrative Leave shall cash out the unused balance at the end of the fiscal year during the month of June.

Management Administrative Leave will not be carried over to the next fiscal year. The cash out request must be submitted to the Human Resources Department before the last pay period ending in June.

1100**SICK TIME OFF LEAVE****1101 PURPOSES FOR SICK TIME OFF**

Sick leave is paid leave from work that can be used for the following purposes: diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling.

For an employee who is a victim of domestic violence, sexual assault, or stalking to:

- i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or
- ii) ~~ii)~~ obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.

Sick leave shall not be used for vacation or personal leave, unless approved by the employee's Supervisor, the Department Head and the Human Resources Director or his/her designee.

1102 TERMS OF SICK LEAVE**a) Accrual & Carryover for Different Categories of Employees:**

- 1) Full time employees who are not temporary accrue 3.7 hours of sick leave for each complete pay period of paid status; part-time employees accrue sick leave in an amount prorated to the lower number of hours they work each calendar month in paid status. Accrued sick leave carries over from year to year. No accrual limit applies.
- 2) A temporary employee who works 30 or more days within a year from the

commencement of employment with the District accrues one hour of paid sick leave for every 30 hours worked. Accrued and unused sick leave carries over to the following year of employment but a temporary employee stops earning sick leave once he or she has accrued 48 hours or 6 work days/ shifts, whichever is greater.

1103 SICK LEAVE USE

An employee may use accrued sick leave, in a minimum increment of two hours, beginning on the 90th day after the first day of employment with the District, subject to the limits and request provisions in this Policy.

The District encourages its employees to maintain sufficient paid leave balances in the event the employee is subjected to an unforeseen emergency or incident requiring multiple days off with little or no notice to the supervisor.

1104 PROTECTED SICK LEAVE

For full time employees who are not temporary employees, one-half of the employee's accrued and available annual sick leave is protected and may be used for any of the purposes stated in this Policy.

For temporary employees, up to 24 hours, or three days, whichever is greater, of accrued and available sick leave each year is protected and may be used for any of the purposes stated in this Policy. The year is measured beginning on July 1, 2015, or the employee's anniversary of hire date, whichever is later.

Emergency Paid Leave described in Section 1109**** is protected when used for the reasons specified in Section 1109 b*****.

1105 SICK LEAVE REQUEST

To request to use sick leave if the need for leave is foreseeable, an employee must give the immediate supervisor one to two week advance written or oral notice.

If the need for sick leave is not foreseeable, the employee shall provide written or oral notice of the need for the leave as soon as practicable.

If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed each day as to the date the employee expects to return to work and the purpose of the leave.

Failure to request sick leave as required by this Policy without good reason, may result in the employee being treated as absent without leave.

1) Certification

The District may require any employees who are not temporary to provide a physician's certification to support any absence that involves the illness of the employee or family member if the District suspects that there is an abuse of sick leave by the employee.

The District also retains the right to require a medical release for any sick leave absence exceeding three (3) consecutive work days.

All employees, including temporary employees, who use paid leave to address issues related to domestic violence, sexual assault or stalking, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter.

An employee using Emergency Paid Sick Leave must certify the reason for the leave.

1106 SICK LEAVE ON SEPARATION FROM EMPLOYMENT

For temporary employees, unused sick leave cannot be cashed out. For all other employees, the following provisions apply:

1) Conversion of Sick Leave

Upon retirement, permanent disability or death, an employee, or estate of a deceased employee, may elect to have all accrued sick leave applied to such employee's PERS retirement account as provided for in the contract between PERS and the District. Such employee, or estate of a deceased employee, must elect to apply one hundred percent (100%) of accrued sick leave to such employee's PERS

retirement account, or Sections (ii) and (iii) below shall apply.

In the event the employee, or estate of a deceased employee, does not make the election pursuant to Section (i) above, upon retirement, permanent disability or death, an employee or the estate of a deceased employee will be paid for unused sick leave accrued to the date of retirement, permanent ~~disability~~ disability, or death, based upon the formula below.

Sick Leave Accrued as of Date of Retirement, Disability, or Death	Permanent Percentage (%) to be Paid
480 Hours or less	30%
481 to 600 Hours	35%
601 to 720 Hours	40%
721 to 840 Hours	45%
841 to 960 Hours	50%

Upon retirement, permanent disability or death, all accrued and unused sick leave above the cash payment formula shall be applied to the employee's PERS retirement account as provided for in the contract between PERS and the District or an employee may elect to allow all sick leave to be applied to the retirement account.

In no event shall any employee, or estate of a deceased employee, receive cash payment under this Section in excess of four hundred eighty (480) hours.

1107 SICK LEAVE CASH OUT

The District will pay up to forty (40) hours of accrued sick leave per year under the following conditions:

- A total of 160 hours must be maintained after reimbursement.
- The request for reimbursement must be submitted in writing to the Human Resources Department.

- The General Manager and/or Human Resources Director or Manager must approve all requests.
- Sick Leave Cash Out payments will be made on an off cycle payroll week in November.

1108 SICK LEAVE REINSTATEMENT

If an employee separates and is rehired within one year from separation, accrued and unused sick leave, to a maximum of 6 days or 48 hours, whichever is greater, will be reinstated.

An employee who worked at least 90 days in the initial employment with the District may immediately use reinstated sick leave.

An employee who had not worked 90 days in the initial employment with the District must work the remaining amount of the 90 day-qualifying period to be able to use accrued sick leave.

~~Unused Emergency Paid Sick Leave will not be reinstated after December 31, 2020.~~

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1109 EMERGENCY PAID SICK LEAVE – COVID 19

~~From April 2, 2020 through December 31, 2020, employees can take Emergency Paid Sick Leave as follows:~~

- ~~a) Employees are entitled to Emergency Paid Sick Leave at their regular rate of pay if they are unable to work or telework for the following reasons:~~
- ~~1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.~~
 - ~~2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.~~
 - ~~3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.~~

~~b) Employees are entitled to Emergency Paid Sick Leave at two thirds of the employee's regular rate of pay if they are unable to work or telework because:~~

- ~~1) The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or been advised by a health care provider to self-quarantine due to concerns related to COVID-19 or as described in subparagraph (1) or has been advised as described in paragraph (2).~~
- ~~2) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.~~
- ~~3) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.~~

Emergency Paid Sick Leave Accrual

~~Leave taken as Emergency Paid Leave is in addition to any other leave accrued and does not accrue beyond 80 hours.~~

~~Unused leave does not carryover for any employees.~~

~~Emergency Paid Sick Leave is subject to the following caps:~~

- ~~1) \$511/Day and \$5,110 in the Aggregate for the Following Employee-Related COVID-19 Absence Reasons~~
 - ~~• The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.~~
 - ~~• The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.~~

- ~~• The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.~~
- ~~2) \$200/Day and \$2,000 in the Aggregate for the Following Reasons Related to the Employee Taking Leave to Care for an Individual or Son or Daughter~~
- ~~• The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).~~
 - ~~• The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.~~
 - ~~• The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor~~
- ~~3) Employees may supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.~~

SECTIONS 1200 PERSONNEL FILES

1201 PURPOSE

The purpose of this section is to provide the District's guidance and rules regarding personnel files.

1202 CONFIDENTIAL DISTRICT FILES

The District maintains a personnel file on each employee. Files are kept for at least three years after separation of employment.

A personnel file will contain only material that the District deems necessary and relevant or that is required by law. Personnel files are the property of the District, and access to the information they contain is restricted to protect employee privacy interests.

Notification of Changes

Each employee is responsible to promptly notify Human Resources of any changes in his or her contact and benefits information, including mailing address; telephone number; persons to contact in emergency; and number and names of dependents.

1203 EMPLOYEE MEDICAL INFORMATION

All medical information about an employee or applicant is kept in separate medical files and is treated as confidential.

Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for District business reasons, or if access is required by law, subpoena or court order.

In the case of an employee with a disability, Directors and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

1204 EMPLOYEE ACCESS TO PERSONNEL FILE

a) Inspection of File:

A current employee may inspect his or her own personnel file, at reasonable times and at reasonable intervals, within 30 days of a written request.

A former employee is entitled to inspect his or her personnel records one time per year.

A current or former employee who wishes to review his or her personnel file should make a written request to the Human Resources Department. The inspection must occur in the presence of the Director of Human Resources & Risk Management or designee and: at a location where the employee works and at a time other than the employee's work time; or 2) at another agreed upon location without loss of compensation to the employee.

b) Copies:

A current or former employee is entitled to receive a copy of his or her personnel records within 30 days after the employer receives a written request. A current or former employee who wishes to receive such a copy should contact the Human Resources Department in writing.

The District may charge a fee for the actual cost of copying.

c) Representative's Inspection:

If the current or former employee wishes to have another person inspect his or her personnel file, he or she must provide the person with written authorization.

The Human Resources Department will notify the employee and/or representative of the date, time, and place of the inspection in writing.

d) No Removal of File Documents:

No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.

e) Limitations on Access or Copying of Personnel File

Prior to making a copy of personnel records or allowing inspection, the District may redact the names of nonsupervisory employees.

Under no circumstances will the District provide access or copying of the following categories of personnel file documents: records relating to the investigation of a possible criminal offense; letters of reference; ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

SECTION 1300 OUTSIDE EMPLOYMENT

Employees cannot engage in outside employment without prior approval.

An employee shall not engage in any paid or self-employment, activity, or enterprise which is inconsistent, incompatible or in conflict with his or her District duties, functions, responsibilities, or that of the department in which he or she is employed at the District.

In order to avoid perceived or actual conflicts of interest that may arise from outside employment, all employees must obtain written approval from the General Manager and the Director of Human Resources & Risk Management prior to undertaking any outside employment as described in this Policy.

1301 AUTHORIZATION AND APPEAL PROCESS

a) **Written Request:** Any employee who wants to undertake a paid outside employment, activity, or enterprise must submit a written request to his or her department head. The written request must include: the work hours and/or time required; job title or the nature of the activity; the work location; and the supervisor, Director and name of the employer or activity.

b) **Analysis and Decision:**

The Director of Human Resources & Risk Management will determine if the outside employment, activity, or enterprise is compatible with the employee's employment at the District. If the Director of Human Resources & Risk Management determines such activity is compatible, or would be if any conditions or restrictions applied, he or she will authorize the activity and specify the conditions/ restrictions in writing, give the employee the outside employment authorization, and place a copy of the written authorization in the employee's personnel file.

c) **One Year Authorization:**

An outside employment authorization is valid only up to one year. Should the employee continue the outside employment, activity, or enterprise for a longer duration, he or she must make another request following the process in this Policy.

d) Appeal:

If the Director of Human Resources & Risk Management denies an employee's outside employment request, the employee may submit a written notice of appeal to the General Manager within 10 days after the date of the denial. The decision on appeal will be put in Writing, provided within 10 days after the receipt of the appeal, and will be final.

1302 PROHIBITED OUTSIDE ACTIVITIES

An employee's outside employment, activity, or enterprise may be prohibited if it:

- a) involves the use for private gain or advantage of District time, facilities, equipment, and supplies, or the badge, uniform, prestige, or influence of the District or employment at the District;
- b) involves receipt or acceptance by the employee of any money or other consideration from anyone other than the District for the performance of an act which the employee would be required or expected to render in the regular course of his/her District employment;
- c) involves the performance of an act in other than his/her capacity as a District employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee or the department by which he/she is employed; or
- d) involves time demands that would render the employee's performance of his or her regular District employment less efficient or dangerous to the employee.

1) Changes in Outside Employment Status

The employee must promptly report in writing to the Director of Human Resources & Risk Management any of the following changes that may occur during the year of an authorized outside employment: the outside employment ends; or the authorized employment changes as to the number of work hours, location, or types of duties.

2 Revocation / Suspension of Outside Employment Authorization

Any outside employment authorization may be revoked or suspended during the year it is granted under the circumstances listed below.

An employee may appeal the revocation or suspension as provided in this Policy.

- a) The employee's work performance declines; or
- b) An employee's conduct or outside employment conflicts with the conditions of the outside work authorization or is incompatible with the employee's work for the District.

3. Use of District Equipment Prohibited

Under no circumstances may an employee use any District equipment, vehicles, tools, supplies, machines, or any other item that is District property while an employee is engaged in any outside employment, activity or enterprise.

SECTION 1400 FAMILY AND MEDICAL LEAVE

The District provides family and medical care leave for eligible employees as required by State and federal law.

This Policy is supplemented by the Federal Family and Medical Leave Act ("FMLA"), and the California Family Rights Act ("CFRA"). Unless otherwise stated in this Policy, "Leave" means leave pursuant to the FMLA and CFRA.

1. Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination.
2. Employees who fraudulently obtain or use CFRA leave are not protected by the CFRA's job restoration or maintenance of health benefits provisions.

1401 CONCURRENT WITH FMLA AND CFRA

Unless otherwise provided by law, the District will run each employee's FMLA and CFRA leaves concurrently.

1402 DEFINITIONS

12-Month Period

A rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

Single 12 Month Period

A 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.

Child

A child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or step-child.

A child is "incapable of self-care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public

transportation, paying bills, maintaining a residence, or using telephones and directories.

Parent

The biological or adoptive parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

Spouse

One or two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined below.

Registered Domestic Partner

Is another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code section 297. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.

Serious Health Condition

An illness, injury impairment, or physical or mental condition that involves:

Inpatient Care in a hospital, hospice, or residential medical care facility, including any period of incapacity (e.g., inability to work or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom).

A person is considered "inpatient" when a health care facility admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or

- 1) Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - a) A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days; and

- b) Any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - c) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
 - d) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
 - e) Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a "serious health condition" only under the FMLA. Under California law, an employee disabled by pregnancy is entitled to pregnancy leave. (See section 709, Leave Because of Pregnancy, Childbirth, or Related Medical Condition.)
- 2) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
- a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
- 3) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by health care provider.
- 4) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of healthcare services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a

condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

Health Care Provider

- 1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;
- 2) Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;
- 3) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- 4) Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
- 5) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
- 6) Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

1403 COVERED ACTIVE DUTY

In the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or

In the case of a member of the reserve component of the Armed Forces, duty during the deployment of members of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

a) Covered Service-member

- 1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or

therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

- 2) A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

b) Outpatient Status

With respect to a covered service-member, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

c) Next of Kin of a Covered Service- member

The nearest blood relative other than the covered service-member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service-member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service-member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

c) Serious Injury or Illness

1) In the case of a member of the Armed forces, including a member of the National Guard or reserves, means an injury or illness that a covered service-member incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the service-member medically unfit to perform the duties of the member's office, grade, rank, or rating; or

2) In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

1404 REASONS FOR LEAVE

Leave is only permitted for the reasons listed below.

- a) The birth of a child or to care for a newborn of an employee;
- b) The placement of a child with an employee in connection with the adoption or foster care of a child;
- c) Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition;
- d) Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of his/her position;
- e) Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation (This is a FMLA leave and not a CFRA leave); or
- f) Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered service-member of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period. (This is a FMLA leave and not a CFRA leave.)
- g) Leave due an inability to work (or telework) due to the care of a child under the Emergency Family and Medical Leave Expansion Act. (Subject to section 704.19 below.)

1405 EMPLOYEES ELIGIBLE FOR LEAVE

An employee is eligible for leave if:

- a) The employee has been employed by the District for at least 12 months; and
- b) The employee has been employed by the District for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
- c) An employee is eligible for 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement if:

- a) The employee has been employed by the District for at least 12 months; and
- b) The employee has been employed by the District for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

1406 AMOUNT OF LEAVE

Eligible employees are entitled to a total of 12 workweeks (or 26 workweeks to care for a covered service-member) of leave during any 12-month period.

If FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

1) Minimum Duration of Leave

- a) If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.
- b) If leave is requested to care for a child, parent, spouse or the employee him/herself with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the notice and medical certification provisions in this Policy is required.

2) Parents both Employed by the District

If both parents of a child, adoptee, or foster child are employed by the District and are entitled to bonding leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period.

If both parents of a covered service-member are employed by the District and are entitled to leave to care for a covered service-member, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 work weeks during the 12-month period. This limitation does not apply to any other type of leave under this Policy.

1407 EMPLOYEE BENEFITS WHILE ON LEAVE

1) Group Health Insurance During Unpaid Leave:

Leave under this Policy is unpaid. However, while on unpaid leave, employees will continue to be covered by the District's group health insurance for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job.

If the employee is disabled by pregnancy, coverage will continue up to four months each leave year.

If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, the District will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).

2) Benefit Plans not provided through the District's Group Health Plan During Unpaid Leave Do Not Continue:

The District does not pay for benefit plans that are not part of the group health plan for any employee on unpaid leave. As a result, employees will not continue to be covered under the District's benefit plans that are not provided through the District's group health plans while the employee is on unpaid leave.

a) Payment of Premiums:

Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using his or her paid leave) or direct payments (if the employee is not using his or her paid leave).

The District will inform the employee whether the direct payments for premiums should be paid to the carrier or to the District, and the deadlines for paying premiums in order to prevent coverage from being dropped. Employee contribution rates are subject to any changes in rates that occur while employee is on leave.

b) Recovery of Premium if the Employee Fails to Return from Leave:

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the District shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control.

c) Substitution of Paid Accrued Leaves

Although family and medical care leave is unpaid, an employee may elect and the District will require an employee to concurrently use all paid accrued leaves during family and medical care leave as described below.

Employee's Right to Use Paid Accrued Leave Concurrently with Family Leave

An employee may use any earned or accrued paid leave except sick leave for all or part of any unpaid family and medical care leave. An employee is entitled to use sick leave concurrently with family and medical care leave for the employee's own serious health condition or that of the employee's parent, spouse, domestic partner or child.

3) District's Right to Require an Employee to use Paid Leave when using FMLA/CFRA Leave

Employees must use and exhaust their accrued leaves concurrently with family and medical care leave to the same extent that employees have the right to use their accrued leaves concurrently with family and medical care leave with two exceptions:

- a) Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and
- b) An employee must agree to use accrued sick leave to care for a child, parent, spouse or domestic partner.

4) District's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves

If an employee takes a leave of absence for any purpose which also qualifies under both the FMLA and CFRA, the District will designate that leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

5) District's and Employee's Rights if an Employee Requests Accrued Leave Without Mentioning FMLA or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, the District may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if the District denies the employee's request and the employee provides information that

the requested time off is for a FMLA/CFRA qualifying purpose, the District may require the employee to exhaust accrued leave as described above.

1408 MEDICAL CERTIFICATION/ RECERTIFICATION

Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:

a) **Employee's Own Serious Health Condition:**

Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position.

Upon expiration of the time period the health care provider originally estimated that the employee needed for his/her own serious health condition, the employee must obtain recertification if additional leave is requested.

b) **Family Member Serious Health Condition:**

Employees who request leave to care for a child, parent, domestic partner or a spouse who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse.

The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered family member, the employer must obtain recertification if additional leave is requested.

c) **Service-member Serious Injury or Illness:**

Employees who request FMLA leave to care for a covered service member who is a child, spouse, parent or "next of kin" of the employee, must provide written certification from a health care provider regarding the injured service member's

serious injury or illness. The District will verify the certification as permitted by the FMLA regulations.

d) **Qualifying Exigency:**

The first time an employee requests FMLA leave because of a qualifying exigency, an employee may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member's active duty service.

A copy of the new active duty orders or similar documentation shall be provided to the District if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member. The District will verify the certification as permitted by the FMLA regulations.

1) Time to Provide a Medical Certification

When an employee has provided at least 30 days' notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to the District within the time frame requested by the District (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

2) Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established in this Policy, the District may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.

3) Director of Human Resources & Risk Management's Review of the Contents of Medical Certification for Employee's Own Serious Health Condition

a) **Complete and Sufficient:**

The employee must provide a certification for his or her own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, the Human Resources Director or designee will give the employee written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee's diligent, good faith efforts to address the deficiencies.

b) Authentication and Clarification:

After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, the Human Resources Director may contact the health care provider who provided the certification to clarify and/or authenticate the certification.

"Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form.

"Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response. The Human Resources Director may not ask for additional information beyond that required on the certification form.

4) Second and Third Medical Opinions for Employee's Own Serious Health Condition

If the District has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, the District may require a medical opinion of a second health care provider chosen and paid for by the District.

If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee, but paid for by the District. The opinion of the third provider will be binding.

The District must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

5) Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule for his or her own serious health condition, or to care for an immediate family member with serious health condition, the employee must provide medical certification that such leave is medically necessary.

“Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

The District may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

6) Employee Notice of Leave

Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for leave. If leave is foreseeable, at least 30 days’ notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed.

For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

1409 REINSTATEMENT UPON RETURN FROM LEAVE

a) Reinstatement to Same or Equivalent Position:

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits and pay. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

b) Date of Reinstatement:

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and the District, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

c) Employee's Obligation to Periodically Report on His/her Condition:

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

d) Fitness for Duty Certification:

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his or her job, the employee may be required to obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

e) Reinstatement of "Key Employees":

The District may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the District within 75 miles of the worksite) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the District, and the employee is notified of the District's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

Employees must complete the applicable forms by the Human Resources Department to receive family and medical care leave.

**SECTION 1500
OTHER LEAVES**

1501 BEREAVEMENT LEAVE

All employees, including temporary employees, may utilize paid bereavement leave to attend a funeral or memorial service, or to take care of family matters, that are related to the death of a member of immediate family or any relative living with the employee.

1) Definition

“Immediate family” consists of the following: employee’s spouse, domestic partner, child, stepchild, parent, grandparent, grandchild, brother, sister, mother/father-in-law, son or daughter-in-law, brother or sister-in-law, legal guardian, or custodial child, or the same relatives of a registered domestic partner.

Employees are entitled to up to five days for each death in the immediate family or of any relative living with the employee. An employee who utilizes bereavement leave shall notify his/her supervisor or department head of the intent to use such leave. The employee requesting bereavement leave must present acceptable supporting documentation to Human Resources within 30 days preceding following the event. Supporting documentation may include ~~(i.e., an obituary, funeral announcement, etc.)~~ or any other documentation deemed acceptable in the sole discretion of the Human Resources -Department.

If additional time is needed, an employee may request to use accrued sick leave, subject to the approval of the Department Head and the Human Resources Director.

1502 WORKERS’ COMPENSATION/INDUSTRIAL INJURY LEAVE

Employees who are absent from work by reason of an injury or illness covered by Workers’ Compensation must provide the Department of Human Resources certification from a recognized medical professional confirming the necessity of the leave to the District within fourteen (14) days after the leave begins.

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1) Accruals and Benefits

When the employee authorizes, the difference between the amount granted pursuant to such Workers' Compensation and the employee's regular pay will be deducted from the employee's accumulated sick leave.

Once the accumulated sick leave is exhausted, the difference will be deducted from the employee's accumulated vacation, personal holidays, and compensatory time, if any.

The employee will continue in pay status and receive his or her pay until his/her accumulated sick leave, and authorized compensatory time, personal holidays, and vacation days, have been depleted to the nearest hour.

During the time the employee is receiving partial checks from the District:

- a) He/she will accrue sick leave on a pro-rated basis;
- b) He/she will accrue vacation time on a pro-rated basis;
- c) If a holiday falls on a day he/she is on disability leave, he/she will receive holiday pay on a pro-rated basis;

When not receiving partial checks from the District, the employee will not accrue sick leave, vacation time, or receive holiday pay.

Any employee subject to this Policy who depletes his or her accumulated sick leave, compensatory time, personal holiday time and vacation days while absent from work by reason of an injury or illness covered by Workers' Compensation may receive an unpaid leave of absence and continuation of health care benefits consistent with state and/or federal law.

2) Concurrent Leave

To the extent allowed by law, this leave will run concurrently with leave under the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

3) Return to Work

Workers' Compensation Leave shall continue until the employee:

- a) Is determined to be physically able to return to work and such medical determination, if disputed, is confirmed by Workers' Compensation

Appeals Board; or

- b) Is determined to be physically able to return to work with medical restrictions which the District can accept, and such determination, if disputed, is confirmed by Worker's Compensation Appeals Board; or
- c) Accepts employment outside the District; or
- d) Accepts employment in another position with the District; or
- e) Has been found to be permanent and stationary and is not rehabilitated as provided by law; or
- f) Is disability retired pursuant to Government Code provisions.

The District may, in its discretion, provide modified or light duty work if the employee's release contains such limitation.

If the employee has been released without limitation, the employee will be offered the same position he or she held previously, unless the job no longer exists or has been filled so that the District can operate safely and ~~efficiently~~ efficiently, or the employment relationship has otherwise been terminated.

4) Employee Obligation

If an employee continues working and is undergoing treatment, all treatment slips from the treating facility must be given to the Human Resources Department and his or her supervisor prior to returning to his or her regular work duties.

A medical release shall be required upon returning to work after three (3) consecutive days of disability leave indicating that the employee is physically able to return to his/her normal duties or to modified work, if it is available.

1503 PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION LEAVE

1) AMOUNT OF LEAVE

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid leave for up to the number of hours she would normally work within four calendar months (one-third of a year or 17 1/3 weeks).

For a full-time employee who works 40 hours per week, "four months" means 693 hours of leave entitlement, based on 40 hour per week times 17 1/3 weeks.

An employee who works less than 40 hours per week will receive a pro rata or proportional amount of leave.

1) NOTICE & CERTIFICATION REQUIREMENTS

a) Notice:

Requests for pregnancy disability leave must be submitted in writing with reasonable advance notice of the medical need for the leave. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to Human Resources.

b) Certification:

The request for pregnancy disability leave must be supported by 1) a written certification from the attending physician stating that: the employee is disabled from working by pregnancy, childbirth or a related medical condition; 2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and 3) the estimated duration or end date of the leave.

2) COMPENSATION DURING LEAVE

Pregnancy disability leaves are without pay. However, the employee must first use sick leave, if any.

Once sick leave is depleted, the employee may elect to use vacation leave or any other accrued paid time off during the leave.

3) BENEFITS DURING LEAVE

a) Group Health Insurance:

An employee on pregnancy disability leave may continue to receive any group health insurance coverage that was provided before her leave, beginning on the date the pregnancy disability leave begins and continuing for up to four months in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

The District may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to 12 weeks of bonding leave under the California Family and Medical Leave Act.

b) Sick and Vacation Leaves:

Sick and vacation leaves do not accrue while an employee is on unpaid pregnancy disability leave.

c) Employee Status during Leave:

The employee retains employee status during the leave. The leave is not a break in service for purposes of longevity or seniority under any collective bargaining agreement or employee benefit plan.

Benefits will be resumed upon the employee's reinstatement in the same manner and at the same levels as provided when the leave began, without any new qualification period, physical exam, or other qualifying provisions.

4) REINSTATEMENT

Upon the expiration of pregnancy leave, the employee will be reinstated to her original or a comparable position, so long as it was not eliminated for a legitimate business reason during the leave.

- a) If the employee's original position is no longer available, the employee will be assigned to a comparable, open position.
- b) If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will initiate an interactive process with the employee in order to identify a potential reasonable accommodation in accordance with these Policies.

1504 STATE DISABILITY INSURANCE (SDI)/PAID FAMILY LEAVE (PFL)

California's Employment Development Department (EDD) administers the State Disability Insurance (SDI) and Paid Family Leave (PFL) programs to provide partial wage replacement for employees temporarily unable to work for qualifying reasons.

Employees who experience a loss of wages when they are unable to work due to a non-work-related illness, injury, or pregnancy, may be eligible for Disability Insurance (DI) benefits.

Employees who experience a loss of wages when they need to take time off work to care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, registered domestic partner, or to bond with a new child entering the family through birth, adoption, or foster care placement, may be eligible for Paid Family Leave (PFL) benefits.

Employees fund SDI/PFL benefits through employee payroll deductions. The District does not fund SDI/PFL. Benefit amounts are solely determined by the EDD. It is the employee's responsibility to file a claim for SDI/PFL benefits. The District is not involved in the application or benefit payment process. Upon request from the EDD, the District will verify employment, pay rate, dates of absence due to a qualifying event, and integration of paid leave (if applicable).

The employee is responsible for notifying the District of claim approval and benefit amounts.

The SDI/PFL program allows for integration of SDI/PFL benefits with an employee's accrued, unused paid leave. Integration has the effect of ensuring the employee will receive his/her normal salary or wages during the period of SDI/PFL wage replacement benefits. The District reserves the right to integrate an employee's benefits with accrued, unused paid leave to the extent permitted by law. Employees whose benefits are being integrated will continue to accrue sick leave, vacation leave, and holiday leave on a prorated basis.

Employees who are not receiving any compensation from the District (for instance, employees who have exhausted their accrued leaves) and are only receiving compensation from the EDD will not accrue sick leave, vacation leave, or holidays for that period of time.

For additional information regarding SDI, please see the Human Resources Department or visit www.edd.ca.gov.

1505 MILITARY LEAVE

Military leave will be granted in accordance with state and federal law. An employee requesting leave for this purpose shall promptly provide the department head with

a copy of the military orders specifying the dates, site and purpose of the activity or mission.

Within the limits of such orders, the department head may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

The District also provides unpaid spousal/registered ~~domestic partner~~ domestic partner leave for qualified employees in accordance with California Military & Veterans Code section 395.10.

Employees requesting leave under this policy may choose to use accrued paid leave (such as vacation or paid time off) concurrently with some or all of the leave under this policy.

1506 JURY DUTY/SUBPOENAED OR COURT-ORDERED WITNESS LEAVE

1) JURY DUTY

Any employee who is summoned to serve on a jury, or subpoenaed or ordered to be a witness, must notify his or her supervisor or department head as soon as possible.

Any employee who is released from jury service prior to the end of his or her scheduled work hours must report to work unless otherwise authorized by his or her supervisor.

Verification from the court clerk, generally Attendance Slips, are to be turned in to the Human Resources Department ~~employee's supervisor~~.

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District employees are to complete the Waiver of Pay form at the courthouse. Please ask the court clerk for more information. Employees are required to only waive the daily per diem fee. Mileage and/or parking may be optional.

If an employee receives a court check that includes a per diem or daily fee, it is his or her responsibility to return those monies to the court. Employees may, however, keep any mileage and/or parking reimbursements.

a) ~~Non-Exempt Overtime eligible~~ Employees

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All ~~Non-Exempt overtime eligible~~ employees will be paid for actual work hours missed ~~because of~~ for time spent in jury service or court.

The time spent on jury duty is not work time for purposes of calculating overtime compensation.

b) Overtime-Exempt Employees

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All FLSA-exempt employees will continue to receive their normal salary while on jury duty or as serving as a witness only for any work week in which they perform any work duties.

2) SUBPOENAED EMPLOYEES

a) District related

Any employee who is subpoenaed to appear in court in a matter regarding an event or transaction in the course of his or her District job duties, must give his or her supervisor as much advance notice as is possible.

The District will determine whether the matter involves an event or transaction in the course of the employee's District job duties. If so, this leave to appear in court will be without loss of compensation, and the time spent will be considered work time.

The District will offset the amount from pay the employee receives for witness fees.

b) Non-District Related

Any employee who is subpoenaed to appear, or appears in court because of civil or administrative proceedings that he or she initiated, is not entitled to receive compensation for time spent related to those proceedings.

An employee may request to receive time off without pay, or may use any accrued leave other than sick leave for time spent related to those proceedings. The time spent in these proceedings is not considered work time.

Notwithstanding the above, an employee who is testifying or appearing as the designated representative in PERB conferences or hearings, or at a personnel or merit commission is entitled to paid release time.

The District also provides unpaid leave to eligible employees who are summoned to appear as witnesses in a judicial proceeding, pursuant to a subpoena or other court order, that was not initiated by the employee and that does not involve an event or transaction in the course of the employee's District job duties.

Employees may use accrued time, including vacation or compensatory time off, and/or unused paid time off for leave taken under this policy. The time spent in these proceedings is not considered work time.

1507 REGARDING CRIME VICTIM/ VICTIM FAMILY MEMBER COURT ATTENDANCE LEAVE

Any employee who is a victim of a crime that is a serious or violent felony, or a felony involving theft or embezzlement, may take leave from work to attend judicial proceedings related to that crime, if the employee provides the District a copy of the notice of the scheduled proceeding in advance.

If advance notice is not feasible, the employee must provide the District, within a reasonable time after the leave is taken, documentation from the District Attorney, victim's rights office, or court / governing agency that shows that the judicial proceeding occurred when the leave was used.

An employee who is an immediate family member of such a crime victim, including: a registered domestic partner; the child of the registered domestic partner; spouse; child; stepchild; brother; stepbrother; sister; stepsister; mother; stepmother; father; or stepfather of the crime victim is also entitled to leave from work to attend judicial proceedings relating to that crime.

The leave is unpaid unless the employee elects to use accrued vacation, sick, or other paid leave, or compensatory time off.

1508 REGARDING CRIME VICTIM/ FAMILY MEMBER VICTIMS' RIGHTS PROCEEDINGS LEAVE

Any employee who is a victim of a crime listed in Labor Code section 230.5(a)(2)(A), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue, if the employee provides the employer reasonable advance notice.

If advance notice is not feasible, the employee must provide the District, within a reasonable time after the leave is taken, certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code section 230.5(a)(2)(A).

An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is entitled to this leave if the above notice or certification requirements are met.

The leave is unpaid unless the employee elects to use accrued vacation or paid leave, or compensatory time off.

1509 LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING TO OBTAIN RESTRAINING ORDERS OR INJUNCTIVE RELIEF

Any employee who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to obtain or attempt to obtain any relief, including, but not limited to: a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his or her child, if the employee provides advance notice of the need for leave.

If advance notice is not feasible, the employee must provide any of the following certifications within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse.

The leave is unpaid unless the employee elects to use 2014 Healthy Workplaces sick leave (Labor Code § 246.5(a)(2)), accrued vacation or paid leave, or compensatory time off.

1510 LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING TO OBTAIN MEDICAL ATTENTION OR COUNSELING OR SAFETY PLANNING

Any employee who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to attend to any of the following: obtaining medical attention or psychological counseling; obtaining services from a shelter, program or crisis center; or participating in safety planning or other actions to increase safety, if the employee provides advance notice of the employee's intention to take time off for these purposes.

If advance notice is not feasible, the employee must provide any of the following to the District within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse.

The leave is unpaid unless the employee elects to use 2014 Healthy Workplaces sick leave (Labor Code § 246.5(a) (2)), accrued vacation or personal leave, or compensatory time off.

1511 CIVIL AIR PATROL LEAVE – STATE OF CALIFORNIA

The District provides eligible employees who are volunteer members of the California Wing of the Civil Air Patrol and are called to emergency operational missions up to 10 days of unpaid leave per calendar year. Leave for a single emergency operational mission will generally be limited to three days unless an extension is granted by the appropriate government entity(ies) and approved by the District.

The employee shall give the District as much notice as possible of the intended dates upon which the Civil Air Patrol leave will begin and end.

The District may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave requested or taken. The District may deny the leave to be taken as Civil Air Patrol leave if the employee fails to provide the required certification.

The employee taking leave shall not be required to exhaust accrued vacation leave, personal leave, compensatory leave, sick leave, disability leave, or any other leave that may be available to the employee in order to take Civil Air Patrol leave.

1512 ORGAN AND BONE MARROW DONATION LEAVE

The District provides eligible employees up to 30 business days in a 12-month period of leave to donate an organ to another person. For the first ten (10) business days of the leave, employees are required to use accrued paid time off. For the remaining time needed, up to a maximum of twenty (20) business days, the District will provide the employee with paid leave.

The District will provide additional unpaid leave of absence, not exceeding 30 business days in a one-year period, to an employee who is an organ donor, for the purpose of donating the employee's organ to another person.

The District also provides eligible employees up to five business days in a 12-month period of leave to donate bone marrow to another person. Employees will be required to use up to five business days of their accrued paid time off for leave under this policy to donate bone marrow.

1) Eligibility

To be eligible, employees must have been employed with the District for 90 days immediately preceding the commencement of leave. Additionally, the District may require written certification that the employee is a bone marrow or organ donor and that the procedure is medically necessary, as well as certification regarding the amount of leave needed.

1513 SCHOOL ACTIVITIES / APPEARANCE LEAVE / SUSPENSION LEAVE

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1) SCHOOL ACTIVITIES/APPEARANCE LEAVE

Employees are entitled to take unpaid time-off from work to participate in their child's school activities, as stated below. The employee taking School Activities Leave must be a parent, grandparent, guardian, stepparent, foster parent, or person who stands in *loco parentis* to a child of the age to attend kindergarten through grade 12, or at a licensed child care provider.

Employees may take up to 40 hours of School Activities Leave each year to participate in the following child-related activities:

1. To participate in activities of the school or licensed child care provider of a child;
2. To find, enroll, or re-enroll a child in a school or with a licensed child care provider; or
3. To address a "child care provider or school emergency," As defined, "Child care provider or school emergency" means that an employee's child cannot remain in a school or with a child care provider due to one of the following reasons:

The school or child care provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or child care provider;

1. Behavioral or discipline problems;
2. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays; or
3. A natural disaster, including, but not limited to fire, earthquake or flood.
4. Time-off to participate in school or child care activities or to find, enroll, or re-enroll in school or child care (items 1 and 2, above) is limited to 8 hours per month.

The employee must provide reasonable advance notice to his/her supervisor of the planned absence.

The leave is unpaid unless the employee uses vacation, personal leave or compensatory time off. The employee must provide documentation from the school or licensed child care facility to his or her supervisor and Human Resources

as verification that the employee participated in school or child care facility activities on a specific date and at a particular time.

If both parents, guardians or grandparents having custody work for the District at the same District work site, only the first parent requesting will be entitled to leave under this provision. However, both may participate if approved by the District.

1514 CHILD SUSPENSION LEAVE

Any employee who is the parent or guardian of a child in grades 1 through 12 may take time off to go to the child's school in response to a request from the child's school, if the employee gives advance notice to his or her supervisor.

A school has the authority to request that the parent attend the child's school if the child has: committed any obscene act; habitually used profanity or vulgarity; disrupted school activities; or otherwise willfully defied the valid authority of school personnel.

1515 CALIFORNIA EMERGENCY RESPONDER LEAVE

The District provides unpaid leave to eligible employees who are volunteer firefighters, reserve peace officers or emergency rescue personnel so that such employees may respond to a call to emergency duty.

Additionally, the District provides unpaid leave, up to 14 days per calendar year, to such employees so that they may engage in scheduled fire, law enforcement or emergency rescue training.

Employees should notify the District of their status as a volunteer firefighter, reserve peace officer or emergency rescue personnel. Additionally, employees should provide as much advanced notice as practicable of the need for leave under this policy when they are called to emergency service. Employees may use accrued, unused paid time off vacation or compensatory leave off for leave taken under this policy.

1516 VOTING LEAVE

In circumstances where an employee's work schedule does not provide sufficient time to vote on an election day, the District will provide a reasonable amount of time off during scheduled work time, including up to two hours of paid time off, for employees to vote.

Employees who need time off to vote should notify their supervisors at least two days prior to Election Day and submit proof of voting. The District reserves the right in its

sole discretion to specify a time period during which the polls are open for employees to leave work to vote.

SECTION 1600 LEAVE OF ABSENCE WITH OR WITHOUT PAY

It is the District's policy that Leave of Absence without pay must be authorized by law or by provisions in these policies.

Unless authorized by law a District policy,

1. An employee is not entitled to a leave of absence without pay. An authorized leave of absence without pay is not a break in service for purposes of calculating seniority.
2. Vacation leave credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits do not accrue to an employee on unpaid leave.
3. The District will not maintain contributions toward group insurance or retirement coverage for the employee on such leave.

During the period of authorized unpaid leave, all service and leave credits shall be retained at the levels existing as of the effective date of the leave.

1601 PAID ADMINISTRATIVE LEAVE

The District has the right to place an employee on leave with full pay for non-disciplinary reasons at any time when the Director of Human Resources & Risk Management has determined that the employee's and/or District's best interests warrant the leave.

The employee does not have a right to appeal the decision to be placed on administrative leave with pay.

SECTION 1700 RESIGNATION, JOB ABANDONMENT, LAYOFF, SEPARATION AND EMPLOYMENT REFERENCES

It is the District's policy to follow the following guidance and rules on employment separations.

1701 TYPES OF SEPARATION

All separations of employees from positions in District employment are designated as one of the following types:

- Probationary release
- Release of at-will employee
- Resignation
- Retirement
- Job abandonment
- Layoff
- Non-disciplinary separation
- Disciplinary separation

1702 PROBATIONARY RELEASE

Probationary employees serving in their initial probationary period with the District may be released at any time during the probationary period as recommended by the Department Head, without cause or reason, without notice or appeal or grievance, and without any rights set forth under Section 1900, Causes for Discipline and Procedures.

1703 RELEASE OF AT-WILL EMPLOYEES

An At-Will employee may be separated at any time, without cause, and without right to any appeal or grievance.

1704 RESIGNATION

An employee who wishes to resign his or her District employment in good standing must submit written notice of resignation to the Department Head at least two weeks prior to the planned separation date.

The written notice must state the reasons for the resignation.

Failure to follow the aforementioned procedure may be cause for denying future employment with the District.

A resignation becomes final when the Director of Human Resources & Risk Management accepts the resignation in writing. Once a resignation has been accepted, it is final and irrevocable.

A resignation can be accepted by the Director of Human Resources & Risk Management even if it is submitted less than two weeks prior to the planned resignation date.

1705 RETIREMENT

An employee planning to retire may provide a written notice to the Department Head prior to the effective date of the retirement.

A notice of retirement becomes final when the Director of Human Resources & Risk Management accepts the notice of retirement in writing.

Once a notice of retirement has been accepted, it is final and irrevocable.

1706 JOB ABANDONMENT

An employee is deemed to have resigned from his/her position if he or she is absent for five consecutive scheduled work days/shifts without prior authorization and without notification during the period of the absence.

The employee will be given written notice, at his or her address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for the employee's unauthorized absence.

An employee who promptly responds to the District's written notice, within the timeframe set forth in the written notice, can arrange for an appointment with the Department Head before final action is taken, to explain the unauthorized absence and failure of notification.

An employee separated for job abandonment will be reinstated upon proof of justification for such absence, such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification.

No employee separated for job abandonment has the right to a post-separation appeal.

1707 LAYOFF

Whenever, in the judgment of the Board, a reduction in personnel is necessary for economic or operational reasons, any employee may be laid off or demoted for non-disciplinary reasons.

a) Order of Layoffs

Employees will be laid off in the inverse order of their seniority in their classification in the department.

Seniority is determined based on the length of employment in the affected classification in the department, or higher classifications in the department.

Length of employment includes all days of employment in attendance at work and on authorized or legally-protected leaves of absence. Length of service does not include unauthorized periods of leave or suspension or layoff.

Within each classification, employees will be laid off in the following order: temporary; part-time; probationary; and for-cause (regular) status.

If two or more employees in a classification to be laid off have the same length of employment, the employee to be laid off will be decided by lottery.

b) Notification of Layoff

Employees to be laid off will be given 21 calendar days' notice of layoff.

c) Displacement

Regular employees who are noticed for layoff and who have held regular status in a lower classification within the same classification series in the same department, may displace employees in the lower classification provided that the employee seeking to displace has greater length of employment in the lower classification than the incumbent in the lower classification.

Employees in lower classifications will be displaced in inverse order of their length of employment in the classification.

Any employee who seeks to displace another must provide the Human Resources Director with written notice no later than five working days after the date of the notice of layoff.

d) Transfer

If the Director of Human Resources & Risk Management determines that a regular employee who is subject to layoff is qualified to perform the duties in a vacant position, the employee will receive a written notice of option to transfer in lieu of layoff.

An employee who does not accept a transfer within 10 days after the date of the written notice, forfeits the option to transfer. An employee who accepts a transfer will be paid the rate applicable to the position into which he or she transfers.

1708 NON-DISCIPLINARY SEPARATION

Any employee separated because of an inability to accommodate after the reasonable accommodation and interactive process is concluded, will be given a written pre-separation notice of the reasons for the separation, the evidence supporting the decision to separate for non-disciplinary reasons, and an opportunity to respond before the separation takes effect.

Any regular employee has the opportunity for a post-separation appeal as described in section 1900, Causes for Discipline and Procedures.

1709 DISCIPLINARY SEPARATION

A regular employee may be separated for disciplinary reasons pursuant to the policy and procedures in Section 1900, Causes for Discipline and Procedures.

1710 RETURN OF DISTRICT PROPERTY

All District property in the employee's possession must be returned prior to separation, including keys, key fobs, identification cards, equipment, credit cards, gas cards, cell phones, pagers, uniforms and any other District equipment.

1711 JOB REFERENCES/VERIFICATION OF EMPLOYMENT

All reference inquiries and verifications of employment must be referred to and approved by Human Resources.

Unless the District receives a written waiver signed by the employee, the District will release only the employee's dates of employment, last position held, and final salary rate.

Department heads and supervisors should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by Human Resources on a case-by-case basis.

SECTION 1800**POLICY AGAINST DRUGS AND ALCOHOL IN THE WORKPLACE**

It is the policy of the District to promote a drug and alcohol-free workplace and to eliminate drug and alcohol-related inefficiencies and risks.

This Policy applies to all District employees, whether they are on District property, or they are performing District-related business elsewhere, except as this Policy is superseded by federally mandated drug and alcohol policies.

Compliance with this Policy is a condition of employment. Disciplinary action will be taken against those who violate this Policy.

There are additional requirements for District employees in safety-sensitive positions and/or performing safety-sensitive functions set forth below in section 1806.

1801 PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner.

Any supervisor who knowingly disregards the requirement of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination.

1802 DRUG AND ALCOHOL-FREE AWARENESS PROGRAM

The District's employee assistance provider offers counseling and treatment of drug- or alcohol-related problems. The employee assistance provider has information about:

- (a) the dangers of drug or alcohol abuse in the workplace;
- (b) the penalties that may be imposed for drug or alcohol abuse violations;
- (c) the District's Policy of maintaining a drug- and alcohol-free workplace; and
- (d) any available drug or alcohol counseling, rehabilitation, or employee assistance programs.

1803 PROHIBITED CONDUCT

- a) The manufacture, distribution, sale, purchase, dispensation, possession, or

use of any controlled substance, narcotic (including marijuana), or prescription drug that has not been lawfully prescribed to the employee in either District workplaces or wherever District business is performed.

- b) Working or being subject to call in if impaired by alcohol or any controlled substance, narcotic (including marijuana), or prescription drug that has not been lawfully prescribed to the employee.
- c) An employee's failure to notify his/her department head before beginning work when taking medications or drugs, including but not limited to: prescription drugs, over the counter medications, or illegal drugs or narcotics (including marijuana) which could interfere with the safe and effective performance of duties or operation of District equipment.
- d) An employee's failure to notify his or her supervisor or the Director of Human Resources & Risk Management of any drug or alcohol use that he or she observed or participated in in the workplace.
- e) An employee's failure to notify his or her supervisor or the Director of Human Resources & Risk Management of any criminal conviction for a drug violation that occurred in or outside of the workplace and within five days after such conviction.
- f) An employee's criminal conviction for a drug violation that occurred in the workplace.

For purposes of this Policy, "alcohol" is broadly defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

1804 DRUG AND ALCOHOL TESTING

The District has discretion to test applicants and employees for alcohol and drug use under the following circumstances. The District will use an outside laboratory to perform all testing.

a) Pre-Employment Testing for External Applicants for Certain Jobs:

Those external applicants who apply for certain jobs where a special need for pre-employment drug and alcohol testing exists must take and pass a drug and

alcohol test following a conditional offer of employment. The categories of jobs subject to pre-employment drug and alcohol testing include, but is not limited to, safety sensitive jobs that have public safety implications, such as operating heavy trucks to transport hazardous material.

b) Reasonable Suspicion Testing:

The District may require a blood test, urinalysis, or other drug and/or alcohol screening of those employees who are reasonably suspected of using or being under the influence of a drug or alcohol at work, under the following circumstances.

1) "Reasonable suspicion"

Reasonable suspicion to test exists if, based on objective factors, a reasonable person would believe that the employee is under the influence of drugs or alcohol at work.

Examples of objective factors, include, but are not limited to: unusual behavior, slurred or altered speech, body odor, red or watery eyes, unkempt appearance, unsteady gait, lack of coordination, sleeping on the job, a pattern of abnormal or erratic behavior, a verbal or physical altercation, puncture marks or sores on skin, runny nose, dry mouth, dilated or constricted pupils, agitation, hostility, confused or incoherent behavior, paranoia, euphoria, disorientation, inappropriate wearing of sunglasses, tremors, or other evidence of recent drug or alcohol use.

If the District suspects drugs or alcohol may have played a role in an accident involving District property or equipment, this may also constitute reasonable suspicion.

2) Document and Analysis:

In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion in writing and analyze the matter with the department head and the Director of Human Resources & Risk Management.

Any reasonable suspicion testing must be pre-approved by the Director of Human Resources & Risk Management.

3) Testing Protocol:

If the documentation and analysis show that there is a reasonable suspicion of drug or alcohol abuse at work, and the Director of Human

Resources & Risk Management has approved, the employee will be relieved from duty, transported to the testing facility and to his or her home after the test.

The employee will be placed on sick or other paid leave until the test results are received.

1805 ADDITIONAL REQUIREMENTS FOR SAFETY-SENSITIVE EMPLOYEES

1) Applicability

These additional provisions are also intended to comply with all applicable Federal regulations governing workplace antidrug programs in the transportation industry.

The Federal Highway Administration (FHWA) of the Department of Transportation has enacted 49 CFR Part 382 that mandates urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result.

The Department of Transportation has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29,

"The Drug-Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. These provisions incorporate those requirements of safety-sensitive employees and others when so noted.

These additional provisions apply to all safety-sensitive employees and contractors when they are on District property or when performing any District related business. They apply to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work.

Visitors, vendors, and contracted employees are also governed by this policy while on District premises, and they will not be permitted to conduct business if found to be in violation of this policy.

2) Definition of a safety-sensitive position

A safety-sensitive position is defined as any position requiring the use of a Class "A" or Class "B" commercial driver's license. A listing of the Districts safety-sensitive employee (function and/or position) classifications can be found in section 1406.6 of this policy.

A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

3) Prohibited Conduct

In addition to the prohibitions set forth above, no safety-sensitive employee shall use alcohol while on duty or on call, while performing safety-sensitive functions, or within four hours of reporting for duty.

4) Additional Testing

In addition to reasonable suspicion testing, set forth above, safety-sensitive employees are subject to additional testing procedures as required by law.

All safety-sensitive employees are subject to controlled substance testing and breath alcohol testing.

Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to a Substance Abuse Professional (SAP).

Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

Analytical urine-controlled substance testing and breath testing for alcohol will be conducted as required under Department of Transportation guidelines. All safety-sensitive employees shall be subject to testing prior to employment, randomly, for reasonable suspicion, and following an accident, as defined in the Department of Transportation guidelines.

In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five years, as determined by a Substance Abuse Professional (SAP). Safety-sensitive employees who perform safety-sensitive functions as defined in the Department of Transportation guidelines shall also be subject to testing on randomly selected, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved by the Department of Health and Human Services (DHHS). All

testing will be conducted consistent with the procedures put forth in the Department of Transportation guidelines.

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Any safety-sensitive employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of education and rehabilitation programs available, and evaluated by a Substance Abuse Professional (SAP).

a) Controlled Substance Testing

The controlled substances that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed.

The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the Department of Transportation guidelines.

b) Alcohol Testing

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT).

If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test.

An employee who has a confirmed alcohol concentration of 0.02 but less than 0.04 will be removed from his/her position for at least twenty-four hours unless a retest results in an alcohol concentration less than 0.02.

An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of Department of Transportation guidelines and this policy.

c) When Testing Will Occur

Employees in safety-sensitive positions may be tested under any of the following circumstances:

1) Employment Testing.

All new employees conditionally hired for safety-sensitive classifications shall undergo urine controlled substance testing. Receipt of satisfactory test results is required as a condition of employment and failure of a controlled substance test will disqualify the applicant from further employment. Employment testing requirements will be conducted in compliance with the current law and the testing procedures set.

5) Reasonable Suspicion Testing

The District may require a blood test, urinalysis, or other drug and/or alcohol screening of those employees who are reasonably suspected of using or being under the influence of a drug or alcohol at work. "Reasonable suspicion" to test exists if, based on objective factors, a reasonable person would believe that the employee is under the influence of drugs or alcohol at work. Examples of objective factors are provided above in section 1405(b)(1).

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

6) Post-Accident Testing

Employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality.

This includes all safety-sensitive employees who are on duty in the vehicles and/or whose performance could have contributed to the accident.

In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; and the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any

employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination.

Post-accident testing of employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident.

7) Random Testing

Employees working in safety-sensitive classifications and employees who perform safety-sensitive functions, as defined by the DOT, will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method.

Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing his/her duty.

8) Return-To-Duty Testing

All employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty.

The duration and frequency will be determined by the SAP. However, it shall not be less than 6 tests during the first 12 months, nor longer than 60 months in total, following return to duty.

9) Employee Requested Testing

Any safety-sensitive employee who questions the result of a required controlled substance test under Department of Transportation guidelines may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory.

The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test.

The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation

guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Request after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

10) Employee Assessment

Any safety-sensitive employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the Department of Transportation guidelines will be assessed by a Substance Abuse Professional (SAP). A SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of alcohol related disorders.

The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.

If a safety-sensitive employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one to five years, as determined by the SAP.

The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the safety-sensitive employee and is on a onetime basis only. The employee will immediately be terminated on the occurrence of a second verified positive test result.

Employees may use accumulated sick leave, vacation, and floating holidays, if any, to participate in the prescribed rehabilitation program.

11) Rehabilitation

The decision to discipline or terminate an employee found to have used and/or be under the influence of drugs, alcohol and/or other controlled substances during working hours may be waived or held in abeyance by the District pending the employee's participation in a formal rehabilitation program.

The District has discretion to handle each case individually, with factors such as the employee's frequency of use, commitment to rehabilitation, and type of substance taken into consideration regarding the waiving of penalties.

Discipline or termination that is waived or held in abeyance pending rehabilitation should be done on the condition, set forth in writing, that the employee:

- Successfully complete an approved rehabilitation program;
- Faithfully comply with maintenance and therapeutic measures (e.g., attendance at AA or NA meetings); and,
- Be subject to periodic testing without further reasonable cause.

If an employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one to five years, as determined by the SAP.

The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the employee and is on a one-time basis only.

An employee will be immediately terminated from employment on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation, administrative leave, and/or floating holidays, if any, to participate in the prescribed rehabilitation program.

The District is committed to providing reasonable accommodation to those employees whose alcohol or drug abuse problem classifies them as disabled under federal and/or state law.

1806 SAFETY-SENSITIVE EMPLOYEE CLASSIFICATIONS FOR DISTRICT

Funded and Unfunded Classifications Impacted by the Regulations: (subject to change)

- Production Operator
- Supervisor
- Water Service Operator
- Water Quality

Human Resources will maintain a list of the specific positions within the above-listed classifications that are covered under Department of Transportation regulations.

a) **Procedures - Reasonable Suspicion Testing**

- 1) A safety-sensitive employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor.

Any employee may identify someone suspected of alcohol and/or controlled substance to any supervisor. Employees should realize, however that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action being taken against the offending employee. However, the supervisor must witness first-hand the safety-sensitive employee's signs and symptoms.

- 2) The supervisor is then obligated to ensure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the safety-sensitive employee in question may indeed be under the influence of alcohol and/or controlled substances.
- 3) When the supervisor(s) suspect and believe that the safety-sensitive employee may be under the influence of alcohol and/or controlled substances, the safety-sensitive employee is then immediately suspended from duty (with pay) and driven by District staff (or others designated) to the District specified collection site.

Because of a testing facility requirement, the safety-sensitive employee in question must show proof of identification, such as a photo driver's license or state-issued photo identification card.

Whenever practical, the Director of Human Resources & Risk Management should be notified in advance of the employee being taken to the collection site.

- 4) At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are suspected or a breath sample in the event that alcohol intoxication is suspected to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- 5) The District will take precautions to prevent the safety-sensitive employee being tested from going back to work and driving their own car home. Instead, the safety-sensitive employee will be given assistance in obtaining a ride home from the collection site.
- 6) The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be released to return to work.

The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test.

The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

- 7) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work.

The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

1807 PROCEDURES FOR RANDOM TESTING

The compliance company notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.

- 1) The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
- 2) At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are to be tested for, or a breath sample in the event that alcohol is being tested for to the on-duty technician. Care will be taken to provide the safety-sensitive

employee with maximum privacy without compromising the integrity of the sample.

- 3) The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test.

The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

- 4) Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
- 5) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work.

The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

1808 PROCEDURES - POST ACCIDENT

- 1) The safety-sensitive employee notifies a supervisor that an accident has occurred.
- 2) The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred.

Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive

employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.

- 3) At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician.

Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

- 4) The Director of Human Resources & Risk Management will be notified that an accident has occurred, and that the safety-sensitive employee was instructed to go to the collection site.
- 5) The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be released to return to work.

The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test.

The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

- 6) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work.

The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

1809 PROCEDURES - RETURN-TO-DUTY AND FOLLOW-UP

1. The compliance company notifies the District to send the safety-sensitive employee to the collection site for alcohol and controlled substance testing.
2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are to be tested for, or a breath sample in the event that alcohol is being tested for to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 or whose controlled substance test is verified positive will be terminated.

a) Procedures - Chain Of Custody For Controlled Substance Specimens

1. At the time a specimen is collected, the safety-sensitive employee will be given a copy of the specimen collection procedures.
2. Urine will be in a wide-mouthed clinic specimen container, which will remain in full view of the safety-sensitive employee until split, transferred to sealed and initialed in two tamper-resistant urine bottles.
3. Immediately after the specimens are collected, the urine bottles will, in the presence of the safety-sensitive employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol-testing laboratory, the specimens will then be placed in the transportation container.

The container will be sealed in the safety-sensitive employee's presence and the safety-sensitive employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.

A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

b) Procedures - Specimen Collection Of Strange and / or Unrecognizable Substances

1. A safety-sensitive employee is observed with a strange and/or unrecognizable substance.
2. The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled, and signed by both the supervisor and a witness.
3. An incident report is made and signed by both the supervisor and a witness.
4. The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

c) Procedures - Alcohol Concentration

1. The safety-sensitive employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
2. After an explanation of how the breathalyzer works, an initial breath sample is taken.
3. If the results of the initial test show an alcohol concentration of 0.02 or greater a second or confirmation test must be conducted. The confirmation test must not be conducted less than 15 minutes after or more than 20 minutes after the screening test.
4. The confirmation test will utilize Evidential Breath Testing devices that prints out the results, date and time, a sequential test number, and the name and serial number of the Evidential Breath Testing device to ensure the reliability of the results.

SECTION 1900
CAUSES FOR DISCIPLINE AND PROCEDURES

It is the policy of the District that employees may be disciplined for, including but not limited to, any of the following causes of discipline:

1. Providing false information in your application for employment;
2. Violation of any department rule, District policy or District regulation, ordinance or resolution;
3. Violation of the Districts' policy against harassment, discrimination and retaliation;
4. Absence without authorized leave or tardiness;
5. Excessive absenteeism and/or tardiness;
6. Use of leave from work in a manner not authorized or provided for under District policies;
7. Making any false representation or statement, or making any omission of a material fact;
8. Providing wrong or misleading information or other fraud in securing appointment, promotion or maintaining employment;
9. Unsatisfactory job performance;
10. Inefficiency;
11. Damaging any District property, equipment, resource, or vehicle, or the waste of District supplies through negligence or misconduct.
12. Insubordination; or insulting or demeaning the authority of a supervisor or manager;

13. Dishonesty;
14. Theft;
15. Violation of the District's or a department's confidentiality policies, or disclosure of confidential District information to any unauthorized person or entity;
16. Misuse or unauthorized use of any District property, including, but not limited to: physical property, electronic resources, supplies, tools, equipment, District communication systems, District vehicles or intellectual property;
17. Mishandling of public funds;
18. Falsifying or tampering with any District record, including work time or financial records;
19. Discourteous or offensive treatment of the public or other employees;
20. Abusive conduct, including malicious verbal, visual or physical actions, or the gratuitous sabotage or undermining of a person's work performance.
21. Failure to inform your department head and supervisor that you are undergoing a criminal investigation and may be charged with a crime that may impact your employment and duties with the district
22. Conviction, meaning any judicial determination of guilt, of a crime that has a nexus to the employee's job duties;
23. Unapproved outside employment or activity, or other enterprise that constitutes a conflict of interest with service to the District;
24. Any conduct that impairs, disrupts or causes discredit to the District, to the public service, or other employee's employment;
25. Reckless or unsafe conduct;

26. Working overtime without prior authorization or refusing to work assigned overtime;
27. Carrying firearms or other dangerous weapons while on duty when not required by job duties;
28. Physical violence, fighting, or creating a disturbance;
29. Horseplay or fighting;
30. Conducting non-District business activities during working hours
31. Destroying or willfully damaging District or employee property, records, or other materials.
32. Failure to immediately report the loss of a California driver's license due to suspension, withdrawal, forfeiture or confiscation by any court of law or by the California Department of Motor Vehicles by employees who must maintain such a license as a condition of employment.
33. Violation of the Districts' Media Policy

1901 TYPES OF COUNSELING, REPRIMANDS AND DISCIPLINE

The following are types of counseling, reprimands and discipline which the District may impose:

a) Counseling Memo:

A counseling memo will be provided to an employee to identify: a failure of appropriate conduct or performance issue; the performance the employee is to demonstrate in the future; and consequences for failure to correct the behavior or problem.

A counseling memo will be retained in the supervisor's file until the completion of the evaluation year, and then documented in the performance evaluation, as

the supervisor deems necessary. A counseling memo is not subject to the discipline or discipline appeal procedures described below.

b) Verbal Reprimand:

A verbal reprimand is a verbal direction from a supervisory employee to discontinue inappropriate conduct or to correct a performance issue.

A verbal reprimand will be documented in writing and retained in the supervisor's file until the completion of the evaluation year and then documented in the performance evaluation, as the supervisor deems necessary. A verbal reprimand is not subject to the discipline or discipline appeal procedures described below.

c) Written Reprimand:

A written reprimand is written direction from a supervisory employee to discontinue inappropriate conduct or to correct a performance issue.

A written reprimand will be retained in the employee's personnel file and documented in the performance evaluation. Unless required by law, a written reprimand is not subject to the discipline or discipline appeal procedures described below.

The employee has the right to have his or her written rebuttal attached to the reprimand in the employee's personnel file, if the employee submits the rebuttal to the Personnel Officer within 14 days after the reprimand is received.

d) Suspension Without Pay:

The District may suspend an employee from his/her position without pay for cause. Documents related to a suspension shall become part of the employee's personnel file when the suspension is final and documented in the performance evaluation.

Employees who are exempt from Fair Labor Standards Act (FLSA) overtime will only be suspended as authorized by the FLSA.

e) Reduction in Pay or Paid Leave:

The District may reduce an employee's pay or paid leave for cause.

A reduction in pay for disciplinary purposes may take one of three forms: 1) a decrease in salary to a lower step within the salary range; 2) a decrease in salary paid to an employee for a fixed period of time; or 3) loss of accrued paid vacation or administrative leave, floating holiday, or compensatory time off.

Documents related to a reduction in pay shall become part of the employee's personnel file when the reduction in pay is final and documented in the performance evaluation.

A reduction in pay is subject to the discipline and discipline appeal procedures described below. Employees who are exempt from the Fair Labor Standards Act (FLSA) overtime requirements are not subject to pay reduction, except loss of accrued vacation, floating holiday, or administrative leave.

f) Demotion:

The District may demote an employee from his or her position to a lower step or position for cause.

Documents related to a demotion shall become part of the employee's personnel file when the demotion is final and documented in the performance evaluation. A demotion is subject to the discipline and discipline appeal procedures described below.

g) Termination:

The District may terminate an employee from his or her position for cause.

Documents related to the termination shall become a part of an employee's personnel file when the termination is final.

A terminated employee is entitled to the discipline and discipline appeal

procedures described below.

1902 SKELLY PROCESS

The following types of discipline will require the District initiate and put the employee through a Skelly quasi-judicial process as referenced in Section 2003.

1. Suspension Without Pay
2. Reduction in Pay or Paid Leave
3. Demotion
4. Termination

1903 DISCIPLINE PROCEDURES

The following discipline procedures only apply to the District's regular employees.

All employees other than regular employees, namely at-will employees, may be disciplined or separated at will, with or without cause, and without the disciplinary procedures listed below.

The following discipline procedures apply only to suspension without pay for four or more days, reduction in pay, demotion, or termination.

a) Skelly Notice of Intended Disciplinary Action to Employee:

The Skelly process will require a written notice to the subject employee of the intended disciplinary action shall be given to the employee, which will include the following information:

1. The level of the intended discipline;
2. The specific charges that support the intended discipline;
3. A summary of the facts that show that the elements of each charge at issue in the intended discipline;
4. A copy of all materials upon which the intended discipline is based;

5. Notice of the employee's right to respond to the department head regarding the intended discipline within five working days from the date of the notice, either by requesting a *Skelly* conference, or by providing a written response, or both;
6. Notice of the employee's right to have a representative of his or her choice at the *Skelly* conference; and
7. Notice that failure to respond by the time specified constitutes a waiver of the right to respond prior to final discipline being imposed.

a) Response by Employee and *Skelly* Conference/ Meeting

If the employee requests a *Skelly* conference, the department head or designee will conduct an informal meeting with the employee.

During the informal meeting, the employee shall have the opportunity to rebut the charges against him or her and present any mitigating circumstances.

The department head will consider the employee's presentation before issuing the disciplinary action.

The employee's failure to attend the conference, or to deliver a written response by the date specified in the *Skelly* notice, is a waiver of the right to respond, and the intended disciplinary action will be imposed on the date specified in the *Skelly* letter.

b) Final Notice of Discipline

After the *Skelly* conference and/or timely receipt of the employee's written response, the Department of Human Resources in collaboration with the department head will:

- 1) Take no disciplinary action;
- 2) Modify the intended discipline; or
- 3) Impose the intended disciplinary action.

In any case, the Department of Human Resources in collaboration with the department head will provide the employee with a notice that contains the following:

- The level of discipline, if any, to be imposed and the effective date of the discipline;
- The specific charges upon which the discipline is based;
- A summary of the facts that show that the elements of each charge at issue in the intended discipline;
- A copy of all materials upon which the discipline is based; and
- A reference to the employee's appeal right and deadline to appeal.

c) Delivery of the Final Notice of Discipline

The final notice of discipline will be sent by mail method that verifies delivery to the last known address of the employee, or delivered to the employee in person.

If the notice is not deliverable because the employee has moved without notifying the District or the employee refuses to accept delivery, the effective date of discipline will be the date the post office or delivery service attempted delivery.

1904 DISCIPLINE APPEAL PROCEDURES

The following appeal procedures only apply to the District's regular employees. All employees other than regular employees, namely at-will employees, may be disciplined or separated at will, with or without cause, and without the disciplinary appeal procedures listed below.

The following appeal procedures apply only to suspension without pay, demotion, reduction in pay, or termination.

1) Request for Appeal Hearing

An employee may submit a written request for appeal to the Personnel Officer within 14 days from: 1) receipt of the final notice of discipline; or 2) the date of attempted delivery by the post office or delivery service of the notice to the last known address of the employee, whichever is earlier.

Failure to file a timely written request for an appeal waives the right to an appeal hearing and any appeal of the discipline.

2) Appeal Hearing Officer

The appeal hearing officer shall be an individual selected by the General Manager through State Mediation and Conciliation Service (SMCS) or the California Office of Administrative Hearings (OAH).

a) Date and Time of the Appeal Hearing

Once the appeal hearing officer has been designated, Human Resources will set a date for an appeal hearing.

The employee shall be notified in writing at least 21 days prior to the hearing of the scheduled date.

b) Prehearing Notice of Witnesses and Evidence

No later than 10 days before the hearing date, each party will provide the other and the appeal hearing officer a list of all witnesses to be called (except rebuttal witnesses), and a copy of all evidence (except rebuttal evidence) to be submitted at the hearing.

The District will use numbers to identify its evidence; the employee will use alphabet letters.

Neither party will be permitted to call any witness or evidence that has not been listed, unless that party can show that the party could not have reasonably anticipated the need for the witness or exhibit.

c) Subpoenas

Upon the request of either party, and upon his or her own motion, the hearing officer will issue subpoenas to compel attendance at the appeal hearing.

Each party is responsible for serving his/her/its own subpoenas.

District employees who are subpoenaed to testify during working hours will be released with pay to appear at the hearing.

District employees who are subpoenaed to testify during non-working hours will be compensated for the time they actually spend testifying.

d) Continuances

The appeal hearing officer may or may not decide on a request by either party to continue a scheduled hearing.

e) Record of the Appeal Hearing

The hearing shall be recorded, either electronically or by a court reporter, at the option of the District.

If the District orders a transcript or makes a transcript of the recording, the District will notify the employee within three days of ordering or making the transcript, and will provide a copy of the transcript upon receipt of the costs of duplication.

f) Employee Appearance

The employee must appear personally before the hearing officer at the time and place set for the hearing.

The employee may be represented by any person he or she may select.

1905 CONDUCT OF THE HEARING

a) Sworn Testimony

All witnesses shall be sworn in prior to testifying. The hearing officer or court reporter shall request each witness to raise his or her hand and respond to the following: "Do you swear that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth?"

b) Evidence

Hearings need not be conducted according to technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner that the hearing officer decides is the most conducive to determining the truth.

The rules dealing with privileges shall be effective to the same extent that they are recognized in civil actions. Irrelevant or unduly repetitious evidence may be excluded.

The appeal hearing officer shall determine the relevance, weight and credibility of testimony and evidence.

c) Exclusion of Witnesses

During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing.

d) Burden of Proof

The District has the burden of proof by the preponderance of the evidence.

e) Authority of Hearing Officer

The appeal hearing officer shall not have the power to alter, amend, change, add to, or subtract from any of the terms of these Policies.

f) Professionalism

All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or the appeal hearing officer.

1906 PRESENTATION OF THE CASE

The parties will address their remarks, evidence, and objections to the appeal hearing officer.

The appeal hearing officer may terminate argument at any time and issue a ruling regarding an objection or any other matter. The appeal hearing officer may limit redundant or irrelevant testimony, or directly question the witness.

The hearing will proceed in the following order unless the appeal hearing officer directs otherwise:

1. The District is permitted to make an opening statement;
2. The employee is permitted to make an opening statement;
3. The District will produce its evidence;
4. The employee will produce its evidence;
5. The District, followed by the employee, may present rebuttal evidence;
6. Oral closing arguments of no more than 20 minutes may be permitted at the discretion of the appeal hearing officer. The District argues first, the employee argues second, and if the District reserved a portion of its time for rebuttal, the District may present a rebuttal.

1) Appeal Hearing Officer's Recommended Decision

Within 15 days of the conclusion of the hearing, the appeal hearing officer shall make written findings and a recommended decision as to the discipline.

The General Manager in collaboration with the Department of Human Resources shall review the findings and recommendations of the appeal hearing officer and may then affirm, revoke, or modify the findings, recommendations, or disciplinary action taken.

The decision of the Board is final. There is no process for reconsideration.

2) Proof of Service of the Written Findings and Decision

The District will mail a copy of the final written findings and decision, along with a proof of service of mailing that confirms that each of the parties and each of the parties' representatives were mailed the final written findings and decision.

It shall be the responsibility of the employee to inform the District of his/her address. A copy of the decision shall also be provided to Human Resources.

SECTION 2000

POLICY AGAINST VIOLENCE IN THE WORKPLACE

The District is committed to providing a safe and secure workplace and will not tolerate acts or threats of violence in the workplace.

The workplace includes any location where District business is conducted, including vehicles and parking lots. Any violation of this Policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

2001 PROHIBITED BEHAVIOR

Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of District employment.

The District has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

2002 WORKPLACE VIOLENCE

Workplace violence is defined as any conduct that causes an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property.

Specific examples of workplace violence include, but are not limited to, the following:

- a) Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property.

- b) The destruction of, or threat of destruction of District property or another employee's property.

- c) Fighting, challenging another person to fight, or participating in dangerous or threatening horseplay.
- d) Striking, punching, slapping, or assaulting another person.
- e) Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise.
- f) Harassing or threatening gestures, phone calls, texts, emails, faxes, or letters.
- g) Unauthorized surveillance.
- h) Stalking.
- i) Possessing a weapon(s) during work hours unless the District issues the weapon(s) for performance of the job.

“Weapon” is defined as a firearm, chemical agent, club or baton, knife, or any other device, tool, or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

2003 INCIDENT REPORTING PROCEDURES

Employees must immediately report to their supervisor or department head whether they have been a victim of, or have witnessed, workplace violence. The supervisor or department head will immediately report the matter to the Director of Human Resources & Risk Management.

- a) The Director of Human Resources & Risk Management or designee will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.

- b) The Director of Human Resources & Risk Management or designee will take appropriate steps to provide security, such as:
- 1) If necessary, placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;
 - 2) Asking any threatening or potentially violent person to leave the site; or
 - 3) Immediately contacting an appropriate law enforcement agency.

2004 INVESTIGATION

The Director of Human Resources & Risk Management will have the authority to see that reported violations of this Policy are investigated as necessary.

2005 PREVENTION

Each department head has authority to enforce this Policy by:

- a) Training supervisors and subordinates about their responsibilities under this Policy;
- b) Assuring that reports of workplace violence are accurately and timely documented and addressed;
- c) Notifying the Director of Human Resources & Risk Management and/or law enforcement authorities of any incidents;
- d) Making all reasonable efforts to maintain a safe and secure workplace; and
- e) Maintaining records and follow up actions as to reports of workplace violence.

2006 ANTI-BULLYING POLICY

The District is committed to providing a safe work environment. In addition to prohibiting all forms of discrimination and harassment, the District also prohibits any form of "intimidation or bullying" in the workplace or elsewhere, such as at offsite events.

- 1) Applicability

This policy applies to all District employees.

2) Policy Coverage

Every employee and other individuals, such as temporary agency workers, consultants, independent contractors and visitors, have the right to be treated with respect.

Bullying is the use of aggression with the intention of harming another individual. It can include any intentional written, visual, verbal, or physical act, when the act physically harms the individual or damages his or her property; has the effect of interfering with an employee's ability to work; is severe or pervasive; and/or creates an intimidating or threatening environment.

Bullying comes in many shapes and sizes and can take many forms including, but not limited to, excluding, tormenting, taunting, abusive comments, using threatening gestures; pushing, shoving, punching, unwanted physical contact, or any use of violence; graffiti; name-calling, sarcasm, spreading rumors, teasing.

Such conduct can also occur via use of electronic or telephonic communications such as the internet, email and chatroom misuse, mobile threats by text messaging, or calls or misuse of cameras and video equipment.

3) Complaint Procedure

The District will not tolerate bullying in any form. Any individual who believes that he or she is being or has been subjected to any form of bullying should immediately report this to his or her supervisor, department head, or the Director of Human Resources & Risk Management.

In addition, any person who believes they have witnessed bullying and any person who has received a report of such conduct, whether the perpetrator is an employee or a non-employee, shall immediately report the conduct to their supervisor or other appropriate person in the chain of command. If this is not possible, the conduct should be reported to the General Manager or District Legal Counsel.

Individuals who violate this bullying policy are subject to disciplinary action, up to and including termination.

4) Policy against Retaliation

No employee will be subjected to any form of retaliation for reporting an incident of bullying, or participating in an investigation by the District or its representatives into allegations of bullying.

Additionally, all employees have a duty to cooperate in connection with any investigation being conducted.

SECTION 2100 COMPLAINT RIGHTS OF EMPLOYEES

The District has established a complaint process that employees may use to bring forth any complaint that alleges the violation of a specific provision of these Policies that adversely affects the employee and that contains all of the information listed in the "Statement of the Complaint" below.

The following procedure applies to all District employees, unless another dispute resolution procedure applies to the dispute or a discipline policy and procedure applies.

1) Not Applicable to Evaluations or Discipline

The complaint procedure cannot be utilized to challenge the content of a performance evaluation.

The complaint procedure shall not apply to any disciplinary matters or procedures that are covered by Article 1900.

2101 STATEMENT OF THE COMPLAINT

A concern is not a complaint unless the affected employee is able to state each of the following:

- 1) The date of the alleged violation;
- 2) The specific provision(s) of these Policies that were allegedly violated;
- 3) A description of all facts regarding how the alleged violation occurred;
- 4) A list of all persons who are witnesses or are involved; and, if relevant,
- 5) A description of how he or she would like the complaint grievance to be resolved.

The complaining employee(s) may write up his or her complaint or use a District form to make the Statement of the Grievance.

A Statement of the complaint must be signed by the employee filing the grievance to certify that it is filed in good faith.

2102 TIMELINES

Failure of the District to comply with the time limits of the complaint procedures allows the grievant to appeal to the next level of review.

Failure of the complaining employee(s) to comply with the time limits of the complaint procedures constitutes settlement and resolution of the matter on the basis of the last disposition.

The parties may extend time limits by mutual written agreement in advance of a deadline.

1) Procedures

a) First Level Review:

The employee must first work in good faith to resolve the complaint informally through discussion with his/her immediate supervisor no later than 7 working days after the employee(s) first became aware of the facts or circumstances resulting in the filing of the complaint.

Should the supervisor's oral answer to the problem be unsatisfactory to the employee, the employee should prepare and submit a written Statement of the Complaint to his/her immediate supervisor.

It is understood that a supervisor shall be obligated to accept a question or problem in writing only when it is presented within 14 working days after the employee first became aware of the facts or circumstances resulting in the filing of the complaint

The supervisor shall deliver a written answer to the employee within 14 working days.

b) Second Level Review:

If the employee believes that the complaint has not been resolved through Step I, the employee may submit a written Statement of the Complaint to his/her department head.

The employee must submit the Statement of the Complaint within 7 working days after receipt of the supervisor's written answer.

The department head shall consider, discuss the grievance with the complaining employee(s), and/or investigate as he/she deems appropriate, and shall, within 14 working days of receipt of the written Statement of the Complaint, submit his/her

decision in writing to the employee(s)

c) Third Level Review:

If the employee believes that the complaint has not been resolved through Step II, the employee may appeal the complaint decision of the department head to the General Manager and the Human Resources Manager.

Such appeal must be filed within 7 working days of the date of the department head's written decision.

The General Manager and Director of Human Resources & Risk Management shall consider, discussing the complaint with the employee(s), and/or investigate as he/she deems appropriate, and shall, within 14 working days of receipt of the written Statement of the Grievance, submit his/her decision in writing to the grievant.

The decision of the General Manager in collaboration with the Director of Human Resources & Risk Management shall be final.

SECTION 2200 REPORTING A WORKPLACE INJURY

This section is intended to provide guidance for the District and its employees in compliance with the District's Safety & Injury Illness Prevention Program.

2201 PROCEDURE

District personnel shall report all injuries, however slight, to his/her immediate supervisor, or if not available, another supervisor in his/her work area, and the Human Resources Department as soon as practicable after the employee has realized that he or she has suffered a recordable work-related injury or illness.

Employees may initially make reports verbally, whether by phone or in person, but shall complete and file with the Human Resources Department a claim form as soon as practicable following the injury or illness. The Human Resources Department will furnish the claim form to be completed and the Workers' Compensation Benefit form.

In the event that the employee is incapacitated and cannot file a claim form, his/her immediate supervisor shall file a preliminary claim form, noting incapacitation of the injured employee, and the District will furnish a claim form to an immediate family member.

Nothing in this policy is intended to deter or discourage employees from accurately reporting a workplace injury or illness and employees shall not be subject to retaliation for making a reasonable report about a workplace illness or injury.

2202 MEDICAL TREATMENT

If medical treatment is needed, the Human Resources Department will provide an "Authorization for Treatment" form.

All personnel shall be treated at the Districts contracted Industrial Medical Clinic unless a personal physician has been designated and on file.

If prompt medical attention is essential, the Human Resources Department should be notified of the injury and they will call the treating facility with the authorization for treatment.

If the employee continues working while undergoing treatment, all treatment slips from the treating facility must be given to the Human Resources Department and his/her supervisor prior to returning to his/her regular work duties. For information about Workers' Compensation, see Section 1502.

SECTION 2300

USE OF DISTRICT VEHICLES, EQUIPMENT, AND TOOLS

District equipment and resources may only be used to conduct District business, except for incidental personal use that is consistent with this Policy. As a result, District equipment and resources are non-public forums.

All District employees are required to adhere to this Policy.

2301 DISTRICT EQUIPMENT OR RESOURCES

District equipment or resources is any District-owned or supplied item or resource, including, but not limited to: intellectual property (e.g., photographs, plans, drawings, formulas, customer lists, designs, formulas), vehicles, telephones, cell phones, pagers, tools, machines, supplies, copy machines, facsimile machines, desks, office equipment, computers (including hardware and software), file cabinets, lockers, Wi-Fi, internet, intranet, District network, data systems, routers, voice mail, servers, and email or voice mail communications stored in or transmitted through District electronic resources or equipment.

2302 NO EXPECTATION OF PRIVACY

The District periodically and without prior notice, monitors, reviews, accesses, or retrieves data from its equipment or resources, including electronic communications and content contained in or transmitted through District networks or electronic resources.

District employees must provide the agency with the employee's username or password for any District-issued equipment or resource.

The existence of passwords or delete functions does not restrict the District's access. As a result, District employees have no expectation of privacy in their use of any District equipment or resources.

2303 APPROPRIATE USE ONLY – NO MISUSE

Employees may only use District equipment or resources in compliance with District policies. Except as authorized by this Policy, employees are expected to avoid any use or communication which is unrelated to District business, destructive, wasteful, or illegal.

The District has discretion to restrict or rescind employee access to District equipment or resources. The following are examples of misuse of District equipment or resources:

- a) Any use that violates applicable law and/or District policies, rules or procedures.
- b) Exposing others to material, which is offensive, harassing, obscene or in poor taste. This includes information which could create an intimidating, offensive or hostile work environment.
- c) Any use that may create or further a hostile attitude or give offense on the basis of race, color, religion, sex, gender, gender expression, gender identity, national origin, ancestry, citizenship, age, marital status, physical or mental disability, medical condition, genetic information, sexual orientation, veteran status or any other basis protected by law.
- d) Communication and/or disclosure of confidential or proprietary District information to unauthorized individuals within or outside of the District.
- e) Unauthorized attempts to access or use District data or break into any District or non-District system.
- f) Theft or unauthorized transmission or copying of paper or electronic files or data.
- g) Initiating or sustaining chain/spam letters, e-mail or other unauthorized mass communication.
- h) Misrepresentation of one's identity for improper or illegal purposes.
- i) Personal commercial or business activities (e.g. "for sale" notices, personal ads, etc.).
- j) Transmitting/accessing obscene material and/or pornography.
- k) E-Commerce.
- l) Online gambling.
- m) Installing or downloading unauthorized software or equipment.
- n) Violating terms of software licensing agreements.
- o) Using District equipment or resources to access and/or use dating web resources, personal social media, or games of any type.
- p) Any unauthorized access to District equipment or resources, including: using keys or key cards; using or disclosing the username or password of another person or employee to gain access to his or her email or other electronic resources; or making District equipment or resources available to others who would otherwise have no authorized access.
- q) Using District equipment or resources to speak on the District's behalf without authorization.
- r) Interfering with any District security measures.

Additional Security Measures

Employees are responsible for the following:

- a) Maintaining the security of District equipment and resources under their control. This includes, but is not limited to, locking District vehicles, securing District PC's, PDA's, smart phones, laptops, and workstations with a password, keeping all passwords secure, logging off when a device is unattended, and not providing access to District information systems either deliberately or through failure to secure system access.
- b) Promptly reporting any security breaches or theft of District equipment or resources to their supervisor.

2304 DISTRICT EMAIL ADDRESSES

The District's email system is an official communication tool for District business.

The District establishes and assigns official email addresses to each employee as the District deems necessary. Employees must send all District communications that are sent via email to and from his or her official District email address.

Employees are prohibited from using their private email address (such as Gmail, yahoo, MSN/Hotmail, etc.) when communicating District business via email.

Should an email related to District business be sent to an employee's personal email account, the email should be immediately forwarded to the employee's District email account and responded to accordingly.

1) Incidental Personal Use

Employees may use District telephones, cell phones, internet access, and e-mail for incidental personal communications provided that the use:

- a) Is kept to a minimum and limited to break times or non-working hours;
- b) Does not interfere or conflict with District operations or the work performance of any District employees;
- c) Allows the employee to more efficiently perform District work;
- d) Is not abusive, illegal, inappropriate, or prohibited by this Policy (for example, no social media use, no electronic dating, no gaming); and
- e) Clearly indicates it is for personal use and does not indicate or imply City sponsorship or endorsement.

2305 USE OF DISTRICT VEHICLES

Due to the need for designated District personnel to respond to emergencies as soon as possible and be available to the public on a 24-hour basis, the General Manager, Assistant General Manager, Director of Governmental & Legislative Affairs, Director of Operations, Director of Engineering, field supervisors, shift operator, and on-call employees shall be assigned a District vehicle to be used for commuting from home to work and from work to home.

The use of a District vehicle for this purpose is a benefit to the District, not the employee; however, per IRS regulations the use of the vehicle for commuting must be calculated as a taxable benefit.

Use of District vehicles for personal use is generally prohibited. However, the District recognizes that the District Vehicle may be used by the standby personnel on occasion for personal errands within the response time area.

Failure to comply shall subject the employee to disciplinary action and/or termination.

2306 PERSONAL USE OF EQUIPMENT AND TOOLS

District-owned equipment and tools shall not be used for personal use.

2307 CELL PHONE USE WHILE DRIVING

In the interest of the safety of our employees and other drivers, the District employees are prohibited from using cell phones, including text messaging, while driving or operating District vehicles or equipment and while driving or operating personal vehicles or equipment while on District business and/or District time.

If your job requires that you keep your District issued cell phone turned on while you are driving, you must use a hands-free device or safely pull off the road before conducting District business. Under no circumstances should employees place phone calls or text message while driving or operating equipment or a motor vehicle while on District business and/or District time.

Personal Cell Phone Use

Field personnel will use the District two way radios to conduct daily business. In emergency situations, cell phones may be utilized for communication purposes.

2308 ELECTRONIC TRACKING TECHNOLOGY

Employees of the District may, in the course of employment, be required to drive and/or ride in an agency-owned or leased vehicle equipped with Electronic Tracking Technology.

Electronic Tracking Technology means a technological method or system used to observe, monitor, or collect information, including telematics, Global Positioning System (GPS), wireless technology, or location-based technologies.

Electronic Tracking Technology may include event data recorders (EDR), sensing and diagnostic modules (SDM), or other systems that are used for the purpose of identifying, diagnosing, or monitoring functions related to the potential need to repair, service, or perform maintenance on the District vehicle and/or to capture safety systems-related data for retrieval after a collision or similar incident has occurred.

Electronic Tracking Technology is intended to allow the District to monitor location, elevation, and velocity of its vehicles.

Electronic Tracking Technology use for public safety greatly enhances job performance, personnel safety, situational awareness, and may provide assistance in time critical scenarios.

Electronic Tracking Technology in District-vehicles may also be used to for other business-related purposes, including, but not limited to, measuring productivity, locating stolen vehicles, providing aid to vehicles that break down, increasing employee safety, managing agency resources effectively, or ensuring that employees are following their routes or assignments.

The District may use Electronic Tracking Technology at the agency's sole discretion. Not all District vehicles are required to have Electronic Tracking Technology.

Utilized for Disciplinary Investigations

The District may utilize Electronic Technology to initiate a disciplinary investigation or discipline of its employees pertaining to the misuse or abuse of their vehicles, inappropriate use of time, speeding or other misconduct. Thus, the documents provided by the Electronic Tracking Technology, if any, could be part of a personnel file and subject to protections afforded the same.

The California Public Records Act may require that the District disclose specified public records. In response to requests for such disclosure, it may be necessary to

examine Electronic Tracking Technology records to determine whether they are public records that are subject to disclosure.

Additionally, the agency may be required to produce information obtained from Electronic Tracking Technology pursuant to a court order, subpoena, or statute.

Employees are prohibited from altering or attempting to alter or disable electronic Tracking Technology in the District's vehicles.

SECTION 2400 FITNESS FOR DUTY EXAMINATIONS

2401 APPLICANTS

After a conditional offer of employment has been extended to an applicant, the District may require the applicant to submit to a fitness for duty examination that is job-related; necessary for efficient operations of the agency; and required of all applicants for the job classification.

An applicant or employee who is required to pass a medical and/or psychological examination will be notified of his/her right to obtain a second opinion at his/her expense and that he/she may submit such second opinions for consideration.

1) Current Employee

Human Resources may require an employee to submit to a fitness for duty examination to determine if the employee has a disability and is able to perform the essential functions of his or her job when there is significant evidence that:

- a) The employee's ability to perform one or more essential functions of his or her job has declined; or
- b) Could cause a reasonable person to question whether an employee is still capable of performing one or more of his or her essential job duties, or is still capable of performing those duties in a manner that does not harm him or herself or others.

2402 ROLE OF HEALTH CARE PROVIDER

The District may request the applicant's or the employee's health care provider to conduct a fitness for duty exam on the applicant or employee, or may request a District-selected health care provider to do so at the District's expense.

The District will allow an employee paid time off to attend the exam. The District will provide the health care provider with a letter requesting a fitness for duty examination and a written description of the essential functions of the job.

The examination will be limited to determining whether the applicant or employee can perform the essential functions of his/her position and any work restrictions and/or functional limitations that apply to the applicant or employee.

The health care provider will examine the employee and provide the District with non-confidential information regarding whether:

- a) The applicant or employee has a disability within the meaning of the California Fair Employment and Housing Act (DFEH);
- b) The applicant or employee is fit to perform essential job functions;
- c) Workplace restrictions or functional limitations apply to the applicant or employee, and the duration of the work restrictions or functional limitations;
- d) There are any reasonable accommodations that would enable the employee to perform essential job functions; and
- e) The employee's continued employment poses a threat to the health and safety of him or herself or others.

Should the health care provider exceed the scope of the District's request and provide confidential health information, without valid consent of the applicant or employee, the District will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that the District has requested.

1) Authorization for Use of Medical Information

During the course of a fitness for duty examination, the District will not seek or use information regarding an employee's medical history, diagnoses, or course of treatment without an employee's written authorization.

2) Medical Information from the Employee or Applicant

If an employee or applicant submits medical information to the District from his or her own health care provider, the Director of Human Resources & Risk Management will not forward that information on to the health care provider who conducted the examination for the District, without the employee or applicant's written authorization.

Upon receipt of the written authorization, the Director of Human Resources & Risk Management will request the District-paid health care provider to determine whether the information alters the original fitness for duty assessment.

2403 ACCESS TO MEDICAL INFORMATION REGARDING FITNESS FOR DUTY

Medical records and information regarding fitness for duty, or the need for an accommodation, will be maintained separately from non-medical records and information.

Medical records and information regarding fitness for duty and the need for accommodation will be accessible only by the Director of Human Resources & Risk Management, the District's legal counsel, first aid and safety personnel in case of emergency, and department heads and supervisors who are responsible for identifying reasonable accommodations.

Medical records and information contained therein may be released pursuant to state and federal law.

SECTION 2500 WHISTLEBLOWER PROTECTION

The District prohibits all the following:

- Taking any retaliatory adverse employment action against an employee because the employee has or is believed to have disclosed information to any government or law enforcement agency, including to the District, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
- Preventing an employee from disclosing information to a government agency, including to the District, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
- Retaliating against an employee for refusing to participate in any activity that would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation; and
- Retaliating against an employee because the employee's family member has or is perceived to have engaged in any of the protected activities listed in (a)-(c) above.

2501 POLICY COVERAGE

This Policy governs and protects District officials, officers, employees, temporary employees, and applicants for employment.

1) Definitions

Protected Activity includes any of the following:

- Filing a complaint with a federal or state enforcement or administrative agency that discloses any information that the employee has reasonable cause to believe violates state or federal law or a violation or noncompliance with a local, state, or federal rule or regulation.

- Participating in or cooperating in good faith with a local, federal, or state enforcement agency that is conducting an investigation in to alleged unlawful activity.
- Testifying in good faith and with reasonable cause as a party, witness, or accused regarding alleged unlawful activity.
- Associating with another covered individual who is engaged in any of the protected activities enumerated here.
- Making or filing in good faith and with reasonable cause an internal complaint with the District regarding alleged unlawful activity.
- Providing informal notice to the District regarding alleged unlawful activity.
- Calling a governmental agency's "Whistleblower hotline" in good faith.
- Filing a written complaint under penalty of perjury that the District has engaged in gross mismanagement, a significant waste of public funds, or a substantial and specific danger to public health or safety.
- Refusing to participate in any activity that the employee reasonably believes would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation.

Adverse Action" may include, but is not limited to, any of the following:

- Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of actual or potential protected activity.
- Refusing to hire an individual because of actual or potential protected activity.
- Denying promotion to an individual because of actual or potential protected activity.
- Taking any form of disciplinary action because of actual or potential protected activity.
- Extending a probationary period because of actual or potential protected activity.

- Altering work schedules or work assignments because of actual or potential protected activity.
- Condoning hostility and criticism of co-workers and third parties because of actual or protected activity.
- Spreading rumors about a person because of that person's actual or perceived protected activity.
- Shunning or unreasonably avoiding a person because of that person's actual or perceived protected activity.

2502 COMPLAINT PROCEDURE

An applicant, employee, or temporary employee who feels he or she has been retaliated against in violation of this Policy should immediately report the conduct according to the complaint procedure in the District's Policy against Discrimination, Harassment or Retaliation so that the complaint can be resolved fairly and quickly.

Supervisors and Directors have the same responsibilities as defined in the Policy against Discrimination, Harassment or Retaliation.

2503 OPEN AND TRANSPARENT:

This Policy is designed to provide the agency with the opportunity to promptly address and remedy retaliation against actual or perceived whistleblowers.

It is our policy to always be as open and transparent as possible in response to complaints of whistleblowing. The goal is always to comply with the law, and promptly correct any failures to do so. History shows that the cover up is always worse than the original failure of compliance.

2600**REASONABLE ACCOMMODATION AND INTERACTIVE PROCESS**

Absent undue hardship or direct threats to the health and safety of employee(s), the District provides employment-related reasonable accommodations to:

- Qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions; and
- Employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider; and
- Employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
- Employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

Based on the particular facts of each case, the District shall determine, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide.

The District will consider the preference of the employee or applicant but has the right to select and implement any accommodation that it deems effective.

2601 WHEN TO INITIATE THE INTERACTIVE PROCESS

The District will initiate the interactive process when:

- An applicant or employee with a known physical or mental disability or medical condition requests reasonable accommodation(s); or
- The District otherwise becomes aware of the need for an accommodation through a third party (e.g. a doctor's note requesting an accommodation), or by observation of the employee's work; or
- The District becomes aware of the possible need for an accommodation because the employee with a disability has exhausted workers' compensation leave, Family and Medical Act leave, or other leave rights, but the employee and/or the employee's health care provider indicate that

further accommodation is still necessary for recuperative leave or other accommodation; or

- An employee disabled by pregnancy, childbirth or related medical conditions requests a reasonable accommodation or transfer based on the advice of her health care provider; or
- An employee with a physical or mental disability, regardless of cause, fails to return to work following pregnancy disability leave; or
- An employee-victim of domestic violence, sexual assault, or stalking requests a reasonable accommodation(s) for his or her safety at work; or
- An employee requests an accommodation to address a conflict between religious belief, observance, or practice and any employment requirement; or
- The District is aware of the need for a reasonable accommodation for an employee's or applicant's religious beliefs, observance or practices.

1) Interactive Communication

After the occurrence of any of the above-stated circumstances that trigger the need to conduct an interactive process meeting, the Department of Human Resources will promptly arrange for a discussion or discussions, in person or via conference telephone call, with the applicant or employee and his or her designated representative, (if any).

The purpose of the interactive communications will be to discuss in good faith all feasible potential reasonable accommodations.

The employee conducting the interactive process will document these communications in writing.

2602 POTENTIAL ACCOMMODATIONS FOR APPLICANTS OR EMPLOYEES WITH DISABILITIES

Depending on the facts of each case, the interactive process analysis will generally begin with a review of possible reasonable accommodations that would enable the individual to retain his or her current job.

The process will generally then move on to possible reasonable accommodations in other vacant jobs, for which the individual is qualified, if there is no reasonable accommodation in the current job that does not cause undue hardship, or that does not present a risk of harm to the individual or others.

The District will consider accommodations that the applicant or employee suggests but has the right to select and implement any reasonable accommodation that it

deems effective. The range of potential reasonable accommodations includes, but is not limited to:

- Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities, including acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, and/or the provision of qualified readers or interpreters;
- Job restructuring;
- Part-time or modified work schedules;
- Paid or unpaid leave of absence of a finite duration that is likely to enable the employee to return to work at the end of the leave;
- Preferential consideration to reassignment to a vacant, comparable position, except when such preference would violate a bona fide seniority system;
- Reassignment to a vacant lower-paid position if there is no funded, vacant comparable position for which the individual is qualified for; or
- Reassignment to a temporary position, if the individual agrees.

2603 POTENTIAL ACCOMMODATIONS FOR EMPLOYEES AFFECTED BY PREGNANCY AND RELATED MEDICAL CONDITIONS

Depending on the facts of each case, the interactive process will attempt to identify and implement a reasonable accommodation that is consistent with the medical certification applicable to the applicant or employee.

Whether an accommodation is reasonable is a case-by-case analysis that considers several factors, including, but not limited to the employee's medical needs; the duration of the needed accommodation; and the employer's legally permissible past and current practices.

The range of potential accommodations includes, but is not limited to:

- Transfer to a less strenuous or hazardous position for the duration of the pregnancy;
- Change in or restructuring of work duties, such as modifying lifting requirements;
- Providing more frequent breaks;
- Providing seating;

- Time off for medical appointments;
- Transfer temporarily to a job with equivalent pay and benefits that the employee is qualified to perform in order to accommodate reduced work schedule or intermittent leave. (However, a reduction in work hours may be considered a form of pregnancy disability leave and deducted from the employee's four-month pregnancy disability leave entitlement.)

2604 POTENTIAL ACCOMMODATIONS FOR EMPLOYEES REQUESTING TIME FOR LACTATION

The District will provide a reasonable amount of break time to accommodate any employee desiring to express breast milk for the employee's infant child each time the employee has a need to express milk.

The break time shall, if possible, run concurrently with any break time already provided to the employee. If the employee takes lactation breaks at times other than their provided break times, then the lactation break shall be unpaid, or the employee may choose to use accrued leave.

Those desiring to take a lactation break at times other than their provided break times must notify a supervisor prior to taking such a break. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

The District will provide a room or other appropriate location in close proximity to the employee's worksite that is not in a bathroom to express milk in private. The room or location will meet the following requirements:

- Be shielded from view and free from intrusion while being used to express milk;
- Be safe, clean, and free of hazardous materials;
- Contain a surface on which to place a breast pump and personal items;
- Contain a place to sit; and
- Have access to electricity needed to operate an electric battery-powered breast pump.

An employee occupying such private area shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.

The District will provide access to a sink with running water and a refrigerator, or other cooling device, suitable for storing milk, in close proximity to the employee's work area.

a) Requesting Lactation Accommodation

An employee may make a request for lactation accommodation, either orally or in writing, with their supervisor and the Human Resources Department.

Following receipt of a request for lactation accommodation, the District will provide a timely written response to the employee in which the District will indicate if it is unable to provide the requested break time or a requested location for the purposes of expressing breast milk.

An employee who does not believe that the District is providing an appropriate lactation accommodation should immediately inform the Human Resources Department.

An employee who does not believe that the District is providing an appropriate lactation accommodation as required by state law has the right to file a complaint with the California Division of Labor Standards Enforcement/Labor Commissioner.

b) Storage of Expressed Milk

Any employee storing expressed milk in any authorized refrigerated area within the District shall clearly label it as such.

2605 POTENTIAL ACCOMMODATIONS FOR EMPLOYEE-VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

Depending on the facts of each individual case, the interactive process analysis will review all possible accommodations that would enhance the safety of the

employee victim at work. In determining what accommodation is reasonable, the District will consider the exigent circumstance or danger facing the employee.

The District will consider the preferences of the employee to be accommodated but has the right to select and implement any accommodation that it deems effective. The range of potential safety measure accommodations includes, but is not limited to:

- Transfer, reassignment, modified schedule;
- Change in work telephone number;
- Change in location of workstation;
- Installation of locks;
- Assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace;
- The implementation of a safety procedure(s);
- Adjustment to job structure, workplace facility, or work requirement; and
- Referral to a victim assistance organization.

2606 POTENTIAL ACCOMMODATIONS FOR RELIGIOUS CREED, RELIGIOUS DRESS PRACTICE, OR RELIGIOUS GROOMING PRACTICE

Depending on the facts of each case, the interactive process analysis will review all possible accommodations that would resolve the conflict between the religious belief or observance and any employment requirement.

The District will consider the preference of the employee or applicant but has the right to select and implement any accommodation that it deems effective. The range of potential accommodations includes, but is not limited to:

- Job restructuring or job reassignment (but not segregation from other employees or the public);
- Modification of work practices, including dress or grooming standards;
- Allowing time off in an amount equal to the amount of non-regularly scheduled time the employee has worked in order to avoid a conflict with his or her religious observances;

2607 DETERMINATION

After the interactive process communications, the Department of Human Resources will review the information received, and determine:

1. whether all available information has been reviewed;
2. whether all potential accommodations that the applicant or employee has suggested have been considered;
3. whether additional discussions with the applicant or employee would be helpful;
4. whether the applicant's or employee's preferences have been considered;
5. if there is a reasonable accommodation that would enable the applicant or employee to perform essential job functions without harming him or herself or others; and
6. if the accommodations would pose an undue hardship on District finances or operations.

The Department of Human Resources will inform the applicant or employee of his or her determination in writing. They will use his or her discretion based upon the particular facts of each case.

1) Supporting Documentation or Certification

a) Reasonable Medical Documentation of Disability

If the disability or the need for reasonable accommodation is not obvious, the District may require the individual to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the agency will:

- 1) explain the insufficiency;
- 2) allow the employee or applicant to supplement the documentation; and
- 3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

b) Medical Certification Indicating the Need for a Reasonable Accommodation or Transfer Due to Pregnancy or Related Conditions

If a pregnant employee, or an employee with a pregnancy-related condition, requests a reasonable accommodation or transfer due to pregnancy, the District will provide the employee with notice of the need for a medical certification within two business days after the employee's request for accommodation.

A medical certification confirming the need for a reasonable accommodation, including transfer, is sufficient if it contains: a description of the requested accommodation or transfer; a statement describing the medical advisability of the accommodation or transfer due to pregnancy; and the date that the need for the accommodation or transfer will become necessary and the estimated duration of the accommodation or transfer.

c) Certification of Victim Status

An employee who is a victim of domestic violence, sexual assault, or stalking and who requests an accommodation to provide for his or her safety while at work must provide both of the following:

- 1) A written statement signed by the employee or an individual acting on the employee's behalf, to certify that the accommodation is to address victim-safety concerns while at work; and
- 2) A certification demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking, which can be in the form of: a police report indicating the employee's victim status; a court order separating the perpetrator from the employee or that the employee has appeared in court for that purpose; or documentation from a medical professional or counselor that the employee is undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence, sexual assault, or stalking.

d) Accommodations for Sincerely Held Religious Beliefs and Observance

An employee who is requesting accommodation for a sincerely held religious belief or observance need not provide certification, however, if the District has an objective basis for questioning either the religious nature or sincerity of a particular belief or practice, the District may seek additional information. "Objective basis" means a reasonably good faith belief based on facts.

2700**POLITICAL ACTIVITIES POLICY**

The policy provides guidelines for District officers and employees regarding participation in political activities.

2701 APPLICABILITY

This policy applies to all District officers and employees.

2702 POLICY

The political activities of District officers and employees are restricted by certain State and Federal laws. District officers and employees shall obey all applicable laws.

District officers and employees are prohibited from the following:

1. engaging in political activities of any kind while on duty for the District or during work hours;
2. engaging in political activities of any kind while wearing a District uniform or other District issued clothing
3. engaging in political activities of any kind while on District premises;
4. soliciting or receiving political funds or contributions to promote the passage or defeat of any ballot measure that would affect working conditions during the working hours of its officers and employees, or in District offices; or
5. directly or indirectly soliciting political contributions from other officers or employees of the District unless the solicitation is part of a solicitation made to a significant segment of the public which may incidentally include officers from and employees of the District.

Nothing stated herein shall be construed as limiting any District Officer's or employee's right to vote, or freedom of reasonable expression or right of association, nor the exercise of any rights protected by the Constitution of the United States of America and the State of California.

This document contains the Personnel Policies and Procedures for the West Valley Water District.

These policies and procedures are the rules and processes that govern all employment and/or personnel related matters for the District.

Unless the District has agreed to in a separate collective bargaining agreement, all employees of the District are bound by the policies and procedures contained in this document

VOTED ON APPROVED BY THE BOARD OF DIRECTORS FOR THE WEST VALLEY WATER DISTRICT ON July 1, 2021

EXHIBIT C



***PERSONNEL POLICIES AND PROCEDURES
FOR
WEST VALLEY WATER DISTRICT***

APPROVED DISTRICT ON JULY 1, 2021

**WEST VALLEY WATER DISTRICT
PERSONNEL POLICIES & PROCEDURES
Revised on July 1, 2021**

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SECTION 100 PERSONNEL POLICIES AND PROCEDURES

The Personnel Policies and Procedures contained in this document, in their entirety, shall be known and may be cited as the "Human Resources Policies & Procedures.

Any reference to policies contained within these Human Resources Policies & Procedures may be referred to as "Policies."

101 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of these Human Resources Policies & Procedures Manual is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Manual.

102 DELEGATION OF AUTHORITY

The Board of Directors ("Board") of the West Valley Water District ("District") retains the ultimate authority over all personnel actions as authorized by law and these Policies.

The Board may delegate to a Personnel Officer or Officers the authority to authorize employment, establish job responsibilities, and perform other personnel actions as to subordinate employees in accordance with all federal and state laws and regulations and these Policies.

The Personnel Officer(s) may be any manager or human resources professional the Board deems suitable to act in its best interest on a particular subject. This may include, but is not limited to, the General Manager, the Director of Human Resources & Risk Management, or any other appropriate Department Head.

103 EFFECT AND APPLICABILITY OF POLICIES

These Policies do not create any contract right, or any express or implied contract of employment.

The District retains the full discretion to modify these Policies at any time in accordance with law.

104 APPLICABILITY OF POLICIES

These Policies apply to all categories of employees of the District unless a specific section or provision excludes them.

Independent contractors, volunteers, and Board members are not employees, although some provisions may apply to them through applicable law or as specified in these Policies.

- Contract for matters relating to District operations. The right of contracting or subcontracting is vested exclusively in the District.
- Determine and adopt safety, health, and property protection measures for the District.
- Establish, continue, discontinue, amend, and enforce District policies, practices, or procedures.

The District shall also reserve all other prerogatives and responsibilities normally inherent in management.

107 CATEGORIES OF EMPLOYEES AND NON-EMPLOYEES

a) At-Will Employee

An at-will employee is one who serves at the pleasure of the appointing authority and therefore can be dismissed by the District, without warning, for any legal reason.

The employee has no property right in continued employment and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal. The following are examples of at-will employees:

- General Manager
- Assistant General Manager
- Chief Financial & Administrative Officer
- Probationary employees
- Temporary employees
- Part-Time employees

a) Probationary Employee

A probationary employee is one who is serving a probationary period at either: the outset of initial employment with the District; or at the outset of a promotion to a higher classification. For more information regarding probation, see Article 303.

b) Regular Employee

A regular employee is a full-time employee who has satisfactorily completed the initial probationary period and cannot be disciplined except when the District has cause to do so.

108 EFFECTIVE DATE

These Human Resources Policies & Procedures shall take effect as of the date of the Board's approval, and shall supersede any previous personnel policy and procedures manuals, resolutions, revisions and/or amendments.

SECTION 200

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The District affords equal employment opportunity for all qualified employees and applicants as to all terms of employment, including compensation, hiring, training, promotion, transfer, discipline and termination.

The District prohibits discrimination against employees or applicants for employment on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or military and veteran status or any other basis protected by law.

Employees, volunteers, or applicants who believe they have experienced any form of employment discrimination or abusive conduct are encouraged to report the conduct immediately by using the complaint procedures provided in these Policies, or by contacting the U.S. Equal Employment Opportunity Commission (EEOC), or the California Department of Fair Employment and Housing (DFEH).

201 POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION; COMPLAINT PROCEDURE

The District has a strong commitment to prohibiting and preventing discrimination, harassment and retaliation in the workplace.

The District has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of state or federal law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.

This Policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation. The District encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible.

Any retaliation against an employee because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited. Individuals found to have retaliated in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including termination.

Covered Individuals and Scope of Policy

The individuals covered by this Policy are: applicants, employees regardless of rank or title, elected or appointed officials, interns, volunteers, and contractors.

This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement,

- Visual acts, such as derogatory posters, cartoons, emails, pictures or drawings related to a protected classification.
- Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

Guidelines for Identifying Harassment

Harassment includes any conduct which would be unwelcome or unwanted to an individual of the recipient's same protected classification. The following guidelines to determine if conduct is unwelcome or unwanted should be followed:

- It is no defense that the recipient "appears" to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.
- Even visual, verbal, or physical conduct between two people who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
- Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual would find it offensive (e.g., gifts, over-attention, endearing nicknames, hugs).

2. RETALIATION

Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy.

"Adverse conduct" may include but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or

An individual has the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH).

These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, in the government section of the telephone book or employees can check the posters that are located on District bulletin boards for office locations and telephone numbers.

b) Confidentiality

Every effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law.

Occasionally though, complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action.

An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss his or her interview with a designated representative.

The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

c) Employee Responsibilities

Each non-manager or non-supervisor is responsible for:

- Treating all individuals in the workplace or on worksites with respect and consideration.
- Modeling behavior that conforms to this Policy.
- Participating in periodic training.
- Cooperating with the District's investigations pursuant to this Policy by responding fully and truthfully to all questions posed during the investigation.
- Taking no actions to influence any potential witness while the investigation is ongoing.

- Reporting potential violations of this Policy of which he or she becomes aware to the Director of Human Resources & Risk Management or Manager, regardless of whether a complaint has been submitted.
- Participating in periodic training and scheduling employees for training.

SECTION 300

HIRING, APPLICATIONS, SELECTION, PROBATION, NEPOTISM, ETC

301 JOB ANNOUNCEMENTS

The Director of Human Resources & Risk Management in collaboration with the affected department head will prepare a job posting to announce a proposed recruitment.

The announcement may be posted on the District's website and other locations deemed appropriate, depending upon whether the recruitment is open to the public or current employees only.

The announcement will include:

- The title and pay for the position;
- The nature of the work to be performed and essential job duties of the position;
- The minimum qualifications, including whether the job is a promotional position;
- A statement of the employment status of the position – for cause (regular) or at-will;
- The last date that the District will accept applications, if any;
- The time, place, and type of the examination, if known, and if a medical examination, and/or a drug screen will be required following a conditional offer of employment; and
- Such other information as determined in the discretion of the Director of Human Resources & Risk Management or designee.

In addition, the District, in its discretion, may post positions as “promotional” and open internally for District employees only instead or prior to inviting “outside” applicants to apply. In order to establish a competitive internal recruitment process there must be at least three (3) qualified internal candidates to open a closed/promotional recruitment.

An applicant with a disability may request accommodation in an examination process. Following receipt of a request for accommodation, the Director of Human Resources & Risk Management or designee may require additional information, such as reasonable documentation of the existence of a disability.

Failure in one part of the examination, or the failure to meet established standards described in the job announcement, may be grounds for declaring such applicant as failing in the entire examination or as disqualified for subsequent parts of an examination. Each applicant will be notified in writing via email whether he or she will continue in the examination process.

Applicants who meet the minimum qualifications and pass all examinations may be subject to a background and reference checks.

b) Eligibility Lists

1. After completion of an open or promotional examination for a classification, the Director of Human Resources & Risk Management or designee will prepare an eligibility list consisting of the names of candidates who passed the examination. Eligibility lists shall become effective upon the certification by the Director of Human Resources & Risk Management or designee. Employment lists shall remain effective one (1) year, unless sooner exhausted.
2. A person appearing on an eligible list will be emailed a notice of his or her placement on the list.
3. A person placed on an eligibility list shall be removed from the list if he or she so requests in writing or fails to respond to notification of an opening within five days after notification. It is the responsibility of the eligible person to keep the Human Resources Department informed of his/her current physical or email address, or phone number.

c) Appointments

The Director of Human Resources & Risk Management or designee, in collaboration with the department head, will make all appointments except for those classifications that report directly to the Board of Directors.

The Director of Human Resources & Risk Management or designee has discretion to decide in what manner a vacancy shall be filled. Vacancies may be filled by reinstatement, promotion, transfer, demotion, appointment of temporary employees, or from an appropriate eligibility list if available. No specific list shall have priority over other lists.

The District's Board will make appointments for those classifications that report to it.

d) Promotional or open from Eligibility List

policies of the District.

The supervisor shall acquaint employees with all aspects of the job function as represented in the job description.

i) Public Employee Disaster Service Worker Status

As set forth in the California Government Code Sections 3100 through 3109, in the event of a disaster, all public employees become "disaster service workers."

The law requires, as a condition of employment, that every District employee take and subscribe to the oath set forth in the State Constitution that declares them to be disaster service workers in time of need.

304. PROBATION

1) Probationary Appointments

a) At-Will Status:

The probationary period is part of the examination process and is used to determine whether work performance or work-related behavior meets the required standards of the position. A probationary employee may be rejected at any time during the probationary period with or without cause or reason, without notice or appeal or grievance, and without any rights set forth under Section 1900, Causes for Discipline and Procedures.

The probationary employee will be notified prior to the expiration of the probationary period that he or she has been rejected from probation.

b) Evaluation:

At the conclusion of the probationary period, if the probationary employee has not already been released, the probationary employee's supervisor will prepare and sign a performance evaluation. The evaluation must be reviewed and approved by Human Resources before it is provided to the employee.

Upon the recommendation of the employee's supervisor, Department Head and the General Manager, said employee will be granted full or part time employee status.

c) Length of Probation:

Unless otherwise specified by memorandum of understanding or these Policies, the probationary period is six months of actual and continuous service. The probationary period is automatically extended by the length of any absence of one work week or more.

The probationary period can also be extended by the District at the discretion of the Director of Human Resources & Risk Management or Director, or his/her designee.

2) Employment of Relatives

The District will not appoint, promote or transfer a person to a position within the same department, division, or facility in which the person's relative already holds a position, if any of the following would result:

- a) A direct or indirect supervisory relationship between the relatives;
- b) The two employees having job duties which require performance of shared duties on the same or related work assignment;
- c) Both employees having the same supervisor; or
- d) A potential for creating an adverse impact on supervision, safety, security, morale or efficiency.

3) Spouses or Domestic Partners

The District will not appoint, promote, or transfer a person, to the same department, division, or facility in which the person's spouse or registered domestic partner already holds a position, if such employment would result in any of the following:

- One spouse or registered domestic partner being under the direct supervision of the other spouse or domestic partner; or
- Potential conflicts of interest or hazards for married persons or those in a registered domestic partnership which are greater than for those who are not married or in registered domestic partnerships.

4) Marriage or Registered Domestic Partnership after Employment

a) Transfer:

If two District employees who work in the same department later become spouses or domestic partners, the Director of Human Resources & Risk Management or Director has discretion to transfer one of the employees to a similar position in another department.

Although the wishes of the two employees will be considered, the Director of Human Resources & Risk Management or Director retains sole discretion to determine which employee will be transferred based upon District needs for supervision, safety, security or morale.

actually spent working in the acting position until such time as the employee is returned to their original job classification.

The employee must meet the requirements of the higher position as specified in the job description to be designated by their supervisor to act in the higher classification.

Temporary reclassified status shall not exceed six months and must be approved by the Director of Human Resources & Risk Management in advance. Should the higher classification position become vacant and open for recruitment during the temporary reclassification, the employee may be considered a candidate through the competitive recruitment process.

4) Temporary Assignment – Acting Pay

In the event that another position within a department becomes vacant and/or another employee is placed on a leave of absence, the Director of Human Resources & Risk Management may temporarily assign additional duties to an employee in order to meet the operations of the department. Temporary assignments must be for a minimum of 14 days and may be up to twelve (12) months.

Employees placed on a temporary assignment shall receive a salary increase of 5% of the employee's base salary or may be considered for a temporary reclassification.

307. IDENTIFICATION CARDS

District employees shall be issued identification and/or security access cards verifying their affiliation with the District.

Employees shall return identification cards and/or security access cards upon resignation or separation.

308. PERFORMANCE EVALUATIONS

The General Manager, Department Heads, Directors and Supervisors will prepare probationary or annual Performance Evaluations for direct reports only.

A non-probationary employee's Director or supervisor will prepare and sign a performance evaluation on a District form for probationary and each one-year performance evaluation periods.

The performance evaluation should be prepared on or before the probationary period expires, before anniversary of the employee's hire date, or before he anniversary of the employee's most recent promotion, or as soon as practical thereafter.

Instead, the employee may comment on the evaluation in a written statement which will then be placed with the evaluation in the employee's personnel file. The written comment or statement must be submitted within 10 days after the employee receives the evaluation.

309. CROSS TRAINING

All District employees are expected to accept cross training in other positions and shall be expected to fill those positions in the event of illness, vacation, or emergency operations of the District.

310. OPEN DOOR POLICY

If an employee has a problem, a complaint, a suggestion, or an observation, District management wants to hear from the employee. By listening to the employee, the District is able to improve, to address complaints, and to support employee understanding of the rationale for practices, processes and decisions.

It is the policy of the District that if any employee has a concern within their work environment, they shall allow their immediate Supervisor or Director to address their concern. If the employee is not satisfied with the Supervisor or Director's response to the concern, the employee shall then bring that concern to next level of authority respecting the appropriate chain of command. The final level of review and decision making authority regarding the employee's concern shall rest with the General Manager and Human Resources.

311. EXIT INTERVIEW

An exit interview may be requested, but not required, of an employee who submits a written resignation. The interview shall be conducted by the Director of Human Resources & Risk Management or Director and/or a designee.

SECTION 400 CLASSIFICATIONS AND SALARY SCHEDULE

Classification and Salary Schedules are established and approved by the District's Board of Directors.

401 SCHEDULE REVIEW BY THE BOARD

Prior to the second meeting in June of each fiscal year, the Board reviews the Classification and Salary Schedule, attached as Exhibit "A", to add to and clarify position titles and to otherwise make provisions which, in its judgment, it considers necessary and proper to the efficient operation of the affairs of the District.

402 PAYROLL PERIODS

A payroll period means the period consisting of fourteen (14) calendar days which is the time period for the District issuing salary payments.

There are twenty-six (26) equal payroll periods per year.

Every other Thursday is established as payday. Should pay day fall on a holiday, payday shall be the day before the holiday.

403 SEPARATION PAY

Upon separation from employment, an employee shall receive pay equivalent to all hours worked for which he or she has not already been compensated, as well as all accrued vacation, administrative leave hours and available floating holidays not used.

The separation paycheck shall be issued as follows:

- A. The employee shall receive payment one pay period following the separation from employment.
- B. Checks are available at the District office and/or can be mailed only upon written request of the employee.

SECTION 500 ATTENDANCE

Employees showing up to work is very important in order for the District to be able to conduct its business. The following are the attendance guidelines and rules for all employees, including all exempt and non-exempt employees.

501 ADVANCE REQUEST FOR PERMISSION TO DEVIATE FROM REGULAR WORK HOURS

A non-exempt employee is required to seek advance permission from his or her supervisor for any foreseeable absence or deviation from regular working, break, and mealtimes.

502 NOTIFICATION OF UNFORESEEN LATE ARRIVAL OR ABSENCE

A non-exempt employee who is unexpectedly unable to report for work as scheduled must notify his or her immediate supervisor no later than thirty (30) minutes after the beginning of the employee's scheduled work time and report the expected time of arrival or absence. If the immediate supervisor is not available, the employee must notify the department head.

503 UNAUTHORIZED ABSENCE IS PROHIBITED

Arriving late to work or leaving early in connection with scheduled work times, breaks, or meal periods is prohibited, absent authorization. A non-exempt employee who fails to timely notify the supervisor of any absences as required by this Policy, or who is not present and ready to work during all scheduled work times will be deemed to have an unauthorized tardy or absence and will not receive compensation for the period of absence.

504 EXCESSIVE TARDINESS/ABSENTEEISM AND ABUSE OF LEAVE

Excessive tardiness occurs when a non-exempt employee who, without authorization, is late to work or late to return from breaks more than three times during any 30-day period.

SECTION 600 EMPLOYEE APPEARANCE AND DRESS

These dress code, tattoo, and body piercing appearance standards are designed to promote the District's legitimate and non-discriminatory goals to promote workplace safety and a professional image that is consistent with the employee's job duties and level of public contact.

It is important that our District convey to the public, customers, and business associates the best possible image.

601 DRESS CODE

Employees are required to dress appropriately for the jobs they are performing. The following dress code regulations shall apply to all District employees, unless otherwise stated:

- a) All clothing and footwear must be neat, clean, in good repair, and appropriate for the work environment and functions performed. Loose clothing is not to be worn when operating equipment, as shown in the District's Safety and Injury Illness Prevention Program Manual.
- b) Prescribed uniforms and safety equipment must be worn.
- c) Hair must be neat, clean and well-groomed. The District will not consider traits that are historically associated with race, including, but not limited to, hair texture and protective hairstyles, such as braids, locks, and twists, inappropriate under this Policy. However, the District may prohibit hairstyles based on a bona fide occupational qualification or applicable security regulations. Hair must be of a style and length to avoid coming into contact with moving equipment.
- d) Beards, mustaches, and sideburns must be maintained in neat and well-groomed fashion. Beards and mustaches must be of style and length to avoid coming into contact with moving equipment.
- e) Jewelry that does not pierce the skin is acceptable except where it constitutes a health or safety hazard.
- f) Good personal hygiene is required.

2) Additional Guidelines for Field Employees

a) Clothing

The District supplies all field personnel with uniforms. Any field employee not wearing a complete uniform while performing District functions is subject to disciplinary action.

Uniforms are not to be worn for personal use. Each employee who is required to wear a uniform will be issued the necessary amount of uniforms.

b) Field employees shall wear their uniforms on casual days.

The District shall determine the uniform to be worn by the uniformed supervisors, and shall be as follows: white one-pocket dress shirts (short or long sleeved); blue chino-type pants; a District logo and name tag or a photo identification clipped to the shirt.

All other field employees who have routine customer contact in the field or off-premises shall wear a District issued uniform. The District uniform to be worn by field employees shall be as follows: blue button-down shirts or t-shirts (short or long sleeved); blue chino-type pants; a District logo and name tag or a photo identification clipped to the shirt.

Supervisors will ensure all their employees are wearing complete uniforms. Failure to wear a complete uniform may result in disciplinary action.

The District will replace torn, worn out, or damaged uniforms, as they occur during the normal course of the employee's work day, at no cost to the employee. However, lost or missing uniforms are the responsibility of the employee and the cost of replacing lost or missing uniforms will be billed to the employee.

Upon separation from the District an employee is required to return all uniforms. If they do not do so, they may be billed for the cost of the missing uniforms.

3) Compliance

If clothing fails to meet these standards as determined by the employee's director, supervisor or the Director of Human Resources & Risk Management, the employee may be sent home to change clothes and will be required to use vacation or floater hours for time away from work.

If hours are not available, the time away from the office for non-exempt employees will be unpaid. Any work time missed because of failure to comply with this policy will not be compensated, and repeated violations of this policy will be cause for disciplinary action.

SECTION 700**WORK SCHEDULES WORK WEEK, REST BREAKS, ON CALL, OVERTIME AND COMP TIME OFF****701 WORK SCHEDULES**

Work schedules are determined at the discretion of the supervisor and department head and are subject to change with or without notice, according to the needs of the department or the District. An overtime-eligible employee shall be in attendance and at work during the hours specified by the supervisor.

702 DIFFERENT SCHEDULES

The District has established the following work schedules:

a) Standard Schedule:

Employees work eight (8) straight time hours per day, Monday through Friday, forty (40) straight time hours per work week.

b) 9/80 Schedule:

Employees work nine (9) straight time hours per day, Monday through Thursday and work eight (8) hours every other Friday, averaging forty (40) straight time hours per work week, with employee being off every other Friday.

c) 4/10 Schedule:

Employees work ten (10) straight time hours per day for four days per week, forty (40) straight time hours per work week.

a) Rotation Schedule:

Employees' schedules consist of a variation of the above schedules, forty (40) hours per work week.

703 WORK WEEK

For employees on the standard and 4/10 schedules, the work week begins at 12:00 a.m. on Saturday and ends the following Friday at 11:59 p.m.

For employees working a 9/80 work schedule, each employee's designated work week shall begin exactly four hours after the start of his/her eight-hour shift on the day of the week that corresponds to the employee's alternating regular day off.

after hours, on weekends, holidays, and other times not considered regular hours of work for District employees.

On-call employees will serve on-call for one (1) week beginning on Monday at 8 a.m. through the following Monday, 8 a.m. unless the following Monday is a Holiday, in which case the on-call period will end at 8 a.m. on Tuesday.

1. Call Backs

- a) If an on-call employee is called back to work after normal work hours, he or she shall receive a minimum of two (2) hours overtime pay.
- b) The call back period shall begin when the employee receives the call from either the on-call dispatcher or answering service. The call back period shall end when completes all assigned work and leaves the District premises where he or she was working.
- c) If the on-call employee receives an additional call(s) within two (2) hours of the start time for the first call and/or before the call back period ends, the employee shall not receive a second two (2) hour minimum overtime pay, but will receive overtime pay for any time actually worked beyond the two (2) minimum.

This rule applies regardless of the number of calls the employee receives during the initial two-hour period and during the call back period. In order for the employee to receive a new two (2) hour minimum, he or she must receive a call two (2) or more hours after the start time for the first call-out *and* after the call back period has ended.

- d) The on-call employee shall receive his/her call from the on-call dispatcher, a supervisor, or a member of the administrative staff, unless prior arrangements are made for the on-call employee to receive calls from the answering service.

3. On-Call Dispatchers

On-call dispatchers shall document the time spent actually answering and responding to calls.

- a) When time spent answering and responding to calls is less than 60 minutes a day, the only compensation will be the on-call pay of one (1) hour of overtime pay for that day.
- b) When time spent answering and responding to calls exceeds 60 minutes in a day, the time in excess of 60 minutes shall be considered hours worked and will be paid at the overtime rate in accordance with the Overtime Policy, set forth below.

Generally, employees hired in an administrative/management and supervisory staff (i.e., employees who spend at least 51% of work time utilized in supervising only and in a non-working status) shall be considered "Exempt" employees.

Refer to Exhibit A, the Classification and Salary Schedule, for positions that are considered exempt.

707 COMPENSATORY TIME OFF

An overtime-eligible employee may opt to accrue compensatory time-off (CTO) in lieu of cash payment for overtime worked if his or her supervisor agrees prior to overtime work being performed.

a) Accrual Rate:

CTO accrues at the rate of 1.5 hours for each hour, or fraction thereof, worked after 40 hours within the employee's designated work week.

Like overtime, time worked includes actual hours worked, sick leave used, District-recognized holiday during the work week, vacation, jury duty, and other authorized leave time used during the work week.

CTO cannot be accumulated in excess of eighty (80) hours at any given time. Once an employee has a CTO balance in excess of eighty (80) hours he/she shall be paid in cash for all CTO hours in excess of eighty (80) hours.

b) Employee Request to Use CTO:

The District will grant an employee's request to use accumulated CTO provided that: 1) the department can accommodate the use of CTO on the day requested without undue disruption to department operations; and 2) the employee makes the request in writing to the supervisor no later than seven days prior to the date requested.

If the employee does not provide seven days' notice, or if the department cannot accommodate the time off without undue disruption, the District will provide the employee the opportunity to cash out the amount of CTO requested at the end of the current pay period.

SECTION 800 BENEFITS

Employees who have questions about the benefit programs offered by the District should contact the Human Resources Department.

Employees must notify the Human Resources Department immediately of any life event changes such as: marriage, divorce, legal separation, birth or adoption and death as these have an effect on insurance coverage.

801 LOOK-BACK MEASUREMENT AFFORDABLE CARE ACT POLICY

The District is committed to ensuring compliance with the Patient Protection and Affordable Care Act (ACA) and the Internal Revenue Code Section 4980H Shared Responsibility for employers regarding Health Care Coverage.

The District will adopt the Look-Back Measurement Method Safe Harbor provision of the ACA to determine the full-time status of employees where section 4980H defines "full-time" status as "an employee who is employed on average at least 30 hours of service per week."

Beginning January 1, 2014, the ACA will require the District to offer health insurance coverage to at least ninety-five percent (95%) of employees who work, on average, thirty (30) or more hours per week or pay tax penalties and show proof. The District establishes the Look-Back Measurement Method Safe Harbor with regard to all ongoing employees as follows:

Standard measurement period:	November 1 - October 31
Administrative period:	November 1 - December 31
Stability Period:	January 1 through December 31

The District establishes the following periods for new, part-time, variable hour & temporary employees:

1) Initial Measurement period:

Twelve months (beginning on the first of the month following the first date of work).

2) Administrative period:

One month following the initial measurement period.

3) Stability period:

803 EDUCATIONAL REIMBURSEMENT PROGRAM

The District encourages employees to enroll in educational programs which will aid them in the performance of their current jobs, or better qualify them for positions which are important to the continued successful operation of the District.

The District provides reimbursement for eligible and pre-approved coursework for regular, full-time employees for certain expenses for a pre-approved educational course(s) or undergraduate/graduate degree programs that will mutually benefit the District and the employee. "Certain expenses" may include registration fees, tuition, books, parking, and/or laboratory fees.

The Human Resources Department is responsible for administering this policy and any policy interpretation or course eligibility questions should be directed to that department. However, the General Manager shall make the final decision on whether to approve or deny the employee educational assistance requests at his or her discretion.

The Board of Directors has the right to unilaterally amend or repeal this policy at any time at its discretion.

1) ELIGIBILITY

Regular, full-time employees are eligible for education reimbursement once they have passed their probationary period, provided their job performance is Satisfactory in the evaluation period prior to enrollment in any course(s) and they are on the payroll at both the beginning and conclusion of the course(s).

The education is subject to reimbursement if the education is undertaken to:

1. Maintain or improve competency in the current job.
2. Provide related knowledge in order to advance to a higher-level position in the field.
3. Provide the training/knowledge needed to progress on any approved career path at the District.

2) ELIGIBLE COURSES

Courses eligible for reimbursement loans are those taken at an accredited college, university, technical or business school. Correspondence or online courses do not qualify unless offered by an accredited college or university.

The actual cost for the certification will be 100 percent reimbursed by the District. District employees are responsible for renewing their certification and the District will not reimburse late fees for certifications not renewed in a timely manner.

807 COSTS FOR ATTENDING CONFERENCES, SEMINARS, WORK SHOPS

District staff may be authorized to attend water industry and Special District related conferences, workshops and seminars, as well as any other functions or meetings pertaining to the water industry, at District expense, should it be of benefit to the District, subject to the approval of the Director of Human Resources & Risk Management and the Department Head.

If approved, the cost for attending any of these functions will be paid ahead of time by the District, or it will be reimbursed to the employee if he or she pays for it.

It is the responsibility of the attending employee to inquire with the Human Resources Department regarding what expenses can and will be reimbursed.

808 LONGEVITY PAY

Regular, full-time employees are eligible for longevity pay upon continuous length of service with the District.

Continuous length of service begins with the date the employee was hired as a full time employee and continues as long as the employee is considered a working or active employee.

Longevity pay occurs in one annual lump sum payment subject to a satisfactory performance review and the approval of the Department of Human Resources and the General Manager.

After 5 years through the end of the 9 th	\$150.00
After 10 years through the end of 14 th	\$225.00
After 15 years through the end of 19 th	\$350.00
After 20 years through the end of 24 th	\$475.00
After 25 years	\$600.00

SECTION 900 DISTRICT HOLIDAYS

Full time employees, with the exception of temporary employees, receive the holidays listed below with pay.

If New Year's Day, Independence Day, or December 25 falls on a Sunday, the Monday following shall be treated as the holiday. If any of those three holidays falls on a Saturday, the preceding work day shall be treated as the holiday.

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veteran's Day, November 11th, or as designated
8. Thanksgiving Day
9. Day after Thanksgiving
10. Day before Christmas Day
11. Christmas Day
12. Day before New Year's Day

13. Floating Holiday- Effective January 1st of each Calendar Year
14. Floating Holiday-Effective July 1st of each Fiscal Year

Employees entitled to paid holidays or floating holidays shall be paid for the number of hours the employee was scheduled to work had it not been a holiday or floating holiday.

901 FLEX TIME HOLIDAY

If a District holiday falls on a non-working day under the 5/40 schedule, 9/80 schedule, 4/10 schedule or rotating schedule, each employee will receive a full day's work hours added to the employee's holiday accrual bank to be used at another time designated by the employee with Supervisor approval.

902 FLOATING HOLIDAYS

Any floating holidays not used during the year that were granted will be cashed out on the last pay period of the calendar year.

SECTION 1000 VACATION

Vacation is an earned right to a leave with pay for recreation and well-being of the employee.

1001 ACCRUAL OF VACATION TIME

For regular full-time employees, vacation leave accrues per complete pay period and is credited each pay period. Vacation leave will not accrue during leaves of absence without pay unless required by law.

Length of Continuous Service	Annual Vacation Allowance	Per Pay Period Accrual	Maximum Allowed Accrued Vacation
After 1 Year	80 Work Hours	3.1 Work Hours	120 Work Hours
After 4 Years	120 Work	4.6 Work Hours	180 Work Hours
After 9 Years	Hours 160	6.2 Work Hours	240 Work Hours
After 14 Years	Work Hours 200 Work	7.7 Work hours	300 Work Hours

Once an employee's vacation accrual allowance reaches the maximum allowed accrued vacation, the employee will no longer continue to accrue vacation time until the balance falls below the accrued maximum. Once the accrued vacation balance falls below the accrued maximum, the employee will begin to accrue vacation time again, up to the maximum.

Part-time employees earn vacation leave while in paid status in a pro-rated amount based upon the accrual applicable to full time employees. Once a part-time employee reaches the pro-rated accrual cap, they stop earning vacation.

Any employee separating from the District who has accrued vacation leave shall be paid for all accrued vacation at his or her rate of pay at the time of separation.

The District may, at its discretion, require an employee to use accrued vacation.

1002 APPROVAL FOR SCHEDULING VACATION TIME

Vacation leave may not be used until it is earned and vacation periods shall be taken annually with the approval of the employee's supervisor.

Management Administrative Leave Cash Out

Employees entitled to Management Administrative Leave shall cash out the unused balance at the end of the fiscal year during the month of June.

Management Administrative Leave will not be carried over to the next fiscal year. The cash out request must be submitted to the Human Resources Department before the last pay period ending in June.

1100 SICK LEAVE

1101 PURPOSES FOR SICK TIME OFF

Sick leave is paid leave from work that can be used for the following purposes: diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling.

For an employee who is a victim of domestic violence, sexual assault, or stalking to:

- i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or
- ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.

Sick leave shall not be used for vacation or personal leave, unless approved by the employee's Supervisor, the Department Head and the Human Resources Manager or his/her designee.

1102 TERMS OF SICK LEAVE

a) Accrual & Carryover for Different Categories of Employees:

- 1) Full time employees who are not temporary accrue 3.7 hours of sick leave for each complete pay period of paid status; part-time employees accrue sick leave in an amount prorated to the lower number of hours they work each calendar month in paid status. Accrued sick leave carries over from year to year. No accrual limit applies.
- 2) A temporary employee who works 30 or more days within a year from the

If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed each day as to the date the employee expects to return to work and the purpose of the leave.

Failure to request sick leave as required by this Policy without good reason, may result in the employee being treated as absent without leave.

1) Certification

The District may require any employees who are not temporary to provide a physician's certification to support any absence that involves the illness of the employee or family member if the District suspects that there is an abuse of sick leave by the employee.

The District also retains the right to require a medical release for any sick leave absence exceeding three (3) consecutive workdays.

All employees, including temporary employees, who use paid leave to address issues related to domestic violence, sexual assault or stalking, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter.

An employee using Emergency Paid Sick Leave must certify the reason for the leave.

1106 SICK LEAVE ON SEPARATION FROM EMPLOYMENT

For temporary employees, unused sick leave cannot be cashed out. For all other employees, the following provisions apply:

1) Conversion of Sick Leave

Upon retirement, permanent disability or death, an employee, or estate of a deceased employee, may elect to have all accrued sick leave applied to such employee's PERS retirement account as provided for in the contract between PERS and the District. Such employee, or estate of a deceased employee, must elect to apply one hundred percent (100%) of accrued sick leave to such employee's PERS

- The General Manager and/or Director of Human Resources & Risk Management must approve all requests.
- Sick Leave Cash Out payments will be made on an off-cycle payroll week in November.

1108 SICK LEAVE REINSTATEMENT

If an employee separates and is rehired within one year from separation, accrued and unused sick leave, to a maximum of 6 days or 48 hours, whichever is greater, will be reinstated.

An employee who worked at least 90 days in the initial employment with the District may immediately use reinstated sick leave.

An employee who had not worked 90 days in the initial employment with the District must work the remaining amount of the 90 day-qualifying period to be able to use accrued sick leave.

SECTIONS 1200 PERSONNEL FILES

1201 PURPOSE

The purpose of this section is to provide the District's guidance and rules regarding personnel files.

1202 CONFIDENTIAL DISTRICT FILES

The District maintains a personnel file on each employee. Files are kept for at least three years after separation of employment.

A personnel file will contain only material that the District deems necessary and relevant or that is required by law. Personnel files are the property of the District, and access to the information they contain is restricted to protect employee privacy interests.

Notification of Changes

Each employee is responsible to promptly notify Human Resources of any changes in his or her contact and benefits information, including mailing address; telephone number; persons to contact in emergency; and number and names of dependents.

1203 EMPLOYEE MEDICAL INFORMATION

All medical information about an employee or applicant is kept in separate medical files and is treated as confidential.

Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for District business reasons, or if access is required by law, subpoena or court order.

In the case of an employee with a disability, Directors and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

d) No Removal of File Documents:

No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.

e) Limitations on Access or Copying of Personnel File

Prior to making a copy of personnel records or allowing inspection, the District may redact the names of nonsupervisory employees.

Under no circumstances will the District provide access or copying of the following categories of personnel file documents: records relating to the investigation of a possible criminal offense; letters of reference; ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

SECTION 1300 OUTSIDE EMPLOYMENT

Employees cannot engage in outside employment without prior approval.

An employee shall not engage in any paid or self-employment, activity, or enterprise which is inconsistent, incompatible or in conflict with his or her District duties, functions, responsibilities, or that of the department in which he or she is employed at the District.

In order to avoid perceived or actual conflicts of interest that may arise from outside employment, all employees must obtain written approval from the General Manager and the Director of Human Resources & Risk Management prior to undertaking any outside employment as described in this Policy.

1301 AUTHORIZATION AND APPEAL PROCESS

a) **Written Request:** Any employee who wants to undertake a paid outside employment, activity, or enterprise must submit a written request to his or her department head. The written request must include: the work hours and/or time required; job title or the nature of the activity; the work location; and the supervisor, Director and name of the employer or activity.

b) **Analysis and Decision:**

The Director of Human Resources & Risk Management will determine if the outside employment, activity, or enterprise is compatible with the employee's employment at the District. If the Director of Human Resources & Risk Management determines such activity is compatible, or would be if any conditions or restrictions applied, he or she will authorize the activity and specify the conditions/ restrictions in writing, give the employee the outside employment authorization, and place a copy of the written authorization in the employee's personnel file.

c) **One Year Authorization:**

The employee must promptly report in writing to the Director of Human Resources & Risk Management any of the following changes that may occur during the year of an authorized outside employment: the outside employment ends; or the authorized employment changes as to the number of work hours, location, or types of duties.

2 Revocation / Suspension of Outside Employment Authorization

Any outside employment authorization may be revoked or suspended during the year it is granted under the circumstances listed below.

An employee may appeal the revocation or suspension as provided in this Policy.

- a) The employee's work performance declines; or
- b) An employee's conduct or outside employment conflicts with the conditions of the outside work authorization or is incompatible with the employee's work for the District.

3. Use of District Equipment Prohibited

Under no circumstances may an employee use any District equipment, vehicles, tools, supplies, machines, or any other item that is District property while an employee is engaged in any outside employment, activity or enterprise.

SECTION 1400 FAMILY AND MEDICAL LEAVE

The District provides family and medical care leave for eligible employees as required by State and federal law.

This Policy is supplemented by the Federal Family and Medical Leave Act ("FMLA"), and the California Family Rights Act ("CFRA"). Unless otherwise stated in this Policy, "Leave" means leave pursuant to the FMLA and CFRA.

1. Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination.
2. Employees who fraudulently obtain or use CFRA leave are not protected by the CFRA's job restoration or maintenance of health benefits provisions.

1401 CONCURRENT WITH FMLA AND CFRA

Unless otherwise provided by law, the District will run each employee's FMLA and CFRA leaves concurrently.

1402 DEFINITIONS

12-Month Period

A rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

Single 12 Month Period

A 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.

Child

A child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or step-child.

A child is "incapable of self-care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public

- b) Any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - c) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
 - d) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
 - e) Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a "serious health condition" only under the FMLA. Under California law, an employee disabled by pregnancy is entitled to pregnancy leave. (See section 709, Leave Because of Pregnancy, Childbirth, or Related Medical Condition.)
- 2) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
- 3) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by health care provider.
- 4) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of healthcare services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a

therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

- 2) A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

b) Outpatient Status

With respect to a covered service-member, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

c) Next of Kin of a Covered Service- member

The nearest blood relative other than the covered service-member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service-member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service-member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

c) Serious Injury or Illness

1) In the case of a member of the Armed forces, including a member of the National Guard or reserves, means an injury or illness that a covered service-member incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the service-member medically unfit to perform the duties of the member's office, grade, rank, or rating; or

2) In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

- a) The employee has been employed by the District for at least 12 months; and
- b) The employee has been employed by the District for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

1406 AMOUNT OF LEAVE

Eligible employees are entitled to a total of 12 workweeks (or 26 workweeks to care for a covered service-member) of leave during any 12-month period.

If FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

1) Minimum Duration of Leave

- a) If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.
- b) If leave is requested to care for a child, parent, spouse or the employee him/herself with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the notice and medical certification provisions in this Policy is required.

2) Parents both Employed by the District

If both parents of a child, adoptee, or foster child are employed by the District and are entitled to bonding leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period.

If both parents of a covered service-member are employed by the District and are entitled to leave to care for a covered service-member, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 work weeks during the 12-month period. This limitation does not apply to any other type of leave under this Policy.

c) Substitution of Paid Accrued Leaves

Although family and medical care leave is unpaid, an employee may elect and the District will require an employee to concurrently use all paid accrued leaves during family and medical care leave as described below.

Employee's Right to Use Paid Accrued Leave Concurrently with Family Leave

An employee may use any earned or accrued paid leave except sick leave for all or part of any unpaid family and medical care leave. An employee is entitled to use sick leave concurrently with family and medical care leave for the employee's own serious health condition or that of the employee's parent, spouse, domestic partner or child.

3) District's Right to Require an Employee to use Paid Leave when using FMLA/CFRA Leave

Employees must use and exhaust their accrued leaves concurrently with family and medical care leave to the same extent that employees have the right to use their accrued leaves concurrently with family and medical care leave with two exceptions:

- a) Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and
- b) An employee must agree to use accrued sick leave to care for a child, parent, spouse or domestic partner.

4) District's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves

If an employee takes a leave of absence for any purpose which also qualifies under both the FMLA and CFRA, the District will designate that leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

5) District's and Employee's Rights if an Employee Requests Accrued Leave Without Mentioning FMLA or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, the District may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if the District denies the employee's request and the employee provides information that

serious injury or illness. The District will verify the certification as permitted by the FMLA regulations.

d) **Qualifying Exigency:**

The first time an employee requests FMLA leave because of a qualifying exigency, an employee may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member's active duty service.

A copy of the new active duty orders or similar documentation shall be provided to the District if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member. The District will verify the certification as permitted by the FMLA regulations.

1) Time to Provide a Medical Certification

When an employee has provided at least 30 days' notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to the District within the time frame requested by the District (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

2) Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established in this Policy, the District may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.

3) Director of Human Resources & Risk Management's Review of the Contents of Medical Certification for Employee's Own Serious Health Condition

a) **Complete and Sufficient:**

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule for his or her own serious health condition, or to care for an immediate family member with serious health condition, the employee must provide medical certification that such leave is medically necessary.

“Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

The District may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

6) Employee Notice of Leave

Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for leave. If leave is foreseeable, at least 30 days’ notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed.

For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

1409 REINSTATEMENT UPON RETURN FROM LEAVE

a) Reinstatement to Same or Equivalent Position:

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits and pay. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

b) Date of Reinstatement:

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and the District, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

SECTION 1500 OTHER LEAVES

1501 BEREAVEMENT LEAVE

All employees, including temporary employees, may utilize paid bereavement leave to attend a funeral or memorial service, or to take care of family matters, that are related to the death of a member of immediate family or any relative living with the employee.

1) Definition

“Immediate family” consists of the following: employee’s spouse, registered domestic partner, child, stepchild, parent, grandparent, grandchild, brother, sister, mother/father-in-law, son or daughter-in-law, brother or sister-in-law, legal guardian, or custodial child, or the same relatives of a registered domestic partner.

Employees are entitled to up to five days for each death in the immediate family or of any relative living with the employee. An employee who utilizes bereavement leave shall notify his/her supervisor or department head of the intent to use such leave. The employee requesting bereavement leave must present acceptable supporting documentation to Human Resources within 30 days following the event. Supporting documentation may include an obituary, funeral announcement or any other documentation deemed acceptable in the sole discretion of the Human Resources Department.

If additional time is needed, an employee may request to use accrued sick leave, subject to the approval of the Department Head and the Director of Human Resources & Risk Management .

1502 WORKERS’ COMPENSATION/INDUSTRIAL INJURY LEAVE

Employees who are absent from work by reason of an injury or illness covered by Workers’ Compensation must provide the Department of Human Resources certification from a recognized medical professional confirming the necessity of the leave to the District within fourteen (14) days after the leave begins.

Appeals Board; or

- b) Is determined to be physically able to return to work with medical restrictions which the District can accept, and such determination, if disputed, is confirmed by Worker's Compensation Appeals Board; or
- c) Accepts employment outside the District; or
- d) Accepts employment in another position with the District; or
- e) Has been found to be permanent and stationary and is not rehabilitated as provided by law; or
- f) Is disability retired pursuant to Government Code provisions.

The District may, in its discretion, provide modified or light duty work if the employee's release contains such limitation.

If the employee has been released without limitation, the employee will be offered the same position he or she held previously, unless the job no longer exists or has been filled so that the District can operate safely and efficiently, or the employment relationship has otherwise been terminated.

4) Employee Obligation

If an employee continues working and is undergoing treatment, all treatment slips from the treating facility must be given to the Human Resources Department and his or her supervisor prior to returning to his or her regular work duties.

A medical release shall be required upon returning to work after three (3) consecutive days of disability leave indicating that the employee is physically able to return to his/her normal duties or to modified work, if it is available.

1503 PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION LEAVE

1) AMOUNT OF LEAVE

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid leave for up to the number of hours she would normally work within four calendar months (one-third of a year or 17 1/3 weeks).

The District may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to 12 weeks of bonding leave under the California Family and Medical Leave Act.

b) Sick and Vacation Leaves:

Sick and vacation leaves do not accrue while an employee is on unpaid pregnancy disability leave.

c) Employee Status during Leave:

The employee retains employee status during the leave. The leave is not a break in service for purposes of longevity or seniority under any collective bargaining agreement or employee benefit plan.

Benefits will be resumed upon the employee's reinstatement in the same manner and at the same levels as provided when the leave began, without any new qualification period, physical exam, or other qualifying provisions.

4) REINSTATEMENT

Upon the expiration of pregnancy leave, the employee will be reinstated to her original or a comparable position, so long as it was not eliminated for a legitimate business reason during the leave.

- a) If the employee's original position is no longer available, the employee will be assigned to a comparable, open position.
- b) If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will initiate an interactive process with the employee in order to identify a potential reasonable accommodation in accordance with these Policies.

1505 MILITARY LEAVE

Military leave will be granted in accordance with state and federal law. An employee requesting leave for this purpose shall promptly provide the department head with a copy of the military orders specifying the dates, site and purpose of the activity or mission.

Within the limits of such orders, the department head may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

The District also provides unpaid spousal/registered domestic partner leave for qualified employees in accordance with California Military & Veterans Code section 395.10.

Employees requesting leave under this policy may choose to use accrued paid leave (such as vacation or paid time off) concurrently with some or all of the leave under this policy.

1506 JURY DUTY/SUBPOENAED OR COURT-ORDERED WITNESS LEAVE

1) JURY DUTY

Any employee who is summoned to serve on a jury, or subpoenaed or ordered to be a witness, must notify his or her supervisor or department head as soon as possible.

Any employee who is released from jury service prior to the end of his or her scheduled work hours must report to work unless otherwise authorized by his or her supervisor.

Verification from the court clerk, generally Attendance Slips, are to be turned in to the Human Resources Department .

District employees are to complete the Waiver of Pay form at the courthouse. Please ask the court clerk for more information. Employees are required to only waive the daily per diem fee. Mileage and/or parking may be optional.

If an employee receives a court check that includes a per diem or daily fee, it is his or her responsibility to return those monies to the court. Employees may, however, keep any mileage and/or parking reimbursements.

The District also provides unpaid leave to eligible employees who are summoned to appear as witnesses in a judicial proceeding, pursuant to a subpoena or other court order, that was not initiated by the employee and that does not involve an event or transaction in the course of the employee's District job duties.

Employees may use accrued time, including vacation or compensatory time off, and/or unused paid time off for leave taken under this policy. The time spent in these proceedings is not considered work time.

1507 REGARDING CRIME VICTIM/ VICTIM FAMILY MEMBER COURT ATTENDANCE LEAVE

Any employee who is a victim of a crime that is a serious or violent felony, or a felony involving theft or embezzlement, may take leave from work to attend judicial proceedings related to that crime, if the employee provides the District a copy of the notice of the scheduled proceeding in advance.

If advance notice is not feasible, the employee must provide the District, within a reasonable time after the leave is taken, documentation from the District Attorney, victim's rights office, or court / governing agency that shows that the judicial proceeding occurred when the leave was used.

An employee who is an immediate family member of such a crime victim, including: a registered domestic partner; the child of the registered domestic partner; spouse; child; stepchild; brother; stepbrother; sister; stepsister; mother; stepmother; father; or stepfather of the crime victim is also entitled to leave from work to attend judicial proceedings relating to that crime.

The leave is unpaid unless the employee elects to use accrued vacation, sick, or other paid leave, or compensatory time off.

1508 REGARDING CRIME VICTIM/ FAMILY MEMBER VICTIMS' RIGHTS PROCEEDINGS LEAVE

Any employee who is a victim of a crime listed in Labor Code section 230.5(a)(2)(A), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue if the employee provides the employer reasonable advance notice.

If advance notice is not feasible, the employee must provide the District, within a reasonable time after the leave is taken, certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the

the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse.

The leave is unpaid unless the employee elects to use 2014 Healthy Workplaces sick leave (Labor Code § 246.5(a) (2)), accrued vacation or personal leave, or compensatory time off.

1511 CIVIL AIR PATROL LEAVE – STATE OF CALIFORNIA

The District provides eligible employees who are volunteer members of the California Wing of the Civil Air Patrol and are called to emergency operational missions up to 10 days of unpaid leave per calendar year. Leave for a single emergency operational mission will generally be limited to three days unless an extension is granted by the appropriate government entity(ies) and approved by the District.

The employee shall give the District as much notice as possible of the intended dates upon which the Civil Air Patrol leave will begin and end.

The District may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave requested or taken. The District may deny the leave to be taken as Civil Air Patrol leave if the employee fails to provide the required certification.

The employee taking leave shall not be required to exhaust accrued vacation leave, personal leave, compensatory leave, sick leave, disability leave, or any other leave that may be available to the employee in order to take Civil Air Patrol leave.

1512 ORGAN AND BONE MARROW DONATION LEAVE

The District provides eligible employees up to 30 business days in a 12-month period of leave to donate an organ to another person. For the first ten (10) business days of the leave, employees are required to use accrued paid time off. For the remaining time needed, up to a maximum of twenty (20) business days, the District will provide the employee with paid leave.

The District will provide additional unpaid leave of absence, not exceeding 30 business days in a one-year period, to an employee who is an organ donor, for the purpose of donating the employee's organ to another person.

3. A natural disaster, including, but not limited to fire, earthquake or flood.
4. Time-off to participate in school or child care activities or to find, enroll, or re-enroll in school or child care (items 1 and 2, above) is limited to 8 hours per month.

The employee must provide reasonable advance notice to his/her supervisor of the planned absence.

The leave is unpaid unless the employee uses vacation, personal leave or compensatory time off. The employee must provide documentation from the school or licensed child care facility to his or her supervisor and Human Resources as verification that the employee participated in school or child care facility activities on a specific date and at a particular time.

If both parents, guardians or grandparents having custody work for the District at the same District work site, only the first parent requesting will be entitled to leave under this provision. However, both may participate if approved by the District.

1514 CHILD SUSPENSION LEAVE

Any employee who is the parent or guardian of a child in grades 1 through 12 may take time off to go to the child's school in response to a request from the child's school, if the employee gives advance notice to his or her supervisor.

A school has the authority to request that the parent attend the child's school if the child has: committed any obscene act; habitually used profanity or vulgarity; disrupted school activities; or otherwise willfully defied the valid authority of school personnel.

1515 CALIFORNIA EMERGENCY RESPONDER LEAVE

The District provides unpaid leave to eligible employees who are volunteer firefighters, reserve peace officers or emergency rescue personnel so that such employees may respond to a call to emergency duty.

Additionally, the District provides unpaid leave, up to 14 days per calendar year, to such employees so that they may engage in scheduled fire, law enforcement or emergency rescue training.

Employees should notify the District of their status as a volunteer firefighter, reserve peace officer or emergency rescue personnel. Additionally, employees should provide as much advanced notice as practicable of the need for leave under this policy when they are called to emergency service. Employees may use accrued,

SECTION 1600 LEAVE OF ABSENCE WITH OR WITHOUT PAY

It is the District's policy that Leave of Absence without pay must be authorized by law or by provisions in these policies.

Unless authorized by law a District policy,

1. An employee is not entitled to a leave of absence without pay. An authorized leave of absence without pay is not a break in service for purposes of calculating seniority.
2. Vacation leave credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits do not accrue to an employee on unpaid leave.
3. The District will not maintain contributions toward group insurance or retirement coverage for the employee on such leave.

During the period of authorized unpaid leave, all service and leave credits shall be retained at the levels existing as of the effective date of the leave.

1601 PAID ADMINISTRATIVE LEAVE

The District has the right to place an employee on leave with full pay for non-disciplinary reasons at any time when the Director of Human Resources & Risk Management has determined that the employee's and/or District's best interests warrant the leave.

The employee does not have a right to appeal the decision to be placed on administrative leave with pay.

SECTION 1700**RESIGNATION, JOB ABANDONMENT, LAYOFF, SEPARATION AND EMPLOYMENT REFERENCES**

It is the District's policy to follow the following guidance and rules on employment separations.

1701 TYPES OF SEPARATION

All separations of employees from positions in District employment are designated as one of the following types:

- Probationary release
- Release of at-will employee
- Resignation
- Retirement
- Job abandonment
- Layoff
- Non-disciplinary separation
- Disciplinary separation

1702 PROBATIONARY RELEASE

Probationary employees serving in their initial probationary period with the District may be released at any time during the probationary period as recommended by the Department Head, without cause or reason, without notice or appeal or grievance, and without any rights set forth under Section 1900, Causes for Discipline and Procedures.

1703 RELEASE OF AT-WILL EMPLOYEES

An At-Will employee may be separated at any time, without cause, and without right to any appeal or grievance.

The employee will be given written notice, at his or her address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for the employee's unauthorized absence.

An employee who promptly responds to the District's written notice, within the timeframe set forth in the written notice, can arrange for an appointment with the Department Head before final action is taken, to explain the unauthorized absence and failure of notification.

An employee separated for job abandonment will be reinstated upon proof of justification for such absence, such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification.

No employee separated for job abandonment has the right to a post-separation appeal.

1707 LAYOFF

Whenever, in the judgment of the Board, a reduction in personnel is necessary for economic or operational reasons, any employee may be laid off or demoted for non-disciplinary reasons.

a) Order of Layoffs

Employees will be laid off in the inverse order of their seniority in their classification in the department.

Seniority is determined based on the length of employment in the affected classification in the department, or higher classifications in the department.

Length of employment includes all days of employment in attendance at work and on authorized or legally-protected leaves of absence. Length of service does not include unauthorized periods of leave or suspension or layoff.

Within each classification, employees will be laid off in the following order: temporary; part-time; probationary; and for-cause (regular) status.

Any employee separated because of an inability to accommodate after the reasonable accommodation and interactive process is concluded, will be given a written pre-separation notice of the reasons for the separation, the evidence supporting the decision to separate for non-disciplinary reasons, and an opportunity to respond before the separation takes effect.

Any regular employee has the opportunity for a post-separation appeal as described in section 1900, Causes for Discipline and Procedures.

1709 DISCIPLINARY SEPARATION

A regular employee may be separated for disciplinary reasons pursuant to the policy and procedures in Section 1900, Causes for Discipline and Procedures.

1710 RETURN OF DISTRICT PROPERTY

All District property in the employee's possession must be returned prior to separation, including keys, key fobs, identification cards, equipment, credit cards, gas cards, cell phones, pagers, uniforms and any other District equipment.

1711 JOB REFERENCES/VERIFICATION OF EMPLOYMENT

All reference inquiries and verifications of employment must be referred to and approved by Human Resources.

Unless the District receives a written waiver signed by the employee, the District will release only the employee's dates of employment, last position held, and final salary rate.

Department heads and supervisors should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by Human Resources on a case-by-case basis.

SECTION 1800**POLICY AGAINST DRUGS AND ALCOHOL IN THE WORKPLACE**

It is the policy of the District to promote a drug and alcohol-free workplace and to eliminate drug and alcohol-related inefficiencies and risks.

This Policy applies to all District employees, whether they are on District property, or they are performing District-related business elsewhere, except as this Policy is superseded by federally mandated drug and alcohol policies.

Compliance with this Policy is a condition of employment. Disciplinary action will be taken against those who violate this Policy.

There are additional requirements for District employees in safety-sensitive positions and/or performing safety-sensitive functions set forth below in section 1806.

1801 PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner.

Any supervisor who knowingly disregards the requirement of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination.

1802 DRUG AND ALCOHOL-FREE AWARENESS PROGRAM

The District's employee assistance provider offers counseling and treatment of drug- or alcohol-related problems. The employee assistance provider has information about:

- (a) the dangers of drug or alcohol abuse in the workplace;
- (b) the penalties that may be imposed for drug or alcohol abuse violations;
- (c) the District's Policy of maintaining a drug- and alcohol-free workplace; and
- (d) any available drug or alcohol counseling, rehabilitation, or employee assistance programs.

1803 PROHIBITED CONDUCT

- a) The manufacture, distribution, sale, purchase, dispensation, possession, or

alcohol test following a conditional offer of employment. The categories of jobs subject to pre-employment drug and alcohol testing include, but is not limited to, safety sensitive jobs that have public safety implications, such as operating heavy trucks to transport hazardous material.

b) Reasonable Suspicion Testing:

The District may require a blood test, urinalysis, or other drug and/or alcohol screening of those employees who are reasonably suspected of using or being under the influence of a drug or alcohol at work, under the following circumstances.

1) "Reasonable suspicion"

Reasonable suspicion to test exists if, based on objective factors, a reasonable person would believe that the employee is under the influence of drugs or alcohol at work.

Examples of objective factors, include, but are not limited to: unusual behavior, slurred or altered speech, body odor, red or watery eyes, unkempt appearance, unsteady gait, lack of coordination, sleeping on the job, a pattern of abnormal or erratic behavior, a verbal or physical altercation, puncture marks or sores on skin, runny nose, dry mouth, dilated or constricted pupils, agitation, hostility, confused or incoherent behavior, paranoia, euphoria, disorientation, inappropriate wearing of sunglasses, tremors, or other evidence of recent drug or alcohol use.

If the District suspects drugs or alcohol may have played a role in an accident involving District property or equipment, this may also constitute reasonable suspicion.

2) Document and Analysis:

In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion in writing and analyze the matter with the department head and the Director of Human Resources & Risk Management.

Any reasonable suspicion testing must be pre-approved by the Director of Human Resources & Risk Management.

3) Testing Protocol:

If the documentation and analysis show that there is a reasonable suspicion of drug or alcohol abuse at work, and the Director of Human

A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

3) Prohibited Conduct

In addition to the prohibitions set forth above, no safety-sensitive employee shall use alcohol while on duty or on call, while performing safety-sensitive functions, or within four hours of reporting for duty.

4) Additional Testing

In addition to reasonable suspicion testing, set forth above, safety-sensitive employees are subject to additional testing procedures as required by law.

All safety-sensitive employees are subject to controlled substance testing and breath alcohol testing.

Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to a Substance Abuse Professional (SAP).

Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

Analytical urine-controlled substance testing and breath testing for alcohol will be conducted as required under Department of Transportation guidelines. All safety-sensitive employees shall be subject to testing prior to employment, randomly, for reasonable suspicion, and following an accident, as defined in the Department of Transportation guidelines.

In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five years, as determined by a Substance Abuse Professional (SAP). Safety-sensitive employees who perform safety-sensitive functions as defined in the Department of Transportation guidelines shall also be subject to testing on randomly selected, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved by the Department of Health and Human Services (DHHS). All

Employees in safety-sensitive positions may be tested under any of the following circumstances:

1) Employment Testing.

All new employees conditionally hired for safety-sensitive classifications shall undergo urine controlled substance testing. Receipt of satisfactory test results is required as a condition of employment and failure of a controlled substance test will disqualify the applicant from further employment. Employment testing requirements will be conducted in compliance with the current law and the testing procedures set.

5) Reasonable Suspicion Testing

The District may require a blood test, urinalysis, or other drug and/or alcohol screening of those employees who are reasonably suspected of using or being under the influence of a drug or alcohol at work. "Reasonable suspicion" to test exists if, based on objective factors, a reasonable person would believe that the employee is under the influence of drugs or alcohol at work. Examples of objective factors are provided above in section 1405(b)(1).

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

6) Post-Accident Testing

Employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality.

This includes all safety-sensitive employees who are on duty in the vehicles and/or whose performance could have contributed to the accident.

In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; and the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any

guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Request after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

10) Employee Assessment

Any safety-sensitive employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the Department of Transportation guidelines will be assessed by a Substance Abuse Professional (SAP). A SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of alcohol related disorders.

The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.

If a safety-sensitive employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one to five years, as determined by the SAP.

The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the safety-sensitive employee and is on a onetime basis only. The employee will immediately be terminated on the occurrence of a second verified positive test result.

Employees may use accumulated sick leave, vacation, and floating holidays, if any, to participate in the prescribed rehabilitation program.

11) Rehabilitation

The decision to discipline or terminate an employee found to have used and/or be under the influence of drugs, alcohol and/or other controlled substances during working hours may be waived or held in abeyance by the District pending the employee's participation in a formal rehabilitation program.

The District has discretion to handle each case individually, with factors such as the employee's frequency of use, commitment to rehabilitation, and type of substance taken into consideration regarding the waiving of penalties.

a) **Procedures - Reasonable Suspicion Testing**

- 1) A safety-sensitive employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor.

Any employee may identify someone suspected of alcohol and/or controlled substance to any supervisor. Employees should realize, however that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action being taken against the offending employee. However, the supervisor must witness first-hand the safety-sensitive employee's signs and symptoms.

- 2) The supervisor is then obligated to ensure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the safety-sensitive employee in question may indeed be under the influence of alcohol and/or controlled substances.
- 3) When the supervisor(s) suspect and believe that the safety-sensitive employee may be under the influence of alcohol and/or controlled substances, the safety-sensitive employee is then immediately suspended from duty (with pay) and driven by District staff (or others designated) to the District specified collection site.

Because of a testing facility requirement, the safety-sensitive employee in question must show proof of identification, such as a photo driver's license or state-issued photo identification card.

Whenever practical, the Director of Human Resources & Risk Management should be notified in advance of the employee being taken to the collection site.

- 4) At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are suspected or a breath sample in the event that alcohol intoxication is suspected to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- 5) The District will take precautions to prevent the safety-sensitive employee being tested from going back to work and driving their own car home. Instead, the safety-sensitive employee will be given assistance in obtaining a ride home from the collection site.
- 6) The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be released to return to work.

employee with maximum privacy without compromising the integrity of the sample.

- 3) The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test.

The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

- 4) Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
- 5) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work.

The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

1808 PROCEDURES - POST ACCIDENT

- 1) The safety-sensitive employee notifies a supervisor that an accident has occurred.
- 2) The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred.

Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive

1809 PROCEDURES - RETURN-TO-DUTY AND FOLLOW-UP

1. The compliance company notifies the District to send the safety-sensitive employee to the collection site for alcohol and controlled substance testing.
2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are to be tested for, or a breath sample in the event that alcohol is being tested for to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 or whose controlled substance test is verified positive will be terminated.

a) Procedures - Chain Of Custody For Controlled Substance Specimens

1. At the time a specimen is collected, the safety-sensitive employee will be given a copy of the specimen collection procedures.
2. Urine will be in a wide-mouthed clinic specimen container, which will remain in full view of the safety-sensitive employee until split, transferred to sealed and initialed in two tamper-resistant urine bottles.
3. Immediately after the specimens are collected, the urine bottles will, in the presence of the safety-sensitive employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol-testing laboratory, the specimens will then be placed in the transportation container.

The container will be sealed in the safety-sensitive employee's presence and the safety-sensitive employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.

SECTION 1900
CAUSES FOR DISCIPLINE AND PROCEDURES

It is the policy of the District that employees may be disciplined for, including but not limited to, any of the following causes of discipline:

1. Providing false information in your application for employment;
2. Violation of any department rule, District policy or District regulation, ordinance or resolution;
3. Violation of the Districts' policy against harassment, discrimination and retaliation;
4. Absence without authorized leave or tardiness;
5. Excessive absenteeism and/or tardiness;
6. Use of leave from work in a manner not authorized or provided for under District policies;
7. Making any false representation or statement, or making any omission of a material fact;
8. Providing wrong or misleading information or other fraud in securing appointment, promotion or maintaining employment;
9. Unsatisfactory job performance;
10. Inefficiency;
11. Damaging any District property, equipment, resource, or vehicle, or the waste of District supplies through negligence or misconduct.
12. Insubordination; or insulting or demeaning the authority of a supervisor or manager;

26. Working overtime without prior authorization or refusing to work assigned overtime;
27. Carrying firearms or other dangerous weapons while on duty when not required by job duties;
28. Physical violence, fighting, or creating a disturbance;
29. Horseplay or fighting;
30. Conducting non-District business activities during working hours
31. Destroying or willfully damaging District or employee property, records, or other materials.
32. Failure to immediately report the loss of a California driver's license due to suspension, withdrawal, forfeiture or confiscation by any court of law or by the California Department of Motor Vehicles by employees who must maintain such a license as a condition of employment.
33. Violation of the Districts' Media Policy

1901 TYPES OF COUNSELING, REPRIMANDS AND DISCIPLINE

The following are types of counseling, reprimands and discipline which the District may impose:

a) Counseling Memo:

A counseling memo will be provided to an employee to identify: a failure of appropriate conduct or performance issue; the performance the employee is to demonstrate in the future; and consequences for failure to correct the behavior or problem.

A counseling memo will be retained in the supervisor's file until the completion of the evaluation year, and then documented in the performance evaluation, as

e) Reduction in Pay or Paid Leave:

The District may reduce an employee's pay or paid leave for cause.

A reduction in pay for disciplinary purposes may take one of three forms: 1) a decrease in salary to a lower step within the salary range; 2) a decrease in salary paid to an employee for a fixed period of time; or 3) loss of accrued paid vacation or administrative leave, floating holiday, or compensatory time off.

Documents related to a reduction in pay shall become part of the employee's personnel file when the reduction in pay is final and documented in the performance evaluation.

A reduction in pay is subject to the discipline and discipline appeal procedures described below. Employees who are exempt from the Fair Labor Standards Act (FLSA) overtime requirements are not subject to pay reduction, except loss of accrued vacation, floating holiday, or administrative leave.

f) Demotion:

The District may demote an employee from his or her position to a lower step or position for cause.

Documents related to a demotion shall become part of the employee's personnel file when the demotion is final and documented in the performance evaluation. A demotion is subject to the discipline and discipline appeal procedures described below.

g) Termination:

The District may terminate an employee from his or her position for cause.

Documents related to the termination shall become a part of an employee's personnel file when the termination is final.

A terminated employee is entitled to the discipline and discipline appeal

5. Notice of the employee's right to respond to the department head regarding the intended discipline within five working days from the date of the notice, either by requesting a *Skelly* conference, or by providing a written response, or both;
6. Notice of the employee's right to have a representative of his or her choice at the *Skelly* conference; and
7. Notice that failure to respond by the time specified constitutes a waiver of the right to respond prior to final discipline being imposed.

a) Response by Employee and *Skelly* Conference/ Meeting

If the employee requests a *Skelly* conference, the department head or designee will conduct an informal meeting with the employee.

During the informal meeting, the employee shall have the opportunity to rebut the charges against him or her and present any mitigating circumstances.

The department head will consider the employee's presentation before issuing the disciplinary action.

The employee's failure to attend the conference, or to deliver a written response by the date specified in the *Skelly* notice, is a waiver of the right to respond, and the intended disciplinary action will be imposed on the date specified in the *Skelly* letter.

b) Final Notice of Discipline

After the *Skelly* conference and/or timely receipt of the employee's written response, the Department of Human Resources in collaboration with the department head will:

- 1) Take no disciplinary action;
- 2) Modify the intended discipline; or
- 3) Impose the intended disciplinary action.

An employee may submit a written request for appeal to the Personnel Officer within 14 days from: 1) receipt of the final notice of discipline; or 2) the date of attempted delivery by the post office or delivery service of the notice to the last known address of the employee, whichever is earlier.

Failure to file a timely written request for an appeal waives the right to an appeal hearing and any appeal of the discipline.

2) Appeal Hearing Officer

The appeal hearing officer shall be an individual selected by the General Manager through State Mediation and Conciliation Service (SMCS) or the California Office of Administrative Hearings (OAH).

a) Date and Time of the Appeal Hearing

Once the appeal hearing officer has been designated, Human Resources will set a date for an appeal hearing.

The employee shall be notified in writing at least 21 days prior to the hearing of the scheduled date.

b) Prehearing Notice of Witnesses and Evidence

No later than 10 days before the hearing date, each party will provide the other and the appeal hearing officer a list of all witnesses to be called (except rebuttal witnesses), and a copy of all evidence (except rebuttal evidence) to be submitted at the hearing.

The District will use numbers to identify its evidence; the employee will use alphabet letters.

Neither party will be permitted to call any witness or evidence that has not been listed, unless that party can show that the party could not have reasonably anticipated the need for the witness or exhibit.

c) Subpoenas

All witnesses shall be sworn in prior to testifying. The hearing officer or court reporter shall request each witness to raise his or her hand and respond to the following: "Do you swear that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth?"

b) Evidence

Hearings need not be conducted according to technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner that the hearing officer decides is the most conducive to determining the truth.

The rules dealing with privileges shall be effective to the same extent that they are recognized in civil actions. Irrelevant or unduly repetitious evidence may be excluded.

The appeal hearing officer shall determine the relevance, weight and credibility of testimony and evidence.

c) Exclusion of Witnesses

During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing.

d) Burden of Proof

The District has the burden of proof by the preponderance of the evidence.

e) Authority of Hearing Officer

The appeal hearing officer shall not have the power to alter, amend, change, add to, or subtract from any of the terms of these Policies.

f) Professionalism

All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or the appeal hearing officer.

The decision of the Board is final. There is no process for reconsideration.

2) Proof of Service of the Written Findings and Decision

The District will mail a copy of the final written findings and decision, along with a proof of service of mailing that confirms that each of the parties and each of the parties' representatives were mailed the final written findings and decision.

It shall be the responsibility of the employee to inform the District of his/her address. A copy of the decision shall also be provided to Human Resources.

SECTION 2000 POLICY AGAINST VIOLENCE IN THE WORKPLACE

The District is committed to providing a safe and secure workplace and will not tolerate acts or threats of violence in the workplace.

The workplace includes any location where District business is conducted, including vehicles and parking lots. Any violation of this Policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

2001 PROHIBITED BEHAVIOR

Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of District employment.

The District has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

2002 WORKPLACE VIOLENCE

Workplace violence is defined as any conduct that causes an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property.

Specific examples of workplace violence include, but are not limited to, the following:

- a) Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property.

- b) The destruction of, or threat of destruction of District property or another employee's property.

- b) The Director of Human Resources & Risk Management or designee will take appropriate steps to provide security, such as:
- 1) If necessary, placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;
 - 2) Asking any threatening or potentially violent person to leave the site; or
 - 3) Immediately contacting an appropriate law enforcement agency.

2004 INVESTIGATION

The Director of Human Resources & Risk Management will have the authority to see that reported violations of this Policy are investigated as necessary.

2005 PREVENTION

Each department head has authority to enforce this Policy by:

- a) Training supervisors and subordinates about their responsibilities under this Policy;
- b) Assuring that reports of workplace violence are accurately and timely documented and addressed;
- c) Notifying the Director of Human Resources & Risk Management and/or law enforcement authorities of any incidents;
- d) Making all reasonable efforts to maintain a safe and secure workplace; and
- e) Maintaining records and follow up actions as to reports of workplace violence.

2006 ANTI-BULLYING POLICY

The District is committed to providing a safe work environment. In addition to prohibiting all forms of discrimination and harassment, the District also prohibits any form of “intimidation or bullying” in the workplace or elsewhere, such as at offsite events.

- 1) Applicability

Additionally, all employees have a duty to cooperate in connection with any investigation being conducted.

SECTION 2100 COMPLAINT RIGHTS OF EMPLOYEES

The District has established a complaint process that employees may use to bring forth any complaint that alleges the violation of a specific provision of these Policies that adversely affects the employee and that contains all of the information listed in the "Statement of the Complaint" below.

The following procedure applies to all District employees, unless another dispute resolution procedure applies to the dispute or a discipline policy and procedure applies.

1) Not Applicable to Evaluations or Discipline

The complaint procedure cannot be utilized to challenge the content of a performance evaluation.

The complaint procedure shall not apply to any disciplinary matters or procedures that are covered by Article 1900.

2101 STATEMENT OF THE COMPLAINT

A concern is not a complaint unless the affected employee is able to state each of the following:

- 1) The date of the alleged violation;
- 2) The specific provision(s) of these Policies that were allegedly violated;
- 3) A description of all facts regarding how the alleged violation occurred;
- 4) A list of all persons who are witnesses or are involved; and, if relevant,
- 5) A description of how he or she would like the complaint grievance to be resolved.

The complaining employee(s) may write up his or her complaint or use a District form to make the Statement of the Grievance.

A Statement of the complaint must be signed by the employee filing the grievance to certify that it is filed in good faith.

decision in writing to the employee(s)

c) Third Level Review:

If the employee believes that the complaint has not been resolved through Step II, the employee may appeal the complaint decision of the department head to the General Manager and the Human Resources Manager.

Such appeal must be filed within 7 working days of the date of the department head's written decision.

The General Manager and Director of Human Resources & Risk Management shall consider, discussing the complaint with the employee(s), and/or investigate as he/she deems appropriate, and shall, within 14 working days of receipt of the written Statement of the Grievance, submit his/her decision in writing to the grievant.

The decision of the General Manager in collaboration with the Director of Human Resources & Risk Management shall be final.

SECTION 2200

REPORTING A WORKPLACE INJURY

This section is intended to provide guidance for the District and its employees in compliance with the District's Safety & Injury Illness Prevention Program.

2201 PROCEDURE

District personnel shall report all injuries, however slight, to his/her immediate supervisor, or if not available, another supervisor in his/her work area, and the Human Resources Department as soon as practicable after the employee has realized that he or she has suffered a recordable work-related injury or illness.

Employees may initially make reports verbally, whether by phone or in person, but shall complete and file with the Human Resources Department a claim form as soon as practicable following the injury or illness. The Human Resources Department will furnish the claim form to be completed and the Workers' Compensation Benefit form.

In the event that the employee is incapacitated and cannot file a claim form, his/her immediate supervisor shall file a preliminary claim form, noting incapacitation of the injured employee, and the District will furnish a claim form to an immediate family member.

Nothing in this policy is intended to deter or discourage employees from accurately reporting a workplace injury or illness and employees shall not be subject to retaliation for making a reasonable report about a workplace illness or injury.

2202 MEDICAL TREATMENT

If medical treatment is needed, the Human Resources Department will provide an "Authorization for Treatment" form.

All personnel shall be treated at the Districts contracted Industrial Medical Clinic unless a personal physician has been designated and on file.

If prompt medical attention is essential, the Human Resources Department should be notified of the injury and they will call the treating facility with the authorization for treatment.

If the employee continues working while undergoing treatment, all treatment slips from the treating facility must be given to the Human Resources Department and his/her supervisor prior to returning to his/her regular work duties. For information about Workers' Compensation, see Section 1502.

SECTION 2300**USE OF DISTRICT VEHICLES, EQUIPMENT, AND TOOLS**

District equipment and resources may only be used to conduct District business, except for incidental personal use that is consistent with this Policy. As a result, District equipment and resources are non-public forums.

All District employees are required to adhere to this Policy.

2301 DISTRICT EQUIPMENT OR RESOURCES

District equipment or resources is any District-owned or supplied item or resource, including, but not limited to: intellectual property (e.g., photographs, plans, drawings, formulas, customer lists, designs, formulas), vehicles, telephones, cell phones, pagers, tools, machines, supplies, copy machines, facsimile machines, desks, office equipment, computers (including hardware and software), file cabinets, lockers, Wi-Fi, internet, intranet, District network, data systems, routers, voice mail, servers, and email or voice mail communications stored in or transmitted through District electronic resources or equipment.

2302 NO EXPECTATION OF PRIVACY

The District periodically and without prior notice, monitors, reviews, accesses, or retrieves data from its equipment or resources, including electronic communications and content contained in or transmitted through District networks or electronic resources.

District employees must provide the agency with the employee's username or password for any District-issued equipment or resource.

The existence of passwords or delete functions does not restrict the District's access. As a result, District employees have no expectation of privacy in their use of any District equipment or resources.

2303 APPROPRIATE USE ONLY – NO MISUSE

Employees may only use District equipment or resources in compliance with District policies. Except as authorized by this Policy, employees are expected to avoid any use or communication which is unrelated to District business, destructive, wasteful, or illegal.

The District has discretion to restrict or rescind employee access to District equipment or resources. The following are examples of misuse of District equipment or resources:

Additional Security Measures

Employees are responsible for the following:

- a) Maintaining the security of District equipment and resources under their control. This includes, but is not limited to, locking District vehicles, securing District PC's, PDA's, smart phones, laptops, and workstations with a password, keeping all passwords secure, logging off when a device is unattended, and not providing access to District information systems either deliberately or through failure to secure system access.
- b) Promptly reporting any security breaches or theft of District equipment or resources to their supervisor.

2304 DISTRICT EMAIL ADDRESSES

The District's email system is an official communication tool for District business.

The District establishes and assigns official email addresses to each employee as the District deems necessary. Employees must send all District communications that are sent via email to and from his or her official District email address.

Employees are prohibited from using their private email address (such as Gmail, yahoo, MSN/Hotmail, etc.) when communicating District business via email.

Should an email related to District business be sent to an employee's personal email account, the email should be immediately forwarded to the employee's District email account and responded to accordingly.

1) Incidental Personal Use

Employees may use District telephones, cell phones, internet access, and e-mail for incidental personal communications provided that the use:

- a) Is kept to a minimum and limited to break times or non-working hours;
- b) Does not interfere or conflict with District operations or the work performance of any District employees;
- c) Allows the employee to more efficiently perform District work;
- d) Is not abusive, illegal, inappropriate, or prohibited by this Policy (for example, no social media use, no electronic dating, no gaming); and
- e) Clearly indicates it is for personal use and does not indicate or imply City sponsorship or endorsement.

2308 ELECTRONIC TRACKING TECHNOLOGY

Employees of the District may, in the course of employment, be required to drive and/or ride in an agency-owned or leased vehicle equipped with Electronic Tracking Technology.

Electronic Tracking Technology means a technological method or system used to observe, monitor, or collect information, including telematics, Global Positioning System (GPS), wireless technology, or location-based technologies.

Electronic Tracking Technology may include event data recorders (EDR), sensing and diagnostic modules (SDM), or other systems that are used for the purpose of identifying, diagnosing, or monitoring functions related to the potential need to repair, service, or perform maintenance on the District vehicle and/or to capture safety systems-related data for retrieval after a collision or similar incident has occurred.

Electronic Tracking Technology is intended to allow the District to monitor location, elevation, and velocity of its vehicles.

Electronic Tracking Technology use for public safety greatly enhances job performance, personnel safety, situational awareness, and may provide assistance in time critical scenarios.

Electronic Tracking Technology in District-vehicles may also be used to for other business-related purposes, including, but not limited to, measuring productivity, locating stolen vehicles, providing aid to vehicles that break down, increasing employee safety, managing agency resources effectively, or ensuring that employees are following their routes or assignments.

The District may use Electronic Tracking Technology at the agency's sole discretion. Not all District vehicles are required to have Electronic Tracking Technology.

Utilized for Disciplinary Investigations

The District may utilize Electronic Technology to initiate a disciplinary investigation or discipline of its employees pertaining to the misuse or abuse of their vehicles, inappropriate use of time, speeding or other misconduct. Thus, the documents provided by the Electronic Tracking Technology, if any, could be part of a personnel file and subject to protections afforded the same.

The California Public Records Act may require that the District disclose specified public records. In response to requests for such disclosure, it may be necessary to

SECTION 2400 FITNESS FOR DUTY EXAMINATIONS

2401 APPLICANTS

After a conditional offer of employment has been extended to an applicant, the District may require the applicant to submit to a fitness for duty examination that is job-related; necessary for efficient operations of the agency; and required of all applicants for the job classification.

An applicant or employee who is required to pass a medical and/or psychological examination will be notified of his/her right to obtain a second opinion at his/her expense and that he/she may submit such second opinions for consideration.

1) Current Employee

Human Resources may require an employee to submit to a fitness for duty examination to determine if the employee has a disability and is able to perform the essential functions of his or her job when there is significant evidence that:

- a) The employee's ability to perform one or more essential functions of his or her job has declined; or
- b) Could cause a reasonable person to question whether an employee is still capable of performing one or more of his or her essential job duties, or is still capable of performing those duties in a manner that does not harm him or herself or others.

2402 ROLE OF HEALTH CARE PROVIDER

The District may request the applicant's or the employee's health care provider to conduct a fitness for duty exam on the applicant or employee, or may request a District-selected health care provider to do so at the District's expense.

The District will allow an employee paid time off to attend the exam. The District will provide the health care provider with a letter requesting a fitness for duty examination and a written description of the essential functions of the job.

The examination will be limited to determining whether the applicant or employee can perform the essential functions of his/her position and any work restrictions and/or functional limitations that apply to the applicant or employee.

The health care provider will examine the employee and provide the District with non-confidential information regarding whether:

Medical records and information contained therein may be released pursuant to state and federal law.

SECTION 2500 WHISTLEBLOWER PROTECTION

The District prohibits all the following:

- Taking any retaliatory adverse employment action against an employee because the employee has or is believed to have disclosed information to any government or law enforcement agency, including to the District, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
- Preventing an employee from disclosing information to a government agency, including to the District, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
- Retaliating against an employee for refusing to participate in any activity that would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation; and
- Retaliating against an employee because the employee's family member has or is perceived to have engaged in any of the protected activities listed in (a)-(c) above.

2501 POLICY COVERAGE

This Policy governs and protects District officials, officers, employees, temporary employees, and applicants for employment.

1) Definitions

Protected Activity includes any of the following:

- Filing a complaint with a federal or state enforcement or administrative agency that discloses any information that the employee has reasonable cause to believe violates state or federal law or a violation or noncompliance with a local, state, or federal rule or regulation.

- Altering work schedules or work assignments because of actual or potential protected activity.
- Condoning hostility and criticism of co-workers and third parties because of actual or protected activity.
- Spreading rumors about a person because of that person's actual or perceived protected activity.
- Shunning or unreasonably avoiding a person because of that person's actual or perceived protected activity.

2502 COMPLAINT PROCEDURE

An applicant, employee, or temporary employee who feels he or she has been retaliated against in violation of this Policy should immediately report the conduct according to the complaint procedure in the District's Policy against Discrimination, Harassment or Retaliation so that the complaint can be resolved fairly and quickly.

Supervisors and Directors have the same responsibilities as defined in the Policy against Discrimination, Harassment or Retaliation.

2503 OPEN AND TRANSPARENT:

This Policy is designed to provide the agency with the opportunity to promptly address and remedy retaliation against actual or perceived whistleblowers.

It is our policy to always be as open and transparent as possible in response to complaints of whistleblowing. The goal is always to comply with the law, and promptly correct any failures to do so. History shows that the cover up is always worse than the original failure of compliance.

2600**REASONABLE ACCOMMODATION AND INTERACTIVE PROCESS**

Absent undue hardship or direct threats to the health and safety of employee(s), the District provides employment-related reasonable accommodations to:

- Qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions; and
- Employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider; and
- Employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
- Employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

Based on the particular facts of each case, the District shall determine, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide.

The District will consider the preference of the employee or applicant but has the right to select and implement any accommodation that it deems effective.

2601 WHEN TO INITIATE THE INTERACTIVE PROCESS

The District will initiate the interactive process when:

- An applicant or employee with a known physical or mental disability or medical condition requests reasonable accommodation(s); or
- The District otherwise becomes aware of the need for an accommodation through a third party (e.g. a doctor's note requesting an accommodation), or by observation of the employee's work; or
- The District becomes aware of the possible need for an accommodation because the employee with a disability has exhausted workers' compensation leave, Family and Medical Act leave, or other leave rights, but the employee and/or the employee's health care provider indicate that

deems effective. The range of potential reasonable accommodations includes, but is not limited to:

- Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities, including acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, and/or the provision of qualified readers or interpreters;
- Job restructuring;
- Part-time or modified work schedules;
- Paid or unpaid leave of absence of a finite duration that is likely to enable the employee to return to work at the end of the leave;
- Preferential consideration to reassignment to a vacant, comparable position, except when such preference would violate a bona fide seniority system;
- Reassignment to a vacant lower-paid position if there is no funded, vacant comparable position for which the individual is qualified for; or
- Reassignment to a temporary position, if the individual agrees.

2603 POTENTIAL ACCOMMODATIONS FOR EMPLOYEES AFFECTED BY PREGNANCY AND RELATED MEDICAL CONDITIONS

Depending on the facts of each case, the interactive process will attempt to identify and implement a reasonable accommodation that is consistent with the medical certification applicable to the applicant or employee.

Whether an accommodation is reasonable is a case-by-case analysis that considers several factors, including, but not limited to the employee's medical needs; the duration of the needed accommodation; and the employer's legally permissible past and current practices.

The range of potential accommodations includes, but is not limited to:

- Transfer to a less strenuous or hazardous position for the duration of the pregnancy;
- Change in or restructuring of work duties, such as modifying lifting requirements;
- Providing more frequent breaks;
- Providing seating;

An employee occupying such private area shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.

The District will provide access to a sink with running water and a refrigerator, or other cooling device, suitable for storing milk, in close proximity to the employee's work area.

a) Requesting Lactation Accommodation

An employee may make a request for lactation accommodation, either orally or in writing, with their supervisor and the Human Resources Department.

Following receipt of a request for lactation accommodation, the District will provide a timely written response to the employee in which the District will indicate if it is unable to provide the requested break time or a requested location for the purposes of expressing breast milk.

An employee who does not believe that the District is providing an appropriate lactation accommodation should immediately inform the Human Resources Department.

An employee who does not believe that the District is providing an appropriate lactation accommodation as required by state law has the right to file a complaint with the California Division of Labor Standards Enforcement/Labor Commissioner.

b) Storage of Expressed Milk

Any employee storing expressed milk in any authorized refrigerated area within the District shall clearly label it as such.

2605 POTENTIAL ACCOMMODATIONS FOR EMPLOYEE-VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

Depending on the facts of each individual case, the interactive process analysis will review all possible accommodations that would enhance the safety of the

After the interactive process communications, the Department of Human Resources will review the information received, and determine:

1. whether all available information has been reviewed;
2. whether all potential accommodations that the applicant or employee has suggested have been considered;
3. whether additional discussions with the applicant or employee would be helpful;
4. whether the applicant's or employee's preferences have been considered;
5. if there is a reasonable accommodation that would enable the applicant or employee to perform essential job functions without harming him or herself or others; and
6. if the accommodations would pose an undue hardship on District finances or operations.

The Department of Human Resources will inform the applicant or employee of his or her determination in writing. They will use his or her discretion based upon the particular facts of each case.

1) Supporting Documentation or Certification

a) Reasonable Medical Documentation of Disability

If the disability or the need for reasonable accommodation is not obvious, the District may require the individual to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the agency will:

- 1) explain the insufficiency;
- 2) allow the employee or applicant to supplement the documentation; and
- 3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

b) Medical Certification Indicating the Need for a Reasonable Accommodation or Transfer Due to Pregnancy or Related Conditions

If a pregnant employee, or an employee with a pregnancy-related condition, requests a reasonable accommodation or transfer due to pregnancy, the District will provide the employee with notice of the need for a medical certification within two business days after the employee's request for accommodation.

2700**POLITICAL ACTIVITIES POLICY**

The policy provides guidelines for District officers and employees regarding participation in political activities.

2701 APPLICABILITY

This policy applies to all District officers and employees.

2702 POLICY

The political activities of District officers and employees are restricted by certain State and Federal laws. District officers and employees shall obey all applicable laws.

District officers and employees are prohibited from the following:

1. engaging in political activities of any kind while on duty for the District or during work hours;
2. engaging in political activities of any kind while wearing a District uniform or other District issued clothing
3. engaging in political activities of any kind while on District premises;
4. soliciting or receiving political funds or contributions to promote the passage or defeat of any ballot measure that would affect working conditions during the working hours of its officers and employees, or in District offices; or
5. directly or indirectly soliciting political contributions from other officers or employees of the District unless the solicitation is part of a solicitation made to a significant segment of the public which may incidentally include officers from and employees of the District.

Nothing stated herein shall be construed as limiting any District Officer's or employee's right to vote, or freedom of reasonable expression or right of association, nor the exercise of any rights protected by the Constitution of the United States of America and the State of California.

This document contains the Personnel Policies and Procedures for the West Valley Water District.

These policies and procedures are the rules and processes that govern all employment and/or personnel related matters for the District.

Unless the District has agreed to in a separate collective bargaining agreement, all employees of the District are bound by the policies and procedures contained in this document

VOTED ON APPROVED BY THE BOARD OF DIRECTORS FOR THE WEST VALLEY WATER DISTRICT ON July 1, 2021

EXHIBIT D

RESOLUTION NO. 2021-18
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WEST VALLEY WATER DISTRICT
ESTABLISHING REVISED AND UPDATED HUMAN RESOURCES PRACTICES AND
POLICES AND
RESCINDING ALL PREVIOUS RESOLUTIONS ADOPTED REGARDING HUMAN
RESOURCES PRACTICES AND POLICIES

WHEREAS, the Board of Directors (“Board”) of the West Valley Water District (“District”) previously adopted Resolution No. 2021-18, Establishing, West Valley Water District Human Resources Practices and Policies;

WHEREAS, the West Valley Water District and its Board saw a need to revise, update and/or add to the Human Resources Practices and Policies;

WHEREAS, it is a common practice for government agencies such as the West Valley Water District to revise, update and/or add to the Human Resources Practices and Policies from time to time;

WHEREAS, periodically updating and revising the Human Resources Practices and Policies is considered “best practice” for a government agency;

WHEREAS, the West Valley Water District consulted industry experts to revise, update and/or add to the Human Resources Practices and Policies; and

WHEREAS, the West Valley Water District has completed its revisions and updates of its Human Resources Practices and Policies;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the West Valley Water District does hereby rescind Resolution 388-71 and all previous resolutions adopted regarding the West Valley Water District’s Human Resources Practices and Policies, except the current Resolution 2021-18, and adopts the Human Resources Policies and Practices Manual attached as Exhibit A.

BE IT FURTHER RESOLVED that said Resolution No. 2021-18 shall be effective _____.

ADOPTED, SIGNED AND APPROVED THIS 1st DAY OF JULY 2021.

AYES: DIRECTORS:
 NOES: DIRECTORS:
 ABSENT: DIRECTORS:
 ABSTAIN: DIRECTORS:

Channing Hawkins
President of the Board of Directors of West
Valley Water District

ATTEST:

Peggy Asche, Board Secretary



**BOARD OF DIRECTORS
STAFF REPORT**

DATE: July 1, 2021
TO: Board of Directors
FROM: Shamindra Manbahal, Interim General Manager
SUBJECT: NOTICE OF COMPLETION RECORDATION FOR THE PUMP STATION 6-2 EMERGENCY GENERATOR

DISCUSSION:

On April 16, 2020, the Board authorized West Valley Water District (“District”) to enter into an agreement with Quinn Power Systems for the Pump Station 6-2 (“PS6-2”) Emergency Generator in the amount of \$494,006.81. The project includes the installation of 750kW Diesel Standby Generator and Ancillary Equipment, 2000 Gallon tank, 150 Gallon day tank, crane and forklift rental, pull control wires, DPF stand, DPF, exhaust piping and wrap, asphalt cut and patch, construct concrete pad, bollard around outdoor fuel tank, fuel line, anchor day tank, and install conduits for day tank. Quinn Power Systems is nearly completed successfully conducting the scope of Work and provided deliverables as stated in the contract.

Staff will be filing the Notice of Completion will be recorded upon completion of the project. Attached as **Exhibit A** is a copy of the certificate of substantial completion and as **Exhibit B** is a copy of the Notice of Completion.

FISCAL IMPACT:

No fiscal impact.

STAFF RECOMMENDATION:

Staff recommends that this item be submitted for consideration, and that the Board of Directors approve this item and authorize the Interim General Manager to execute the necessary documents.

Respectfully Submitted,

Shamindra Manbahal

Shamindra Manbahal, Interim General Manager

BP:pa

ATTACHMENT(S):

1. Exhibit A - Certification of Substantial Completion
2. Exhibit B - Notice of Completion

MEETING HISTORY:

06/09/21 Engineering, Operations and Planning Committee REFERRED TO BOARD

EXHIBIT A

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: West Valley Water District Project: Pump Station 6-2 Emergency Generator
Contractor: Quinn Power Systems

This Certificate of Substantial Completion applies to:

- [X] All Work [] The following specified portions of the Work:

June 2, 2021

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, Inspector and Construction Manager, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract.

The following documents are attached to and made a part of this Certificate: Punchlist

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

EXECUTED BY PROJECT MANAGER:

RECEIVED:

By: [Signature] (Authorized signature)

Name: Bertha Perez, P.E.

Title: Project Manager

Date: 6/2/2021

By: [Signature] Contractor (Authorized Signature)

Name: Brendan Powers

Title: Project Engineer

Date: 6/2/2021

PUNCHLIST

Hi Bertha,

The following items still need to be completed at this jobsite. As discussed, we ran into issues with parts availability which was the reason why this job has been delayed.

- 6/1/2021 – Completion of the DPF stand from our vendor
- 6/2/2021 and 6/3/2021 – After delivering the DPF stand, Keelin will put together and secure to pad
- 6/3/2021 thru 6/7/2021 – Mount and install DPF
- 6/8/2021 – After the DPF is mounted, both Nick and I will take measurements of exhaust so we can order exhaust piping, wall thimble, gaskets, and flexes
- Week of 6/14/2021 – Obtain exhaust piping, wall thimble, gaskets, and flexes (pending availability)
- Week of 6/21/2021 – Install exhaust components, prepare genset for start-up, complete start-up and testing by end of week

We'll do our best to beat this schedule.

Both Nick and I will be on site tomorrow at 0930am.

R/,

Brendan Powers

Quinn Power Systems

Project Engineer

Office: 562-463-6073

Cell: 617-777-7779

www.quinnpower.com



EXHIBIT B

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

NAME

STREET ADDRESS

CITY, STATE & ZIP CODE

TITLE ORDER NO.

ESCROW NO.

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

APN# _____

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

The undersigned is OWNER or AGENT OF THE OWNER of the interest or estate stated below in the property hereinafter described.

The full NAME of the OWNER is _____

The ADDRESS of the OWNER is _____

The NATURE OF THE INTEREST or estate of the undersigned is _____
(e.g. fee, leasehold, joint tenancy, vendee under a contract of purchase, etc.)

The full name(s) and address(es) of all persons, if any, who hold such interest or estate with the undersigned as joint tenants or as tenants in common are:

Name	Address
_____	_____
_____	_____
_____	_____

The full name(s) and address(es) of the successor(s) in interest of the undersigned if the property was transferred subsequent to the commencement of the work of improvement herein referred to:

Name	Address
_____	_____
_____	_____
_____	_____

A work of improvement on the property hereinafter described was COMPLETED on _____

The work of improvement completed is described as _____

The name of the original contractor, if any, for such work of improvement was: _____

The property on which said work of improvement was completed is in the City of _____,
County of _____, State of California, and is DESCRIBED AS FOLLOWS:

The street address of said property is _____
(if applicable)

Dated: _____

Signature of Owner or Agent of Owner

* There are various types of deed forms depending on each person's legal status. Before you use this form you may want to consult an attorney if you have questions concerning which document form is appropriate for your transaction.

I, _____ am the _____
(Name of below signor) (Owner, President, Authorized Agent, Partner, etc.)

the declarant of the foregoing Notice of Completion. I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(Date and Place)

(Signature)

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

June 2, 2021

Page 2

1. NAME AND ADDRESS OF THE CLAIMANT:

Name: Nadia Loukeh.
Address: c/o Cwiklo Law Firm
21650 Oxnard Street, Suite 1960
CSZ: Woodland Hills, CA 91367
Telephone: (818) 719-8000
Facsimile: (818) 719-9009

**2. POST OFFICE ADDRESS WHERE CLAIMANT DESIRES
NOTICES BE SENT:**

Name: Cwiklo Law Firm
Attn: David Peter Cwiklo
Address: 21650 Oxnard Street, Suite 1960
CSZ: Woodland Hills, CA 91367
Telephone: (818) 719-8000
Facsimile: (818) 719-9009

**3. DATE, PLACE AND OTHER CIRCUMSTANCES OF THE
OCCURRENCES OR TRANSACTION THAT GAVE RISE
TO THE CLAIM:**

Date: August 2018 to June 30, 2020, present and continuing.

Claims Based Upon Violation of Statute:

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

June 2, 2021

Page 3

- (1) Wrongful Termination, Violation of FEHA and Government Code §§ 12920, 12921, 12940(a), Sex/Gender Discrimination;
- (2) Wrongful Termination, Violation of FEHA and Government Code §12940(h), Retaliation;
- (3) Harassment, Hostile Work Environment, In Violation of FEHA and Government Code §12940(a), (j), Based Upon Sex/Gender;
- (4) Wrongful Termination, Violation of FEHA and Government Code §§ 12920, 12921, 12940(a), Combined Race, Sex/Gender Discrimination;
- (5) Wrongful Termination, Violation of FEHA and Government Code §§ 12940(a), 12926(o), Disability-Based Associational Discrimination;
- (6) Wrongful Termination, Violation of FEHA and Government Code §12945.2(l), Discrimination for Exercising CFRA/FMLA Rights;
- (7) Failure to Prevent FEHA Discrimination, Harassment in Violation of FEHA and Government Code §12940(k);
- (8) Wrongful Termination, Violation of Labor Code §1101, Based Upon Engagement in Political Activities, Political Causes;

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

June 2, 2021

Page 4

- (9) Wrongful Termination, Violation of Labor Code §1102, Based Upon Engagement in Political Activities, Political Causes;
- (10) Wrongful Termination, Violation of Labor Code §1102.5(a)-(c), Whistleblower Retaliation;
- (11) Wrongful Termination, Violation of Labor Code §1102.5(a)-(c), Whistleblower Preemptive (“Anticipatory”) Retaliation;
- (12) Wrongful Termination, Violation of Labor Code §1102.5(c), (d), Whistleblower Retaliation;
- (13) Defamation;
- (14) Invasion of Privacy, Public Disclosure of Private Facts;

and

Other Companion/Related Claims Related to the West Valley Water District’s Defendants’ Differential Treatment of Nadia Loukeh, As Identified in Plaintiff Nadia Loukeh’s San Bernardino Superior Court lawsuit, incorporated herein by this reference.

Time: See Above.

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

June 2, 2021

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Place: West Valley Water District
855 West Base Line Road
Rialto, California 92376.

4. **NATURE OF THOSE INJURIES KNOWN AT THE TIME
OF THE PRESENTATION OF THE CLAIM:**

Water Resources Manager Nadia Loukeh was treated differently in the terms, compensation and conditions of her West Valley Water District employment, harassed, retaliated against, Directors defamed her reputation in her chosen business, trade, profession and occupation, Director acts and omission substantially motivated by:

42-year old, Arab, female, Water Resources Manager Nadia Loukeh brought this wrongful termination, FEHA and *Government Code* §12940(a), sex (gender), race, disability-based associational disability discrimination, harassment, retaliation and *Labor Code* §§1101, 1102, 1102.5 political activities and whistleblower retaliation, defamation and invasion of privacy lawsuit against her former employer West Valley Water District (“WVWD”). Loukeh engaged in multiple, statutory protected activities, which included her whistleblower activities which exposed WVWD Board of Directors Clifford Odell Young and Greg Young’s financial malfeasance with the hire of and continued employment of Patricia Romero and her extraordinary, exorbitant \$104,000 salary to an “assistant-to-a-secretary,” who was later transferred to a “receptionist” position, in exchange for a rumored sexual relationship, i.e., classic payroll fraud, theft, embezzlement. Moreover, these WVWD Directors showed sexual favoritism in the workplace for those women who would engage in a sexual relationship, which was sufficiently widespread to create an

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

June 2, 2021

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actionable hostile work environment in which the demeaning message was conveyed to all female employees they were viewed by management as “sexual playthings,” where the only way a woman could get ahead in the WVWD workplace was to engage in sexual relationship with WVWD directors and managers. In response to Loukeh’s engagement in statutory protected activities, on June 20, 2020 these same WVWD Directors brazenly orchestrated the termination of WVWD’s lone Arab, female, Water Resources Manager Nadia Loukeh under their deliberately false, manufactured, concocted pretext of a position elimination due to a feigned “budgetary reduction-in-force” to cover-up a termination substantially motivated by their unlawful discriminatory, harassing, retaliatory animus. In truth, WVWD’s revenues remained constant. There was not budget shortfall, no need for a reduction-in-force. Loukeh seeks recovery of substantial economic and non-economic damages, past and future, reinstatement, punitive damages against the individual defendants (only), statutory attorney’s fees and costs, far in excess of the minimal jurisdiction limits of the San Bernardino Superior Court lawsuit, which Claimant incorporates herein by this reference.

This list is not complete and remains subject to discovery in the underlying civil lawsuit, as well as expert medical and related testimony to be presented to the San Bernardino Superior Court at the time this case gets tried to a jury. Claimant reserves the right to amend this description of the acts, omissions and damages upon receipt of further information not currently possessed or inadvertently omitted herein.

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

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5. AMOUNT OF CLAIM AS OF DATE OF THIS PRESENTATION, INCLUDING ESTIMATED AMOUNT OF ANY PROSPECTIVE CLAIM, DAMAGE OR LOSS AS IT MAY BE KNOWN AT THE TIME OF THIS CLAIM, TOGETHER WITH THE BASIS OF COMPUTATION OF THE AMOUNT CLAIMED:

The exact amount of this claim for medical expenses, past and future, lost earnings, past and future, lost career, lost promotional opportunities, past and future, loss of reputation, past and future, general damages, past and future, as well as punitive damages (individual defendants, only) and statutory attorney's fees, as permitted by statute and case law, as against the West Valley Water District governmental agency and/or those individual defendants identified herein and personally involved, are currently unascertained but which will be shown according to proof at the time of trial.

6. AMOUNT OF CLAIM:

The exact amount of this claim is currently unknown at this time, believed to exceed seven-figures, including punitive damages against the individual defendants, only, including reasonable statutory attorney's fees and costs, far surpassing the ten thousand dollars minimal jurisdiction. The jurisdiction for this claim shall rest with the San Bernardino Superior Court.

7. CLAIMANT'S FURTHER NOTICE:

In addition to this Government Code §910 Statutory Notice of Claim, and to the extent required by law, Claimant herein serves

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

June 2, 2021

Page 8

notice on the West Valley Water District and individual defendants named herein in compliance with any and all other pre-lawsuit filing West Valley Water District notice requirements, including any West Valley Water District Charter requirements, or similar notice requirements, if any in fact exist.

Very truly yours,

CWIKLO LAW FIRM

A handwritten signature in black ink, appearing to read 'DPC', with a long horizontal line extending to the right.

DAVID PETER CWIKLO

DPC/clo

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

June 14, 2021

Page 2

1. NAME AND ADDRESS OF THE CLAIMANT:

Name: DIANA GUNN.
Address: c/o Cwiklo Law Firm
21650 Oxnard Street, Suite 1960
CSZ: Woodland Hills, CA 91367
Telephone: (818) 719-8000
Facsimile: (818) 719-9009

**2. POST OFFICE ADDRESS WHERE CLAIMANT DESIRES
NOTICES BE SENT:**

Name: Cwiklo Law Firm
Attn: David Peter Cwiklo
Address: 21650 Oxnard Street, Suite 1960
CSZ: Woodland Hills, CA 91367
Telephone: (818) 719-8000
Facsimile: (818) 719-9009

**3. DATE, PLACE AND OTHER CIRCUMSTANCES OF THE
OCCURRENCES OR TRANSACTION THAT GAVE RISE
TO THE CLAIM:**

Date: March 2019 to June 30, 2020, present and continuing.

Claims Based Upon Violation of Statute:

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

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1. WRONGFUL TERMINATION, VIOLATION OF FEHA AND GOVERNMENT CODE §§12920, 12921, 12940(a), DISABILITY DISCRIMINATION;
2. WRONGFUL TERMINATION, VIOLATION OF FEHA AND GOVERNMENT CODE §12940(m), (n), FAILURE TO ENGAGE IN INTERACTIVE PROCESS; FAILURE TO REASONABLY ACCOMMODATE;
3. WRONGFUL TERMINATION, VIOLATION OF FEHA AND GOVERNMENT CODE §12945.2(l), DISCRIMINATION FOR EXERCISING CFRA/FMLA RIGHTS;
4. WRONGFUL TERMINATION, VIOLATION OF WORKERS' COMPENSATION ACT AND LABOR CODE §§3200-6208, WORKERS' COMPENSATION RETALIATION;
5. WRONGFUL TERMINATION, VIOLATION OF FEHA AND GOVERNMENT CODE §§12920, 12921, 12940(a), SEX/GENDER DISCRIMINATION;
6. WRONGFUL TERMINATION, VIOLATION OF FEHA AND GOVERNMENT CODE §§12920, 12921, 12940, COMBINED DISABILITY, SEX/GENDER, RACE, AGE DISCRIMINATION;

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
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7. HARASSMENT, HOSTILE WORK ENVIRONMENT, VIOLATION OF FEHA AND GOVERNMENT CODE §12940(a), (j), SEX/GENDER;
8. WRONGFUL TERMINATION, VIOLATION OF FEHA AND GOVERNMENT CODE §12940(h), RETALIATION;
9. WRONGFUL TERMINATION, VIOLATION OF FEHA AND GOVERNMENT CODE §12940(k); FAILURE TO PREVENT FEHA DISCRIMINATION, HARASSMENT;
10. WRONGFUL TERMINATION, VIOLATION OF LABOR CODE §1101, ENGAGEMENT IN POLITICAL ACTIVITIES, POLITICAL CAUSES;
11. WRONGFUL TERMINATION, VIOLATION OF LABOR CODE §1102, ENGAGEMENT IN POLITICAL ACTIVITIES, POLITICAL CAUSES.

and

Other Companion/Related Claims Related to the West Valley Water District's Defendants' Differential Treatment of Diana Gunn, As Identified in Plaintiff Diana Gunn's San Bernardino Superior Court lawsuit, incorporated herein by this reference.

Time: Sec Above.

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

June 14, 2021

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Place: West Valley Water District
855 West Base Line Road
Rialto, California 92376.

**4. NATURE OF THOSE INJURIES KNOWN AT THE TIME
OF THE PRESENTATION OF THE CLAIM:**

Asset Manager Diana Gunn was treated differently in the terms, compensation and conditions of her West Valley Water District employment, discriminated, harassed, retaliated against, Directors defamed her reputation in her chosen business, trade, profession and occupation, Director acts and omission substantially motivated by:

56-year old, disabled, female, Filipina Asset Manager Diana Gunn brought this wrongful termination, FEHA and *Government Code* §12940(a), disability, sex/gender, race, age discrimination, retaliation and related *Labor Code* §§1101 and 1102 political activities/causes retaliation lawsuit against her former employer West Valley Water District (“WVWD”). In the male-dominated water industry, the male-dominated WVWD management, WVWD Board of Directors Clifford Odell Young and Greg Young demonstrated sexual favoritism in the workplace for those women who would engage in a consensual sexual relationship, which was sufficiently widespread to create an actionable hostile work environment in which the demeaning message was conveyed to all female employees, including Gunn, they were viewed by management as sexual playthings, which gave the wrong impression the only way a woman could get ahead in the WVWD workplace, to receive favorable, significant, employment decisions and opportunities, including promotions, salary increases, grading of job performance, implementation of employee discipline,

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

June 14, 2021

Page 6

transfer, demotion, suspension, criteria for layoff and/or reduction in force and termination, was to have a consensual sexual relationship with a high-ranking WVWD Board member. Gunn engaged in statutory protected activities: (1) on October 19, 2019, Gunn sustained a serious, permanent statutory physical disability due to a work-related injury, exercised her statutory Workers' Compensation Act rights, took intermittent time off to secure medical care, filed a Workers' Compensation *Application for Adjudication of Claim*; (2) from March 2019 through June 30, 2020, Gunn engaged in political expressions, activities and/or causes contrary to WVWD directors who sought to remove her politically-appointed supervisor General Manager Clarence Mansell, Jr.; (3) on June 25, 2020, Gunn filed her age, sex, gender, race discrimination complaint with the Human Resources manager. On June 26, 2020, these same Directors orchestrated the June 30, 2020 discharge WVWD's only 56-year old, female, Filipina, Asset Manager Gunn under their deliberately false, manufactured, concocted pretext of a "budgetary reduction-in-force" they used to cover-up their termination substantially motivated by their unlawful discriminatory animus. In truth, WVWD's revenues remained constant. There was no budget shortfall. There was no need for a reduction-in-force. Critically, WVWD had a vacant Accountant position for which Gunn was qualified based upon her background, training and work experience as a WVWD Accounting Supervisor, Purchasing Analyst and Asset Manager positions, as well as the Controller, Senior Production Cost Accountant, Accounting Manager positions with a prior employer. No WVWD director offered Gunn the opportunity to fill the vacancy. Gunn seeks recovery of substantial economic and non-economic damages, reinstatement, punitive damages (individual defendants, only), statutory attorney's fees.

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

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This list is not complete and remains subject to discovery in the underlying civil lawsuit, as well as expert medical and related testimony to be presented to the San Bernardino Superior Court at the time this case gets tried to a jury. Claimant reserves the right to amend this description of the acts, omissions and damages upon receipt of further information not currently possessed or inadvertently omitted herein.

5. **AMOUNT OF CLAIM AS OF DATE OF THIS PRESENTATION, INCLUDING ESTIMATED AMOUNT OF ANY PROSPECTIVE CLAIM, DAMAGE OR LOSS AS IT MAY BE KNOWN AT THE TIME OF THIS CLAIM, TOGETHER WITH THE BASIS OF COMPUTATION OF THE AMOUNT CLAIMED:**

The exact amount of this claim for medical expenses, past and future, lost earnings, past and future, lost career, lost promotional opportunities, past and future, loss of reputation, past and future, general damages, past and future, as well as punitive damages (individual defendants, only) and statutory attorney's fees, as permitted by statute and case law, as against the West Valley Water District governmental agency and/or those individual defendants identified herein and personally involved, are currently unascertained but which will be shown according to proof at the time of trial.

6. **AMOUNT OF CLAIM:**

The exact amount of this claim is currently unknown at this time, believed to exceed seven-figures, including punitive damages against the individual defendants, only, including reasonable statutory attorney's fees and costs, far surpassing the ten thousand dollars

CWIKLO LAW FIRM

**NOTICE OF CLAIM AGAINST GOVERNMENTAL ENTITY
PURSUANT TO GOVERNMENT CODE §910, ET AL.**

June 14, 2021

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minimal jurisdiction. The jurisdiction for this claim shall rest with the San Bernardino Superior Court.

7. CLAIMANT'S FURTHER NOTICE:

In addition to this Government Code §910 Statutory Notice of Claim, and to the extent required by law, Claimant herein serves notice on the West Valley Water District and individual defendants named herein in compliance with any and all other pre-lawsuit filing West Valley Water District notice requirements, including any West Valley Water District Charter requirements, or similar notice requirements, if any in fact exist.

Very truly yours,

CWIKLO LAW FIRM

A handwritten signature in black ink, appearing to read 'DPC', followed by a long horizontal line extending to the right.

DAVID PETER CWIKLO

DPC/clo

HUNT ORTMANN PALFFY NIEVES
DARLING & MAH, INC.
301 N. LAKE AVE
7TH FLOOR
PASADENA, CA 91101
(626) 440-5200

WEST VALLEY WATER DISTRICT
Attn: Accounts Payable
P.O. BOX 190
RIALTO, CA 92377

June 11, 2021

Account # 7473.002
Invoice # 88491

In Reference to: Contracts

FOR PROFESSIONAL SERVICES RENDERED THROUGH 05/31/2021 SUMMARY OF FEES AND COSTS:

Total Fees:	\$11,798.00
Total Costs:	\$38.86
<u>Total Balance Due</u>	<u>\$11,836.86</u>



IVIE McNEILL WYATT
PURCELL & DIGGS

**Bill to: West Valley Water District
855 West Base Line Road
Rialto, California, 92376**

**Invoice No: 744659
Dated: May 28, 2021
File No: 8007-005
File Name: Davis v WVWD**

FOR PROFESSIONAL SERVICES

Total Fees: \$10,287.50



IVIE McNEILL WYATT
PURCELL & DIGGS

**Bill to: West Valley Water District
855 West Base Line Road
Rialto, California, 92376**

**Invoice No: 744657
Dated: May 28, 2021
File No: 8007-007
File Name: Romero v WWWD**

FOR PROFESSIONAL SERVICES

Total Fees:	\$4,977.50
Total Costs:	\$94.00

LEAL • TREJO
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION

H. FRANCISCO LEAL
WILLIAM J. TREJO
MARIBEL S. MEDINA
DAVID J. ALVAREZ
MICHAEL E. WOLFSOHN
DENISE A. MARTINEZ
JENNIFER A. CHAMBERLAIN
ARTURO N. FIERRO
ANA MARIA QUINTANA

3767 WORSHAM AVENUE
LONG BEACH, CALIFORNIA 90808
(213) 628-0808
FAX (213) 628-0818
WWW.LEAL-LAW.COM

June 10, 2021

Rickey S. Manbahal
Interim General Manager
West Valley Water District
855 W. Base Line Road
Rialto, CA 92376

Re: **Professional Services Rendered through April 2021 for
West Valley Water District – Writ-Young v. West Valley Water
District Legal matters.**

Dear Mr. Manbahal:

Enclosed is the statements for general legal services rendered by Leal • Trejo APC under our agreement for services with the Water District. Please find below a summary of the statements submitted to you for review and payment.

Writ-Young Inv. No. 18384 \$ 12,656.66

Kindly make your check payable to Leal • Trejo APC, forwarding the same directly to the undersigned. Should you have any questions, please feel free to contact our office.

Very truly yours,
LEAL • TREJO APC

Francisco Leal

H. Francisco Leal

HFL/meg
Enclosures



TAFOYA LAW GROUP, APC

316 W. 2nd St. • Suite 1000
Los Angeles, CA 90012
Office 213.617.0600 • Fax 213.617.2226

Statement No.: 21-1004

Date: April 2021

Billing Period: April 1, 2021-April 30, 2021

Bill to: West Valley Water District
855 West Base Line Road
Rialto, California 92376

PROFESSIONAL SERVICES

Total Fees for April 2021:	\$ 27,547.30
Total Costs for April 2021:	\$ <u> -</u>
Total for April 2021:	\$ 27,547.30



TAFOYA LAW GROUP, APC

316 W. 2nd St. • Suite 1000
 Los Angeles, CA 90012
 Office 213.617.0600 • Fax 213.617.2226

Statement No.: 21-1005

Date: May 2021

Billing Period: May 1, 2021-May 31, 2021

Bill to: West Valley Water District
 855 West Base Line Road
 Rialto, California 92376

PROFESSIONAL SERVICES

Total Fees for May 2021:	\$	26,347.50
Total Costs for May 2021:	\$	<u>114.70</u>
Total for May 2021:	\$	26,462.20