SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. V-A**

FROM: Steve Mack, General Manager

Meeting Date: July 7, 2011

Subject: REVISION OF SECTION 2000 OF DISTRICT POLICIES AND PROCEDURES LEAVE POLICIES

RECOMMENDED ACTION: Receive a report on the review and revision of Section 2000 of the District's Policies and Procedures focusing on Sections 2040 through Sections 2050.

FISCAL IMPACT: None.

DISCUSSION:
For the past several months District staff have been working on revising Section 2000 of the District's Policies and Procedures with the intent of developing an ordinance that will incorporate those changes. At the June meeting the Board gave direction on the following issues:

- Confirm whether individuals over the age of 62 can register with the State, and if so to substitute "registered domestic partner" for all references to domestic partner. This has been confirmed and we have substituted "registered domestic partner" for "domestic partner";

- Omit reference to Family Medical Leave Act (FMLA) in our policies if the District is not bound to follow FMLA and clarify differences between FMLA and our current policy. Meyers Nave have confirmed that the District is exempt from FMLA because we are below the size limit. This section has been deleted.

- Draft separate language on unpaid leave in the policies that reflects the language of the current MOU. Unpaid leave now appears as Section 2050.20

Another outstanding issue that had been discussed with Meyers Nave was the use of "calendar days" versus "business days". The current Policies and Procedures have a number of references to the time limit for medical disability leave (Section 2050.30) would be 180 calendar days, however staff does not typically track the calendar day length of anything, and would include weekend, non working days in the length of a disability. Meyers Nave informed us that this is in the discretion of the District. Accordingly, the policies have been changed to replace 180 calendar days with 120 business days – both are the equivalent of a half year.

Attached to this report is the June 15, 2011 draft of Section 2000 which incorporates the changes that have been discussed during this lengthy review. Many changes, which are shown by track changes, have been made to this section during the review. In addition to those issues discussed above, major changes include:

- Employee Classification/Compensation was moved to Section 2005.

- References to specific amounts that may change from time to time have been deleted; where appropriate these amounts are referenced to the current Memorandum of Understanding (MOU) with the Union.

- Employee Benefits moved to Section 2055.

There are many small changes included in this draft, most of which have been discussed at earlier meetings. Please review this draft. If the Board is satisfied with the current version, staff intend to introduce this as an ordinance at the August Board Meeting for incorporation into the Policies and Procedures.

Exhibit A. SWEETWATER SPRINGS WATER DISTRICT
POLICY AND PROCEDURE MANUAL

Section 2000 Draft June 15, 2011

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Executive Officer**
Policy Number: 2000
Date Approved: December 8, 1992
Date Revised: _____

2000.10 The General Manager shall be the Executive Officer of the Sweetwater Springs Water District.

2000.20 The terms and conditions of the General Manager's employment shall be specified in the agreement of employment established between the General Manager and the Board of Directors. The General Manager shall serve at the pleasure of the Board of Directors.

2000.30 Whenever the agreement of employment established between the General Manager and the Board of Directors is in conflict with any District policy, said agreement of employment shall prevail.

2000.40 The duties of the General Manager shall include all those duties outlined in the State of California Water Code Section 30580 and 30581 incorporated herein by reference. Additionally, the General Manager or his /her designee shall serve as the clerk of the B~~b~~oard.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Personnel Policy Review and Ratification**
Policy Number: 2001
Date Approved: July 6, 2005 (Ordinance 28)
Date Revised:

2001 Sections 2001 to 3000 of the District Policies and Procedures Manual (Personnel Policy) shall be ~~annually~~ reviewed ~~annually~~periodically ~~-~~by District staff and District C~~c~~ounsel, at least as often as directly after the Board of Directors' approval of a Memorandum of Understanding with the designated Employee Organization representing District employees. ~~and ratified by the Board of Directors.~~

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Employee Classifications/Compensation**
Policy Number: 2005
Date Approved:
Date Revised: 3/14/02 (Resolution 02-10)

2005.10 This policy shall apply to all District employees.

2005.20 Employee Classifications:

2005.21 By Number of Hours Worked

(1) **Full-Time Employees**: Full-time employees are all those having a regular work schedule of forty (40) hours per week.

(2) **Part-Time Employees**: Part-time employees are all those having a regular work schedule of less than forty (40) hours per week.

2005.22 By Length of Employment

(1) **Temporary Employees:** Temporary employees are all those hired under special assignment with the specific understanding that such work will be completed within a short period of time.

(2) **Regular Employees**: Regular employees are all others.

2005.23 By Method of Payment

(1) **Salaried Employees**: Salaried employees are all those who are paid a fixed salary and not by the hour. These positions are usually management/supervisorial positions.

(2) **Hourly Employees**: Hourly employees are all those whose wages are paid by the hour and fluctuate according to the number of hours worked.

2005.24 By Eligibility for Overtime

(1) **Nonexempt Employees**: Nonexempt employees are all those who are eligible to be paid for overtime work in accordance with the provisions of applicable wage and hour laws.

(2) **Exempt Employees**: Exempt employees are all those who are not eligible for overtime pay.

2005.30 Compensation

2005.31 Salary ranges: Salaries for each position shall be within the salary range that is assigned to the position based on the position's duties and responsibilities, according to a salary schedule approved by resolution of the Board of Directors. Salary ranges for all positions are evaluated on a periodic basis, at least as frequent as the approval of a Memorandum of Understanding with the Employee Organization.

2005.32 Compensation at Hiring:

(1) **New Employees**: Unless authorized by a majority vote of the Board of Directors, all newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.

2005.33 Merit Advancement Within Range

(1) Merit Advancement: Merit advancement increases are provided when, in the opinion of the Supervisor and/or General Manager an employee's performance warrants an adjustment in salary. Merit increases are based on job performance, evaluations, and observation of an employee's work and can be affected by attitude, special training or educational courses. In the field positions, merit increases may be awarded when an employee receives certification from the State of California for Graded Water Treatment Operator licenses. Salary review on an individual basis will be scheduled at least once each year and more frequently if warranted.

2005.40 Promotion

2005.41 It shall be the policy of the District to promote from within whenever possible, and to encourage employees to apply for all positions for which they are qualified. A recruitment will take place for all vacancies within a classification and a hiring list shall be maintained for a reasonable period of time and may be extended for up to one year by the General Manger.

2005.50 Performance Development Program

2005.51 Employees receive performance reviews after the first six (6) months of employment and annually thereafter. More frequent performance review schedules may be established for specific employees.

2005.52 The purpose of the review is to evaluate the current level of performance of an employee and to examine the progress made since the last review as well as establish goals for the next review. Performance reviews should not be confused with salary increases. While performance reviews may affect the salary increases, they are separate issues and a satisfactory performance review does not always indicate an increase in salary, and likewise, an increase in salary can be awarded without a performance review.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Hours of Work and Overtime**
Policy Number: 2010
Date Approved: November 17, 1992 (Reso. No. 104)
Date Revised: July 1, 1993; November 30, 1995; September 2, 2004, July 6, 2005

2010.10 This policy shall apply to all employees.

2010.15 Timesheet Documentation. All employees must submit and sign a bi-weekly timecard certifying the accuracy of all time recorded for compensation. All timecards must be approved with a supervisor's signature. Any revisions to a timecard shall be crossed out, versus erased or "whited" out. Any revisions must be initialed by either the employee or the supervisor approving that employee's timecard.

2010.20 Hours of Work: District office hours are from 8:00 A.M. to ~~5~~4:~~0~~30 P.M., Monday through Friday~~, April 1st through September 31st (summer hours), and 8:00 A.M. to 4:30 P.M. Monday through Friday, October 1st through March 31st (winter hours)~~. Regular ~~F~~field operation is from 7:30 A.M. to 4:00 P.M. ~~Sunday~~ Monday through Friday ~~Saturday~~. ~~Field crew~~All staff shall be provided one-half (1/2) hour for lunch. ~~Office employees have a choice of one (l) hour for lunch and working until 5:00 P.M. or one-half (1/2) hour for lunch and working until 4:30 P.M.~~ All employees receive two fifteen (15) minute breaks, one in the morning and one in the afternoon. All employees work eight (8) hours per day and are compensated for their break periods. Employees are not compensated for lunch periods**.**

2010.30 Overtime Definition and Rates of Pay:

2010.31 All nonexempt employees who work more than eight (8) hours in one work day or more than forty (40) hours in one work week will receive overtime pay as computed for employees in accordance with the Memorandum of Understanding with the designated Employee Organization representing District Employees .~~as follows:~~

~~(1) Overtime compensated at the rate of 1 1/2 times the employees regular rate of pay will be provided for all hours worked in excess of forty (40) in one workweek, for the first four (4) hours in excess of eight (8) in any one workday, and for the first eight (8) hours on the seventh day of work in one work week;~~

~~(2) Overtime at the rate of two (2) times the employee's regular rate of pay will be provided for all hours worked in excess of twelve (12) in one work day, and for all hours worked in excess of eight (8) on the seventh day of work in one work week and any work scheduled on a holiday.~~

~~(3) Overtime will be computed on actual minutes worked adjusted to the nearest increment of fifteen (15) minutes.~~

~~(4) Only those hours that are actually worked are added together to determine an employee's overtime pay. Compensated holidays, for example, are not hours worked and, therefore, are not counted in making overtime calculations.~~

~~(5)~~ All salaried positions within the district shall be designated as "Management Positions" and as such are not compensated for overtime.

2010.32 Pre-Authorization - No nonexempt employee may work overtime without the express prior approval of his or her supervisor.

2010.40 On Call - ~~-~~On call/shift differential: Operations employees scheduled for on-call duty~~ will be paid $17.00 for each on-call weekday shift scheduled and $20.00 for each on-call weekend shift scheduled. If an employee responds to an emergency call, the employee will be paid at overtime rates for hours over eight (8) in a day or forty (40) hours in a week worked. Scheduled on call will rotate among all operations staff. When an employee is on-call he/she shall be provided a pager which will provide notification in the event of an emergency repair/maintenance work need. Said pager shall be kept in the on-call employee's possession during the entire on-call period of time. Notification of an emergency repair/maintenance work need may also be given verbally, in person or by telephone, by the General Manager, Field Supervisor, or Grade II Operator.~~

~~2010.41 When an employee is on-call he/she shall be free to utilize his/her time as desired, but must remain able to respond to an emergency situation within forty-five (45) minutes from the time said emergency call is received by them. On call employees shall be subject to the provisions of the Drug Free Workplace policy during the time they are on call.~~

~~2010.42 An on call employee may trade with another operational employee as~~so long as the General Manager and Field Supervisor are notified of the change prior to the commencement of the on call duty shift.
shall be reimbursed and follow other provisions of On Call duties according to the relevant sections of the Memorandum of Understanding with the designated Employee Organization representing District Employees.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Vacation**
Policy Number: 2020
Date Approved: November 17, 1992 (Reso. No. 104)
Date Revised: _____

2020.10 The District has established a vacation plan to provide eligible employees with a period of rest and relaxation without loss of pay or benefits.

2020.11 Eligibility - All regular full-time employees begin accruing vacation benefits upon commencement of employment. ~~Any accrued vacation benefits may not be used until the employee has completed at least six (6) months of continuous service, measured from the date of commencement of employment~~. Regular part-time employees working a minimum of twenty (20) hours per week accrue vacation on a pro-rate basis. "Continuous service" means service that is uninterrupted by termination of employment and subsequent rehire by the District. Temporary employees and employees who work less than twenty (20) hours per week do not accrue vacation benefits. Employees moving from a part-time position to a full-time position shall have their vacation pay entitlement calculated from the date of ~~hire, based upon the number of hours worked~~becoming eligible in accordance with the Memorandum of Understanding with the designated Employee Organization representing District Employees.

2020.12 Accrual - Employees are entitled to vacation as follows:

Commencement of Employment through First Year:	7/12 of one day for each full month worked up to a maximum of seven (7) days for the first year.
Second year through Fifth Year:	10/12 of one day for each full month worked up to a maximum of 10 days per year.
Sixth year through Tenth Year:	15/12 of one day for each full month worked up to a maximum of 15 days per year.
Eleventh year and Thereafter:	20/12 of one day for each full month worked up to a maximum of 20 days per year.

2020.13 Administration:

(1) **Maximum Accrual**: Vacation accruals may not exceed twice an employee's current annual entitlement (for example, ~~six weeks~~30 days for an employee with more than five years of service). Once this maximum is reached, all further

accruals will cease. Vacation accruals will recommence after the employee has taken vacation and the accrued vacation has dropped below the ~~two-year~~ maximum accrual.

(2) **Vacation Use**: ~~All vacation days shall be taken no later than the calendar year immediately following the year in which they accrue, unless prior supervisor approval is obtained.~~ Employees may take their vacation time all at once, or gradually, with the prior approval of their supervisor.

(3) **Vacation Advances**: An employee may not take vacation before they have earned it, without the express authorization of the General Manager.

~~(4) **No Pay in Lieu of Vacation**: No employee will receive pay in lieu of vacation except on termination of his or her employment as provided for in Section (7) below.~~

(~~5~~4) **Approval**: All vacations must be approved in advance by the employee's supervisor.

(~~6~~5) **Scheduling Conflicts**: Each January, vacations may be scheduled according to seniority. Thereafter, scheduling of vacation will be done on a first come, first served basis at the discretion of the General Manager and should be scheduled at least one month in advance.

(~~7~~6) **Vacation Pay on Termination**: On termination of employment, an employee will be paid all accrued but unused vacation.

(~~8~~7) **Holidays**: A holiday that falls during a vacation period will be treated as a holiday and not as a day of vacation taken.

(~~9~~8) **Vacation Accrual During Leaves of Absence**: If an employee takes an unpaid leave of absence, they will not earn vacation during the leave. Vacation accruals will recommence when the employee returns to work.

~~(10) Accrued vacation must be taken in increments of at least eight (8) hours.~~

(~~11~~9) Salaried employees will receive an additional five (5) days ~~-~~of vacation each year to compensate for the loss of paid overtime.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Holidays**
Policy Number: 2030
Date Approved: _____
Date Revised: _____

2030.10 Paid Holidays: The District provides full-time employees the following paid holidays each year:

NEW YEARS DAY - MARTIN LUTHER KING'S BIRTHDAY - PRESIDENTS' DAY - MEMORIAL DAY - INDEPENDENCE DAY - LABOR DAY - VETERAN'S DAY THANKSGIVING DAY - FRIDAY AFTER THANKSGIVING DAY and CHRISTMAS DAY

2030.11 In addition to the above listed holidays, each employee will be entitled to two (2) floating holidays to be scheduled by the General Manager on January 1st of each year. If not scheduled by the General Manager, floating holidays are taken at the discretion of the employee, but must be taken within the calendar year.

2030.12 For each recognized holiday, eligible employees will receive a day off with pay.

2030.20 Pay in Lieu of Time Off: The District may, in its discretion, require employees to work on scheduled holidays and provide pay in lieu of time off.

~~**2030.30** Payment for Holidays: In order to qualify to receive holiday pay an employee must work the scheduled day prior to and after the holiday.~~

2030.40 Weekends and Vacations: When a scheduled holidays falls on a Sunday, it will be observed on the following Monday. When a scheduled holiday~~s~~ falls on a Saturday, it will be observed on the preceding Friday. Holidays that occur during ~~your~~an employee's vacation will not be counted as vacation days.

2030.50 Eligibility: Part-time and temporary employees are ineligible for holiday benefits. All employees are ineligible for holiday~~s~~ benefits that accrue while on leave of absence or during a disciplinary time off without pay situation.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Sick Leave**
Policy Number: 2040
Date Approved: _____
Date Revised: _____

2040.10 In order to help prevent loss of earnings that may be caused by accident or illness, the District has established paid sick leave.

2040.20 Eligibility: All regular full-time employees begin accruing sick leave benefits upon commencement of employment at the rate of one day for each full month worked cumulative ~~up~~ to a maximum of twelve (12) days sick leave per calendar year. Eligible r~~R~~egular part-time employees are ~~eligible to~~ accrue sick leave on a pro-rata basis. Temporary employees are ineligible to earn or receive sick leave benefits.

2040.30 Use:

2040.31 Sick leave may be taken for personal illness or disability in the employee's immediate family. "Immediate family" is defined as the employee's domestic partner, spouse, employee's, registered domestic partner's or spouse's children, or parents. During each calendar year employees may use a minimum of one-half of their annual allotment of sick leave to attend to disability in the employee's immediate family. Registered Domestic Partner is defined in Family Code Section 297. ~~2040.31 Sick leave may be taken for personal illness or disability in the employee's immediate family. "Immediate family" is defined as the employee's domestic partner, children or parents.~~

2040.32 Hours absent for medical and dental appointments will be treated as sick leave.

2040.33 The District retains the right to request ~~a~~ verification from a licensed medical practitioner for any absence due to illness or disability. Sick pay may be withheld if ~~a~~ satisfactory verification is not received.

~~**2040.40** Pay in Lieu of Sick Leave: After the maximum accrual of 24 days, the District thereafter agrees to pay 50% of sick pay accrued but unused on an annual basis. No sick pay will be paid in lieu of sick leave to employees who terminate their employment with the district or who are terminated by the District.~~

~~**2040.50** Maximum Accrual: Sick leave accruals may not exceed twenty-four (24) days. Once the maximum is reached, all further accruals will cease. Sick leave accruals will recommence after the employee has taken sick leave and the accrued sick leave has dropped below the maximum~~.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Leaves of Absence**
Policy Number: 2050
Date Approved: November 17, 1992
Date Revised: August 3, 2006 (Ordinance 25)
January 3, 2008 (Ordinance 34)
March 5, 2009 (Ordinance 37)

2050.10 Introduction: Section 2050 covers:

Leave Without Pay (Personal Leave). Any employee who needs unpaid time off because vacation leave accumulations have been exhausted (2050.20 et seq).

Medical Disability Leave. Any employee who, as a result of a medical disability, becomes unable to perform the duties of his or her position, and any employee who becomes disabled on account of pregnancy, may be considered eligible for a medical disability leave (2050.30 et seq).

Paid Family Leave. Any employee who needs to attend to the birth, adoption, or serious illness of a child, or to care for a parent, spouse or registered domestic partner with a serious health condition may be considered eligible for paid family leave (2050.40 et seq).

Industrial Leave (Worker's Compensation) Any employee who, as a result of an injury at work, is temporarily unable to work at the District in any capacity on the medical advice of the workers compensation doctor of record, will be considered on industrial leave (2050.50 et seq).

~~Any employee who, as a result of a medical disability, becomes unable to perform the duties of his or her position, and any employee who becomes disabled on account of pregnancy, may be considered eligible for a medical disability leave.~~

~~Any employee who needs to attend to the birth, adoption, or serious illness of a child, or to care for a parent, spouse or domestic partner with a serious health condition may be considered eligible for family medical leave and/or paid family leave.~~

~~Any employee who, as a result of an injury at work, is temporarily unable to work at the District in any capacity on the medical advice of the workers compensation doctor of record, will be considered on industrial leave.~~

2050.20 Leave Without Pay (Personal Leave):

2050.21 The General Manager may grant employees leave of absence without pay for a period not to exceed thirty (30) days. No leave shall be granted except upon written request of the employee. Such requests shall be submitted to the General Manager. Such leaves shall normally be granted to permit the employee to engage in activities that will increase his or her value to the District upon return, or because of personal hardship. Employees may not be granted a leave of absence until all accrued vacation is taken. Failure on the part of an employee on leave to report promptly at its

expiration may result in dismissal of the employee. Vacation and sick leave credits shall not accrue to an employee on leave of absence. The decision of the General Manager on granting or refusing to grant a leave of absence or extension thereof shall be final.

2050.22 Medical Insurance Contribution during Leave Without Pay. In situations when an employee has exhausted all eligible leave and the employee is on a leave without pay, the employee shall be required to contribute one-half of the monthly premium for health, dental and vision insurance prior to the District making its contribution.

2050.~~20~~30 Medical Disability Leave:

2050.~~20~~30.5 **Introduction:** Any regular full-time employee who, as a result of a medical disability, becomes unable to perform the essential duties of his or her position, and any employee who becomes disabled on account of pregnancy, may be eligible for placement on medical leave of absence. Such medical leave of absence will be considered paid leave until exhaustion of the employee's earned paid time off, (which includes accumulated sick leave, vacation, any unused floating holidays, administrative leave, or compensatory time), except that the employee shall have the option of leaving up to five (5) earned vacation days unexhausted for use following their return to work. All other paid time off shall be exhausted at the beginning of the leave, with the remainder of the medical leave considered unpaid leave.

2050.~~21~~31 **Duration of Disability Leave**: The leave shall continue so long as the employee remains unable to perform the essential functions of the employee's position and there remains a reasonable basis to believe the employee will be able to resume performance of the essential functions at the end of the~~extends for the duration of the disability~~, up to a maximum of ~~180 calendar~~ 120 business days, ~~measured from the onset of the disability~~. Additional extensions of leave time beyond ~~180 calendar~~ 120 business days may be granted upon written request of the employee at the sole discretion of the General Manager, or, if the General Manager is unavailable or is requesting the leave, the Board of Directors.

2050.~~22~~32 **Verification of Disability**: The District reserves the right to request at any time that an employee confirm the existence and anticipated duration of his or her disability with ~~a~~ written verification from a licensed physician.

2050.~~23~~33 **Sick Leave Accrual, Vacation Accrual, Holiday Pay, and Continuation of Paid Benefits:**

2050.~~2~~33.1 **Fully paid disability leave:** During any period of fully paid absence relative to disability leave, the employee shall accrue paid time off and paid benefits.

2050.~~23~~33.2 **Partially paid, or part-time, disability leave:** During any period of part-time absence relative to disability leave, the employee shall accrue pro-rated paid time off and pro-rated retirement benefits. For the first ninety (90) calendar days of the any part-time absence due to disability leave, medical, dental, and other District paid insurance benefits will continue to be paid by the District in accordance with the District's normal share for the employee. After the first ninety

(90) days of partially paid or part-time disability leave, medical, dental, and other District-paid insurance benefits will continue for a maximum of an additional ninety (90) calendar days of disability leave so long as the employee pays the lesser of fifty percent (50%) or their pro-rated share of the District's normal share for the employee for such insurance, in addition to the full employee's normal share of such insurance.

2050.~~23~~33.3 **Unpaid disability leave:** Neither sick leave nor vacation shall accrue during any period of unpaid absence relative to disability leave. Employees on unpaid leave also do not receive holiday pay. Medical, dental, and other District-paid insurance benefits will continue to be paid by the District in accordance with the District's normal share for the employee for the first ninety (90) calendar days of any unpaid and/or partially paid disability leave. After the first ninety (90) days of unpaid and/or partially paid disability leave, medical, dental, and other insurance benefits will continue for a maximum of an additional ninety (90) calendar days of disability leave so long as the employee pays fifty percent (50%) of the District's normal share for the employee for such insurance, in addition to the full employee's normal share of such insurance.

Additional extensions of benefit time beyond ~~calendar~~ 120 business days may be granted, upon written request by the employee, at the sole discretion of the General Manager, or, if the General Manager is unavailable or is requesting the leave, the Board of Directors.

2050.~~24~~34 **Notice of Leave**: Employees whose disability leaves can be anticipated (i.e., leave for scheduled surgery or leave for pregnancy) are required to provide two weeks' advance written notice of the anticipated start of their period of disability.

2050.~~25~~35 **Verification of Ability to Return:** The District reserves the right to require written verification from a licensed physician that an employee is physically fit to return to duty before permitting the employee to return to work.

2050.~~26~~36 **Return to Part-Time Work**: An employee who has not fully recovered from his or her medical disability may request a return to work on a part-time basis. Such request must be accompanied by a written release from a licensed physician indicating that the employee is capable of performing work on a part-time basis. Such request ~~will~~ may be granted at the sole discretion of the General Manager (or, if the General Manager is unavailable or is requesting the part-time work, the Board of Directors) based upon the needs of the District and the likelihood of, and the time in frame in which, the employee will return to full-time work. If the request can be accommodated, the employee will be compensated according to his or her part-time work schedule (and will cease to be covered by the District's salary continuation policy for short-term disabilities). District paid benefits will be paid in accordance with Section 2050.23 above.

2050.~~27~~37 **Subsequent Leave for the Same Disability**: If an employee returns to work from an approved disability leave of absence before the lapse of the maximum leave period of ~~180~~ 120 business days ~~measured from the onset of disability~~ and thereafter is granted one or more additional leaves for the same disability,

the additional leaves may continue only until the employee has spent a combined total of ~~180~~ 120 business days absent from work due to disability. After the lapse of ~~180~~ 120 business days of absence for the same disability, the District will consider medical separation or disability retirement as applicable~~employee's employment with the District may be terminated~~, as discussed further~~provided~~ in Paragraph 2050.~~28~~ 38 below. Whether or not additional leave is for the "same disability" is the decision of the General Manager, or if the General Manager is unavailable or is requesting the leave, the Board of Directors.

2050.~~28~~38 **Holding of Positions/Termination**: To the extent feasible, the District will return the employee to the same position or a comparable position for which the employee is qualified at the end of the employee's disability leave. If no such positions are available, the District will place the employee on administrative leave (paid unless the employee has further paid leave balances)~~layoff~~, during which time the employee will be given a right of first recall to an opening in his or her same position or to an opening in a comparable position for which he or she is qualified. The administrative leave~~layoff~~, however, will last only until the combined period of absence due to disability and absence due to administrative leave~~layoff~~ totals ~~180 calendar~~ 120 business days. After the lapse of this period, the employee's employment with the District may be medically separated~~terminated~~, as determined by the General Manager (or, if the General Manager is unavailable or the one on leave, the Board of Directors).

~~**2050.30** Family Medical Leave:~~

~~2050.31 **Family Medical Leave.** During each calendar year employees may use a minimum of one-half of their annual allotment of sick leave to attend to the illness of a child, parent, spouse, or domestic partner of the employee. Employees who have been employed by the District for at least one year, and who are eligible for other benefits offered by the District are entitled to take up to two (2) months of family medical leave within a twelve (12) month period. During this leave period, employees are required to use their accrued paid time off, (which includes accumulated sick leave, vacation, any unused eligible floating holidays, and administrative leave). After paid time off is exhausted, the leave shall be unpaid. Family medical leave is permitted for the birth, adoption or serious illness of a child, or to care for a parent, spouse or domestic partner with a serious health condition.~~

~~The following procedures shall apply only when an employee requests family medical leave:~~

~~2050.32 If the need for leave is foreseeable, the employee must provide reasonable advance notice to the supervisor or General Manager. If the leave is needed due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision to avoid disruption to District operations.~~

~~2050.33 If the leave is needed to care for a sick child, spouse, domestic partner or parent, the employee must provide a certification from the health care provider which states:~~

~~a. Date of commencement of the serious health condition~~

~~b. Probable duration of the condition~~

~~c. Estimated amount of time the health care provider will provide care~~

~~d. Confirmation that the serious health condition warrants participation of a family member~~

~~2050.34 The amount of leave actually granted by the District will be determined by what is reasonable under the circumstances and the operational needs of the District.~~

~~2050.35 A request for family medical leave may be denied when it is determined that to grant the request would be unduly disruptive to District operations. However, the District may not deny an employee's request to use a minimum of one half of his/her accumulated allotment of sick leave to attend to the illness of a child, parent, spouse or domestic partner where the employee has provided adequate medical proof of the need for such leave.~~

~~2050.36 The District may deny a family medical leave request to care for a child where the child's other parent is already taking family leave or is unemployed.~~

~~2050.37 An employee taking family medical leave will be allowed to continue participating in any health and welfare benefit plans during a period of unpaid leave, as long as the employee pays fifty percent (50%) of the expense for employee coverage and may continue coverage for dependents so long as the employee pays the full cost of dependent coverage.~~

~~2050.38 The cumulative amount of leave from disability, personal leave or family medical leave may not exceed 180 calendar days in duration, measured from the first day of the leave.~~

2050.40 Paid Family Leave:

2050.41 **Eligibility**: Employees who are covered by State Disability Insurance (SDI) are eligible for Family Temporary Disability Insurance (FTDI) benefits while taking care of family member(s) in accordance with state law. These benefits are paid by the State Employment Development Department. There is no requirement that the employee have worked for the District any particular length of time before being entitled to this leave. However, no employee can receive more FTDI benefits than he or she earned in wages during the base period for calculating benefits. Employees are not eligible if they are receiving State Disability insurance (SDI), workers' compensation or private insurance payments in lieu of such payments.

Employees are eligible for this leave under the following circumstances:

(1) For the birth and care of a newborn child, or the placement and initial care of an adopted or foster care child, or

(2) To care for an employee's spouse, child, parent or registered domestic partner with a serious health condition. However, an employee is not eligible to receive FTDI benefits for any day that another family member is able and available for the same period of time that the employee is providing care.

2050.42 Definitions of all applicable terms will be in accordance with state law relating to Family Temporary Disability Insurance (California Unemployment Insurance Code section 3300 et seq.).

2050.43 **Request for Leave.** Requests for paid family leave must be approved in advance by the employee's supervisor and General Manager. Since the need for the family leave is included within the need for family medical leave, the same procedures for making requests for family medical leave and scheduling of leave shall apply to requests for paid family leave. As with family medical leave, the employee must submit medical certification to the District to justify the request for such leave.

2050.44 **Duration of Paid Family Leave.** ~~According to law,~~ E~~e~~mployees are entitled to a maximum of six (6) weeks paid family leave in a twelve-(12) month period. Such leave runs concurrently with family medical leave. An employee is not entitled to more than a maximum of two (2) months leave in a twelve (12) month period to care for a family member.

2050.45 **Compensation During Leave.** ~~According to law,~~ ~~e~~Employees are entitled to be paid FTDI benefits while on family leave, replacing approximately fifty-five percent (55%) of an employee's wages. Payment for these benefits is funded through employee contributions to SDI. The employee is solely responsible to apply for this compensation from the State Employment Development Department (EDD). The district has no obligation to ensure that employees receive FTDI payments.

2050.46 **Waiting Period and Use of Vacation.** ~~The law requires that t~~There will be a seven (7) day "waiting period" before an employee on family leave may begin receiving FTDI payments. If available, employees must use two (2) weeks of earned and unused vacation before receiving FTDI benefits. The first week of vacation shall count as the "waiting period" before the employee may begin receiving FTDI payments.

2050.50 Industrial Disability Leave (Workers Compensation)

Any employee who, as a result of an injury at work, is temporarily unable to work at the District in any capacity on the medical advice of the workers compensation doctor of record, will be considered on industrial leave.

It is the intent of the District to attempt to have available light duty work for employees with an open workers compensation claim. However, should an employee's injuries require a period of part-time or full-time industrial disability leave, the provisions below shall apply:

2050.51 **Compensation During Leave.** ~~According to law,~~ ~~e~~Employees who are entitled to temporary disability indemnity (TDI) will receive compensation to replace approximately sixty-seven (67%) of their wages. (Labor Code

Section 46544564.) The district has no obligation to ensure that employees receive TDI payments.

2050.52 **Waiting Period and Use of Sick Leave.** The lawLabor Code 4652 requires that there be a three (3) calendar day "waiting period" before an employee may begin receiving TDI payments. (Labor Code 4652). If an employee misses work during these 3 days, employees must use available sick leave. However, if the employee misses more than 3 calendar days and requests and receives TDI for the initial 3-day period, they must reimburse the District for any sick leave compensation received during that 3-day period. The sick leave time reimbursed will be credited back to the employee's time-off accruals.

When an employee is receiving full or partial TDI they will have the option of supplementing their TDI payment with sick or vacation leave equaling 25% of the hours missed on a pay-period to pay-period basis.

> Example 1: An employee who misses a full 80-hour payroll period would have the option of using 20 hours of sick or vacation accruals to supplement their TDI check;
>
> Example 2: An employee who misses 40 hours of an 80-hour payroll period would have the option of using 10 hours of sick or vacation accruals to supplement their TDI check.)

Employees who are working at the District but have an open worker's compensation claim must use their sick leave (or other available leave if their sick leave is exhausted) for any claim-related doctor appointments.

2050.53 **Accrual of benefits/time off.** Employees with an open workers compensation claim shall continue to receive the District-provided share for **health care**, whether they are working at the District during the claim or are on industrial leave. Employees shall remain responsible for the employee share of health benefits.

Employees with an open workers compensation claim shall receive pro-rated **retirement benefits contributions** in accordance with the number of hours worked each pay period.

Employees with an open workers compensation claim shall continue to receive full **time off accruals** (sick, vacation, administrative leave), whether or not they are working at the District during the claim or are on industrial leave. (Source: Labor Code Section 132aA case law)

Employees who have an open worker's compensation claim will be paid pro-rated **holiday pay** in accordance with the number of hours worked during that holiday pay period.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Open Door**
Policy Number: 2060
Date Approved: _____
Date Revised: _____

2060.10 The Purpose of the Open Door policy is to implement the philosophy of the District that employees should be encouraged to raise their work-related concerns informally with their supervisors and the General Manager. The District will attempt to keep all such expressions of concern, their investigation, and the terms of their resolution confidential, recognizing, however, that in the course of investigating and resolving the concerns some dissemination of information to others may be appropriate.

2060.20 Employees are encouraged to raise work-related concerns with their immediate supervisor as soon as possible after the event that causes the concern. After discussion with their supervisor, if the problem is still not resolved, the concern should be taken to the General Manager who may schedule a meeting with between the supervisor and employee to further discuss the matter.

2060.21 Employees are encouraged to pursue discussion of ~~-~~work related concerns until the matter is fully resolved. It may not always be possible to achieve the result the employee desired~~you want~~, but if not, the District will attempt in each case to explain why. The District believes that employee concerns are best addressed through informal and open communication. No employee will be disciplined or otherwise penalized for raising a good-faith concern. If an employee feels that his/her~~their~~ work related concern should be brought to the attention of the District by written complaint and formal investigation, the "Internal Complaint Review" policy ~~may be used.~~should be followed.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Employee Benefits**
Policy Number: 2055
Date Approved: November 17, 1992 (Reso. No. 104)
Date Revised: July 1, 1993

2055.10 The District provides benefits for its regular full-time eligible employees. The District reserves the right to eliminate or modify any of its benefits at any time.

2055.20 Insurance Benefits

2055.22 **Medical, Dental and Vision Insurance**: All regular full-time employees and their dependents are eligible to participate in the District's health, dental, and vision insurance plan starting the first day of the month following commencement of employment. The terms of this participation shall be defined by the Memorandum of Understanding with the designated Employee Organization representing District Employees

2055.24 **Conversion/Post Employment Insurance Options**: Pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), eligible employees and their dependents may be entitled to continue insurance coverage after employment with the District ceases.

2055.25 **Insurance Coverage Information**: Eligibility requirements and further information concerning insurance coverage are fully explained in information available from the General Manager.

2055.30 Retirement Plans

2055.31 **Deferred Compensation**. All employees are eligible to participate in the District's adopted deferred compensation plans at commencement of employment. This is an optional employee benefit to which the District does not contribute. Further information concerning the features and requirements of this plan are explained in information available from the General Manager.

2055.32 **Pension Plan.** All regular full time employees are eligible to participate in a District paid retirement program. Future employees of the District will be eligible to participate in the program one (1) year following commencement of their employment. The district may contribute a percentage of an employee's base salary.

2l60.321 Vesting. Ownership of Contributions is based on years of service, known as a vesting schedule. Full vesting (100%) will be at the sixth (6th) year of employment.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Internal Complaint Review**
Policy Number: 2070
Date Approved: _____
Date Revised: May 5, 2005

2070.10 Purpose and Scope: The purpose of Internal Complaint Review is to afford all employees of the District the opportunity to seek internal resolution of their work-related complaints. For purposes of this provision, a "work-related complaint" is defined as any violation of the District's Personnel Rules (but does not include complaints or grievances related to disciplinary actions). The "Internal Complaint Review Policy" is intended to supplement the "Open Door Policy" described under Section 2060, which states the philosophy of the District that all employees have free access to their immediate supervisor and to the General Manager to informally express their work-related concerns. The District will attempt to treat all internal complaints and their investigation as confidential, recognizing, however, that in the course of investigating and resolving internal complaints some dissemination to others may be appropriate. The provisions of this policy are applicable to those employees not covered by a Memorandum of Understanding containing a grievance procedure.

2070.20 Procedure

2070.21 **Filing of Complaint**: Complaints should be filed within seven (7) days after the date of the events that the employee knew, or reasonably should have known, gave~~give~~ rise to the alleged violation of the District's Personnel Rules by completing a Complaint Form available from the General Manager. Complaint Forms must be filled out completely and must set forth in detail the basis for an employee's complaint or violation of the District's Personnel Rules. The original of the Complaint Form should then be given to the General Manager. If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.

2070.22 **Investigation**: The General Manager will date and log all Complaint Forms and provide an acknowledgment of receipt to the employee submitting the complaint stating that the complaint is under review. All complaints will be reviewed within ten (10) working days of submission.

2070.23 The General Manager or his/her designee will investigate the allegations of the complaint by meeting separately with the employee filing the complaint and others who either are named in the complaint or who may have knowledge of the facts set forth therein.

2070.24 On completion of its investigation, the General Manager will report the conclusions to the employee who filed the complaint. A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

2070.30 Appeal: If an employee is not satisfied with the decision of the General Manager, regarding the complaint, the employee may seek review of the matter by the District Board of Directors. The Board of Directors shall, as soon as possible, agendize the complaint for consideration. The District Board of Directors shall determine whether the

complaint states a violation of the Personnel Rules, and if so, what shall be the remedy. The decision of the District Board of Directors shall be final.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Termination, Discipline, and Rules of Conduct**
Policy Number: 2080
Date Approved: _____
Date Revised: September 1, 2005 (Ord. 27)

2080.10 Termination:

2080.11 **Voluntary Termination**: The District will consider an employee to have voluntarily terminated his or her employment if an employee does any of the following:

(1) Elects to resign from the District;
(2) Fails to return from an approved leave of absence on the date specified by the District; or
(3) Fails to report for work without notice to the District for three consecutive days.

2080.12 **Involuntary Termination**: An employee may be terminated involuntarily for reasons that may include poor performance, misconduct, or other violations of the District's rules of conduct as set forth below. Notwithstanding this list of rules, the District reserves the right to discharge with or without cause and with or without prior notice.

2080.13 **Termination Due to Reorganization, Economics, or Lack of Work**: From time to time, the District may need to terminate an employee as a consequence of reorganization, job elimination's, lack of work, changed business conditions, or other factors unrelated to an employee's performance. Termination for any of the foregoing reasons shall be deemed to be "for cause". Should the District consider such termination's necessary, the Ddistrict is committed to providing all affected employees with advance notice when practical. Layoff benefits associated with such termination's, if any, will be as specified in the notice.

2080.20 Discipline and Rules of Conduct

2080.21 **Policy**: Employees are expected to observe certain standards of job performance and good conduct. When performance or conduct do not meet District standards, the District will endeavor when it deems appropriate to provide the employee a reasonable opportunity to correct the deficiency. If, however, the employee fails to make the correction, he or she will be subject to discipline including termination.

The rules set forth below are intended to provide employees with fair notice of what is expected of them. Necessarily, however, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below but which adversely affects or is otherwise detrimental to the interests of the District, other employees, or customers, may also result in disciplinary action.

2080.22 **Job Performance:** Employees may be disciplined for poor job performance, including but not limited to the following:

1. Below average work quality or quantity;
2. Poor attitude (for example, rudeness or lack of cooperation demonstrated with supervisors, management staff or fellow employees);
3. Excessive absenteeism, tardiness, or abuse of break and lunch privileges;
4. Failure to follow instruction or District procedures, or;
5. Failure to follow established safety regulations.

2080.23 **Misconduct:** Employees may be disciplined for misconduct, including but not limited to the following:

1. Insubordination;
2. Dishonesty;
3. Theft;
4. Discourtesy;
5. Misuse of or destroying District property or the property of another on District premises;
6. Violating Conflict of Interest rules;
7. Disclosing or using confidential or proprietary information without authorization;
8. Falsifying or altering District records, including the application for employment;
9. Interfering with the work performance of others;
10. Altercations;
11. Harassing, including sexually harassing, employees or customers;
12. Being under the influence of, using, or possessing alcohol or illegal or controlled substances on District property or while conducting District business;
13. Gambling on District premises or while conducting District business;
14. Sleeping on the job or leaving the job without authorization;
15. Possessing a firearm or other dangerous weapon on District property or while conducting district business;
16. Being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well being of the District, its employees, customers, or property;
17. Failing to report to the District, within five (5) days, any conviction under any criminal drug statute for a violation occurring in the workplace; and.
18. Misuse of or falsifying overtime or on-call compensation.

2080.24 **Attendance:** In addition to the general rules stated above, employees may be disciplined for failing to observe the following specific requirements relating to attendance:

1. Reporting to work on time, observing the time limits for rest and lunch periods, and obtaining approval to leave work early; and
2. Notifying the supervisor in advance of anticipated tardiness or absence.

2080.25 **Discipline Procedure:** Except as set forth below, discharge for poor performance ordinarily will be preceded by an oral or written warning, or a suspension without pay, such prior step(s) being preferred or recommended, but not required. The General Manager has the right to proceed directly to a written warning or to termination for misconduct or performance deficiency, without resort to prior disciplinary steps, when in the General Manager's judgment such action is appropriate.

2080.25.1 For employees who are not "at-will", who have "for cause" rights, and who are not covered by a discipline process in an MOU, the following procedures shall apply.

2080.25.2 Minor Disciplinary Action: In cases involving oral or written reprimands or suspensions of five (5) days or less, the General Manager or supervisor shall issue a written notice of discipline, describing the discipline, the basis for the discipline, and attaching any documents upon which the discipline is based. The affected employee may respond by submitting a rebuttal to be lodged in the employee's personnel file, but no further appeal shall be permitted.

2080.25.3 Major Disciplinary Action: In cases involving suspensions of more than five (5) days, demotions, or termination, the General Manager or supervisor shall first issue a notice of intent to discipline, describing the intended discipline, the basis for the discipline, and attaching any documents upon which the discipline is based. The affected employee shall have a right to respond, orally or in writing, to this notice before the discipline is imposed.

2080.25.3.1 The District shall set the meeting approximately one (1) week from the date of the notice, unless a different time and date is set by mutual agreement. The General Manager, or designee, shall convene a meeting to review the employee's response and position before imposing discipline. The employee shall be entitled to a representative of his/her choice; provided, however, that the inability of a particular representative to attend the meeting shall not be a cause requiring a continuance of the meeting. At the meeting, the employee shall be provided the opportunity to respond and to present any new information for consideration by the District.

2080.25.3.2 At some reasonable time after the employee has been provided an opportunity to respond to the charges, the District shall issue a final notice of discipline. The notice shall include the final decision, the effective date of the discipline and the facts upon which the discipline is based.

2080.25.3.3 Appeal of Major Disciplinary Action: Employees who have "for cause" rights have the right to appeal the final decision imposing major disciplinary actions. The notice of appeal must be received within seven (7) calendar days from the date of the final notice of discipline, or the right to appeal is waived and the discipline shall become final.

Upon receipt of a notice of appeal, the General Manager shall inform the Board of Directors of the proposed disciplinary action and the fact that the employee who is the subject of such action has requested an appeal of the proposed action.

The appeal shall be heard by an independent hearing officer to be selected by the General Manager from a list of hearing officers that has been pre-approved by the District Board of Directors.

The General Manager shall select two (2) proposed hearing officers from the District's pre-approved list to serve as a hearing officer for the particular appeal. The selection of proposed hearing officers shall be given to the employee who will then have the right to "strike" one of the hearing officers submitted by the General Manager. The employee shall provide written notice to the General Manager of his/her election to have one of the hearing officers stricken, such notice to be provided no later than seven (7) calendar days from being given the names of the proposed hearing officers. Any hearing officer who is not "stricken" will be eligible to serve as the hearing officer for the appeal.

The costs of the hearing officer shall be borne by the District. Either party may request that the matter be transcribed, and the requesting party shall bear the expense of the transcript.

The hearing officer shall have the authority to convene the hearing, receive evidence through testimony and documents and make findings of fact and conclusions about the discipline. The hearing officer may recommend an outcome, but the final authority rests with the General Manager. The hearing officer shall serve a recommended decision on the District, including each Board member of the District, and the employee. The General Manager shall issue a final decision. The General Manager's decision is reviewable by administrative writ of mandamus.

2080.26 **Exit Interview:** Employees who leave the District for any reason may be asked to participate in an exit interview. This interview is intended to permit terminating employees the opportunity to communicate their views regarding their work with the District, including job duties, job training, job supervision, and job benefits. At the time of the interview, employees are expected to return all District furnished property, such as uniforms, tools, equipment, I.D. cards, keys, credit cards, documents, and handbooks. Arrangements for clearing any outstanding debts with the District and/or receiving final pay will be made at this time.

2080.30 Employment at Will: Nothing in this ~~Guideline~~ Policy is intended to alter the at-will status of employment with the District. Any at-will employee or the District may terminate the employment relationship at any time with or without cause and with or without prior notice. The District reserves its right to terminate any employment relationship without resort to the above disciplinary procedures. Only the ~~Board of Directors of the~~ District Board of Directors has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy. Furthermore, any such agreement must be in writing and signed by the General Manager of the District after Board authorization. Changes in

the at-will employment structure of the Sweetwater Springs Water District may only be made by a majority vote of the Board of Directors at a public meeting.

~~SWEETWATER SPRINGS WATER DISTRICT~~
~~Policy Title: **Employee Classifications/Compensation**~~
~~Policy Number: 2090~~
~~Date Approved: _____~~
~~Date Revised: 3/14/02 (Resolution 02-10)~~

~~**2090.10** This policy shall apply to all District employees.~~

~~**2090.20** Employee Classifications:~~

~~2090.21 By Number of Hours Worked~~

~~(1) **Full-Time Employees**: Full-time employees are all those having a regular work schedule of forty (40) hours per week.~~

~~(2) **Part-Time Employees**: Part-time employees are all those having a regular work schedule of less than forty (40) hours per week.~~

~~2090.22 By Length of Employment~~

~~(1) **Temporary Employees:** Temporary employees are all those hired under special assignment with the specific understanding that such work will be completed within a short period of time.~~

~~(2) **Regular Employees**: Regular employees are all others.~~

~~2090.23 By Method of Payment~~

~~(1) **Salaried Employees**: Salaried employees are all those who are paid a fixed salary and not by the hour. These positions are usually management/supervisorial positions.~~

~~(2) **Hourly Employees**: Hourly employees are all those whose wages are paid by the hour and fluctuate according to the number of hours worked.~~

2090.24 By Eligibility for Overtime

(1) **Nonexempt Employees**: Nonexempt employees are all those who are eligible to be paid for overtime work in accordance with the provisions of applicable wage and hour laws.

(2) **Exempt Employees**: Exempt employees are all those who are not eligible for overtime pay.

2090.30 Compensation

2090.31 Compensation at Hiring:

(1) **New Employees**: Unless authorized by a majority vote of the Board of Directors, all newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.

(2) **Former Employees**: A person who previously held a full-time position from which the person was separated in good standing may, when re-employed in a position with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination, or the nearest lower applicable step for the range to which the person is appointed, provided such re-employment occurs within twelve (12) months from the date of said termination.

2090.32 Merit Advancement Within Range

(1) Merit Advancement : Merit advancement increases are provided when, in the opinion of the Supervisor and/or General Manager an employee's performance warrants an adjustment in salary. Merit increases are based on job performance, evaluations, and observation of an employee's work and can be affected by attitude, special training or educational courses. In the field positions, merit increases may be awarded when an employee receives certification from the State of California for Graded Water Treatment Operator licenses. Salary review on an individual basis will be scheduled at least once each year and more frequently if warranted.

(2) Salary ranges: Salary ranges for all positions are evaluated on an annual basis.

2090.40 Promotion

2090.41 It shall be the policy of the District to promote from within whenever possible, and to encourage employees to apply for all positions for which they are qualified. A recruitment will take place for all vacancies within a classification and a hiring list shall be maintained for a reasonable period of time and may be extended for up to one year by the General Manger.

~~**2090.50** Performance Development Program~~

~~2090.51 Hourly and salaried nonexempt employees receive performance reviews after the first six (6) months of employment and annually thereafter. More frequent performance review schedules may be established for specific employees. Exempt employees receive performance reviews annually.~~

~~2090.52 The purpose of the review is to evaluate the current level of performance of an employee and to examine the progress made since the last review as well as establish goals for the next review. Performance reviews should not be confused with salary advances. While one may affect the other, they are separate issues and a satisfactory performance review does not always indicate an increase in salary and likewise an increase in salary can be awarded without a performance review.~~

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Personnel Records**
Policy Number: 2100
Date Approved: _____
Date Revised: _____

2100.10 ~~It is important that~~ District personnel files will contain current information regarding each employee. ~~The District requires that t~~The General Manager shall be informed immediately whenever there are changes in an employee's personal data such as address, telephone number, marital status, number of dependents, and person(s) to notify in case of emergency. ~~It is also necessary to~~Employees will report any pending court action which may affect an employee's ability to perform the duties for which they were hired.

2100.20 Employees have the right to inspect personnel files at reasonable times on reasonable notice. Copies of any document in personnel files may be provided employees upon request. Personnel files are the property of the District and information contained in them will not be duplicated or forwarded without notification to the affected employee. . All personnel information and records are to be considered as confidential to the extent allowed by Federal or State law. The District policy is to require all personnel files to be maintained in a secure and private condition and to have all employees manage personnel information in that manner. "(CSDA section 2032) – P recommendation

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Smoking/Dress/Grooming/Health Standards**
Policy Number: 2110
Date Approved: November 17, 1992
Date Revised: May 11, 1994 (Resolution No. 155)

2110.10 Smoking: Smoking shall be prohibited in all enclosed facilities within ~~a~~ the place of employment without exception. This includes common work areas, ~~auditoriums,~~ classrooms, conference and meeting rooms, private offices, ~~elevators~~, hallways, ~~medical facilities, cafeterias~~, employee lounges, stairs, restrooms, vehicles and all other enclosed facilities. The smoking policy shall be communicated to all employees ~~within three weeks of its adoption, and~~ at least annually ~~thereafter~~ and the General Manager shall supply a written copy of the smoking policy to any existing or prospective employees.

2110.20 Dress Code & Grooming Standards: It is in the District's best interests to present a professional image to customers and the public. Accordingly, while the District has no formal dress code, it is expected that all employees will dress in a manner consistent with good hygiene, safety, and good taste. Employees whose jobs require them to come in contact with the public are expected to wear apparel consistent with that worn by persons dealing with the public in the community in similar capacities. Field crew will be expected to wear the uniform provided to them and keep their hair at a length which will be consistent with safety standards. This policy applies to facial hair as well. Field crew are expected to wear pants that are clean and without holes.

2110.30 Allowances: ~~Uniforms will be provided and maintained for all field crew employees. Additionally, employees will be provided with a boot allowance of $70.00 to cover the cost of OSHA approved footwear. Employees may submit receipts for reimbursement of the boot allowance. The uniforms to be worn by field employees shall be selected by the General Manager.~~ Employees will be provided boot allowances and uniforms as negotiated in the current Union Memorandum of Understanding and employee contracts.

2110.40 Health: Employees are expected to report to work fit to perform their assigned tasks. Employees who report to work but whose state of health may not permit them to satisfactorily complete assigned tasks or who may create a danger to themselves or others may be referred to a doctor for a determination as to fitness for work. Upon affirmative recommendation from the doctor, the District may take any appropriate action including placing an employee on involuntary leave until such time as the employee is fit for duty.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Employment of Relatives**
Policy Number: 2120
Date Approved: _____
Date Revised: _____

2120.10 Employment: Employment of relatives of employees is discouraged. Relatives of present employees may be hired by the District only if (1) the individuals concerned will not work in a direct supervisory relationship, and (2) the employment will not pose difficulties for supervision, security, safety or morale. Relatives are defined as domestic partners, children, sisters, brothers, mothers, or fathers, and persons related by marriage.

2120.20 Present Employees: Present employees who marry or who become related by marriage, will be permitted to continue employment with the District only if they do not work in a direct supervisory relationship with one another, or otherwise pose difficulties for supervision, security, safety or morale. If employees who marry, or who become related by marriage, do work in a direct supervisory relationship with one another, the District will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available. If no such position is available, then one of the employees will be required to leave the district unless the General Manager recommends a waiver of this provision and this decision is confirmed by the Board of Directors.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Safety Program**
Policy Number: 2130
Date Approved: _____
Date Revised: _____

2130.10 General: The District strives to maintain safe working conditions. The success of our safety program depends on the cooperation of everyone. Employees are asked to learn the safety rules and observe them at all times, and to immediately report any potential safety hazards, injuries or accidents to their Supervisor or the General Manager. The location of the nearest doctor and/or medical facility is posted on the bulletin board.

2130.20 OSHA Binder: The District maintains a current OSHA safety binder which is available to all field crew employees. Field crew employees are required to review the binder and sign an acknowledgment which indicates their understanding of the material contained therein.

2130.30 Periodic Meetings: Periodic safety meetings and inservice programs are provided during weekly staff meetings to allow time within the work schedule to address areas of concern and promote the education of employees relative to on the job safety.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Security/Confidential Information**
Policy Number: 2140
Date Approved: _____
Date Revised: _____

2140.10 General: The security of employees, employee property, and District property is of vital importance to the District. All employees share responsibility to ensure that proper security is maintained. Any breach of security should be reported promptly to the General Manager.

2140.20 Confidentiality: District property includes not only tangible property, like desks and typewriters, but also intangible property such as information. As a public entity, the District's records are generally available for public review and copying pursuant to the California Public Records Act. However, there are a variety of exemptions in that Act allowing certain records to be closed to public review. In addition, the California Constitutional protection of privacy rights dictates that certain information be kept confidential. Personnel files and trade secrets are examples of confidential information. Employees or Directors may not disclose or use confidential information except as their jobs require. Anyone who violates this guideline will be subject to discipline and possible legal recourse. All inquiries for records should be directed to the General Manager.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Aids and Aids Related Conditions in the Workplace**
Policy Number: 2150
Date Approved: _____
Date Revised: _____

2150.10 General: The District recognizes that Acquired Immune Deficiency Syndrome (AIDS), related conditions such as AIDS Related Complex (ARC), and persons with seropositive test results pose significant concerns for employees in the workplace. Accordingly, we have established the following guidelines for handling issues that may arise when an employee is affected by this potentially fatal disease.

2150.20 Safety: The District is committed to maintaining a safe and healthy work environment for all employees.

2150.30 Treatment by District: Consistent with this commitment, the District will treat AIDS the same as other illnesses in terms of employee policies and benefits, group health and life insurance, disability leaves of absence, and other disability benefits which the District provides.

2150.40 Continuation of Employment: Based on overwhelming medical evidence and scientific opinions, including statements from the U.S. Public Health Service Center for Disease Control, the AIDS virus is not casually transmitted in ordinary social or occupational settings or conditions. Therefore, subject to changes in available medical information, District employees with AIDS or any of its related conditions may continue to work as long as they are able. The District will provide AIDS afflicted employees with reasonable accommodation as long as they are medically and physically able to perform the duties of their position. Co-workers may not refuse to work or withhold their services for fear of contracting AIDS by working with an AIDS afflicted person, and may not harass or otherwise discriminate against an AIDS afflicted employee. Employees who engage in such behavior by refusing to work, or by harassing or otherwise discriminating against any AIDS afflicted employee will be subject to discipline and possible termination.

2150.50 Information: Recognizing the need for employees to be accurately informed about AIDS, the District will provide information regarding the facts about this disease, how it is transmitted, and how best to prevent it from spreading. Employees who would like this information should contact the General Manager.

2150.60 Notification: Employees with AIDS or any of its related conditions or who are concerned about AIDS are encouraged to contact the General Manager to obtain additional information.

2150.70 Confidentiality: The District will treat all medical information obtained from employees with AIDS or any of its related conditions confidentially as required by law. If employees have any questions about this guideline or its interpretation or the information on which it is based, employees should contact the General Manager.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Employee Benefits**
Policy Number: 2160
Date Approved: November 17, 1992 (Reso. No. 104)
Date Revised: July 1, 1993

2160.10 The District provides benefits for its regular full-time eligible employees. The District reserves the right to eliminate or modify any of its benefits at any time.

2160.20 Insurance Benefits

2160.21 **Workers Compensation Benefits**: The District carries workers' compensation insurance coverage as required by law to protect employees who are injured on the job. This insurance provides medical, surgical, and hospital treatment in addition to payment for loss of earnings that result from work-related injuries. Compensation payments begin from the first day of an employee's hospitalization or after the third day following the injury if an employee is not hospitalized. The cost of this coverage is paid completely by the District.

2160.22 **Medical, Dental and Vision Insurance**: All regular full-time employees and their dependents are eligible to participate in the District's health, dental, and vision insurance plan starting the first day of the month following commencement of employment. The premium cost for eligible employees and their dependents is paid by the District. Should the premiums increase at any time, the employee will be responsible to pay the difference..

2160.23 **Premium Payments for Employees on Leave**: The District will pay one-half the premiums for continuation of group insurance benefits during the first 180 days of any authorized leave.

2160.24 **Conversion/Post Employment Insurance Options**: Pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), eligible employees and their dependents may be entitled to continue insurance coverage after employment with the District ceases.

2160.25 **Insurance Coverage Information**: Eligibility requirements and further information concerning insurance coverage are fully explained in various brochures available from the General Manager.

2160.30 Retirement Plans

2160.31 **Deferred Compensation**. All regular full time employees are eligible to participate in the District's adopted deferred compensation plan starting the first day of the month following commencement of employment. This is an optional employee benefit which the District does not contribute to. Further information concerning the features and requirements of this plan are fully explained in various brochures available from the General Manager.

2160.32 **Pension Plan.** All regular full time employees as of July 1, 1993 are eligible to participate in a District paid retirement program. Future employees

~~of the District will be eligible to participate in the program one (1) year following commencement of their employment. The district will contribute a percentage of an employee's base salary, as set by Resolution adopted by the Board, effective July 1, 1993, which may be amended from time to time.~~

~~2l60.321 Vesting. Ownership of Contributions is based on years of service, known as a vesting schedule. Full vesting (100%) will be at the sixth (6th) year of employment.~~

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Solicitation, Distribution and Bulletin Boards**
Policy Number: 2170
Date Approved: _____
Date Revised: _____

2170.10 Solicitation: Employees may engage in solicitation on District premises only during nonworking time and the nonworking time of the person being solicited. Nonworking time means time during meals or breaks and before or after work.

2170.20 Distribution on Non District Materials: Employees may distribute or circulate non-District written materials to other employees only in nonwork areas.

2170.30 ~~Sale of Goods for Profit~~Solicitation/Distribution of Non District Literature for Sale of Goods or Services: Solicitation or distribution in any way connected with the sale of any goods or services for profit is strictly prohibited anywhere on District property at any time. Similarly, solicitation or distribution of literature for any purpose by non-employees is strictly prohibited on the District's property at any time.

2170.40 Bulletin Boards: The District has bulletin boards located throughout the facility for the purpose of communication with employees. Postings on these boards are limited to District-related material including statutory and legal notices, safety and disciplinary rules, District policies, memos of general interest relating to the District, local operating rules, and other items. All postings require the prior approval of the General Manager. No postings will be permitted for any other purpose.

2070.50 Political Advertising: No political advertising will be allowed on District bulletin boards.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Non-Fraternization**
Policy Number: 2180
Date Approved: _____
Date Revised: _____

2180.10 Non Fraternization: In order to promote the efficient operation of the District's business and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, and morale, and possible claims of sexual harassment, managers and supervisors are forbidden to date or pursue romantic or sexual relationships with employees whom they supervise, directly or indirectly. Employees who violate this guideline will be subject to discipline, up to and including termination of employment.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Harassment**
Policy Number: 2190
Date Approved: _____
Date Revised: August 3, 2006 (Ord. 32)

2190.1 The purpose of this policy is

(1) To reaffirm Sweetwater Springs Water District's commitment to prohibit and prevent unlawful discrimination and harassment in all workplaces of the District;

(2) To define discrimination and harassment prohibited under this policy;

(3) To set forth a procedure for resolving complaints of prohibited discrimination and harassment.

2190.2 This policy shall not be construed to create a private or independent right of action. Although this policy is intended to prohibit discrimination consistently with Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act and California Labor Code Section 1102.1, the District reserves the right to interpret and apply this policy to provide greater protection than what is afforded under those laws.

2190.3 Statement of Policy. The District is committed to providing an environment that is free from harassment and discrimination of any kind, including sexual harassment and harassment based on race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, and sexual orientation. Therefore, it is important that the District maintain an atmosphere characterized by mutual respect in order to assure fair, courteous treatment for employees and the public.

2190.4 The District strongly disapproves of and will not tolerate unlawful harassment or discrimination against District employees or applicants by elected or appointed officials, managers, supervisors or coworkers. The District also strongly disapproves of unlawful harassment of District employees by persons with whom the District has a business, service or professional relationship.

2190.5 Unlawful harassment and illegal discrimination are considered serious acts of misconduct and will not be tolerated. Employees who violate this policy and engage in acts of unlawful harassment or discrimination of any type, for any duration, shall be subject to severe disciplinary action, up to and including termination.

2190.6 Retaliation against individuals who complain of prohibited harassment or discrimination or who participate in an investigation into allegations of harassment or discrimination shall not be tolerated. Employees who engage in such acts of retaliation shall be subject to serious disciplinary action, up to and including termination.

2190.7 Definitions

2190.7.1 Prohibited discrimination and harassment for purposes of this policy, includes but is not limited to:

(1) Verbal conduct such as epithets, derogatory comments or slurs, and lewd propositions on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. This includes, without limitation, inappropriate sex-oriented comments regarding an individual's appearance, including dress or physical features, inappropriate comments of a sexual nature, or race or ethnicity-oriented slurs, stories and jokes.

(2) Physical conduct such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement when directed at an individual on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied threats or promises in return for submission to physical acts.

(3) Visual conduct such as derogatory pictures, posters, cartoons, or drawings related to race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. This includes, without limitation, sending inappropriate emails of a sexual nature to employees, or viewing pornography either in magazines or on the internet in view of other employees, displaying pictures or objects depicting nude or scantily-clad or suggestively posed men or women; circulating derogatory or obscene notes, letters, emails or other literature.

(4) Retaliation: Adverse employment actions carried out in retaliation for an employee's good faith submission of a discrimination or harassment complaint, or good faith participation in an investigation made pursuant to this policy.

(5) Discrimination: Adverse employment actions taken on account of sex, race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, or sexual orientation.

2190.7.2 Harassment on the basis of sex, race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, or sexual orientation is prohibited. Verbal or physical conduct relating to these categories constitutes harassment when it:

(1) Has the purpose or effect of creating an intimidating, hostile or offensive working environment;

(2) Has the purpose or effect of unreasonably interfering with an individual's work performance; or

(3) Otherwise adversely affects an individual's employment opportunities.

2190.7.3 Sexual harassment.

2190.7.3.1 Sexual harassment is a form of unlawful sex discrimination and will not be tolerated by the District. Federal and State guidelines provide that unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature constitute unlawful harassment when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

(2) The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive work environment.

2190.7.3.2 Sexual harassment refers to conduct that is not welcome, that is offensive, that fails to respect the rights and dignity of others, that lowers morale and that, therefore, interferes with work effectiveness.

2190.8 Reporting Unlawful Harassment or Discrimination.

2190.8.1 Any employee who believes he or she has been unlawfully harassed or discriminated against should promptly report it orally or in writing to the employee's supervisor, a division manager, or the ~~District Manager~~General Manager. An employee is not required to complain first to a supervisor if that person is the individual who is harassing and/or engaging in discriminatory actions against the employee. Instead, the employee may report the harassment/discrimination to any member of management. If the complaint involves the ~~District Manager~~General Manager, the complaint should be referred to the District Counsel.

2190.8.2 Any supervisor or manager who receives a complaint of unlawful harassment/discrimination, or who observes or otherwise learns about such prohibited conduct is required to notify the ~~District Manager~~General Manager. Failure to do so may result in disciplinary action. The supervisor or manager shall at all times maintain the confidentiality of the complainant and complaint.

2190.9 Remedial Action

2190.9.1 Employees who believe they have been subject to prohibited harassment or discrimination are encouraged to submit a written complaint as soon as possible after the incident occurred. The complaint should include details of the incident(s), name(s) of the individual(s) involved, and name(s) of witness(es).

2190.9.2 Upon receiving complaints of discrimination or harassment, the District may promptly undertake an investigation of the complaints. The District may retain an outside investigator to conduct the investigation. Any investigation and investigation report prepared relating to the complaint shall be kept confidential except as required by law. If harassment or discrimination is found to have occurred in violation of this policy, the District shall take action to ensure or confirm that the harassment or discrimination at issue is stopped. The District may take whatever measures are appropriate to ensure its workplaces remain free from unlawful discrimination or harassment.

2190.9.3 Employees found to have engaged in discrimination or harassment covered by this policy may be subject to disciplinary action up to and including termination of employment. First-time violations of this policy, depending on the severity of the conduct, may lead to termination.

Employees found to have been dishonest or uncooperative during an investigation into allegations of unlawful harassment or discrimination may be subject to disciplinary action up to and including termination of employment.

2190.10 No Retaliation. Employees should feel free to report valid claims of unlawful harassment or discrimination without fear of retaliation of any kind. The District will not retaliate against or tolerate retaliation against employees for making any complaint of unlawful harassment or discrimination in good faith, or against any employee for cooperating in an investigation.

2190.11 Dissemination of Policy. Copies of the District's Non-Discrimination and Harassment Policy and complaint procedures shall be provided to all employees of the District, and to all new employees at the time of hiring.

2190.12 Training. The District may conduct training for its employees to assist them in learning how to recognize, avoid and correct conduct prohibited by this policy, in accordance with applicable law.

2190.13 DFEH and EEOC

2190.13.1 In addition to notifying the District about unlawful harassment, discrimination or retaliation, an affected employee may also direct his or her complaint to the California Department of Fair Employment and Housing ("DFEH"), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one (1) year from the date of the alleged unlawful conduct. Employees may contact the nearest DFEH office or the Fair Employment & Housing Commission (FEHC) at the locations listed in the District's DFEH poster or by checking with the statement government listings in the local telephone directory.

2190.13.2 An employee also has the right to direct his or her complaint to the federal Equal Employment Opportunity Commission (EEOC).

2190.14 Obligations of Employees

2190.14.1 Employees are responsible for knowing the District's policy on nondiscrimination and harassment; refraining from discriminatory behavior, including harassment; reporting incidents of discrimination and harassment in a timely fashion; cooperating in any investigation concerning allegations of discrimination; *and* maintaining confidentiality concerning any investigation that is conducted.

All employees are also encouraged to communicate with one another to assist co-employees to avoid harassing, discriminatory, or otherwise offensive behavior.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Conflicts of Interest**
Policy Number: 2200
Date Approved: _____
Date Revised: _____

2200.10 Policy: District employees are expected to devote their best efforts and attention to the full-time performance of their jobs. Employees are expected to use good judgment, to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict between the employee's personal interests and the interest of the District. A conflict of interest exists when the employee's loyalties or actions are divided between the District's interests and those of another, such as a competitor or supplier. Both the fact and the appearance of a conflict of interest should be avoided. Employees unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with their immediate supervisor or the General Manager for clarification.

2200.20 Conflicts Defined: This guideline does not attempt to describe all possible conflicts of interest that could develop. Some of the more common conflicts from which employees should refrain, however, include the following:

(1) Accepting personal gifts, entertainment or work from suppliers, or potential suppliers;
(2) Using District assets or labor for personal use;
(3) Acquiring any interest in property or assets of any kind for the purpose of selling or leasing it to the District;
(4) Committing the District to give its financial or other support to any outside activity or organization;
(5) Developing a personal relationship with a subordinate employee of the District that might interfere with the exercise of impartial judgment in decisions affecting the District or any employees of the District.

2200.30 Governing Laws: Because the District is a public entity, employees may be subject to a variety of specific laws governing conflict of interest and incompatibility of employment. These laws are quite technical. All questions should be directed to the General Manager who will refer the matter to District Counsel, if necessary.

2200.31 The primary law is The Political Reform Act (Government Code section 81000 et seq.). This law has two main parts for District employees. This law requires that certain designated employees fill out and file a financial statement and refrain from participating in decisions where it is reasonably foreseeable that there may be a material impact on an employee's financial interest.

2200.32 Another law affecting conflicts of interest is Government Code Ssection 1090 et seq., which prohibits District officers and employees from being interested in any contract made by them in their official capacity or from being

purchasers (at any sale) or sellers (in any purchase) made by them in their official capacity.

2200.33 ~~Finally,~~ Government Code S~~s~~ection 1126 authorizes the District to establish guidelines for employees ~~outside employment~~regarding outside activities, which are~~is~~ incompatible with District employment. No district employee may perform any employment, activity or enterprise if it:

(1) Involves the use, for private gain or advantage, of District time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence of District office or employment or,

(2) Involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her local agency employment or as a part of his or her duties as a District officer of employee or,

(3) Involves the performance of an act in other than his or her capacity as a District officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee or the District, or

(4) Involves the time demands as would render performance of his or her duties as District officer or employee less efficient.

2200.40 Notification: Employees are advised to notify the General Manager of any proposed employment, activity or enterprise which may create an incompatibility so as to avoid violating these rules.

2200.50 Failure to Comply: Failure to adhere to these guidelines, including failure to file the required statement, disclose any conflicts or take an appropriate action, will result in discipline, up to and including termination of employment. Employees disciplined under these provisions may appeal the decision of the General Manager to the District Board of Directors by filing a written notice of appeal with the District within five (5) days after notification of such decision. The decision of the Board of Directors is final.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Inspections and Searches for Prohibited Materials and for Company Property on Company Premises**
Policy Number: 2210
Date Approved: _____
Date Revised: _____

2210.10 Purpose of the Guideline:

2210.11 The District believes that maintenance of a workplace that is free of drugs, alcohol, and other harmful materials is vital to the health and safety of its employees and to the success of the District's purpose. The District also intends to protect against the unauthorized removal of District property and to assure its access at all times to District property, records, documents, and files. Accordingly, the District has established this Guideline concerning inspections and searches for prohibited materials and for District property on District premises. This Guideline applies to all employees of the District.

2210.20 Definitions:

For purposes of this Guideline:

(1) "Prohibited materials" means firearms or other weapons; explosives and/or hazardous materials or articles; illegal drugs or other controlled substances as defined in the District's Drug-Free Workplace Guidelines; drug-related paraphernalia; and alcoholic beverages of District property that you are not authorized to have in your possession.

(2) "District premises" includes all premises and locations owned or leased by the District or under the control of the District, including parking lots, lockers, and storage areas.

(3) "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employees manner, disposition, muscular movement, appearance, behavior, speech, or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

(4) "Possession" means having the substance or property on one's person or otherwise under one's control.

2210.30 Inspections and Searches:

2210.31 **Access to Company Property**

(1) In order to assure access at all times to District property, and because employees may not always be available to produce various documents, records, files, or other items of District property that are properly in ~~your~~their possession when they are needed in the ordinary conduct of the District's business, the District reserves the right to conduct a routine inspection or search at any time for District property.

(2) Routine searches or inspections for District property may include employees~~your~~ office, desk, file cabinet, closet, or similar places where you may place District property, whether or not such places are locked, including company vehicles.

(3) Because even a routine search for District property might result in the discovery of employees~~your~~ personal possessions, they~~you~~ are encouraged not to bring into the workplace any item of personal property which ~~you~~ they do not want to reveal to the District.

2210.32 **Prohibited Materials**:

(1) Inspections or searches for prohibited materials on District premises will be conducted whenever the District has reasonable suspicion to believe that employees may be in possession of such materials in violation of this Guideline.

(2) Inspections or searches for prohibited materials may be conducted by an independent security service or by the District with its own personnel.

(3) Inspections or searches for prohibited materials may include ~~your~~ employees office, desk, file cabinet, closet or similar places where ~~you~~ they may place personal possessions, (whether or not such places are locked), including company vehicles.

(4) The District reserves the right to take appropriate action to prevent any employee from removing District property without authorization.

2210.40 Disciplinary Action

(1) If employees are found to be in possession of prohibited materials in violation of this Guideline and/or in violation of applicable guidelines such as the Guideline on a Drug-Free Workplace Guideline, they will be subject to discipline, up to and including discharge, regardless of the District's reason for conducting the search or inspection.

(2) Employees will be given a receipt for any materials that were found in their possession (or that the District suspected of being in their possession).

(3) If, after further investigation, it is determined that the materials collected were not prohibited by the Guideline, the collected materials will be returned (except as provided below) and a receipt will be obtained. In cases where it is suspected that the collected materials consist of illegal drugs or other controlled substances, the District will arrange for disposition in accordance with advice from the Drug Enforcement Administration or other appropriate law enforcement authorities. In cases where the collected materials consist of (or are suspected of consisting of) firearms or other weapons,

explosives, or other hazardous materials or articles, the District reserves the right to dispose of the materials in whatever manner that it deems to be in the interest of safety to its employees or to return the materials at a designated time and location.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Drug Free Workplace**
Policy Number: 2220
Date Approved: _____
Date Revised: _____

2220.10 Purpose of Guideline

2220.11 It is the intent of the District to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. The District has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency, and success at the District. Employees who are under the influence of a drug or alcohol on the job, endanger their own health and safety and the health and safety of others, and can cause a loss of efficiency, productivity, or a disruptive working environment. It is the intent of these guidelines to comply with the Drug-Free Workplace Act of 1988, Public Law 100-690.

2220.12 To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, and operations, the District has established this Guideline concerning the use of alcohol and drugs. As a condition of continued employment with the District, employees~~you~~ must abide by this Guideline.

2220.20 District Consent for Use of Legal Drugs:

2220.21 **Use of Legal Drugs**: The District recognizes that it may be necessary for employees to use legal drugs from time to time. The District also recognizes that an employee who is using legal drugs might become impaired by the drug such that the employee's ability to perform or to perform safely would be compromised. In order to accommodate employees who might be required to use legal drugs, and to help assure that no serious adverse consequences in the workplace result from such drug use, employees are required to obtain the District's consent under the circumstances listed in Section 2220.22, below.

2220.22 **When Consent is Required**: If employees know or should know that their use of legal drugs might endanger them or someone else, pose a risk of significant damage to District property, or substantially interfere with your job performance, they must report such drug use to the General Manager and obtain the District's consent to continue working. The District reserves the right to have a District physician or an employee's own physician determine whether it is advisable for him/her~~them~~ to continue working while taking such drugs.

2220.23 **Duty to Disclose**: If employees operate or are responsible in any way for the operation, custody, or care of District property, or for the safety of any other person, they have a duty to disclose the nature of their job duties to any prescribing physician and/or to a District physician and to inquire of such physician(s) whether use of the drugs prescribed might result in the dangers, risk, or impairment that this Guideline is intended to prevent.

2220.24 **Restrictions on Work**: The District may restrict work activities while employees are using legal drugs or require that a medical leave of absence be taken while under the influence of such drugs.

2220.25 **Duty to refrain from Working if Impaired**: If the District permits employees to work while using legal drugs, affected employees cannot report for work in any case if they are impaired by the use of the drugs if the impairment might endanger their safety or the safety of anyone else, pose a risk of significant damage to District property, or substantially interfere with job performance or the efficient operation of the District.

2220.30 Prohibited Conduct

2220.31 **Scope**: The prohibitions of this section apply wherever the interest of the District may be adversely affected, including any time employees are:

(1) On District premises;

(2) Conducting or performing District business, regardless of location;

(3) Operating or responsible for the operation, custody, or care of District equipment or other property; or

(4) Responsible for the safety of others.

2220.32 **Alcohol**: The following acts are prohibited and may subject an employee to discharge or mandatory testing:

(1) Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or

(2) Being under the influence of alcohol.

2220.33 **Illegal Drugs**: The following acts are prohibited and may subject an employee to discharge or mandatory testing:

(1) Use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or

(2) Being under the influence of any illegal drug or other controlled substance.

2220.34 **Legal Drugs**: The following acts are prohibited and subject an employee to discharge:

(1) Abuse of any legal drug;

(2) Purchase, sale, manufacture, distribution,

transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law.

2220.40 Disciplinary Action

2220.41 **Discharge for Violation of Guidelines**: A first violation of this Guideline may result in immediate discharge.

2220.42 **Discretion Not to Discharge**: The District, in the discretion of the General Manager, may choose not to discharge an employee for a first violation of this Guideline if the violation did not:

(1) Cause an injury to or endanger the employee's safety or the safety of anyone else;

(2) Result in significant damage to District property or pose a risk of significant damage; or

(3) Involve the possession of illegal drugs or other controlled substances (in quantities greater than the law allows).

Such a discretionary choice by the District not to discharge is conditioned on the employee's satisfactory completion of an approved drug or alcohol abuse assistance or rehabilitation program when recommended by the District. An employee not discharged for a first violation of this Guideline, will receive a final written warning and immediate suspension without pay for a period of ten (10) calendar days at the discretion of the General Manager.

2220.43 **Effect of Criminal Conviction**: If an employee is convicted under a criminal drug statute for a violation occurring in the workplace or during any District-related activity or event, they will be deemed to have violated this Guideline.

2220.44 **Effect of Second Violation**: A second violation of this Guideline at any time will result in an employee's immediate discharge.

2220.45 **Effect of Discharge on Eligibility for Rehire**: If discharged for a violation of this Guideline, an employee will not be eligible for rehire by the District.

2220.50 Drug Free Awareness Program

2220.51 **Employee Awareness**: The District has established a Drug-Free Awareness Program that is designed to inform employees about the dangers of drug abuse in the workplace. From time to time, the District will provide –current information about available programs for counseling and rehabilitation.

2220.52 **Management Awareness**: Managers and supervisors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or otherwise in violation

of this Guideline. When management has reasonable suspicion to believe an employee or employees are working in violation of this Guideline, prompt action will be taken.

2220.53 **Criminal Convictions**: Employees are required by this Guideline to notify the District of any conviction under a criminal drug statute for a violation occurring in the workplace or during any District-related activity or event not later than five (5) days after the conviction is received. When required by federal law, the District will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

2220.60 Unregulated or Authorized Conduct:

2220.61 **Customary Use of Over-the-Counter Drugs**: Nothing in this Guideline is intended to prohibit the customary and ordinary use of over-the-counter drugs, so long as such activity does not violate any law or result in an employee~~you~~ or anyone else being under the influence of drugs in violation of this Guideline.

2220.62 **Off-the-Job Conduct**: Nothing in this Guideline is intended to regulate conduct off the job, so long as off-the-job use of alcohol or drugs does not result in an employee being under the influence of or otherwise impaired by the use of alcohol or drugs in violation of this Guideline.

2220.63 **Use of Alcohol or Legal Drugs**: The General Manager will maintain a list of circumstances in which the use or possession of certain legal drugs or alcohol is authorized (such as certain medicine or drugs in medicine chests or alcoholic beverages during certain business meetings or social functions), and will communicate the authorization as appropriate. Changes to the authorization require the prior written approval of the General Manager. If an employee is required to use legal drugs, and they know or should know that use of such drugs might result in working while impaired by the drugs in violation of this Guideline, they are encouraged to contact their own physician and the General Manager to find out whether it is advisable for them to work while using those drugs. In such cases, the District reserves the right to have a District physician determine whether it is advisable for an employee to continue working while taking the drugs. Except as otherwise provided in this Guideline, employees may not assume that their possession, use, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol or drugs is authorized unless they have been notified in writing by the General Manager.

2220.70 Confidentiality

2220.71 Disclosures made to the District concerning an individual's use of legal drugs or participation in any drug or alcohol counseling or rehabilitation program will be treated confidentially.

2220.80 Counseling

2220.81 If an employee suspects that they may have an alcohol or drug problem, even in the early stages, they are encouraged voluntarily to seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. The District is committed to providing reasonable accommodation to

employees whose drug or alcohol problem classifies them as handicapped under federal and/or state law. Employees wishing to voluntarily enter and participate in an approved alcohol or drug rehabilitation program, are encouraged to contact the General Manager, who will determine whether the District can accommodate them by providing unpaid leave for the time necessary to complete participation in the program. It should be noted, however, that participation in a rehabilitation program will not necessarily shield an employee from the imposition of disciplinary action for a violation of this guideline, particularly if discipline is imposed for a violation occurring before an employee seeks assistance.

2220.90 Drug Testing

2220.91 When a supervisor reasonably suspects that an employee is intoxicated or under the influence of alcohol and/or drugs as prohibited by this Guideline, that supervisor must immediately report such suspicion to the General Manager who will consider what action to take.

2220.92 The General Manager may request that an employee submit to a drug and/or alcohol test when the General Manger has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol as prohibited under this Guideline.

2220.93 "Reasonable Suspicion" –is a belief based on objective facts sufficient to lead a reasonable prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is noticeably impaired or so that the employee's ability to perform his/her job safely is reduced; or where an accident involving District property is coupled with one or more of the examples below.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

1. Slurred speech;
2. Alcohol odor on breath;
3. Unsteady walking or movement;
4. Extreme unusual behavior;
5. Possession of alcohol or drugs;
6. Information obtained from a reliable person relative to any conduct exhibited by an individual under items 1-5 above.

2220.94 When the General Manager requests that an employee submit to a drug and/or alcohol test, he or she shall document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of alcohol and/or drugs.

2220.95 If an employee refuses any proper order to submit to a drug and or alcohol analysis upon request, the disciplinary provisions under section 2220.40 may be applied by the General Manager, including immediate discharge.

2220.96 The General Manager should make reasonable effort to provide for safe transportation to the testing facility or home when there is a reasonable suspicion that an employee is intoxicated or under the influence of alcohol or drugs.

2220.97 The drug/alcohol test samples will be taken at a laboratory certified by the State Department of Health and selected by the District which uses basic forensic standards and following strict chain of custody procedures. Strict confidentiality shall be maintained relative to the names and circumstances involved with regard to requests for drug/alcohol testing. The following standards shall be used to determine what levels of detected substances shall be considered as positive:

SUBSTANCE	**SCREENING TEST**	**CONFIRMATION**
Amphetamines	500 ng/ml amphetamine	500 ng/ml GC-MS
Cocaine	300 ng/ml metabolite	300 ng/ml GC-MS
Opiates	300 ng/ml morphine	300 ng/ml GC-MS
Phencyclidine	75 ng/ml	75 ng/ml GC-MS
Marijuana	50 ng/ml	50 ng/ml GC-MS (Delta 9-THC)
Barbiturates	300 ng/ml	300 ng/ml GC-MS
Benzodiazapines	300 ng/ml	300 ng/ml GC-MS
Ethyl Alcohol	0.04%	0.04%

2220.98 The initial test will generally utilize immunoassay techniques of the urine sample. To insure against false positives, all specimens identified as positives shall be confirmed utilizing gas chromatography/mas opectrometry (GC/MS) technique.

2220.99 Retesting of original specimens shall be permitted at the request of the employee/applicant and at the requesting person's expense, if the request for retesting is received within twenty-four (24) hours of receiving notification of his/her results. Retesting shall correspond exactly with the initial testing methods and procedures.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Proof of Right to Work**
Policy Number: 2230
Date Approved: _____
Date Revised: _____

2230.10 General Rule: Under federal law, all new hires must produce original documentation establishing their identity and right to work in the United States, and complete INS Form I-9, swearing that they have a right to work in the United States. Documentation must be produced within three (3) business days of hire, or on the first day of any employment that is less than three (3) business days. Required documentation must be presented to the General Manager who will be responsible for processing the documents. If appropriate documentation is not received within this time, the employment relationship will be terminated.

2230.20 Documentation: Any one of the following documents may be used to establish both identity and employment eligibility:

(1) United States passport (current or expired);
(2) Certificate of United States Citizenship;
(3) Certificate of Naturalization;
(4) Unexpired foreign passport with employment authorization stamped in the passport or with employment authorization stamped on INS Form I-94 attached to the passport;
(5) Alien Registration Receipt Card or Resident Alien card ("Green Card"), with photograph;
(6) Temporary Resident Card (INS Form I-688); or
(7) Employment Authorization Card (INS Form I-688A).

2230.30 Alternative Proof: If applicant cannot produce one of the documents listed above, two (2) documents are required: one to prove identity, and another to prove employment eligibility.

2230.40 Eligibility: The following documents are acceptable to establish employment eligibility (but not identity);

(1) Social Security card (other than one that has "not valid for employment purposes" printed on its face);
(2) Birth certificate bearing a seal or other certification from any state, county, or city or from the U.S. Department of State;
(3) Unexpired INS employment authorization;
(4) Native American tribal document; or
(5) Other INS documents indicating authorization to work, including Citizen Identification Card (INS Form I-197), unexpired INS Refugee Travel Document (INS Form I-571), or unexpired INS Re-Entry Permit (INS Form I-327).

2230.50 Identity: The following documents are acceptable as proof of identity (but not employment eligibility)

(1) State-issued drivers license or I.D. card with photograph;
(2) Canadian drivers license;
(3) School I.D. card with photograph;
(4) Voter's registration card;
(5) U.S. military card or military dependent's identification card;
(6) I.D. card issued by federal, state or local government agencies or entities; or
(7) Native American tribal document.

2230.60 Maintenance of Record: Authorization documents will be copied and placed with the employee's Form I-9 in a special file separate from the employee's Personnel File.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Travel/Educational Reimbursement**
Policy Number: 2240
Date Approved: _____
Date Revised: June 5, 2008

2240.10 Policy: The purpose of this policy is to establish guidelines for reimbursement of expenses of employees while on District authorized business. (Director travel/educational reimbursement is addressed in Section 4070 of these policies and procedures.)

2240.20 Mileage Reimbursement: When personal autos are used on approved District business, the District will reimburse for mileage in accord with the current Union ~~contract~~ MOU (currently the IRS standard mileage rate). A Reimbursement Form must be submitted to substantiate travel.

2240.30 Travel allowance: The District may grant~~s~~ a monthly travel allowance to the General Manager and the Field Manager for mileage incurred in conducting District business. Supporting documentation for the monthly travel allowance, including

(1) Date
(2) Distance traveled, and
(3) Nature of business

shall be submitted to and approved by the General Manager on a quarterly basis (March 31, June 30, September 30, and December 31). Travel allowance paid in excess of the supporting documentation using the accepted IRS mileage rate shall be calculated and reported on an annual basis on the employee's W-2 form in accordance with the applicable IRS rules.

2240.40 Reimbursement for Seminars/Other Functions: If an employee is attending a function on behalf of the District and costs are incurred, such costs shall be subject to reimbursement on the following conditions:

2240.41 Attendance and overnight~~te~~ accommodations are~~is~~ pre-authorized by the General Manager. Payment for tuition for educational programs, ~~overnite~~ overnight accommodations and transportation costs should be separately identified.

2240.42 The most economical mode and class of transportation reasonably consistent with scheduling needs and space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

2240.43 Reimbursement for meals shall not exceed the regular federal M&IE per diem rate established for Santa Rosa, California, unless appropriate receipts documenting the expenses are presented with the reimbursement request. As ~~of the date of the adoption of this ordinance~~of June 2008, the rates are as follows:

Breakfast: $12, including gratuities
Lunch: $18, including gratuities
Dinner: $31, including gratuities

2240.44 A Reimbursement Form must be completed with appropriate receipts attached.

2240.50 Expenses Not Reimbursed: The District will specifically not reimburse for any personal expenses including of the following:

(1) Alcoholic beverages consumed, while attending functions authorized under this policy.
(2) The cost of any expenses incurred by spouses, domestic partners, children or friends.
(3) Items of a personal or long term nature not relative to district business such as clothing, materials not related to water district business or entertainment.
(4) Mechanical repairs to private vehicles used in traveling to and from the destination.
(5) Any personal items lost or stolen while at approved functions.

2240.60 Educational Assistance: Reimbursement for approved courses of study shall be in accord with the current Union contract.

2240.70 Licensing/Certification. Reimbursement of costs for the State Department of Health licenses, certifications, and exams shall be in accord with the current Union ~~contract~~MOU.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Advancement of Wages**
Policy Number: 2250
Date Approved: _____
Date Revised: _____

2250.10 Policy: Advancement of wages prior to a regular pay day is not a privilege which an employee may use at his/her discretion, but may be authorized by the General Manager at ~~their~~ his/her discretion only.

2250.20 Request: Employees requesting payment of wages in advance of regular pay days shall submit said request to the General Manager.

2250.30 Authorization: The General Manager may authorize the requested advancement of wages to the extent the amount requested does not exceed the wages accrued (excluding applicable deductions) by the employee to the date of said request.

2250.40 Frequency: Requests for advancement of wages may be submitted only once in any pay period, and frequent requests shall be grounds for denial of authorization.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Continuity of Service**
Policy Number: 2260
Date Approved: _____
Date Revised: _____

2260.10 Policy: For full-time employees in all classifications, length of continuous service with the District will be used as the basis for determining benefits such as sick leave and vacation time. Length of continuous service will also be one of the considerations in promotions, demotions and layoff.

2260.20 Accumulation: Continuous service with the District will start with the commencement of employment and will continue until an employee is discharged for cause; voluntarily terminates his/her employment; or is laid off.

2260.30 Continuity: Continuity of an employee's service will not be broken by absence for the following reasons, and his/her length of service will accrue for the period of such absence during an industrial disability; while on authorized absence without pay for less than thirty (30) days in a calendar year; or while such absence is governed by applicable state and/or federal laws such as military, National Guard, or Fire service.

2260.40 Re-Employment List: A re-employment list shall be maintained by the District. The re-employment list shall be used to determine the order in which part-time and temporary employees shall be employed when other than full-time work is available and additional employees are needed. The list shall be arranged on the basis of seniority. An individual is considered to have seniority if his/her length of service, as defined above is greater than that of another individual on the list. An individual on the re-employment list may be rehired in order of seniority to fill a vacant position within a specific job classification if he/she was previously employed within said job classification or within a job classification requiring higher qualifications, and/or satisfies the qualifications as specified in the job description for said vacant position; and

2260.50 Availability to Work: When an individual on the re-employment list is called to work and is unavailable to work, the next person on the list having seniority and satisfying the conditions listed in Section ~~2370~~2260.40 ~~(should be 2260.40?)~~ above, shall be called. If an individual is called to work three (3) times without being available to work, his/her name may be removed from the re-employment list. An individual shall be removed from the re-employment list when he/she notifies the District that he/she has taken a permanent position elsewhere and is unavailable to work for the District.

2260.60 Eligibility for List: Full-time employees who are laid off will be placed on the re-employment list and shall receive seniority based on previously earned length-of-service.

2260.70 Maintenance of Records: Previous full-time employees who were laid off and called back for work not being full-time in nature will have their employment service records maintained so that they accumulate length of service as they work on an "hour-for-hour" basis.

2260.80 Part-time Employees. For regular part-time employees i.e. employees who work a minimum of twenty (20) hours per week, vacation and sick leave accrue on a pro rata basis based upon length of continuous service as described by Sections 2260.20 and 2260.30.

SWEETWATER SPRINGS WATER DISTRICT
Policy Title: **Employer - Employee Relations**
Policy Number: 2270
Date Approved: December 22, 1992
Date Revised: May 11, 1994

2270.10 Purpose. The purpose of this policy is to implement Chapter 10, Division 4, Title l of the Government Code of the State of California (Sections 3500 et seq.) captioned "Public Employee Organizations," by providing orderly procedures for the administration of employer-employee relations between the District and its employee organizations and for resolving disputes regarding wages, hours, and other terms and conditions of employment.

2270.20 Definitions. As used in this policy, the following terms shall have the meanings indicated:

(l) "Appropriate unit" means a unit established pursuant to Section 2270.100.

(2) "Board of Directors" means the Board of Directors of SWEETWATER SPRINGS WATER DISTRICT, a public entity.

(3) "Consult or Consultation in Good Faith" means to communicate verbally or in writing for the purpose of presenting and obtaining views or advising of intended actions.

(4) "District" means the SWEETWATER SPRINGS WATER DISTRICT, a public corporation, and where appropriate herein, "District" refers to the Board of Directors of the SWEETWATER SPRINGS WATER DISTRICT, the governing body of the District., or any duly authorized management employee as herein defined,

(5) "Employee" means any person regularly employed by the District, except those persons elected by popular vote.

(6) "Employee, Confidential" means an employee who is privy to decisions of District management affecting employer-employee relations.

(7) "Employee, Management" means:

a. Any employee having significant responsibilities for formulation and administering District policies and programs, including, but not limited to, the General Manager and Assistant General Manager; and

b. Any employee having authority to exercise independent judgment to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or having the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action if in connection with the foregoing, the exercise of such authority being not of a merely routine or clerical nature, but requiring the use of independent judgment.

(8) "Employee, Professional" means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including but not limited to, attorneys, engineers, architects, and various types of physical, chemical and biological scientists.

(9) "Employee Organization" means any organization which elects to represent employees in their employment relations with the District.

(10) "Employee Relations Officer" means the General Manager, the District's representative in all matters of employer-employee relations official designated pursuant to Section 2270.120, or his or her duly authorized representative.

(11) "Employer-Employee Relations" means the relationship between the District and its employees and their employee organization, or when used in a general sense, the relationship between District management and employees or employee organizations.

(12) "Impasse" means:

a. A deadlock in the annual (or periodic) discussions between a majority representative and the district over any matters concerning which they are required to meet and confer in good faith, or over the scope of such subject matter; or

b. Any unresolved complaint by an affected employee organization, advanced in good faith, concerning a decision of the employee relations officer made pursuant to Sections 2270.80, 2270.90, 2270.100 or 2270.110.

(13) "Mediation or Conciliation" means the efforts of an impartial third person, or persons, functioning as intermediaries, to assist the parties in reaching a voluntary resolution to an impasse, through interpretation, suggestion and advice. Mediation and conciliation are interchangeable terms.

(14) "Meet and Confer in Good Faith" (sometimes referred to herein as "meet and confer" or "meeting and conferring") means performance by duly authorized District representatives and duly authorized representatives of an employee organization recognized as the majority representative of their mutual obligation to meet at reasonable times and to confer in good faith regarding matters within the scope of representation, including wages, hours, and other terms and conditions of employment, in an effort to:

a. Reach agreement on those matters within the authority of such representatives; and

b. Reach agreement on what will be recommended to the Board of Directors on those matters within the decision-making authority of the Board of Directors. This does not require either party to agree to a proposal or to make a concession.

(15) "Recognized Employee Organization" means an employee organization which has been certified by the employee relations officer as an employee organization that represents a majority of employees of the District.

(16) "Scope of Representation" means all matters relating to employment conditions and employer-employee relations, including but not limited to wages, hours, and other terms and conditions of employment. District rights (Section 2270.40) and preempted subjects (Section 2270.50 b) are excluded from the scope of representation.

2270.30 Employee Rights. Employees of the District 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 including but not limited to wages, hours and other terms and conditions of employment. Employees of the District also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the District. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the District or by any employee organization because of his or her exercise of these rights.

2270.40 District Rights. The rights of the District include, but are not limited to, the exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over the organization and technology of performing its work.

2270.50 Meet and Confer in Good Faith--Scope.

The District, through its representatives, shall meet and confer in good faith with representatives of recognized employee organization regarding matters within the scope of representation including wages, hours and other terms and conditions of employment within the appropriate unit. The District shall not be required to meet and confer in good faith on any subject preempted by federal or state law, nor shall it be required to meet and confer in good faith on employee or District rights as defined in Section 2270.30 and 2270.40. Proposed amendments to this policy are excluded from the scope of meeting and conferring.

2270.60 Additional Rights of Recognized Employee Organizations.

A recognized employee organization shall be afforded the following rights and privileges subject to managerial review:

(l) The right to have regular membership costs and dues of its members, who so request, collected by payroll deductions pursuant to procedures prescribed by the General Manager provided such deductions are mutually agreed to by the employer and employee organization.

(2) The reasonable use of space on District bulletin boards at places of employee gathering.

(3) The right to contact District employees during their duty period, provided that the General Manager is notified of such activities and such contact does not interfere with public service, District security or safety requirements.

(4) The right to distribute information to District employees and, when practicable, to use District channels for such distribution.

2270.70 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 of Directors, and such organization shall be given the opportunity to meet with the Board prior to adoption.

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

2270.80 Petition for Recognition: An employee organization that seeks recognition for purposes of meeting and conferring in good faith as the majority representative of employees in an appropriate unit shall file a petition with the Employee Relations Officer 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 speak on behalf of its members;

d. A statement that the employee organization has, as one of its primary purposes, representing employees in their employment relations with the District;

e. A statement whether the employee organization is a chapter or local of, or affiliated directly or indirectly in any manner with, a regional or state, or national or international organization, and, if so, the name and address of each such regional, state or international organization;

f. Certified copies of the employee organizations constitution and by-laws;

g. A designation of those persons, not exceeding two in number, and their addresses, to who notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose;

h. A statement that the employee organization recognizes that the provisions of Section 923 of the California Labor Code are not applicable to District employees;

i. A statement that the employee organization has no restriction on membership based on race, color, creed, sex, national origin, religion, sexual preference, or other prohibited basis.

j. The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein;

k. A statement that the employee organization has in its possession written proof, dated within six months of the date upon which the petition is filed, to establish that employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the District. Such written proof shall be submitted for confirmation to the employee relations officers or to a mutually agreed upon disinterested third party;

l. A request that the District recognize the employee organization as the exclusive representative of the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith on all matters within the scope of representation.

The petition, including all accompanying documents shall be verified, under oath, by the executive officer and secretary of the organization that the statements are true. All changes in such information shall be filed forthwith in like manner.

2270.90 Appropriate Unit.

(1) The Employee Relations Officer, after reviewing the petition filed by an employee organization seeking formal recognition as majority representative, shall determine whether the proposed unit is an appropriate unit. The Employee Relations Officer shall seek to identify as an appropriate unit the largest feasible grouping of District employees who have a community of interest. The following factors, among others, are to be considered in making such determination:

a. Which unit will assure employees the fullest freedom in the exercise of rights set forth under this chapter;

b. The history of employee relations:

(1) In the unit,
(2) Among other employees of the District, if any, and
(3) In similar public employment;

c. The effect of the unit on the efficient operation of the District and sound employer-employee relations;

d. The extent to which employees have common skills, working conditions, job duties or similar educational requirements;

e. The effect on the existing classification structure of dividing a single classification among two or more units. Provided, however, no unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized.

(2) In the establishment of appropriate units:

a. Professional employees shall not be denied the right to be represented separately from nonprofessional employees; and

b. Management and confidential employees who are included in the same unit with non management or non confidential employees may not represent such employees on matters within the scope of representation.

2270.100 Recognition of Employee Organizations as Exclusive Representative.

(1) The District Board of Directors shall:

a. Determine the exclusive representative of District employees in an appropriate unit if any by arranging for a secret ballot election or by any other reasonable method which is based upon written proof, and is designed to ascertain the free choice of a majority of such employees. The employee organization found to represent a majority of the employees in an appropriate unit shall be granted exclusive recognition and is the only employee organization entitled to meet and confer in good faith on matters within the scope of representation for employees in such unit. This shall not preclude individual employees, from consulting with management representatives on employer-employee relations matters of concern to them.

b. Revoke the recognition rights of an exclusive representative which has been found by secret ballot election no longer to be the majority representative.

(2) A decision certifying a exclusive representative, establishing a unit or discussing a claim shall not be subject to challenge for a period of twelve months following the date of such decision.

2270.110 Modification of Established Unit and Decertification. A petition for modification of a unit and/or decertification may be filed with Employee Relations Officer after the initial twelve month period, but no more than ninety nor less than sixty days prior to the expiration or renewal date of a Memorandum of Understanding between the recognized employee organization and the District. Such petition may be filed by:

(1) The recognized employee organization as a disavowal of interest;

(2) Another employee organization, provided the petition is accompanied by authorization cards signed by at least thirty percent of all employees in the currently recognized unit.

(3) Any group of employees consisting of at least ten percent of all employees in a unit;

(4) The General Manager, for reasons related to structural changes in District functions, organizational structure or job classifications.

2270.120 Designation of Employee Relations Officer. The Board of Directors may designate an Employee Relations Officer who shall be the District's principal representative in all matters of employer-employee relations, with authority to meet and confer in good faith on matters within the scope of representation, including wages, hours and other terms and conditions of employment. In absence of such designation, the General Manager shall act as the Employee Relations Officer.

2270.130 Resolution of Impasses.

(1) Impasse procedures may be invoked only after the possibility of settlement by direct discussion has been exhausted.

(2) The impasse procedures are as follows:

a. Mediation or conciliation (defined in subsection (14) of Section 2270.20). All mediation proceedings shall be private. The mediator shall make no public recommendation nor take any public position concerning the issues;

b. A determination by the Board of Directors after a hearing on the merits of the dispute;

c. Any other dispute resolving procedures to which the parties mutually agree or which the Board of Directors may order.

(3) Any party may initiate the impasse procedure by filing with the other party (or parties) affected a written request for an impasse meeting together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled by the Employee Relations Officer forthwith after the date of filing of the written request for such meeting, with written notice to all parties affected. The purpose of such impasse meeting is twofold:

a. To permit a review of the position of all parties in a final effort to reach agreement on the disputed issues; and

b. If agreement is not concluded, to mutually select the specific impasse procedure to which the dispute shall be submitted;

In the event the parties are unable to agree on a or b above, the matter shall be referred to the Board of Directors, which may, after declaring impasse, take such actions as it deems advisable including, but not limited to, unilateral imposition of the last offer.

(4) The fees and expenses, if any, of mediators or of any other impasse procedure, shall be payable one-half by the District and one-half by the employee organization or employee organizations.

2270.140 Memorandum of Understanding. When the meeting and conferring process is concluded between the District and a recognized employee organization, all agreed upon matters shall be incorporated in a written memorandum of understanding signed by the duly authorized District and exclusive representatives.

As to those matters within the authority of the Board of Directors, the memorandum of understanding shall be submitted to the Board of Directors for determination.

2270.150 Rules and Regulations. The Board of Directors may adopt such rules and regulations necessary or convenient to implement the provisions of this policy and Chapter 10, Division 4, Title 1 of the Government Code of the State of California.

2270.160 Construction.

(1) Nothing in this policy shall be construed to deny any person or employee the rights granted by federal and state laws.

(2) The rights, powers and authority of the Board of Directors in all matters, including the right to maintain any legal action, shall not be modified or restricted by this policy.

(3) The provisions of this policy are not intended to conflict with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the State of California.