

# **Ramona Municipal Water District**

## PERSONNEL MANUAL



*Adopted by  
Ordinance No. 10-389*

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RAMONA MUNICIPAL WATER DISTRICT  
**PERSONNEL MANUAL**  
**TABLE OF CONTENTS**

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<b>SECTION 1: INTRODUCTION</b> .....	1
1.1 Introduction to Manual .....	1
1.2 Manual Objectives .....	1
<b>SECTION 2: EMPLOYMENT CATEGORIES</b> .....	1
2.1 Probationary Employees.....	1
2.2 Regular Full-Time Employees .....	1
2.3 Part-Time Employees .....	2
2.4 Non-Exempt Employees .....	2
2.5 Exempt Employees .....	2
<b>SECTION 3: EMPLOYMENT PRACTICES AND POLICIES</b> .....	2
3.1 Personal Appearance .....	2
3.2 Hours of Work .....	3
3.3 Overtime Policy .....	3
3.4 Call in Requirement .....	3
3.5 Lunch and Rest Periods.....	3
3.6 Paydays .....	4
3.7 Timesheets .....	4
3.8 Employment of Minors .....	4
3.9 No-Smoking Policy.....	4
3.10 Change of Residence .....	4
3.11 Job References.....	4
3.12 Personal References .....	5
3.13 Outside Employment.....	5
3.14 Personal Property at Work.....	6
3.15 Use of District Tools, Equipment or Facilities .....	6
3.16 Locker and Desk Inspection Policy.....	6
<b>SECTION 4: PERSONNEL ADMINISTRATION</b> .....	6
4.1 Policy.....	6
4.2 Equal Employment Opportunity Policy .....	7
4.3 Recruitment Procedure .....	7
4.4 Appointments .....	8
4.5 Hire/Confirmation/Anniversary Dates .....	9
4.6 Probationary Period .....	9
4.7 Promotions and Transfers.....	10
4.8 Reclassifications and Upgrades .....	10
4.9 Employee Recognition Program .....	11
4.10 Employee Performance Reviews.....	14
4.11 Employee Assistance Program.....	14
4.12 Employee Separation Process .....	14
4.13 Periodic Medical Re-Evaluation .....	15
4.14 Employment of Relatives .....	15
<b>SECTION 5: ELECTRONIC COMMUNICATIONS POLICY</b> .....	16
5.1 Introduction .....	16
5.2 Personal Use of Electronics Communications Systems.....	16
5.3 Retention of E-mail .....	16
5.4 Access of Another Person’s Electronic Communications.....	17
5.5 District-Wide Website Policies .....	17
5.6 Internet.....	17
5.7 Voice Mail .....	19

5.8	Telephone Calls .....	19
5.9	Cellular Phone Use .....	19
<b>SECTION 6: LEAVES OF ABSENCE .....</b>		<b>20</b>
6.1	Introduction .....	20
6.2	Summary of Rules .....	20
6.3	Types of Leaves.....	21
6.4	Other Absence Provisions .....	25
<b>SECTION 7: VEHICLE USE .....</b>		<b>26</b>
7.1	Policy - Personal & District Vehicle Use .....	26
7.2	District Vehicle Use.....	26
7.3	Responsibilities .....	26
7.4	Personal Use, Passengers and Private Goods .....	27
7.5	After-Hours Assignment of Vehicles .....	27
7.6	Accident Reporting.....	28
7.7	Assignments to Administrative/Management Personnel .....	28
7.8	Overnight Travel Outside the District.....	28
7.9	Emergency Assignments of Vehicles .....	28
7.10	Personal Vehicles for District Business .....	28
<b>SECTION 8: DISCIPLINARY PROCEDURES .....</b>		<b>28</b>
8.1	Discipline - General Guidelines .....	28
8.2	Standards of Conduct .....	30
<b>SECTION 9: SUBSTANCE ABUSE TESTING POLICY .....</b>		<b>31</b>
9.1	General Policy.....	31
9.2	Department of Transportation (DOT) Testing Regulations.....	32
<b>SECTION 10: DISCRIMINATION AND HARASSMENT .....</b>		<b>32</b>
10.1	Purpose.....	32
10.2	Policy.....	32
10.3	Complaint Guidelines.....	33
<b>SECTION 11: WORKPLACE SECURITY .....</b>		<b>34</b>
11.1	Policy.....	34
11.2	Reporting Requirements .....	34
<b>SECTION 12: INJURY AND ILLNESS PREVENTION PROGRAM .....</b>		<b>34</b>
12.1	Policy.....	34
12.2	General Responsibilities .....	34
12.3	Compliance Requirements.....	35
12.4	Communications .....	35
12.5	Identification and Correction of Job Hazards.....	35
12.6	Accident Investigation .....	36
12.7	Employee Training .....	36
12.8	Supplemental Safety Guidelines.....	36
<b>SECTION 13: EMPLOYER-EMPLOYEE RELATIONS .....</b>		<b>36</b>
13.1	Purpose.....	36
13.2	Authority of the General Manager.....	37
13.3	Definitions .....	37
13.4	Right of Employees to Join Employee Organizations.....	37
13.5	Right of Employees to Abstain From Joining Employee Organizations .....	37
13.6	Right of Employees to Represent Themselves.....	37
13.7	Discrimination Prohibited .....	37
13.8	Management and Confidential Employees .....	38
13.9	Recognition Requirements.....	38
13.10	Recognition .....	39

13.11 Processing of Recognition Petition ..... 39  
13.12 Determination by Board of Directors..... 39  
13.13 Current Information ..... 40  
13.14 Internal Association Matters..... 40  
13.15 Representation of Members ..... 40  
13.16 Scope of Representation ..... 40  
13.17 District Representation..... 40  
13.18 Conferences..... 40  
13.19 Memorandum of Understanding ..... 41  
13.20 Reasonable Time Off to Meet and Confer ..... 41  
13.21 Advance Notice ..... 41  
13.22 Failure to Agree ..... 41  
13.23 Closed Sessions ..... 41  
13.24 Miscellaneous Provisions..... 42



## **SECTION 1: INTRODUCTION**

### **1.1 Introduction to Manual**

The District has prepared this manual to provide employees an overview of the District's policies, procedures and rules. It is intended to familiarize employees with important information about the District, as well as information regarding their own privileges and responsibilities. Although it is not a contract or a legal document, it is important that all employees read, understand, and follow the provisions of the manual.

It is obviously not possible to anticipate every situation that may arise in the work place or to provide information that answers every possible question. In addition, circumstances will undoubtedly require that policies and practices described in this manual change from time to time. Accordingly, the District must reserve the right to modify, supplement, rescind or revise any provisions of this manual, as it deems necessary or appropriate in its discretion. Employees will be advised of changes that occur.

The District is constantly striving to improve its policies, the services and products that it provides its customers, and positive relations with its employees. Employees should bring suggestions for improvements to the attention of their supervisors or department heads. By working together, the District hopes that it will share with its employees a sincere pride in the work place and the services that we are all here to provide.

### **1.2 Manual Objectives**

The objectives of the Personnel Manual are to:

- A. Ensure uniform understanding and application of District personnel policies and procedures;
- B. Identify the line of authority and responsibility for personnel policy and procedures administration;
- C. Standardize the handling of recurring personnel administration matters;
- D. Provide a working guide for use in counseling employees and in training newly appointed supervisory personnel; and
- E. Provide an established point of reference for use in auditing and determining the need for improving existing policies, procedures and practices.

## **SECTION 2: EMPLOYMENT CATEGORIES**

### **2.1 Probationary Employees**

Employees are hired by the District on a trial basis for a period of one (1) year (probationary period) for the purpose of assessing their ability to perform assigned tasks. Section 4.6 details "Probationary Period" provisions.

### **2.2 Regular Full-Time Employees**

An employee who regularly works a minimum of forty (40) hours a week on a continuing basis, and who has completed the probationary period, is considered a regular full-time employee. Regular full-time employees are eligible for all District-sponsored benefits.

2.3 Part-Time Employees

Part-time employees are defined as at-will employees who are hired to work on a regular basis for less than an average of twenty (20) hours a week. Part-time employees are not eligible for District-sponsored benefits.

2.4 Non-Exempt Employees

Non-exempt employees include all employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act or any applicable state laws. Employees in this category are entitled to premium pay for work in excess of forty (40) hours in a workweek or eight (8) hours in a workday. Such employees include, but are not limited to hourly, clerical and operations employees.

2.5 Exempt Employees

Employees who are characterized by the District as exempt from the overtime provisions of state and federal law are paid a salary that is intended to fully compensate them for all hours worked each week, however few or many those hours are. The salary consists of a predetermined amount constituting the exempt employee's compensation. That amount is not subject to reduction because of variations in the quality or quantity of the employee's work. As a general rule, an exempt employee's salary is not subject to deductions. Full day absences will be recorded and charged to the employee's accrued CAL Time. Exceptions to the general rule will apply only when they are expressly authorized under applicable state and federal laws (i.e., under applicable federal law, partial day absences may be deducted and salary may be reduced when leave accrual is exhausted).

Exempt employees generally include executive, managerial or professional employees.

Any employee who believes that an improper deduction or violation of the laws regulating salaries has occurred is encouraged to advise the Human Resources Manager as soon as possible. The matter will be promptly investigated and, if a mistake occurred, corrected. Employees may file complaints without fear of any retaliation.

### **SECTION 3: EMPLOYMENT PRACTICES AND POLICIES**

3.1 Personal Appearance

In the interest of presenting a professional image to our customers, we require that all employees observe good habits of grooming and personal hygiene. Uniforms and other clothing should always be neat and clean. The employee should dress conservatively, in good taste and according to the requirements of his or her position. If there are any questions as to what constitutes proper attire within a given department, the supervisor or department head should be consulted.

Rings through the nose, lips, eyebrows, tongue, or other facial areas (other than conventional ear piercing) are prohibited during working hours and while on duty. Subject to supervisory approval, exceptions may be permitted for very small non-intrusive studs (limited to the nose or inside the mouth), permitted the visual effect is minimal and does not impair the employee's ability to speak clearly. Tattoos with words or images that may be considered offensive or inappropriate in nature (sexually explicit, vulgar, sexist, racist, or construed as discriminatory, etc.) are required to be covered while at work.

The District reserves the right to determine appropriate dress and appearance at all times and in all circumstances. An employee may be sent home to change clothes should it be determined their dress is not appropriate.

3.2 Hours of Work

The regular work week shall consist of forty (40) hours per week, five (5) consecutive days, from Monday through Friday, 7:30 a.m. - 4:00 p.m.

It is expected that employees be punctual with regard to hours of work, meetings, and business appointments.

3.3 Overtime Policy

Nonexempt employees are not permitted to work in excess of their regularly scheduled hours without advance approval from their supervisor. Nonexempt employees shall not be permitted to work on their own initiative before or after scheduled working hours or during non-paid lunch periods or breaks.

All nonexempt employees must complete and sign a weekly time sheet reflecting actual hours worked each day, including overtime. The time sheet must be verified and signed by the employee's supervisor.

Working overtime without prior supervisor authorization or failure to work scheduled overtime may result in disciplinary action, up to and including termination.

Attendance at District-sponsored training activities constitutes hours worked for purposes of overtime compensation. Other types of training classes, i.e., attendance initiated by the employee for personal or promotional benefit, or not related directly to the employee's job duties, are not compensable for overtime.

3.4 Call in Requirement

Employees not able to report to work due to illness or other reasons shall call to notify his or her supervisor or department head within thirty (30) minutes of the beginning of the work day.

Where someone other than the employee has been requested to make the notification, the employee shall be solely responsible for ensuring the notification is made. Failure to follow call in procedures may result in loss of sick leave benefits, and disciplinary action, up to and including termination.

3.5 Lunch and Rest Periods

Non-exempt employees will be given a thirty (30) minute unpaid lunch period for each full workday, or a minimum of five (5) hours worked. Employees are to be entirely relieved of responsibilities and restrictions during their lunch break. If an employee is not relieved of all duties during a lunch break, the lunch period will be paid as time worked, unless another lunch period is immediately provided. The lunch break may be waived if the employer and employee agree, as long as the employee does not work more than six (6) hours.

Two fifteen (15) minute rest periods shall be permitted for all employees during their work day, for each four (4) hours worked. Breaks should be taken in the middle of the work period and are counted as time worked. Breaks cannot be combined or added to an employee's lunch period, or to the beginning or end of the workday.

Any work schedule modification that affects lunch and/or rest period provisions must be approved in advance by the employee's supervisor.

3.6 Paydays

All employees are paid biweekly on Friday, except when those dates fall on a holiday, at which time payment is on the preceding business day. The biweekly payroll covers work performed during the two weeks completed on the preceding Sunday.

3.7 Timesheets

Timesheets are used as a means of accurately recording hours worked and calculating pay, including recording regular hours worked, overtime, absences, and vacations. Accordingly, employees are to record the number of hours worked each day, and any absences during the pay period.

It is important that all information on the timesheet be accurate, and if there is a mistake on the timesheet, the employee is to inform the supervisor, then make and initial the necessary corrections. The supervisor should also initial any corrections and sign the timesheet. Employees are required to sign their timesheet at the end of each pay period to certify the accuracy of time recorded. If an employee is unavailable due to leave or absence, the supervisor may sign for employee, until the employee's signature can be obtained upon returning to work.

3.8 Employment of Minors

Regular full-time and part-time employees will not be hired unless they are at least eighteen (18) years of age. However, exceptions may be allowed for the occasional temporary or limited assignment of a minor, provided that the minor has a valid work permit that specifically authorizes the minor to work for the District. In such a case, the minor may be permitted to work only in accordance with the terms, restrictions, and limitations set forth in the work permit.

3.9 No-Smoking Policy

The District is committed to a philosophy of good health and a safe work place. In keeping with this philosophy, it is important that the work place and office environment reflect the District's concern for good health. Smoking is therefore not permitted inside District offices, vehicles, facilities or any indoor work area, under any circumstances. Employees who wish to smoke must limit their smoking to break and lunch periods, and smoke only in areas where there is adequate ventilation to prevent smoke from entering non-smoking areas.

This policy shall pertain to both employees and non-employees. All employees and visitors are expected to follow this policy. Non-employees who are smoking shall be requested, where appropriate, to refrain from smoking.

3.10 Change of Residence

An employee shall inform the Human Resources Department of any changes of residence address and/or telephone number within seventy-two (72) hours of such changes.

3.11 Job References

It is the policy of the Ramona Municipal Water District to prohibit employees from providing any job references for current or former employees. Accordingly, if any employee or representative of the District is asked for information of any kind, such as a

job reference, regarding a current or former employee, the individual seeking the information should be directed immediately to the Human Resources Department, without any on or "off the record" statement.

The District's Human Resources Department policy shall be limited to providing verification of past position, dates of employment, and salary, but only with a signed release from the former employee. No exceptions to this policy will be permitted in the absence of a legal obligation to furnish information. The Human Resources Department is the only department that may make a determination as to whether any exception is applicable.

It is important to point out that this policy extends to all forms of information regarding a current or former employee. It extends to requests for job references, inquiries about an individual's performance, character, attitude, attendance, background, employment history, conduct, penal history, family circumstances, or domestic issues. Payroll is authorized to complete verification of employment forms for current or past employees. However, information provided shall be limited to dates of employment, position, salary and overtime information, and provided only with a signed release form.

Strict adherence to this policy is mandatory. Any individual who violates this policy will be subject to disciplinary action, up to and possibly immediate termination.

### 3.12 Personal References

Employees or supervisors may occasionally be listed as a personal reference for an employee or former employee. In this case, the employee or supervisor providing the information is required to qualify his/her comments with a disclaimer that his/her statements are strictly based on his/her personal opinions and observations, and is not a District endorsement in any manner.

Employees who provide personal references shall be legally responsible for any consequences resulting from his/her statements, and shall not be protected under the District's insurance carrier for any related legal action.

### 3.13 Outside Employment

Full-time employees are normally expected to devote their work energies and loyalties exclusively to the District. However, full-time and part-time employees, with the advance knowledge and approval of their supervisor, may be employed outside the District provided that:

- A. The outside employment does not interfere with the employee's ability to fully and satisfactorily perform his or her duties for the District. This requirement includes but is not limited to the employee's availability to work overtime, respond to emergencies on behalf of the District, and to accept standby duty when so directed by the employee's supervisor. This requirement also includes, but is not limited to, the absence of any limitation or adverse impact on the employee's performance and/or work attendance due to increased fatigue or transportation difficulties.
- B. The outside employment does not create a conflict of interest and/or incompatibility with the employee's position with the District, as determined by the employee's supervisor.

In the event that the supervisor determines that these requirements are not being met, the supervisor shall so notify the employee, specifying the amount of time within which the employee must correct the problem. Failure to correct the problem within the specified time limit shall be cause for discipline, up to and including termination.

All considerations for outside employment shall be made on a case-by-case basis, depending on workload and the employee's responsibilities at the District. Employees who wish to work another job should discuss this matter with his or her immediate supervisor prior to accepting a job to ensure that problems are avoided.

3.14 Personal Property at Work

The District shall not be liable for replacement, repair, or reimbursement of personal property or equipment which is lost, stolen, or damaged while on District premises or in District vehicles. Employees who choose to bring personal property into the work place will be responsible for the security of that property. If specific equipment is required to do an employee's job, the employee should discuss the need for this equipment with their supervisor.

3.15 Use of District Tools, Equipment or Facilities

District labor, equipment, materials, and supplies may not be used by any employee for private purposes, or for the personal benefit of other employees or other persons, unless specifically authorized by the General Manager. Employees violating this policy, or employees who direct other employees or other persons to take actions in violation of this policy, are subject to disciplinary action up to and including termination and/or criminal prosecution.

3.16 Locker and Desk Inspection Policy

The District provides lockers for the convenience and use of its employees at the District's expense. Generally, lockers are not locked, but should locks become necessary, the District will make locks available at its expense for use in connection with the lockers. Accordingly, employees should not place any non-District lock on District lockers. In addition, some employees are also provided desks for their use during work hours. Although lockers and desks are made available for the convenience of employees, employees should remember that all lockers and desks remain the sole property of the District. The District reserves the right to open and inspect lockers and desks, as well as any contents, effects, or articles that are in lockers or desks. Such an inspection can occur at any time, with or without advance notice or consent. An inspection may be conducted before, during, or after working hours by any supervisor, manager or security personnel designated by the District.

Prohibited materials, including weapons, explosives, alcohol and illegal drugs or medications, may not be placed in a locker or desk. Perishable items also should not be stored in lockers or desks or left for prolonged periods. Employees who fail to cooperate in any inspection will be subject to disciplinary action, including possible suspension or termination. The District is not responsible for any articles that are placed or left in a locker or desk that are lost, damaged, stolen or destroyed.

## **SECTION 4: PERSONNEL ADMINISTRATION**

4.1 Policy

The Human Resources Department shall be responsible for personnel administration, which includes the development, implementation, and coordination of policies and programs covering employment, including: labor relations, wage and salary

administration, training and development, recruitment, risk management, employee safety, and benefits administration.

4.2 Equal Employment Opportunity Policy

It is the District's policy to employ, retain, promote, terminate, and otherwise treat all employees and job applicants based on merit, qualifications, and competence. This policy shall be applied without regard to any qualified individual's race, color, religion, sex (pregnancy or gender), sexual orientation, marital status, national origin, ancestry, disability (mental and physical), medical condition, age (40 and above) or any other characteristic protected under state or federal law.

4.3 Recruitment Procedure

A. Recruitment Process

Recruitment for entrance into District employment shall be conducted on an open competitive basis, unless posted in-house as a promotional opportunity. Interviews and examinations shall be job related, practical and realistic in nature, constructed to reveal the capacity of the applicant for the particular position, as well as the applicant's employment background, and shall be rated objectively. Candidates considered for a position must meet the minimum qualifications established in the position's job description.

B. Residence and Citizenship

The Ramona Municipal Water District is committed to full compliance with the federal immigration laws. These laws require that all individuals pass an employment verification procedure before they are confirmed in the position. This procedure has been established by law and requires that every individual provide satisfactory evidence of his or her identity and legal authority to work in the United States within three (3) business days of the date employment begins. Failure to provide required documentation within three (3) business days may result in termination of employment.

C. Employment Applications

All applications shall be made on forms prescribed by the Human Resources Manager and must be received on or prior to the closing date and time specified in the job announcement. All applications shall be signed and dated by the applicant, and the truth of all statements contained therein shall be considered to be certified by such signature. Incomplete applications will be disqualified from the recruitment process.

Applications will only be accepted for open and advertised vacancies, unless the Human Resources Manager deems it necessary to have a continuous recruitment for difficult positions. Continuous postings will be posted in the District's office lobby.

D. Eligibility Lists

Upon conclusion of the interview process, an eligibility list may be created to fill future vacancies. Candidates shall be ranked according to the results of the oral examination, and any written or practical examination, if applicable. Candidates shall be notified by mail of their retention on an eligibility list.

Eligibility lists shall automatically expire no later than six (6) months after the date established, unless extended by the Human Resources Manager. During this

six-month period, each eligibility list shall remain in effect until exhausted or replaced by a more recently established eligibility list (except with the concurrence of the department head involved, the Human Resources Manager may cancel an eligibility list).

It shall be the candidate's responsibility to notify the Human Resources Department of any address or telephone changes during this time. Failure to maintain current contact information on file may result in disqualification from the selection process.

E. Medical Exam and Pre-employment Screening

Final candidates will be required to take a pre-employment medical examination. Positions designated as safety-sensitive positions will be required to undergo a drug and alcohol screening as well. The examination will occur after receiving an offer of employment and before beginning work. The examination is provided by the District at its sole expense. Every offer of employment is contingent upon an employee's successful completion of the medical examination process.

F. Background Investigation

All applicants for employment will be subject to a comprehensive background investigation, including but not limited to, educational and work background and personal references. Only fully qualified applicants will be considered for employment.

4.4 Appointments

All appointments provided for under this section which are subject to fiscal control by each department are subject to certification by the General Manager.

A. Regular Appointments

All appointments to positions shall be made in accordance with District procedures. An interview panel, including the Human Resources Manager or his/her designee, shall compile a list of eligible candidates, based on oral examination and any written or practical examination, if applicable, and make a recommendation to the department head. The department head may select a candidate from the top three (3) names on the interview panel ranking list or current eligibility list.

In selecting persons from the final list, the department head shall be permitted to examine copies of applications of those eligible and all available information, and to interview them.

All final candidate selections shall be subject to the approval of the General Manager.

B. Part-Time Employee Provisions

Part-time employees shall be defined as those employees who are scheduled to work less than twenty (20) hours during a scheduled workweek on a regular and consistent basis. Regular part-time employees are at-will employees, subject to termination without notice or cause, and shall not be eligible for any employment rights or employer-sponsored benefits, as normally provided for full-time employees.

Such personnel shall be employed and compensated on an hourly basis at the

then present hourly wage rate. The part-time hourly wage rate is subject to any general adjustment of wage scales as affected by the Board of Directors.

C. Temporary Appointments

If an employee is needed for a temporary period, the department head shall submit a request to the Human Resources Manager.

A temporary appointment shall be limited to the period of need. In no event shall a temporary appointment continue for more than six (6) months, unless approved in writing by the General Manager.

4.5 Hire/Confirmation/Anniversary Dates

All full-time regular employees establish a hire date ("anniversary date") on the initial date of their employment. This date is used to determine eligibility for length of service-related wage increases and benefits.

A. Confirmation date

The confirmation date is the date on which the probationary period elapses and the employee must then be confirmed in the position if he or she has not been separated from service with the District.

B. Anniversary date

The anniversary date is changed if the employee is promoted or if his or her position is upgraded with an increase in pay. The new anniversary date will be used to determine future pay increases in the new classification, but the original hire date shall be used for purposes of determining leave accrual rates.

4.6 Probationary Period

All new full-time employees shall serve a probationary period of one (1) year. The purpose of the probationary period is for the employee and the employer to get acquainted with one another and determine whether the continuation of the employment relationship is in the mutual interest of both parties. It is important to remember that employment is at the mutual consent of the employee and the employer and may be terminated at any time, with or without cause, at any time during the probationary period.

An employee will not change from probationary status to any other status merely because of the amount of time worked as a probationary employee. An employee will only change from a probationary status to a different status if specifically advised of such a change, in writing, by the Human Resources Department.

The serving of a probationary period shall not in itself prevent a probationary employee from being promoted to a higher position. If an employee is promoted during the original one (1) year probationary period, the original probationary period shall be served and completed on the scheduled completion date. To evaluate the employee in the new position, the promotional probationary period of six (6) months shall be served and tracked independently from the original probationary period, although the two separate evaluations periods may overlap.

Failure to pass the original probationary period shall result in termination of employment, regardless of promotional status. Failure to pass a promotional probationary period is subject to the Promotional Probationer provision outlined in the Memorandum of Understanding.

4.7 Promotions and Transfers

The District encourages employees to apply for promotions to positions for which they are qualified, and meet the required minimum job qualifications. Consideration for promotions and/or transfers shall be based on the employee's performance history, qualifications, relevant experience, and potential for success in the new position.

Internal job postings will generally be posted for five (5) business days, unless the Human Resources Manager determines there are no qualified candidates within the District, or the position can be filled by the lateral transfer of an employee. Internal job posting time periods may be less than five (5) business days, if mutually agreed by the District and the Association.

An employee's qualifications, past performance, potential, and capacity to assume the increased responsibilities of the position applied for will be evaluated. When two or more candidates are equally qualified, the Human Resources Manager will conduct an interview process. The department head will make the final selection, considering the recommendation of the position's supervisor and interview panel. All appointments are subject to the General Manager's approval.

4.8 Reclassifications and Upgrades

A. Reclassifications

A position can be reclassified to a higher classification when management determines that an employee's job duties have evolved well beyond his or her existing job classification, and upon evidence that the need exists to create a higher classification. A reclassification is generally based on the contributions of the incumbent employee, and is not considered a promotional opportunity for other employees. However, the employee must meet all requirements of the higher classification to be eligible for the reclassified position.

When a position is reclassified, the incumbent is generally moved to the new pay range on the effective date established for the reclassification. A new job description is developed to reflect the duties of the reclassified position.

B. Upgrades

A position's pay range can be upgraded when management determines that the range needs adjustment to a higher pay level. Incumbent employee(s) move to the upgraded range on the established effective date. An upgrade advances the incumbent employee(s) to the adjusted pay range, and is not posted as a promotional opportunity.

When a position is reclassified or upgraded, the incumbent shall succeed to the reclassified position or upgraded range. In reclassifications and upgrades, the employee does not serve a probationary period. The reclassified/upgraded employee shall move to the new range, and be placed at the step closest to a five (5) percent increase. The reclassified/upgraded employee's anniversary date shall be changed to the effective date of reclassification or upgrade.

Reclassifications and upgrades are included in the District's budgetary process, and are subject to approval of the Board of Directors.

#### 4.9 Employee Recognition Program

##### A. Policy

The District values its employees and recognizes them in a variety of ways for their personal commitment and contributions that support the District's mission, vision, and values. The District encourages all employees to acknowledge the successes of their coworkers.

The District provides an Employee Recognition Program to recognize, motivate, and reward accomplishments and contributions of its employees. The program is designed to encourage employees to:

1. Strive for excellence in job performance;
2. Suggest methods or procedures to improve safety practices;
3. Promote organizational values;
4. Suggest methods to increase productivity;
5. Demonstrate innovation and creativity in the workplace;
6. Improve the working environment and employee morale;
7. Recognize and reward accomplishments and service.

This program is not intended to be utilized to recognize individual employees responding in emergency response disasters or extraordinary situations where many employees are involved. For such exceptional events, appropriate recognition shall be subject to the discretion of the General Manager.

The Employee Recognition Program is administered by the Human Resources Department.

##### B. Excellence Award (\$50 cash award)

###### 1. Nominations

An employee considered for nomination should be an individual who has sustained a high level of excellence, including but not limited to:

- a. An employee who presents an original idea that enhances a particular project or the way the District does business;
- b. An employee who makes a major contribution, going beyond the call of duty;
- c. A team player, or an extraordinary leader and motivator;
- d. An employee whose outstanding efforts in risk control and/or safety practices or procedures goes beyond regular expectations;
- e. An employee who demonstrates outstanding effort in customer service, going beyond normal expectations to assist a customer;

There is no limit to the number of employees who can be honored with an excellence award. Any number of employees can be given monthly excellence awards, which means that no employee's outstanding contribution is overlooked simply because another employee's

contribution is slightly greater. Management should not be solely responsible for making nominating decisions. Employees can be nominated by coworkers, supervisors or department heads.

2. Guidelines

- a. All non-management employees of the District can be nominated if they meet the program criteria.
- b. Any employee, including department heads, supervisors, coworkers or subordinates may nominate a coworker where performance has directly involved them. The employee making the nomination may also work in another department or work area.
- c. When an employee is nominated, his or her name is given to the employee's supervisor, who reviews the rationale for the nomination. Upon the supervisor's recommendation and with approval of the department head, a recommendation to the General Manager is submitted through the Human Resources Department.
- d. The General Manager will approve the nomination if he or she determines the award is justified.
- e. The approved nomination form shall be forwarded to the Human Resources Department to be processed.
- f. The recipient will be presented a letter or memorandum signed by the General Manager, along with a check for \$50.

The cash award amounts will be established during each year's budget deliberations and may be modified from time-to-time by board action.

C. Employee Suggestion Cash Award (\$75 cash award)

This program will allow employees to present their ideas for improved methods of accomplishing any task. If accepted, the employee will receive an award of seventy-five (\$75) dollars (for each approved suggestion). In addition, the program will provide the employee with a method for personal fulfillment in expressing his or her ideas and a positive communication link to management.

All non-management employees of the District are eligible.

To be considered for recognition, the employee's idea must be presented to his or her supervisor. Two (2) or more employees may cooperate to develop an idea or suggestion. The award will be shared equally by members of the group.

Eligible suggestions include:

1. Improved fiscal responsibility, i.e., conserving money, time and material;
2. Better procedures or methods;
3. Improving tools or other equipment;
4. Increasing quantity or output;
5. Eliminating duplication of effort;

6. Improved safety procedures.

The program is designed to encourage ideas and reward those who submit them; however, the following are excluded:

1. Ideas already under consideration or ideas previously submitted;
2. Suggestions that have been, or are now, in use;
3. Routine or emergency maintenance, unless an improved method is proposed;
4. Suggestions involving errors or omissions that are corrected by routine procedures.

Every suggestion will be reviewed by the General Manager, along with a recommendation from the employee's department head, with the understanding that not every suggestion can be implemented. The General Manager will determine the acceptance of the suggestion and his or her decision will be final.

D. Service Awards

All full-time employees, with the exception of temporary employees, will be recognized for their achievement of service milestones for each five (5) year interval.

At the annual awards ceremony, the Board President or General Manager shall present the employee with a Service Award and a cash award corresponding to the length of service, as follows:

5 years	=	\$ 50
10 years	=	\$100
15 years	=	\$150
20 years	=	\$200
25 years	=	\$250
30 years	=	\$300

Employees achieving 20 years of service shall also be awarded with a Resolution of Appreciation from the Board of Directors.

For service of thirty (30) years or more, the General Manager may request a special consideration reward from the Board of Directors, which may include: an increased cash award above the \$300 maximum, recognition celebration, or other means in which to recognize the employee for advanced years of service and dedication to the District.

E. Employee Recognition Event

Each year, the District will sponsor an event to recognize all District employees. The event will provide the District an opportunity to formally recognize all employees for their dedication and efforts throughout the year, and provide a forum to present excellence and service awards to eligible employees in the presence of their peers.

F. General Manager's Discretionary Recognition Options

The General Manager shall have the discretion to approve other methods of recognition for employees, provided that funding is available in the employee recognition budget. Such optional recognition may include an employee picnic, a

special luncheon, or even a cash award to employees, in recognition of their dedication and hard work.

G. Program Funding

Funding requirements for the Employee Recognition Program shall be established during each year's budget process and presented to the Board of Directors for approval.

4.10 Employee Performance Reviews

Performance evaluations are an important part of the District's personnel policies. They provide an objective, consistent, and fair way to gauge each employee's on-the-job effectiveness. The evaluation process should inform employees of their standing in the company and communicate expected standards of performance. It is also used to discuss work standards, areas where improvement is needed, career development potential, and possible opportunities.

All full-time employees will be reviewed six (6) months from their date of hire and annually thereafter. If an employee is transferred or promoted, the performance review date is adjusted accordingly.

4.11 Employee Assistance Program

Full-time employees and their dependents are covered by an Employee Assistance Program paid for by the District. This program is available to assist employees and/or their family members, who are experiencing personal problems which may be affecting their job performance. This program is available on a self-referral basis; however, the District shall have the right to recommend that an employee utilize the program. While all matters discussed are confidential between the employee and the EAP counselor, the District reserves the right to verify that an employee has sought the counseling recommended by the District and is following a course of action recommended by the EAP counselor.

Employees are responsible and accountable for maintaining satisfactory job-related standards throughout and following any participation in the EAP.

4.12 Employee Separation Process

A. Final Pay

Termination paychecks shall be made available by the end of the last day worked, provided at least seventy-two (72) hours notice has been given; if an employee who does not have a written agreement for a definite period of employment quits without giving prior notice, his or her final paycheck will be issued within seventy-two (72) hours, if feasible. Such checks are distributed through the Human Resources Department.

Termination pay shall include: Pay for work performed through the last hour worked and all eligible accrued leave time, reduced by:

1. Required legal deductions;
2. Authorized credit union, tax-sheltered annuity, or savings bond deductions;
3. Any insurance employee premiums due that month.

B. Health Insurance Continuation

Insurance benefits are cancelled on the first day of the month following the employee's separation date. In accordance with the federal health insurance law called "COBRA," eligible employees and their family members may continue to participate in the employer's group health insurance program following certain "qualifying events." The employee shall be provided a COBRA letter by certified mail when he or she experiences a qualifying event that triggers the right to continue participation in the group health plan.

Under certain conditions, California employees have the ability to continue coverage beyond the maximum period allowed under the federal COBRA. Eligible employees will receive an option to continue coverage under Cal-COBRA beyond the 18-month period available under COBRA, when it applies. The supplemental period will be for an additional 18 months. In order to qualify, employees must meet the applicable requirements and pay the premiums in a timely manner. The premium rates for the period covered by Cal-COBRA may be higher than those in effect during the first 18 months under COBRA.

Another federal law, called the Health Insurance Portability and Accountability Act ("HIPAA"), allows certain individuals to transition from one job to another without losing their health insurance coverage or reducing the amount of time they may be excluded from coverage under a new employer's health insurance plan. Details are available from the Human Resources Department.

C. Exit Interview

The Human Resources Department may conduct a voluntary exit interview for employees who resign or retire from the District. This process allows the District to receive suggestions that may help to improve employment conditions.

4.13 Periodic Medical Re-Evaluation

The General Manager may establish the requirement of a periodic medical re-evaluation by a District examining physician for an employee, when:

- A. It is a requirement of the job to have such examinations in order to hold licenses or certificates;
- B. At the time of promotion, demotion, reassignment or other change of status of any employee from one position to another position, to ensure the employee can meet different physical demands;
- C. When it is necessary to protect the health, safety and welfare of the employees or the public.

Such re-evaluation may be concerned only with the ability to perform the required duties or with protecting the health, safety and welfare of the employees or the public. Where appropriate, an employee may request a medical re-evaluation to determine the physical capabilities to perform his or her job duties without undue hazard to him/herself or others. In any case, the cost of the examination shall be paid for by the District, and the choice of the examining physician shall be made by the District.

4.14 Employment of Relatives

The District does not maintain a strict policy that prohibits employment of relatives in all

circumstances. Relatives include an employee's parent, child, spouse, brother, sister, in-laws, step relationships, grandparents and grandchild. However, there are significant restrictions on the employment of relatives under some circumstances. For example, the District may refuse to place one relative under the direct supervision of the other relative for business reasons of supervision, safety, security and/or morale. For the same reasons, the District may refuse to place both relatives in the same department, division, or facility if the work involves potential conflicts of interest or hazards that are greater for relatives than for other individuals.

Under no circumstances, may the spouse of a member of the Board of Directors or the spouse of the General Manager be hired as an employee of the District.

## **SECTION 5: ELECTRONIC COMMUNICATIONS POLICY**

### **5.1 Introduction**

The District uses various forms of electronic communications including, but not limited to computers, email, telephones, cell phones, text messages, internet and PDAs, etc. All electronic communications are District records and are the property of the District. The District reserves the right to access and disclose all messages sent through its system for any purpose.

Messages transmitted over the electronic communications system should be those involved in District business activities for the accomplishment of business-related tasks or any communication directly related to District business, administration, or practices. Incidental and occasional personal use of the system is permitted, but such messages are subject to the access and disclosure statement set forth in the policy above.

### **5.2 Personal Use of Electronics Communications Systems**

Limited, occasional, or incidental use of the electronics communications systems (either furnished by the District or property of the employee) for personal, non-business purpose(s) is permitted under the following circumstances:

- A. Personal use may not interfere with the productivity of the employee or his/her co-workers.
- B. Personal use may not involve any prohibited activity described in this policy.
- C. Personal use may not disrupt or delay the performance of District business.
- D. Personal use may not consume District resources or otherwise deplete system resources available for District business purposes.
- E. Personal use may not be used for personal employee gain or commercial ventures.
- F. Personal use may not support or advocate non-District-related business purposes.

### **5.3 Retention of E-mail**

No e-mail messages shall be considered by the District to be retained in the ordinary course of business. However, the content of some e-mail messages could be classified as a record pursuant to the guidelines established by management and to the following criteria:

- A. Content required by law to be retained.

- B. Documentation of notices to the public of an action or position taken on behalf of the District.
- C. Documentation of a District policy, District regulation, or official decision made on behalf of the District.
- D. Documentation of a transaction of business between the District and another party.
- E. Managers and supervisors should make themselves familiar with the provisions of the District's Records Retention Policy to determine if an email is required to be maintained as a printed and/or electronic document, and advise their staff accordingly.

5.4 Access of Another Person's Electronic Communications

Employees may not intentionally intercept, eavesdrop on, record, read, alter, retrieve, receive, send, or use another person's electronic communications and/or electronic storage without proper authorization. Employees, including system administrators and supervisors, may not, without authorization, peruse electronic communications and/or the electronic storage documents of other employees.

5.5 District-Wide Website Policies

The external (or public) District world wide web site, and all domains owned and maintained by the District represent a fundamental communication tool for providing critical District information. The goal of the collective web sites is to encourage increased participation in District activities. The internal intranet (employee web site) provides fundamental and critical information to all employees to assist in accomplishing the District's mission.

- A. The District's web site is for "official use" only. All information disseminated through the web site must be related to the official duties and responsibilities of employees and departments.
- B. The California Public Records Act applies to information processed, sent, and stored on the Internet. Confidential information should not be posted on the District's external web site. Management must approve all information that is posted on the web site by the Information Technology (IT) Supervisor.
- C. No District employee or official may use any District web site for campaign-related purposes. Such campaign-related purposes include, but are not limited to, the following: statements in support or opposition to any candidate or ballot measure; requests for campaign funds or references to any solicitations of campaign funds; and references to the campaign schedule or activities of any candidate.

5.6 Internet

Access to the Internet has been provided to staff members for the benefit of the District and its members. Every staff member has the responsibility to maintain and enhance the District's public image, and to use the Internet in a productive manner. Employees are responsible for ensuring that the Internet is used in an effective, ethical, and lawful manner. To ensure that all employees are responsible, productive Internet users and are protecting the company's public image, the following guidelines have been established:

A. Unacceptable Use of the Internet

While it is not possible to provide an exhaustive list of every type of inappropriate use of the Internet, all users should be aware that appropriate use of the Internet includes, but is not limited to, the following rules:

1. Never use an account assigned to another user.
2. Never make an unauthorized attempt to enter any computer.
3. Never post, send, or provide access to any confidential employer materials or information, unless authorized.
4. Never post or send publications of discriminatory, offensive, harassing, defamatory, or confidential remarks about other employees.
5. Never access or send sexually-suggestive material.
6. No gambling.
7. No trademark, copyright, and licensing stipulation infringements.
8. No proprietary and confidential information.
9. No solicitation, according to the District's policy.
10. No personal sites.
11. No threatening or inappropriate blogs.

B. Communications

Each employee is responsible for the content of all text, audio, or images that they place or send over the Internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated over the Internet should have your name attached. No messages should be transmitted under an assumed name. Employees may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane, or offensive language is to be transmitted through the system.

C. Passwords

All passwords created by the user or issued to the user are for the purpose of communication and are not to be shared, given, or otherwise disclosed to any other person. Passwords must not be shared and may be changed periodically by the IT staff to ensure security. All security features contained within the District's Electronic Communications Systems such as passwords, codes, or delete functions will not prevent the District from accessing employees' business or personal Electronic Communications, stored or created on the Electronic Communications Systems.

D. No Right of Privacy

The District respects the individual privacy of its employees. However, employee privacy does not extend to the employee's work-related conduct or to the use of District-provided equipment or supplies. Employees should be aware that the terms of this policy limit their privacy in the workplace.

The District's electronic communications and electronic storage systems are the District's property and are intended for District business. All electronic communications and electronic storage within these systems are the property of the District, regardless of the content, including any personal communications. The District reserves the right to monitor the electronic communications systems for any reason, including the right to review, audit, and disclose all matters sent over and/or stored in the electronic communications systems.

As a result, employees should be aware that no electronic communications transmitted on the electronic communications systems, or electronic storage contained within the systems, is private or confidential. Employees should have no expectation of privacy with respect to any use, including storage, business or personal, of the District's electronic communications systems.

Employees should be aware that electronic communications and/or electronic storage can be copied, modified, and/or forwarded to others without the knowledge of the original author. Therefore, employees must use caution in the storage, transmission, and dissemination of electronic communications outside of the District and must comply with all state and federal laws. Electronic communications and/or electronic storage of the District may be recognized as official records in need of protection/retention in accordance with the laws of California. All e-mail and Internet messages are subject to state and federal laws, including but not limited to the California Public Records Act, open meeting laws, and the federal Electronic Communications Privacy Act.

E. Software

To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads will be done through the Technology Services staff.

F. Violations

Violations of any guidelines listed above may result in disciplinary action up to and including termination. If necessary, the company will advise appropriate legal officials of any illegal violations.

5.7 Voice Mail

The District's phone system is equipped with a very efficient and easy to use voice mail system. Employees shall regularly check messages and return all telephone messages promptly.

5.8 Telephone Calls

The District understands that employees may need to speak with a family member or tend to non-business activities at times, but requests cooperation in keeping personal calls to reasonable levels. In the event you must make long distance calls, you will be expected to reimburse the District for those calls. Please note all phone calls should be considered public. Any confidential calls should be conducted elsewhere. All communication may be disclosed to law enforcement or other third parties without prior consent of the sender and/or receiver.

5.9 Cellular Phone Use

This cellular phone policy applies to all employees at any time they are driving a District vehicle, driving a personal vehicle for District business, or while on duty status. Use of a cellular phone while driving is considered a dangerous distraction that is prohibited,

unless used with a hands-free device, as required by state law.

While use of a hands-free device is permissible while driving, the employee shall only do so to the extent such use can be done safely and without distraction. Whenever possible, the District encourages employees to safely pull off the road and stop before conducting cell phone communications. Employees are strictly prohibited from text messaging, emailing or using the speakerphone option while driving on District business.

Due to the high rate of accidents and injuries attributed to distracted-driving nationwide, the District shall aggressively enforce this policy. Any violations of this policy will subject the employee to disciplinary action, up to and including termination of employment.

## **SECTION 6: LEAVES OF ABSENCE**

### **6.1 Introduction**

Several types of unpaid leaves of absence are available for eligible employees under the District's policy. The types of leaves that are available include the following: medical leave, family care leave, personal leave, and military leave.

### **6.2 Summary of Rules**

A summary of the rules and restrictions applicable to leaves of absence is provided below.

#### **A. Unpaid Status**

Except as otherwise required by law, all leaves of absence are provided on an unpaid basis. However, accrued CAL Time may be utilized if available.

#### **B. Accrual of Seniority and Benefits**

Employees will continue to accrue all benefits, including accrual of leave during the first thirty (30) calendar days of an approved medical leave of absence. Except for family care and military leave, no tenure or benefits will accrue after thirty (30) calendar days if the employee is still on leave of absence.

When an employee returns from a leave of absence that extends beyond thirty (30) calendar days, the anniversary date shall be advanced one day for each workday of absence, retroactive to the first day of leave. The new anniversary date shall be effective on the day following the number of full day absences (i.e., for an absence of forty-five (45) days, the new anniversary date would be effective on the 46<sup>th</sup> day).

#### **C. Holiday Benefits**

If a paid holiday falls during the period an employee is on a family, medical or military leave of absence, the employee will be eligible for holiday pay within the first thirty (30) calendar days of leave. For extended absences (exceeding thirty (30) calendar days), the employee will not be eligible for holiday pay.

#### **D. Failure to Return Promptly**

If an employee fails for any reason to return to work promptly upon the expiration of an approved leave of absence and has not obtained an extension from the Human Resources Department prior to such expiration date, the employee will be considered to have voluntarily resigned.

- E. Misrepresentations  
Misrepresenting reasons for applying for a leave of absence may result in disciplinary action, up to and including termination.
  
- F. Health Insurance  
In cases of extended absence (more than thirty (30) calendar days), the employee will be required to pay the entire cost of group health benefits excluding family care leave. The employee must coordinate payment for all group health insurance premiums with the Finance Department. Unless and to the extent additional time is guaranteed to an individual by law, failure to arrange for payment to cover any period over thirty (30) calendar days, will result in the lapse of health insurance coverage.

Under all circumstances, employees shall be responsible for paying their regular employee benefit contributions.

### 6.3 Types of Leaves

- A. Medical and Pregnancy Leaves  
Employees who are temporarily unable to perform their usual and customary work due to a personal illness or injury, including a pregnancy-related disability, will be granted a medical leave of absence. Medical leaves will be granted on the basis of a physician's written statement that an employee is no longer able to work due to a medical disability.

An employee who plans to take a medical leave must provide the employer reasonable notice of the date the leave will commence, the estimated duration of the leave, and the date on which it is expected that the employee will be able to return to work. When an unplanned medical situation or emergency occurs that does not allow the employee to provide advance notification of the need for a medical leave, the employee must notify his or her supervisor of the situation, and provide the District status of the situation within three (3) working days of an absence.

If an employee is absent more than three (3) working days without notifying the District, the employee will be considered to have voluntarily resigned.

The maximum length of leave that will be granted for any medical disability is four (4) months. Employees returning to work after any disability leave must have a written release from a physician verifying that they are able to return to work, fit to perform the essential functions of his or her position with or without reasonable accommodation, and do not present an immediate and significant risk to the health or safety of others.

Immediate re-employment cannot be guaranteed, except for employees returning from Pregnancy disability Leave who will generally be returned to the same position. The District will endeavor to reinstate the employee to his/her original job or to a position of like status and pay without the loss of seniority. Where applicable, medical leaves will be coordinated in conjunction with state and federal Family Care Leave laws.

B. Family Care Leave

In accordance with the Federal Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA), employees who have been with the District for at least one (1) year and have worked at least 1,250 hours of service during the twelve (12) month period immediately before the leave would begin, may request a family care leave of absence to care for:

1. A newborn child;
2. An adopted child;
3. A seriously ill child;
4. A parent, spouse, or domestic partner who has a serious health condition;
5. Placement of a child for foster care; or
6. For employee's personal serious health condition that prohibits him or her from performing one or more of the essential functions of his or her job.

Domestic partners are individuals registered as domestic partners with the Secretary of the State of California pursuant to the California Family Code.

Family care leaves are provided on an unpaid basis (if employee does not have accrued time available) and may not exceed twelve (12) working weeks in any rolling twelve (12) month period. Employees may use any accrued leave time during this period to supplement state benefits, if eligible. At no time shall combined pay exceed 100 percent of employee's regular salary.

Employees may request a medical leave of absence as outlined above. In that instance, employees will be required to follow the Medical Leave provision for any time requested after the expiration of the family care leave. In addition, employees may request a pregnancy disability leave of absence in accordance with state law.

Under certain circumstances, an eligible employee may take family care and medical leave on an intermittent basis, or on a reduced leave schedule when medically necessary. To accommodate intermittent leaves, the District may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits. However, leave taken for bonding with a new child generally may only be taken in leave increment of no less than two weeks, and does not need to be for medical necessity. Under FMLA, employees are not entitled to intermittent leave for bonding with a new child; however, under the CFRA, employees may take intermittent leave in leave increments of no less than two weeks, except that on two occasions an employee may take leave for less than a two week duration.

The District will maintain the employee's group health benefit coverage(s) during the entire family care leave period, under the same conditions as coverage would have been provided if the employee had been continuously working.

Employees are required to give advance notice of their need for a leave whenever such need is foreseeable. Family care leave request forms are available from the Human Resources Department. The notice should describe the reason for the requested leave, the anticipated duration of the leave, and the anticipated date the leave will begin. Employees ordinarily must provide at least thirty (30) days advance notice in writing to the Human Resources Department, if

possible. If the leave is not foreseeable at least thirty (30) calendar days in advance, the employee must give as much advance notice as practicable. A medical certification must be provided to support a request for a leave required because of a serious health condition. Failure to provide a satisfactory certification may result in the denial or postponement of a leave.

Subject to any exceptions provided by law, an employee will be guaranteed reinstatement either to his or her former position or an equivalent position upon completion of the leave. Employees who take leaves because of their own serious health conditions must provide medical certification verifying that they are able to return to work in the same manner as employees who return from other types of medical leaves. Except where a different result is authorized by law, employees who are granted leaves under this policy will be guaranteed reemployment at the conclusion of an approved leave, provided that the total period of the leave does not exceed twelve (12) weeks.

The District intends to administer this policy in accordance with the requirements of the state and federal laws regulating family and medical leaves. Accordingly, this policy will be interpreted and applied in a manner that conforms with all applicable legal requirements. Any time off that is granted to an employee under this policy, or any other policy for a purpose specified above (including workers' compensation leave), shall be credited against the twelve (12) week limit contained in this policy if and to the extent permitted by the state and federal laws.

Leave for pregnancy disability will not run concurrently with CFRA leave, and therefore an employee disabled by pregnancy who subsequently takes leave under this policy in accordance with the CFRA may be entitled to up to four (4) months plus twelve (12) weeks of leave. In addition, in most cases, family and medical leave will count concurrently against an employee's entitlement to both FMLA and CFRA leave. This means that most eligible employees taking family care leave will exhaust their entitlement to protected leave under both FMLA and CFRA at the same time, with the following exceptions:

1. An employee's own incapacity due to pregnancy, childbirth, or related conditions will be counted against an employee's entitlement to FMLA as a serious health condition, but not against CFRA leave.
2. Exigency leave (discussed below) will be counted against an employee's entitlement to FMLA, but not against CFRA leave.
3. Military caregiver leave (discussed below) will be counted against both FMLA and CFRA for up to the first 12 workweeks of leave if the service member is a family member covered by CFRA (in other words, a spouse, child, or parent). If, on the other hand, the service member is a 'next of kin' (not covered by CFRA), the leave will count against an employee's entitlement to FMLA, but not against CFRA leave.
4. Leave taken to care for a registered domestic partner with a serious health condition will be counted against an employee's entitlement to CFRA leave, but not against FMLA leave.

C. Military Leaves

1. Exigency leave

Eligible employees with a spouse, son, daughter, or parent on covered active duty (or who has been called or ordered to covered active duty) in the Armed Forces may use their FMLA leave entitlement (family care leave) of up to twelve (12) workweeks during the applicable twelve (12) month period to address qualifying exigencies. Qualifying exigencies may include activities such as attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

2. Military caregiver leave

Eligible employees may take up to 26 workweeks of FMLA (family care leave) leave in a single twelve (12) month period to care for a covered service member, if the employee is the spouse, son, daughter, parent, or next of kin of the covered service member.

There are additional leave rights and benefits under state and federal law, in addition to those set forth above. The District provides for military leaves of absence in accordance with all state and federal law. In certain circumstances employees are entitled to paid leave, continuation of health benefits, and accrual of vacation, sick and holiday pay benefits during the course of all or part of such leave.

Employees should consult the Human Resources Department for details concerning military leave and eligibility requirements.

D. Personal Leaves of Absence

Employees who have been continuously employed with the District for at least one (1) year may request a personal leave of absence without pay for a reasonable amount of time up to thirty (30) calendar days due to special circumstances, as determined on an individual basis by the employee's department head and approval from the Human Resources Manager. Leaves over thirty (30) calendar days require approval of the General Manager. Requests for leaves of absence will be considered based on the employee's length of service, performance, responsibility level, the reason for the request, whether other individuals are already out on leave or vacation, and the expected impact of the leave on the District.

Requests must be submitted in writing and must be approved in writing by the employee's department head, and forwarded to the Human Resources Manager before the leave begins. Requests for extensions must be submitted in writing and approved in writing by the department head and Human Resources Manager before the extended period of leave begins. It is the employee's responsibility to report to work at the end of the approved leave. An employee who fails to report to work on the day after the leave expires will be considered to have voluntarily resigned.

#### 6.4 Other Absence Provisions

A. Participation in School Activities

An employee who is a parent or legal guardian of a child in school may take up to forty (40) hours off per school year for the purpose of participating in school activities. Employees must give reasonable notice when requesting leave for school activities and the District may require proof that the employee participated in the school activity on a specific date and time. Employees shall be limited to no more than eight (8) hours off for this purpose in any one (1) calendar month of the school year. Employees shall be required to use accrued vacation or compensatory time off for this purpose. If accrued leave is not available, then leave without pay may be used for this purpose.

B. Time Off to Vote

Employees who are registered voters may request time off to vote at an election if the employee does not have sufficient time outside of his or her regular working hours to vote. The employee may, without loss of pay, take up to two (2) hours of time off to vote. The time off for voting shall be only at the beginning or end of the regular work shift, whichever allows the most free time to vote and the least time off work. The employee must request time off at least two (2) days in advance of the election.

C. Jury Duty

It is the policy of the Ramona Municipal Water District to pay the employee's full salary for the period actually spent on Jury Duty or as a witness during a regularly scheduled workday. This policy applies to regular full-time employees. Depending on position and training status, probationary employees may be asked to defer jury duty service for a period of time and/or until the probationary period is complete.

Jury duty pay is available to an employee once every twelve (12) month period unless special circumstances require additional service, subject to District approval. The following procedures must be followed to collect wages when called for Jury Duty:

1. The employee must present the notification to appear for Jury Duty to his or her supervisor as soon as it is received.
2. Jury duty schedules must be coordinated with the employee's supervisor. When practical, the employee is expected to return to his or her work station at the end of every day, unless sequestered by a judge. In any case, the employee must keep in contact with his or her supervisor to coordinate jury duty and work schedules while serving jury duty.
3. In order to receive full pay, the employee must submit validation from the Jury Clerk of time spent on Jury Duty to the Finance Department.

The District does not pay for parking fees or mileage to and from Jury Duty.

In no case shall payment be made for jury duty performed on an employee's normal day off or for hours in excess of the employee's regularly scheduled work day.

In the event the employee's absence would impose an undue hardship on District operations, the General Manager may request the employee to seek an excuse or postponement to a later date.

## **SECTION 7: VEHICLE USE**

### **7.1 Policy - Personal & District Vehicle Use**

All District employees shall comply with the following requirements:

- A. Possess and maintain a valid California driver's license or equivalent to legally operate the class of vehicle(s) they operate in their employment.
- B. Maintain automobile liability insurance coverage that meets California's minimum requirements.
- C. Have a current vehicle registration and proof of insurance in the vehicle at all times while driving.
- D. Vehicle must be equipped with safety belts in good operating condition and all persons in the vehicle must be required to wear them.
- E. If involved in an accident while on District business, employee must report the accident to the District within 24 hours, and complete the appropriate accident report form.

Note: If employee is involved in an accident in his/her personal vehicle while on District business, the employee's personal insurance shall be the primary in the event of a loss.

### **7.2 District Vehicle Use**

The general policy of the Ramona Municipal Water District is that District vehicles are to be used for District business and services and are not for personal or private use. Guidelines are provided herein for District employees and other associated personnel, to explain the policy and indicate how it is to be applied.

This policy excludes the General Manager's vehicle assignment, which is governed by the General Manager's employment contract.

### **7.3 Responsibilities**

- A. Assignment of District vehicles and control of their use under this policy are responsibilities of the General Manager.
- B. Operators of District vehicles are responsible for legal and safe operation of the vehicles under the California Vehicle Code and other applicable laws. Citations issued to operators by law enforcement officers are the responsibility of the operator, unless the citation is issued due to faulty District equipment. While driving a District vehicle, employees are required to report all traffic citations to their supervisor by the next scheduled workday. Citations issued to the employee in their private vehicle need not be reported unless of a serious nature that would possibly impact the employee's insurability or ability to drive a District vehicle.
- C. Employees in certain classifications are required to possess and maintain a valid

Class A or B commercial driver's license, issued by the State of California. Failure to obtain or maintain a required driver's license, or the revoking of such required driver's license for any reason, will result in disciplinary action, up to and including immediate termination.

- D. Employees are required to maintain safe driving records as a condition of employment. Upon employment, all District employees are enrolled in the DMV Pull Notice Program, allowing the District to continuously verify the satisfactory driving records of all employees. Individuals who fail to maintain satisfactory driving records may become unsuitable for their positions. In such cases, the District reserves the right to discipline or terminate any employee whose driving record becomes unsatisfactory, at the sole discretion of the District.
- E. Any employee driving or operating District equipment or vehicles as a condition of employment is required to immediately notify the District if their license is suspended, revoked or restricted. Notification shall be made to the employee's supervisor, department manager, or Human Resources Manager, by the next scheduled workday. Failure to notify the District of a suspended, revoked or restricted license shall result in disciplinary action up to and including termination of employment, provided the employee was aware or reasonably should have been aware of the suspension or revocation of their driving privilege.
- F. District vehicles are normally driven only by District employees. Exceptions may be made for emergency conditions at the discretion of the General Manager.
- G. Employees assigned a District vehicle are to leave the vehicle on District premises when out on absences greater than two (2) days, or any extended leave time.

#### 7.4 Personal Use, Passengers and Private Goods

District vehicles are not to take the place of employees' private vehicles for personal errands, family errands, transporting private goods, and/or commuting to and from work. However, commuting to and from work is permitted in District vehicles for specified duty personnel or for special assignments, as defined in this policy, or by the General Manager.

Except for duty personnel, transporting family members, members of the public, personal goods, and personal equipment in District vehicles is generally prohibited, unless for reasons of business necessity, and with prior supervisory approval.

Board directors, contractors, consultants and members of the public may be transported in District vehicles provided that the transport is associated with District business or emergency services.

#### 7.5 After-Hours Assignment of Vehicles

After-hour vehicle assignments shall be limited to standby personnel who require use of a District vehicle to perform emergency calls after normal working hours. Generally, after-hour vehicle assignments are limited to standby duty personnel; however, the General Manager may assign vehicles to other staff, as deemed necessary for District operations.

While personal use of District vehicles is generally prohibited, the District recognizes that the nature of standby duty requires employees to utilize the District vehicle throughout a

twenty-four (24) hour duty period. Therefore, duty personnel, with the prior supervisory approval, may utilize District vehicles for essential personal errands or for transporting immediate family members to local destinations when traveling to and from work.

Duty personnel may not take a District vehicle out of District boundaries without prior General Manager approval.

7.6 Accident Reporting

Accidents in District vehicles shall immediately be reported to the employee's supervisor, department manager and Human Resources Manager. Photos shall be taken of the damaged vehicle or equipment. Accidents involving other parties (with or without injuries) or damage to personal property, shall immediately be reported to the local law enforcement agency, so a report of the incident can be recorded.

7.7 Assignments to Administrative/Management Personnel

Vehicles shall not normally be assigned to administrative personnel for after-hours use or take-home use. "Administrative personnel" includes all District personnel who are not required to respond on a regular or scheduled basis to emergency service calls after normal working hours. Vehicle assignments to management personnel will be determined by the General Manager, as deemed necessary for District operations.

7.8 Overnight Travel Outside the District

A District vehicle may be assigned to an employee for an overnight business trip outside the District, provided it is the most efficient and economical means of travel and the vehicle can be spared from service within the District. All overnight travel outside the District must be authorized by the General Manager in advance.

7.9 Emergency Assignments of Vehicles

In case of a general emergency within the District, the General Manager may deviate from this policy and make special assignments of District vehicles if it helps the District to cope with the emergency situation. The existence of an emergency will be declared by the General Manager and reported to the Board of Directors by its next meeting. Emergency deviations from this policy shall be terminated at the end of the emergency.

7.10 Personal Vehicles for District Business

Employees operating personal vehicles while conducting District business are responsible for their safe operation in accordance with State law, and District safety practices, rules and regulations. Employees under this section are required to hold a valid California driver's license and be able to provide proof of financial responsibility upon request, in amounts not less than those required by the State of California.

## **SECTION 8: DISCIPLINARY PROCEDURES**

8.1 Discipline - General Guidelines

In order to provide a fair method of disciplining employees, the District has established a formal progressive discipline procedure.

Discipline may be initiated for various reasons, including, but not limited to, violations of the employer's work rules, insubordination or poor job performance. The severity of the action generally depends on the nature of the offense and an employee's record, and may range from verbal counseling to immediate termination.

The progressive discipline procedure outlined in this policy is intended merely as a guide to assist supervisors and department heads in dealing with disciplinary problems. It is not a mandatory procedure that must be followed in all cases. Accordingly, one or all of the steps in the procedure can be bypassed in any given case, and immediate termination may result for sufficiently serious behavior.

Disciplinary procedures include, but are not limited to, the following:

A. Counseling

Any informal discussion with an employee designed to assist him or her to fully develop his or her skills and abilities.

Usually, the immediate supervisor counsels the employee. The discussion may clarify standards, evaluate the employee's strengths and weaknesses, seek information or solve problems. When there is a discipline problem, counseling is usually the first action taken to assist the employee in clarifying and remedying the problem.

B. Oral Warning

The oral warning verbally notifies the employee that his or her performance or behavior must be improved. Oral warnings are given by supervisors when counseling has failed to produce the desired changes. The warning defines the areas in which improvement is required, sets up goals leading to this improvement and informs the employee that failure to improve will result in more serious action. Although the supervisor should make a note of the date, time and content of the warning in a log or documentation memorandum, no record is placed in the employee's permanent personnel file unless subsequent action is necessary.

C. Written Warning

A written warning is a formal notice to an employee that his or her behavior and/or performance has been deficient, and that further disciplinary action will be taken unless his or her behavior or performance improves. The content of the written warning is essentially the same as that of the oral warning. The employee is advised in writing of the consequences of failing to improve his or her performance. It should contain the following:

1. What occurred.
2. The date and time of the event which is the cause of the reprimand.
3. What rule, policy or contract provision has been broken or violated by the employee.
4. What specific action the employee must take to correct the situation.

All written warnings must be reviewed by the department head and approved by the Human Resources Manager prior to being issued to the employee. Copies are kept by the supervisor, given to the employee, and filed in the employee's personnel folder.

D. Suspension

Suspension is the temporary removal of an employee from his or her duties without pay. Suspensions are normally taken in cases involving gross misconduct or chronic behavioral problems for which there seems to be no other appropriate response.

Suspension action is to be instituted after consultation with the department head and Human Resources Manager, and with approval of the General Manager.

E. Reduction (Demotion)

Reduction is the removal of an employee from his or her present position to a lower paying position or salary step. Failure to meet the requirements of promotional probation is not considered a disciplinary action.

F. Termination

Termination is the permanent removal of an employee from service. Such action shall be imposed by written notice to the employee stating the reason(s) and is subject to review under Termination Procedures.

Individual departments and supervisors may adopt rules particularly suited to the needs and requirements of their workplace or operations. In such cases, the rules must be written, approved by the department head, and distributed to all affected employees.

8.2 Standards of Conduct

It is not possible to provide employees a complete list of every possible type of disciplinary offense. However, in order to provide employees some guidance concerning unacceptable behavior, the following are some examples of types of conduct that are considered impermissible. Employees who engage in any misconduct or whose performance is unsatisfactory may be subject to disciplinary action, up to and possibly including immediate termination. The list below is intended simply to provide some examples of disciplinary offenses.

- A. Falsification of or making a material omission on forms, records, or reports, including time cards, application materials or customer records.
- B. Actual or threatened physical violence.
- C. Sexual harassment or other unlawful harassment, whether verbal, physical or visual.
- D. Possessing or bringing firearms, weapons, alcohol, illegal drugs, or chemicals on or to District property.
- E. Insubordination, refusing to follow a supervisor's directions, or other disrespectful conduct to a supervisor.
- F. Unauthorized possession or removal of District or employee property, records or other materials.
- G. Theft or unauthorized removal or possession of property from the District, fellow employees, customers or anyone on District property.
- H. Destroying or damaging District or employee property, records or other materials.
- I. Violating safety or health rules or practices or engaging in conduct that creates a safety or health hazard.

- J. Unexcused and/or repeated tardiness or absenteeism.
- K. Using, possessing, distributing, transferring, or being under the influence of alcohol or unlawful drugs while on duty, while on District property, or while operating a District owned or leased vehicle.
- L. Engaging in rude or discourteous conduct toward others.
- M. Failure to obtain and maintain certification or licenses, as required by the employee's job description or as a condition of employment.
- N. Failure to promptly report a personal work-related injury.
- O. Misconduct.
- P. Unsatisfactory performance.

## **SECTION 9: SUBSTANCE ABUSE TESTING POLICY**

### 9.1 General Policy

The District maintains a strict policy against the use of unlawful drugs while on duty, while on District premises, and while operating a District vehicle. To facilitate the administration and enforcement of this policy, the District may require or request job applicants and employees to submit to alcohol, drug or substance abuse testing under certain circumstances.

Pre-employment drug and alcohol testing will be required for safety-sensitive positions as determined by the District. All offers of employment are conditioned upon the successful completion of the testing procedure.

In cases when an employee's supervisor or other District superior has reasonable suspicion to believe that the employee possesses or is under the influence of drugs and/or alcohol and such use or influence may adversely affect the employee's job performance, or the safety of the employee or co-workers, alcohol and/or drug screening may be ordered. This suspicion must be based on any objective symptoms, such as factors related to the employee's appearance, behavior, speech and/or other facts. If an employee is on doctor-prescribed medication that could adversely affect the employee's work ability, job performance, or the safety of the employee or others, it is the employee's responsibility to notify his or her supervisor of that fact before reporting to work.

Testing may also be required if an employee is found to be in possession of physical evidence, i.e., drugs, alcohol or paraphernalia possibly connected with the use of an illicit drug. Testing may also be required if illicit drugs and/or alcohol are found in the employee's immediate work area. However, it should be emphasized that possession of drugs or alcohol is prohibited whether or not it is determined that the employee also used such substances.

Alcohol and/or drug screening may be required following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from such accident or violation.

Violation of this policy or failure to cooperate fully with any request to test may result in disciplinary action up to and including termination. The District will pay the full cost of any testing that it has requested of an applicant or employee, including the reasonable cost of any transportation to and from the designated testing facility.

9.2 Department of Transportation (DOT) Testing Regulations

Pursuant to the United States Department of Transportation (DOT) regulations implementing the Federal Omnibus Transportation Testing Action of 1991, the District has adopted a policy prohibiting certain conduct and requiring specific testing for alcohol and controlled substances on certain classes of employees. This policy is also intended to comply with the Federal Motor Carrier Safety Administration's (FMCSA) regulations. These regulations also prevent performance of any safety-sensitive function when there is a positive, adulterated, or substituted test result. The DOT has also adopted 49 Code of Federal Regulations (CFR) Part 40, which sets standards for the collection and testing of urine and breath specimens. This policy incorporates these federal requirements for employees operating a commercial motor vehicle. A more detailed policy regarding employees subject to DOT regulations and drug testing requirements is set forth in the District's Safe Work Practices Manual.

If any provision of this policy is inconsistent or in conflict with the DOT/FMCSA regulations, the DOT/FMCSA rules shall take precedence.

This policy works together with, and not in place of, the District's general Substance Abuse Testing policy contained in Section 9.1 above. The obligations and requirements set forth herein are in addition to existing obligations and requirements set forth in the general policy.

**SECTION 10: DISCRIMINATION AND HARASSMENT**

10.1 Purpose

The District is committed to providing a work environment that is free from harassment and discrimination. In keeping with this commitment, the District will not tolerate any form of harassment or other unlawful discrimination. Harassment based on race, sex, national origin, disability, sexual orientation, religion, or any other protected characteristic is a violation of state and federal law. Any person who commits such a violation may be subject to personal liability as well as discipline by the District.

10.2 Policy

It is against the policy of the District to fail to hire or to base any other employment related decision on an individual's race, sex, national origin, disability, sexual orientation, religion, or any other protected characteristic based on state and federal law.

It is against the policy of the District to harass any applicant or employee. Harassment is defined as unwelcome and unsolicited behavior based on race, sex, national origin, disability, sexual orientation, religion, or any other protected characteristic based on state and federal law, which includes, but may not be limited to, written, verbal, visual, or physical behaviors.

Sexual harassment of employees by supervisors, coworkers, or vendors is strictly prohibited. State and federal laws define sexual harassment to include unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. Such conduct is unlawful when:

- A. Submission to the conduct is made a term or condition of employment;
- B. Submission or rejection of the conduct is used as the basis for an employment decision affecting an employee; or
- C. The conduct has the purpose or effect of unreasonably interfering with an employee's work performance, or creating an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include unwelcome sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; subtle pressure or requests for sexual favors; unnecessary touching of an individual; a display in the work place of sexually suggestive objects or pictures; sexually explicit or offensive jokes; or a physical assault. It is also important to understand that stories, cartoons, nicknames, and comments of a sexual nature may be offensive to others and will not be tolerated. Violation of this policy may result in disciplinary action, up to and including termination.

### 10.3 Complaint Guidelines

- A. Employees who believe they are being sexually harassed are strongly encouraged to firmly and promptly notify the harasser that the offensive behavior is unwelcome and that he or she must cease and desist from such conduct. Be specific in advising the harasser about what conduct is offensive and unwelcome. Document the incident. If an employee is uncomfortable discussing the matter directly with the harasser, then the employee should promptly report the offensive behavior according to Section B, below.
- B. If the harassing behavior continues, it is the employee's responsibility to notify his or her immediate supervisor, or any supervisor, department head, or Human Resources Manager, and document the notification. Employees are not required to follow the chain of command when notifying the District of a discrimination or harassment issue.
  - 1. The District encourages all employees to report complaints of unlawful discrimination or sexual harassment as soon as possible. The District will immediately investigate any complaint and take appropriate preventative and/or corrective action.
  - 2. If the employee feels his or her complaint about discrimination or sexual harassment has not been adequately addressed by the District, the employee may file a complaint with a state or federal regulatory agency. A complaint can be filed with the California State Department of Fair Employment and Housing (DFEH) or the Federal Equal Employment Opportunity Commission (EEOC). The address and telephone number of these agencies can be found in the local telephone directory, or as posted at employee posting sites.
- C. Employees, supervisors, and/or department heads who become aware of any violation of this policy must immediately notify the Human Resources Manager. In this way, the District can ensure that such conduct does not occur and that appropriate action can be taken immediately.

- D. No employee shall be retaliated against for making a complaint or bringing inappropriate conduct to the District's attention, for preventing unlawful practices, or for participating in an investigation, proceeding, or hearing conducted by the DFEH or the EEOC. If you believe that you are being or have been retaliated against for making a complaint, please contact the Human Resources Manager so that an immediate investigation can be conducted.

## **SECTION 11: WORKPLACE SECURITY**

### **11.1 Policy**

The District is firmly committed to providing a workplace that is free from acts of violence or threats of violence. Although some kinds of violence result from societal problems that are beyond our control, we believe that measures can be adopted to increase protection for employees and to provide a secure workplace. In keeping with this commitment, the District has established a strict policy that prohibits any employee from threatening or committing any act of violence in the workplace, while on duty, while on District-related business, or while operating any vehicle or equipment owned or leased by the District. This policy applies to all employees, including department heads, supervisors, and non-supervisory employees.

In order to achieve our goal of providing a workplace that is secure and free from violence, we must enlist the support of all employees. Compliance with this policy and the District's commitment to a "zero tolerance" policy with respect to workplace violence is every employee's responsibility.

### **11.2 Reporting Requirements**

Employees are required to report any incident involving a threat of violence or act of violence immediately to their supervisor, department head, or the Human Resources Manager. The supervisor or department head must report the matter immediately to the Human Resources Manager, who will investigate the matter and take appropriate corrective action. This may include the imposition of disciplinary action upon any employee who violates this policy, up to and including termination.

If employees become aware of any workplace security hazards or identify methods of increasing security in the workplace, they should report that information to their supervisor, department head or the Human Resources Manager. Employees are required to report violations of this policy, including any incidents involving actual or threatened violence. Employees may do so without fear of retaliation of any kind. Reports of threats (and their sources) will be kept confidential to the extent practicable.

## **SECTION 12: INJURY AND ILLNESS PREVENTION PROGRAM**

### **12.1 Policy**

It is the goal of the District to provide safe and healthful working conditions for its employees by attempting, so far as humanly possible, to eliminate all accidents, especially those caused by unsafe equipment, procedures, acts, and especially, lack of properly trained staff. In keeping with its commitment to safety, the District has established this Injury and Illness Prevention Program ("IIPP") to outline its safety policies and procedures.

### **12.2 General Responsibilities**

It is the policy of the District to implement practical procedures to safeguard employees from any and all hazards and to provide a safe environment in which to work. Under

this policy, the General Manager delegates authority and responsibility to the Human Resources Manager, department heads and supervisors to promote and enforce the District's IIP Program.

Department heads, supervisors and employees are expected to plan and carry out work assignments with employee health and safety foremost in mind. The District requires that all injuries be immediately reported to assure that (a) proper medical care is provided, and (b) necessary insurance reports are filed, and (c) an investigation or review of the incident is conducted on a timely basis.

Department heads and supervisors are responsible for providing a safe and healthful work environment. Supervisors are responsible for providing safety training and information related to the safe use of equipment, materials, chemicals and supplies to employees; planning work assignments with full consideration of safety requirements; providing appropriate safety clothing, tools, devices and other articles to perform assignments; enforcing safety policies, including the proper use of safety apparatus and the proper use of equipment, materials, chemicals and supplies; and developing proper attitudes towards safety and health.

#### 12.3 Compliance Requirements

All employees are required to comply with the District's safety and health policies and practices. This includes employees at every level and in all positions within the District. Compliance with this policy includes recognition of employees who follow safe work practices, training and retraining programs, disciplinary action, rewards for safety suggestions and other such means that ensure employee compliance with safety and health work practices.

#### 12.4 Communications

Employees will be informed of matters relating to occupational safety and health from time to time. Communications of this nature may be contained in posted notices, memos, personnel policy statements, or safety guidelines. Important safety issues may also be raised at employee meetings and training programs. A District-wide Safety Committee shall meet regularly (no less than quarterly), and minutes of the meeting will be posted in all District facilities.

Employees are encouraged to direct any questions or concerns they have regarding safety issues to their supervisor, Safety Committee representative and/or Human Resources Manager. It is also the responsibility of each employee to inform his or her supervisor or the Human Resources Manager immediately of any hazard or unsafe condition in the workplace, with no concern of reprisal in any form. Employees can also notify the Human Resources Manager of any such hazards anonymously if they prefer to do so. All reports of safety concerns will be investigated immediately.

Any questions regarding the IIPP or your responsibilities with respect to workplace safety, should be directed to the Human Resources Manager.

#### 12.5 Identification and Correction of Job Hazards

The District has implemented procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices.

Where it is determined that an unsafe or unhealthy condition, work practice or work procedure exists, the District will take steps that it determines are appropriate under the circumstances to correct the condition, practice or procedure in a timely manner. The severity of a hazard will be considered along with other relevant factors when evaluating the most appropriate method of correcting any hazardous situation and the time frame within which the correction will be made. If an imminent hazard exists that cannot be abated immediately without endangering one or more employees or property, the District may find it appropriate to remove all exposed personnel from the area in which the hazard exists, unless they are necessary to correct the existing condition.

12.6 Accident Investigation

The District will investigate occupational injuries and illnesses when and in the manner that it determines appropriate. This may involve a physical inspection of the location where an injury occurred, the circumstances that led to the injury or illness, and whether specific procedures, practices, or preventive measures could have helped to reduce or eliminate the danger or prevent the injury or illness.

Such investigations will be conducted by the employee's supervisor with review by the Safety Committee and Human Resources Manager.

12.7 Employee Training

The District will also provide training to employees under the IIPP from time to time. Such training and instruction will be provided (a) when the program is first established, (b) as part of the orientation provided to new employees, (c) to employees provided new job assignments for which training has not previously been received, (d) when new substances, processes, procedures, or equipment are introduced to the work place and represent a new hazard, (e) when the company becomes aware of a new hazard or one that was previously unrecognized, and (f) to supervisors who must be familiar with the safety and health hazards to which employees under their immediate direction and control may be exposed.

In addition, supervisory employees shall conduct regular "tailgate safety meetings" or the equivalent with their crews. Tailgate meetings should be conducted weekly, but shall be conducted no less than bimonthly.

12.8 Supplemental Safety Guidelines

The Human Resources Manager, with the assistance and coordination of the department managers, supervisors and lead personnel, shall develop and maintain separate written safety procedures and guidelines (Safe Work Practices Manual).

The guidelines will be distributed to all affected employees.

Supervisors shall be responsible for reviewing all safety guidelines with affected employees, and for coordinating with the Human Resources Manager to provide any supplemental safety training that falls outside of scheduled safety training program topics.

## **SECTION 13: EMPLOYER-EMPLOYEE RELATIONS**

13.1 Purpose

The purpose of this section is to implement the Meyers-Milias-Brown Act (Chapter 10, Division 4, Title 1) of the Government Code of the State of California, commencing with

Section 3500, by providing orderly procedures for the administration of employer-employee relations between the District and recognized employee organizations.

13.2 Authority of the General Manager

The District hereby declares, as a matter of policy, that the Board of Directors and its members will deal with employee organizations and their representatives solely through the General Manager, except when otherwise expressly provided for by the terms of this policy.

13.3 Definitions

As used herein:

- A. "Board of Directors" means the Board of Directors of the District.
- B. "General Manager" means the General Manager of the District.
- C. "Employee" means any person employed by the District other than a member of the Board of Directors.
- D. "Employee organization" means any organization which includes employees of the District and which has as one of its primary purposes, representing such employees in their relations with the District.
- E. "Recognized Employee Organization" means an employee organization which has been formally acknowledged by the District as the sole employee organization representing the employees in an appropriate representation unit.

13.4 Right of Employees to Join Employee Organizations

Employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations.

13.5 Right of Employees to Abstain From Joining Employee Organizations

Employees shall have the right to refuse to join, or to refuse to participate in the activities of employee organizations.

13.6 Right of Employees to Represent Themselves

Employees shall have the right to represent themselves individually in their employment with the District. A member of an employee organization, who at any time wishes to represent himself or herself individually in his or her employment relations with the District, may do so upon filing a written statement to that effect with the General Manager.

The employee shall not be considered as being represented by an employee organization while such an unrevoked written statement is on file.

13.7 Discrimination Prohibited

Employees shall not be discriminated against, interfered with, intimidated, restrained or coerced (by either the District or employee organizations) because they form, join and participate in the activities of employee organizations; or, they refuse to join, or participate in the activities of employee organizations; or they represent themselves individually in their employment relations with the District.

13.8 Management and Confidential Employees

Management and confidential employees, as defined herein, shall not be in the same bargaining unit as other employees of the District. A “management” employee is defined as an exempt employee who has responsibility for formulating, administering or managing the implementation of policies and programs.

A “confidential” employee is defined as an employee who, in the course of his or her duties, has access to information or is privy to decisions of District management relating to the administration of employer-employee relations.

13.9 Recognition Requirements

An employee organization that seeks formal acknowledgment by the Board as a recognized employee organization that represents employees in that bargaining unit shall file with the General Manager a petition, signed under penalty of perjury by a duly authorized officer of the organization, containing the following information and documentation:

- A. Name and address of the employee organization.
- B. Names and titles of its officers.
- C. Names of employee organization representatives who are authorized to represent its members.
- D. A statement whether the employee organization is a chapter or local of, or affiliated directly or indirectly in any manner with a regional, state, national or international organization, and if so, the name and address of each such organization.
- E. Copies of the employee organization's constitution and by-laws.
- F. A designation of those persons, not exceeding two in number, and their addresses, to whom written notice is sent by email or regular United States mail, shall be deemed sufficient notice to the employee organization for any purpose.
- G. A statement that the employee organization recognizes that the provisions of Section 923 of the California Labor Code are not applicable to District employees.
- H. A statement that the employee organization has no restriction on membership based on race, color, creed, religion, sex, national origin, ancestry, citizenship, pregnancy, age, marital status, physical disability, sexual orientation, or medical condition (as defined by law).
- I. The names and titles of employees currently represented by the employee organization.
- J. A statement that the employee organization has in its possession written proof, dated within three months of the date upon which the petition is filed, to establish that a majority of the employees have designated in writing the employee organization to represent them in their employment relationships with the District.

- K. A request that the Board formally acknowledge the petitioner as a recognized employee organization that represents employees of the District.

#### 13.10 Recognition

- A. Employees may be classified into at least two (2) units: 1) management and confidential employees and 2) all other regular full-time employees. Employees may create bargaining units containing specific job classifications and excluding other job classifications.
- B. An employee organization shall not be recognized unless the majority of all employees of the District within the unit have authorized the employee organization to represent them by a vote of said employees. Upon recognition by the Board of Directors, said recognized employee organization shall have the right to represent District employees within the specified unit, subject to the right of an employee to represent himself or herself.
- C. Recognition of an employee organization formally recognized as the majority representative of a specified unit pursuant to a vote of the employees may be revoked by a majority vote of the employees after a period of not less than 12 months following the date of such recognition. A vote shall be held by secret ballot upon a petition filed with the General Manager and signed by at least 30 percent of the employees within that specified unit.

#### 13.11 Processing of Recognition Petition

Within a reasonable time after receipt of a petition, the General Manager shall:

Determine whether:

- A. The petition fully complies with the requirements of this policy;
- B. The petitioner represents the employees of the District listed within the specified unit;
- C. The petitioner qualifies as a recognized employee organization. In doing so, the General Manager may require the employee organization to submit such written proof as the employee organization has that it has been designated by the listed employees to represent them, including all written authorizations signed by employees designating the employee organization to represent them;
- D. Submit the petition to the Board of Directors with a report as to the General Manager's determinations and his recommendations regarding a formal recognition.

#### 13.12 Determination by Board of Directors

Within a reasonable time after receipt of the report and recommendations of the General Manager, the Board shall determine if the petitioner qualifies as a recognized employee organization. The Board of Directors shall formally acknowledge that the petitioner is a recognized employee organization if the petitioner qualifies as such under this policy.

13.13 Current Information

The information contained in the petition shall be kept current by the recognized employee organization. The General Manager may, from time to time, require verification by the recognized employee organization of any information contained in the petition (and current supplements thereto), including submission of such written proof as the recognized employee organization has that it has been designated by the listed employees to represent them.

13.14 Internal Association Matters

The District recognizes the right of any recognized employee organization to govern its internal affairs.

13.15 Representation of Members

Subject to these rules, as they may be from time to time amended, a recognized employee organization shall have the right to represent District employees within the specified unit in such employees' employment relations with the District, except those who have elected to represent themselves.

13.16 Scope of Representation

The scope of representation includes all matters relating to employment conditions and employer-employee relations, including but not limited to: wages, hours and other terms and conditions of employment; except, however, that the scope of representation shall not include consideration of the merits, necessity or organization of any service or activity provided by law or established by the District.

13.17 District Representation

The Board shall appoint the General Manager or his or her designee as its representative to meet and confer with representatives of recognized employee organizations and employees who wish to represent themselves individually. The Board of Directors may appoint one or more other representatives to assist the General Manager or to act on behalf of the General Manager on specific matters.

13.18 Conferences

The General Manager or his or her designee shall, upon written request, meet and confer in good faith regarding wages, hours and other terms and conditions of employment with the representatives of recognized employee organizations or employees who wish to represent themselves individually. Such meetings and conferences shall be held within a reasonable time after receipt of the written request, which shall set forth the matter(s) desired to be presented. The General Manager or designee may utilize other District staff to assist and to attend conferences with him.

In the event any Memorandum of Understanding exists with a procedure different than as stated above, the Memorandum of Understanding shall prevail. "Meet and confer in good faith" means that the General Manager or designee and representatives of any recognized employee organization or individual employees, shall have the mutual obligation personally to meet and confer promptly upon written request by either party and to continue for a reasonable period of time in order to exchange freely information, opinions and proposals, and to endeavor to reach agreement on matters within the scope of representation.

13.19 Memorandum of Understanding

If agreement is reached by the General Manager and a recognized employee organization, they shall jointly prepare a written memorandum of such understanding, signed by the General Manager and the recognized employee organization, and present it to the Board of Directors for determination. The Memorandum shall not become binding until approved by the Board of Directors. If approved by the Board of Directors, the Memorandum of Understanding shall constitute a contract between the District and the recognized employee organization.

The terms and conditions of any Memorandum of Understanding shall be approved by resolution of the Board of Directors and shall supersede all other ordinances and resolutions with the terms of the Memorandum of Understanding.

13.20 Reasonable Time Off to Meet and Confer

A recognized employee organization may select not more than three employee members of the organization to attend scheduled meetings with the General Manager or designee on subjects within the scope of representation during regular work hours without loss of compensation. Where circumstances warrant, the General Manager may approve the attendance at such meetings of additional employee representatives without loss of compensation. The employee organization shall submit the names of the employee representatives to the General Manager at least five (5) working days in advance of such meetings. Any such meeting is subject to scheduling by District management in a manner consistent with operating needs and work schedules.

13.21 Advance Notice

Reasonable written notice shall be given to each recognized employee organization affected by any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the Board and each shall be given the opportunity to meet with the Board's representative.

In cases of emergency when the Board determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice of meeting with the recognized employee organization, the Board shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution or regulation.

13.22 Failure to Agree

If after a reasonable period of time, representatives of the District and a recognized employee organization fail to reach agreement, the Board of Directors and the recognized employee organization may agree upon the appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the District and one-half to the recognized employee organization. Nothing provided herein shall require either party to agree to the appointment of a mediator.

13.23 Closed Sessions

Pursuant to Section 54957.6(a) of the Government Code, the Board of Directors may hold closed sessions with the General Manager and other staff members who are assisting him/her prior to and during consultations and discussions with representatives of an employee organization regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of the employees in order to review the Board's position and to instruct the General Manager.

13.24 Miscellaneous Provisions

Nothing in this policy shall be construed to deny to any person, employee, organization, the District, or any authorized officer, body or other representative of the District, the rights, powers and authority granted by federal or state law.

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