

# El Dorado Irrigation District 2025 Employee Handbook



*Serving people, agriculture, businesses, and the environment in El Dorado County since 1925*

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## **Welcome**

**Welcome to the El Dorado Irrigation District (EID). I want to express to you my personal congratulations and appreciation that you have chosen us as your place of employment.**

**The District provides residential and commercial water, irrigation water, wastewater treatment and reclamation, recreation and hydroelectric services. EID is one of the few California districts that provide a full complement of water-related services in the historical California Gold Rush area. Included in the District are the communities of Cameron Park, Camino, Diamond Springs, El Dorado, El Dorado Hills, Placerville, Pollock Pines, Shingle Springs, Rescue and many smaller communities.**

**At EID we strive to run our utility as a business. Our four over-arching business objectives are: 100% commitment to safety in everything we do; demonstrate a professional and respectful image both internally and externally; provide excellent customer service to all our customers; and be fiscally responsible to our customers and our community. Your role as an EID employee is to help meet these business objectives.**

**At EID, we also consider our employees to be our most important asset. EID is committed to your success and we value your opinion on how to meet our business objectives. I hope you will enjoy the many benefits provided to our employees and that you will participate in the many opportunities we offer for challenging work, personal recognition, and professional development.**

**With you as a member of our team, we can create an innovative and supportive environment in which every person contributes to providing quality water and excellent customer service.**

**Welcome, and thank you for choosing the El Dorado Irrigation District.**



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**Pravani Vandeyar  
General Manager (Incoming)**



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**Jim Abercrombie  
General Manager (Outgoing)**

# **I. Purpose**

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These rules establish the personnel system for the El Dorado Irrigation District. The goal of the rules is to establish equitable and lawful procedures for dealing with personnel matters, to attract and retain for District service the most competent persons available and to assure that appointments and promotions of employees will be based on merit and fitness.

These rules represent a compilation of legal standards, policies, procedures, rules, forms, and definitions pertaining to the responsibilities of employees and managers in their employment with the District. They incorporate District rules and regulations, and numerous other District policies and procedures. Previous personnel rules, regulations, policies, and procedures are expressly repealed and replaced by these rules.

This Employee Handbook is provided to new employees on their first day of employment and by request to other employees. It is posted on the District's internal employee website for ease of access. It is assigned for review and understanding to all employees on an annual basis through the District's training compliance program.

These rules apply to all employees of the District, except the employee groups excluded below or except where the rules specifically provide otherwise. These rules do not create any contract of employment, expressed or implied, or any rights in the nature of a contract.

Excluded employee groups are:

1. Employees under a District contract, where contract language supersedes the handbook,
2. Employees whose positions are funded under a state or federal employment program, and
3. Employees designated as volunteer or temporary

These employees or employee groups hold their positions at the will of the Board of Directors or General Manager and are not obligated by or entitled to benefits provided by these rules.

If a provision of these rules conflicts with any provision of an applicable collective bargaining agreement entered into by the District and a recognized employee organization, to the extent of such conflict, the provision of the collective bargaining agreement shall be deemed controlling.

## **II. Introduction to District**

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### **A. Our Mission**

The El Dorado Irrigation District is a public agency dedicated to providing safe and reliable high-quality water, wastewater treatment, and recycled water, hydropower and recreation services in an environmentally and fiscally responsible manner.

### **B. Who We Are**

EID is a multi-service utility serving nearly 100,000 people, over approximately 220 square miles in central and western El Dorado County. We are a public agency, first organized in 1925, and we operate as a special district defined under state law. Holding water rights that date back to the state's mid-19th century gold rush days, EID has evolved to meet the needs of a growing and diverse group of customers.

The modern EID provides a unique combination of services from drinking water storage, treatment, and delivery to wastewater management, production of recycled water for irrigated residential and commercial landscapes, and delivery of water for pastures, orchards, and vineyards. We also generate hydroelectric power, manage a number of water efficiency programs including our Irrigation Management Services program for agricultural growers and a variety of programs for residential and commercial customers, and own and operate outstanding recreation facilities in Sierra Nevada alpine and western slope environments.

Our headquarters are located in Placerville, California, at 2890 Mosquito Road.

### **C. District Organization**

#### **The Board of Directors**

EID is governed by an elected Board of Directors, consisting of five members elected to four-year terms from five separate divisions within the District's service area. The Board sets policy and provides leadership on behalf of EID customers.

The Board appoints both the General Manager and the General Counsel. EID employees work under the direction of the General Manager. The Board meets on the second and fourth Mondays of every month, beginning at 9:00 am in the Board Room located at the Harry J. Dunlop Customer Service Building on Mosquito Road.

Public participation at Board meetings is recognized as an essential part of representative government, and the Board encourages comment from the public.

## **The Office of the General Manager**

The General Manager (GM) is appointed by the Board of Directors. The District's five Department Directors report to the General Manager, who provides direction and guidance for senior managers. The District's Public Information Officer and Clerk to the Board also report to the Office of the General Manager (OGM). The OGM therefore oversees the District's public information and community relations functions, maintaining the District's website, and producing and distributing news releases and feature stories to a broad audience.

## **General Counsel**

The General Counsel is appointed by the Board of Directors. The Office of the General Counsel advises the Board, the General Manager, and the District's functional departments on legal matters, defends the District in litigation, reviews all contracts and other legal documents, and administers claims and insurance. This work requires expert analysis and detailed knowledge of and experience in public agency and water-related law.

The Office of the General Counsel also works on issues related to water policy; including water rights, intergovernmental coordination, legislative advocacy, and federal water contracts.

Other responsibilities include the District's records management process.

## **Human Resources Department**

The Human Resources department is responsible for managing the District's human resources including oversight and coordination of new employee orientation, staffing, compensation and benefits administration, payroll, employee and organization development, workforce planning, safety and security, employee relations, labor negotiations and ADA coordination. The Human Resources department exists to ensure fair and equitable treatment of all employees.

They do this by administering federal and state law, EID Board policies, administrative regulations, and procedures in an impartial and just manner. Employees may individually, or through the representation of their respective employee association, request a review of any perceived injustice or discrimination in the application of these rights and obligations. The recognized

employee organizations include the Association of El Dorado Irrigation District Employees (EIDEA), and the El Dorado Irrigation District Managers and Supervisors Employee Association (EIDMSA).

EIDEA or EIDMSA members may also review the scope and procedures that are governed by their respective memorandum of understanding (MOU), board policy, administrative regulations, and state and federal law.

## **Engineering Department**

The Engineering department is responsible for managing engineering functions including GIS and drafting within water/hydroelectric, wastewater/recycled water, development services, and environmental divisions. Engineers are primarily responsible for the District's capital improvement program (CIP), including establishing and prioritizing the CIP and ensuring that the components of the program are managed to meet or exceed all applicable state and federal standards at the lowest, long-term, reasonable cost.

The environmental division is responsible for keeping District operations and projects in compliance with both the California Environmental Quality Act (CEQA) and its federal counterpart, the National Environmental Policy Act (NEPA), for standards related to drinking water quality, our recycled water program, and Project 184's hydroelectric licensing requirements. The division facilitates the acquisition and compliance with environmental permits and approvals required for District operations and projects. The division provides information on environmental regulations to other District staff and the District's Board of Directors to assist in their decision-making process.

## **Operations Department**

The Operations department includes more than half of the District's employees and is responsible for wide-ranging services including all of our water, wastewater, and recycled water systems, as well as our hydroelectric project and parks and recreation.

EID's contiguous service area spans 220 miles and ranges from 500 feet in elevation at the Sacramento County line to more than 4,000 feet in the Sierra Nevada range. The system requires 200 pressure-regulation zones to operate reliably and more than 1,200 miles of pipe, 40 miles of ditches, 6 treatment plants, 33 storage reservoirs, and 43 pumping stations.

The District operates 5 wastewater treatment plants, treating an average of 5 million gallons of wastewater a day to California's very stringent tertiary

standards. EID operates 561 miles of wastewater collection pipes, which includes sewer mains and laterals. The District also operates 64 lift stations to help move the waste within our challenging terrain.

Wastewater treated at the El Dorado Hills and Deer Creek plants becomes recycled water, which is used to irrigate nearly 4,000 front and back yards of homes as well as commercial and public landscapes.

The Parks and Recreation division manages Sly Park Recreation Area and a number of facilities such as Silver Lake West campground that are associated with EID's hydroelectric power generation system. Recreation employees are responsible for overseeing proper maintenance of all EID recreation facilities and managing visitors as they enjoy various activities from camping, picnicking, boating, fishing and swimming to hiking, biking, and horseback riding.

## **Finance Department**

The Finance department is responsible for managing the District's financial resources, including financial control, accounting, utility billing, meter services, customer services, water use efficiency, drought preparedness, treasury, and purchasing. The department also includes employees in warehousing and vehicle fleet management and building maintenance.

This department provides support and information to the Board of Directors, General Manager and District staff in all financial matters. The objective is to ensure that the District operates in a fiscally responsible and cost-efficient manner. The department strives to provide quality services to District customers through exceptional customer service while promoting the most efficient and effective use of the District's financial and water resources.

## **Information Technology Department**

The IT department is responsible for managing and securing the District's information resources, including computing and communications networks, technology equipment, databases, software applications, and related services.

This department develops and supports highly integrated information systems configured to meet specific District needs. The objective is to improve overall District efficiency and decision making through strategic and well-executed applications of technology. The department also operates the IT Support Desk providing employee assistance with technology issues and questions.

## **III. Employment**

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### **A. Equal Employment Opportunity**

The District will afford equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline, and termination. Employees who believe they have experienced any form of employment discrimination are encouraged to report this immediately, using the complaint procedure provided in these personnel rules.

The District does not discriminate on the basis of race, including traits historically associated with race, including but not limited to, hair texture and protected hair styles, color, religion, gender, gender identity, gender expression, sex, reproductive health decision-making, national origin, citizenship, ancestry, age, physical disability, mental disability, medical condition, family care or medical leave status, genetic information/characteristics, veteran status, marital status, sexual orientation, sexual identity or any other characteristic protected by state and federal law. We are committed to promoting an equal opportunity work environment within all levels of our workforce.

### **Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA) are intended to enhance and protect the rights of individuals with disabilities in all life activities and to provide clear, consistent, enforceable standards for addressing discrimination against individuals with disabilities.

The ADA and FEHA ensure that qualified individuals with disabilities, including both applicants and current employees, have the same employment opportunities available to them as people without disabilities.

The District is committed to full compliance with the ADA and FEHA, ensuring equal opportunity in employment for qualified persons with disabilities. The District will follow any state or local law, such as FEHA, that provides disabled individuals with greater protection than the ADA.

### **B. New Employee Processing**

#### **Orientation and Assimilation**

All new employees participate in an orientation program that provides essential

information, summaries of benefits, District employment standards, safety and security information, and related personnel considerations. For employees who are hired into a job classification that is represented by either the Association of El Dorado Irrigation District Employees (EIDEA), or the El Dorado Irrigation District Managers and Supervisors Employee Association (EIDMSA) will have the respective labor representative provide information about the labor organization during orientation to new employees. Attendance at an orientation session is typically scheduled during a new employee's first day of employment.

## **Identification Badges**

All employees will be provided with District-issued Identification Badges. Employees wear or present identification that clearly identifies them as District employees.

Headquarter employees, who do not normally wear EID uniforms, must wear their District-issued Identification Badge that clearly identifies them as District employees while working at District Headquarters. Badges must be visible at all times during working hours and are required to enter District facilities.

All employees are required to individually utilize their assigned badge/fob to access/enter District facilities. Allowing others to access/enter a District facility under another employee's security access (tailgating) is prohibited. Employees who are passengers in District vehicles are not required to individually utilize their assigned badge/fob when accessing/entering a District facility.

Employees working in the field or wearing an EID identifiable District uniform may pocket carry their District-issued Identification Badge. The badge should be used to identify oneself when working with a customer.

All guests must sign in at each facility, and may be asked to obtain a temporary identification badge before they are admitted to a District facility, other than at parks and recreation facilities.

## **Physical Examination**

Appointment to a position in the District may be subject to the appointee passing a medical examination and testing to the satisfaction of the District. Such pre-employment medical examination may include a drug/alcohol screening. If a person fails to pass such an examination, the person may be disqualified from consideration for employment.

## **Background Checks**

The District reserves the right to check and verify all information provided on a District job application and conduct a criminal background check. Any material false statement on an employment application or any conviction for a crime materially related to the duties of the job applied for or held will be grounds to deny or terminate employment.

## **C. Job Classifications**

A classification plan for all positions in the District will be administered by the Director of Human Resources. The plan will consist of classifications as defined and described in the official class specifications prepared for each classification.

All positions in the District will be allocated to an appropriate classification in the classification plan by the Director of Human Resources, in accordance with the duties, responsibilities, and standards of the job. Positions with duties and responsibilities similar enough to justify the same title, definition of duties and employment standards will be in the same classification.

The establishment of new classifications of employment, or the major alteration or abolition of existing classifications, will be approved by the Director of Human Resources or General Manager.

## **D. Types of Employment**

The following is a summary of the types of District employees. Employees are designated as regular full-time, regular part-time, probationary, or temporary, depending on the type of appointment.

### **Probationary Employee**

#### **1. Purpose of Probation**

A “probationary” employee is an employee who has been hired on an at-will basis as the final part of the regular employee hiring process. The purpose of the probationary period is to determine if the employee meets all of the qualifications and requirements for regular employment status. Probation provides the District with the opportunity to: 1) closely observe the employee's work and conduct, 2) provide intensive formal and informal training, and 3) reject any probationary employee whose performance and/or behavior does not, in the District’s opinion, meet the standards for regular status.

## **2. Length of Probation**

The probationary period for new District employees in all classifications is twelve (12) months. The probationary period for an employee promoted by the District within a respective bargaining unit is six (6) months. Notwithstanding these baseline probationary periods, the District may, with written notice to the employee, extend an employee's probationary period by up to six (6) additional months plus the duration of any absences in excess of 40 hours during the probationary period. There will not be a probationary period for an employee laterally transferred, demoted or reclassified.

An employee represented by an association who is promoted outside of their respective association or to an unrepresented position will serve a 2080 (one year) working hour probationary period. An unrepresented employee outside of the bargaining unit who is promoted shall have a 1040 (6 month) working hour probationary period (exclusive of overtime).

## **3. Dismissal from Probationary Employment**

The District may terminate a probationary employee's employment at any time during the probationary period for any lawful reason. An employee may not appeal, grieve or in any way challenge the District's decision to terminate the probationary employment. However, an employee who fails probation on a promotion will be returned to the job classification that the employee held prior to promotion if within their bargaining unit.

### **Regular Employee**

A regular employee is a full-time or part-time employee who has successfully completed the District's full hiring process including a probationary period.

### **Part-time Employee**

Regular or probationary employees may be designated as part-time employees if they are scheduled to work fewer than 40 hours per week.

### **Temporary Employee**

An employee who is assigned to work on a particular project or for a job of limited or definite duration is a temporary employee. A temporary employee (1) does not hold regular status, (2) does not serve a probationary period, (3) can be dismissed from District employment at any time without cause, right to appeal, grievance or hearing; and (4) is not entitled to earn, accrue, or participate in any

District employee benefit plans, or paid or unpaid leaves, except as required by law. Temporary employees may be contracted through an external personnel service.

If a position is filled with one or more temporary employees for a period of time more than twelve (12) months, that job classification will be reviewed by the Department Director to determine if the position should be filled with a regular employee or eliminated.

### **Represented Employee**

A represented employee is an employee working in a job classification included within a bargaining unit for which there is an exclusively recognized employee organization as collective bargaining representative, such as the Association of El Dorado Irrigation District Employees (EIDEA), and the El Dorado Irrigation District Managers and Supervisors Employee Association (EIDMSA). Represented employees may be full-time, part-time, regular, probationary, exempt and/or non-exempt.

### **E. Exempt Employees**

Employees who qualify for exempt status under federal and state law are considered salaried and are not eligible to receive additional compensation for overtime worked. Exempt employees perform a given role, and compensation is not based on the amount of hours worked. However, the District expects that exempt employees work a minimum of a standard full-time work week. Exempt employees are subject to the following provisions:

- Exempt employees are paid on a bi-weekly basis.
- Whole days off are charged to PTO, exempt administrative, or other approved leaves (as appropriate), if available.

Absences of a whole work day or more will be deducted from the weekly salary if no accrued leave is available.

Exempt employees work on a salaried basis and are therefore expected to work as many hours as necessary to complete their duties. Exempt employees will record actual hours worked on their timesheet. Except on recognized holidays, exempt employees shall not be required to use PTO or other accrued leave hours for partial day absences

## **Telecommuting**

Telecommuting is defined as working on a temporary, irregular basis at home or another remote location away from the primary workplace that is linked electronically (via computer, telephone, internet service provider, etc.) to District systems and information resources.

Telecommuting may be approved for exempt employees based on business requirements. Telecommuting should be an infrequent event rather than a standard work schedule. Approval must be in advance of the telecommuting time period, and may only be approved by a Department Director or their designee. Any approved time periods must be designated on the weekly timecard using the telecommuting project number designated annually by accounting.

## **Exempt Employee Administrative Leave (EEAL) and Executive Administrative Leave (EAL)**

The purpose of the exempt administrative leave program is to provide leave for eligible exempt employees because they do not receive compensation for overtime hours worked. Eligible exempt employees accrue their entire year's allotment of leave hours on January 1<sup>st</sup> of each year. If an employee becomes eligible for leave after January 1<sup>st</sup>, the employee receives a pro-rated number of leave hours, based upon the eligibility date. Leave hours must be used within the calendar year in which they are earned. Unused leave hours do not carry over from one calendar year to the next. Unused leave hours are not compensated upon separation from employment. Eligible employees are subject to below prorated schedule up to the maximum accrual rate consistent with their respective MOU. Unrepresented employees are subject to the pro-rated chart below up to the maximum accrual rate as assigned based on job classification.

Pro-Rated Administrative Leave Schedule follows:

<b><u>Eligibility Date</u></b>	<b><u>EEAL</u></b>	<b><u>EAL</u></b>
January 1 - February 28/29	40 Hours	80 Hours
March 1 – April 30	32 Hours	64 Hours
May 1 – June 30	24 Hours	48 Hours
July 1 – August 31	16 Hours	32 Hours
September 1 – October 31	8 Hours	16 Hours
November 1 – December 31	0 Hours	0 Hours

## **F. Non-Exempt Employees**

Hourly non-exempt employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act (FLSA), and other federal and state wage and hour regulations applicable to the District are entitled to a premium for all overtime hours in accordance with these applicable laws and regulations, unless modified by the MOU. Determination of hours worked and overtime compensation for Represented Employees should be made by reference to the applicable MOU.

## **G. Employee Status**

### **Promotion**

The District is committed to making training opportunities available for employees, where practicable and economically feasible, to assist them in acquiring knowledge and skills that may help them compete for higher level positions whenever they occur. It is the desire of the District to promote from within whenever there are employees who can meet the qualifications for the promotional position. If there is no creation of a vacancy or any anticipated increase in District staffing levels, promotional opportunities for positions will be posted internally only. If the promotion creates a vacancy or an increase in District staffing levels, then the position will be posted both internally and externally. Employees who apply and meet the minimum education, experience, and certification/ license requirements will be provided with an opportunity to interview and/or test; however the best qualified candidate will be selected.

All vacant positions will be posted for a minimum of five (5) working days throughout District's facilities.

The District reserves the right to cancel, put on hold or leave unfilled any vacant position as it deems necessary.

Promotions occur when an existing employee is selected by a competitive recruitment process for appointment to a classification having a top step above the top step of the employee's current classification. Employees selected for promotion will serve a probationary period unless waived by the General Manager for unrepresented positions.

Upon promotion, an employee represented by the El Dorado Irrigation District Employee Association shall receive the lowest step in the new classification that provides a salary increase of at least five percent (5%), but not to exceed the maximum of the range established for the new classification. This promotional

increase will not reduce the annual increase available as part of the performance evaluation.

Upon promotion, an employee represented by the El Dorado Irrigation District Managers and Supervisors Employee Association shall receive a five percent (5%) increase but neither less than the lowest step or the maximum of the wage range established for the new classification. This promotional increase will not reduce the annual increase available as part of the performance evaluation.

## **Demotion**

Demotions occur when an existing employee is appointed to a classification having a top step lower than the top step of the employee's current classification. Generally, career opportunities within the District should be filled by a competitive recruitment process rather than by demotion.

A demotion may occur for various reasons, including:

- Not possessing required certification and/or license.
- The employee's desire to voluntarily take another position so long as he/she meets the qualifications of the class.
- Unsatisfactory job performance.
- Organizational changes, considerations and the needs of the District.
- Disciplinary reasons, as long as the employee meets the qualifications of the class.
- By mutual agreement.

An employee who voluntarily demotes to a lower-paying classification shall receive the pay step in the lower range nearest but not more than that which was received prior to demotion, not to exceed the maximum of the lower pay range.

In all cases of demotion for cause, the General Manager shall set a wage within the pay range of the class to which the employee has been demoted.

## **Transfers**

A lateral transfer is a change between classifications where the salary range for each classification is the same and/or for which the employee was not selected by competitive recruitment process. Generally, career opportunities within the District should be filled by a competitive recruitment process rather than by transfer.

An employee may request a voluntary transfer. A voluntary transfer must be

approved by the Director of Human Resources and the Director(s) of the employee's current and new department(s). An employee must possess the qualifications required for the position to which transfer is requested.

The District may involuntarily transfer represented or unrepresented employees at any time. Whenever possible, an employee being transferred from one position to another position in the same class, or a comparable class at the same salary level, will receive ten (10) working days' notice.

Upon transfer, an employee shall receive the step in the new range most closely comparable to the employee's current salary without a reduction in pay, not to exceed the maximum of the pay range.

## **Reclassification**

Generally, career advancement and promotional opportunities within the District should be filled by a competitive recruitment process rather than by reclassification. However, the District may evaluate and compare the actual duties and responsibilities of a given job against the duties and responsibilities as described in the classification specification to assure employees remain appropriately classified.

Reclassifications will normally be considered, reviewed and approved during the annual performance evaluation process. On an exception basis, they may be recommended at other times during the year. If an employee and/or their manager believe his or her job has changed significantly over time through the assumption of higher-level duties, he or she may recommend reclassification to the next higher level position. A position justification letter or checklist (if applicable) must be submitted with the request to the Department Director and Human Resources.

Reclassifications are to be based on an evaluation of the level of assigned responsibilities and the duties detailed in the existing and proposed classification specifications. An incumbent who is reclassified must possess the minimum qualifications of the classification to which he/she is assigned. When considering upward reclassification, a prime consideration will be the gradual assumption of higher-level responsibilities that may have occurred over time or from organizational or other changes. Also, the preponderance of work time must be spent on the higher level work tasks and responsibilities as detailed in the class specification.

Considerations not to be taken into account are volume of work or financial need. A reclassification must be approved by the Department Director, Director of

Human Resources and General Manager. It will be effective the first day of the pay period following approval. A regular employee who is reclassified will receive the salary set forth below:

1. If reclassified to a classification with the same salary range, the salary will not change.
2. If reclassified to a classification with a higher salary range, the employee's salary will be increased by exactly 5% regardless of salary step, but neither less than the lowest step nor more than the maximum of the range established for the new classification.
3. If reclassified to a classification with a lower salary range, the salary will be determined in the same manner as a voluntary demotion.

Any applicable pay adjustment that occurs due to a reclassification will not reduce the annual increase available as part of the performance evaluation.

## **Resignation**

An employee who wishes to resign his/her District employment in good standing must submit the resignation to his/her supervisor and Human Resources two weeks prior to the planned separation date. A resignation becomes final when accepted by the District. Once a resignation has been accepted by the District, it cannot be withdrawn.

A regular employee who leaves without filing a written resignation two weeks prior to the planned separation date will have the fact entered in his or her personnel file, and may be disqualified from future employment consideration. An employee, who resigns while charges are pending or while under suspension, will be subject to removal from all eligibility lists and may be excluded from future employment consideration.

## **Job Abandonment**

An employee shall be regarded as having resigned the employee's position if the employee fails to report for duty, and while able to notify the employee's supervisor of the reason for absence, fails to do so for five consecutive working days after being given notice to return to work, or if the employee fails to give notice or to report for duty immediately upon the expiration of a leave of absence.

The employee's supervisor, manager or Department Director shall provide written notice of a job abandonment determination by certified mail to the employee's last known address. The notice shall advise the employee of the facts on which the determination is based and specify a date, time and place for

an appeal. The employee may timely appeal a job abandonment determination orally or in writing to the Director of Human Resources or some other neutral decision-maker designated by the General Manager as specified in the notice. If it is determined that there were extenuating circumstances for the absence and failure to notify, such as severe accident, severe illness, false arrest or mental or physical impairment which prevented notification, the employee will be reinstated.

Following conclusion of the due process review, represented employees may appeal a job abandonment determination under the grievance procedure contained at Article 24 of the MOU between the District and Association.

If an employee fails to return immediately on the expiration of his/her leave of absence or if he/she accepts other employment while on leave, he/she will thereby forfeit the leave of absence and terminate his/her employment with the District.

An employee's resignation and the circumstances pertinent to it shall be recorded in his/her personnel file, and an exit interview will be scheduled with the Human Resources Department.

### **Reductions in Force**

An employee may be subject to a non-disciplinary, involuntary termination through layoff. For reasons of economy, lack of work, lack of funds, or for operational reasons reductions in the number of employees in a classification may be required. Whenever necessary in the judgment of the General Manager, the District may abolish any position, or reduce the number of employees holding a position and the employee may be laid off. Except as otherwise provided in an MOU, the following constitutes the District's policy regarding reductions in force.

In the case of a layoff, unrepresented employees will be given at least fifteen (15) days advance notice, or pay in lieu of notification. Specific positions to be laid off shall be determined by the General Manager. Temporary employees and retired annuitants in the same job classification shall be separated from service prior to the layoff of any regular full-time or part-time employee.

In lieu of laying off employees, the District may consider alternatives such as salary adjustments, furloughs, part-time employment and/or job sharing. However, should the necessity for layoff occur, the determination of which employees are to be laid off will be based upon the following jointly evaluated factors; qualifications and operational needs of the department, skill set, knowledge, certifications and performance appraisals.

Bumping rights or recall rights do not apply to non-represented employees, but they are eligible to apply for any open position that is posted externally, for which they are qualified.

Following the labor relations recommendation process, represented employees may submit layoff disputes under the grievance procedure contained at Article 24 of their respective MOU.

## **Seniority**

Seniority is an employee's total length of probationary and regular status employment while in any form of paid status. Except as required by law, an employee stops accruing seniority when the employee is in an unpaid status or when the employee's District employment ends for any reason. An employee may continue to accrue seniority if the District reinstates the employee within one year following a layoff. A reinstated employee shall not accrue seniority during the period of layoff. The District shall post a seniority list at each work location on or about November 1 of each year.

Seniority dates for rehired employees, other than from a reinstatement list within one year following a layoff, will begin with a new seniority date. All benefits and accruals, other than those retirement benefits governed by CalPERS will be based upon the new rehire date.

## **H. Disciplinary Action**

Unless otherwise specified by a memorandum of understanding, the following constitutes the District's policy regarding disciplinary actions:

### **Coverage**

The following categories of persons can be terminated at will and have no rights to any of the pre- or post-disciplinary processes or procedures in this Policy: (1) temporary employees, (2) provisional or seasonal employees, (3) probationary employees, (4) any person who serves pursuant to an individual employment contract, and (5) any person who is designated "at will" in any District policy, document, acknowledgement, resolution or ordinance. In addition, any regular employee who is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) is not subject to any disciplinary penalty which is inconsistent with his or her FLSA overtime-exempt status.

All employees are required to cooperate and to provide full and truthful information upon request in any investigation that has been initiated in response

to a complaint or charge that may lead to discipline.

## **Causes for Discipline**

Regular employees may be counseled, admonished, reprimanded, suspended, demoted, discharged or incur a reduction in pay for, including but not limited to, any of the following causes of discipline:

1. Violation of the District's Employment Standards, Standards of Conduct and/or any District policy, administrative regulation, procedure, and/or rule;
2. Absence without authorized leave and/or excessive tardiness;
3. Misuse and/or excessive use of PTO and/or any other leave;
4. Making any false statement, omission or misrepresentation of a material fact, including failure to cooperate in an investigation that may lead to discipline;
5. Providing wrong or misleading information or fraud in securing appointment, promotion or maintaining employment;
6. Unsatisfactory job performance or neglect of duty;
7. Inefficiency or incompetence;
8. Malfeasance or misconduct, which shall be deemed to include, but shall not be limited to, the following acts or omissions:
  - a. Conviction of a felony. "Conviction" shall be construed to be a determination of guilt of the accused by a court, including a plea of guilty or *nolo contendere*, regardless of sentence, grant of probation, or otherwise.
  - b. The damaging of District property, equipment, or vehicles, or the waste of District supplies through negligence or misconduct;
9. Insubordination; or insulting or demeaning the authority of a supervisor or manager;
10. Dishonesty;
11. Theft;
12. Violation of the District's or a department's confidentiality policies, or disclosure of confidential District information to any unauthorized person or entity;
13. Misuse of any District property, including, but not limited to: physical property, tools, equipment, District communication systems, or intellectual property;
14. Encouraging and/or directing another employee to engage in misconduct;
15. Mishandling of public funds;
16. Falsifying any District record, including submission of a false and/or inaccurate timecard;

17. Discourteous treatment of the public or other employees;
18. Failure to cooperate with employee's supervisor or fellow employees;
19. Violation of the District's Drug-Free Workplace Policy, and the District's Policy against Harassment, Discrimination and Retaliation;
20. Unapproved outside employment or activity that violates the District's Outside Employment policy, and/or other enterprise that constitutes a conflict of interest with service to the District;
21. Any conduct that impairs disrupts or causes discredit to the District, the employee's District employment, to the public service, and/or other employee's employment;
22. Failure to comply with OSHA safety standards, the District's Injury and Illness Prevention Program, and/or District safety policies;
23. Failure to report to his or her supervisor any contact with criminal authorities (such as police) which may affect employment with the District;
24. Working overtime without prior authorization;
25. Refusal to work a schedule shift and/or overtime;
26. Conduct on the part of an employee that adversely affects the District's legitimate business interests and/or the employee's ability to perform his or her job.

### **Administrative Leave**

Pursuant to the terms of the applicable MOU, a Department Director may recommend an employee be placed on an administrative leave with pay pending a potential disciplinary action. Administrative leave with pay is authorized: (1) when the Department Director believes that the employee's continued presence at the work site could have detrimental consequences for District personnel and/or operations, or (2) pending investigation into charges of misconduct.

Administrative leave is not and shall not be deemed to be an adverse employment action. During administrative leave all building and electronic media security access will be deactivated. If the charges against the employee are substantiated by the investigation, appropriate disciplinary action may be taken in accordance with these procedures. Administrative leave must be approved by the Director of Human Resource and the General Manager.

When an employee is returned from investigatory or administrative leave without any proposal or imposition of disciplinary action, Human Resources shall place written documentation of the return to work in the employee's personnel file.

## **Types of Discipline**

The District is committed and has contracted with the respective Employee Associations to impose discipline on a progressive basis (MOU Article 25 B). Progressive discipline means that the penalty for misconduct will usually begin with a lower-level penalty and progress to higher-level penalties for subsequent violations. To protect the rights of the employee and the District, each level of discipline, including verbal reprimands, must be documented.

The types of personnel actions and/or discipline are:

### **1. Verbal Reprimand**

A verbal reprimand shall be documented in writing on the form provided by Human Resources and retained in the supervisor's and HR side files for one year. The verbal reprimand will be notated on the annual performance evaluation, as well as a record of the employee having corrected the behavior, if applicable. The supervisor's side file, as well as the HR side file will be purged after each performance appraisal is completed. A verbal reprimand is a lesser disciplinary action that may not be appealed.

### **2. Written Reprimand**

A manager or supervisor may reprimand an employee by furnishing him/her with a written statement of the specific reasons for reprimand. Human Resources must review the letter prior to delivery to the employee and be present during the communication of the reprimand to the employee.

A copy of the reprimand will be retained in the employee's personnel file. The employee has the right to have a written rebuttal attached to the reprimand in the employee's personnel file if the rebuttal is submitted to Human Resources within 10 working days of the date the reprimand was received. A written reprimand may be appealed under applicable procedures for lesser disciplinary actions.

### **3. Unpaid Suspension**

A Department Director may suspend an employee from his or her position for cause. Documents related to a suspension shall become part of the employee's personnel file when the discipline is final. An employee subject to suspension will receive prior written notice and appeal as provided herein. FLSA-exempt employees are not subject to suspension except for violation of a workplace conduct rule. Suspension must be approved by the Director of Human Resources and the General Manager. An unpaid suspension less than or equal to three (3)

work days' pay may be appealed under applicable procedures for lesser disciplinary actions. All other proposed unpaid suspensions shall receive due process and may be appealed under applicable procedures for major disciplinary actions.

#### **4. Reduction in Pay**

A Department Director may reduce an employee's pay for cause. A reduction in pay for disciplinary purposes may take one of two forms: (1) a decrease in salary to a lower step within the salary range, or (2) a decrease in salary paid to an employee for a fixed period of time. Documents related to a reduction in pay shall become part of the employee's personnel file when the discipline becomes final. FLSA-exempt employees are not subject to reduction in pay. Reduction in pay must be approved by the Director of Human Resources and the General Manager. A reduction in pay less than or equal to three (3) work days' pay may be appealed under applicable procedures for lesser disciplinary actions. All other proposed reductions in pay shall receive due process and may be appealed under applicable procedures for major disciplinary actions.

#### **5. Demotion**

A Department Director may demote an employee from his or her position for cause. Documents related to a demotion shall become part of the employee's personnel file when the discipline is final. A demotion must be approved by the Director of Human Resources and the General Manager. A proposed demotion shall receive due process and may be appealed under applicable procedures for major disciplinary actions.

#### **6. Discharge**

A Department Director may discharge an employee from his or her position for cause. Documents related to discharge shall become a part of an employee's personnel file when the discipline becomes final. Discharge must be approved by the Director of Human Resources and the General Manager. A proposed discharge shall receive due process and may be appealed under applicable procedures for major disciplinary actions.

### **Due Process and Appeals**

All represented employees shall receive due process and may appeal disciplinary action in accordance with the procedures defined within the applicable MOU. All other employees shall receive due process and may appeal disciplinary action as follows:

## **1. Appeals for Lesser Disciplinary Actions**

Lesser disciplinary actions shall be effective immediately. An employee receiving a lesser disciplinary action that may be appealed may, within ten (10) working days, appeal the action to the employee's Department Director or the Department Director's designee. When the Department Director is the individual who investigated and/or imposed the disciplinary action, the Department Director shall designate another Department Director or the General Manager to hear the appeal.

The appeal shall constitute an opportunity to be heard by the Department Director or designee and receipt from the Department Director of a written ruling on the appeal. The written ruling may uphold, overturn, or modify the disciplinary action. Any modified action must meet the definition of a lesser disciplinary action. This ruling is final.

## **2. Appeals for Major Disciplinary Actions**

### **A. Notice of Intent to Discipline**

The employee will be provided a written notice of intent to discipline that contains the following:

- a. Description of the proposed disciplinary penalty;
- b. Identification of the grounds for discipline;
- c. Description of the employee's misconduct;
- d. Identification of the evidence upon which the proposed discipline is based;
- e. Description of the employee's pre-disciplinary *Skelly* meeting rights, including the date of the *Skelly* meeting; and
- f. Notice that the failure to respond at the time specified shall constitute a waiver of the right to respond prior to the imposition of discipline.

## **3. Skelly Meeting and Employee's Response**

- a. The *Skelly* meeting shall be heard by the employee's

Department Director or their designee unless the Department Director investigated the alleged misconduct, is a witness to it, and/or is a victim of it. If the Department Director is disqualified from hearing the *Skelly* meeting for the foregoing reasons, it shall be heard by the General Manager's designee. A *Skelly* meeting hearing officer designated by a Department Director or the General Manager may be another District employee or a non-District employee.

b. The *Skelly* meeting is not an evidentiary appeal hearing; it is afforded to the employee to the extent required by law and generally may be described as an informal meeting at which the employee, directly or through a representative of his/her choice, has an opportunity to present oral and/or written materials to rebut the charges against him/her and raise any mitigating circumstances. The District, the employee, or both may audio-record the meeting. The hearing officer will consider the employee's presentation and may conduct such independent investigation as the officer deems necessary or desirable, before any final disciplinary action.

c. The employee's failure to make an oral response at the arranged meeting time, or the employee's failure to cause his or her written response to be delivered by the date and time specified in the notice, constitutes a waiver of the employee's right to respond prior to the imposition of the discipline. In that case, the proposed disciplinary action will be imposed on the date specified.

#### **4. Final Notice of Discipline**

After the completion of pre-disciplinary due process, the hearing officer shall provide written notice of the outcome to the employee. If the hearing officer decides no discipline is warranted, the officer shall provide the employee with a written dismissal of the notice of intent to discipline and impose no disciplinary action against the employee. If the hearing officer decides that the proposed or a modified disciplinary action is warranted, the officer shall prepare and provide the employee with a final notice of discipline that contains the following:

- a. Description of the proposed disciplinary penalty;
- b. Identification of the grounds for discipline;

- c. Description of the employee's misconduct;
- d. Identification of the evidence upon which the proposed discipline is based; and
- e. Description of the employee's post-disciplinary appeal rights.

## **5. Post-Disciplinary Evidentiary Appeal**

### **Request for Appeal Hearing**

An employee may appeal from a final notice of discipline that imposes a major disciplinary action by delivering a written answer to the charges and a request for appeal to the Director of Human Resources, who will forward the appeal to the General Manager. The written answer and request for appeal must be received no later than ten (10) working days from the date of the *Skelly* meeting hearing officer's decision.

The General Manager shall designate a Hearing Officer for hearing and an advisory recommendation. The District shall pay the Hearing Officer's fee.

### **Date and Time of the Appeal Hearing**

The Hearing Officer will set a date for an appeal hearing within a reasonable time after receipt of a timely written answer and request for appeal. An employee who, having filed a timely written answer and request for appeal, has been notified of the time and place of the appeal hearing, and who fails to appear personally at the hearing, may be deemed to have abandoned his or her appeal. In such a case, the Hearing Officer may dismiss the appeal.

### **Issues; Identification of Witnesses and Evidence**

The issues to be decided at the hearing are: 1) whether a preponderance of evidence proves that the misconduct occurred, and 2) whether the discipline imposed constitutes an abuse of discretion by management. No less than ten (10) days prior to the appeal hearing, each party will provide each other and the hearing officer a list of all witnesses to be called (except rebuttal witnesses), a brief summary of the subject matter of the testimony of each witness, and a copy of all evidence (except rebuttal evidence) to be submitted at the hearing. The District will use numbers to identify its evidence; the employee shall use alphabet letters. Neither party will be permitted to call any witness during the hearing who has not been identified pursuant to this section, nor use any exhibit not provided

pursuant to this section, unless that party can show that they could not have reasonably anticipated the need for the witness or exhibit.

## **Conduct of the Appeal Hearing**

### **1. Subpoenas**

The Hearing Officer has authority to issue subpoenas for either party prior to the commencement of the hearing. Each party is responsible for serving his/her/its own subpoenas. District employees who are subpoenaed to testify during working hours will be released with pay to appear at the hearing. District employees who are subpoenaed to testify during non-working hours will be compensated for the time they actually testify unless the District agrees to a different arrangement.

### **2. Continuances**

The Hearing Officer may continue a scheduled hearing only upon good cause shown.

### **3. Record of the Proceedings**

All disciplinary hearings may, at the discretion of the parties, be either recorded by a court reporter or audio recorded. If the parties agree to a court reporter, each party shall pay 50% of the court reporter's fee. If only one party requests a court reporter, the requesting party must pay the reporter's fee. Any party who requests a transcript of the proceedings must pay for his/ her/ its own copy of a transcript.

### **4. Hearing Officer's Authority**

The Hearing Officer has the authority to control the conduct of the hearing.

- a. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner the Hearing Officer deems most conducive to determining the truth.
- b. Any relevant evidence may be admitted if it is the type of evidence upon which responsible persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.

- c. Hearsay evidence may be used to supplement or explain any direct evidence, but over timely objection shall not be sufficient in itself to support a finding, unless such evidence would be admissible over objection in civil actions. An objection is timely if made before submission of the case.
- d. The rules of evidentiary privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- e. Irrelevant and unduly repetitious evidence may be excluded.
- f. The Hearing Officer shall determine relevancy, weight and credibility of testimony and evidence.
- g. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing.
- h. All witnesses shall be sworn in for the record prior to testifying at the hearing. The Hearing Officer or the court reporter shall request each witness to raise his or her right hand and respond to the following: "Do you swear that the testimony that you are about to give at this hearing is the truth, the whole truth, and nothing but the truth?"

### **Burden of Proof at the Hearing**

The District has the burden of proof by a preponderance of the evidence.

### **Due Process Rights**

The employee shall have the following due process rights during the hearing:

- a. The right to be represented by legal counsel or another chosen representative, at his or her own expense;
- b. The right to call and examine witnesses on his or her behalf;
- c. The right to introduce evidence;
- d. The right to cross-examine opposing witnesses on any matter relevant to the issues;
- e. The right to impeach any witness regardless of which party first called

him or her to testify; and

- f. The right to rebut evidence against him or her.

### **Hearing Closed to the Public**

The hearing will be closed to the public.

### **Presentation of the Case**

The parties will address their remarks, evidence, and objections to the Hearing Officer. The Hearing Officer may terminate argument at any time and issue a ruling regarding an objection or any other matter. The Hearing Officer may alter the order of witnesses, limit redundant or irrelevant testimony, or directly question any witness. The hearing shall proceed in the following order unless the Hearing Officer directs otherwise:

- a. The District shall be permitted to make an opening statement.
- b. The employee shall be permitted to make an opening statement.
- c. The District shall produce its evidence.
- d. The employee shall produce his or her evidence.
- e. The District, followed by the employee, may offer rebuttal evidence.
- f. Closing arguments of no more than 20 minutes shall be permitted at the discretion of the General Manager or designated Hearing Officer. The District shall have the right to argue first, the employee may argue second, and the District may reserve a portion of its argument time for rebuttal.

### **Hearing Demeanor and Behavior**

All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries.

### **Post-Hearing Briefs by the Parties**

The Hearing Officer or the parties may request the submission of post-hearing briefs. The Hearing Officer will determine whether to allow post-hearing briefs,

the deadline for submitting briefs, and the page limit for briefs.

### **Advisory Recommendation and Decision**

The Hearing Officer shall provide the General Manager with an advisory recommendation within thirty (30) days of the hearing or the submittal of any post-hearing briefs. The advisory recommendation shall set forth findings of fact, determinations of whether the employee committed the charged misconduct, and a discussion of whether the discipline constitutes an abuse of discretion.

The General Manager shall receive the Hearing Officer's advisory recommendation, the evidence in the case, audio recordings and/or transcripts of the hearing, any post-hearing briefs, and, if he or she so orders, letter briefs of the parties addressing the Hearing Officer's advisory recommendation. After receipt of these materials, the General Manager may sustain or reject any or all of the charges filed against the employee. He/she may sustain, reject or modify the disciplinary action invoked against the employee. The General Manager shall issue a written decision with findings of fact and rulings within thirty (30) calendar days of receiving all materials.

### **Service of the Written Findings and Decision**

The General Manager shall send the decision, along with a proof of service of mailing, to each of the parties and to each of the parties' representatives. A copy shall also be distributed to the Human Resources Director.

### **Finality; Statute of Limitations**

The General Manager's written decision is final. There is no process for reconsideration. Pursuant to Code of Civil Procedure section 1094.6, the parties have 90 days from the date of the proof of service of mailing of the written decision to appeal the decision to the Superior Court in and for the County of El Dorado.

## **I. Employment Records**

### **Official Personnel File**

The District maintains an official personnel file for each employee in the Human Resources Department. An employee's personnel file will contain material that is necessary and relevant to the administration of the District's personnel program and the employer-employee relationship. Personnel files are the property of the District and access to the information they contain is restricted. An employee will

possess or be given a copy of any document placed in his or her official personnel file, as maintained in the Human Resource Department.

## **Medical Information**

### **1. Separate Confidential Files**

All medical information about an employee or applicant is kept separately and treated as confidential, in accordance with applicable state and federal law. Medical information obtained as a part of an employee's application or adjudication for workers' compensations benefits will be accessible only to the District's workers' compensation administrator, risk manager, Human Resources department or legal department and shall not be shared with other employees, supervisors, managers or Department Directors. Workers' compensation medical information shall be used solely for the purpose of determining eligibility for workers' compensation benefits and for medical fitness for duty.

### **2. Information in Medical Files**

The District will not obtain medical information about an employee or applicant, except in compliance with the California Confidentiality of Medical Information Act. This Act permits the District to obtain without a release authorization a description of the functional limitations of the employee that may entitle the employee to leave from work for medical reasons or limit the employee's fitness to perform his or her present employment, provided no statement of medical cause is included in the information disclosed.

In rare circumstances, the District may request an employee provide an authorization for release of medical records that is strictly limited in scope and time for the specific purpose for which it is requested.

District employees are not required to sign medical release authorizations as a condition of employment by the District.

### **3. Access to Medical Information**

Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for District business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties or functional limitations of the employee and necessary accommodations, without disclosure of the underlying medical diagnosis or condition.

The District will not provide employee or applicant medical information to a third party, except as permitted under the California Confidentiality of Medical Information Act, unless in rare circumstances, the employee signs an authorization for release of employee medical Information form available from Human Resources. The authorization for release of medical records will be strictly limited in scope and time for the specific purpose for which it is requested. The District will release only the medical information that is identified in the employee's authorization. If the employee's authorization indicates any limitations regarding the use of the medical information, the District will communicate those limitations to the person or entity to which it discloses the medical information.

## **Changes in Employee Information**

Information in employee personnel files is confidential. Employees must update their electronic profiles, to the extent allowed under Kronos and/or inform Human Resources immediately whenever there are changes in personal data such as address, telephone numbers, number of dependents, and person(s) to notify in case of emergency. It is the employee's obligation to keep the preceding information current.

## **References and Release of Information in Personnel Files**

### **1. Public Information**

Upon request, the District will release to the public, information about its employees if and only to the extent required by the Public Records Act. The District will not disclose personnel information if it believes doing so would constitute an unwarranted invasion of personal privacy. The District will give affected employees reasonable advance notice before it releases information about them to the public.

### **2. Reference Checks**

All requests from outside the District for reference checks or verification of employment concerning any current or former employee must be referred to Human Resources. Information will be released only if the employee signs an AUTHORIZATION FOR RELEASE OF EMPLOYMENT INFORMATION form available from Human Resources, except that without such authorization, the following limited information will be provided: dates of employment, job classifications held, and salary upon departure.

Department Directors and supervisors should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the Human Resources Director on a case-by-case basis.

## **Access to Personnel Files**

Personnel files are the property of the District and may not be removed from the premises. However, employees or their authorized representatives have the right afforded by state law to inspect their personnel file with reasonable notice, without loss of compensation and in the presence of a Human Resources representative. Employees or their authorized representatives can receive copies of all employment-related documents that they have signed, all itemized wage statements, and other documents with the approval of Human Resources.

Other employees of the District may have access to personnel files only with a legitimate need to have such information for District business reasons. This means access is limited to Human Resources staff as they need access in the course of their normal duties; management personnel requiring information for a potential or pending personnel action; and others only as specifically authorized by the Director of Human Resources, General Manager or General Counsel.

Non-employees may not, except with specific authorization, or as required by law, subpoena or court order, have access to the files. Generally, such access will be granted only upon advice of counsel. In the event the District receives a subpoena for an employee's personnel records the District will notify the affected employee.

## **J. Professional Participation**

### **Professional Registration, Certification, and Licensing**

The District will pay the associated fees when registration, certification, or licensing (other than a Class C driver's license) is specified in a class specification as a requirement of an employee's position. This may include, but is not limited to, registered engineers, water and wastewater treatment plant operators, and supervisors.

### **Professional Activities & Association Memberships**

The District encourages participation in professional organizations, association memberships, and committees when they are compatible with, and an enhancement to District functions. The District may pay reasonable costs associated with participation in these activities when they are directly aligned with

an employee's scope of work and enhance job performance. Participation and fees are subject to approval by the Department Director or General Manager as appropriate.

## **K. Transitional Duty Program**

El Dorado Irrigation District is committed to returning employees to work as soon after an injury or illness absence as possible. In keeping with this commitment, the District may provide transitional work assignments to employees in accordance with District operational needs. This may be done by temporarily modifying the employee's job or providing the employee with alternative work as available, consistent with the medical restrictions of treating physicians and/or medical reviewing consultants.

### **Purpose**

This program is intended to provide employees with the opportunity to continue as productive, valuable members of our team while recovering from work and non-work-related injuries or illnesses. It is intended to benefit employees by: promoting speedy recoveries; preventing the deterioration of work skills, health and/or attitude that may result from prolonged work absence; demonstrate the organization's commitment to employee recovery; and minimize the loss of productivity.

At the same time, management will be provided with a constructive program to retain qualified, experienced employees in the workplace and reduce and prevent financial losses associated with workers' compensation claims where the injury or illness is work-related.

The District may assign an employee to work a transitional duty assignment where:

1. The employee is temporarily medically precluded from performing the essential functions of his or her job class;
2. There is a Physician Return to Work Capabilities form signed by the treating physician clearly describing the restrictions imposed; and
3. The District can locate a transitional task assignment or assignments, for which the employee is qualified, meeting the restrictions outlined in the Physician Return to Work Capabilities form.

Participation in the Transitional Duty Program is limited to the period for which the restrictions apply, not to exceed a total of one hundred and eighty (180) work days in a twelve (12) month period. The General Manager may approve an extension of up to four (4) weeks where further restrictions apply. During participation in a Transitional Duty Program, the employee shall receive full wages and benefits.

## **L. Recruitment and Selection**

### **General**

Recruitment processes will seek out and secure qualified applicants to apply for positions at all levels within the District. At an employee's request, Human Resources will provide development and interview training to internal candidates to help prepare them for the interview process.

### **Announcement of Recruitments**

When a position with the District becomes vacant, Human Resources will post notice of such vacancy so it is readily accessible to District employees, reinstatement lists when applicable, employee organizations, and normally the public.

However, when a position becomes available and there is no creation of a vacancy or any anticipated increase in District staffing levels, then the position will be posted internally only.

This creates an internal promotion or transfer opportunity, without increasing staffing levels.

Recruitments shall remain open for a minimum of five (5) working days.

### **Applications**

Job applications must be made on forms and/or Human Resources Information Systems such as KRONOS provided by Human Resources. All applications must be completed in full and signed by the person applying. Human Resources will not process any application which is not fully completed and signed.

## **Qualifications of Applicants**

To qualify for the competitive recruitment process, an individual must:

- Meet all the general requirements pertaining to filing applications for positions; and
- Meet the additional requirements of the particular class specification, and/or necessary for appointment, including but not limited to education, experience and license; and
- Prior to appointment, meet the job-related standards established by the District relative to the physical fitness requirements for the position.

## **Disqualification of Applications**

Human Resources may reject an application, or after examination, may disqualify the applicant, if the applicant:

- Has made false statements of any material fact, or practiced any deception or fraud on the application; or
- Is found to lack any of the requirements, certifications, or qualifications for the position involved; or
- Is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation if disabled; or
- Is a current user of illegal drugs; or
- Has been convicted of a crime, either a misdemeanor or felony, that materially relates to the position duties that the applicant would perform; or
- Used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment; or
- Directly or indirectly obtained information regarding examinations; or
- Refuses to execute the loyalty oath; subject to terms in the Disaster Service Workers section of the handbook; or
- Failed to submit the employment application correctly or within the prescribed time limits; or
- Has had his or her privilege to operate a motor vehicle in the State of California suspended or revoked, if driving is a job requirement; or
- For any material cause which, in the lawful judgment of the General Manager or designee, would render the applicant unsuitable for the position, including a prior resignation from the District, termination from the District, or a significant disciplinary action.

Defective applications may be returned to the applicant with notice to amend and re-file, provided that the time limit for receiving applications has not expired.

Whenever an application is rejected, Human Resources will mail or electronically notify the applicant of such rejection.

## **Examination Process**

Only applicants who meet all minimum qualifications as established in the job announcement and class specification will be advanced to the examination process. The examination process will include one or more of the following:

- a. An appraisal of qualifications presented in the application materials. A quantifiable rating will be assigned to distinguish those candidates most qualified to be advanced further in the process or to establish rank if no further exam process is conducted.
- b. A written examination specifically related to the job functions of the classification for which the examination is being conducted.
- c. Field tests and/or performance tests specifically related to the job functions of the classification.
- d. Oral examination board or panel which conducts semi-structured interviews (pre-determined questions with follow-up questions when necessary).
- e. Individual oral interviews of similarly pre-determined semi-structured questions.

## **Appointments**

After completing the recruitment, qualification and examination process, vacancies will be filled by the most qualified internal or external applicant. Human Resources, along with the review panel and the hiring manager will analyze all examination information and select the most qualified final candidate based on the results of the examination process.

At the conclusion of the selection process, internal candidates who were not selected for the position may request a meeting with Human Resources to discuss how they might better prepare for future opportunities.

## **M. Performance Appraisals**

### **Frequency**

Management personnel are authorized to evaluate a subordinate's performance as often as they deem appropriate. Employee performance will be evaluated promptly after the first 90 days of the probationary period, and at least one (1) time each year during the focal review process.

A basic assumption of all employee appraisal systems is that the content reflected in the performance appraisal is a compilation of the employee's work history throughout the review period. Although written at a given point in time, the review should accurately reflect the achievements, challenges, projects, goals, changes in priorities, and difficulties encountered during the entire review period.

To fairly and accurately reflect the entire review period, frequent communication with employees and the ongoing documentation of behavior and events are essential tools for managers and supervisors. Relying on memory is not enough.

Along with capturing the development, growth, achievements, disappointments, and accolades an employee may have experienced during the review period, it is also important to note any verbal reprimand or more severe disciplinary action imposed during the review period, as well as any correction by the employee of the undesirable behavior that led to the reprimand or discipline. The documentation is needed should subsequent misconduct require a higher-level disciplinary response and to document corrective action taken by the employee.

Employees have the voluntary opportunity to provide written comments and self-assessment for inclusion in their performance appraisal. Although the District encourages employees to participate in this process, an employee's election not to provide written comments or self-assessment will not negatively reflect on the employee's work performance. Performance appraisals will be kept in the employee's personnel file, and a copy will be given to the employee.

### **Leadership Performance Appraisal Form Rating Guidelines**

Management employee evaluations will utilize the Leadership Performance Appraisal and/or other forms approved by the District. Ratings other than "Meets Job Standards" must be accompanied by validating comments in support of such a rating.

For example, an overall "Exceeds Job Standards" rating shall include one or more of the below criteria, and also require the employee to achieve the majority of their respective goals and objectives established in the previous performance appraisal period:

- Successful completion of a special task/project outside the scope of normal job duties
- Successful implementation of a new business process which results in significant efficiency and/or saves District funded resources
- Successful procurement of significant outside funding for the District or a District project
- Successful implementation of an initiative/plan/strategy that resulted in

significant savings to the District or its ratepayers

Although there is no mathematical calculation that can determine an overall performance rating as some performance-factors are more critical than others based on the employees actual job responsibilities, the overall rating should be informed by the entire content of the performance appraisal and the inclusion of the above guidelines.

### **Performance Improvement Plans (PIP)**

Special appraisals or Performance Improvement Plans (PIP) may be prepared to highlight the performance expectations for employees who are being coached through a PIP. PIPs are not a disciplinary action; the goal of a PIP is to focus on deficient performance and improve performance to acceptable standards. Expectations are that acceptable performance will be sustained long term. Failure to achieve or sustain acceptable performance, or violations that occur while on a PIP will be grounds for disciplinary action.

### **No Appeal**

An employee does not have the right to appeal their disagreement with a performance evaluation rating and/or a PIP. Instead, the employee may comment on the evaluation in a written statement which will then be placed with the evaluation in the employee's personnel file. A performance evaluation alone is not a disciplinary action.

### **Probationary Employee Assessment**

As the probationary period is the last step in the competitive recruitment process, the supervisor must assess whether or not the probationary employee has demonstrated competency in the requisite skills, knowledge, ability and character necessary to successfully attain "regular" status as an employee. At the end of the probationary period, the supervisor shall complete a written evaluation.

## **N. Employment of Relatives - Nepotism**

### **1. Definitions**

Nepotism is the direct or indirect hiring or supervision of one family member by another family member.

Family members include each employee's husband, wife, domestic partner as defined by Federal and State law, children, dependents, brothers, sisters,

parents, grandfathers, grandmothers, aunts, uncles, cousins, nieces and nephews and all “step” and “in-law” relations associated with any of these family relations.

Hiring includes any participation in the hiring process, including but not limited to, review of employment applications and related documents, determination of eligibility for employment, interviewing, testing, reference checking, review of medical testing results and review of probationary performance.

Supervision includes, but is not limited to, performance evaluation, coaching, training, day-to-day direction, promotion, discipline of any kind, employment termination for any reason, approving any type of leave and administering employment pursuant to the MOU, District policy and/or law.

## **2. Prohibition of Nepotism**

The District prohibits nepotism in the hiring and supervision processes at all levels of leadership from first-line supervisors to elected officials. The District will not hire an existing employee’s or elected official’s family member if it cannot reasonably ensure that there has not been nepotism in the hiring process and will not be nepotism in the supervision process. The District will transfer or reassign, and if transfer or reassignment is not possible, terminate the least senior employee who has a family member in the employee’s chain of command, unless the District and the family members reach a mutually acceptable alternative solution that eliminates the nepotism.

## **O. Contagious Temporary Illnesses**

The District realizes that employees with contagious temporary illnesses, such as influenza, colds and other viruses, may desire to continue with normal life activities, including working. In deciding whether an employee with an apparently short-term contagious illness may continue to work, the District considers several factors, including:

- The employee must be able to perform normal job duties and meet regular performance standards.
- In the judgment of management, the employee’s continued presence must pose no significant risk to the health of the employee, other employees and customers.

In the event that any of the above conditions are not met, the District can place an employee on PTO leave, or other type of leave of absence including leave

without pay if the employee does not have PTO or other paid leave available. If an employee disputes the District's determination, the employee must submit a statement from his or her attending health care provider that the employee's continued employment poses no significant risk to the employee, other employees or customers, in order to return to work.

Supervisors, managers, and Department Directors are encouraged to remind employees that the District provides PTO leave to cover absences due to contagious temporary illnesses. All employees are urged to contact Human Resources regarding any questions about the possible contagious nature of another employee's temporary illness.

## **P. Request for Reasonable Accommodation – Interactive Process**

### **Policy**

El Dorado Irrigation District provides equal employment opportunity and equal access to services, programs and activities for persons with disabilities. It is the policy of the District to provide employment-related reasonable accommodation to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

### **Procedure**

#### **1. Request for Accommodation**

An employee who desires a reasonable accommodation in order to perform essential job functions should make such a request to any one of the following: 1) supervisor, 2) manager, 3) Department Director and/or 4) the Human Resources Department. The request must identify: a) the job-related functions at issue; and b) the desired accommodation(s).

#### **2. Reasonable Documentation of Disability**

Following receipt of the request, the Human Resources Department may require additional information, such as reasonable documentation of the existence of a disability provided by a medical provider.

#### **3. Fitness for Duty Examination**

The District may require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job

with or without reasonable accommodation. The District may also require that a District-approved physician conduct the examination.

**4. Interactive Process Discussion**

After receipt of reasonable documentation of disability and/or a fitness for duty report, the District will arrange for a discussion, in person or via telephone conference call, with the employee, and his or her representative(s), if any. The purpose of the discussion is to work in good faith to fully discuss all feasible potential reasonable accommodations.

**5. Case-by-Case Determination**

The District determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The District will not provide accommodation(s) that would pose an undue hardship upon District finances or operations, or that would endanger the health or safety of the employee or others. The District will inform the employee of its decision as to reasonable accommodation(s) in writing.

**6. Disability Retirement; Government Code (GC) Section 21153**

If no reasonable accommodation(s) can be made, pursuant to GC Section 21153, the District shall file for a disability retirement on behalf of an eligible employee.

**Q. Lactation Accommodation Policy**

An employee may make a request for lactation accommodation, either orally or in writing, with the Human Resources Department. Following receipt of a request for lactation accommodation, the District will provide a timely written response to the employee in which the District will indicate if it is unable to provide the requested break time or a requested location for the purposes of expressing breast milk.

An employee who does not believe that the District is providing an appropriate lactation accommodation should immediately inform the Director of Human Resources. An employee who does not believe that the District is providing an appropriate lactation accommodation as required by state law has the right to file a complaint with the California Division of Labor Standards Enforcement/Labor Commissioner.

## **Lactation Breaks and Location**

Consistent with the Fair Labor and Standards Act (FLSA), the District will provide lactating employees with reasonable break time and a private location to express milk for one year following the birth of a child. Lactating employees may request and receive a reasonable amount of time during working hours to express milk for an employee's infant child. Employees must request a lactation break from their immediate supervisor or manager, once the break is approved, the break should not be interrupted except for emergency or exigent circumstances. The break time shall, if possible, run concurrently with any break time already provided to the employee.

An overtime-eligible employee who wishes to express breast milk for her infant child during her scheduled work hours will receive a reasonable amount of additional unpaid time beyond the 15-minute compensated rest period (Labor Code § 1030; 29 USC § 207(r)). Those desiring to take a lactation break must notify a supervisor prior to taking such a break. Breaks may be reasonably delayed if they would seriously disrupt operations (Labor Code § 1032). Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

The District will provide a reasonable amount of break time to accommodate any employee desiring to express breast milk for the employee's infant child each time the employee has a need to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee. If the employee takes lactation breaks at times other than their provided break times, then the lactation break shall be unpaid or the employee may choose to use accrued leave.

The District will provide a room or other appropriate location in close proximity to the employee's worksite that is not in a bathroom to express milk in private. The room or location will meet the following requirements:

- Be shielded from view and free from intrusion while being used to express milk;
- Be safe, clean, and free of hazardous materials;
- Contain a surface on which to place a breast pump and personal items;
- Contain a place to sit; and

- Have access to electricity needed to operate an electric or battery-powered breast pump.

An employee occupying such private area shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.

The District will provide access to a sink with running water and a refrigerator, or other cooling device, suitable for storing milk, in close proximity to the employee's work area.

### **Pregnancy Workers Fairness Act (PWFA)**

The District is committed to providing a fair, supportive, and inclusive workplace for all employees, including those who are pregnant, recovering from childbirth, or experiencing pregnancy-related medical conditions. In accordance with the Pregnancy Workers Fairness Act (PWFA), El Dorado Irrigation District will provide reasonable accommodations to employees affected by pregnancy, childbirth, or related medical conditions unless doing so would result in undue hardship to the company.

This policy applies to all employees who are affected by pregnancy, childbirth, or related medical conditions. This policy also applies to applicants for employment who may request accommodations.

**1. Reasonable Accommodations:** Employees affected by pregnancy, childbirth, or related medical conditions are entitled to request reasonable accommodations, which may include but are not limited to:

- More frequent or longer breaks
- Modified work schedules or shifts
- Assistance with manual labor or lifting
- Leave or time off for medical appointments or recovery from childbirth
- Any other adjustments that allow the employee to continue working without undue hardship

Employees who believe they require an accommodation should notify their supervisor or the Human Resource Department in writing. Human Resources will engage in an interactive process with the employee to identify possible accommodations.

## **2. Non-Discrimination and Non-Retaliation**

The District prohibits discrimination, harassment, or retaliation against any employee who requests an accommodation, participates in the interactive process, or asserts their rights under the Pregnancy Workers Fairness Act. Any employee who experiences discrimination or retaliation should report the incident to Human Resources immediately.

## **3. Accommodations**

Accommodations are typically temporary and will be reviewed periodically to ensure they remain necessary. Employees should inform the Human Resources Department if their condition changes so that accommodations can be adjusted accordingly.

## **4. Leave Entitlements**

Employees may be entitled to take pregnancy-related leave under federal, state, or local laws, including the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), or any other applicable leave policies.

If you have questions about this policy or need additional information about your rights or accommodations, please contact the Human Resources Department.

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## **IV. Standards for Business Conduct**

### **A. EMPLOYEE CODE OF CONDUCT**

The following general standards of conduct apply to all District employees:

**Our Commitment:** EID's commitment to integrity and high ethical standards must never be compromised.

**Cooperation and Confidentiality:** EID personnel are expected to report improper behavior they observe in the workplace to their supervisor without fear of retaliation.

**Discipline:** EID personnel engaging in improper workplace conduct (including retaliation) will be subject to disciplinary action.

**Discrimination/Harassment:** The workplace must be free from all forms of illegal discrimination and harassment and be accepting of a diverse workforce. EID personnel must immediately report improper harassment or discrimination in accordance with the District's established procedures.

**Workers' Health and Safety:** As a condition of employment with EID, each employee is responsible for maintaining a safe and healthy workplace for all employees. Violence and illegal drug and alcohol use during work time will not be tolerated.

**Environmental Protection:** EID personnel must be vigilant in ensuring our compliance with the environmental laws applicable to our agency.

**Commitment to our Customers:** EID will provide the services that meet the needs of its customers and comply with applicable laws pertaining to consumer protection and safety standards. EID will respond in a timely manner to customer's complaints.

**Proper Use of EID Property:** The property of EID, its customers and vendors must not be misused or used for personal benefit of an employee.

**Government Relations:** When dealing with government representatives and agencies, employees must be truthful and accurate in all statements they make.

**Media Relations:** Only EID's designated representatives should respond to media inquiries from the media, such as newspaper or television reporters.

**Acceptance of Gifts:** In the interest of holding to the highest standards of integrity and impartiality, employees shall not solicit favors or gifts from the public served by the District, or from persons who seek to sell goods or services to the District, or from other persons or corporations. Employees shall not accept gifts, except as authorized by the Political Reform Act.

## **Outside Business Activities and Employment:**

### **1. Outside Employment Restriction**

District employees will not engage in non-District employment of any kind which conflicts with their District employment. District employees who engage in non-District employment must notify the District to ensure that their outside employment does not present a conflict. Prior to engaging in non-District employment, the employee will provide written notice to the District's Director of Human Resources, describing: 1) the nature of the existing or proposed non-District employment; and 2) the anticipated schedule for the non-District employment. The Director of Human Resources, along with the employee's supervisor or manager and the District's legal counsel (together, "District Reviewers"), will evaluate whether the non-District employment conflicts with the employee's District employment.

The District Reviewers may find that an employee's non-District employment conflicts with the employee's District employment based on a number of objective factors including, but not limited to, conflict with District work schedule, conflict between the nature of the employee's District service and the non-District employment, and applicable California law such as the prohibitions under California Government Code section 1090 et. Seq. regarding financial interests in contracts. If District Reviewers find that an employee's non-District employment conflicts with District employment, the District will provide written notice of the conflict ("Preliminary Conflict Determination") to the employee within ten (10) work days of receiving the notice from the employee. The employee will be afforded an opportunity to respond to the Preliminary Conflict Determination in writing and/or orally at a due process meeting within ten (10) work days after receiving the Preliminary Conflict Determination. If, after the foregoing due process is afforded to the employee, the employee does not eliminate the conflict within thirty (30) days of receiving the District's Final Conflict Determination, then the employee will be subject to discipline.

### **2. Conflict of Interest**

Employees of the District will not perform any task for another party when the other party has a current or pending relationship with the District involving a contract permit, license, etc.

### **3. Unauthorized Use of District Equipment and/or Materials**

At no time will an employee utilize District equipment, materials or systems to perform non-EID work.

### **4. Scheduling Conflicts**

At no time will an employee arrange or accept outside work schedules which conflict with District needs or affect his/her work performance.

### **5. No Outside Employment when on Workers' Compensation**

An employee will not engage in outside employment while on workers' compensation leave status with the District. Under special circumstances of undue hardship, the General Manager may consider authorizing outside employment upon request.

## **B. Whistleblower Policy**

District Board of Directors, officers, management, and employees are required to observe and uphold high standards of professional and personal conduct and ethics while fulfilling their job duties. All employees and/or applicants of the District should promptly report actual or suspected occurrences of illegal or unethical behavior or workplace wrongdoing, and may do so without fear of retribution. Workplace wrongdoing may include, but is not limited to the following:

- Violation of any District policy;
- Violation of any local, state or federal law;
- Any instruction to violate or assist in violating any local, state, or federal law or regulations or any order to work outside the scope of job duties that would unreasonably threaten the health or safety of District employees or the public;
- Use of District property, authority, or resources for personal gain or other non-organization-related purpose; and
- Improper accounting or auditing matters.

## **Non-Confrontation**

Employees are not required to directly confront any persons who are the source of the wrongdoing, or who are closely associated with the person who is the source of the wrongdoing. Instead, employees may utilize any of the other safe avenues of internal complaints or other governmental regulatory agencies to report the wrongdoing. Employees are required to make a reasonable effort to bring forward any allegations of workplace wrongdoing so the District may promptly take appropriate corrective action(s) and prevent future occurrences.

## **False Allegations**

The District recognizes that making false accusations of workplace wrongdoing in bad faith can have serious consequences for those who are wrongly accused. To that end, the District prohibits deliberately making false and/or malicious allegations, as well as deliberately providing false or materially incomplete information during an investigation. An employee who violates this rule is subject to disciplinary action, up to and including termination.

## **Written Statements**

Any District employee or applicant for District employment will be entitled to file with the Director of Human Resources, under penalty of perjury, a written statement disclosing facts which may be deemed to constitute gross mismanagement or significant waste of funds, an abuse of authority, illegal practices and/or a substantial and specific danger to public health or safety. This statement must be filed within sixty (60) calendar days of the act or event which gave rise to the allegations. The complaint must include the following information:

- The name of the employee or applicant.
- Class title (if applicable).
- Department (if applicable).
- Mailing address of complainant.
- A clear statement of the complaint.
- The date upon which the event occurred giving rise to the complaint.
- The date of filing of the complaint.
- The signature of the complainant.

If an employee or applicant is complaining about the General Manager, the complaint should be directed to the General Counsel who will coordinate with the Board of Directors.

## **Department Director Review**

The Director of Human Resources will forward the complaint to the appropriate Department Director, with a copy to the General Manager. The Department Director will investigate the complaint, confer with the complainant in an attempt to solve the problem, and make a decision in writing. These steps will be completed within fourteen calendar days after receipt of the complaint by the Department Director. If the complaint involves the Department Director, or if the Director of Human Resources deems it appropriate, the complaint may be forwarded to the General Manager for review.

## **Administrative Review**

If the complainant is dissatisfied with the Department Director's written decision he or she will so advise the Director of Human Resources within seven calendar days after the Department Director's decision. The Director of Human Resources will forward the complaint to the General Manager, along with the other documents in the file. Within 21 calendar days after such notification, the General Manager will investigate the complaint, confer with the people affected and their representatives to the extent he or she deems necessary and render a decision in writing. The General Manager's decision will be final.

## **Conflict of Interest Check**

The District will make every effort to ensure that those named in a complaint, as well as those closely associated with those involved in the complaint, will not be part of the investigative team or efforts.

## **Third-Party Investigator**

Due to real or perceived conflicts of interest, such as a high-ranking official within the District being named as an alleged perpetrator of wrongdoing, the District may, at its discretion, utilize a neutral third-party investigator to address allegations of work-related wrongdoing and/or misconduct.

## **Confidentiality**

Nothing contained in this policy will be deemed to make any record public if the record is exempt from disclosure by any provision of the California Public Records Act or other California law.

## **Reprisals**

The General Manager will make all reasonable efforts to ensure that reprisals denoted in Government Code Section 53298 and 53298.5 are not undertaken against any person who files a complaint pursuant to this policy.

## **C. Business Attire**

The conduct, dress and appearance of employees are important to the success of both the employees and the District. Therefore, employees will be neat in appearance and dress, wear their District uniform during work hours, and conduct themselves in accordance with reasonable standards of behavior.

Employees will dress appropriately and consistent with the job site and location, job responsibilities, and safety issues or hazardous conditions that may exist.

Appropriate dress and hygiene promote a positive image to internal and external District customers. Failure to follow the dress regulations contained in this section shall be grounds for discipline.

1. All clothing must be neat, clean and in good repair.
2. Prescribed uniforms and safety equipment must be worn where applicable.
3. Footwear must be appropriate for the work environment and functions being performed; no bare feet, flip-flops, rubber beach thongs, or Birkenstock-type footwear.
4. Hair must be neat, clean and well groomed.
5. Beards, mustaches and sideburns must be maintained in a neat and well-groomed fashion.
6. Jewelry is acceptable except in areas where it constitutes a health or safety hazard.
7. Good personal hygiene is required.
8. Dress must be appropriate to the work setting, particularly if the employee deals with the public. Employees who conduct or attend meetings involving business professionals outside the District are expected to dress in business-professional attire.
9. Employees performing field duties, may wear golf shirts, polo shirts and/or tee shirts with District logos.

All employees are prohibited from wearing the following attire:

- spandex;
- pants or skirts worn below the waistline;
- shorts;
- sexually provocative clothing;
- clothing with profanity or vulgarity;
- nude or semi-nude pictures;
- clothing with graphics, lettering or commercial advertising; other than EID logo or incidental trademarks that identify the maker of the clothing;
- sexually suggestive slogans, cartoons, or drawings;
- the observable lack of undergarments or exposed undergarments;
- no denim, except on casual Friday, when appropriate for field work, or as otherwise authorized by the General Manager.

## **Office Environment**

The District observes a casual business dress code in the office environment Monday through Thursday. Friday has been designated as casual dress with the following restrictions:

- Denim allowed; no holes, no frayed hems
- No short pants above the knee
- Sport type tennis shoes allowed
- No halter tops, tank tops, crop tops, sweatshirts

## **Uniforms**

The District will provide uniforms and safety apparel on an as-needed basis depending upon the work to be performed per the requirements of the applicable MOU.

CalPERS regulation Section 571, subsection (a) (5) in Title 2 of the California Code of Regulations mandates the reporting of “special compensation”. The monetary value of uniforms, including those made “from specially designed protective fabrics” are part of this requirement.

Employees who elect to wear hats must utilize those issued by the District. A limited exception to this policy due to weather considerations is as follows;

Unadorned “beanies” in black, blue or a “safety” color with small manufacturer’s logos are acceptable. Unadorned wide brim hats in felt, canvas, straw, etc. are acceptable. All hats must be professional in appearance.

District issued uniforms serve as an official means of identification to the general public and District customers. Therefore, employees are subject to the following prohibitions while wearing District issued uniforms and/or gear with District insignia; includes any item with the EID logo (i.e., identification badges):

1. Participating in political activities;
2. Purchasing alcohol;
3. Consuming alcohol in public

## **D. Harassment/ Discrimination/ Retaliation Prevention Policy**

### **1. PURPOSE**

It is the District's intent and the purpose of this Policy to provide all employees, applicants, and contractors with an environment that is free from any form of discriminatory harassment, discrimination or retaliation as defined in this Policy. This Policy prohibits harassment or discrimination on the basis of any of the following protected classifications: an individual's race, including traits historically associated with race, including but not limited to, hair texture and protective hair styles, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, military or veteran status, marital status, pregnancy, age, medical condition and physical or mental disability (whether perceived or actual). It is also the policy of the District to provide a procedure for investigating alleged harassment, discrimination and retaliation in violation of this Policy. The protection from discrimination includes the protection from retaliation for having taken action either as a complainant, or for assisting a complainant in taking action, or for acting as a witness or advocate on behalf of an employee in a legal or other proceeding to obtain a remedy for a breach of this policy.

### **2. POLICY**

The District has zero tolerance for any conduct that violates this Policy. Conduct need not rise to the level of a violation of law in order to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. If you are in doubt as to whether or not any particular conduct may violate this Policy, do not engage in the conduct, and seek guidance from a supervisor or the Human Resources Director.

### **3. DEFINITIONS**

#### **a. Protected Classifications:**

This Policy prohibits harassment or discrimination because of an individual's protected classification(s). "Protected Classification" includes race, including traits historically associated with race, including but not limited to, hair texture and protective hair styles, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition and physical or mental disability (whether perceived or actual).

**b. Policy Coverage:**

This Policy prohibits the District's elected officials, officers, employees and contractors from harassing or discriminating against applicants, officers, officials, employees and contractors because: (1) of an individual's protected classification, (2) of the perception of an individual's protected classification, or (3) the individual associates with a person who has or is perceived to have a protected classification.

**c. Discrimination:**

This Policy prohibits treating individuals differently because of the individual's protected classification as defined by this Policy.

**d. Harassment:**

Harassment means unsolicited words or conduct which subjectively and objectively offend another person. Harassment includes, but is not limited to, the following examples of behavior:

**i. Verbal harassment**, such as epithets (nicknames and slang terms), derogatory or suggestive comments, propositioning, jokes or slurs, including graphic verbal commentaries about an individual's body, or that identify a person on the basis of his or her protected classification. Verbal harassment includes comments on appearance and stories that tend to disparage those having a protected classification.

**ii. Visual forms of harassment**, such as derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects, or emails that tend to disparage those having a protected classification.

**iii. Physical harassment**, such as assault, touching, impeding or blocking movement, grabbing, patting, leering, making express or implied job-related threats in return for submission to physical acts, mimicking, taunting, or any physical interference with normal work or movement.

**iv. Sexual harassment**, such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or any of the above described conduct when:

- Submission to the conduct is either an expressed or implied term or condition of an individual's employment, or
- Submission to or rejection of the conduct is used as the

basis for employment decisions affecting an individual, or

- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating or offensive work environment.

By definition, sexual harassment is not within the course and scope of an individual's employment with the District.

Employees participating in any District sanctioned activity whether off-site and/or after hours are subject to this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

#### **4. ROMANTIC AND SEXUAL RELATIONSHIPS BETWEEN SUPERVISORS AND SUBORDINATES**

Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. Therefore, employees are required to report any romantic or dating relationship between a management and subordinate employee to the Director of Human Resources.

#### **5. RETALIATION**

Retaliation against a person (and his or her associates) who reports or provides information about harassment or discrimination is strictly prohibited. Any act of retaliation violates this Policy and will result in appropriate disciplinary action. Examples of actions that might be retaliation against a complainant, witness or other participant in the complaint process include:

1. singling a person out for harsher treatment;
2. lowering a performance evaluation;
3. failing to hire, failing to promote, withholding pay increases, assigning more onerous work, abolishing a position, demotion or discharge; or

4. real or implied threats or intimidation to prevent an individual from reporting harassment or discrimination

Even well-intentioned attempts to insulate or protect a complainant by changing his or her work environment, schedule, duties or by transferring the complainant to another office may be retaliatory. A supervisor should consult with the Director of Human Resources before taking any action of this sort.

Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the harassment or discrimination complaint.

## **6. REPORTING HARASSMENT, DISCRIMINATION OR RETALIATION**

An applicant, employee, officer, elected official or contractor who feels he or she has been harassed, discriminated against or retaliated against in violation of this Policy should report the conduct immediately as outlined below so that the complaint can be resolved quickly and fairly.

All employees involved in the complaint process may be represented by a person of their choosing and at their own expense.

### **a. Object to the Conduct**

Sometimes an individual is unaware that his/her conduct is offensive. The offensive behavior may be eliminated by simply informing the offender that the conduct or language in question is unwelcome and offensive and request that it be discontinued immediately. A person who believes he/she is being harassed is encouraged to use this process. However, employees are not required to directly confront the person who is the source of a report, question, or complaint before notifying any of those individuals listed below. Nevertheless, employees are required to make a reasonable effort to make harassment, discrimination, or retaliation known should it exist.

When the conduct in question continues after the offending person has been informed it is offensive, or if a person does not feel comfortable talking to the offending person directly, the employee should make a report in accordance with subsection (b) below or go directly to the written reporting process.

### **b. Oral Report**

If a person who believes that this Policy has been violated does not want to confront the offending person, he/she should report the conduct to a supervisor, Department Director or any District management employee. The individual may also seek the advice, assistance or consultation of a supervisor, Department Director, or any District management employee. Any supervisory or management

employee who receives such a report must in turn direct it to the Director of Human Resources. The Director of Human Resources will determine what level of investigation and response is necessary.

**c. Written Process**

An individual who believes this Policy has been violated may provide a written complaint to a supervisor, Department Director or any management employee who in turn must direct the complaint to the Human Resources Department.

**d. Option to Report to Outside Administrative Agencies**

Applicants, employees, officers, officials and contractors have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Civil Rights Department (CRD).

**7. District's Response to Complaint of Harassment, Discrimination or Retaliation**

**a. Investigation**

Upon receipt of a complaint of alleged harassment, discrimination or retaliation, the Director of Human Resources will be responsible for coordinating a thorough investigation (unless he/she is named in the complaint). The Director of Human Resources may coordinate the investigation with the complainant's Department Director and may hire an outside investigator if the District deems appropriate.

The type of investigation undertaken, and the party chosen to conduct the investigation will depend on the nature of the complaint made and will be determined by the Director of Human Resources. The Director of Human Resources will report the status of investigations to the General Manager as appropriate.

The Director of Human Resources, in concurrence with the General Manager, may take interim action to diffuse volatile circumstances, such as placing the alleged perpetrator on paid administrative leave or temporarily transferring the alleged perpetrator. Generally, no interim action should be taken to change the complaining individual's working conditions unless the complaining individual voluntarily consents to the temporary change.

The investigator will review the complaint allegations in an objective manner and to the extent that the District deems necessary. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses that retaliation against those who report

alleged harassment or who participate in the investigation is prohibited.

The District takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether or not the recipient of the alleged action or a third party reports a potential violation.

**b. Remedial and Disciplinary Action**

If the investigation determines that the alleged conduct occurred and that the conduct violated this Policy, the District will notify the complainant and perpetrator of the general conclusion(s) of the investigation and take effective remedial action that is designed to end the violation(s). Any employee or officer determined to have violated this Policy will be subject to disciplinary action, up to and including termination. Disciplinary action may also be taken against any official, supervisor or manager who condones or ignores potential violations of this Policy, or who otherwise fails to take appropriate action to enforce this Policy. Any official or contractor found to have violated this Policy will be subject to appropriate sanctions.

**c. Closure**

At the conclusion of the investigation, the Director of Human Resources will notify the complainant in general terms of the outcome of the investigation.

**d. Confidentiality**

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate potential Policy violations and take effective remedial action. The District has a compelling interest in protecting the integrity of its investigations. The District may decide in some circumstances that a legitimate and substantial interest in the confidentiality of an investigation exist when it has determined that there exist good reason to believe that any of the following apply, 1) any investigation witness needs protection, 2) evidence is at risk of being destroyed, 3) testimony is at risk of being fabricated and/or 4) there is a need to prevent a cover-up. If the District imposes such a requirement and an individual who is interviewed during the course of an investigation does not maintain strict confidentiality and/or discusses the substance of the interview, except as otherwise directed by a supervisor or the Director of Human Resources, will be subject to discipline or other appropriate sanction. The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

## **8. Responsibilities of Employees, Management and Supervisory Employees**

### **a. Employees**

In order to establish and maintain a professional working environment, while at the same time preventing harassment, discrimination, and retaliation, employees are expected to:

- Set an example of acceptable conduct by not participating in or provoking behavior that violates this Policy. Try not to be angry or insulted if an individual tells you that your behavior is offensive. People have different ethical values and standards and may be offended by behavior you think is proper. Tell the individual you did not realize your behavior was offensive, and immediately cease the conduct.
- Let fellow employees know when you consider behavior offensive. The District hires people from a wide variety of cultural and ethnic backgrounds, and an individual may not realize behavior he or she thinks is proper could be seen by others as offensive.
- Report harassment, discrimination or retaliation as quickly as possible, whether the employee is the target of the conduct or a witness.
- If an employee witnesses harassment, he or she should tell the individual being harassed that the District has a policy prohibiting such behavior, and that he or she can demand that the harasser cease the behavior.
- Maintain confidentiality as required by this Policy.
- Fully cooperate with the District's investigation of complaints made under this Policy.

### **b. Managers and Supervisors**

In addition to the responsibilities listed above, managers and supervisors are responsible for the following:

- Implementing this Policy by taking all complaints seriously and modeling behavior that is consistent with this Policy. Direct all complaints to the Director of Human Resources.
- Taking positive steps to eliminate any form of harassment, discrimination or retaliation observed or brought to his/her attention.
- Making sure no Department Director, supervisor or other employee retaliates through any action of intimidation, restraint, coercion or discrimination.
- Monitoring the work environment and taking appropriate action to stop potential Policy violations.
- Following up with those who have complained to ensure the behavior complained of has ceased.
- Informing complainants of their option to contact the EEOC or DFEH regarding a potential Policy violation.

## **9. Mandatory Training**

As part of its commitment to ensuring a work environment free from harassment and discrimination, the District requires that all of its employees receive training on this Policy at least once every two years.

Human Resources will schedule multiple training sessions each year to ensure that employees are able to schedule the mandatory training. Attendance at the training will be documented.

## **E. Conflicts of Interest**

Employees are expected to devote their best efforts and attention to the performance of their jobs. They 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 interests 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 consultant, supplier, or customer. 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 for clarification. Additionally, the District has a conflict of interest code that requires employees in specified positions to fill out California Form 700, Statement of Economic Interests.

## **F. Personal Telephone Calls**

The District recognizes that employees will occasionally need to place and receive personal telephone calls during the workday, within the local calling area. In all cases personal calls should be minimal, brief, to the point, and conducted during breaks or lunch, whether the calls are placed or received using company non-cellular desktop phones or personal phones. Personal long distance toll calls are not permitted on District phones. Receiving and placing excessive personal calls is disruptive to others. Therefore, abuse is subject to disciplinary action.

District-owned cell phone and smart phone use is more restrictive and governed by Administrative Regulations 2014 and 2015.

## **G. Electronic Media**

This policy pertains to the use of electronic media by District employees. Electronic media is defined as, but not limited to, computers (including desktop or laptop workstations, smart phones, servers), computer peripherals (including monitors, printers, scanners), electronic connections (including phone calls, radio transmissions, instant messages, chat), computer software (including executable programs, databases, and files), voice mail, electronic mail (email), Internet access (including the World Wide Web and on-line information services), Intranet access (including SharePoint), electronic facsimile (fax) files (including document images), copiers, and any other electronic type of equipment that the District deems as electronic media.

All new employees are required to agree in writing to comply with this policy prior to beginning work at EID (please also refer to the “Electronic Media Usage Policy and Guidelines”).

### **Business Purposes**

Electronic media, as outlined in the scope above, are provided for the use of District employees for business-related purposes and as such do not offer privacy protections that one might expect from a personal system. The purpose of electronic media is to provide a work-related communication channel between individuals and groups, and to promote effective and efficient use of time and resources in order to carry out the business of the District. Employees are expected to utilize the District’s electronic media with the same degree of respect, professionalism, and courtesy as is expected of personal face-to-face interactions.

### **Limited Personal Use, as Authorized**

Reasonable and limited personal use is allowed at the sole discretion of the District, provided that the use does not have any impact upon other District employees or operations, allows the employee to more efficiently perform District work, and is not abusive, illegal or inappropriate. Use of electronic media for personal reasons will be kept to a minimum. Such use will be brief, to the point, and normally conducted during breaks or lunch, or as otherwise specifically authorized by the Department Director. For specific restrictions on cell phone personal use, refer to Administrative Regulations 2014 and 2015.

## **References to the District in Personal or Social Media**

The District recognizes that employees may, outside and exclusive of work activities, establish and maintain personal web pages or other Internet addresses. All users are prohibited from the use or dissemination of any District materials including the District logo or image in the use and maintenance of any personal web page or Internet address unless directly related to approved District business and approved by the General Manager.

Individuals may not state or imply in personal or social media that they speak on behalf of the District and may not use District logos and documents without authorization to do so. Affiliation with the District does not, by itself, imply authorization to speak on behalf of the District.

## **Right to Search and Monitor**

Human Resources, supervisors, managers, Department Directors, as well as computer support personnel, as authorized by the Department Director and Director of Human Resources, reserve the right to enter, search and monitor the computer files, voice mail, email, encrypted files, or any type of electronic file of any employee without advance notice. Justification for such actions may include system maintenance or quality control, monitoring work flow or productivity, and investigating theft, disclosure of confidential business or proprietary information, or personal abuse of the system. Email, instant messaging, and voice mail messages are District property and intended for District business. Therefore, District employees will have no right or expectation of privacy in any email or voice mail message in the District's communication systems, or any instant messages in the system of providers with whom the District contracts.

## **Electronic Mail Management and Retention**

The District provides electronic mail ("e-mail") to its employees to facilitate the conduct of District business. In return for providing e-mail, the District expects its employees to manage and protect records resulting from their e-mail communications. This policy describes the responsibilities of all District employees concerning the creation, removal, storage, and retention of e-mails.

District e-mail and e-mail systems are intended solely as a means of communicating information. No District e-mail user is authorized to use the District e-mail system for the long-term storage and maintenance of District records. To ensure the District e-mail system functions as intended, it is imperative that all District employees and e-mail users regularly delete e-mails from the system as provided in this policy.

This policy supplements and is intended to be carried out in concert with the District's Records Retention Schedule ("Records Schedule"). While not all e-mail communications are District records, all e-mail communications are subject to discovery and can be used as electronic evidence in the event of litigation. Unmanaged and unidentified e-mails residing on District computers could create expensive and unmanageable problems in the event of litigation and pose a threat to District's ability to properly and coherently document and reconstruct business and decision-making processes.

The following items detail specific features of the District's computer network and related hardware and software that comprise the District e-mail system:

1. The District performs an electronic back-up of its computer network, including the e-mail system, following each business day. Those back-ups are an electronic recording of the status of District's computer systems at a particular moment in time and cannot accurately capture or reflect all e-mail or other activity that occurred on the District's computer network on a specific day. For example, a back-up does not capture items on employees' physical computer desktop or in their non-network drives.
2. The District maintains a particular computer system back-up for no more than two weeks, after which that back-up is completely overwritten. Such overwriting is necessary for management and security reasons and to aid the recovery of the computer system in case of a complete failure. Because the process is transitory, a back-up is not reliable and cannot constitute District records.
3. The District maintains an e-mail filtering system that is intended to reduce SPAM, Phishing, viruses, and other unwanted cyber-security threats from entering the District's network. District employees are responsible for promptly reviewing summary e-mail lists from the e-mail filter to determine if valid e-mails were captured by the filter and to delete unwanted, unknown or potentially threatening e-mails. The e-mail filtering system automatically and permanently deletes filtered e-mail after a set time period.
4. The District maintains an e-mail removal system that is intended to automatically dispose of e-mail messages that are unwanted or no longer relevant. District employees are responsible for promptly reviewing incoming, draft, and sent e-mail to determine and segregate for separate handling those that constitute District records, to delete unwanted, unknown or potentially threatening e-mails, and to

delete or allow the removal of all other e-mails. The e-mail removal system automatically and permanently deletes e-mail after a set time period depending upon the folder location of the e-mail message.

## **Scope**

Some e-mail communications constitute District records. Therefore, e-mails also may be governed by the District's Records Schedule depending on their use, character, and contents. In general, e-mail communications fall into three categories:

1. E-mails (including attachments) that document official District business, which include conducting a business transaction with a vendor or consultant, interacting with regulatory agencies, responding to a public information request, and directing employees or consultants are District records and are subject to the District's Records Schedule. The employee who receives or sends an e-mail that is a District record is responsible for promptly transferring the record to a paper or electronic medium, as appropriate, and then filing it and retaining it in accordance with the Records Schedule.
2. E-mails (including attachments) that provide specific information, document an event or communication that serves a transitory official purpose, or involve informal communications - such as announcing the date and time of a meeting or event, responding to professional "list serves" an employee participates in, or circulating draft documents - are not considered District records. Typically, this type of e-mail serves its purpose once it is read, responded to, or superseded and there is no need to retain it. Occasionally the employee who sends or receives this type of e-mail needs to intentionally save the e-mail for a limited period of time for informational or official purposes. When this need arises, the employee may place the e-mail into a user-defined folder where the e-mail message can be retained for up to 2 years. If an employee believes that any e-mail of this type constitutes a District record, such an e-mail or attachment should be promptly transferred to a paper or electronic medium, as appropriate, and then filed and retained in accordance with the Records Schedule. If an employee is unsure about whether or not an e-mail that falls into this category constitutes a District record, the employee should put it into a user-defined folder to safeguard the e-mail until a final determination can be made and appropriate action taken.
3. E-mails (including attachments) providing personal or general information - such as personal messages, informal communications between employees, meeting or event announcements and reminders, linking to news articles, and working notes and drafts (unless intentionally saved for an official purpose) are not District records. This type of e-mail serves its purpose once it is read,

responded to, or superseded and the employee shall promptly delete it or allow it to be removed automatically.

The District's Information Technology staff shall administer this regulation, with oversight and ultimate authority over the regulation exercised by the General Manager.

### **E-mail Retention and Removal**

Each District employee is expected to review their e-mail messages at least once each business day under normal circumstances. If an employee will be away from work or unable to review their e-mail, they must notify e-mail senders with an out of office alert or make other provisions to ensure that e-mail is reviewed promptly. Additionally, each District employee is expected to appropriately manage their e-mail messages on a regular basis. E-mail management at least weekly is encouraged as a best practice.

Any e-mail communications (including attachments) that constitute District records must be saved as a paper or electronic document in accordance with the District's Records Schedule. Each District employee is responsible for complying with this policy with respect to the e-mails they send or receive. If an employee has any question or concern about retaining an e-mail or attachment or other issues of compliance with this regulation, they should discuss the issue with the Information Technology or Records Management staff, as appropriate. If deemed necessary, the Records Management or Information Technology staff may consult with the General Manager and legal counsel about any e-mail retention or removal issue.

E-mail (including attachments) contained in an employee's electronic mailbox within the District e-mail system will be automatically and permanently deleted from the following folders or their sub-folders when the date and time stamp of the e-mail exceeds the identified age:

<b>Folder</b>	<b>Automatic e-mail removal after</b>
Deleted items folder	30 days
Junk e-mail folder	30 days
Inbox	90 days
Sent items folder	90 days
Drafts folder	90 days
Employee-defined folder	2 years

Therefore, e-mails that have continuing business value to District or one of its employees or officers or are otherwise deemed District records under this policy must be stored on an employee-defined e-mail folder in the short or intermediate term, or stored long-term on an appropriate paper or electronic medium for the duration prescribed by the District Records Schedule.

Whenever feasible, e-mail messages should be filed with other District records concerning the same subject matter or program to ensure that such e-mails are preserved, stored and disposed of in the same manner as like records. If an e-mail does not relate obviously or directly to an existing District subject file or program, an employee should either request that a new records retention category be created or file the e-mail with correspondence.

These rules also apply to any attachments to e-mails, which should be handled in the same manner as described above.

District employees and officers are prohibited from keeping any District-related documents or e-mails on e-mail systems, electronic devices, storage media, or storage services that are not provided by the District nor that are not expressly authorized by the District for this purpose. In addition, employees shall not retain District records or e-mails in alternate locations for the intent or purpose of circumventing the District's Records Schedule or Electronic Mail Management and Retention policies.

It is the responsibility of each District employee to comply with this policy and to manage their e-mails in accordance with it. All employee use of e-mail, including personal use, is subject to District's E-mail/Internet/Computer Use policies provided in the Employee Handbook, as such policies may be amended or restated from time to time. In accordance with those E-mail / Internet / Computer Use policies, the District reserves the right at any time to review employees' e-mail boxes and to purge any e-mails retained there in violation of this policy.

### **Facsimiles, Photocopies, and Scanned Documents**

Electronic files of facsimiles (fax's), photocopies, and scanned documents sent, received, and/or stored using District equipment should be considered District property and may be subject to search for such reasons as stated above.

### **Computers, Computer Software, Laptops and Computer Files**

The District's computers, software and files stored on the computer or network are District property. Therefore, these devices may be subject to search for reasons stated above. In addition, all software that resides on any of the District's

computers must be appropriately licensed and is considered the property of the District.

### **Software Installations**

No employee will install software on any District computer without first receiving permission from authorized department technical staff

### **No Hardware Tampering**

No employee will alter or tamper with any District computer or interfere with its operation. All hardware failures will be immediately reported to the departmental computer specialist. Personnel will not attempt hardware repair unless directed so by the departmental technical staff.

### **No Security Tampering**

No employee will attempt to disable or circumvent security mechanisms or access restrictions, or uncover loopholes, or circumvent information/data protection in order to gain unauthorized access.

### **General Allowable Uses of Electronic Media**

Allowable uses of electronic media for business purposes include the following:

- To facilitate performance of job functions.
- To facilitate communication of information within the District.
- To coordinate meeting of individuals, locations and resources of the District.
- To communicate with outside organizations as required to perform an employee's job function.

### **General Prohibited Uses of Electronic Media**

Prohibited uses of electronic media include, but are not limited to, the following:

- Earphones/headsets, other than during employee break periods, or for business purposes;
- Illegal or impermissible activities or content in violation of District policies, regulations, or state and/or federal law;
- Committing fraud or stealing data, or equipment;
- Using the network for an illegal activity, including violation of copyright, license agreements and other contracts;

- Exposing others, either intentionally or unintentionally, to material which is offensive, obscene or in poor taste;
- Any use that would be offensive to a reasonable person because it involves an individual's race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnic or national origin, ancestry, citizenship status, uniformed service member status, marital status, family relationship, pregnancy, age, medical condition (cancer or HIV/AIDS related), genetic characteristics, and physical or mental disability (whether perceived or actual);
- Communication of confidential District information to unauthorized individuals within or outside the District;
- Threatening messages;
- Political endorsements;
- Commercial activities;
- Intentionally disrupting network traffic or crashing the network and connected systems (for example: sabotage, intentionally introducing a computer virus);
- Unauthorized access to District data, District systems or others' files with no substantial business purpose, or vandalizing the data of another user;
- Intentionally misrepresenting one's identity for improper or illegal acts;
- The use of "broadcast" or "distribution" e-mails for any purpose except as authorized official business, public and District purposes;
- Personal matters except as described above;
- Other notices or communication that are not business-related;
- Downloading, streaming or storing electronic media that are not business-related (for example music, videos, messages, or games)

## **Violation of Policy**

Concerns and/or violation of this policy should be reported to the Human Resources Director upon such knowledge and/or reasonable suspicion. Violation of this policy will be investigated and may result in disciplinary action, up to and including termination.

## **Clarification**

If an employee is unsure of what constitutes authorized use of electronic media in his or her department, he or she should ask the supervisor, manager, Department Director, or the Director Human Resources.

## **H. Workplace Gambling**

The District prohibits all forms of gambling in the workplace, except sanctioned pools, raffles, friendly wagers or District-sponsored events supporting a cause.

Employees are required to seek approval prior to engaging in any gambling activities. All inquiries should be directed to the Director of Human Resources for approval. Failure to comply with this policy may result in disciplinary action, including possible termination.

## **I. Solicitation, Distribution, and Posting**

The District prohibits the solicitation, distribution and posting of materials on or at District property by any employee or non-employee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by District management and District-sponsored programs related to District products and services.

### **Procedures**

Non-employees may not solicit employees or distribute non-work related literature on District's premises at any time. Employees may only admit non-employees to work areas with management approval or as part of a District-sponsored program. These visits should not disrupt workflow. All visitors must sign in and wear a visitor's badge while visiting District facilities. The District employee must accompany the non-employee at all times. Former employees are not permitted onto District property, unless escorted by a District employee.

Employees may not solicit other employees during work times, except in connection with a District-approved or sponsored event. Employees may not distribute non-work related literature during work times, in any work area at any time, or in connection with a District-sponsored event.

The posting of materials, including flyers in cubicles, bulletin boards, and office doors, or electronic announcements is not permitted unless pertaining to charitable event, community support or Association business as described in the MOU.

## **J. Loss or Suspension/Restriction of Driver's License**

This policy specifically addresses employees who occupy positions that require a valid driver's license and/or special driving certification (commercial driver's license) as a condition of employment, and where alternative forms of transportation are not feasible. Employees covered under this policy will be

enrolled in the District's Employer Pull Notice (EPN) program. In the event that an employee has been convicted of a violation of statutes that affects his or her driver's license or who has his or her driving privileges suspended, revoked or barred for violating such statutes, including but not limited to, operating a vehicle while intoxicated, vehicular homicide or habitual violation, or for medical reasons, the District may at its discretion modify the employee's job duties and responsibilities pending conclusion of the license proceeding or District investigation and/or until the employee's license is restored. The suspension of driving privileges shall take effect upon the District's receipt of notice of the employee's loss of driving privileges.

### **Termination of Employment for Failure to Maintain a Driver's License**

After the exhaustion of all administrative contested case proceedings before the licensing agency, an employee whose job classification or position requires the possession and maintenance of a driver's license and/or any required special driving certification in order to perform the essential functions of the job and who subsequently has his or her license revoked, rescinded, suspended or the renewal denied, is subject to disciplinary action, up to and including termination of employment for failure to maintain the necessary qualification required for that position.

### **K. Recording Devices in the Workplace**

The District prohibits employee possession or use of cameras, tape recorders or other recording devices in the non-public portions of the workplace for any non-business purpose. An employee may possess a cell phone with a built-in camera on District property so long as the device is not used for non-business recording.

#### **Procedures**

- Employees are prohibited from bringing cameras or other video or audio recording devices, other than District equipment issued to them in the course of business, into the non-public portions of the workplace unless specific advance written authorization has been obtained from their Department Director.
- Authorization may be granted when a specific business purpose will be served by the possession or use of such a device and when its use will not violate employee privacy. In such a case, all parties to the meeting or conversation that is to be recorded must be informed at its outset that it will

be monitored, transcribed, intercepted, or recorded, and they must expressly consent to such actions prior to the meeting or conversation. The District does not consent to tape recording of any meetings or discussions without prior authorization as discussed above.

- Authorization may be revoked at any time for any reason. In such cases employees will be given a reasonable opportunity to remove the equipment from the premises.
- Employees are also prohibited from arranging for others, including non-employees, to engage in any recording of conversations, phone calls or other activities in the workplace.

## **L. Political Activity**

The District prohibits:

- Employees and officers from engaging in political activities during work hours;
- Political campaigning in District buildings or on premises adjacent to District buildings; and
- An employee or officer from using his or her office to coerce or intimidate public employees to promote, propose, oppose, or contribute to any political cause or candidate.

## **Examples of Prohibited Conduct**

- Participating in political activities while in uniform;
- Participating in political activities during working hours except while on break or approved leave;
- Participating in political activities in non-public areas of District worksites;
- Placing or distributing political communications on District property, including bulletin boards and work spaces;
- Using District equipment to make political communications;
- Soliciting a political contribution from an officer or employee of the District, or from a person on a District employment list, with knowledge that the person from whom the contribution is solicited is a District officer or employee;
- Favoring or discriminating against any employee because of political opinions or affiliations;
- Interfering with any election; or attempting to trade job benefits for votes

## **Examples of Permitted Conduct**

- Expressing opinions on all political subjects or candidates;
- Becoming a candidate for any local, state, or national election;
- Contributing to political campaigns;
- Joining and participating in the activities of political organizations;
- Requesting, during off-duty time, political contributions, through the mail or other means, from District officers or employees if the solicitation is part of a solicitation made to a significant segment of the public which may include District officers or employees;
- Soliciting or receiving, during off-duty time, political contributions from a District employee organization if the funds, when collected, were not earmarked for a clearly identifiable candidate for a federal, state or local office; or
- Soliciting or receiving, during off-duty time, political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of District officers or employees.

## **M. Management and Employee Relations**

Persons employed by the District other than contract employees, confidential non-represented, administrative exempt, confidential temporary and some professional employees are represented by an Association under an MOU.

MOU's are jointly prepared by designated representatives of the District and the respective associations to define the relationship between the District and the associations and to establish conditions of employment for members of the bargaining units. Copies of the current MOU's are available from Human Resources or the EIDMSA or EIDEA upon request. MOUs are also available on the District's webpage.

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## **V. Compensation**

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### **A. Salary on Initial Hire**

Step 1 shall normally be paid upon initial employment. In cases where an employee possesses exceptional qualifications or there have been recruitment or retention difficulties for the classification, the General Manager may authorize appointment above Step 1.

### **B. Salary Step Plan**

The Human Resources Department is responsible for maintaining the current salary step plan. Each salary range consists of (5) five steps, Steps 1 through 5. The salary at each step shall be five percent (5%) higher than the immediately preceding step. Changes made to a compensation range will be implemented by adjusting the top step of the salary range. The new range shall be adjusted to maintain the five percent (5%) difference between steps.

Represented employees will receive step increases based on their respective MOU currently in effect. Newly hired employees will receive a pro-rated increase during their first appraisal year, based on the following factors:

- If hired November through July new hires will be eligible for a pro-rata share of an increase based upon the following formula:  
**% of increase ÷ 12 x # of months of service** (one month's credited service for any portion of month worked)
- If hired August through October new hires will be eligible for an increase November of the following year (15 months maximum). No pro-rata increase available during the first 90 days of service.

Non-represented employees may receive an annual increase based upon a variable range between 0-10%, that is tied to the performance appraisal rating. An employee who is already at or "Y" rated above the top step for the employee's classification or receives a disciplinary unpaid suspension, disciplinary reduction in pay and/or disciplinary demotion during that one-year appraisal period is not eligible for an annual salary increase.

A one-time annual payment may be granted with the approval of the General Manager to non-represented employees who "Exceed Job Standards", and are at or "Y" rated above the top step.

Article 5 of the EIDMSA MOU governs one-time performance payment eligibility for its represented employees.

### **C. Overtime**

Overtime is authorized work time in excess of the non-exempt employee's regular work schedule and is compensated at the rate as described below and/or required by the Fair Labor Standards Act (FLSA), which is usually one and one-half the employee's regular rate of pay. Overtime shall be paid in fifteen (15) minute increments.

Overtime must be approved in advance by the General Manager or one of the General Manager's designees unless approval is not practicable due to the operational requirements of the District. An employee who works overtime without authorization is subject to disciplinary action.

The District will try to distribute overtime opportunities in an equitable manner for eligible employees. Unless otherwise stated in the applicable MOU, non-exempt employees working the standard work schedule shall be compensated at the overtime rate of one and one-half times their regular rate of pay for all hours worked in excess of eight (8) in a work day and/or in excess of forty (40) in a workweek. Non-exempt employees who work this standard work schedule shall be compensated at two times their regular rate of pay for all hours worked in excess of twelve (12) in a work day.

Only actual hours worked shall be counted toward the eight (8) hours in a work day or forty (40) hours in a workweek threshold for purposes of calculating FLSA overtime pay. No overtime shall be recorded or reported for less than eight (8) minutes of work. If and to the extent there is a conflict between these provisions relating to the administration of overtime pay and the provisions contained within an applicable MOU, then the applicable MOU shall supersede and be controlling.

### **D. Payday**

The District shall date and issue paychecks every other Friday. However, when the Friday payday falls on a recognized holiday, the paycheck shall be dated and issued on the immediately preceding business day. The District shall offer (but not require) direct deposits of paychecks. Paychecks shall be issued no later than one week following completion of the pay period.

## **Payroll Advance**

The District recognizes that special circumstances may occasionally arise in which an employee may need a payroll advance.

The following requirements must be met in order to receive a payroll advance:

- A request for an advance must be signed by the employee, supervisor and Human Resources for approval.
- No more than 50% of an employee's gross pay for one pay period may be advanced.
- Advances are limited to four in any calendar year.
- Advances must be paid off on the next pay check. No amounts may be carried forward to a succeeding pay period.
- Percent amount which may be advanced:

<b><u># of Days Worked</u></b>	<b><u>Maximum % of Gross Pay</u></b>
1	10%
2	20%
3	30%
4	40%
5	50%

## **E. Hours of Work**

All employees will work a designated work schedule as described in this Article subject to the requirements of the FLSA. The FLSA work period for employees is a consecutive seven day period beginning at 12:00 am each Saturday and ends at 11:59pm the following Friday, except as otherwise designated by an applicable MOU, or as otherwise designated for employees on a flexible schedule.

A workday is defined as a period of 24 hours from 12:00 am to 11:59 pm.

## **Unpaid Meal Period**

Except for employees working on the Alternative 12-hour Shift Plan or the Twenty-Four Hour Plant Coverage schedule, shall be provided with an unpaid meal period during each workday, during which time the employee shall be completely relieved of duty. The duration of the unpaid meal period shall be either thirty (30) minutes or one (1) hour, with supervisor's approval.

Non-exempt employees who are not completely relieved of duty or who perform actual work during their meal period will have their meal period counted as hours worked. The meal period shall be scheduled approximately midway through the workday.

Employees working the 12-hour Shift Plan shall be provided with two (2) paid meal periods of thirty (30) minutes each.

### **Paid Rest Period**

In addition to the unpaid meal period described in “Unpaid Meal Period” section (above), employees shall be provided with one (1) paid rest period of fifteen (15) minutes in length for each four (4) hours of work or major fractions thereof. The rest period begins when the employee reaches an area away from the work station that is appropriate for rest. Authorized rest period time shall be counted as hours worked for which there shall be no deduction from wages. The District shall not count periods of less than fifteen (15) minutes (such as short restroom breaks, for example) as rest periods meeting the requirements of this Section. If the District fails to provide a non-exempt employee a rest period in accordance with this Section, the District shall pay the employee one (1) hour at the employee’s regular rate of pay for each workday that one or more rest periods is not provided.

Meal periods or paid rest periods shall not be taken in the first hour or the last hour of a work shift, and they may not be accumulated for later use. Rest periods may not be added to meal periods or subtracted from work time at the beginning or end of the shift.

As a general rule, employees assigned daily to field work should bring the appropriate items needed with them each day. Normally, EID vehicles are not to be used for transportation to purchase personal items during an unpaid meal period or a paid rest period. Occasional limited use while *en route* between jobs may be approved by the Supervisor, to stop and purchase food.

### **Donning and Doffing**

Wastewater employees are required to remove soiled uniforms at the end of their workday, and leave them at work. The “doffing” time is considered paid time worked. However, because clean uniforms are provided and may be taken home, changing (donning) into clean uniforms, whether at home or at work (at the discretion of the employee), is NOT considered time worked and will not be paid. Employees are expected to begin their work, in uniform, at the designated start time. The donning and doffing of wastewater work boot uniform is considered

time worked since they may not be worn home. Supervisors shall allow time to don boots at the start of the shift.

## **F. Travel between Facility and Job Site**

Employees shall report for work at their regularly established District facility and shall return there at the conclusion of the day's work and the time spent in traveling between such facilities and the job site shall be considered as time worked.

## **G. Timesheets**

Each employee must accurately complete timesheet entries via KRONOS and approve a timesheet and submit it to his or her supervisor no later than the last business day of the payroll period. Employees must accurately report and/or record all hours worked and must never work off-the-clock without compensation.

Exempt employees work on a salaried basis and are therefore expected to work as many hours as necessary to complete their duties. Exempt employees will record actual hours worked on their timesheet. Except on recognized holidays, exempt employees shall not be required to use PTO or other accrued leave hours for partial day absences.

## **H. Exempt Employees**

### **Prohibited Deductions**

Notwithstanding any other provision in these Policies, the District will not impose a disciplinary suspension on an FLSA-exempt employee unless:

- The discipline is for a violation of a workplace conduct rule.
- The discipline is imposed in good faith.

### **Complaint Procedure**

An FLSA-exempt employee who believes his or her salary has been subject to a prohibited deduction should notify the Director of Human Resources who will investigate the matter as necessary.

## **I. Out-of-Class Pay**

### **Lower Classification**

When the District temporarily assigns an employee to work in a classification having a lower pay range, the employee's rate of pay shall not be reduced, unless agreed upon between the District and the Association for represented employees.

### **Higher Classification (Temporary Upgrade Pay)**

When the District formally assigns an employee to work three (3) or more consecutive days on a temporary basis to perform at least fifty percent (50%) of assigned duties in a classification having a higher pay range, the employee shall receive either Step 1 of the higher pay range or five percent (5%) above the employee's current pay (Out Of Class/Temporary Upgrade Pay), whichever is greater, but not to exceed the maximum of the range established for the higher classification. The District shall not divide the higher-level duties among two or more employees for the sole reason of avoiding compensation for temporary work in a higher classification.

If an employee in a non-exempt job classification is temporarily working out-of-class in an exempt job classification for greater than 30 days, they will no longer be eligible for overtime while in the temporary exempt job classification, however, they will be eligible for pro-rated exempt administrative leave during the out-of-class assignment.

If and to the extent there is a conflict between these provisions relating to the administration of out-of-class/temporary upgrade pay and the provisions contained within an applicable MOU, then the applicable MOU shall supersede and be controlling.

Out-of-Class/Temporary Upgrade compensation is subject to the applicable sections under the Public Employees' Retirement Law (PERL), California Code of Regulations and Government Code.

## **J. Stand-by**

### **Definition**

Standby is off-duty time during which the non-exempt employee has no work obligations except that the employee must be reasonably available to respond to a request to return to work.

Standby is fully defined and described in Article 5 of the MOU. If and to the extent there is a conflict between the below provisions relating to the administration of Standby and the provisions contained within the MOU, then the applicable MOU shall supersede and be controlling.

## **Process**

The District may periodically notify employees in writing that they will be in a standby status during specific off-duty times. The District shall assign standby duty by job classification approximately equally among employees qualified to perform the standby assignment. The District shall provide a District vehicle for transportation between home and work when an employee is on standby status. Employees in the following classification specifications are **required** to drive their District standby vehicle home, when on primary standby duty:

- Construction and Maintenance Worker series
- Distribution Operator series,

The District understands during the duration of standby, employees may have a need to perform limited incidental personal business using the District vehicle. Examples of limited allowable use are:

- Stopping after work at the store to pick up a few grocery items (no alcohol)
- Attending your child's after-hours or weekend event
- Participating in your own scheduled event that does not delay response time to a call or alarm

Employees in other classification specifications, who have been approved by their supervisor to drive their personal vehicles while on District business, and where response time if on standby will not be impacted, must adhere to applicable rules regarding vehicle use for business travel.

Employees may trade or transfer standby status. The employee trading or transferring standby status must provide written notice to and receive approval from the employee's supervisor at least twenty-four (24) hours before the standby period begins.

## **Communication**

Each employee on standby must provide the employee's supervisor with a convenient means, preferably a mobile telephone number, to contact the employee during the standby period. During a standby period, each employee shall answer their contact number, page or alarm within 15 minutes of notification

and will report to work within one (1) hour of a District request to report for duty, or within a reasonable time measured by their base location. Employees who cannot be contacted, are not able to safely and competently perform their job duties and/or fail to report to work when requested during the standby period will not receive standby pay and may be subject to disciplinary action.

All standby employees whose job duties require Internet connectivity or the use of a District laptop and air card must provide and utilize, at their sole expense, a functionally reliable personal Internet connection or District-provided reliable air card with a District-provided laptop to facilitate District stand-by business.

Reliable connectivity via an air card or personal Internet connection will be deemed a requirement for those employees within all class specifications having duties requiring this function.

The District may assign supervisory employees to stand-by duty after regular working hours on a full week basis as part of their normal job duties.

### **Standby Pay**

Standby pay shall be \$4.55 per hour (Standby Pay). Excluding employee-initiated trades described in Article 5.B of the MOU, employees who serve additional standby shifts, defined as more than seven (7) total shifts within a four-week (28-day) period, shall be paid \$6.83 per hour (Additional Standby Pay) for standby duty commencing on the eighth shift and for each additional shift through the end of the four-week (28-day) period. The four-week periods shall commence on the first day of the first full pay period after the effective date of the MOU (January 11, 2025). All subsequent four-week periods shall coincide with the District's pay periods.

### **Nighttime SCADA Alarm Response Pay**

Employees who are assigned to remotely monitor and respond to District SCADA alarms during overnight hours will receive an additional \$25 (Nighttime SCADA Alarm Response Pay) for each night of the standby period. Employees assigned to standby but who are not assigned to remotely monitor the District's SCADA alarms during overnight hours are not eligible for this additional pay. Nighttime SCADA Alarm Response Pay does not apply to twenty-four hour plant coverage alternative work schedules.

### **K. Expense Reimbursement**

The District reimburses employees for reasonable business expenses. Expense reimbursement is governed by District Administrative Regulation.

## **L. Vehicle Use for Business Travel**

The use of District vehicles is preferred as a means of business travel. However, employees who use their personal automobiles while conducting District business will receive reimbursement for mileage, parking, tolls and related travel expenses. The District does not pay expenses for traffic tickets or any violations. The District recognizes that at times it may be more convenient for employees to use their personal vehicles on District business; however, this use must be approved in advance by the supervisor.

Employees utilizing a personal vehicle on District business are required to maintain, at a minimum, the mandated state insurance levels. However, the District recommends a higher level of coverage for the employee's personal protection and risk. If operating a personal vehicle on District business the employee and the employee's insurance company is liable for any damage or loss, and the District does not reimburse for deductibles. Insurance requirements for the General Manager, General Counsel, and Department Directors are \$100,000/\$300,000.

Non-exempt employees receive pay for travel time beginning at the work location to the destination on standard work days, and from the home location to the destination on non-standard work days, whichever is a shorter distance.

## **M. Inclement Weather Practice**

### **Report for Duty**

Permanent, seasonal or probationary employees who are unable to work in the field because of inclement weather or other similar causes will receive pay for the full day provided they have reported to duty. During such day they may be held pending emergency calls, may be given first aid, safety or other instructions, or they may be required to perform miscellaneous duties as assigned.

Temporary employees who are unable to work in the field because of inclement weather or other similar causes will be paid only for the time they worked or are held by the District, except, however, they will be paid for not less than two (2) hours as "show up" time unless twelve (12) hours prior notice is given.

### **Inclement Weather Gear**

If employees in classifications to be determined by the District are required to work during inclement weather, the District will provide all-weather clothing appropriate for the weather and conditions at the time. All-weather clothing issued by the District shall be uniform throughout the District, including rain gear

and all-weather gear when needed. This gear shall be safety orange or an equivalent safety color. The gear shall be the property of the District and issued to the employee for work use only. The employee shall sign for the gear when issued to them and agree to pay replacement value for the gear if it is lost, stolen, or the employee fails to return the gear. When the gear has reached its useful life or is damaged, the employee shall return the gear and be re-issued either new or reconditioned gear.

### **Inability to Report**

Employees unable to report to work because of inclement weather (i.e. “snow days”) will be able to use accrued PTO hours, their Personal Business Day or receive no compensation.

### **Ordered Not to Report**

Employees ordered by the District to not report to work due to inclement weather will be paid for their regularly scheduled work shift for that day and will not need to use PTO or other leave for the work absence.

### **N. Military Leave**

Military Leave shall be granted and compensated in accordance with the provisions of the State of California Military and Veterans Code, Section 394 and 395, and pursuant to the Uniform Services Employment and Reemployment Rights Act (USERRA).

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## **VI. Benefits**

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### **Full-time and Part-time Employees**

Full-time and part-time employees are eligible to participate in the District's Employee Benefit Programs. Part-time employees are eligible on a pro-rated basis. Coverage begins following submission of enrollment documents and a brief waiting period, usually 30 days.

#### **A. Medical, Dental, and Vision Insurance**

The District offers medical, dental, and vision insurance coverage and shares the cost of coverage with employees. A monthly allowance is provided to employees for this purpose.

The District's contribution toward health insurance is pro-rated for part-time employees, who are required to work 20 or more hours per week to receive a pro-rated contribution.

Employees must satisfy the insurance program eligibility conditions and agree to pay the applicable employee portion of the coverage costs for themselves and any eligible dependents for whom they wish to obtain coverage. If an employee declines the District provided medical insurance plan they must provide proof of insurance during the qualifying event and/or the open enrollment period.

#### **B. Life Insurance**

The District provides term life insurance and accidental death and dismemberment coverage for each employee during their term of employment with the District. To the extent allowed by the insurance provider, the life insurance benefit shall be equivalent to employee's annual base wage (up to a max of \$150,000), or as provided in the applicable MOU for represented employees.

Employer-paid life insurance benefits are available on a pro-rated basis to those working 30 or more hours per week.

#### **C. Domestic Partner Coverage**

Any District employee eligible for insurance benefits may enroll his or her registered domestic partner for coverage in any District medical, dental and/or vision plan in which the employee is enrolled.

## **Pre-Tax Treatment**

Employees intending to cover a domestic partner under any of the District's health, dental and/or vision plans should understand that as a result of applicable federal and state laws, coverage of the domestic partner may not be eligible for pre-tax treatment under Section 125 of the IRS Code and this may result in increased taxable income to the employee.

## **Enrollment**

In the absence of a marriage license, an employee and same-sex domestic partner who the employee wishes to enroll in insurance benefits must file a Declaration of Domestic Partnership with the Secretary of the State. In the absence of a marriage license, an employee and opposite-sex domestic partner who the employee wishes to enroll in insurance benefits must file a Declaration of Domestic Partnership with the County Clerk of the county in which the domestic partners either live or work. An employee must also obtain from the Human Resources Department an Affidavit for Enrollment of a Domestic Partner and the applicable insurance enrollment forms. These forms must be completed and returned to the Human Resources Department, along with proof of the Declaration of Domestic Partnership during the open enrollment period or within 30 days of the Declaration of Domestic Partnership. There may be a requirement to show evidence of current coverage and/or to complete a health questionnaire. The domestic partner must enroll in the same plan(s) as the employee.

## **D. Flexible Spending Account**

A flexible spending plan is available under which regular employees may choose to pay for a number of available benefit options, such as the employee unreimbursed medical expense or dependent care. Certain eligible reimbursements may be received tax-free as permitted by the Internal Revenue Code.

## **E. Workers' Compensation**

All injuries or illness arising out of and occurring in the course and scope of employment (industrial) must be reported immediately to the employee's supervisor. Failure to report an industrial injury may jeopardize entitlement to workers' compensation. Upon notice or knowledge of an industrial injury or illness, Human Resources will provide an employee a *Workers' Compensation Claim Form* (DWC-1) within 24 hours. Human Resources will complete lines #1 and #12 on the form and retain a copy as proof of delivery. Human Resources will also complete the *Employer's Report of Occupational Injury or Illness Form*

(5020) for all claims. The injured employee's supervisor must notify Human Resources of the Employee Accident Injury and ensure completion of the Injury-Illness Report and Injury-Illness Investigation Report within 24 hours of the occurrence of the injury and submit them to Human Resources within 24 hours of the occurrence of injury or illness. All serious and/or life-threatening injuries or illnesses must be reported immediately to Human Resources.

Neither the District nor its insurance carrier is liable for the payment of workers' compensation benefits for any injury which arises out of an employee's voluntary participation in any off-duty (non-industrial), recreational, social or athletic activity which is not a part of the employee's work-related duties. An employee may be required to sign an authorization of participation in the activity.

Temporary disability benefits may be available if the employee is medically certified as unable to perform job functions, or if the District is unable to provide temporary transitional duty. Benefits are not paid for the first three days the employee is unable to work unless the employee is hospitalized or is unable to work for more than 14 days.

PTO may be used in conjunction with workers' compensation to make up the difference between workers' compensation payments and the usual and customary earnings of the employee. At no time can the combined total of workers' compensation and PTO exceed the usual and customary earnings of the employee. PTO may also be used for subsequent medical appointments as required and/or recommended by the workers' compensation treating physician. The District will not pay for time associated with workers' compensation appointments. Employees may be eligible for mileage reimbursement from the District's workers' compensation insurance carrier; employees are encouraged to coordinate with the insurance carrier. District vehicle use is prohibited in conjunction with attendance at workers' compensation medical appointments. Workers' compensation absences will be recorded concurrently with Family & Medical Leave Act (FMLA) benefits and/or California Family Rights Act (CFRA) leave entitlements.

## **F. COBRA**

The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) and the Omnibus Budget Reconciliation Act of 1989 (OBRA) provide that virtually all employers who sponsor group health plans must permit covered employees who lose coverage under the plan(s) as a result of certain "qualifying events" set forth in COBRA to continue their insurance coverage. Covered employees may elect to continue their coverage under the plan(s) for a prescribed period of time at their expense.

Individuals who elect COBRA coverage must be provided with the same coverage that they received prior to the qualifying event, subject to the particular plan's amendment procedures. Qualified beneficiaries must be treated the same as "similarly situated" non-COBRA beneficiaries with respect to coverage options, benefit limitations, and conversion rights available under the group health plan.

### **G. Employee Assistance Program**

The Employee Assistance Plan (EAP) is a confidential, professional service of counselors, psychologists, attorneys and others who provide employees and their families with counseling assistance. The providers offer guidance, information, and counseling on a variety of matters including finances, legal issues, and personal issues. Please contact Human Resources for the designated provider information and available plan benefits.

Management may refer employees to counseling with an EAP provider when deemed warranted.

### **H. Retirement**

The District participates in a three-tiered system with the California Public Employees' Retirement System (CalPERS). Newly hired employees currently participate in the "2% at age 62" plan. Retiree medical benefits are provided pursuant and subject to existing memorandum of understanding for represented employees, or Board resolution for eligible non-represented employees.

### **I. Deferred Compensation Plan**

The District has a "457" Deferred Compensation Plan that allows employees to defer up to the maximum amount allowed by law per year for income tax purposes. Deferred earnings are not taxable until the time of withdrawal from the plan.

### **J. Social Security**

All District employees are covered under the provisions of the federal social security law.

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## **K. Employee Development**

### **Professional Development**

From time to time the District may provide training programs in areas such as compliance (sexual harassment, violence in the workplace, diversity); supervisory and management skills; leadership development; team building and interpersonal skills; customer service; drug and alcohol awareness; and computer training.

### **Tuition Reimbursement**

The District encourages all employees to continue their education. To assist regular employees in this effort, the District may provide reimbursement of tuition expenses that allow employees to further their education and acquire additional skills in subject areas that enable them to assume greater responsibilities.

The tuition reimbursement program applies to courses and/or degree programs that are directly related to an employee's current position or would qualify the employee for a new position upon completion. The determination of whether a course is job-related will be the responsibility of the employee's Department Director. Courses must be taken through an accredited educational institution, including online courses.

Tuition reimbursement may be made to active, full-time regular employees who have completed their probationary period of one year of service who are in good standing. Employees are not eligible for the participation in the program if they are on a performance improvement plan (PIP) or on a leave of absence at the time of application or reimbursement. Employees eligible for veteran's educational benefits or other government plans are not eligible for benefits under this policy until benefits from other such plans are exhausted. Non-residence and parking fees will not be reimbursed.

Eligible expenses include tuition, books, registration fees and laboratory/material fees. The District may reimburse 100% of the cost of eligible expenses up to a maximum of \$3,000 per calendar year.

The course must be completed with a grade of "B" or above if a graduate course and/or a "C" or better if an undergraduate course. In cases whereby a "pass/fail" grading system is used, only a passing grade will allow for reimbursement. Reimbursement for "un-graded" courses will be eligible for reimbursement provided they are required for the degree sought and the course is satisfactorily completed.

The District reserves the right to cancel or modify this program without notice. Exceptions to the policy may be made on a case-by-case basis, depending on the circumstances.

To be considered for this program, employees must complete the *Tuition Reimbursement Request Form* and obtain signatures from the Department Director, Human Resources department and the General Manager prior to or no later than 30 days after enrollment in the course. Sufficient funds must be identified and available in the Department's current operational budget before approval will be granted. If approved, the form will be returned to the employee and the employee will retain the form until the course has been completed and all appropriate documentation is available.

When seeking reimbursement, the employee must submit an official grade report, original receipts for expenses incurred and an executed *Tuition Reimbursement Request Form* described above, within 90 days of the completion of the course to the Human Resources department for review and processing of payment. Time spent on tuition reimbursement courses will be outside of scheduled work hours and will not be considered or compensated as hours worked for the District.

If an employee's employment is terminated for any reason other than a layoff, reduction in force or job elimination prior to completing the approved course, the employee will not be reimbursed for expenses associated with the course. If an employee leaves the District within one year of reimbursement the employee may be asked to pay the District back for those expenses provided for tuition reimbursement. If the employee's employment is terminated due to a layoff, reduction in force, or job elimination, and tuition reimbursement has been approved by the District in accordance with the procedure described above, the employee will receive reimbursement in accordance with this policy for costs incurred through completion of any course (provided the course is completed in accordance with the terms of this policy).

## **Training- Seminar, Conference and Certification Reimbursement Policy**

### **Assigned Training**

When an employee has been *assigned* to attend training, a conference or seminar away from their normal workstation, the District will pay for reasonable expenses including meals, fees, tuition, transportation, lodging, bridge tolls, parking fees and other approved related expenses. Supervisors will attempt to schedule trainings during normal shift hours.

The District will pay pre-approved registration, certification, continuing education and licensing fees required for an employee's current job, with the exception of a Class C driver's license.

### **Desired Training**

The District encourages all employees to continue their education and career development. When an employee *desires* to attend conferences, seminars or trainings, through non-accredited programs, that contribute to an employee's advancement or enhanced personal career development within the District, the District may pay for the cost of the conference, training or seminar and the certificate received. All other travel expenses and the time to attend the training will be the responsibility and at the cost of the employee.

Employees will not be eligible for desired training if they are on a performance improvement plan (PIP), or received a "Needs Improvement" on their most recent performance evaluation.

To be considered for desired training, employees must complete the "Training – Seminar, Conference and Certification Reimbursement Form". Discretionary approval of the desired training will be the responsibility of the Manager, Department Director and Human Resources. Employees must schedule personal time off in advance with their supervisor, prior to attending.

Reimbursement for desired training through seminars or conferences shall not exceed \$750.00 per calendar year per employee. This program does not reduce the reimbursement available under the tuition reimbursement policy, for classes through an accredited educational institution.

### **Training & Development Opportunities**

Training and development opportunities within the District are available to employees. These training and development opportunities will typically be in areas that are not required of an employee's current job classification specification, but are desired in order to learn new skills and be better prepared for future career opportunities. Each request will be reviewed on a case-by-case basis.

Employees will not be eligible for training and development opportunities if they are on a performance improvement plan (PIP), or received a "Needs Improvement" on their most recent performance evaluation.

Time allotted for training in the skills and/or tasks, or the periodic usage of the

newly acquired skills and/or tasks will not constitute eligibility for out-of-class compensation or automatic advancement to a higher job classification.

In order to be considered for training and developments opportunities, eligible employees must complete the "Training & Development Opportunity" form available from Human Resources.

## **L. Employee Recognition**

### **Years of Service Recognition**

Service awards are presented to employees for every 5 years of service.

<u>Years of Service</u>	<u>Award Amount</u>
5 years	\$100
10 years	\$200
15 years	\$300
20 years	\$400
25 years	\$500
30 + years	\$650

The District will "gross up" the payment to pay the mandatory taxes for the employee, in order that the above amount goes directly to the employee.

### **Retirement Recognition**

In recognition of their years of service, retirees (as defined by CalPERS) are presented with a monetary gift. The monetary gift amounts are based on years of service.

<u>Years of Service</u>	<u>Award Amount</u>
5-9 years	\$100
10-14 years	\$200
15-19 years	\$300
20-24 years	\$400
25 or more years	\$500

The District will “gross” up the payment to pay the mandatory taxes for the employee, in order that the above amount goes directly to the employee.

All retirees will also be provided with a clock. In addition, those with 20 or more years of service receive a plaque. Presentation of the awards will normally be made at a Board Meeting.

Those retiring with 10 or more years of service will be provided with a non-transferable day use only lifetime pass to Sly Park.

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## **VII. Time Off**

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### **A. Holidays**

#### **Recognized Holidays**

District employees will be entitled to the following holidays off with pay when they fall on a work day in the basic work week:

New Year's Day  
Martin Luther King, Jr.  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veteran's Day  
Thanksgiving Day  
Friday after Thanksgiving  
Christmas Eve – Half Day  
Christmas Day  
New Year's Eve – Half Day  
Personal Business Day

#### **Holidays Observed**

When a recognized holiday falls on a Saturday, the recognized holiday shall be observed the preceding Friday. When a recognized holiday falls on a Sunday, the recognized holiday shall be observed the following Monday. If and to the extent there is a conflict between these provisions relating to the administration of holidays observed, and the provisions contained within an applicable MOU, the applicable MOU shall supersede and be controlling.

#### **Holiday Compensation**

Holiday pay shall be guaranteed and administered as follows:

If a non-exempt employee works on a holiday, the employee shall receive eight (8) hours of holiday pay plus overtime compensation in the amount of one and one-half of the employee's regular rate of pay for all hours worked. The maximum combination of holiday pay and overtime shall not exceed two and one-half (2.5) times the FLSA regular rate of pay.

If a non-exempt employee does not work on the holiday, the employee shall receive eight (8) hours of holiday pay at the employee's regular rate of pay. If a non-exempt employee works an alternative shift schedule and does not work on the holiday, the employee shall receive (8) hours of holiday pay at the employee's regular rate of pay and shall make up the remaining hours for that day from his or her PTO leave bank

Regular part-time employees, who work at least 50% time, shall receive holiday pay on a pro-rata basis from the District.

The District does not change the salaries of exempt employees during work periods that include paid holidays. Exempt employees are generally not required to work on holidays, except in unusual circumstances.

If and to the extent there is a conflict between these provisions relating to the administration of holiday pay, and the provisions contained within an applicable MOU, the applicable MOU shall supersede and be controlling.

### **Personal Business Day**

The Personal Business Day shall be granted with prior supervisor approval, and may be used by non-exempt employees in less than a full day increment. Approval will be granted if the District can maintain the desired level of public service without the employee. This day must be used during the calendar year or will be forfeited. If an employee separates from District employment and has not used his or her Personal Business Day, he or she will not be paid for the personal business day.

## **B. Paid Time Off (PTO)**

### **Definition**

Paid Time Off (PTO) is paid leave earned by employees that may be used for personal or family illness or vacation subject to the provisions of this Handbook. PTO combines and replaces Sick Leave and Vacation Leave.

Supervisors have the discretion to place employees on PTO leave when, in the judgment of the supervisor, the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee's duties.

## **Accrual of Leaves**

New-hire probationary employees do not accrue Paid Time Off (“PTO”) or any other form of paid leave during the probationary period, except as required by the Healthy Workplace Healthy Family Act. New-hire probationary employees may use up to 8 hours of PTO due to illness each month of probation subject to District policy. The District may require a doctor’s note after three (3) days of absence during probation. If a new-hire probationary employee successfully completes probation and obtains regular status, the District will credit to the employee twelve (12) months’ worth of PTO accrual at the lowest accrual tier minus any PTO hours used during the probationary period. Promotional probation shall not affect an employee’s leave accruals.

## **Accrual Rates**

All regular employees shall accrue PTO. Employees may only accrue PTO when they are in a regular paid status. Regular employees shall accrue PTO each pay period to be credited to the employee’s Bank A in relation to their seniority as follows:

<b><u>District Seniority</u></b>	<b><u>Annual Accrual Hours</u></b>
First 3 Years	176
4 to 9 Years	216
10 to 14 Years	256
15 or More Years	296

## **Scheduling PTO**

The number of hours of PTO deducted from an employee’s PTO leave bank for a full-day absence will equal the number of hours that the employee works under the employee’s current work schedule.

PTO may be taken in either of two methods, scheduled and non-scheduled, as follows:

### **1. Scheduled PTO**

Scheduled PTO is identical to traditional vacation and anticipated medical leave and may be taken following completion of new employee probationary employment and if the employee has accrued PTO hours in the employee’s Bank A sufficient to cover the period of the absence. An employee will apply for scheduled PTO to take a vacation and/or for any planned medical procedure requiring up to two work weeks of leave. All scheduled PTO must be taken from the employee’s Bank A, except that an employee may use their PTO from Bank B for approved absences beginning with the first day following at least two (2)

continuous work weeks of absence from the work place and/or after passage of 80 hours of “intermittent” leave (per qualifying event) due to 1) personal illness, 2) family illness or 3) for any other qualifying leave under the Family Medical Leave Act (FMLA) or the California Family Rights Act (CFRA).

All scheduled PTO must be taken with prior written approval from the employee’s Department Director or designee. An employee may only take scheduled PTO at times when the District can maintain its desired level of public service without the employee. Approval of non-medical scheduled PTO requests will be based on seniority when multiple employees simultaneously request the same period of absence and the District cannot accommodate all of the requests.

Employees may not request non-paid leave, prior to the exhaustion of all PTO balances if the non-paid leave is not qualifying under FMLA/CFRA/ Pregnancy Disability Leave (PDL).

## **2. Non-Scheduled PTO**

All employees may take non-scheduled PTO for personal or family illness or emergency. Employees must provide notice of non-scheduled PTO no later than one hour before the beginning of the employee’s scheduled shift or as soon thereafter as the employee is aware of the need for leave.

Non-scheduled PTO will first be deducted from the employee’s Bank A. Beginning with the first day following at least two (2) continuous work weeks of absence and/or after passage of 80 hours of “intermittent” leave (per qualifying event) from the work place due to 1) personal illness, 2) family illness or 3) for any other qualifying leave under FMLA/CFRA, an employee may take non-scheduled PTO using the employee’s Bank B.

An employee is subject to disciplinary action for excessive use of non-scheduled PTO. Abuse of non-scheduled PTO will be considered in establishing the performance rating.

In determining what is “excessive” the following *guidelines* will be reviewed:

- Patterns of usage – Monday/Friday absences
- 8 or more instances/events of Non-Scheduled PTO use per year
- Limited number of available PTO days in Bank A, without a recognizable reason; FMLA qualifying event, low accrual rates for new hires

- Running out of available PTO in Bank A, resulting in loss of seniority without a recognizable reason; FMLA qualifying event, low accrual rates for new hires

These are only guidelines. Supervisors should discuss/coach employees regarding “excessive” usage prior to it reaching a disciplinary level. Regular management reports are available to track overall PTO, but supervisors must track scheduled vs. non-scheduled use. Employees may not request nor will be granted non-paid leave prior to the exhaustion of all PTO balances if the non-paid leave is not qualifying under FMLA, CFRA or PDL.

### **PTO Accrual Maximums**

Each employee will have two PTO banks labeled Bank A and Bank B with the following accrual maximums.

#### **Bank A**

An employee may only carry PTO hours in Bank A from one calendar year to the next calendar year based on the following maximums:

<b><u>District Seniority</u></b>	<b><u>Year-End Bank A Maximum Hours</u></b>
First 3 Years	160
4 to 9 Years	200
10 to 14 Years	240
15 or More Years	280

An employee may accrue unlimited PTO in Bank A during each calendar year. All PTO hours in Bank A over the employee’s maximum described in the chart above will be transferred on or about January 1<sup>st</sup> of each year to the employee’s Bank B.

#### **Bank B**

An employee may have an unlimited number of PTO hours in Bank B. However, employees may not voluntarily convert PTO A Bank hours to Bank B hours.

### **PTO Compensation at Separation**

PTO in Bank A has the character of and is deemed to be accrued vacation leave time upon separation of employment. An employee will be paid for all PTO hours in the employee’s Bank A at the employee’s base pay rate at the time of

separation. To the extent allowed by law, an employee may on a one-time basis convert up to 2,000 Bank B PTO hours to CalPERS service credit at the rate of .004 years of service for each day of unused PTO in Bank B. An employee will not be paid for and/or donate any PTO hours in the employee's Bank B upon separation and may only convert that time to CalPERS service credit upon service retirement from the District.

### **Partial Shift PTO**

An hourly employee may take scheduled or non-scheduled PTO in increments of less than one full shift subject to approval by the employee's Department Director or designee.

### **PTO Donation**

An employee may donate PTO from the employee's Bank A to another District employee who has experienced an FMLA qualifying personal or family serious health condition that is not fully covered by the employee's PTO and/or other District leave programs. The recipient employee must have exhausted all paid leave time before the recipient employee may accept donations. Any donated hours that remain in the recipient's bank after the employee's return to work from the qualifying illness or injury will be reimbursed to donating employees' PTO banks on a prorated basis based on the amount of leave each employee donated.

All donations will be based upon the hourly dollar value of the donation. This will be based on the hourly pay rate of the employee donating.

*Example:* Paul earns \$40.00 per hour and he wants to donate 8 hours of PTO to Jane, who earns \$20.00 per hour. The value of Paul's 8 hours is \$320.00, which would equate to 16 hours of PTO donation for Jane. Similarly if Jane donated to Paul, the value of her 8 hours is \$160.00, which would equate to 4 hours of PTO donation for Paul.

At the request of an employee in writing, Human Resources will send out *one* email requesting PTO donations for a qualified employee and event. Donations may be made during a designated two week window, which will be announced in the email. No further donations for the qualifying event may be made after that time.

Solicitations for donation may not be made through posting or emails, but may be disseminated by Human Resources.

## **Return to Work Medical Certification**

The District may require a medical certification for any employee using PTO to verify a personal illness or injury after three (3) or more days of non-scheduled PTO. However, the District may require a medical certification if there is any suspicious use of personal and/or family non-scheduled PTO. The District will decide whether to require a medical certification from the employee's healthcare provider or a healthcare provider selected and compensated by the District.

## **Coordination with Workers' Compensation**

An employee may use PTO in Bank A or Bank B to supplement workers' compensation disability benefits, following the timeline listed in the "scheduling PTO" section. The combined workers' compensation disability benefits and PTO may not exceed the employee's regular rate of pay immediately before the work injury.

## **Coordination with State Disability Insurance (SDI)**

An employee may use PTO in Bank A or Bank B to supplement SDI benefits, following the timeline listed in the "scheduling PTO" section. The combined SDI benefits and PTO may not exceed the employee's regular rate of pay immediately before the non-work injury.

## **Coordination with Paid Family Leave (PFL) Benefits**

An employee may use PTO in Bank A or Bank B to supplement PFL benefits, following the timeline listed in the "scheduling PTO" section. The combined PFL benefits and PTO may not exceed the employee's regular rate of pay immediately before the non-work injury.

## **PTO Bank A Cash-Out**

All represented employees shall receive PTO-A Cash Outs in accordance with the procedures defined within their respective MOU. All other employees shall be eligible for PTO-A Cash Out as follows:

Employees who have accrued one hundred and sixty (160) hours of PTO A may sell back hours beyond one hundred and forty (140) up to a maximum of ten (10) hours per calendar year.

Employees who have accrued two hundred (200) hours of PTO A may sell back hours beyond one hundred and sixty (160) up to a maximum of twenty (20) hours

per calendar year.

Employees who have accrued two hundred and forty (240) hours of PTO A may sell back hours beyond two hundred (200) up to a maximum of thirty (30) hours per calendar year.

Employees who have accrued two hundred and eighty (280) hours of PTO A may sell back hours beyond two hundred and forty (240) up to a maximum of forty (40) hours per calendar year.

PTO A Cash Out provisions must comply with section 451(a) of the Internal Revenue Code and section 1.451-1(a) of Income Tax Regulations which provide that an item of gross income is includible as gross income in the taxable year in which it is “actually” or “constructively” received by a tax payer.

The District will cash out eligible PTO A hours, subject to the tiers as described in section during the month of December of each year, but only if and on the condition that the employee desiring to cash out PTO A hours completes and submits, during the first full pay period of December in the preceding year, an irrevocable election form to the Human Resources department stating the total number of PTO A hours they will be cashing out (up to the max), if any, in December of the following calendar year. Employees who submit the election form may not increase, decrease or rescind their election form after the end of the first full pay period in December of the preceding year. Employees who do not complete and submit an election form during the first full pay period of December in the preceding year are ineligible to cash out PTO A the following year. Eligible employees may elect to take the PTO A Cash Out in the form of cash, deferred compensation or a combination of the two. The cash out shall occur only once per calendar year during the month of December.

## **C. Other Paid Leave**

### **Bereavement Leave**

The District recognizes that employees may require a reasonable time away from work upon the death of an immediate family member. The District’s paid bereavement leave is intended to enable employees to travel if necessary and to attend the funeral of an immediate family member. Leave under this policy is leave under the California Family Rights Act (CFRA).

Up to three days of leave with pay will be granted to full-time employees and pro-rated for part-time employees for each death in the employee’s immediate family. The immediate family of an employee is the spouse, registered domestic partner,

child or stepchild, grandchild, parent or stepparent, sister or stepsister, brother or stepbrother, grandparent or step-grandparent, son-in-law or daughter-in-law, sister-in-law or brother-in-law, mother-in-law, father-in-law or grandparent-in-law. Additionally, others who reside in the same household with the employee will be considered immediate family for the purpose of this leave.

Pursuant to CFRA, an employee may take an additional two (2) days of leave, however the additional leave will be covered by either accrued PTO, or leave without pay. Employees do not accrue (earn) bereavement leave, and it is not paid out upon separation from service. Bereavement leave must be used within three months of the date of death. Leave under this policy does not reduce an eligible employee's unpaid protected leave of up to 12 workweeks during a 12-month period for family care and medical leave as specified under CFRA.

### **Jury Duty**

An employee who is summoned to serve on a jury must notify his or her supervisor or Department Director as soon as possible after receiving notice of both possible and actual jury service in order to receive time off for the period of actual service required on such jury. During jury duty an employee shall be paid the difference between his or her regular salary and the amount of court pay received, except travel pay. The time spent on jury duty is not hours worked for purposes of calculating overtime compensation.

District employees are encouraged to perform their civic duty when called to serve on a jury. Employees are required to report to work on those days when he or she is not actively serving on jury duty. Employees that serve on a jury during a scheduled day off shall not receive salary reimbursement. Employees serving on a jury trial that extends beyond five (5) days may be granted a work-schedule accommodation by his or her supervisor.

### **Subpoena**

An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which he or she perceived or investigated in the course of his or her District job duties will do so without loss of compensation. The time spent will be considered hours worked.

### **Exception for Employee-Initiated or Non-District Related Lawsuits**

An employee subpoenaed to appear in court in a matter unrelated to his or her District job duties or because of civil or administrative proceedings that he or she

initiated does not receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay, or may use accrued PTO for time spent related to those proceedings. The time spent in these proceedings is not considered hours worked.

## **D. Leaves of Absence**

Employees may be granted extended leaves of absence under certain circumstances. Except as stated below, employees will not receive compensation during a leave of absence.

The duration of each leave of absence and any compensation received by the employee during the leave of absence shall be determined by the District except as otherwise mandated by law. Except as required by law, all paid time off must be used prior to the leave unless waived by the General Manager.

The following types of leaves can be requested:

### **Department Leave**

Short-term leaves of absence of up to five consecutive working days without pay may be granted by the Department Director in instances where an employee is ill but does not have any accumulated PTO to cover the absence. The granting of a leave will usually be after the fact and can be processed utilizing the payroll time sheet with an appropriate notation or code.

### **Medical Leave of Absence (less than 12 months of service)**

Leave without pay due to temporary disability from illness or injury may be allowed by the Department Director up to a period of 12 months following the expiration of accrued PTO, donated PTO, or unpaid family medical leave.

The District may require certification, on a periodic basis, of an employee's continuing illness or disability by the employee's physician and/or physician selected by the District.

### **Family and Medical Leave/ California Family Rights Act Leave**

#### **Statement of Policy**

To the extent not already provided for under current leave policies and

provisions, the District will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (FMLA), and the regulations of the California Family Rights Act (CFRA). Unless otherwise provided by this article, "leave" under this article shall mean leave pursuant to the FMLA and CFRA.

## **Definitions**

**A.** "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

**B.** "Child" means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child under FMLA. Child under CFRA means a biological, adopted, or foster child, a step child, a legal ward or a child of an employee or the employee's domestic partner of any age.

Under FMLA, a child is "incapable of self-care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

**C.** "Parent" means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

**D.** "Spouse" means a husband or wife as defined or recognized under California State law for purposes of marriage.

**E.** "Domestic Partner," as defined by Family Code §§ 297, 297.5, 298 and 299.2, shall have the same meaning as "Spouse" for purposes of CFRA Leave.

**F.** "Designated Person," as defined by and for purposes of CFRA leave means, any individual related by blood or whose association with the employee is the equivalent of a family relationship, limited to one designated person during a 12-Month Period.

**G.** “Serious health condition” means an illness, injury impairment, or physical or mental condition that involves:

**1.** Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery there from); or

**2.** Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

a) A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

i) Treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or

ii) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

b) Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)

c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

i) Requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider;

ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

d) A period of incapacity which is permanent or long term due to a

condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

e) Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

**H.** “Health Care Provider” means:

- 1.** A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
- 2.** Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition;
- 3.** Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- 4.** Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
- 5.** Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
- 6.** Any health care provider from whom an employer or group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

**I.** “Active Duty” means a duty under a call to order of active, retired, reserves, or National Guard members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.

**J.** “Contingency Operation” means a military operation that is (1) designated by the Secretary of Defense as an operation in which members of the United States Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) that results in the call to order of active duty members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.

**K.** “Covered Service member” means a member of the United States Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

**L.** “Outpatient Status” means the status of a member of the United States Armed Forces assigned to: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

**M.** “Next of Kin” means the nearest blood relative of an injured service member.

**N.** “Serious Injury or Illness” means an injury or illness incurred by a member of the Armed Forces in the line of duty on active duty that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

### **Reasons for Leave**

Leave is only permitted for the following reasons:

1. The birth of a child or to care for a newborn of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;
3. Leave to care for a child, grandchild, parent, grand parent, spouse, sibling, designated individual, or domestic partner who has a serious health condition;
4. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;
5. Leave for a “qualifying exigency” may be taken arising out of the fact that an employee’s spouse, son, daughter, or parent is on active military duty or has

been notified of an impending call or order to active duty in support of a contingency operation involving the United States Armed Forces; or

6. Leave to care for a spouse, son, daughter, parent, or “next of kin” service member of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty (this leave can run up to 26 weeks of unpaid leave during an employer’s 12-month period).

### **Employees Eligible for Leave**

An employee is eligible for leave if the employee:

1. Has been employed at EID for at least 12 months; and
2. Has worked at EID for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

### **Amount of Leave**

Eligible employees are entitled to a total of 12 workweeks (or 26 weeks to care for an injured service member) of leave during any 12-month period.

### **Minimum Duration of Leave**

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes for at least one day, but less than two weeks duration, on any two occasions. “Intermittent Leave” for above reasons, may only be taken if approved by the District.

If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

### **Spouses Both Employed By the District**

In any case in which a husband and wife, both employed by the District are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees’ child (i.e., bonding leave), or to care for the employee’s parent with a serious

health condition pursuant to FMLA.

In any case in which a husband and wife both employed by the District are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken to care for an injured service member pursuant to FMLA.

Except as noted above, this limitation does not apply to any other type of leave under this policy, and or to CFRA leave.

### **Employee Benefits While on Leave**

Leave under this policy is unpaid. While on leave, employees will continue to be covered by the District's group health insurance to the same extent that coverage is provided while the employee is on the job.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the District shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The District shall have the right to recover premiums through deduction from any sums due the District (e.g., unpaid wages, PTO accruals, etc.).

### **Substitution of PTO Leave**

While on leave under this policy, as set forth herein, an employee may elect to concurrently use PTO leave. However, the District will not require an employee to concurrently use PTO leave after requesting FMLA and/or CFRA leave.

#### **A. Employee's Right to Use PTO Leave Concurrently With Family Leave**

Where an employee has earned or accrued PTO or exempt administrative leave that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy, pursuant to the terms of Article 10 in the current MOU.

An employee is entitled to use PTO concurrently with leave under this policy if:

1. The leave is for the employee's own serious health condition; or
2. The leave is needed to care for a parent, spouse, child, or domestic partner with a serious health condition, and would be permitted as PTO under the District's MOU, Article 10, "Paid Time Off" leave policy.

**3.** The amount of use from PTO banks and State Disability Insurance (SDI), Paid Family Leave (PFL) or Workers' Compensation (TTD) benefits will be equal and shall not exceed the employee's base pay ("whole" pay).

**B. District's Right to Require an Employee to Use Paid Leave When Using FMLA/CFRA Leave**

Employees may exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave.

**C. District's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently With Other Leaves**

If an employee takes a leave of absence for any reason which is FMLA/CFRA-qualifying, the District may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

**D. District's and Employee's Rights if an employee requests PTO leave without mentioning either FMLA or CFRA**

If an employee requests to utilize accrued PTO leave or other accrued paid time off without reference to a FMLA/CFRA-qualifying purpose, the District may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the District denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the District may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the employee may exhaust accrued PTO leave following the timeline listed in the "scheduling PTO" section.

**Medical Certification**

Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the District.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

Employees who request leave to care for an injured service member who is a child, spouse, parent, or "next of kin" of the employee must provide written

certification from a health care provider regarding the injured service member's serious injury or illness.

**A. Time to Provide a Certification**

When an employee's leave is foreseeable and at least 30 days' notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the District within the time frame requested by the District (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

**B. Consequences for Failure to Provide an Adequate or Timely Certification**

If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency.

However, if an employee fails to provide a medical certification within the time frame established by this policy, the District may delay and/or deny the taking of FMLA/CFRA leave until the required certification is provided.

**C. Recertification**

If the District has reason to doubt the validity of a certification, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee, but paid for by the District. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a recertification.

**D. Intermittent Leave or Leave on a Reduced Leave Schedule**

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

## **Employee Notice of Leave**

Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be orally given. If the District determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the District may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

## **Reinstatement upon Return from Leave**

### **A. Right to Reinstatement**

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and District the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

### **B. Employee's Obligation to Periodically Report On His/her Condition**

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

### **C. Fitness-for-Duty Certification**

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume

work. Failure to provide such certification will result in denial of reinstatement.

#### **D. Reinstatement of “Key Employees”**

The District may deny reinstatement to a “key” employee (i.e., an employee who is among the highest paid 10 percent of all employed by the District within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the District, and the employee is notified of the District’s intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

#### **Required Forms**

Employees must fill out the following applicable forms in connection with leave under this policy:

1. “Employee Leave of Absence Request Form” (District form) to be eligible for leave. *Note: Employees will receive a District response to their request which will set forth certain conditions of the leave.*
2. Medical certification—either for the employee’s own serious health condition or for the serious health condition of a qualifying family member.
3. Authorization for payroll deductions for benefit plan coverage continuation (if applicable)
4. Fitness-for-duty form to return from leave form.

#### **Paid Family Leave**

Employees covered by State Disability Insurance may also be eligible for Paid Family Leave (PFL) benefits, which provides wage-replacement benefits subject to state law maximums, for employees who must take time off to care for a seriously ill child, spouse, parent, or registered domestic partner, or to bond with a new child, grandparent, grandchild, sibling, or parent-in-law. If available and qualifying, FMLA/CFRA leave entitlements run concurrently while on PFL. For more information on PFL benefits, visit: [www.edd.ca.gov](http://www.edd.ca.gov).

#### **Pregnancy Disability Leave (PDL)**

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to up to four months (i.e. 88 working days) of unpaid leave under the California Pregnancy Disability Act (PDA) for the period the

employee is actually disabled by pregnancy. If available, FMLA leave entitlements run concurrently while on PDL.

### **Notice & Certification Requirements**

1. While the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave when foreseeable. Requests for PDL must be submitted in writing to the Human Resources Department. The request must be supported by a Medical Certification from the employee's Health Care Provider (HCP) indicating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The medical certification must state the expected duration of the disability and the expected date of return to work.
2. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Human Resources Department prior to their commencement whenever feasible. Should an employee require an "extension" of the original leave period, an "updated" medical certification form from the employee's HCP indicating that the employee is disabled by pregnancy, childbirth, or other medical condition related to pregnancy must be submitted in writing to Human Resources Department prior to the agreed date of return. The maximum pregnancy disability leave is four months.

### **Compensation During Leave**

Pregnancy disability leaves are without pay. However, the employee may first use accrued PTO leave and then any other accrued paid time off during the leave.

### **Benefits During Leave**

1. An employee on pregnancy disability leave (PDL) will receive any group health insurance coverage at the level and under the conditions that coverage would have been provided if they had continued in employment continuously for the duration of the PDL leave. The District may recover premiums it paid to maintain health coverage, as provided by the family and medical leave laws, if an employee does not return to work following pregnancy disability leave.
2. An employee on pregnancy disability leave who is not eligible to receive group health insurance coverage as described above, may receive health insurance coverage in conjunction with COBRA guidelines by making monthly premium payments to the District.
3. PTO Accrual: PTO leave does not accrue while an employee is on unpaid pregnancy disability leave.

## **Reinstatement**

1. Upon the expiration of pregnancy leave and the District's receipt of a written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.
2. If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position.
3. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.
4. An employee who fails to return to work after the termination of her leave loses her reinstatement rights. This leave is used concurrently with State Disability wage loss and FMLA.

## **Personal Leave of Absence**

Employees may be granted an unpaid personal leave of absence up to 12 months to attend to personal matters in cases that are not covered by FMLA/CFRA in which the District determines that an extended period of time away from the job will be in the best interests of the employee and the District. Personal leaves are subject to approval by the Department Director, General Manager and the Director of Human Resources.

## **Educational Leave of Absence**

Employees who desire to continue their education in preparation for added responsibilities with the District may be granted an unpaid Educational Leave of Absence up to twelve (12) months, subject to Department Director approval.

## **Public Service Leave of Absence**

Employees who desire to accept temporary employment in federal, state, or local government in an exchange program or some similar program or with an organization devoted to community service may be granted an unpaid Public Service Leave of Absence up to twelve (12) months.

## **Access and Security Status While on Leave**

Employees who are out on a leave of more than ten (10) work days from the District will have their information systems access privileges deactivated for the duration of the leave, in accordance with District security practices. In addition, employees must turn in all physical District keys to District facilities prior to the commencement of the leave, to their supervisor and/or the Human Resources Department.

Employees on leave shall not enter or access any part of a District owned and/or operated facility which is not open to the general public. If a legitimate need to meet with District staff arises while on leave, an appointment must be made and approved by the supervisor and/or Human Resources Department prior to the employee's arrival. These policies must be followed by all employees on a leave of absence.

## **Rehabilitation**

Employees who are experiencing a problem with drug or alcohol abuse, and self-identify, may be granted leave to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to the Human Resources Director, or designee, that the employee is capable of performing the essential functions of his/her job with or without reasonable accommodation.

## **Children's School Activities**

Employees who are parents or guardians or grandparents having custody of a child enrolled in kindergarten through grade 12, or attending a licensed day care facility, may take up to 40 hours off work each year (but not more than eight hours in any calendar month) to attend or participate in sanctioned school/day care facility activities. The employee is required to provide reasonable advance notice of the planned absence. The District may require documentation from the school or day care facility verifying the activity and attendance at the activity. The employee may use accrued Bank A PTO, Exempt Employee Administrative Leave, Executive Administrative Leave, or a Personal Business Day for the absence. In the event that there is a zero balance in all of these categories, the employee may request to take time off without pay.

Where more than one District employee is a parent, grandparent with custody, or guardian of the same child, and where more than one individual requests school-related leave, the parent or guardian whose request was received first will be

allowed to take time off. Under special circumstances, the Department Director may approve time off for the other parent or guardian.

An employee who is a parent or permanent guardian of a child in kindergarten through twelfth grade may take leave to attend a school meeting after the child has been suspended.

## **Victims of Domestic Violence or Sexual Assault**

California law requires that employees who are the victims of domestic violence or sexual assault be given time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding, or to provide for the health needs, safety, or welfare of themselves or their child. This includes, but is not limited to, time off for medical treatment, psychological counseling or other domestic or sexual assault victims' services, safety planning including relocation, or legal proceedings.

If possible, an employee shall provide reasonable advance notice of time off requested for this purpose by submitting a request to his or her supervisor or the Human Resources Department. When advance notice is not possible, no adverse action will be taken against the employee if the employee provides the District with documentation within a reasonable time after the absence, verifying the reason for the absence. The employee may use accrued Bank A PTO, Exempt Administrative Leave, or a Personal Business Day for the absence. In the event that there is a zero balance in all of these categories, the employee may request to take time off without pay. To the extent allowed by law, confidentiality shall be maintained regarding such leave.

## **Victims of Crime**

If an employee, an immediate family member, domestic partner, or the child of that partner is a victim of a violent crime or serious felony as defined by the Penal Code, or of a felony theft or embezzlement, the employee may take time off work to attend judicial proceedings related to that crime.

If possible, an employee shall provide reasonable advance notice of time off requested for this purpose by submitting a request to his or her supervisor or the Human Resources Department that includes a copy of the notice of each scheduled proceeding provided to the crime victim. When advance notice is not possible, no adverse action will be taken against the employee if the employee provides the District with documentation within a reasonable time after the absence, verifying the reason for the absence. The employee may use accrued PTO from Bank A, Exempt Administrative Leave, or a Personal Business Day for

the absence. In the event that there is a zero balance in all of these categories, the employee may request to take time off without pay.

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## **VIII. Termination of Employment Procedures**

### **Out-processing Exit Interview Meeting**

The District is committed to providing quality programs and a good working environment for employees. As part of that commitment, exit interviews will be held during the out-processing meeting with the Human Resources Department. Employees will also sign necessary out-processing paperwork, return District equipment, and receive their final checks during the exit interview meeting. Exit interviews can be used to gather information about the success of District programs. In an informal setting, exiting employees can provide insights into the success of recruiting efforts, benefits, compensation, and training programs, as well as information on working conditions and employee relations.

Supervisors shall ensure that employees who are leaving the District participate in the out-processing/exit interview meeting. Supervisors shall notify the Human Resources Department when they are aware that an employee is leaving their department or section. Regular employees are asked to give at least two weeks advance written notice of the effective date of their resignation. Employees who do not provide the requested notice may be considered ineligible for rehire.

With appropriate advance notice, an out-processing/exit interview appointment will be scheduled for the employee. The employee shall return all property to the Human Resources Department at the time of the meeting. The Human Resources Department will ensure that all property is returned to the appropriate department.

### **Collection of Property and Termination of Access upon Disciplinary Action or Separation**

When an employee is temporarily absent for an extended period of time or when an employee has separated from EID permanently for any reason, the District will collect all District property that the employee was assigned for use in carrying out District business and will terminate the employee's access rights to District facilities, services and equipment.

Such property and access include, but are not limited to:

- District-issued telephones, mobile devices and accessories, computers and peripheral products to gain access to District networks.
- District uniforms or other articles of clothing, safety gear, work-related tools or instruments, books and similar items.

- District-issued ID badges, keys, fobs, and other items that are designed to gain access to District facilities.
- Employee access to District-owned computers; EID voice- and e-mail, SCADA, finance, and personnel file systems; and other access-driven systems.

It is the responsibility of the immediate supervisor to ensure that the employee has returned all District-issued property to the Human Resources Department.

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## **IX. Safety and Security**

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### **A. Safe and Healthful Environment**

Safety is given primary importance in every aspect of planning and performing all District activities. The District wants to protect employees against injury and illness, as well as minimize the potential loss of work productivity. Employees must adhere to the safety procedures contained in the District's Injury Illness Prevention Plan (IIPP), and any other safety regulations. Compliance is a condition of employment. Employees shall report all potentially work-related injuries and illnesses, as well as anything that needs repair or is a safety hazard, to their supervisor immediately, no matter how slight or regardless of their intent to seek medical treatment. Supervisors will make the reporting form "Occupational Illness/Injury Report" available to employees on the same day of report. Employees are responsible for inspecting their own workplace and for promptly reporting any unsafe conditions and near-miss incidents to their immediate supervisor. Employees must notify their supervisor or the Human Resources Department if they are taking a medication or prescription that may affect job performance. Failure to report or a delay in reporting on any of these topics is grounds for disciplinary action.

Consistent with our commitment to maintain a safe and healthful workplace, the District's Safety and Security Officer maintains a comprehensive Injury and Illness Prevention Program (IIPP), designed to reduce injury and illness in the workplace. The program includes workplace inspections, hazard recognition, accident investigation, safety rules and procedures, employee training regarding safe work habits and behavior to ensure a safe and secure working environment at the District.

### **B. Vehicle Use**

Prior to the start of employment, the District obtains from the Department of Motor Vehicles (DMV) a copy of the driving record of any employee who is authorized to operate vehicles on the District's business. Employees covered under this policy will be enrolled in the District's Employer Pull Notice (EPN) program.

If an employee's duties require driving a vehicle, the employee must maintain a driving record that will not cause the District's insurance rate to be increased or the employee to become uninsurable; the employee's driving record will be subject to review at least annually (via EPN program). Any violation of these requirements may subject the employee to disciplinary action.

Additionally, the District will comply with all mandated provisions of the Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT) guidelines including but not limited to its Clearinghouse Queries of each driver applicant prior to hiring into a CDL position.

Occasionally other concerned employees or the general public may bring to the District's attention allegations that the employee may be jeopardizing the District's reputation or exposing it to undue liability through poor driving techniques and habits when driving for District business. All such complaints will be investigated immediately and action taken to correct any problems found as follows:

- If it established that the employee has exhibited poor driving while driving for District business, corrective action will be taken. Depending on the seriousness of the concern, it may be desirable to enroll the employee in a "defensive driving" course or other training.
- A second warning for poor driving while driving for District business within a three-year period may result in discipline and/or involuntary transfer to a non-driving position.

### **Avoidable Accidents and Documented Verbal Reprimands**

The following guidelines provide guidance on when an avoidable accident may *not* result in the receipt of a documented verbal reprimand:

- Weather conditions are a major factor in the incident
- Natural occurrences such as falling branches, earth movement, etc. cause damage to District equipment
- Road hazards or obstacles on roadways

The supervisor will make the recommendation to HR/Safety as to whether the avoidable accident should result in a documented verbal reprimand. This recommendation will require judgment and a common sense approach, since each incident will have different variables. The safety officer, HR representative and Manager/Supervisor will work together to ensure the recommendation is consistent throughout the District, and if approved, appropriately implemented.

Avoidable accidents are reviewed on a case-by-case basis; the review includes various factors such as cause, severity of the accident, and the safety history of the individuals involved. Therefore, these guidelines are not intended to cover every scenario involving all avoidable accidents.

Failure to follow safety procedures (i.e., circle check, cones, etc.), rules of the road, and reasonable safety precautions may result in disciplinary action.

### **C. Vehicle Congregation**

No more than two company vehicles may be parked at a public establishment, unless approved in advance for District functions or when vehicles are at a job site.

### **D. Environmental**

The District is committed to providing a healthy environment for our employees and our guests.

#### **Animals in the Workplace**

No animals may be brought into District facilities or work sites including offices, conference rooms, hallways, restrooms, break rooms, elevators, lobbies, temporary project offices, construction sites, etc., unless they are bona-fide service animals. A fish tank may be allowed with advance permission of the employee's supervisor and the Human Resources Department.

#### **Smoke-Free Workplace**

The El Dorado Irrigation District (EID) is dedicated to providing a smoke-free work environment to comply with Sections 22950.5 of the Business and Professions Code, Sections 19994.30 and 7596 of the California Government Code, and Section 5148 of Title 8 of the California Code of Regulations, to protect all employees and visitors from secondhand smoke, an established cause of cancer and respiratory disease. The standards set forth below are effective for all EID locations and vehicles. Compliance with the smoke-free standard is mandatory for all employees and visitors, with no exceptions.

##### **Definition**

Smoking refers to the inhaling, exhaling, burning, or carrying, any lighted or heated cigarette, cigar, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. Smoking includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking. Chewing and smokeless tobacco is also prohibited under this regulation.

## **Implementation**

Unless statutorily exempted, smoking shall be prohibited in all:

- Emergency response and regular work situations where smoking is unsafe and/or illegal (e.g., as specified by Cal-OSHA in sections of the California Code of Regulations, Title 8).
- Buildings owned by EID.
- Space leased by EID or occupied by EID including space within buildings that EID shares with other departments or businesses.
- EID motor vehicles and mobile equipment.
- Motor vehicles and mobile equipment provided by local government under agreement with EID.
- Other government vehicles and mobile equipment operated by EID employees while representing the department on official business or performing their regular duties.

The smoking prohibition shall apply to any area enclosed by the perimeter (outermost) walls of the building. Atriums, balconies, porticos, stairwells, and other similar building features are considered to be "within a building."

Smoking shall not be permitted within 20 feet of:

- Doorways and ground level air intake structures.
- Outdoor or temporary assembly areas for work projects, training exercises, etc.
- Outdoor or temporary food preparation, storage, serving, and eating areas (e.g., incident base kitchens and mobile kitchen units). Greater distances may be required under law for health and safety reasons.
- Outdoor or temporary rest/sleeping areas (e.g., tents) and other incident staging areas.

Building operators/management, including EID management, shall establish and/or identify specific areas for smoking. Ashtrays and other safe and appropriate smoking litter appliances will be provided on the exterior premises of buildings owned or leased by EID.

The end-products of tobacco consumption (e.g., ashes, cigarette butts) shall be disposed of by appropriate means outside EID buildings.

## **No Smoking Signs**

All buildings covered by this procedure shall, at a minimum, have clearly displayed signs at all entrances/exits to notify tenants and the public that

smoking is prohibited 20 feet from and within the building. All vehicles shall display signs or a label notifying drivers and passengers that smoking is prohibited in the vehicles.

### **Smoke-free Standard Compliance and Assistance**

Managers and supervisors shall inform their employees of the smoke-free standard. The standard shall be included and documented as part of all new employee orientations.

Managers and supervisors shall enforce this smoke-free standard. This does not preclude employees from bringing violations to the attention of their management. Managers and supervisors have the responsibility and authority to respond to observed and reported violations. Managers and supervisors shall handle non-compliance through the progressive discipline process. Repeated violations shall result in disciplinary action up to and including dismissal.

Managers and supervisors shall adhere to employee breaks as specified in individual bargaining unit agreements and memoranda of understanding. Managers and supervisors shall not establish or allow time outside of regular break periods for the purposes of smoking.

If the manager or supervisor fails to satisfactorily resolve non-compliance issues, employees in compliance may file a written complaint using existing complaint procedures. If the compliance issue involves another department or building tenant, the manager or supervisor shall report the issue in writing to the appropriate manager who is responsible for compliance.

Personnel who would like information on smoking cessation should be provided the toll-free telephone number of the "California Smoker's Helpline." This number is 1-800-766-2888. Local offices of the American Cancer Society and Lung Association also provide resources or referrals for smoking cessation.

## **E. Drug and Alcohol Free-Workplace Program**

### **Policy**

1. The manufacture, distribution, dispensation, possession, or use of alcohol, marijuana, or any controlled substance including but not limited to, cocaine, opioids, amphetamines, and phencyclidine (PCP) is prohibited in both District workplaces and wherever District business is performed.

2. A District employee is prohibited from working or being subject to call in if impaired by alcohol or marijuana or any controlled substance.
3. An employee must notify his/her supervisor before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of District equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the District may require medical clearance.
4. Compliance with this policy is a condition of District employment. Disciplinary action will be taken against those who violate this policy. Possession of a Medical Marijuana Card and/or a prescription for such under the Compassionate Use Act of 1996 does not exempt any employee from this policy.
5. Employees who are required to participate in the District's "Federally Mandated Commercial Driver's License Holders Drug/Alcohol Testing Education Program" are subject to requirements contained in the District's Policy.

### **Scope of Policy**

This policy applies to all District employees when they are on District property or when performing District-related business elsewhere.

### **Searches**

In order to promote a safe, productive and efficient workplace, the District has the right to search and inspect all District property, including but not limited to lockers, storage areas, furniture, District vehicles, and other places under the common control of the District and employees. No employee has any expectation of privacy in any District building, property, or communications system.

### **Drug and Alcohol Testing**

Except as provided otherwise in a memorandum of understanding, or as to employees who are required to participate in the District's "Federally Mandated Commercial Driver's License Holders Drug/Alcohol Testing Education Program," the District has discretion to test a current employee for alcohol or drugs in the following instances:

#### **1. Reasonable Suspicion Testing**

The District may require a blood test, urinalysis, or other drug and/or alcohol

screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work. Testing must be approved by the Director of Human Resources, the Department Director, or a designee.

“Reasonable suspicion” is based on objective factors, such as behavior, speech, body odor, appearance, or other evidence of recent drug or alcohol use which would lead a reasonable person to believe that the employee is under the influence of drugs or alcohol. In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion and discuss the matter with the Director of Human Resources or Department Director.

If there is a reasonable suspicion of drug or alcohol abuse, the employee will be relieved from duty and placed on PTO (if available) leave until the test results are received. A supervisor will ensure that the employee is transported to the nearest collection facility.

## **2. Post-Accident Testing**

The District may require alcohol or drug screening following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation.

Not all accidents require post-accident testing. The supervisor should use their reasonable suspicion training to make most decisions. However, the following accidents will normally require post-accident testing pursuant to 49 CFR 382.303;

- Accidents involving non-EID personnel
- Accidents involving significant damage to any vehicle or property, estimated to exceed a total of \$2500.
- Accidents causing an injury that requires medical attention away from scene

An alcohol test will be administered within two hours following an accident, but no later than eight hours following the accident. A controlled substance test will be administered within 32 hours following an accident. If alcohol and/or controlled substance tests cannot be administered within the allotted time, attempts to collect specimens must cease.

Driver(s) shall notify their supervisor immediately following an accident to ensure proper post-accident instructions. If the driver cannot drive the vehicle due to damage, the employee’s supervisor will ensure that the driver is transported to the appropriate collection center.

An employee who knowingly, willingly, and purposely evades a post-accident alcohol or controlled substance test will be subject to "Refusal to Submit" guidelines.

If the employee has not submitted to an alcohol test within two hours, the District will prepare and maintain on file a record stating the reasons. An employee who is subject to post-accident testing must remain available, or he/she may be subject to "Refusal to Submit" guidelines.

In the event of a positive drug or alcohol test confirmation, the employee will be suspended from employment, pending agreement on rehabilitation procedures described in the Rehabilitation Section of the program. Nothing in this section will be interpreted to require the delay of necessary medical attention for injured people following an accident. In addition, the driver is not prohibited from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

### **3. Pre-employment Testing**

All applicants for classifications which are covered by the DOT regulations or designated as safety-sensitive positions, as well as all employees who transfer from classifications which are not covered to classifications which are covered will be required to submit to pre-employment/pre-duty drug and alcohol testing. Including those mandated under 49 CFR Part 382 Subpart G containing the requirements and procedures for the implementation of the Commercial Driver's License Drug & Alcohol Clearinghouse, effective January 6, 2020.

A positive test indicating the presence of controlled substances as defined in this policy may constitute disqualification of the applicant for the position.

### **FMCSA CLEARINGHOUSE REQUIREMENTS**

As part of the continuing efforts to promote safe roadways and to ensure only qualified CDL drivers are performing safety-sensitive duties, FMCSA has created the CDL Drug and Alcohol Clearinghouse for querying and reporting CDL drivers' compliance with 49 CFR Part 382, including CDL drivers' drug and alcohol testing violations and other pertinent information. Therefore, the District shall query the database on an annual (or more frequent basis) for each current CDL driver, and as part of the pre-employment screening process for each driver applicant. In addition, the District must report driver-specific Part 382 drug and alcohol violations to the Clearinghouse.

## **CLEARINGHOUSE QUERIES AND DRIVER CONSENT**

The District shall conduct a query of the Clearinghouse for each driver applicant before hiring into a CDL position. Driver consent is required for the query. Each driver applicant must register in the Clearinghouse and execute the FMCSA Clearinghouse electronic specific consent. If a driver applicant refuses consent, the District cannot hire the driver. When the query result states that the driver is qualified under Part 382, the District may hire an applicant driver. If the query result states that the applicant driver has Part 382 violations and has not completed the return to duty requirements of 49 CFR Part 40, Subpart O, the District cannot hire the driver.

The District shall query the Clearinghouse at least annually on each employed CDL driver. Driver consent is required. Each CDL driver shall sign a consent form provided by the District. The general consent form may be used for multiple Clearinghouse queries and can extend for the tenure of the driver's employment. If the query results in notice that drug and alcohol violation information exists in the Clearinghouse for the driver, the District must conduct a full query of the driver's record in the Clearinghouse after obtaining a specific FMCSA Clearinghouse consent executed by the driver via the Clearinghouse.

## **CLEARINGHOUSE REPORTING REQUIREMENTS**

The District must report Part 382 drug and alcohol testing information to the Clearinghouse using driver-specific identification data including driver name, CDL license number and State of issuance, and driver date of birth. No driver consent is required for such reporting.

Substance Abuse Professionals (SAP) must report within one business day:

- Driver information and date of initial evaluation
- Date of successful completion of treatment and/or education and the determination of eligibility for return-to-duty testing

## **DRIVER ACCESS TO CLEARINGHOUSE**

A CDL driver must register in the Clearinghouse to access his/her Clearinghouse records, and to provide specific consent for the pre-employment full query by any prospective employer. The driver may receive notices and communication from the FMCSA Clearinghouse via US mail, or designated electronic means (email/text, etc.). Any driver or authorized representative of the driver may submit a petition to the FMCSA contesting the accuracy of information in the Clearinghouse, using the procedures specified in §382.717.

#### **4. Random Testing**

Employees in job classifications covered by the DOT regulations will be subject to random alcohol and drug testing as follows:

- a. A random alcohol test will be administered just prior to the employee performing a safety-sensitive function (i.e. driving), while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function. Consistent with Federal law, the District will subject at least 25% of the total number of covered employees to random alcohol testing per year.
- b. Consistent with Federal law, a random drug test will be administered to at least 50% of the total number of covered employees per year.
- c. Some employees may be tested more than once a year, while others are not tested at all depending upon the random selection.
- d. On the date an employee is selected for random drug testing, his/her supervisor will ensure his/her duties are covered. The employee will receive a written notice in the morning indicating the time he/she is to report to the collection site for testing. Time spent under this provision is subject to Article V, Section E of this handbook.

#### **Testing For Prohibited Substances**

Testing will be conducted in a manner to assure a high degree of accuracy and reliability, using techniques, equipment, and laboratory facilities approved by the Department of Health and Human Services (DHHS).

Controlled substance testing will include marijuana, cocaine, opiates/opioids, amphetamines, and phencyclidine (PCP). An initial controlled substance screen will be conducted on each specimen. For specimens that test above initial screening thresholds, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels are above the minimum thresholds established in the DOT guidelines (49 CFR, Part 40).

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing (EBT) device operated by a trained Breath Alcohol Technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. An employee who has a confirmed alcohol concentration of 0.02 but less than 0.04

will be removed from their position for at least 24 hours. A breath alcohol concentration of 0.04 or greater will be considered a positive alcohol test.

### **Consequences of Failing an Alcohol and/or Drug Test**

A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination.

If a covered employee is not terminated, the employee:

- a. Must be removed from performing any safety-sensitive function;
- b. Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment to cure his/her alcohol or drug abuse.
- c. The District is not required to pay for this treatment.
- d. May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test;
- e. Will be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position.
- f. The employee will not be paid for any time he/she is unable to work because of failure to pass an alcohol or drug test.

### **Employee's Responsibilities**

A District employee must:

1. Not report to work or be on standby or on-call status while his or her ability to perform job duties is impaired due to on or off duty alcohol or drug use;
2. Not possess or use controlled substances (illegal drugs or prescription drugs without a prescription) at any time, or use alcohol at any time while on District property or while on duty for the District at any location;
3. Not directly or through a third party manufacture, sell, distribute, dispense, or provide controlled substances to any person, including any employee, at any time; or manufacture, sell, distribute, dispense or provide alcohol to any employee while either or both are on duty;
4. Notify his or her supervisor, before beginning work, when taking any medications or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of District equipment;

5. Notify the Department Director of any criminal conviction for a drug violation that occurred in the workplace within no more than five days after such conviction;
6. Notify the supervisor immediately of facts or reasonable suspicions when he or she observes behavior or other evidence that a fellow employee poses a risk to the health and safety of the employee or others; and
7. Consent to drug or alcohol testing and searches.

### **Management Employee Responsibilities**

District management employees must:

1. Notify the state or federal granting agency which has funded the work or program, if any, of any criminal drug statute convictions for a violation that occurred at a site where work is/was being done with a specific grant or contract;
2. Record factors supporting “reasonable suspicion” as defined above and consult with other management staff in order to determine whether there is reasonable suspicion to test an employee as described by this policy;
3. Take appropriate disciplinary action for any criminal drug statute conviction that occurred in a District workplace, up to and including termination, or require that the convicted employee participate satisfactorily in a drug abuse assistance or rehabilitation program as a condition for returning to duty; and
4. Take appropriate disciplinary action for any violation of this policy.

### **Drug-Free Workplace Program**

The purpose of the District’s drug-free workplace program is to educate employees and volunteers regarding:

1. The Dangers of drug and alcohol abuse in the workplace
2. The requirement of maintaining a drug-free workplace
3. The availability of drug counseling and treatment of drug-related problems through the District’s Employee Assistance Program and related policies

Drug-free educational programs are managed by the HR Department consistent with the Drug-Free Workplace Act of 1988, 44 CFR Part 17.

### **Notifying the District Of Criminal Drug Conviction**

All employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off District premises while conducting District business. A report of conviction must be made to human resources within five days after conviction, as mandated by the Federal Drug-Free Workplace Act of 1988 and the California Drug-Free Workplace Act of 1990. Failure to report such convictions will subject the employee to discipline, up to and including dismissal.

## **Prescription and Non-Prescription Substances**

Using or being under the influence of any legally obtained drug by an employee while performing District business, while on District property, or while on standby is prohibited if such use or influence may affect the safety of the employee, co-workers, members of the public, the employee's job performance, or the safe or efficient operation of the District's business.

An employee may continue to work, even though under the influence of a legal substance, if District management has determined, after consulting with a competent medical authority, that the employee does not pose a threat to their own safety or their co-workers and that the employee's job performance is not significantly affected by the legal drug. Where consumption of the legal substance is disability-related, the District will comply with its reasonable accommodation policy. Otherwise, the employee may be reassigned to an alternative position, if available, or be required to take a leave of absence or comply with other appropriate action as determined by the District.

## **Supervisory Training**

Supervisors and managers will receive at least 60 minutes of training on alcohol misuse and at least 60 minutes of training on controlled substances use every two years. The training will be used by the supervisors and/or managers to determine whether reasonable suspicion exists to require an employee to undergo testing. The training will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

## **Prior Employment Drug and Alcohol Testing Records**

The District will make a good-faith effort to obtain previous DOT test information from the last two years from an applicant's previous employers. In this context, a good faith effort includes completing the "Request for Past Test Results Form", enclosing the "Report of Past Driver Drug and/or Alcohol Test Results Form", and sending the forms to each of the employers listed on the application in order to

obtain the information from the previous two years. If there is no reply, a follow up phone call will be made in a further attempt to obtain the information. All requests will be documented and kept on file.

The District will review previous DOT test information collected from prior employers for the following:

- Alcohol test results with a breath alcohol concentration of 0.04 or greater
- Positive drug test results
- Refusals to submit to a required alcohol or drug test

If the District learns that the applicant tested positive for drugs, had an alcohol test result of 0.04 or greater, or refused to be tested, the applicant will not be allowed to perform safety-sensitive functions until the District has evidence that the driver has met the return-to-duty requirements. The District will obtain evidence that the applicant was evaluated by a Substance Abuse Provider (SAP), completed any required counseling, passed a return-to-duty test, and was subject to any required follow up testing.

### **Refusal to Submit**

Any employee who refuses to submit to a drug or alcohol test immediately when requested by a supervisor or law enforcement personnel will be treated in the same manner as an employee who has failed an alcohol or controlled substance test, as defined in this policy.

No applicant for a classification which is covered by the DOT regulations or designated as a safety-sensitive position who refuses to be tested will be extended an offer of employment. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test when required.

### **Failure to Appear For Testing**

Failure to appear for testing without a deferral will be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment. If an individual fails to appear at the collection site at the assigned time, the collector will contact the Drug and Alcohol Program Coordinator.

### **Voluntary Referral**

A fundamental purpose of the District's Drug and Alcohol Policy is to assist employees who themselves are seeking treatment for drug use and/or alcohol

abuse. Employees who believe they may have a substance abuse problem are encouraged to take the initiative in voluntarily seeking assistance.

Those voluntarily seeking help can make a confidential request for assistance to their supervisor. The employee will be referred to a SAP for evaluation and rehabilitation recommendations. Employees may use accumulated PTO to participate in a rehabilitation program. The District will not be responsible for program costs, unless recommended by the Director of Human Resources and specifically authorized by the General Manager. Under no circumstances will the District pay program costs more than once for any employee.

After approval from the SAP, the employee may return to work and may be subject to unannounced follow up testing, based on the SAP's recommendations. Any employee failing to complete the program will be subject to discipline, up to and including termination.

Employees who admit to alcohol misuse or controlled substances use are not subject to disciplinary measures provided that the employee does not self-identify in order to avoid testing under the requirements of this program.

For this reason, the District will not initiate disciplinary action against any employee who meets all three of these conditions:

- Voluntarily identifies him/herself as a user of illegal drugs or abuser of prescribed drugs or alcohol prior to being identified through other means
- Obtains counseling or rehabilitation through an EAP or SAP
- Thereafter refrains from using illegal drugs or abusing prescribed drugs or alcohol

This self-referral option allows any employee to step forward and identify him/herself as a substance abuser for the purpose of entering a drug/alcohol treatment program under the supervision of an SAP. In stepping forward, an employee may volunteer for a drug test as a means of identification. Although this self-identification test may yield a verified positive test result, such result will not subject an employee to discipline assuming the three safe harbor requirements are met

Health insurance plans may provide coverage for rehabilitation costs. Health benefits information can be obtained from the District's HR department.

## **Employee Rights**

The sample collection process will include the opportunity for the employee to

provide information about factors other than illegal drug use, such as taking prescribed medication that could cause a positive test result. At the employee's option, this information may be submitted in a sealed envelope to be opened only by the Medical Review Officer if the test result is positive.

Upon request, the employee will receive a full copy of any test results and related documentation of the testing process.

All confirmed positive samples will be retained by the testing laboratory in secure frozen storage for one year following the test or until the sample is no longer needed for appeal proceedings or litigation, whichever is longer.

## **Confidentiality**

The District will maintain records of the circumstances and results of any employee testing under this policy. These records, and any other information pertaining to an employee's drug or alcohol test, will be considered confidential and will be released only to:

- The employee who was tested or other individuals designated in writing by that employee
- The Medical Review Officer
- Individuals who need the records or information to properly supervise or assign the employee; determine, or assist in determining, what action the District should take in response to the test results, or respond to appeals or litigation arising from the drug or alcohol test or related actions

## **Rehabilitation / Return-To-Duty**

### **1. Rehabilitation**

After a verified positive test result, a conference will be conducted between the employee and a Human Resources representative. If warranted, the employee will be requested to participate in a substance abuse rehabilitation program developed by a SAP chosen by the District. Details will be outlined in a Return-to-Duty Agreement.

Employees may use accumulated PTO leave, FMLA time, or unpaid rehabilitation leave, to participate in a rehabilitation program. Program costs and subsequent controlled substance and/or alcohol-testing costs will be paid by the employee. Failure to participate in and complete such a program may result in employment termination.

## **2. Return-to-Duty**

Employees who have violated the prohibition set forth in this policy will be required to submit to a return-to-duty test before returning to their position. The test result must indicate an alcohol concentration of less than 0.02 and/or a verified negative result on a controlled substance test.

## **3. Follow-Up Testing**

After the return-to-duty test, employees will be subject to unannounced follow-up testing. A SAP will determine the number and frequency of tests, but at least six tests will be performed during the first 12 months following the employee's return to duty. Follow-up testing may be extended up to 60 months from the date of the employee's return to duty, but the SAP can terminate the requirement after the first six tests, if they determine that testing is no longer necessary. The SAP, in coordination with the Drug Program Administrator, will conduct tracking and monitoring of follow-up tests.

## **Maintenance of Records**

The District will maintain records of its alcohol misuse and controlled substances use prevention programs. The records will be maintained in a secure location with controlled access. The District will maintain the records in accordance with the following schedule:

Immediate Destruction – Records of negative and cancelled controlled substances test results and alcohol test results with a concentration of less than 0.02.

The following documents will be retained consistent with the HR document retention policy:

- Alcohol results indicating an alcohol concentration of 0.02 or greater
- Records of verified positive controlled substances test results
- Documentation of refusals to take required alcohol and/or controlled substances tests
- Driver evaluation and referrals
- A copy of each annual calendar year summary

## **Definitions**

**Accident** – an occurrence or sequence of events that produces unintended injury, death, property damage, or contact between an automobile and a person

or object.

**Alcohol** - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

**Alcohol Concentration** - the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air. Blood tests will not be used to determine alcohol concentration, unless administered by on-site police or public safety officials in a post-accident situation.

**Applicant** - any individual tentatively selected for employment with the District who has not, immediately prior to the selection, been subject to random testing.

**Breath Alcohol Technician (BAT)** - a person trained to operate the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BATs are the only qualified personnel to administer the EBT tests.

**Chain of Custody** - the procedures to account for the integrity of each urine specimen by tracing its handling and storage from point of collection to final disposition.

**Collection Site** - a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

**Confirmation Test for Alcohol Testing** - a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substances testing, it means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test, in order to ensure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.

**Consortium/Third-Party Administrator (C/TPA)** - service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employer's drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members.

**Controlled Substance (Drug) Test** - a method of detecting and measuring the presence of controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or a confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specific concentration level. It eliminates negative specimens from further consideration. A confirmation drug test is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principal in order to confirm reliability and accuracy.

**Controlled substances** will be tested under the Department of Health and Human Service guidelines. The cutoff concentrations below are for initial and confirmation drug tests:

Type of drug or metabolite	Initial test	Confirmation test
<b>(1) Marijuana metabolites</b>	<b>50</b>	
(i) Delta-9-tetrahydrocannabinol-9-carboxylic acid (THC) 50		<b>15</b>
<b>(2) Cocaine metabolites (Benzoylecgonine)</b>	<b>300</b>	
<b>(3) Phencyclidine (PCP)</b>	<b>25</b>	
<b>(4) Amphetamines</b>	<b>1000</b>	
(i) Amphetamine		<b>500</b>
(ii) Methamphetamine		<b>500 (Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml.)</b>
<b>(5) Opiates metabolites</b>	<b>2000</b>	
(i) Codeine		<b>2000</b>
(ii) Morphine		<b>2000</b>
(iii) 6-acetylmorphine (6-am)		<b>10 (Test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.)</b>

**Cannabis Testing** – Except as provided otherwise in a memorandum of understanding, or as to employees who are required to participate in the District's "Federally Mandated Commercial Driver's License Holders Drug/Alcohol Testing Education Program" the District does not test for the presence of non-psychoactive cannabis metabolites

**Department of Transportation (DOT) Guidelines** - the controlled substances and alcohol testing procedures in all transportation industries (49 CFR, Part 40) and for the Federal Motor Carrier Safety Administration (49 CFR, Part 382).

**Employee Assistance Program (EAP)** - a counseling program that offers

assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.

**Evidential Breath Testing Device (EBT)** - the device to be used for breath alcohol testing.

**Medical Review Officer (MRO)** - the individual responsible for receiving laboratory results generated from the District's Drug and Alcohol Program who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.

**Illegal Drugs** - a controlled substance, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

**Performing Safety-Sensitive Function** - an employee is considered to be performing a safety sensitive function in any period in which they are actually performing, ready to perform, or immediately available to perform such functions.

**Reasonable Suspicion Controlled Substance and/or Alcohol Testing** - conducted when a trained supervisor has a good faith belief based on specific, contemporaneous, and articulable facts or evidence that an employee may have violated the prohibitions set forth this policy.

**Refusal to Submit** - failing to provide an adequate breath or urine sample for testing without a valid medical explanation or engaging in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior, or physical absence resulting in the inability to conduct the test.)

**Safety-Sensitive Classification** - any job classification designated as safety-sensitive due to its duties, or that requires an employee to possess a commercial driver's license and to be able to operate any of the following vehicles:

- A vehicle with a gross vehicle weight rating (GVWR) of at least 26,001 pounds;
- A vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating (GVWR) of more than 10,000 pounds;

- A vehicle designed to transport 16 or more passengers, including the driver; or
- A vehicle used to transport hazardous materials that require placards.

**Substance Abuse Professional (SAP)** - a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC), (the license alone does not authorize this), with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.

**Trained Supervisor** - a person in authority who received at least one hour of training on the signs and symptoms of alcohol abuse, and at least one hour of training on the signs and symptoms of controlled substance abuse.

## **F. Violence in the Workplace**

The District is committed to providing a safe, violence-free workplace and strictly prohibits employees, consultants, visitors, or anyone else on District premises or engaging in a District-related activity from behaving in a violent or threatening manner. As part of this policy, the District seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring.

The District maintains zero tolerance for workplace violence and will take immediate disciplinary action, up to and including termination, against any employee participating in said behavior.

The District believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures for responding to any situation that presents the possibility of violence. In an emergency situation, a call must be made to the local police or sheriff's department immediately.

Workplace violence includes:

- Threatening, physically aggressive, or violent behavior, such as intimidation of, or attempts to instill fear in others.
- Any behavior that suggests a propensity toward violence, which may include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of District property, or a demonstrated pattern of refusal to follow District policies and procedures.

- Defacing or causing physical damage to District property.
- Bringing weapons or firearms of any kind on District premises, parking lots, or being in possession of weapons or firearms while conducting District business.

If an employee observes or becomes aware of any of the above-listed actions or behaviors by an employee, consultant, visitor, or anyone else, a supervisor must be notified immediately. Supervisors must report all potential violent events or other suspicious behaviors to the Safety and Security Officer in the event of a non-emergency.

Employees must notify their supervisor if a restraining order preventing contact with them is in effect, or if a potentially violent non-work related situation exists that could result in violence in the workplace.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. To the extent possible, the District will maintain the confidentiality of the reporting employee and of the investigation, but may need to disclose results in appropriate circumstances in order to protect public and/or individual safety. The District will not tolerate retaliation against any employee who reports workplace violence. If it has been determined that workplace violence has occurred, or is likely to occur, appropriate corrective action will be taken.

## **G. Workplace Violence Prevention Plan**

In addition to section F above, the District's Workplace Violence Prevention Plan ("Plan" or "WVPP") has been established, implemented, and maintains an effective workplace violence prevention Plan as required under Labor Code sections 6401.7 and 6401.9. The District's WVPP is available for review within the Safety Icon found on all District computer stations/virtual machines (VM).

As an overview, the District's WVPP contains procedures to address the following statutory requirements:

- 1) Maintain a Violent Incident Log in which to record all incidents of workplace violence, as defined below.
- 2) Provide effective training to employees on the requirements related to the prevention of workplace violence, including but not limited to EID's WVPP.
- 3) Maintain records of the following:
  - (a) Workplace violence hazards,
  - (b) Employee training,

- (c) Violent Incident Logs, and
- (d) the investigation of any incident of workplace violence.

- 4) Ensure certain records are made available to the Division of Occupational Safety and Health (“Division” or “DOSH”), employees, and any authorized employee representatives.

## **Scope**

EID’s WVPP shall apply to all employees working within EID facilities and worksites. A temporary workplace that is not under the control of EID is exempt from and not subject to the WVPP.

**Workplace violence** includes, but is not limited to, the following:

- The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury.
- An incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury.

The four workplace violence types are:

**Type 1 violence** — Workplace violence committed by a person who has no legitimate business at the worksite, and includes violent acts by anyone who enters the workplace or approaches employees with the intent to commit a crime.

**Type 2 violence** — Workplace violence directed at employees by customers, consultants, vendors, service providers, or visitors.

**Type 3 violence** — Workplace violence against an employee by a present or former employee, supervisor, or manager.

**Type 4 violence** — Workplace violence committed in the workplace by a person who does not work there, but has or is known to have had a personal relationship with an employee.

Workplace violence does not include lawful acts of self-defense or defense of others.

## **Training on the WVPP**

All employees, including managers and supervisors, will receive training and/or instruction on general and job-specific workplace violence practices via the

District's WVPP. The training will occur upon hire and/or annually to ensure all employees understand and comply with the Plan. Additional training or instruction may occur whenever a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the Plan. The additional training may be limited to addressing the new workplace violence hazard or changes to the Plan.

## **H. Weapon-Free Workplace**

To ensure that EID maintains a workplace that is safe and free of violence for all employees, the District prohibits the possession or use of dangerous weapons on District property, including self-defense weapons. A license to carry the weapon does not supersede District policy. Any employee in violation of this policy will be subject to prompt disciplinary action, up to and including termination. All District employees are subject to this provision, including contract and temporary employees, as well as visitors and customers on District property. The sole exception is for individuals qualifying as peace officers under state law, authorized to carry weapons and performing official duties on District property.

"District property" is defined as all District-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the District's ownership or control. This policy applies to all District-owned or leased vehicles and all vehicles that come onto District property. This policy applies to both public and non-public areas of the workplace.

"Dangerous weapons" include, but are not limited to, firearms, explosives, knives outlawed by the California Penal Code and other weapons that might be considered dangerous or that could cause harm. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy. This policy is administered and enforced by the Human Resources Department. Anyone with questions or concerns specific to this policy should contact the Human Resources Department.

## **I. Use of Cellular Telephones While Driving**

In the interest of employee and public safety, use of cellular telephones while driving is prohibited. If an employee is driving and required to make or receive a cell phone call, the employee must wait until parked in a safe area before making or receiving a call. Employees choosing to wear hands-free devices may do so; however, headsets and ear-buds are prohibited when covering both ears.

## **J. Disaster, Fire Safety and Electrical Safety Programs**

## **Emergency Operations Plan**

In order to provide effective life-saving measures, avoid injury, lessen property damages, and minimize impact to the environment, as well as to protect its employees, public welfare and District assets in times of emergency, the District maintains an Emergency Operations Plan (EOP). The EOP provides a framework for directing responses to a broad scope of emergency circumstances and disaster situations. The plan is intended to be general enough to be useful in these varied circumstances and follows the classic template of 1) plan/assess, 2) mitigate/prepare, 3) respond, and 4) recover. Each step follows the necessary requirements for the entire plan to work effectively in conjunction with the National Incident Management System and the Incident Command System. The EOP is maintained by the District's Safety/Security personnel and should be followed in the event of an emergency.

## **Disaster Service Workers**

Under state law, every District employee is a "disaster service worker" subject to such disaster service activities as may be assigned to them by their superiors or by law. As part of those duties and as a condition of District employment, every District employee must take and subscribe to the oath or affirmation found in Article XX, section 3 of the state constitution. The District will engage in an interactive process to attempt to accommodate employees with a bona-fide conscientious objection to taking and subscribing to the constitutional oath or affirmation, by developing mutually acceptable alternative language.

## **Fire Safety**

Fire safety materials are available in each department. Employees are required to read fire safety instructions carefully and to be familiar with them. The District conducts routine fire drills. Open-flame devices such as candles are not to be used within District locations.

## **Electrical Equipment**

Electrical equipment should be purchased, tested, and maintained according to established practices that are the result of strict building and safety codes. Federal and State regulations prohibit the use of most home-type electrical appliances within the District facilities. Any employee wishing to bring in any electrical device for use at work is required to obtain supervisor approval before use.

## **K. Personal Belongings**

The District does not assume responsibility or liability for lost, stolen, or vandalized personal property. Personal property will not be replaced if damaged while employees are at work. Personal valuables should be left at home. When this is not possible, employees should keep them in a secured location at all times. Automobiles should be locked with no valuables left in sight. The responsibility for safeguarding, replacing, or repairing personal property lost, stolen, or damaged while in any of the District facilities or related locations, is that of any individual, including employees, volunteers and other visitors to the organization.

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