

## Contents

<b>1. Policies &amp; Procedures: General</b> .....	1
<b>1.1. Mission, Vision, and Values</b> .....	1
<b>1.1.1. Mission</b> .....	1
<b>1.1.2. Vision</b> .....	1
<b>1.1.3. Values</b> .....	2
<b>1.2. Adoption and Amendment of Policies</b> .....	2
<b>1.2.1. Policy Initiation</b> .....	3
<b>1.2.2. Review</b> .....	3
<b>1.2.3. Approval</b> .....	3
<b>1.2.4. Dissemination</b> .....	4
<b>1.2.5. Periodic Review</b> .....	4
<b>1.3. Adoption and Amendment of Forms</b> .....	5
<b>1.4. Compliance with Board Ordinances, Resolutions, and Policies</b> .....	6
<b>1.5. Ethics</b> .....	6
<b>1.5.1. Conflict of Interest Policy</b> .....	6
<b>1.5.2. Political Activities on District Property or Time</b> .....	7
<b>1.5.3. Ticket and Gift Policy</b> .....	7
<b>1.5.4. Employment of Former Board Members and Employees</b> .....	13
<b>1.5.5. Fraud</b> .....	14
<b>1.5.6. Whistleblower Protection</b> .....	23
<b>1.6. External Relations and Public Information</b> .....	23
<b>1.6.1. External Communications (including Media Relations)</b> .....	23
<b>1.6.2. Public Complaints</b> .....	24
<b>1.6.3. Claims and Suits</b> .....	24
<b>1.7. Corporate Social Responsibility</b> .....	28
<b>2. Board of Directors Policies &amp; Procedures</b> .....	29
<b>2.1. General</b> .....	29
<b>2.2. Board Operations</b> .....	30
<b>2.2.1. Governing Laws</b> .....	30
<b>2.2.2. Board Compensation</b> .....	31

2.2.3. Election of Board Officers .....	31
2.2.4. Role of Board Officers .....	32
2.2.5. Role of Board Directors.....	34
2.2.6. Roles and Responsibilities of Senior Management .....	35
2.2.6.1. General Manager.....	35
2.2.6.2. Administration & Finance Manager .....	36
2.2.6.3. Director of Engineering and Maintenance .....	36
2.2.6.4 Clerk of the Board.....	37
2.2.7. Public Meetings of the Board of Directors.....	38
2.2.8. Board Member Rules and Code of Conduct .....	39
2.2.9. Ralph M. Brown Act .....	41
2.2.10. Board Meetings .....	42
2.2.11. Preparation of Ordinances and Resolutions.....	45
2.2.12. Public Notification of Board Meetings .....	46
2.2.13. Record of Meetings.....	47
2.2.14. Performance Evaluation for General Manager.....	47
2.3. California Fair Political Practices Commission (FPPC) .....	48
2.3.1. Submission of Office Holder & Candidate Campaign Statement (FPPC Form 470).....	48
2.3.2. Submission of Statement of Economic Interests (FPPC Form 700) .....	49
2.4. Ethics and Conflict of Interest Policy .....	49
2.5. Required Board of Directors Training.....	54
2.5.1. Governance .....	54
2.5.2. Ethics .....	54
2.5.3. Harassment.....	54
2.6. Representation of VSD Before Outside Agencies and Organizations .....	55
2.7. Reimbursement of Board Member Expenses .....	55
2.8. Board Misconduct.....	56
2.8.1. Admonition .....	57
2.8.2. Sanction.....	57
2.8.3. Censure.....	57
2.9. Resignation from the Board of Directors .....	58

2.10. Vacancies on the Board of Directors.....	58
2.11. Board Compensation Policy.....	61
2.11.1. Compensation.....	61
2.11.2. Day of Service at Request of the Board.....	61
2.12. District Travel Policy.....	62
3. Employee Policies & Procedures.....	63
3.1. General.....	63
3.1.1. Employer – Employee Relations.....	63
3.1.2. Immigration Law Compliance.....	64
3.1.3. Equal Employment Opportunity Statement.....	64
3.1.4. Americans with Disability Act (ADA) Compliance.....	65
3.1.5. Standards of Conduct.....	65
3.2. General Manager.....	86
3.3. Organizational Structure.....	89
3.4. Employment Categories.....	89
3.4.1. Exempt and Non-Exempt Employees.....	89
3.4.2. Regular Employees.....	90
3.4.3. Temporary Employees.....	90
3.5. Probationary Status.....	91
3.6. At-Will Status.....	92
3.7. Job Duties.....	93
3.8. Outside Employment.....	93
3.9. Employee Compensation.....	94
3.9.1. General.....	94
3.9.2. Raises.....	97
3.9.3. Longevity Pay.....	97
3.9.4. Call Out or Call Back Time/Pay.....	97
3.9.5. Stand-By Pay.....	97
3.9.6. Certification Incentive.....	98
3.9.7. Special Assignment (Acting) Compensation.....	98
3.10. Recruitment.....	99
3.10.1. Advertisement of Vacancies.....	99

3.10.2. Review and Selection .....	100
3.10.3. Internal Transfers and Promotions .....	101
3.10.4. Non-Disciplinary Demotions .....	102
3.11.1. Workplace Violence.....	102
3.11.2. Uniforms and Protective Clothing .....	105
3.12. Employee Evaluations.....	106
3.13. Employee Awards .....	109
3.14. Disciplinary Actions.....	110
3.15. Whistleblower Protection .....	116
3.16. Grievance .....	116
3.17. Employee Records.....	119
3.18. Hours of Work and Overtime.....	120
3.18.1. Work Week.....	120
3.18.2. Exchanging Work Schedules.....	121
3.18.3. Alternative Schedules .....	122
3.18.4. Disaster Service Worker Designation .....	122
3.18.5. Standby and Emergency Duty .....	122
3.18.6. Rest and Meal Periods.....	124
3.18.7. Timekeeping and Time Records .....	124
3.18.8. Unauthorized Voluntary Absence.....	125
3.19. Operational Needs & Requirements .....	126
3.19.1. District Property.....	126
3.19.2. Employee Property .....	126
3.19.3. Facility Security and Employee Safety .....	126
3.19.4. In-Service Training .....	127
3.19.5. Health & Welfare .....	127
3.19.6. Smoking Policy .....	128
3.19.7. Housekeeping Policy.....	128
3.19.8. Postage Meter .....	128
3.19.9. Parking.....	129
3.19.10. District Vehicle Use .....	129
3.19.11. District Information Systems .....	130

<b>3.20. Employee Benefits.....</b>	<b>132</b>
<b>3.20.1. Leave.....</b>	<b>132</b>
<b>3.20.2. Health Benefits.....</b>	<b>154</b>
<b>3.20.3. Dental Benefits.....</b>	<b>156</b>
<b>3.20.4. Vision Benefits.....</b>	<b>156</b>
<b>3.20.5. Wellness Program.....</b>	<b>156</b>
<b>3.20.6. Short-Term Disability.....</b>	<b>157</b>
<b>3.20.7. Long-Term Disability.....</b>	<b>157</b>
<b>3.20.8. Workers Compensation.....</b>	<b>157</b>
<b>3.20.9. Life Insurance.....</b>	<b>160</b>
<b>3.20.10. Social Security (Federal FICA).....</b>	<b>160</b>
<b>3.20.11. Retirement (CalPERS).....</b>	<b>161</b>
<b>3.20.12. 457 Plan (Deferred Compensation).....</b>	<b>161</b>
<b>3.20.13. Unemployment Insurance.....</b>	<b>161</b>
<b>3.20.14. Retiree Medical Coverage (Per CalPERS).....</b>	<b>162</b>
<b>3.20.15. Education &amp; Training.....</b>	<b>162</b>
<b>3.21. Pay Periods and Paychecks.....</b>	<b>166</b>
<b>3.22. Mandatory Direct Deposit of Pay.....</b>	<b>166</b>
<b>3.23. Advance of Wages or Leave.....</b>	<b>167</b>
<b>3.24. Garnishment of Wages.....</b>	<b>167</b>
<b>3.25. Reimbursement of Expenses.....</b>	<b>167</b>
<b>3.26. Separation.....</b>	<b>170</b>
<b>3.26.1. Resignation.....</b>	<b>170</b>
<b>3.26.2. Involuntary / Termination.....</b>	<b>170</b>
<b>3.26.3. Exit Interviews.....</b>	<b>170</b>
<b>3.26.4. COBRA Benefits.....</b>	<b>171</b>
<b>3.26.5. Conversion of sick leave to CalPERS service credit.....</b>	<b>171</b>
<b>3.27. Employee References and Letters of Recommendation.....</b>	<b>171</b>
<b>3.28. Reemployment Rights.....</b>	<b>171</b>

## **1. Policies & Procedures: General**

The purpose of this document is to provide all Valley Sanitary District (VSD) policies and procedures approved by the Board of Directors, for easy reference. This will facilitate the proper conduct of District business. Each Director and staff member shall be provided with a copy of the Policies and Procedures Manual (PPM), acknowledge document delivery in writing, and affirm their intent to comply with the policies and procedures contained herein.

If any portion of this manual is in conflict with federal or state law or regulations that apply to the District, said legislation or regulations shall prevail.

### **1.1. Mission, Vision, and Values**

#### **1.1.1. Mission**

The mission of the Valley Sanitary District is to collect, treat, and reuse wastewater in a safe and cost-effective manner as prescribed by state and federal law.

The District is dedicated to maintaining a high standard of operations and maintenance, forward thinking in planning for facility and operational needs, and achieving maximum cost efficiency and effectiveness. The District Board and staff are dedicated ensuring that the District is a positive asset to the community.

#### **1.1.2. Vision**

The vision of the Valley Sanitary District is to promote the effective stewardship of our water resources, provide a sustainable long-term solution for the customers of the District, and operate in a cost-effective and responsible manner.

### **1.1.3. Values**

The Valley Sanitary District seeks to carry out its work based on the following:

Stewardship of the District's resources

Employees are our most important asset

Responsibility and integrity in decision-making

Valued partner in the community

Innovation is required for success

Communication and community involvement are key

Efficient and effective solutions by improving business processes

## **1.2. Adoption and Amendment of Policies**

The Board of Directors establishes policies for the direction and function of the District. Within delegated authority, the General Manager also establishes management policies for the operation of the District.

Policies are guidelines for operating and maintaining the District and should be periodically reviewed and amended to meet changing conditions. The General Manager, in conjunction with relevant staff, is responsible for reviewing existing policies to determine if changes or new policies are necessary.

This policy establishes a standard procedure for the adoption and change of policies that are carefully developed, adequately documented, periodically reviewed, and disseminated in a timely and effective manner.

### **1.2.1. Policy Initiation**

Any member of the Board of Directors may suggest to the General Manager the development or revision of a policy and request the item be included for consideration on the agenda of the next appropriate meeting of the Board of Directors. The General Manager may submit a proposed draft policy or change to the Board of Directors for consideration.

Staff may present suggestions for new policies or changes to the General Manager at any time.

Policies and any related procedures to implement them are to be issued using the format in Appendix A.

### **1.2.2. Review**

The General Manager will review draft policies and changes to determine their operational and financial implications and to ensure that they are consistent with the mission, vision, and values of Valley Sanitary District.

The General Manager may consult the District's legal counsel as needed to ensure that new and amended policies meet applicable legal standards and requirements.

The General Manager will provide feedback to the Board based on their review and any input from the District's legal counsel.

### **1.2.3. Approval**

Actions by the Board of Directors to adopt a new policy or change an existing policy may be initiated by any Director or by the General Manager and shall require a majority affirmative vote by the Board of Directors.

Management policies issued by the General Manager within delegated authority do not require Board approval.

### **1.2.4. Dissemination**

Following Board approval (or the General Manager's signature on management policies issued within delegated authority), new policies or changes are to be disseminated to staff via e-mail and posted to the District intranet within 48 hours of their approval. The master electronic versions of the Policies and Procedures Manual (including Employee Handbook) should also be updated within 48 hours.

If the policy is new or represents a significant change from previous policy, the General Manager may direct that written notices be distributed to all employees (with employee acknowledgment of receipt of the policies by signing a copy of the notice if deemed necessary, with the signed copy then placed in the employee's personnel file), that the new or revised policy be posted in areas frequented by employees, such as break rooms, main hallways, and bulletin boards, and/or that training sessions be organized to ensure familiarity with the new policy.

A copy of the policy is to be sent to Code Publishing for any required action related to updating the District Code.

A summary of any new or amended Board policy should be highlighted on the District intranet for a period of two weeks.

### **1.2.5. Periodic Review**

In order to ensure that policies evolve to meet the changing needs of the District, each policy adopted will include a suggested review date. The Administration and Finance Manager will maintain a calendar of scheduled review dates and bring those policies due for review to the attention of the General Manager.

### **1.3. Adoption and Amendment of Forms**

Forms exist to ensure the systematic collection of needed data. To the greatest practical extent, forms will be created, completed, and submitted electronically to facilitate review and analysis of that information.

It is the policy of the Valley Sanitary District to collect, compile, and store all business-critical data via electronic means. The use of paper forms should be minimized.

It is noted that there are several electronic systems that are in place that collect business critical data. Data is entered directly into those systems. Those systems include:

- District Accounting and Financial System (Financial Edge)
- District Assessment and Permitting Systems (ACTS)
- District Code (Code Publishing)
- District Collection Asset Management System (Lucity)
- District Control Access System (Honeywell)
- District Employee Identification System (Zebra ID Card Systems)
- District Employee Training System (Target Solutions)
- District Facility Asset Management System (Lucity)
- District Laboratory Information System (WaterTrax LIMS)
- District Recruitment and Evaluation System (NeoGov)
- District Supervisory Control and Data Acquisition System (SCADA)

The General Manager is responsible for authorizing and approving new forms and revisions to forms. Supervisors and staff are encouraged to present suggestions for new forms or revisions to existing forms to the General Manager at any time.

Forms are to be designed to be as effective and efficient as possible. Adequate space should be provided to allow for the recording of the relevant information. Forms, whether paper or electronic, should be designed to highlight data requirements. Paper forms are to be issued using the format in Appendix B and stored in the G:\Administration Department\Forms Master directory.

## **1.4. Compliance with Board Ordinances, Resolutions, and Policies**

In response to a potential violation of any Board ordinance, resolution, or policy, the General Manager will investigate the matter and is authorized to apply such penalties as may be provided for by law, the Sewer Use Ordinance, or this code, or to take any other action, within such limitations and restrictions as may be established by the Board from time to time, that the General Manager deems appropriate, including discontinuance of wastewater service until such time as the General Manager has determined, in their discretion, that the violation is fully corrected. Such discontinuance of wastewater service and/or imposition of remedies shall not prevent the District from seeking such damages and/or remedies as may be available to the District under applicable laws, and, to the extent authorized, directed, or ratified by the Board, the General Manager of the District may pursue all legal remedies necessary or appropriate for the enforcement of all matters proscribed or prescribed by Board ordinance, resolution, or policy.

## **1.5. Ethics**

### **1.5.1. Conflict of Interest Policy**

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. § 18730) that contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730, and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Valley Sanitary District (the "District").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the Administration and Finance Manager as the District's Filing Officer. The Administration and Finance Manager shall make and retain a copy of all statements filed by the Board of Directors and General Manager and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The Administration and Finance Manager shall retain the original statements filed by all other officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours (Gov. Code § 81008).

### **1.5.2. Political Activities on District Property or Time**

No officer or employee of Valley Sanitary District shall participate in political activities of any kind while in uniform (Government Code Section 3206).

### **1.5.3. Ticket and Gift Policy**

The acceptance and use of gifts by individuals required to file a statement of economic interests under the Valley Sanitary District conflict of interest code is regulated by the California Fair Political Practices Commission (FPPC). The FPPC has posted a [fact sheet](#) on the subject.

The District is committed to complying with relevant FPPC regulations (Title 2, Division 6, California Code of Regulations, Section 18944.1) and to ensuring that tickets received by the District, whether from public or private entities or individuals, are distributed to or at the behest of District officials in furtherance of governmental and/or public purposes.

#### **Definitions:**

- “District” shall mean and refer to Valley Sanitary District and any department, Board, or committee thereof.

- “District Official” shall mean and refer to the District’s “public officials”, as the term is defined by California Government Code Section 82048 and Title 2 of the California Code of Regulations, Section 18701 as these may from time to time be amended.
- “Event” shall mean and refer to local, regional, national, and worldwide events and festivals, inclusive of any form of entertainment, cultural enrichment, or recreation.
- “FPPC” shall mean and refer to the California Fair Political Practices Commission.
- “Gift” shall mean and refer to “gifts” as that term is defined by California Government Code section 82028 and applicable FPPC regulations as these may from time to time be amended.
- “Immediate Family” shall mean and refer to the spouse and/or dependent children of a District official.
- “Policy” shall mean and refer to this Ticket Distribution Policy.
- “Tickets” shall mean and refer to any ticket, pass, or form of admission privilege that entitles a holder to attend, enter, or participate in an event.

**Covered Tickets and Gifts:**

- Gratuitously provided to the District by an outside source.
- Acquired by the District by purchase.
- Acquired and distributed by the District in any other manner.

**Limitation:**

This policy shall only apply to the District’s distribution of tickets and gifts to, or by, a District official. Only the Board Members and General Manager shall have distribution authority.

Notwithstanding this policy’s coverage as specified above, this policy shall not:

- Limit or in any way change the legal definition of a “Gift” or modify the applicability of all FPPC regulations to District officials, including but not limited to Title 2 of the California Code of Regulations, Section 18946.4.
- Limit or in any way modify the accountability of District officials for the funding and support that the District contributes to any event.
- Apply to any item of value provided to a District official or a member of the District official’s immediate family upon or incident to an admission or entry via a particular ticket, regardless of whether the District official or that member of his/her immediate family received said item of value gratuitously or in exchange for consideration.
- Apply to a ticket purchased by a District official from a third party or non-District entity presenting or hosting an event upon payment by the District official in question of that ticket’s full value per FPPC regulations.
- Apply to a ticket that is obtained by a District official per this Policy when the District official reimburses the District for the ticket’s full value per FPPC regulations.
- Apply to a ticket to an event received by a District official from a third party or non-District entity presenting or hosting an event at which the District official receiving the ticket performs a ceremonial role or function on behalf of the District. or
- Limit or in any way change the District’s authority to require that any member of District staff, assigned on a permanent or temporary basis to work on “special events,” attend any event taking place within the boundaries of the District in their official capacity, i.e., as a requirement of their employment by the District.

**Ticket Distribution Public Purpose:**

The District may accomplish one or more of the following governmental and/or public purposes through the distribution of tickets to, or at the behest of, a District official. The following list is illustrative rather than exhaustive.

- Promotion of business activity, growth, development and redevelopment within the District boundaries.
- Promotion of District controlled or sponsored events, activities, or programs.
- Promotion of District, or District-sponsored or supported community programs and/or resources that are available to District residents, said programs and resources to include volunteer services, and charitable/nonprofit organization programs.
- Promotion of private facilities available for District resident use, including facilities of charitable/nonprofit organizations.
- Promotion of District facilities available for District resident use.
- Promotion of District recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- Promotion of open, visible, and accessible government by District official appearances, participation and/or availability at an event.
- Promotion of inter-governmental relations, i.e., cooperation and coordination of resources between the District and other government agencies or entities in the Coachella Valley.
- Promotion of District attraction and retention of highly qualified employees, for which any such employee or prospective employee may receive no more than four (4) tickets per event.
- Promotion of public exposure to, and awareness of, the various the recreational, cultural, and educational venues and facilities available to the public within the District.

**Agency Head:**

For the purpose of implementing this policy, completing, and posting the FPPC California Form 802, the District’s General Manager or their designee shall be the “Agency Head.” The Agency Head shall have the authority, in their sole discretion, to establish procedures for the distribution of tickets, whether directly or per behest of a District official, in strict accord with this policy. The Agency Head shall determine the value of any ticket distributed per this policy in accord with applicable FPPC

regulations. Finally, in an exercise of his/her sole discretion, the Agency Head shall determine the identity of any District official(s) who will have the opportunity to reimburse the District for the full value of a ticket as is referenced above.

**Additional Ticket Distribution Public Purpose Related To Events Within District Boundaries:**

Participation by District officials in events and event-related activities within the District boundaries is important to provide an opportunity for District leaders to be involved in the community. By attending an event within District boundaries and various event-related activities that require tickets, District officials have the ability to meet and greet residents and visitors to the District, and to make observations that will assist them in providing suggested modifications for future occurrences of the event in question that will enhance and improve the overall event and its economic and public impact on the District.

**Events Taking Place Outside of The Coachella Valley:**

From time to time, a District Official's attendance at or participation in an event taking place outside the Coachella Valley may accomplish a governmental and/or public purpose. In any instance when a public official will be attending or participating in an event outside the Coachella Valley, the public official in question shall only do so upon a written finding by the Agency Head or their designee that the attendance/participation advances a governmental and/or public purpose. A record of any such finding as to events outside the Coachella Valley shall be maintained as a public record, be available for public inspection and copying, and be forwarded to the FPPC for posting on its website.

**Tickets to Immediate Family Members of District Official:**

The District acknowledges that from time to time, the extent to which governmental and/or public purposes may be advanced by distribution of a ticket to a District official depends upon that District official's capacity to interact with others at an event

in an informal and/or casual manner, best pursued by the District official in question in the company of his/her immediate family. In such an instance, within the discretion of the Agency Head, the attendance at an event by an immediate family member of a District official serves a governmental and/or public purpose to the same extent as the attendance of the District official in question.

**Prohibition of Transfer, Exception for Immediate Family:**

Although this policy covers distribution of tickets to persons and/or organizations at the behest of a District official, no ticket shall be distributed to any person and/or organization through a District official at whose behest the ticket is being distributed. The sole exception to this rule shall be for a ticket disbursed to a District official and transferred to a member of that District Official's immediate family as stipulated above. With this sole exception, all tickets distributed hereunder shall be distributed by the Agency Head.

**Prohibition Against Sale of Or Receiving Reimbursement For Tickets:**

No District official who receives a Ticket pursuant to this policy shall sell or receive reimbursement for the value of such ticket.

**Public Purpose Requirement:**

The distribution of any ticket by the District to, or at the behest of a District official shall accomplish a governmental and/or public purpose.

**Website Posting and Disclosure:**

This policy and any future modifications to this policy shall be posted on the District website and District intranet, in a prominent fashion.

Distribution of a ticket or tickets to a District official or a member of the District official's immediate family pursuant to this policy shall be memorialized on the

District website in a prominent fashion, within thirty (30) days after said ticket's or tickets' distribution.

**No Earmarking of Ticket to District, Role of Agency Head:**

FPPC regulations provide that no ticket received by District may be earmarked for distribution to a particular District official or any particular person. The Agency Head shall be the sole person who determines the identity of each recipient of a ticket provided to the District who will use that ticket in accordance with this policy for a governmental and/or public purpose.

**1.5.4. Employment of Former Board Members and Employees**

Former directors and employees shall only be utilized as consultants by the District if they have unique experience or background, or if they are a highly recognized authority in a field or specialty required by the District, or if they have other similar special qualifications.

Contracts with former Board members or employees for consulting services for any dollar amount shall be awarded by the Board of Directors and only if the Board first finds and determines that retention of a former director or employee to provide such services would be in the best interest of the District.

Prior to recommending to the Board that a former director or employee be employed as a consultant, the General Manager shall investigate the circumstances, and shall determine if the staff has the necessary expertise to perform the work in question. If the General Manager determines that the staff does have the necessary expertise, the General Manager shall then determine whether the work can be performed by staff in light of current and projected workload, priorities, schedule and budget. In recommending the hiring of former District directors or employees as consultants, the General Manager shall specifically make a finding of the expertise required and discuss how the recommended consultant provides this expertise.

A detailed scope of work identifying the individual components of the work to be performed shall be prepared and presented to the Board of Directors with any recommendation to employ a former director or employee to provide consulting services.

Pursuant to the California Public Employees Retirement System (CalPERS), a retired CalPERS annuitant, from ANY CalPERS Agency, cannot be directly employed by the District for a period of 180 days after their retirement date without reinstating from retirement, unless the District certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed, and the appointment has been approved by the Board in a public meeting. The appointment may not be placed on a consent calendar. The 180 day wait period begins on the retirement date. This restriction does not apply to a contractual employee, through a firm.

No contract for consulting services by a former director or employee shall exceed twelve months in duration. As a general rule, such contracts will be awarded on a fiscal-year basis.

### **1.5.5. Fraud**

Valley Sanitary District is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the policy of the District to identify and promptly investigate any possibility of fraudulent or dishonest activities against the District and, when appropriate, to pursue legal remedies available under the law.

#### **A. DEFINITIONS**

- Fraud - Fraud and other dishonest activities include, but are not limited to:
  - Claim for reimbursement of expenses that are not job-related or authorized by current policies.
  - Forgery or unauthorized alteration of documents (checks,

promissory notes, time sheets, independent contractor agreements, purchase orders, budgets, etc.).

- Misappropriation of District assets (funds, securities, supplies, furniture, equipment, etc.)
  - Improprieties in the handling or reporting of money transactions.
  - Authorizing payment for goods not received or receiving payment for services not performed.
  - Computer related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of District-owned software.
  - Misrepresentation of information on documents or other communications.
  - Any violation of Federal, State, or Local laws related to dishonest activities or fraud.
  - Any violation of the Fair Political Practices Act, regulation of the Fair Political Practices Commission, or the Valley Sanitary District Conflict of Interest Code.
- Employee - In this context, employee refers to any individual or group of individuals who receive compensation, either full-time, part-time, or temporary, from the District.
  - Management - In this context, management refers to any administrator, manager, director, supervisor, or other individual who manages or supervises funds or other resources, including human resources.
  - Special Committee - In this context, Special Committee refers to any person or persons assigned by the General Manager or the Board of Directors as appropriate to investigate any fraud or similar activity.
  - External Auditor - In this context, External Auditor refers to independent audit professionals who perform annual/special audits of the District's financial statements.

- Contractor - A non-employee providing services to the District pursuant to contract. The term also includes any volunteer who provides services to the District through an arrangement with the District.
- B. It is the District's intent to fully investigate any suspected acts of fraud, misappropriation, or other dishonest activities. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the District of any party who might be or become involved in or becomes the subject of such investigation.
- C. Each department of the District is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations, and other irregularities. Managers and supervisors should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.
- D. The Special Committee, in conjunction with the District's legal counsel or any law enforcement agency, has the primary responsibility for the investigation of all activity as defined in this policy.
- E. Throughout the investigation, the Special Committee will inform the General Manager (or other designated individual should the General Manager be a subject of the investigation) of pertinent investigative findings.
- F. Employees and contractors will be granted protection from retaliation when acting in accordance with this policy. When reporting a suspected violation of this Policy in good faith, neither the District nor any person acting on behalf of the District shall:
- Dismiss or threaten to dismiss the employee or contractor,
  - Discipline, suspend, or threaten to discipline or suspend the employee or contractor,

- Impose any penalty upon the employee or contractor, or
- Intimidate or coerce the employee or contractor.

Retaliation will result in discipline up to and including dismissal.

G. Upon conclusion of the investigation, the results will be reported to the General Manager.

H. The General Manager, following review of investigation results, will take appropriate action regarding employee or contractor misconduct. Disciplinary action can include termination and referral of the case to the District Attorney's Office or other law enforcement agency for possible prosecution.

I. The District will pursue every reasonable effort, including court-ordered restitution, to obtain recovery of District losses from the offender, or other appropriate sources.

J. District Board of Director's Responsibilities

- If a Board member has reason to suspect that fraudulent activity has occurred, he or she shall immediately contact the General Manager (or contact the District's legal counsel or a law enforcement agency if the General Manager is involved).
- The Board member shall not attempt to investigate the suspected fraud or discuss the matter with anyone other than the General Manager (or the District's legal counsel if the General Manager is involved).
- The alleged fraud or audit investigation shall not be discussed with the media by any person other than the General Manager (or Board member if the General Manager is involved) in consultation with the District's legal counsel and the Special Committee.

K. Management/Supervisory Personnel's Responsibilities

Management is responsible for being alert to and reporting fraudulent or related dishonest activities in their areas of responsibility.

- Each manager/supervisor should be familiar with the types of improprieties that might occur in his or her area and be alert for any indication that improper activity, misappropriation, or dishonest activity is or was in existence in his or her area.
- When an improper activity is detected or suspected, management or supervisor should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.
- If management or supervisor determines a suspected activity may involve fraud or other dishonest activity, they should contact their immediate supervisor (or contact the General Manager, the District's legal counsel, or Administration and Finance Manager if the supervisor is involved).
- Department supervisors should inform the General Manager (or contact the District's legal counsel or Administration and Finance Manager if the General Manager is involved).
- Management should not attempt to conduct individual investigations, interviews, or interrogations. However, management is responsible for taking appropriate corrective actions to ensure adequate controls are put in place to prevent recurrence of improper actions.
- Management and supervisors should support the District's responsibilities and cooperate fully with the General Manager, other involved departments, and law enforcement agencies in the detection, reporting, and investigation of criminal acts, including the prosecution of offenders.
- In consultation with the District's legal counsel, management must give full and unrestricted access to all necessary records and personnel to the extent permitted by law. All District furniture and contents, including desks and computers, are open to inspection at any time if there is a reasonable suspicion that such inspection will reveal evidence or information relevant to an investigation. There is no

assumption of privacy.

- In dealing with suspected dishonest or fraudulent activities, great care must be taken. Therefore, management should avoid the following:
  - Unfounded / baseless accusations.
  - Alerting suspected individuals that an investigation is underway.
  - Treating employees or contractors unfairly.
  - Making statements that could lead to claims of false accusations or other offenses.
  
- In handling dishonest or fraudulent activities, management has the responsibility to:
  - Make no contact (unless requested) with the suspected individual to determine facts or demand restitution. Unless and until a complete investigation has determined culpability, there should be no reference to "what you did", "the crime", "the fraud", "the misappropriation", etc. Any such statements, after completion of an investigation, shall be reviewed and approved in advance by the District's legal counsel.
  - Avoid discussing the case, facts, suspicions, or allegations with anyone outside the District, except for law enforcement personnel, unless specifically directed to do so by the District's legal counsel.
  - Avoid discussing the case with anyone inside the District other than employees who have a need to know such as the General Manager, Special Committee, or District's legal counsel.
  - Direct all inquiries from the suspected individual, or his or her representative, to the General Manager or District's legal counsel. All inquiries by an attorney of the suspected

individual should be directed to the District's legal counsel. All inquiries from the media should be directed to the General Manager (or Board member if the General Manager is involved).

- Take appropriate corrective and disciplinary action, up to and including dismissal, after consulting with the General Manager, in conformance with the District's Personnel Policies and Procedures.

L. Employee and Contractor Responsibilities

- A suspected fraudulent incident or practice observed by, or made known to, an employee must be reported to the employee's supervisor for reporting to the proper management official.
- When the employee or contractor believes the supervisor may be involved in the inappropriate activity, the employee or contractor shall make the report directly to the next higher level of management and/or the General Manager (or contact the District's Attorney or Administration and Finance Manager if the next higher level of management, General Manager, and/or a member of the Board of Directors is involved).
- The reporting employee or contractor shall refrain from further investigation of the incident, confrontation with the alleged violator, or further discussion of the incident with anyone, unless requested by the General Manager, Special Committee, District's legal counsel, or law enforcement personnel.

M. Special Committee and Investigation Responsibilities

- Upon assignment by the General Manager, the Special Committee or an outside investigator selected in consultation with the District's Attorney will promptly investigate the alleged fraud or other dishonest activities.

- In all circumstances where there appears to be reasonable grounds for suspecting that a criminal act has taken place, the Special Committee, or an outside investigator, in consultation with the District's legal counsel, will contact the Indio Police Department or other appropriate law enforcement agency.
- The Special Committee or outside investigator shall be available and receptive to receiving relevant, confidential information to the extent allowed by law.
- If evidence is uncovered showing possible dishonest or fraudulent activities, the Special Committee, in consultation with the District's legal counsel, will proceed as follows:
  - Discuss the findings with the appropriate management or supervisor.
  - Advise management, if the case involves staff members, to meet with the General Manager (or his/her designated representative) to determine if disciplinary actions should be taken. Any disciplinary action taken will be in accordance with the District Personnel Rules and Employee Handbook.
  - Report to the External Auditor such activities in order to assess the effect of the illegal activity on the District's financial statements.
  - Coordinate with the District's Risk Management insurer regarding notification to insurers and filing of insurance claims.
  - Take immediate action, in consultation with the District's legal counsel, to prevent the theft, alteration, or destruction of evidentiary records. Such action shall include, but is not limited to:
    - Removing the records and placing them in a secure location or

- limiting access to the location where the records currently exist.
- Preventing the individual suspected of committing the fraud from having access to the records.
- In consultation with the District's Legal Counsel and the City of Indio Police Department or other law enforcement agency, the Special Committee may disclose particulars of the investigation on a need-to-know basis with potential witnesses if such disclosure would further the investigation.
- Any request from the media for comment is to be referred to the General Manager, or Board of Directors as appropriate, who will consult the District's legal counsel as appropriate before responding or declining to respond to a media request for information or interview.
- At the conclusion of the investigation, the Special Committee will document the results in a confidential report to the General Manager, or Board of Directors as appropriate, and the District's legal counsel. If the report concludes that the allegations are founded, the report will be forwarded to the Indio Police Department or other appropriate law enforcement agency.
- The Special Committee will be required to make recommendations to the appropriate department for assistance in the prevention of future similar occurrences.

There will be no exceptions to this policy unless approved by the General Manager (or the Board of Directors if appropriate) and the District's legal counsel.

## **1.5.6. Whistleblower Protection**

Valley Sanitary District will not discharge, demote, suspend, threaten, harass, deny promotion to, or in any other manner discriminate against an employee because the employee has:

- filed a complaint,
- reported to the District or to any other authority
  - a violation of relevant laws or regulations,
  - gross waste of District funds,
  - gross abuse of authority,
  - a specified and substantial danger to public health or safety due to an act or omission of a District official or employee,
  - use of a District office or position or of District resources for personal gain, or
  - a conflict of interest of a District Board member or District employee, or
  - otherwise exercised any rights provided to employees.

## **1.6. External Relations and Public Information**

### **1.6.1. External Communications (including Media Relations)**

The District maintains a website as its primary channel of external communications. The General Manager is the designated Public Information Officer (PIO) for the District. The General Manager is responsible for the maintenance and currency of the District website. Staff members are encouraged to forward to the General Manager any materials they believe would be of use to customers in understanding the work of Valley Sanitary District.

Staff should refer any media or individuals seeking information about the District to the General Manager. The District does not allow staff to distribute any news releases

or make any comments to news media unless specifically directed by the General Manager.

### **1.6.2. Public Complaints**

The General Manager shall respond in writing to all written complaints alleging gross mismanagement or significant waste of funds, abuse of authority, or substantial and specific danger to public health or safety. A copy of the General Manager's reply(ies) shall be mailed to the complainant.

### **1.6.3. Claims and Suits**

Claims against the District for money or damages covered by Article 1 (commencing with Section 900) and Article 2 (commencing with Section 910) of Part 3 of Division 3.6 of the Government Code or other statute shall be presented and processed in accordance with the statute. Claims not covered by state law shall be presented and processed in accordance with this Article.

#### **1.6.3.1. Presentation of Claim**

Claims, and amendments to claims, shall be presented personally or mailed first class delivery to the Treasurer at the District's offices.

Upon receipt of a claim, copies shall be sent to the District's General Manager who will forward copies to the District's legal counsel and other individuals as appropriate. After proper examination and investigation, the claim and pertinent information shall be submitted to the Board of Directors with a recommendation for action on the claim.

The Board of Directors may approve payment of the claim, compromise all or part of the claim, defer action to a later time or date, request additional information, deny the claim, and/or refer the claim to the District's legal counsel or insurance carrier for further action.

### **1.6.3.2. Contents of Claim**

A claim shall be presented by the claimant or by a person acting on the claimant's behalf and shall show:

- The name and post office address of the claimant.
- Post office address to which the person presenting the claim desires notice to be sent.
- The date, place and other circumstances of the occurrence or transaction giving rise to the claim asserted.
- The general description of the indebtedness, obligation, injury, damage or loss incurred so far as may be known at the time of presentation of the claim.
- The name or names of the public employee or employees causing the injury, damage, or loss, if known.
- The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss insofar as it may be known at the time of presentation of the claim, together with the basis of computation of the amount claimed. and
- The signature of the claimant or some person on the claimant's behalf.

### **1.6.3.3. Insufficient Claims**

The General Manager or designee shall notify the claimant if the claim fails to include the information required by statute or this Article. Such notice shall be given within twenty days after the claim is presented. The claimant may file an amended claim within ten days of the notice.

The amended claim shall be considered in lieu of the original claim. If an amended claim is not filed, the original claim shall be presented to the Board for action.

#### **1.6.3.4. Time for Presentation of Claims**

A claim relating to a cause of action for death or for injury to person or to personal property or growing crop shall be presented not later than six (6) months after accrual of cause of action. A claim relating to any other cause of action shall be presented no later than one year after the accrual of the cause of action.

#### **1.6.3.5. Leave to Present Late Claim**

When a claim is not filed on time, an application shall be made to the District for leave to present a late claim. Government Code Sections 911.4 (b), Section 911.6 through 912.2 inclusive, and 946.4 and 946.6 are applicable to such requests. The deadline for filing an application under this section shall be as specified in Government Code Sections 911.2, 911.6 and 946.6.

#### **1.6.3.6. Time for Action**

The Board, General Manager or designee as provided for in §3.610 herein, shall act on the claims, amended claims, and applications to file late claims within forty-five (45) days after the application, the claim or amended claim has been presented.

#### **1.6.3.7. Notice of Insufficiency or Rejection of Claim**

Written notice of any action taken by the Board acting on a claim or application to file a late claim shall be given to the person who presented the claim by the General Manager or designee within ten (10) days of the Board's action.

#### **1.6.3.8. Claim as Prerequisite of Suit**

No action for money or damages may be brought against the District, an officer or employee on a cause of action for which a claim is required by this Article until

the claim has been acted on by the Board, General Manager or designee as provided for in §3.610 herein.

No action may be brought against the District officer or employee on a cause of action for which a claim is required by this Article unless such action is commenced within six months after the claim is acted on or deemed to have been rejected by the Board.

#### **1.6.3.9. Claims under \$15,000**

The General Manager or designee may: reject, allow, compromise, or settle claims if the amount does not exceed \$15,000. The General Manager may also reject claims for lateness or insufficiency. The General Manager shall advise the Board when action has been taken under this Section.

#### **1.6.3.10. Review of Claims**

The District's Legal Counsel shall examine claims and lawsuits and provide the Board with a report describing and evaluating the claim or lawsuit. Counsel shall recommend goals, attorney assignment, and a target budget for each lawsuit.

#### **1.6.3.11. Defense of Claims and Lawsuits**

- The District shall defend officers or employees named as defendants or respondents in a civil lawsuit arising within the course and scope of employment as long as the officer or employee did not act with fraud or malice.
- An officer or employee named in a civil lawsuit who wishes to obtain defense by the District shall file a written request with the Secretary within three days of service of the complaint or petition. The District's legal counsel shall provide the Board with a written report and recommendation with respect to the request. The Board may approve the request, deny the request, or may provide defense and reserve the decision on the indemnity pending the outcome of the case.

- If the District agrees to defend, the employee or officer shall fully cooperate with the attorney assigned to the case by the Board. The failure to fully cooperate can result in the revocation of the agreement to defend.
- The officer or employee may obtain reimbursement in accordance with law if the Board refuses to indemnify and defend.

### **1.6.3.12. Judicial Review of Certain Decisions**

The provisions of Code of Civil Procedure Section 1094.6 shall be applicable to the judicial review of the decisions of the Board by administrative mandamus.

## **1.7. Corporate Social Responsibility**

The Valley Sanitary District recognizes that the District is a part of a larger community and strives to make environmental stewardship, health and safety, ethics, and transparency a part of our decision-making process. The District strives to make our customers and stakeholders active participants in District activities and understands that our employees play a vital role in our success.

## **2. Board of Directors Policies & Procedures**

### **2.1. General**

The Valley Sanitary District is organized and operates under California's Sanitary District Act of 1923 (California Health & Safety Code Division 6 Part 1). The Board is the District's legislative body and can only function as a unit.

These policies and procedures are intended to elaborate on the text of Title 2: Board of Directors of the Valley Sanitary District Code and should be read in conjunction with those provisions.

The Board's primary responsibility is the formulation and evaluation of District policy and monitoring the work of the District to ensure compliance with established policy. The General Manager is responsible for running the District's business under the general guidance of the Board. Routine matters concerning operational aspects of the District are delegated to professional staff members by the General Manager. The Board establishes goals, objectives, expectations, and measurement criteria for the General Manager's performance. Directors are responsible for monitoring District progress in attaining its goals and objectives, while pursuing its mission.

Board members shall provide policy direction and instructions to the General Manager on matters within the authority of the Board by a majority vote during a duly convened meeting of the Board.

Apart from their role as a part of this Board, individual Directors have no authority with regard to any aspect of District business. As individuals, Directors may not commit the District to any policy, act, or expenditure without prior Board approval nor give direction to the General Manager, staff, contract personnel, or consultants except as provided in this section / without prior Board approval. Further, the direction, evaluation, and oversight of the General Manager shall be a responsibility of the Board as a whole, not an individual Board member.

Individual Directors shall not contact District Counsel, outside regulators, partner organizations or agencies, Lobbyist or Advocates, financial institutions, or any organization that interfaces with the District, in the course of the normal operation of the District.

Directors do not represent any fractional segment or region of the community but are part of a legislative body that represents and acts for the District as a whole.

## **2.2. Board Operations**

### **2.2.1. Governing Laws**

The Board of Directors shall comply with and shall be guided by applicable provisions of Federal laws and State laws, including the Sanitary Act of 1923, Government Code, Section 1090 of the Government Code, Elections Code, Ralph M. Brown Act, Public Contract Code, and Public Resources Code. This Policy Manual, and the rules and regulations of the District as established by the motions, resolutions and ordinances enacted by the Board of Directors.

Pursuant to the provision of the California Government Code section 1126, the Board of Directors of the Valley Sanitary District has determined that it would be inconsistent and incompatible for a Board member to be a paid employee of the District. Therefore, based on this decision, a member of the Board of Directors shall not be a paid District employee.

The Board shall practice modified Roberts Rules of Order.

### **2.2.2. Board Compensation**

Board compensation is set by Ordinance. The current compensation ordinance is 2016-119. Board members are compensated \$ 250 per official Board Meeting, as outlined in the ordinance.

Each Board of Director is offered a medical, vision, and dental stipend, that is approved by the Board, each year, with the Fiscal Year budget. The current stipend is \$1,500 and is based on a calendar year, due to Director's terms of office, benefit year, and potential IRS tax implications.

### **2.2.3. Election of Board Officers**

There shall be three (3) officers: a President, a Vice President, and a Secretary, who shall be members of the District Board of Directors. Election of officers shall be held at the first (1st) Board of Director's meeting in December of each calendar year. Officers will serve for a one (1) year term. Elections of the Board Officers will follow the following procedure:

A nomination for the office from a Board member.

A second of the nomination from a Board member.

An opportunity for the individual nominated to decline.

A roll call vote of the Board of Directors.

## 2.2.4. Role of Board Officers

President

Responsibilities

The President will conduct all meetings of the Board of Directors, will carry out the resolution and orders of the Board of Directors and will exercise such other powers and perform such other duties as the Board of Directors will prescribe, including the following:

Call the meeting to order at the appointed time.

Announce the business to come before the Board of Directors in its proper order.

Enforce the Board of Directors policies and rules with respect to the order of business and the conduct of meetings.

Recognize persons who desire to speak and protect the speaker (who has the floor) from disturbance or interference.

Explain what the effect of a motion would be, if it is not clear, to every member of the Board of Directors.

Restrict discussion to the question when a motion is before the Board of Directors

Rule on parliamentary procedure.

Put motions to a vote and state clearly the results of the vote.

The President is authorized to sign checks on behalf of the District.

The President shall have all the rights to discuss and vote on any issues before the Board of Directors.

Sign all instruments, acts, and carry out stated requirements and the will of the Board of Directors.

Consult with the General Manager on the preparation of the Board of Directors agendas. In addition, any two Directors shall have the right to place any matter on the agenda for any meeting in accordance with the provisions of this policy.

Appoint and disband all committees, subject to Board of Directors' approval.

Call meetings of the Board of Directors as they may deem necessary, giving notice as prescribed by law.

Confer with the General Manager on matters which may occur between Board of Directors meetings.

Confer with the District Counsel, as needed, on matters which may involve the General Manager.

Be responsible for the orderly conduct of all Board of Directors meetings.

Act as spokesperson for the Board of Directors.

Coordinate and prepare the Board of Directors' annual evaluation of the General Manager, in coordination with the standing Administrative Committee.

Appoint external committees or investigators, as required.

Other duties as authorized by the Board of Directors.

Vice President

When the President resigns, is absent, or unable to perform their duties, the Vice President shall perform the President's duties. When the President disqualifies themselves from participating in an agenda item, the Vice President shall perform the duties of the President.

The Vice President is authorized to sign checks on behalf of the District.

Secretary

Responsibilities

Certifies and signs official documents.

Work with the Clerk of the Board to facilitate official filing of documents.

The Secretary is authorized to sign checks on behalf of the District.

### **2.2.5. Role of Board Directors**

The Board of Directors is the unit of authority for the District. Apart from their normal function as a part of this unit, individual Directors may not commit the District to any policy, act or expenditure unless duly authorized by the Board of Directors. Nor may an individual Director direct staff to perform specific duties unless duly authorized by the Board of Directors. Directors do not represent any factional segment of the constituency, but are, rather, a part of the body, which represents and acts for the constituency as a whole.

Each Director has the right to place an item on a subsequent Board of Directors Meeting, provided an additional Board Member seconds it. The deadline for submittal of an agenda item by a Director shall be during the preceding meeting, during the Directors' Items section. Directors will make every effort to attend assigned Board of Directors and Committee meetings:

To prepare adequately for each such meeting.

To observe the rules of decorum as set forth herein.

Whenever any Director(s) will be absent or late for a Board of Directors or Committee meeting said Director shall notify the District Secretary or President at the earliest opportunity.

When requesting information from staff, Directors shall contact the General Manager. When responding to constituent requests and concerns, Directors should reroute such inquiries to the General Manager.

## **2.2.6. Roles and Responsibilities of Senior Management**

### **2.2.6.1. General Manager**

- Implementation of the District's policies and procedures established by the Board of Directors for the operation of the District.
- The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee policies and procedures established by the Board of Directors.
- The supervision of the District's facilities and services.
- The supervision of the District's finances.
- Make fund transfers from the District checking accounts into District investment accounts (Financial controls are in place limiting transfers to valid District accounts).
- Make fund transfers from the District investment accounts into District checking accounts. (Financial controls are in place limiting transfer to valid District accounts).
- Second signature on checks on behalf of the District per Procurement Policy Section 4.10 for amounts up to \$14,999.

### **2.2.6.2. Administration & Finance Manager**

- Review the disbursement of funds (checks and automated clearing house funds) before the formal action of the approval of expenditures by Board of Directors.
- Review the Combined Monthly Account Summary before presentation to the Board of Directors.
- Review the Statement of Financial Position before presentation to the Board of Directors.
- Review the District Budget before presentation to the Board of Directors for approval.
- Review the Comprehensive Annual Financial Report (CAFR) before adoption by the Board of Directors.
- Make fund transfers from the District checking accounts into District investment accounts (Financial controls are in place limiting transfers to valid District accounts).
- Make fund transfers from the District investment accounts into District checking accounts. (Financial controls are in place limiting transfer to valid District accounts).
- Second signature on checks on behalf of the District per Procurement Policy Section 4.10 for amounts up to \$14,999.

### **2.2.6.3. Director of Engineering and Maintenance**

- Provides day-to-day leadership and works with staff to ensure a high performance, customer service-oriented work environment which supports achieving the department's and the District's mission, strategic plans objectives and values.
- Develops, implements and administers comprehensive programs, policies, guidelines and procedures related to the engineering design and construction of the District's systems and facilities.
- Directs the preparation of a variety of design projects, studies and reports relating to current and long-range District capital improvement and facilities expansion needs and develops specific proposals to meet them. Plans and directs project management activities for a variety of distribution/collection

system expansion, improvement and maintenance projects, including the preparation of plans, specifications, designs, estimates and schedules coordinates project monitoring programs.

- Provides technical assistance to staff reviews, evaluates and approves plans for wastewater facility projects prepared by District staff and consulting engineers. recommends and coordinates design changes, where appropriate.
- Oversees and coordinates the selection of consulting engineers. Negotiates the scope of services with consultants for incorporation into contracts and agreements. Oversees, coordinates and inspects the work of contractors engaged in the engineering design of sewer collection and distribution systems and facilities.
- Leads and participates on District technical committees pertaining to the design and construction of facilities, including electrical, mechanical, structural, architectural and instrumentation elements.

#### **2.2.6.4 Clerk of the Board**

- A member of the Administration and Finance staff is designated as Clerk of the Board by the General Manager.
- The Clerk of the Board shall record the ayes and no votes taken by the members of the Board of Directors for the passage or denial of all ordinances, resolutions, or motions.
- The Clerk of the Board will be required to make a record only of such business as was actually considered by a vote of the Board and shall not be required to record any remarks of Directors or any other person.
- The Clerk of the Board will attempt to record the names and general place of residence of persons addressing the Board during general public comment.

### **2.2.7. Public Meetings of the Board of Directors**

Regularly scheduled meetings of the Board of Directors shall be held on the second (2nd) and fourth (4th) Tuesday of each month at 1:00 pm. at the District Administration Building, Board Room, 45500 Van Buren Street, Indio, California, 92201, unless otherwise specified by action of the Board of Directors. Special meetings of the Board of Directors, as that term or its successor terms are defined within the meaning of the Ralph M. Brown Act (California Government Code section 54950 et seq.), may be duly authorized and held as deemed necessary by the President or a majority of the Board of Directors. Notice and location of special meetings shall be as prescribed by law. Emergency meetings of the Board of Directors, as that term or its successor terms are defined within the meaning of the Ralph M. Brown Act, may be duly authorized and held as deemed necessary only by a majority of the Board of Directors. Notice and location of emergency meetings shall be as prescribed by law.

All meetings of the Board of Directors shall be open to the public, except when the Board is convened in Closed Session as authorized under provisions of the Ralph M. Brown Act (California Government Code section 54950 et seq.). Except as provided by law, all proceedings in Closed Sessions shall remain confidential.

As a practice for normal business, the President may rearrange this order at any time:

- Call to Order, Roll Call.
- Consent Items.
- Public Comment period.
- Oral Communications Related to Closed Session.
- Adjournment to Closed Session.
- Reconvene to Open Session.
- Report Actions Taken in Closed Session.

- Public Hearing Items.
- Non-Hearing Items.
- General Manager’s Report.
- Director’s Items.
- Informational Items.
- Adjournment.

In compliance with the Americans with Disabilities Act, access to the Board Room and Public Restrooms has been made. If special assistance to participate in a meeting is required, please contact Valley Sanitary District (760) 235-5400. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA TITLE II). All public records related to open session items contained on this Agenda are available upon request at the Administrative Office of Valley Sanitary District located at 45-500 Van Buren Street, Indio, CA 92201. Copies of public records are subject to fees and charges for reproduction.

### **2.2.8. Board Member Rules and Code of Conduct**

In order to ensure the efficacy of the Board, the following are to be observed:

- The needs of the District’s constituents are the priority of the Board of Directors.
- Directors are expected to attend all meetings of the Board, including committee, agency, and intergovernmental meetings to which they may be assigned, unless there is good cause for absence, and be properly prepared for participation and deliberation.
- Directors function as a part of the whole. Issues shall be brought to the attention of the Board as a whole, rather than to individual members selectively.
- The work of the District is a team effort. All individuals are expected to work together in a collaborative process, assisting each other in conducting the affairs of the District.

- The dignity, style, values, and opinions of each Director are to be respected.
- Responsiveness and attentive listening are encouraged.
- Directors should focus on the positive, avoiding negative forms of interaction.
- Differing viewpoints are healthy in the decision-making process. The airing of divergent opinions is encouraged.
- Individuals have the right to disagree with ideas and opinions, but without being disagreeable.
- Once the Board takes action, Directors shall commit to supporting said action and not create barriers to the implementation of said action.

In order to maintain effective working relationships and support the chain of command, the following procedures shall be followed:

- Board members will address matters within the authority of the General Manager through the General Manager, not directly through District employees.
- Accordingly, individual Directors' requests for information from staff or contract personnel/consultants are to be directed to the General Manager.
- In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances and programming, said concerns are to be referred directly to the General Manager or legal counsel.
- Responsive materials to Directors' requests for information will be distributed by the General Manager or their designee, to all Board members at the same time.
- If the General Manager's response is deemed inadequate, a Director may contact the Board President or raise the issue directly at a Board meeting, where the Board will determine whether or not the issue warrants attention and if so, schedule it for a future meeting.
- If the General Manager anticipates being unavailable, they shall notify the Board in advance and provide a designee contact.
- When the General Manager is unavailable in person or by technological means, Board members, at their discretion, may contact the General Manager's designee.

- If approached by an employee concerning District policy, Board members will direct inquiries to the appropriate staff supervisor or General Manager.
- When responding to constituent requests and concerns, Directors will be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels.
- In handling complaints from residents and property owners of the District, said complaints are to be referred directly to the General Manager.
- In handling matters related to public safety, concerns are to be reported to the General Manager or the District office. Emergency situations are to be dealt with immediately by seeking appropriate assistance.
- Directors will develop a working relationship with the General Manager in which current issues, concerns, and District projects can be discussed comfortably and openly.

### **2.2.9. Ralph M. Brown Act**

Board members are expected to comply with all facets of the Ralph M. Brown Act, California Government Code Title 5, Division 2, Part 1, Chapter 9, (§§ 54950-54962), which was enacted by the Legislature to ensure that actions of local agency Boards are taken openly and that their deliberations are conducted openly. The Act also mandates that members of the public be given the opportunity to comment on items on the meeting agenda.

The Act does contain specific exceptions from the open meeting requirements where there is a demonstrated need for confidentiality, generally understood to include personnel issues, pending litigation, labor negotiations, and real property acquisitions.

A summary of the Brown Act is available from the Office of the Attorney General of California at <http://ag.ca.gov/publications/brownAct2003.pdf>. a more complete

description and discussion of the Brown Act is available at [http://ag.ca.gov/publications/2003 Main BrownAct.pdf](http://ag.ca.gov/publications/2003_Main_BrownAct.pdf)

### **2.2.10. Board Meetings**

Before proceeding with the business of the Board, the Clerk of the Board shall call the roll of the Directors. The Clerk shall enter the names of all Directors, Officers, staff members and visitors (if known) present in the Minutes of the meeting.

If a quorum is present, the Clerk shall so advise the President. If a quorum is not present, the Secretary may adjourn the meeting to a time certain for the purpose of obtaining a quorum. Any such reconvened regular meeting shall not constitute a special meeting. In the event a regular or special meeting of the Board is adjourned to a time and date certain, the Clerk shall post a notice of adjournment in a place that is freely accessible to members of the public within 24 hours of such adjournment.

Three of the five Directors elected or appointed to the Board shall constitute a quorum for any meeting of the Board. Irrespective of the number of Board members constituting a quorum for a particular meeting, a majority vote of the Board shall consist of at least three votes. No ordinance, resolution or motion shall be passed or become effective without the affirmative votes of at least a majority of the members of the Board.

Directors may attend Board and Committee meetings via teleconference provided the meeting has been duly noticed as a teleconference meeting in compliance with requirements of the Ralph M. Brown Act. Duly noticed teleconference locations may be outside the District's jurisdictional boundaries, but for purposes of establishing a quorum, at least three Directors must be participating in the meeting from within the District's jurisdictional boundaries. A Director is entitled to participate fully in the meeting and vote from a teleconference location, and all votes shall be taken by roll call. (If teleconferencing is used, the legislative body must post agendas at all teleconference locations. Each teleconference location must be identified in the

notice and the agenda. The agenda must also provide opportunity for the public to address the legislative body directly at each teleconference location.)

The President may, on their own initiative or at the request of any two Directors, take any item of business out of order, either as to the general order of business or as to the specific agenda as the Clerk of the Board has prepared it.

The President may move, second or debate motions from the chair, subject only to such limitations of debate as may be imposed on all Directors and shall not be deprived of any of the rights and privileges of a Director by serving as the President. The President may vote on all questions or motions before the Board, with their name being called last in a roll call vote.

Any Director desiring to speak shall first address the chair. Upon recognition by the President, the Director may speak freely with respect to the matter then before the Board but shall confine their comments to the subject under discussion. Any Director, once recognized, shall not be interrupted except by a call to order from the President. If a Director is called to order, they are to cease speaking until the question or order is determined. if determined to be in order, they may proceed.

Any person desiring to speak will first address the President. Upon recognition by the President, the speaker will state their name, representation and/or affiliation and the matter on which they wish to comment. If the matter relates to an item on the current agenda, the President will recognize the person and invite their comment when the item is considered. If the matter does not relate to an item on the current agenda, the President will determine whether and when to allow the comment. Comments are limited to matters of public interest within the jurisdiction of the District, and comments must be no more than three minutes in length unless a time extension is granted by the President. A maximum of 21 minutes is to be allotted for each subject matter, subject to the discretion of the President. No action is to be taken on matters not appearing on the posted agenda for that meeting, although Directors may respond briefly to public comments.

The President will state each matter as it is presented for consideration by the Board and will announce each decision of the Board.

Ordinances are an authoritative decree or municipal regulation of the District. Ordinances relate to no more than one subject, which is to be clearly expressed in the title of the ordinance. When applicable, ordinances are to be identified to the Board as replacements to existing ordinances or sections thereof. No ordinance, or section thereof, is to be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.

Ordinances must be moved and seconded and are to be adopted only by a roll call vote. The Clerk of the Board will record the names of all Directors and identify them as voting Aye, No, Abstain, or Absent on each adopted ordinance. All ordinances are to be signed by the President and attested by the Secretary.

Ordinances are in full force and effect upon adoption unless otherwise provided by law, and the Secretary shall be responsible for compliance with any and all legal requirements for publication of the ordinance.

Resolutions are a formal expression of opinion, will or intent of the Board. Resolutions must be moved and seconded and shall be adopted only by a roll call vote. The Clerk of the Board will record names of all Directors and identify them as voting Aye, No, Abstain, or Absent on each adopted resolution. All resolutions are to be signed by the President and attested by the Secretary.

Motions are proposals, made by a Director during a Board meeting, for action, inclination of the mind or will, or a formal proposal made in a deliberative manner by the Board.

Every motion considered by the Board must be moved by a Director, seconded by another Director and is subject to debate. Any Director moving the adoption or approval of a matter may call for the question.

True motions to reconsider any Board action must be made at the same meeting at which the original action was taken. However, any Director may make any other type of motion at any meeting.

All motions shall be adopted by voice vote unless otherwise required by law. The Clerk of the Board is to record in the Minutes any dissenting and abstaining votes, or disqualification from voting due to a conflict of interest.

Unless a Director declares a conflict of interest or abstains, silence is to be recorded in the Minutes as an affirmative vote.

A motion to adjourn must be moved by a Director and seconded by another Director and is subject to debate. No further business can be conducted after an affirmative vote to adjourn.

## **2.2.11. Preparation of Ordinances and Resolutions**

### Ordinances

As a California Special District, Valley Sanitary District has the ability to set local ordinances within our service area on issues that affect sanitary services. An ordinance means an action setting forth a rule of public conduct that is considered long-term. The Valley Sanitary District may pass ordinances, in order to codify policies and procedures of the District.

Guidelines for ordinances:

- California Constitutional authority --Article 11, section 7.
- Government Code section 37100. Must not conflict with Constitution and laws of California or United States.
- Conflict where State law “occupies the field” and there is no room for local legislation, even “supplementary” local regulations.
- Conflict where State law “preempts” subject matter by full and complete coverage

with general laws, making additional, local, requirements invalid.

- Analyze statute and facts upon which the State law was intended to operate.

### Resolutions

California Special Districts may also pass resolutions. A resolution means a formal form of a motion normally utilized to set forth policy. Each resolution, in addition to being referenced by number and brief title in the Board Minutes, will be recorded as provided by law and maintained in numerical sequence as a permanent record of the district in a separate set of books.

Resolutions are used to express the opinion of the legislative body, or to reflect the action taken. Procedures for adoption of resolutions less formal than ordinances.

- Do not require two readings.
- Do not require reading in full or even by title.
- Effective immediately (unless otherwise provided by the resolution).
- No publication (except for fixing tax rates or revenue amounts California Government Code section 36936).

### **2.2.12. Public Notification of Board Meetings**

Public notice of Board meetings is posted on the District's website at least seventy-two (72) hours in advance, along with the agenda and supporting materials. In addition, the Agenda of the Meeting shall be posted in a publicly accessible place, on District property.

When the Board authorizes or directs three (3) or more members to attend a meeting, conference, or other activity related to the business of the District, the Secretary shall give written notice thereof to each newspaper, radio and television station that has requested notices of meetings of the Board and shall post a notice thereof in the manner of noticing special meetings of the Board. Said notices shall be mailed or delivered and posted at least twenty-four hours prior to the meeting.

In general, all agendas will be closed on Thursday of the week prior to the meeting date.

### **2.2.13. Record of Meetings**

The Clerk of the Board shall keep minutes of all Board meetings. Minutes are to record actions taken and meaningful discussion. Except where action is taken by the unanimous vote of all Directors present and voting, the Clerk shall record the names of all Directors and identify them as voting Aye, No, Abstain, or Absent upon the passage of all ordinances, resolutions, or motions and enter them in the Minutes of the Board.

Minutes are not intended to be verbatim records. An audio recording is made of all regular Board meetings, including public hearings, and retained for thirty (30) days following the date the meeting minutes are approved by a majority vote of the Board. Members of the public requesting information about a meeting are encouraged to listen to the audio recording made of each meeting.

Draft minutes will be distributed to the Board for review and approval at the next regular meeting or as soon as possible thereafter. The official minutes of all Board meetings will be kept in a fire-proof vault or in fire-resistant locked cabinets at the District's Administration office and via electronic means.

Minutes may be approved as part of the Consent Calendar.

### **2.2.14. Performance Evaluation for General Manager**

It shall be the policy of the Board to perform an annual performance evaluation of the General Manager one month prior to the anniversary of his/her employment. Subject review may be scheduled at other times at the request of a majority of Board members.

- In the tenth month the General Manager shall notify the Board that the annual performance evaluation is due. The General Manager shall submit a written statement of accomplishments and achievements for the past year. Specific reference shall be made to any Board directives given in the past year’s report, and of interim directives given to the General Manager. Copies of the evaluation report form shall also be distributed to the Board, along with a job description.
- In the eleventh month each Board member shall submit his/her evaluation report form to the Board President, who shall consult with the Board members and put together a consolidated report for discussion with the General Manager.
- The entire Board shall be involved in the final annual performance evaluation discussion and sign the final report or submit dissenting opinion in writing on separate paper.
- The Board shall keep a good record of official findings and the same shall be given to the General Manager at the end of the review discussion with the Board.

## **2.3. California Fair Political Practices Commission (FPPC)**

### **2.3.1. Submission of Office Holder & Candidate Campaign Statement (FPPC Form 470)**

A Form 470 must be filed by any candidate or officeholder who does not anticipate raising or spending \$2,000 or more in a calendar year. The Form 470 is filed once each calendar year and covers the entire calendar year. Payments from the candidate’s personal funds used to pay filing or ballot statement fees do not count toward the \$2,000 committee qualification threshold.

Additional information is available on the website of the Fair Political Practices Commission, [www.fppc.ca.gov](http://www.fppc.ca.gov)

### **2.3.2. Submission of Statement of Economic Interests (FPPC Form 700)**

Directors are required to file a Statement of Economic Interests (Form 700) with the County of Riverside when assuming office, on an annual basis thereafter, and when leaving office.

### **2.4. Ethics and Conflict of Interest Policy**

It is the policy of the District to require the highest standards of ethics from its Board members. The operation of the District requires that decisions and policy be made within the proper channels of governmental structure, that the public office not be used for personal gain, and that all individuals associated with the District remain impartial and responsible towards the public.

Accordingly, it is the policy of the District that Board members shall maintain the highest standard of personal honesty and fairness in carrying out their duties.

The following are guidelines for ethical conduct to be followed by the Board:

- Board members are obligated to uphold the Constitution of the United States and the Constitution of the State of California, and to uphold the laws of national, state, and local governmental agencies. Board members shall comply with all applicable laws regulating their conduct, including conflicts of interest, financial disclosure, and open government laws. It is the responsibility of Board members to conduct themselves both professionally and personally in a manner above reproach and to avoid the appearance of impropriety.
- Board members in the performance of their official duties and responsibilities shall neither harass nor discriminate against any individual on the basis of their protected classification(s), the perception of any individual's protected classification(s), or because the individual associates with a person who has or is perceived to have a protected classification(s). The term "Protected Classification" includes race, religion,

color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), sexual orientation or gender identification, national origin, ancestry, citizenship status, marital status, age, medical condition, genetic characteristics or information, military or veteran status, and physical or mental disability (whether perceived or actual). No Board member shall grant any unfair or inappropriate consideration, treatment, or advantage to any individual or group beyond that which is available to others or groups with the same circumstances.

- Except where specifically authorized by the General Manager in the public interest, no Board member shall knowingly use or permit the use of District-owned vehicles, equipment, telephones, materials, or property, nor require a District employee to perform services, for personal convenience or profit. Board members shall safeguard the District's property, equipment, moneys, and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust.
- Board members shall not disclose information that legally qualifies as confidential to unauthorized individuals without a majority vote of the Board and consultation with legal counsel. This includes information that (1) has been received during a Closed Session. (2) is protected from disclosure under the attorney/client or other evidentiary privilege. or (3) is not required to be disclosed under the California Public Records Act. A Board member may make a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury necessary to establish the alleged illegality of a District action. Prior to disclosing confidential information, however, a Board member shall first bring the matter to the attention of either the President or the full Board.
- Board members shall avoid conflicts, or perceived conflicts, of interest in connection with District decisions and activities.
  - A Board member shall not have a financial interest in a contract with the District, which includes the purchase or sale of goods and services. The Board shall not authorize any District contract if a Board member is financially interested in the contract.

- A Board member shall not participate in the discussion, deliberation, or vote on a matter before the Board, or attempt to influence a decision of the Board, if the Board member has a financial interest that is prohibited under California law. If a Board member believes that he/she may be disqualified from participation in the discussion, deliberations, or vote on a particular matter due to a financial interest, the following procedures shall be followed:
  - If a Board member becomes aware of the potential conflict of interest before a Board meeting at which the matter will be discussed or acted on, the Board member shall notify the General Manager and legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest.
  - If it's not possible for a Board member to discuss the potential conflict with the General Manager and legal counsel before the meeting, or if the Board member does not become aware of the potential conflict until during the meeting, the Board member shall immediately disclose the potential conflict during the Board meeting, so that there can be a determination as to whether it is a disqualifying conflict of interest.
  - Upon a determination that there is a disqualifying conflict of interest, the Board member (1) shall not participate in the discussion, deliberation, or vote on the matter for which a conflict of interest exists, which shall be so noted in the Board minutes, and (2) leave the room until after the discussion, vote, and any other disposition of the matter is concluded.
- A Board member shall not recommend the employment of a relative to the District or to a vendor, contractor, or consultant known by the Board member to be bidding or negotiating a contract with the District.
- To avoid violation of the Ralph M. Brown Act, Directors are prohibited from sending and receiving electronically produced messages during meetings.

- For a period of one (1) year after leaving office, former Board members shall not represent any non-governmental entities before the District for compensation. This restriction shall not apply to governmental entities.
- Board members are prohibited from soliciting political funds or contributions at District facilities and prohibited from using the District's seal, trademark, logo, branding, stationery, or other indicia of the District's identity, in any solicitation for political contributions contrary to State law. A Board member shall not accept, solicit or direct a political contribution from:
  - District employees.
  - Consultants or contractors used by the District in the past twelve (12) months.
  - Individuals, entities, vendors, consultants, sub-consultants, contractors, or subcontractors that have a personal or financial interest in a contract or other matter while it is pending before the District and for six (6) months after the District renders a final decision on that contract or other matter.
- The appointment or election of a Board member to a public entity, other than the District, may result in action that is contrary to or inconsistent with the interests of the District and could result in loss of the member's position of the Board. Board members may, with consent of the Board, consult with legal counsel and the Board may authorize a request for an opinion from the Attorney General of the State of California as to the incompatibility of offices.
- No Board member shall receive or agree to receive, directly or indirectly, any compensation, reward, honoraria, or gift from any source except for recognition from the District for any action related to the conduct of the District's business. A Board member shall not accept gifts that exceed the limitations specified in California law. Any and all gifts, campaign contributions, income, and financial information shall be disclosed as required under the provisions of the Political Reform Act of 1974 and applicable regulations adopted by the Fair Political Practices Commission.
- Board members and persons elected or appointed, who have not yet assumed office as members of the Board, shall fully comply with the provisions of the Ralph M. Brown Act.

- The General Manager has primary responsibility for 1) ensuring compliance with the District's personnel policies and procedures. 2) ensuring that District employees do not engage in improper activities. 3) investigating allegations of improper activities, and 4) taking appropriate corrective and disciplinary actions. The Board ensures that the General Manager is operating the District according to the law and the policies approved by the Board.
- Board members shall disclose to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge. Board members shall not interfere with the General Manager's responsibilities in identifying, investigating, and correcting improper activities, unless the Board determines the General Manager is not properly carrying out these responsibilities.
- A Board member shall not directly or indirectly use or attempt to use the authority or influence of the position to intimidate, threaten, coerce, command, or influence any person for the purpose of preventing such person from acting in good faith to bring to the attention of the General Manager, the Board, or any other government authority any information that, if true, would constitute a work-related violation by a Board member or District employee of any law or regulation. This includes, but is not limited to 1) a work-related violation by a Board member or District employee of any law or regulation. 2) misappropriation or waste of District funds. 3) abuse of authority. 4) creating substantial danger to public health or safety by an act or omission of a District official or employee. 5) use of a District office or position or of District resources for personal gain, or 6) a conflict of interest of a Board member or employee.

## **2.5. Required Board of Directors Training**

### **2.5.1. Governance**

Newly elected or appointed Directors are to participate in a minimum of six (6) hours of basic governance training within one (1) year from the first day of service with the District. Thereafter, all Directors are to participate in a minimum of six (6) hours of basic governance training every five (5) years.

### **2.5.2. Ethics**

Any new Director must receive ethics training as soon as practical, but not more than one (1) year, from the first day of service with the District. Thereafter, all Directors are required to receive ethics training at least once every two (2) years. A Director who serves on more than one (1) local agency board may satisfy this requirement by obtaining ethics training once every two (2) years without regard to the number of local agencies with which they serve. The District will provide information annually on where training is available. All Directors are to provide a copy of proof of participation in the required ethics training to the District. Copies of proofs of participation are considered public documents and are to be retained for a minimum of five (5) years.

### **2.5.3. Harassment**

Newly elected or appointed Directors are to participate in a minimum of two (2) hours of harassment prevention training within one (1) year from the first day of service with the District. Thereafter, all Directors are to participate in a minimum of two (2) hours of harassment prevention training every two (2) years.

## **2.6. Representation of VSD Before Outside Agencies and Organizations**

Directors are encouraged to attend conferences, conventions, meetings, symposiums, intergovernmental meetings, and legislative sessions relating to the mission of the District. Attendance at an event must be pre-approved or ratified by the Board in order to be considered as an activity for the purposes of compensation and reimbursement of expenses. The following have been pre-approved in Ordinance 119:

- California Association of Sanitation Agencies (CASA)
- California Sanitation Risk Management Authority (CSRMA)
- California Special Districts Association (CSDA)
- Coachella Valley Association of Governments (CVAG)
- Colorado River Basin Regional Water Quality Control Board

Unless specifically authorized by the Board, no more than two directors shall attend at the District's expense any District-related activity held outside the State of California.

A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after the Director has announced their pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain their seat on the Board.

Directors shall provide a brief report about the activity at the next regular Board meeting following attendance. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from session(s) may be delivered to the General Manager for inclusion in the District's resource collection for future use.

## **2.7. Reimbursement of Board Member Expenses**

Board members will be reimbursed for reasonable expense incurred in the performance of their duties as required or authorized by the Board in accordance with the general reimbursement policies and procedures established in Section 4.12.

## **2.8. Board Misconduct**

All complaints regarding possible misconduct by any member of the Board of Directors shall be submitted in writing to the General Manager and/or the District's legal counsel for review and determination as to whether there is sufficient basis for further action. Complaints that specifically seek admonition, sanction or censure as a specific remedy shall be treated as a request for that remedy.

Once a complaint has been filed, the General Manager, in conjunction with Legal Counsel, shall bring the matter before the Board. The Director named in a complaint shall be given an opportunity to respond to the complaint in writing. If the Board determines, in consultation with legal counsel, that an investigation is warranted, the Board shall initiate an investigation by the appropriate investigator, entity or authority, as determined in the reasonable discretion of the Board. In the event of such an investigation, a report of the findings of said investigation, along with the accused Director's written response to the report, shall be presented to the board for majority action. If there is no merit, the matter shall be disposed of with no further action.

At any point during any of these processes, the Board may refer the matter, as appropriate, to the County of Riverside District Attorney or other proper authorities for possible investigation, enforcement, or prosecution. Prior to or following such referral, the Board may also proceed with any of the actions described in this section.

When the Board decides, based upon findings and the accused Director's defense, that a violation has occurred, it may choose to impose one of the listed internal remedies. Any action taken by the Board to impose a sanction or censure shall be taken by way of written resolution.

The following procedures shall be followed when any member of the Board reasonably believes that another member of the Board has engaged in alleged misconduct or has failed to act in the best interests of the District. These procedures shall not be effective in any case in which a non-board member seeks redress for alleged misconduct by a Board

member. While the Board has discretion in deciding the actions it may choose to take in response to a complaint, this section provides definitions and procedures related to three types of actions: admonition, sanction, and censure.

### **2.8.1. Admonition**

Admonition is the least severe form of action. An admonition may typically be directed to all members of the Board, reminding them that a particular type of behavior is not in the best interests of the District, and that, if it occurs or is found to have occurred, could cause a member to be subject to sanction or censure. An admonition may be issued in response to a particular alleged action or actions, although it will not necessarily have to be triggered by a complaint of misconduct.

An admonition may be issued by the Board prior to any findings of fact regarding any complaint, and because it is a warning or reminder, will not necessarily require an investigation.

### **2.8.2. Sanction**

Sanction is the next most severe form of action. Sanction shall be directed to an individual member of the Board based on a particular action (or set of actions) that is determined to be misconduct but is considered by the Board not to be sufficiently serious to require censure. A sanction may be based upon the Board's review and consideration of a complaint. A sanction may be issued by the Board, and because it is not punishment or discipline, will not necessarily require an investigation.

### **2.8.3. Censure**

Censure is the most severe form of action. Censure is a formal statement of the Board officially reprimanding one of its members. It is a punitive action, which serves as a penalty imposed for misconduct, but it carries no fine or suspension of the rights of the member as an elected official. It can however, include such actions as the

disapproval of expense reimbursement requests, de-authorization of attendance at conferences, seminars and other activities at District expense, removal of the member from Board committee, agency and intergovernmental meeting assignments, and other such remedies as may be deemed appropriate by the Board. Censure shall only be used for cases in which the Board determines that the misconduct is a serious offense. In order to protect the overriding principle of freedom of speech, the Board shall not impose censure on any of its members for the exercise of his/her First Amendment rights, no matter how distasteful the expression was to the Board or the District. However, nothing herein shall be construed to prohibit the Board from collectively condemning and expressing their strong disapprobation of such remarks. Before the imposition of a censure, the Director accused of a violation shall be entitled to written notice of the allegation, the right to provide a written response to the allegation, and an opportunity to respond in writing as to the results of an investigation.

## **2.9. Resignation from the Board of Directors**

Resignations by Directors shall be in writing, state the effective date and be submitted to the President of the Board of Directors and District Secretary. In the event the President of the Board of Directors resigns, the resignation shall be submitted to the Vice President of the Board of Directors and the District Secretary.

## **2.10. Vacancies on the Board of Directors**

The Board of Directors may fill vacancies on the Board, and this process is governed by California Government code section 1780. The District shall notify the Riverside County Registrar of Voters of the vacancy no later than 15 days after either the date on which the District board is notified of the vacancy or the effective date of the vacancy, whichever is later.

The remaining members of the District board may fill the vacancy either by appointment or by calling an election.

## Appointment

Within 60 days after either the date on which the District Board is notified of the vacancy or the effective date of the vacancy, whichever is later, the district shall post a notice of the vacancy in three (3) or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

In order to accomplish this in an orderly and consistent manner, when a vacancy of an elected Director occurs, the District Board of Directors, after discussion and consideration, shall when deemed appropriate, instruct staff to:

- Place a public notice advising that a vacancy has occurred in accordance with applicable provisions of law. and
- Said notice shall advise prospective candidates of the steps to take to apply for appointment. and
- The District's Board of Directors shall establish the closing date for the receipt of applications.
- Applicant(s) shall be interviewed at the next regularly scheduled meeting, when possible, of the District's Board of Directors following the date of closure of applications.
- The District's Board of Directors shall make the appointment without undue delay, but need not act at the same meeting.
- The district shall notify the county elections official of the appointment no later than 15 days after the appointment.
- If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance

of the term of office.

- If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

### Election

In lieu of making an appointment the remaining members of the board may within 60 days of the date the District board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

### Vacancy not filled by the Board of Directors

If the vacancy is not filled by the District Board of Directors by appointment, or if the District board has not called for an election within 60 days of the date the District board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the District is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or Board of Supervisors may order the district to call an election to fill the vacancy.

## **2.11. Board Compensation Policy**

### **2.11.1. Compensation**

**Board Meeting/Board Committee Meeting/Day of Service.** Each Director of the District Board of Directors shall receive compensation in the amount of two hundred and fifty dollars (\$250) for each regular or special meeting of the Board or Board Committee attended by the Director or for each Day of Service rendered by the Director at the request of the Board.

**Limitations.** Notwithstanding any other provisions of this Ordinance, the total compensation paid to a Board Director in a calendar month for attending regular or special meetings of the Board or a Board Committee and for rendering Days of Service shall not exceed one thousand five hundred dollars (\$1,500), which is the equivalent of six (6) times the Board Meeting/Board Committee Meeting/Day of Service compensation set forth in Section 1a. above. Payments for attending Board or Board Committee meetings or rendering Days of Service in one calendar month shall not be transferred to another calendar month to avoid this limitation.

### **2.11.2. Day of Service at Request of the Board**

For purposes of this Ordinance, a Director renders a Day of Service at the request of the Board when the Director attends a meeting, conference, or seminar pursuant to either a formal action taken by the Board or a Standing Day of Service Request, as defined in Section 3, below. In addition, a travel day shall constitute a separate Day of Service requested by the Board, provided (i) the travel is undertaken during normal business hours on the day preceding or following a Day of Service for the purpose of arriving at or departing from the location of that Day of Service and (ii) such travel exceeds one hundred and twenty-five (125) miles one way.

## **2.12. District Travel Policy**

Please refer to the Valley Sanitary District Travel policy outlined in section 4.3.

## 3. Employee Policies & Procedures

### 3.1. General

#### 3.1.1. Employer – Employee Relations

California law (Government Code, Sections 3500-2511, also known as the Meyers-Milias-Brown Act) stipulates that *“Except as otherwise provided by the Legislature, public employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Public employees also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the public agency.”*

Valley Sanitary District has put in place Board Resolution 690 (1984) to implement this act of the Legislature. Given the critical function of Valley Sanitary District, Section 4.H. of Resolution 690 stipulates that District employees do not have a right to strike and that *“any employee who encourages, causes or participates in any strike, walkout, stoppage or retarding of work, or any other interference with the conduct of the District’s operations, shall be subject to immediate discharge or other disciplinary action in the sole discretion of the District.”*

The Resolution sets out the process by which an employee organization may seek recognition for the purpose of meeting and conferring in good faith as the representative of District employees, including the rules regarding elections. the process by which agreements between the recognized employee organization and the General Manager are reached and approved, including the role of the Board of Directors in the process. and the process of mediation in case of any impasse.

For further information, refer to the California Government Code Sections 3500-3511 and the full text of Resolution 690 of the Valley Sanitary District Board of Directors.

### **3.1.2. Immigration Law Compliance**

In compliance with United States federal law, all persons hired by Valley Sanitary District will be required to verify their identity and eligibility to work in the United States and to complete the required employment eligibility verification form upon hire. Valley Sanitary District participates in the E-Verify program and will, in accordance with state law, provide any adverse notice received through that system to the individual whose employment is contingent on the verification.

### **3.1.3. Equal Employment Opportunity Statement**

The District is an equal opportunity employer and makes employment decisions on the basis of merit.

District policy prohibits unlawful discrimination for equal opportunity, based on race, color, creed, sex, religion, marital status, age, national origin or ancestry, physical or mental disability, sexual orientation, gender expression, gender identity, uniform service member status, pregnancy, childbirth, medical condition (related to cancer, HIV/AIDS, pregnancy, childbirth, or breastfeeding), handicap, or any other class protected by federal, state or local laws. This prohibition applies to all employees, officers, and agents of the District.

Any employee, applicant, volunteer, unpaid intern, or contractor who suspects they have been subjected to any form of unlawful discrimination should immediately report the alleged incident(s) to the General Manager (or the Administration & Finance Manager). Further, employees are encouraged to provide a written complaint specifying the dates of any alleged incidents, the names of the individuals involved, the names of any witnesses, and any other information that the employee believes to be relevant.

Upon receiving a report of suspected unlawful discrimination, the District will promptly undertake a thorough and objective investigation. If the District determines

that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will also be taken to deter any future discrimination.

The District will not retaliate against you or anyone else for filing a complaint or participating in the investigation of a complaint of unlawful discrimination. Further, the District will not knowingly permit retaliation by management employees or your coworkers.

### **3.1.4. Americans with Disability Act (ADA) Compliance**

The District complies with the Americans with Disabilities Act (ADA) and applicable state laws and ensures equal employment opportunities to qualified individuals. The District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified applicant or employee with a disability unless undue hardship would result.

Any applicant or employee who requires reasonable accommodation should contact the General Manager to request such an accommodation. The individual with the disability should specify what reasonable accommodation he or she desires. The District will engage the employee in an interactive process to determine what, if any, reasonable accommodation may be provided.

### **3.1.5. Standards of Conduct**

#### **3.1.5.1. Professionalism**

Employees are expected to practice, promote, and exercise professional conduct during work hours, on District property, and while representing the District.

### **3.1.5.2. Unacceptable Harassment and Behavior**

The District is committed to providing a work environment free of harassment of our employees, members of the public, vendors, and suppliers.

District policy prohibits harassment because race, color, creed, sex, religion, marital status, age, national origin or ancestry, physical or mental disability, sexual orientation, gender expression, gender identity, uniform service member status, pregnancy, childbirth, medical condition (related to cancer, HIV/AIDS, pregnancy, childbirth, or breastfeeding), handicap, or any other class protected by federal, state or local laws.

All such harassment is prohibited regardless of whether the harassment rises to the level of unlawful harassment and will be treated as a disciplinary matter.

The District's anti-harassment policy applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training. This policy applies to all officers and employees of the District, including persons working under contract for the District.

Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex and/or membership in one of the above-described protected classifications, and:

- Submission to the offensive conduct is an explicit or implicit term or condition of employment.
- Submission to, or rejection of, the offensive conduct forms the basis for an employment decision affecting the employee. or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Examples of what may constitute prohibited harassment include, but are not limited to, the following:

- Kidding or joking about sex or membership in one of the protected classifications.
- Hugs, pats, and similar unwelcome physical contact.
- Assault, impeding or blocking movement, or any physical interference with normal work or movement.
- Cartoons, posters, and other materials referring to sex, or membership in one of the protected classifications.
- Threats intended to induce sexual favors or activity.
- Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome.
- Degrading words or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications.
- Prolonged staring or leering at a person.
- Similar conduct directed at an individual on the basis of race, color, ancestry, religious creed, handicap or disability, medical condition, age (over 40), marital status, sexual orientation, gender identity, or any other protected classification under applicable law.

## **Reporting Procedure**

### Internal Reporting Procedure

Any employee who believes that they have been subject to sexual or other prohibited harassment by coworkers, supervisors, clients, customers, visitors, vendors, or others should immediately notify the General Manager and/or the Administration & Finance Manager. Claims against the General Manager shall be filed with the District Board of Directors, either directly or through the Administration & Finance Manager.

Supervisors who observe or otherwise become aware of harassment that violates this policy have a duty to take steps to investigate and remedy such harassment and prevent its recurrence.

#### External Reporting Procedure

Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by coworkers, supervisors, clients or customers, visitors, vendors or others may file a complaint with the California Department of Fair Employment and Housing (DFEH). contact information is available at <http://www.dfeh.ca.gov/Contact.htm>.

### **Investigation**

#### Internal Investigating Procedure

The General Manager is the person designated by the District to investigate complaints of harassment. The General Manager may, however, delegate the investigation at their discretion. In the event the harassment complaint is against the General Manager, an investigator shall be appointed by the District Board of Directors.

When an allegation of harassment is made by an employee, the General Manager shall immediately prepare a report of the complaint.

The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation. The investigator's notes shall be made at the time the verbal interview is in progress. Any other documentary evidence shall be retained as part of the record of the investigation. Upon completion of the investigation, the results shall be given to

the complainant, the alleged harasser, and the General Manager (or the District Board of Directors in the event the complaint involves the General Manager.)

All records and information relating to the investigation of any alleged harassment and resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process, or as otherwise reasonably necessary.

Based on the report and any other relevant information, the General Manager (or District Board of Directors) shall, within a reasonable period of time, determine whether the conduct of the person against whom a complaint has been made constitutes unlawful or otherwise prohibited harassment. In making that determination, the General Manager (or the District Board of Directors) shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining of harassment. The determination of whether harassment occurred will be made on a case-by-case basis by the General Manager (or District Board of Directors).

Knowingly falsely accusing someone of harassment or otherwise knowingly giving false or misleading information in an investigation of harassment shall be grounds for disciplinary action, up to and including termination of employment, or appropriate action with regards to Board of Directors members.

#### External Investigation

Charges filed with the California Department of Fair Employment and Housing (DFEH) are investigated by the DFEH.

## **Remedies**

### Internal Remedies

If the District determines that unlawful or prohibited conduct has occurred, the District will take prompt and appropriate action, including but not necessarily limited to disciplinary action, to remedy the situation.

Disciplinary action, if any, shall be consistent with the nature and severity of the offense, the rank of the harasser, and any other factors relating to the fair and efficient administration of the District's operations.

### External Remedies

In the event a complaint is filed with the DFEH, and the DFEH finds that the complaint has merit, the DFEH will attempt to negotiate a settlement between the parties. If a settlement is not reached, DFEH may issue a determination on the merits of the case.

Where a case is not settled and the DFEH finds a violation exists, it can prosecute the charging party's case before the California Fair Employment and Housing Commission ("FEHC"). Legal remedies available through DFEH and FEHC for a successful claim by an applicant, employee, or former employee include possible reinstatement to a former job, award of a job applied for, back pay, front pay, attorney's fees, and under appropriate circumstances, actual damages, and/or administrative fines.

As an alternative, DFEH may grant the employee permission to withdraw the case and pursue other remedies.

## **Retaliation**

Retaliation against anyone for opposing conduct prohibited by this policy or for filing a complaint with, or otherwise participating in an investigation, proceeding,

or hearing conducted by the District, DFEH, or FEHC is strictly prohibited and may subject the offending person to, among other things, disciplinary action up to and including termination.

### **Employee Obligation**

Employees are not only encouraged to report instances of harassment. they are obligated to report instances of harassment. Harassment exposes the District to potential liability, and a part of each employee's job is to reduce the District's exposure to liability.

Employees are obligated to cooperate in every investigation of harassment, including, but not necessarily limited to:

- Coming forward with evidence, both favorable and unfavorable, to a person accused of harassment.

Fully and truthfully making a written report or verbally answering questions when required to do so during the course of a District investigation of alleged harassment.

### **3.1.5.3. Conflicts of Interest**

Situations of real or perceived conflict of interest are to be avoided by all employees. Personal or romantic involvement with a vendor, developer, or subordinate employee of the District, which impairs an employee's ability to exercise good judgment on behalf of the District, creates an actual or perceived conflict of interest. Supervisor - Subordinate romantic and/or personal relationships can be a source of potential conflicts of interest and lead to legal risks.

An employee involved in any of the described relationships in this policy should immediately and fully disclose the relevant circumstances to their immediate supervisor, or if required, the General Manager, for a determination as to whether a real or perceived conflict exists. If it is determined that a real or perceived

conflict of interest exists, the District may take whatever corrective action is appropriate to protect the interests of the District, based on the circumstances.

The Conflict of Interest Code of the District designates employees in the District who are required to file “Statements of Economic Interests for Designated Employees” (Form 700) under the California Political Reform Act. Employees who conduct inspections, who decide on major purchases, who conduct plan checks, or make decisions regarding development approval, are included. An employee’s refusal to file may result in disciplinary action, up to and including termination of employment.

#### **3.1.5.4. Ethics and Business Conduct**

The District promotes a policy of high ethics, responsibility, transparency, honesty, and integrity. Employees represent the District and it is the responsibility of all employees to uphold these values in the execution of their duties at the District.

No employee may accept a gift or gratuity valued in excess of \$50 from any customer, vendor, supplier, or other person doing business with the District, unless the same is reported on Schedule F of an annual Statement of Economic Interests (Form 700).

Employees are required to discuss expenses that might be paid by such persons for business, meals, or trips with the General Manager in advance. In no event may a gift, gratuity, or expense payment influence a business decision, transaction, or service.

### **3.1.5.5. Employment of Relatives (Nepotism)**

Relatives of employees may be eligible for employment with the District only when the prospective candidate will not be in a direct supervisory relationship with the currently employed relative. The District may also restrict or prohibit relatives from working together if the work involves potential conflicts of interest or other hazards greater for relatives than for other persons. “Relatives” are defined to include spouses, domestic partners, children, siblings, parents, all in-laws, and step-relatives within these categories, or similar types of relationships which are not necessarily based on blood or marriage. Present employees who marry or enter into a domestic partnership will be permitted to continue working in the job position held only if they do not work in direct supervisory relationship with one another or in job positions otherwise in conflict with this policy.

### **3.1.5.6. Electronic Media and Computer Use Policy**

#### **Use of District Computers and Internet Access**

The District’s electronic equipment and systems, including, but not limited to, computers, fax machines, imaging systems, printers and plotters, cell phones, Access Control System, Security Alarm System, VSD Radio System, ERICA Radio System, Close Circuit Television System, Supervisory Control and Data Acquisition System (SCADA), data storage devices, and all forms of Internet/Intranet access, are for District business. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in expense to the District.

Use is defined as “excessive” if it interferes with normal job functions, responsiveness, bandwidth, or the ability to perform daily job activities. District electronic systems are District resources and are provided as business communications tools.

## **Ownership and Access of Electronic Mail and Electronic Files**

The District owns the rights to all data and files in any computer, network, or other information system used in the District. The District reserves the right to monitor computer and e-mail usage, both as it occurs and in the form of account histories and their content. The District has the right to inspect any and all files stored in any areas of the network or on any types of computer storage media in order to assure compliance with this policy. The District routinely complies with requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual computers and e-mail activities. The District also reserves the right to monitor electronic mail messages and their content. Employees must be aware that the electronic mail messages sent and received using District equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by District officials at all times. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate District official.

The District has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software. Violation of this policy can lead to disciplinary action, up to and including dismissal.

## **Confidentiality of Electronic Mail**

Electronic mail and electronic texts are subject at all times to monitoring, and the release of specific information is subject to applicable state and federal laws and District rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software. Since there is the possibility that any message could be shared with or without your permission or knowledge,

the best rule to follow in the use of electronic mail for non-work-related information is that its contents could become public.

It is a violation of District policy for any employee, including system administrators and supervisors, to access electronic mail and computer system files for personal knowledge. Employees found to have engaged in such activities will be subject to disciplinary action.

As a California public agency, District electronic media may be subject to the California Public Records Act (Government Code 6250-6270) and may be released to the public, upon appropriate requests.

### **Tone and Demeanor of Electronic Messages**

Users are expected to communicate with courtesy and restraint with both internal and external recipients. Electronic mail should reflect the professionalism of the District and should not include language that could be construed as profane, discriminatory, obscene, sexually harassing, threatening, or retaliatory. It is recommended that using all capital letters, shorthand, idioms, unfamiliar acronyms, and slang be avoided when using electronic mail.

### **Electronic Mail Tampering**

Electronic mail messages received should not be altered without the sender's permission. nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message.

### **Inappropriate Use of the District Electronic Media**

Electronic communication "should not be used to solicit or sell products, distract coworkers, or disrupt the workplace."

Use of District computers and other equipment, networks, and Internet access is a privilege granted by management and may be revoked at any time for inappropriate conduct including, but not limited to:

- Engaging in private or personal business activities.
- Misrepresenting oneself or the District.
- Engaging in unlawful or malicious activities.
- Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages.
- Sending, receiving, or accessing pornographic materials.
- Use of equipment or facilities for partisan politics.
- Causing congestion, disruption, disablement, alteration, or impairment of District networks or systems.
- Infringing in any way on the copyrights or trademark rights of others.
- Using recreational games, online gaming, and/or
- Defeating or attempting to defeat security restrictions on District systems and applications.

Use of District computer and other equipment, network, or Internet resources to create, access, view, transmit, receive, archive, or distribute racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited. "Material" is defined as any visual, textual, or auditory item, file, page, graphic, or other entity. Such material violates the District's anti-harassment policies and is subject to District disciplinary action.

No employee may use the District's Internet/Intranet facilities to deliberately propagate any virus, worm, Trojan horse, or any other file or code designed to disrupt, disable, impair, or otherwise harm either the District's networks or systems or those of any other individual or entity.

The District's Internet/Intranet facilities, electronic mail system, and computing resources must not be used to violate the laws and regulations of the United States

or any other nation or any state, city, province, or other local jurisdiction in any way. Use of District resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution.

### **3.1.5.7. Other Prohibited Conduct**

The following conduct is prohibited and may incur discipline. This list of prohibited conduct is **illustrative only** and does not represent all prohibited conduct. Other types of conduct injurious to security, personal safety, employee welfare, and the District's public image and/or operations are also prohibited.

- Actions contrary to the rules and policies of the District, including but not limited to the safety rules set forth in the District's Illness and Injury Prevention Program ("IIPP").
- Inefficiency, incompetence, inattention to or dereliction of duty, failure to perform assigned duties in a satisfactory manner.
- Insubordination or failure to comply with District rules and policies.
- Accepting gratuities or tips.
- Dishonesty.
- Theft or unauthorized use of District property.
- Fighting, threat of injury, or misbehavior while on duty or on District premises.
- Frequent or habitual tardiness, unexcused absences, or unsatisfactory attendance.
- Conducting non-District business activities during working hours.
- Harassment or discrimination in any form.
- Consumption of alcoholic beverages or drugs while on duty or on District premises.
- Being under the influence of alcohol or drugs while on duty.
- Use of, possession of, or transfer or sale of, non-prescribed drugs or narcotics while on duty or on District premises.

- Disorderly, indecent, or immoral conduct while on duty or while in District uniform.
- Discourteous treatment of the public or other District employees.
- Issuance of defaming or derogatory remarks, unrelated to performance issues, regarding a co-worker's character or personal life.
- Conviction of any felony or of a misdemeanor involving moral turpitude, dishonesty, or immoral conduct.
- Unauthorized absence from work or excessive absences and tardiness.
- Neglect of duty.
- Actions incompatible with or offensive to the image or the goals of the District.
- Failure to follow safe working practices.
- Failure to report an injury or accident promptly.
- Failure to report significant unsafe working practices to supervisor.
- Misrepresentations in obtaining employment with or promotion within the District.
- Misuse of District money or resources.
- Falsification of forms, records, or reports, including, but not limited to, time sheets, employment applications, and District documents.
- Possessing or bringing firearms or weapons onto District property.
- Destroying or willfully damaging District or employee property, records, or other materials.
- Unauthorized opening or tampering with locks in desks, doors, cabinets, etc., or unauthorized use or duplication of keys.
- Failure to immediately report the loss of driving privileges due to suspension, withdrawal, forfeiture, or confiscation by any authorized party, including court of law or the California Department of Motor Vehicles, by employees who must maintain such a license as a condition of employment.

- Failure to maintain license or certification required for position. An employee will be subject to discipline, up to and including termination without progressive discipline, for the failure to maintain a license or certification required for that employee's job duties.
- Violation of any established District rule, policy, or procedure.

**Off-Duty Conduct**

Certain types of off-duty conduct may interfere with the District's legitimate interests. For this reason, employees should be aware of the following policy:

- Employees are expected to be professional and exhibit conduct that does not adversely affect the integrity, reputation, or creditability of the District. Employees who are convicted of illegal activities may be subject to discipline where the District's legitimate interests or the employee's ability to perform their job is diminished.

**3.1.5.8. Drug & Alcohol Policy**

**3.1.5.8.1. General**

Use, possession, being under the influence of, selling, giving, purchasing or receiving drugs or alcohol is strictly prohibited:

- During working hours (including rest or meal breaks).
- While on District property.
- While subject to call for duty or representing the District on official business, or
- In such other circumstances, which tend to directly harm District interests except as explicitly noted below in compliance with instructions from your supervisor.

For the purpose of this Policy, the term “drugs” is defined as those substances that may impair the employee’s ability to work without risk of harm to persons, property, or work efficiency, including:

- over-the-counter drugs.
- substances controlled by statute or regulation, such as those available only by prescription of a licensed physician, dentist or other licensed practitioner. and
- illegal or recreational drugs.

If you are using an over-the-counter or prescription drug that may impair your ability to perform work safely and efficiently, **you must report such use to your supervisor**. Your supervisor will place you in an alternative position, if available, or place you on leave of absence until the effects of the drug no longer pose a risk of impairment.

When the General Manager, your supervisor, or a health or law enforcement professional has a reasonable basis to suspect that you are using or under the influence of drugs or alcohol in violation of this policy, you may be required to submit to a blood, urine, or other test or examination designed to detect such use. If you refuse to consent and submit to, or fail to otherwise cooperate in, the testing/examination process, where job related drug or alcohol use is reasonably suspected, you may be subject to discipline, up to and including termination of your employment with the District.

The District reserves the right to search lockers, storage areas, furniture, District vehicles, and other places under the common control of the District and employees, and to enlist the assistance of law enforcement personnel in connection with the enforcement of this policy.

If it is determined by a test, examination, or by other means that you are using or are under the influence of drugs or alcohol in violation of the terms of this

Policy, you will be subject to discipline, up to and including termination of employment.

If you have drug or alcohol abuse problems, you are encouraged to seek help through drug and alcohol treatment programs or other remedies before being in violation of this Policy and, thus, becoming subject to discipline. Where practicable, leaves of absence and other accommodations will be provided by the District in an effort to assist you with rehabilitation. More information on employee assistance for drug and alcohol abuse is available from the General Manager and/or Administration & Finance Manager.

### **3.1.5.8.2. Employees with a Class “A” or Class “B” Driver License**

Pursuant to U.S. Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Act of 1991, the District adopted a mandatory drug and alcohol testing program for employees required to have a class “A” or class “B” commercial drivers’ license. This policy applies to affected employees or applicants for positions requiring a commercial drivers’ license.

Employees covered by these requirements must familiarize themselves with the provisions of this policy because compliance with this policy is a condition of their employment.

#### **Scope**

This policy applies to all employees who are assigned to drive the Vactor Truck, including primary drivers, either on a full-time, part-time, or emergency basis. Subject vehicles have a gross combination weight of at least 26,001 pounds, and as such require a class “A” or “B” driver’s license. Any

other vehicle that the District may own or rent that meets the criteria of the FHA shall only be driven by an employee that has a clearance under this policy.

The District will consult with an independent service for testing, and random controlled substances testing will be done at least once per year per covered employee.

Employees who require a Class A or Class B license, to carry out their work duties are reminded that possession of such license is a requirement for remaining eligible for continued employment with the District.

### **Policy**

- Employee Questions:

Employees shall refer any questions to the General Manager. Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, Part 382 as reflected in 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs". An independent service will be utilized to achieve program compliance. Employee contacts with the consultant shall be coordinated by the Administration & Finance Manager (Program Manager) or General Manager for confidentiality.

- Covered Employees:

Covered employees shall not be under the influence or in possession of a controlled substance or alcohol during work hours. Further, the regulations of the FHA prohibit certain conduct while performing and prior to performing "safety-sensitive functions" (see section C below).

A "safety-sensitive function" is driving one of the following vehicles:

- A vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds. The District Vactor truck meets this standard.

- A vehicle used to transport those hazardous materials found in the Hazardous Materials Transportation Act.
- A vehicle designed to transport 16 or more passengers, including the driver.
- Applicable Federal Regulations  
Appendix A, “Procedures for Transportation Workplace Drug and Alcohol Testing Programs” (<https://www.transportation.gov/odapc/part40>) is hereby adopted as part of this policy.
- Testing Program:  
Testing for this program shall be conducted by District's consultant pursuant to Federal requirements. Testing for employees conducting safety sensitive functions as defined by the regulations include:
  - Pre-employment testing.
  - Random testing.
  - Reasonable suspicion testing.
  - Post-accident testing.
  - Return-to-duty testing. and
  - Follow-up testing.
 Random tests will be on an annual basis.
- Prohibited Conduct:  
Prohibited alcohol and controlled substance-related conduct as specified in the Federal regulations shall be included as causes for discipline up to and including termination pursuant to the Employee Handbook.
- Administration of Program:  
The General Manager shall provide the required training and factual information for supervisors, affected employees, and prospective employees. The Administration and Finance Manager shall be the primary designate for coordinating testing schedules between the consultant and the employee.

### **3.1.5.9. Punctuality and Attendance**

Employees of the District are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for your fellow employees and your supervisor. When you are absent, your workload must be performed by others, just as you must assume the workload of others who are absent.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized District business. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided.

If you are unable to report for work on any particular day, you must call your supervisor within the ten (10) minutes after the time you are scheduled to begin working for that day. In all cases of absence or tardiness, employees must provide their supervisor with an explanation. Employees must also inform their supervisor of the expected duration of any absence. Unless you are unable to do so for good reason, you must call in on any day you are scheduled to work and will not report to work.

Excessive tardiness (whether excused or not) may be subject to discipline. The District defines excessive tardiness as more than two (2) late arrivals in a thirty (30) day period.

Excessive absences are defined as an unexcused absence where the appropriate leave has been exceeded, or when unscheduled (no prior approval) leaves exceed scheduled leaves.

### **3.1.5.10. Customer Service**

The District serves the public, and quality customer service is important when dealing with customers, the public, fellow employees, and the Board of Directors. Employees are expected to perform their duties with courtesy, honesty, integrity, and understanding of the business at hand.

All persons are to be treated courteously and be given proper attention at all times. A question or concern should be answered professionally, appropriately, and in a timely manner.

Telephone, email, and other communication etiquette should be exercised at all times. Respond to customer needs in a timely manner. Direct incoming calls to the appropriate person and ensure the call is received.

Through your conduct, show your desire to assist the public in obtaining the help they require. If you are unable to help a customer, find someone who can.

All correspondence and documents, whether to customers or others, must be neatly prepared and error free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do business.

Avoid confrontations with customers, by using appropriate judgment and tact. If a problem develops, or if a customer remains dissatisfied, ask your supervisor or the General Manager to intervene.

### **3.1.5.11. Confidentiality**

Each employee is responsible for safeguarding confidential information obtained in connection with his or her employment. Employees may have access to confidential information regarding the District, its customers, employees, developers or other public agencies. It is the responsibility of every employee to safeguard that information and not to reveal or divulge any such information

unless it is necessary to perform your duties. Access to confidential information should be on a “need-to-know” basis and must be authorized by your supervisor.

The District is a public agency that is subject to the California Public Records Act (Government Code 6250). Public records are ordinarily open to inspection at all times during the regular hours of the District. A fee will be charged for copies of records. Certain records are expressly declared exempt from disclosure, including: internal memoranda, litigation records, personnel, or medical records.

### **3.2. General Manager**

The General Manager of the District is retained and serves at the pleasure of the Board of Directors.

The compensation of the General Manager is set forth in a publicly available contract, which may be amended from time to time. Other terms and conditions of employment are also set out in the contract between the Board of Directors and the General Manager. In case of conflict between any District policy and the employment contract, the terms of the contract will prevail.

The General Manager reports at each meeting of the Board of Directors on the progress of the District’s work.

The General Manager’s performance is evaluated by the Board of Directors at least annually through a process that promotes active discussion and feedback.

In the tenth month of each contract year, the General Manager is to alert the Board that the annual performance appraisal is due. The General Manager will submit a written statement of accomplishments and achievements for the past year. Specific reference should be made to any Board directive given in the past year's report, and to any interim directives given to the General Manager. Copies of the Appraisal Report form are also distributed to the Board, along with the job description.

In the eleventh month, each Board member will submit their Appraisal Report form to the Board Chair, who consults with the Board members and compiles a consolidated report for discussion with the General Manager.

The entire Board of Directors is involved in the final annual performance appraisal discussion and signs the final report. Board members may submit a dissenting opinion in writing on separate paper if they so choose.

The Board will keep a record of official findings, and the same is given to the General Manager at the end of the review discussion with the Board.

The General Manager is authorized to attend relevant meetings of outside agencies and organizations as an official representative of the District, whether or not members of the Board are in attendance.

The Board delegates to the General Manager, as Executive Officer of the District and for the Board, the authority to administer the District with exclusive management and control of the operations and works of the District, in accordance with policies approved by the Board, and to provide day-to-day leadership of the District. The General Manager is designated as the District's Purchasing Agent and also has general charge, responsibility, and control over all District property. The General Manager may transfer supplies and equipment between District operations as needed.

The Board delegates to the General Manager general authority over personnel matters involving District staff, including recruiting, selecting, hiring, evaluating, disciplining, and discharging employees and the organizational structure of the District staff. Individual Board members shall not interfere with the General Manager in District personnel matters.

Subject to District policy, the General Manager may suspend, demote, reduce in pay, or discharge any regular employee, and will inform the Board as soon as practical after taking such actions. The General Manager shall report to the Board when delaying, or not granting, a regular or special wage step increase.

The General Manager may, in his or her discretion, delegate administrative authorities and other duties to employees and assistants. The General Manager will determine the scope of such delegation including, without limitation: (A) the time period during which the delegation will be in effect. (B) the parameters or extent of such power and authority. and (C) the specific circumstances under which the power and authority may be exercised.

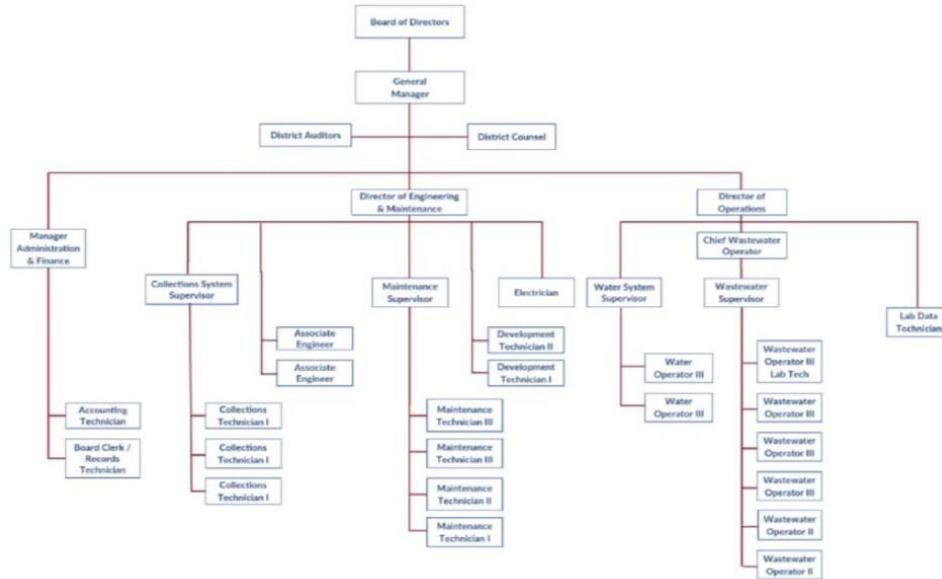
Except as otherwise provided within the VSD District Code, the General Manager is authorized to make, sign, and execute contracts for any legal purpose necessary for the operation, improvement, or benefit of the District, subject to any applicable state law or regulation, and to any written policies, procedures, or conditions established by the Board, which shall be available for public distribution. The General Manager is further authorized to approve the payment of expenses such as utilities and other similar operational costs to any amount as approved by the Board through Blanket Purchase Orders.

Except as otherwise provided within the VSD District Code, the General Manager has the administrative authority and responsibility for the enforcement of all District rules and regulations and has the authority to initiate and respond to legal actions in consultation with the District's legal counsel and the Board of Directors.

The General Manager is authorized to carry out other duties specified in the District's official job description for the position.

### 3.3. Organizational Structure

The organizational structure of Valley Sanitary District is:



### 3.4. Employment Categories

#### 3.4.1. Exempt and Non-Exempt Employees

Exempt employees are exempt from the provisions of state and federal wage and hour laws and are compensated for performing defined functions and assignments, not for hours worked. Irregular hours can be expected in these positions.

Non-exempt employees are classified as being covered by (not exempt from) the provisions of state and federal wage and hour laws and are compensated for their hours worked, including paid overtime wages, in accordance with state and federal regulations.

An employee's EXEMPT or NON-EXEMPT classification may be changed only upon written notification by the Valley Sanitary District Board of Directors.

### **3.4.2. Regular Employees**

Employees who have completed their probationary period of employment will be classified as “regular” full-time or part-time employees. Regular full-time or part-time employees are not guaranteed a job or employment status for any definite period of time.

#### **3.4.2.1. Full-Time Employees**

Regular full-time employees are those normally scheduled to work and who do work a schedule of 40 hours per week, not including over-time or standby time. Regular full-time employees are eligible for all employee benefits described in this Employee Handbook on the schedule provided for the various benefits.

#### **3.4.2.2. Part-Time Employees**

Regular part-time employees are those who are normally scheduled to work from 20 to 32 hours per week. Regular part-time employees are eligible for the following District benefits: 1) Prorated holidays, sick leave, and vacation leave. 2) Worker’s compensation.

### **3.4.3. Temporary Employees**

Temporary employees are those employed for short-term assignments. Short-term assignments will generally be for periods of nine (9) months or less. Temporary employees are not eligible for employee benefits except where mandated by applicable law. Temporary employees are at-will and may be terminated at any time by the General Manager, with or without cause and without advance notice or right of appeal or grievance.

### **3.5. Probationary Status**

A “probationary employee” is a newly hired employee or an employee who is appointed to a new position with the District. The probationary period is a period of training and evaluation and allows the District sufficient time to determine if the employee is qualified for the position as specified in the job description. During this time, employees learn their responsibilities, get acquainted with fellow employees, and determine whether they are happy with their job. During this time, the supervisor will closely monitor employee performance.

The probationary period for all positions, except the Operator-in-Training and Collection System Trainee, is one year, except that the General Manager may allow a six-month probationary period for an employee who transfers into a position with qualifications above the minimum required for the position. For an Operator-in-Training or Collection System Trainee, the probationary period is two years, which may be reduced to one year upon completion of Class I operator training and/or certification requirements. The General Manager may extend the probationary period for a maximum of six (6) months.

Employment at the District is employment at-will during the “probationary period” for newly hired employees. At-will employees may be terminated with or without cause, with or without notice, and without right of appeal or grievance, at any time by the District. An employee may also give notice at any time during the probationary period. Nothing in this Handbook or in any document or statement shall limit the right to terminate employment at will during the probationary period.

After completion of the probationary period, and with satisfactory performance, the District may continue employment as a “regular” employee. Regular employees are expected to continue improving their skills and receive additional training. Periodic performance evaluations will occur during both the probationary period and regular employment.

An Operator-in-Training must pass the Grade I Certification within the probationary period of two years as a condition of continued employment. An Operator-in-Training who passes the Grade I Certification prior to the two-year limit for probation will be considered for regular full-time classification upon receipt of the Certification.

A Collections-in-Training must pass the Grade I Certification within the probationary period of two years as a condition of continued employment. A Collections-in-Training who passes the Grade I Certification prior to the two-year limit for probation will be considered for regular full-time classification upon receipt of the Certification.

Employees not working as treatment plant operators are encouraged to obtain Technical Certification in the discipline in which they are working. These disciplines include: Collection Systems Technicians, Environmental Compliance Technician, Laboratory Analyst/Coordinator, and Maintenance Supervisor. Failure to obtain a Technical Certification may limit job advancement and/or salary increases.

Completion of the probationary period does not entitle an employee to remain employed by the District for any definite period of time.

Eligible employees will receive the benefits described in this handbook and at the times specified.

### **3.6. At-Will Status**

The District employs individuals “at will” and does not guarantee a job or employment status for any definite period of time. Employees may be terminated with or without cause, with or without notice, and without right of appeal or grievance, at any time by the District.

### **3.7. Job Duties**

During the Probationary Period, supervisors explain job responsibilities and the performance standards expected. Be aware that job responsibilities may change at any time during employment. From time to time, employees may be asked to work on special projects or to assist with other work necessary or important to the operation of the assigned department or the District. Employees' cooperation and assistance in performing such additional work is expected.

The District reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

### **3.8. Outside Employment**

While employed by the District, employees are expected to devote their energies to their jobs with the District. For this reason, second jobs are strongly discouraged. The following types of outside employment are strictly prohibited:

- Employment that conflicts with an employee's work schedule, duties and responsibilities.
- Employment that creates a conflict of interest or is incompatible with the employee's employment with the District.
- Employment that impairs or has a detrimental effect on the employee's work performance with the District.
- Employment that requires the employee to conduct work or related activities on the District's property during the employee's working hours or using the District's facilities, vehicles and/or equipment.

Employees who wish to engage in outside employment that may create a real or

perceived conflict of interest must submit a written request to the District explaining the details of the outside employment. If the outside employment is authorized, the District assumes no responsibility for the outside employment. The District shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of outside employment. Authorization to engage in outside employment can be revoked at any time.

## **3.9. Employee Compensation**

### **3.9.1. General**

Compensation Plan and Salary Schedule: The Salary Schedule of pay approved by the Board of Directors provides for allocation of positions by pay range and provision of steps for salary advancement within each range. The compensation plan is the combination of pay and benefits outlined in this document and relevant Board decisions.

Classification Plan and Job Descriptions: The classification plan consists of classes of positions that are substantially similar with respect to duties, responsibilities, and authority when compared to other jobs in the wastewater industry and the local employment market. Job descriptions for each position are designed to comply with Section F and other sections of the Employee Handbook to give the employee a clear description of what the essential duties of the position are and for management purposes of employee recruitment, evaluation, and discipline.

**Definitions:** The following terms are defined as follows:

**Advancement:** A salary increase within the limits of a pay range established for a class, a promotion, or a reclassification to a higher level in a class series.

**Allocation of Positions:** The assignment of a single position to its proper pay range in accordance with the duties performed according to the job description. The allocation of positions is contained in the annual budget, which is accessible on the Valley Sanitary website.

**Anniversary date:** The date on which an employee was initially employed or promoted to

a higher position.

**Class:** All positions sufficiently similar in duties, authority, and responsibility, to fit under a common title and the application of common standards of selection by transfer, promotion, and salary.

**Compensation:** Rates of pay, which have been established by this policy in the Salary Schedule. "Total Compensation" is the salary plus benefits for each employee.

**Cost-of-Living Increase:** When the Salary Schedule is amended by the Board of Directors to reflect an all-inclusive change in the schedule.

**Merit Pay Increases:** An increase in compensation established in the Salary Schedule which may be granted to an employee for completion of a minimum of one year of service, and with a performance evaluation that substantiates the merits for the increase i.e. "meets or exceeds standards." A maximum of seven steps are reserved for merit increases. Employees who receive "unsatisfactory" overall performance evaluations will be considered for a decrease in pay within the range.

**Longevity Pay:** Full-time regular employees are eligible for an annual bonus for longevity with the District as shown on the Salary Schedule. The bonus will be paid as of the anniversary of the employee's original hire date with the District and calculated for the duration of actual full-time employment.

**Pay Range:**

- **NEW** - For employees hired on or after July 1, 2016: One level in the Salary Schedule with seven (7) steps (A-G). Each position is assigned to a specific pay range (1-30). Normally a beginning employee will begin at Step A of a pay range, but well-qualified applicants for a position may begin at higher than the "A" Step. There is a five percent (5%) difference between each range at Step A.
- **LEGACY** - For employees hired on or before June 30, 2016: One level in the Salary Schedule with fourteen (14) steps (a-n). Each position is assigned to a specific pay range (1-27). Normally a beginning employee will begin at Step "a" of a pay

range, but well-qualified applicants for a position may begin at higher than the “a” Step. There is a two and one half percent (2.5%) difference between each range at Step “a”. Once an employee reaches the “n” Step, he/she will be transferred to the corresponding “G” Step on the NEW Salary Schedule.

Pay Rate: A specific dollar amount expressed as a monthly rate in the Salary Schedule.

Pay Step:

- NEW - One of the seven (7) increments (A-G) of pay within a pay range. Each step is 5 percent (5%).
- LEGACY – One of the fourteen (14) steps (a-n) of pay within a pay range. Each step is two and one-half percent (2.5%).

Reclassification: When the duties of an employee have materially changed so that the job duties of an individual are best described in another job description, or the employee has met the job standards and performance for another class in the job series (e.g. I, II and III) then a “reclassification” may be authorized by the General Manager to the new position. Movement to a supervisory position will be by promotional procedures only and not a reclassification.

Salary Schedule: The table of salary ranges and steps as shown on EXHIBIT A of this plan and adopted for compensation purposes.

Underfilled position: When an employee is in an existing position and new job specifications for the assigned position have educational requirements that the employee does not possess, then the position will be considered “underfilled” until such time as the employee can achieve the minimum “special requirements” section of the job description for the position held. The employee’s salary may be held at the same step that existed when the job specifications were adopted until the employee achieves the certification(s) or degree.

### 3.9.2. Raises

Refer to “Merit Pay Increases,” “Cost-of-Living Increase”, “Longevity Pay,” “Reclassification,” and “Certification Incentive” elsewhere in this section.

### 3.9.3. Longevity Pay

Employees will receive a \$100 per month increase after completing their 7<sup>th</sup> anniversary and on every 5<sup>th</sup> anniversary (12<sup>th</sup>, 17<sup>th</sup>, 22<sup>th</sup> etc.) of continuous service thereafter, effective the first day of the pay period following each longevity anniversary.

### 3.9.4. Call Out or Call Back Time/Pay

When an employee is called in to work on a day other than their normal work schedule, or after the employee has recorded the end of the workday and left the workplace, that employee will receive call-back pay. The following formulas will be used to determine call-back or call-back 2 pay:

<b>TYPE</b>	<b>HOURS WORKED</b>	<b>HOURS PAID</b>	<b>RATE</b>	<b>TRAVEL TIME</b>
Call-back	≤ 1 hour 29 minutes	Two (2) hour minimum	Hourly Rate	None
Call-back 2	≥ 1 hour 30 minutes	Actual time worked	Overtime Rate	30 Minutes

### 3.9.5. Stand-By Pay

Stand-By Time is paid at a rate of \$35.00 on weekdays and \$75.00 on weekends and observed District holidays.

### **3.9.6. Certification Incentive**

Valley Sanitary District encourages employees assigned to Operations, Maintenance, Collections, and the Laboratory to acquire State Certifications up to Grade III. In order to maintain consistency in the certification process, the following applies:

Employees will be reimbursed for exam expenses for certification within their job classification upon successful passing of their exam.

Non-probationary employees will receive a job reclassification to appropriate grade, and a step increase to the appropriate range, beginning with the next full pay period following receipt of the actual certification.

### **3.9.7. Special Assignment (Acting) Compensation**

Increases in pay may be granted to recognize the temporary assignment of additional responsibilities that are significant in nature and beyond the normal scope of the position. No award shall be made in any situation related to a vacation, short-term illness or other relief which is six (6) weeks or less. The duration of such assignments is not intended to exceed one (1) calendar year except in unusual circumstances approved by both the General Manager and the Board of Directors or designee. Employees on special assignment will normally not be in a probationary status. The employee shall be required to meet standards for satisfactory performance.

Compensation shall be awarded in pay-period increments and shall be in the form of a specified percentage of the employee's base pay.

Requests for Special Assignment Compensation may be initiated by the General Manager or an employee via the Administration and Finance Manager. It is important to obtain the General Manager's review of the request in advance of the date the employee begins the assignment, since there is no guarantee the request will be approved. Special Assignment Compensation is to be effective only with the Board's written approval, assignment of the greater level of duties, and signed acceptance by the employee.

This provision is not to be utilized to circumvent or provide additional compensation over and above that which may be provided in "Classification" and "Assignment to Vacant Higher Position." These aforementioned provisions are mutually exclusive concepts and as such there shall be no dual or multiple requests based on the same facts.

### **3.10. Recruitment**

#### **3.10.1. Advertisement of Vacancies**

Employment ads shall be appropriately placed to reach the area as wide as necessary to assure obtaining qualified candidates, including the use of recruitment websites and recruitment firms. All communication shall contain the phrase "equal opportunity employer" indicating no discrimination on the basis of a protected class. A bona fide occupational qualification may be listed if it is in the job description.

#### **Job Applications**

The District will only accept applications for positions for which it is actively recruiting. The District does not maintain an open file on job seekers.

All applicants for an open position are required to use the recruitment web portal system. No other applications will be accepted by the District.

Acceptance of applications shall be up to a specific date and time, or "open until filled" as declared in the job announcements. The General Manager may extend the filing deadline prior to the closing date.

All applications will be accepted for evaluation.

### **3.10.2. Review and Selection**

The Administration and Finance Manager will review all applications for completeness and verification that the applicant meets the employment qualifications in the job description.

#### **Examinations and Interviews**

Physical and/or written examinations that fairly test the job-related qualifications and each candidate's ability to perform essential functions of the job may be performed under the direction of the General Manager.

An applicant with a known disability needing an accommodation in the examination or interview process shall request this accommodation from the General Manager no later than forty-eight (48) hours prior to the examination or interview.

Oral interviews will be a regular part of the selection process, conducted by an interview panel.

Physical examinations will be given after an offer of employment and may be given prior to a promotion of an employee who has not had an employment physical. The results of a physical examination could lead to disqualification. The applicant will be given an opportunity to submit other medical opinions before the final determination is made. Exclusion from employment or promotion on the basis of a physical condition will be cause for a report for the record to show that the exclusion is job-related and consistent with the needs of the District, and that no reasonable accommodation is possible.

Physical examinations will be conducted at District expense for candidates who are finalists in the selection process.

Background investigations (including reference checks) will be conducted on finalists for certain positions with the District. Applicants may ask that a background

investigation not be initiated unless they are a finalist. A release of information must be signed.

### **Appointment**

After the interview, testing (if any), physical, and background investigation, the General Manager may proceed with appointment of the applicant to the position.

### **3.10.3. Internal Transfers and Promotions**

The General Manager will select the most appropriate option for recruitment when a new or existing position is available:

Closed Promotional: When there is at least one potential qualified applicant currently employed by the District who has all the minimum qualifications for the position as described in the job description and it is deemed to be in the interest of the District to have the vacant position filled by a person with District experience. Recruitment for a closed promotional position is advertised exclusively to current District employees. Other conditions for filing applications, conducting interviews, and complying with the special requirements of the position as cited in the job description shall be followed.

Open recruitment: When the position advertisement is open to persons outside the organization and to qualified District employees.

Internal transfers will result in employees retaining their original anniversary date and be eligible for pay merit adjustments, based on the original anniversary schedule.

Employees who are promoted may have pay adjustments at time of appointment have a change of anniversary date, and have a probationary period.

### **3.10.4. Non-Disciplinary Demotions**

An employee demoted for non-disciplinary reasons shall be retained at the same salary rate, provided the salary rate does not exceed Step G in accordance with the provisions of the downgrade section, with the approval of the General Manager and the Board.

### **3.11.1. Workplace Violence**

The District is committed to providing a safe and secure workplace for employees and the public. The District will not tolerate acts or threats of violence in the workplace. The workplace includes, but is not limited to, any location where an employee is on duty or where District business is conducted, including vehicles and parking lots. Any violation of this policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

#### **3.11.1.1. Prohibited Behavior**

Employees are prohibited from engaging in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior, or similar conduct toward any person while in the course of District employment. The District has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

Employees on duty or otherwise engaged in District business, or on District property, are prohibited from carrying weapons in violation of any law or this policy.

Employees who have legal authority to carry a self-defense weapon shall notify the General Manager in writing of what type of weapon is being carried and obtain the General Manager's authorization to possess the weapon in the workplace.

Employees who have legal authority and the General Manager's authorization to carry weapons violate this policy if they:

- accidentally discharge or lose their weapon.
- use, threaten to use, or display the weapon while in the workplace, or
- violate any law or terms of authorization related to carrying a legal weapon while in the workplace.

### **3.11.1.2. Definitions**

"Workplace Violence" is any conduct that causes an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following:

- Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property.
- The destruction of or threat of destruction of District property, another employee's property or a third party's property.
- Harassing or threatening phone calls.
- Surveillance.
- Stalking.
- Possession of offensive or defensive weapons (firearms, illegal knives, clubs, mace, pepper spray, tear gas, etc.) unless specifically required or authorized and approved by the General Manager when the tool, device, or agent is reasonably necessary for the accomplishment of employee's work.
- Any conduct relating to violence or threats of violence that adversely affects the District's legitimate business interests.

Weapons are defined as firearms, chemical sprays, clubs or batons, and knives, and any other device, tool, chemical agent or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

### **3.11.1.3. Incident Reporting Procedures**

Employees must immediately report workplace violence to their department supervisor. The department supervisor will immediately report the matter to the General Manager or his/her designee, and to law enforcement if appropriate to the circumstances.

The General Manager will document the incident, including the employee name(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.

The General Manager will take appropriate steps to provide security, such as:

- Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation.
- Asking any threatening or potentially violent person to leave the facility. or
- Immediately contacting an appropriate law enforcement agency.

### **3.11.1.4. Investigation**

The General Manager will see that reported violations of this policy are investigated as necessary.

### **3.11.1.5. Management Responsibility**

Each department supervisor has authority to enforce this policy by:

- Training subordinates about their responsibilities under this policy.
- Assuring that reports of workplace violence are documented accurately and promptly.
- Notifying the General Manager and/or law enforcement authorities of any

incidents.

- Making all reasonable efforts to maintain a safe and secure workplace. and
- Maintaining records and follow-up actions as to workplace violence reports.

### **3.11.1.6. Follow-Up and Disciplinary Procedures**

An employee found in violation of this policy will be subject to disciplinary action up to and including termination of employment. The District may also direct that an employee submits to a fitness for duty examination. In addition, employees found in violation of this policy may be subject to criminal prosecution.

Knowingly and intentionally making false accusations is prohibited.

The District will not tolerate retaliation against any employee who reports workplace violence.

### **3.11.2. Uniforms and Protective Clothing**

OSHA regulations on employee footwear (29 CFR 1910.132 and 1910.136) require that foot protection be used whenever it is necessary by reason of hazards that could cause foot injury. For the protection and well-being of its employees, all employees in Operations, Collections, Engineering, Maintenance, and Laboratory are required to wear steel-toed boots for safety purposes at all times when working.

Footwear that is defective or inappropriate to the extent that its ordinary use creates the possibility of foot injuries may not be worn.

Valley Sanitary District will pay an allowance of \$225.00/per fiscal year for each employee in Operations, Collections, Engineering, Maintenance, and Laboratory to buy approved steel toed boots. Alternatively, the District will issue a purchase order for one pair of boots at 100 percent of the cost billed to the District under this policy each fiscal year, up to the \$225.00/per fiscal year allowance. The employee will be responsible for any amount beyond the allowance.

For reimbursement, the employee will request reimbursement for new boots by showing

a receipt for the newly acquired boots. For the District-purchase option, the employee will receive a “boot purchase order” from Administration & Finance to be used at the designated retail purchase facility. The District will then pay the invoice for the new boots when it arrives.

Records will be maintained by Administration & Finance for each employees’ boot allowance.

Pick the boot that is best for your protection and comfort. Any alternate to a full boot or any boot not shown on the exhibit must have prior approval by the General Manager.

All protective footwear shall comply with ANSI Z41-1991 and ANSI Z 41.1-1999, “American National Standard for Personal Protection-Protective Footwear,” and shall meet the requirements of the American Society for Testing and Materials (ASTM) F2412-05, Standard Test Methods for Foot Protection, and ASTM F 2413-05, Standard Specification for Performance Requirements for Foot Protection, which are incorporated here by reference.

### **3.12. Employee Evaluations**

Valley Sanitary District regularly evaluates the performance of its employees in order to recognize and encourage outstanding performance, motivate average and below-average employees to improve, and provide an evidentiary basis for discipline and possible dismissal of employees whose performance continues to be sub-standard despite management’s efforts to encourage improvement. In order to ensure fairness, it is important that evaluations be carried out as uniformly as possible.

Supervisors are expected to become competent in the uniform application of performance evaluations. This involves bringing the principles of performance evaluation into play on a daily basis. The supervisor is directly responsible for training employees, developing their potential, and accomplishing the work of the unit. The supervisor will define the job (consistent with the job description) and document all pertinent information related to their employees’ work performance. Evaluating

performance is a continuing process of knowing what employees are doing and how well they are doing it. Supervisors must also engage employees in the process by discussing their work performance with them on a regular basis, not just when performance evaluations are due.

The "reviewer" has the responsibility for monitoring the preparation of evaluations by subordinate managers and for ensuring that the philosophy and intentions of the District's performance evaluation policy are reflected in the final evaluations.

Employees have a responsibility to communicate openly and frequently with their supervisor in order to ensure that their supervisor has adequate knowledge of performance and of job-related problems.

Employees will receive periodic performance reviews, which may include self-evaluations by the employee. The review will be conducted by their supervisor, who will discuss the process and their observations with them. In general, performance evaluations will be conducted approximately every four (4) months during any probationary period and upon recommendation of appointment to regular employment classification following the completion of the probationary period. After that review, performance evaluations will be conducted annually, on or about the anniversary of the appointment as a regular employee. The frequency of performance evaluations may vary depending, among other things, upon changes in job duties or recurring performance problems.

Performance evaluations will address job performance factors such as the quality and quantity of the work, your knowledge, skills and abilities, your motivation and initiative, and your ability to work with others. The performance evaluation will report employee progress, areas for improvement, and objectives or goals for future work performance and professional development.

Positive performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of the District and depend upon many factors in addition to performance.

After the review, the employee will be required to sign the evaluation report to acknowledge that it has been presented to and discussed with the employee by their supervisor.

All evaluations shall use the NeoGov portal. The following steps are to be followed in completing the formal performance evaluation:

1. Review Job Requirements: The adopted job description for the position is to be the basis for defining the employee's job requirements. Work orders, assignment sheets, or other records that describe what was actually supposed to have been the employee's responsibility can also be used.
2. The employee will conduct a self-assessment. This self-assessment is to be a realistic appraisal, by employees, of their capabilities and performance.
3. Prepare Draft Evaluation: The supervisor's observations, notes, and data from work records are to be used in the preparation of the evaluation. The General Manager and supervisor may discuss the draft at this point if there are significant issues that would require the General Manager's attention. The supervisor's notes are confidential and are retained only for their use in preparing evaluations. Any notes or report included in an employee's personnel record is to be approved by the General Manager and acknowledged by the employee.
4. Hold Formal Evaluation Discussion: The supervisor is to review the job requirements with the employee, review the draft evaluation, and ask the employee for their comments. The supervisor may revise the draft evaluation following the formal evaluation discussion but before signing the evaluation form and giving it to the employee. This may include adding comments that were shared verbally during the formal evaluation discussion.

5. Obtain Employee Response: The supervisor will sign the evaluation form and hand it to the employee for their written input (comments and goals). Once they have provided their written input, the employee will return the form to their supervisor.
6. Final Review and Submit: After the supervisor reviews the employee's input, the supervisor and employee will hold any final discussion and sign the evaluation form. The supervisor will then submit it to the General Manager for review, after which it will be forwarded to the Administration & Finance Manager to be placed in the employee's personnel record.
7. Appeals: Any employee may follow the grievance procedure in matters relating to performance evaluations pursuant to the relevant section of the Employee Handbook. Performance evaluations may not be appealed to the Board of Directors unless the evaluation results in one of the disciplinary actions cited in Section 3.14 of the Handbook.

Beyond the ongoing discussion, coaching, training, and counseling of employees during the course of work that is intended to form the foundation of the overall performance evaluation process, supervisors may determine, [in consultation with the General Manager], that one of the following may be appropriate:

- Oral reprimand: A warning without a written record for the personnel file.
- Written reprimand: A written action pursuant to Employee Handbook Section 3.14
- Commendation: A written note for the record commending the performance or action of an employee in a specific situation. Commendations can be filed by citizens or others. The employee will be provided copies of the commendation.

### **3.13. Employee Awards**

The Board of Directors has instituted an annual cash award of \$250 to recognize Valley Sanitary District's Employee of the Year to be given at the Employee Recognition Party held on the last Wednesday of July.

In order to be nominated, an employee must be a permanent full-time employee for one (1) year or more at the time of nomination and must be in good standing with the Valley Sanitary District.

Nominations can be made by any full-time employee of VSD and must be submitted on the nomination form and turned into the Administration and Finance Department by the third Monday in June.

### **3.14. Disciplinary Actions**

All personnel matters, including employee discipline, come under the authority and responsibility of the General Manager and designees as authorized by the General Manager. Individual members of the Board of Directors do not supervise or discipline and shall not attempt to direct District personnel other than through the General Manager.

#### **Causes for Disciplinary Action:**

It is intended that discipline be imposed primarily for corrective purposes and to address deficiencies in work performance. The following is a non-exclusive list of the more common reasons for disciplinary action:

- Actions contrary to any rule or policy of the District.
- Inefficiency, incompetence, inattention to or dereliction of duty, failure to perform assigned duties in a satisfactory manner.
- Insubordination or failure to comply with District rules and policies.
- Accepting gratuities or tips.
- Dishonesty.
- Theft or unauthorized use of District property.
- Fighting, threat of injury or horse play while on duty or on District premises.
- Frequent or habitual tardiness, unexcused absences, or unsatisfactory attendance.
- Conducting non-District business activities during working hours.

- Harassment or discrimination in any form.
- Consumption of alcoholic beverages or drugs while on duty or on District premises.
- Being under the influence of alcohol or drugs while on duty.
- Use of, possession of, or transfer or sale of, non-prescribed drugs or narcotics while on duty or on District premises.
- Disorderly, indecent, or immoral conduct while on duty or while in District uniform.
- Discourteous treatment of the public or other District employees.
- Issuance of defaming or derogatory remarks, unrelated to performance issues, regarding a co-worker's character or personal life.
- Conviction of any felony or of a misdemeanor involving moral turpitude, dishonesty or immoral conduct.
- Unauthorized absence from work or excessive absences and tardiness.
- Neglect of duty.
- Actions incompatible with or offensive to the image or the goals of the District.
- Failure to follow safe working practices.
- Failure to report an injury or accident promptly.
- Failure to report significant unsafe working practices to supervisor.
- Misrepresentations in obtaining employment with or promotion within the District.
- Misuse of District money, resources, or equipment.
- Falsification of forms, records, or reports, including, but not limited to, time sheets, employment applications, and District documents.
- Possessing or bringing firearms or weapons onto District property.
- Destroying or willfully damaging District or employee property, records, or other materials.
- Unauthorized opening or tampering with locks in desks, doors, cabinets, etc., or unauthorized use or duplication of keys.

- Failure to immediately report the loss of driving privileges due to suspension, withdrawal, forfeiture, or confiscation by any authorized party, including court of law or the California Department of Motor Vehicles, by employees who must maintain such a license as a condition of employment.
- Failure to maintain driver's license, professional license, or certification required for position. An employee will be subject to discipline, up to and including termination without progressive discipline, for the failure to maintain a license and/or certification required for that employee's job duties.
- Violation of any established District rule, policy, or procedure.

The Administration and Finance Manager must be immediately notified at the discovery of any matter requiring an investigation of employee conduct or involving substantial economic loss to the District, alleged criminal activity, or alleged conduct that would normally result in termination, if substantiated.

**Disciplinary Actions Not Subject to Notice and Hearing Procedures:**

The following disciplinary actions may be taken against any regular employee by the General Manager or such management personnel as he may designate, without notice or hearing procedures:

- Reprimand, which may be oral or in writing or both.
- Suspension for up to three (3) days without pay.
- Reassignment not entailing a salary reduction or demotion.
- Any discipline related to a District employee whose employment is "at will."

These disciplinary actions are not subject to the District's grievance procedures.

**Disciplinary Actions Subject to Notice and Hearing Procedures:**

Upon compliance with the procedures set forth herein, satisfying the so-called Skelly rights, the following disciplinary actions may be taken against a regular full-time employee by the General Manager:

- Suspension of up to four (4) days without pay: An ordered interruption of duties for up to four (4) days without pay.
- Salary reduction: A reduction in pay from the employee's current step within a pay range to any lower step within the same range, as such range is recorded in the District's current salary schedule.
- Demotion: A reduction from a position in one class to a position in another class having a lower salary range for disciplinary purposes.
- Dismissal or Termination: Discharge from District service for cause.

These disciplinary actions are subject to the notice and hearing rights as set forth *infra* but are not subject to the District's grievance procedures.

### **Disciplinary Procedures for Regular Full-Time Employees:**

This Section sets forth the procedure to ensure that all regular full-time employees are fairly treated when subjected to disciplinary actions.

- **Notice of the Proposed Action.** Prior to imposing discipline subject to the Notice and Hearing Procedures set forth herein, the District shall deliver to the employee a written notice of its intention to discipline the employee. Such notice shall be personally served on the employee or sent by mail to the employee's place of residence as last shown on the records of the District. The notice shall be served on or mailed not less than seven (7) calendar days prior to the effective date of the proposed disciplinary action and shall contain the following:
  - The type of Discipline proposed and the effective date thereof.
  - The charges upon which such action has been proposed and the reasons why such action is being taken.
  - If such charges are based in whole or in part, upon documents or materials, the notice shall inform the employee of this fact, and shall inform the employee as to the location of such documents or materials. If available and subject to duplication, copies of such documents and materials shall be furnished to the employee with the notice.

- A time and date by which the employee may respond to the charges, orally or in writing, which date shall not be less than seven calendar days after the notice is served on or mailed to the employee, whichever occurs first.
- **Response of Employee.** The employee shall have the right to respond either orally, by Skelly conference, or in writing no later than the time and date provided in the notice to the employee. The time for response may be extended by the General Manager for a reasonable period if the General Manager determines it to be necessary to provide the employee with a fair opportunity to answer the charges made. Written responses shall be delivered to the General Manager within the time allowed to respond or said right shall be waived. If the employee desires to make an oral response, the employee shall give written notice to the General Manager of this fact at least two (2) calendar days before the time and date stated in the notice for the expiration of the time to respond. Failure of the employee to give such notice shall constitute a waiver by the employee of any right to present an oral response.
- **Determination by General Manager.** Upon expiration of the period of time set forth in the District's notice to the employee, the General Manager shall review the matter, including the response of the employee, if any, and shall make a determination as to whether to impose discipline. The General Manager shall notify the employee in writing of his determination. Such notice shall be personally served on the employee or shall be sent by registered or certified mail to the employee's place of residence as last shown on the records of the District.
- **Disqualification of General Manager.** If prior to the time set for consideration of the response, the General Manager has become so involved in the matter as to create an actual bias against the employee which prevents the General Manager from fairly considering the response of the employee, the General Manager shall so advise the President of the Board of Directors, who shall there upon appoint another person to act on behalf of and in the place of the General Manager. However, mere prior knowledge of the factual background of the

matter, and an expression of opinion thereon, shall not, in and of itself, disqualify the General Manager.

- **Appeal of Decision of General Manager.** An employee or former employee dissatisfied with the determination made by the General Manager may appeal the determination to the District's Board of Directors sub-committee, provided that a written notice of appeal is filed with the Board Secretary no later than ten (10) calendar days after the date of personal service or mailing of the notice of the General Manager's determination, whichever is sooner. If a timely appeal is filed with the Board Secretary, the Board of Directors sub-committee shall schedule a hearing within a reasonable time and the Board Secretary shall, in writing, notify the employee or former employee of the time and date fixed for the hearing. At the hearing, the employee shall have the right to be represented by counsel or by another representative of the employee's choice. The employee shall have the right to present evidence and to examine adverse witnesses. If the employee desires to have any other available employee present at the time of the hearing in order to present evidence or to examine adverse witnesses, the employee shall, at least two (2) days before the scheduled hearing, file a written request with the General Manager requesting the presence of such persons at the hearing. If such persons can be made available without unduly interfering with the operations of the District, the General Manager shall cause such person to be present at the time of the hearing. The sub-committee may continue the hearing for a reasonable period until such persons can be present. The hearing may be recorded and transcribed in full.
- **Determination of Appeal.** If an appeal is taken, upon conclusion of the hearing, the Board of Directors sub-committee shall review the matter, including any evidence presented at the hearing, and shall make a final and binding determination. Upon the Board of Directors sub-committee's discretion, if the sub-committee is unable to make a decision, the matter may be referred to the full Board of Directors for final and binding determination. The Board of Directors

may in its sole discretion, decide the matter on the basis of the available or may conduct a new hearing.

### **3.15. Whistleblower Protection**

Valley Sanitary District will not discharge, demote, suspend, threaten, harass, deny promotion to, or in any other manner discriminate against an employee because the employee has

- filed a complaint,
- reported to the District or to any other authority
  - a violation of relevant laws or regulations,
  - gross waste of District funds,
  - gross abuse of authority,
  - a specified and substantial danger to public health or safety due to an act or omission of a District official or employee,
  - use of a District office or position or of District resources for personal gain, or
  - a conflict of interest of a District Board member or District employee, or
- otherwise exercised any rights provided to employees.

### **3.16. Grievance**

The grievance procedure provides a means for settling grievances or complaints that arise over the application of this manual as quickly as possible and at the lowest possible level of authority. Each step in the procedure must be completed before the next step may be taken. Failure to take the next step within the timeframes allotted herein will result in the conclusion that the prior step resolved the grievance and in waiver of the right to continue the grievance. Grievance procedures are not used for contesting disciplinary actions.

A grievance must be filed within ten (10) calendar days of the occurrence of the event or within ten (10) calendar days following the date the grieving party could have reasonably known of the occurrence of the act or omission giving rise to the grievance. Any supervisor or other member of management who receives a grievance must notify the Administration and Finance Manager of the grievance as soon as practicable. The facts concerning the grievance and the grievance process are to remain confidential, to the extent possible given the requirements of District business.

### **Grievance Steps**

Step 1. The employee should initially try to resolve any item of concern informally with his or her direct supervisor. The direct supervisor should hold a conference with the employee as soon as reasonably practicable following the employee's request and attempt to informally resolve the issue. If the grievance is against the direct supervisor, the matter shall be taken directly to Step 2.

Step 2. If successful resolution is not reached in Step 1, the employee shall reduce his or her concern to writing and submit it to his or her direct supervisor. A copy of the formal written grievance must also be provided to the Administration and Finance Manager. The Administration and Finance Manager will provide a copy to the relevant department supervisor unless the grievance is related to his or her conduct. This formal written grievance must be submitted within ten (10) calendar days of the date of the occurrence giving rise to the grievance or the right to file a grievance is waived. The supervisor, or his or her designee, shall meet with the grievant, and after the initial meeting, the supervisor or his or her designee will investigate the complaint. This investigation may involve separate conversations or meeting of all parties at the supervisor's discretion. The supervisor shall attempt to provide his or her written decision with ten (10) calendar days of the date of the first meeting with the employee.

Step 3. If the employee believes the decision of the supervisor does not adequately resolve the issue, the employee may submit a written appeal of that decision to

the General Manager. This appeal must be submitted within ten (10) calendar days of the date of the supervisor's written decision or the right to appeal is waived. The General Manager shall meet with the grievant and, after the initial meeting, the General Manager or his or her designee will investigate the complaint. This investigation may involve separate conversations or meeting of all parties, at the General Manager's discretion. The General Manager shall attempt to provide his or her written decision with ten (10) calendar days of the date of the first meeting with the employee.

- Step 4. If the employee believes the decision of General Manager does not adequately resolve the issue, the employee may request reconsideration by the Board of Directors sub-committee. The Board of Directors sub-committee shall consist of two (2) members of the Board of Directors. The written request must be submitted within ten (10) calendar days of the General Manager's decision. The Board of Directors sub-committee will be furnished with the then-existing written record. The Board of Directors sub-committee will meet as soon as practicable to consider the grievance. The Board of Directors sub-committee may, in its discretion, rely on the existing record or conduct a hearing in whatever way deemed appropriate under the circumstances. The sub-committee may call any witnesses or parties if it deems such testimony necessary. If the employee desires, he or she may be represented. He or she may also, at his or her own expense, have the hearing transcribed by a certified court reporter. The decision of the Board of Directors sub-committee shall attempt to provide its decision in writing within ten (10) calendar days of the close of the hearing. The action of the Board of Directors sub-committee is final and binding.

### **3.17. Employee Records**

The Administration and Finance Manager is charged with the responsibility of maintaining personnel files on staff persons.

Each personnel file should contain at least the following information:

- Employment application or resume
- A record of background investigation
- Date of employment
- Position, pay rates and changes therein
- Licenses and certifications
- Authorization of payroll deductions
- Earnings records for non-active employees
- W-4 Form, withholding authorization
- I-9 Immigration Form
- Termination data, when applicable

All personnel records are kept locked in a locking file cabinet in the Administration and Finance Manager's office.

Employees have a right to inspect certain documents in their personnel file, as provided by law, in the presence of a District representative at a mutually convenient time. Employees may not remove anything from the file. An employee may request copies of documents in their file. Notes to an employee file may be submitted for clarification.

The District will restrict disclosure of personnel files to authorized individuals within the District. Any request for information from personnel files must be directed to the General Manager. Only the General Manager is authorized to release information about current or former employees. Disclosure of personnel information to outside sources is prohibited, except where required by applicable law or court order. Personnel files will be maintained at least five (5) years after the separation of an employee.

### 3.18. Hours of Work and Overtime

#### 3.18.1. Work Week

The District Administrative Office is open for public business between the hours of 7:30 AM and 5:00 PM, Monday through Thursday and 8:00 AM and 5:00 PM on Friday, except for designated holidays. The workweek is forty (40) hours per pay period. The lunch break may be 30 minutes, or 60 minutes, as scheduled.

#### Administration (Traditional five-day work week)

Monday to Friday	8:00am - 5:00pm
Rest Break	Two (2) fifteen (15) minute paid breaks
Meal Break	One (1) sixty (60) minute unpaid meal break

#### Administration (9/80 Modified work schedule - Every other Friday off)

Monday to Thursday	7:30am - 5:00pm with one (1) thirty (30) minute unpaid meal break
Friday	8:00am - 5:00pm, with one (1) sixty (60) minute unpaid meal break
Rest Break	Two (2) fifteen (15) minute paid breaks

#### Collections, Laboratory & Operations (9/80 Modified work schedule - Every other Friday off)

Monday to Thursday	6:00am – 3:30pm with one (1) thirty (30) minute unpaid meal break
Friday	6:00am – 2:30pm, with one (1) thirty (30) minute unpaid meal break

Rest Break	Two (2) fifteen (15) minute paid breaks
------------	---

**Operations (4/10 Modified work schedule – Four 10-hour days per week)**

Monday to Friday	7:00am – 5:30pm with one (1) thirty (30) minute unpaid meal break
Saturday, Sunday, and Holidays	6:00am – 4:00pm, with one (1) thirty (30) minute unpaid meal break
Rest Break	Two (2) fifteen (15) minute paid breaks

The normal work schedule for the two employees covering the weekend shifts will be Sunday through Wednesday and Wednesday through Saturday. Overtime will be paid at a rate of time and a half for work on designated holidays.

When a paid holiday falls on an employee’s regularly scheduled flex day, the employee will have eight (8) hours (or ten (10) hours for the 4/10 schedule) added to their vacation leave.

To allow time for rescheduling, a two-week advance approval is required for any vacation or personal time off involving a weekend day or holiday on which an employee is scheduled to work. If an employee working a regular 5-days-per-week shift is needed on an emergency basis to fill a weekend or holiday shift, that weekend or holiday shift will be reduced to an eight-hour shift.

Rotation of weekend shifts among employees desiring to work the weekend schedules will occur quarterly. Weekend shifts will be staffed by volunteers so long as there are sufficient volunteers to cover the necessary shifts.

**3.18.2. Exchanging Work Schedules**

Exchanging work schedules with other employees is discouraged. However, if it is necessary to exchange schedules, notify your supervisor, who may authorize an

exchange, if possible. Work schedule exchanges will not be approved for mere convenience or if the exchange will result in disruption of or interference with normal operations or will result in excessive overtime.

### **3.18.3. Alternative Schedules**

The operational needs and requirements of the District dictate that service may be required twenty-four hours a day, seven days a week. Therefore, the District may require or offer alternate work schedules to employees. These work schedules may include a 9/80, 4/10, or alternate day of the week schedule. These needs, requirements, and optional schedules will be determined by your supervisor and General Manager. Participation in an optional work schedule is solely at the discretion of the General Manager.

### **3.18.4. Disaster Service Worker Designation**

All District employees are classified as Disaster Service Workers as defined in Government Code 3100 – 3101. During declared events of emergency, employees may be assigned to other public agencies on a cooperative basis. The District expects all employees to respond within reason in the event of emergencies. District policy and procedure for call-outs in the event of problems with District facilities are in place, and all employees are expected to comply with those procedures. Excusable absences will be taken into consideration.

### **3.18.5. Standby and Emergency Duty**

#### **Overtime (Non-exempt Employees)**

As necessary, employees may be required to work overtime. For purposes of determining which hours constitute overtime, only actual hours worked in a given workday or workweek will be counted. The District will attempt to distribute

overtime evenly and accommodate individual schedules. All overtime work must be authorized in advance by a supervisor.

The District provides compensation for all overtime hours worked by nonexempt employees in accordance with federal law. All hours worked in excess of 40 hours in one workweek shall be paid at time and one-half (1.5) the employee's regular rate of pay. A workday begins at midday according to each employee's assigned schedule and ends 24 hours later. A workweek begins each Friday at midday.

### **Exempt Employees**

Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to exempt employees. Exempt employees, pursuant to the Federal Fair Labor Standards Act, are: The General Manager and the Director of Engineering and Maintenance. A separate agreement in the form of "administrative leave" or other consideration may be negotiated for "exempt" employees in lieu of overtime.

### **Standby Time**

Certain employees are required to be on standby during their off-duty hours and are supplied with an electronic communications device. The standby employee can use the time spent on standby primarily for their benefit. After a call out, the employee is expected to make contact with the answering service or the District within thirty (30) minutes and respond within a reasonable time thereafter. Compensation for standby or on-call time will be paid at a rate established by the current salary resolution. An employee scheduled for standby may arrange for another employee to be on standby with the prior written permission of their supervisor. The substitute will be paid the daily rate for standby.

### **3.18.6. Rest and Meal Periods**

Regular full-time employees are provided with either a 30-minute or 60-minute unpaid meal period, to be taken at approximately the middle of the workday. (If working more than six (6) hours, a 30-minute meal break is required by the end of the 5<sup>th</sup> hour.) Regular full-time employees are allowed paid fifteen (15) minute rest periods for each half day period (morning and afternoon). Your supervisor will schedule your meal and rest periods.

Employees are expected to observe their assigned working hours and the time allowed for meal and rest periods. Do not leave the premises during your rest period without permission of your supervisor or take more than fifteen (15) minutes for each rest period. You may leave the premises during the meal period. Exceptions to this rule may be granted to field personnel or for special circumstances.

### **3.18.7. Timekeeping and Time Records**

All non-exempt employees are required to record time worked on an electronic timekeeping device or time sheet, for payroll purposes. Employees must record their own time at the start and at the end of each work period, including before and after the lunch break. Employees must record their time whenever they leave the District property for any reason other than the District's business. Any handwritten marks or changes on a time sheet or time card must be initialed by a supervisor or the General Manager, within twenty-four (24) hours or the next business day.

Recording time for another employee, allowing another employee to record your time, altering or falsifying a time entry, time sheet, or time card may result in discipline, up to and including termination of employment.

The requirement to record the meal break may be waived due to operational requirements, for field personnel and those employees traveling out of the District for official business. If authorized, the meal break must be manually recorded and

initialed on the time sheet or time card by the Employee, for the appropriate amount of the meal break.

Any errors on your timecard should be reported immediately to the Administration & Finance Manager or General Manager, who will determine the proper correction for legitimate errors.

It is the personal responsibility of each employee, exempt or non-exempt, to report absences in the proper manner. Employees on standby time are responsible for reporting standby and call-back time during the payroll period for the time worked. Corrections of errors made must be verified by the employee's supervisor within twenty-four (24) hours or the next business day. The District designated time-keeper is not responsible for initiating corrections but shall attempt to correct legitimate errors.

### **3.18.8. Unauthorized Voluntary Absence**

Unauthorized voluntary absences are subject to discipline. Unauthorized voluntary absence is defined as not reporting to work, without prior notice of approved vacation or sick leave. When an employee is unable to report to work, it is the duty of the employee to notify their immediate supervisor by telephone as soon as possible, preferably before their shift. In the event they cannot reach their supervisor, they should notify the Administration and Finance Manager or the General Manager.

Any employee who is absent without authorization for more than three (3) consecutively scheduled work shifts, without authorization or proper notification, is deemed to have abandoned their position and may be subject to termination.

## **3.19. Operational Needs & Requirements**

### **3.19.1. District Property**

Lockers, desks, vehicles, electronic equipment, and other District property must be maintained according to District rules and regulations. They must be kept clean and are to be used only for work-related purposes. The District reserves the right to inspect all District property to insure compliance with its rules and regulations, without notice to the employee and/or in the employee's absence.

The District supplies uniforms, safety boots, and safety equipment to employees designated by the General Manager. All such items are property of the District and must be returned upon termination, except for boots. Proper care and treatment of the supplied items is the responsibility of the employee. Payment for lost items will be charged to the employee. Uniforms are not to be worn except in the work unit or going directly to and from work. Clean and properly maintained uniforms are to be worn each day.

### **3.19.2. Employee Property**

An employee's personal property, including but not limited to packages, purses and backpacks, may be inspected upon reasonable suspicion of unauthorized possession of District property. Such search must be announced in advance to the employee, who may specify that a particular individual be present as a witness, providing, he/she is on the premises at that time. No personal property may be held as evidence unless a Police Officer is called in to intervene and hold the evidence in a legal manner.

### **3.19.3. Facility Security and Employee Safety**

The security of facilities as well as the welfare of our employees requires that every individual be constantly aware of potential security risks. You should immediately notify your supervisor when unknown persons are acting in a suspicious manner, in

or around the facilities, or when keys, security passes, access codes, user passwords, or identification badges are lost or misplaced.

### **3.19.4. In-Service Training**

#### **3.19.4.1. Development and revision of training materials**

Staff responsible for the delivery of in-service training is to be given adequate paid time prior to any training to develop or revise the training materials needed for delivering the training.

Training materials and classes should always reflect the latest requirements as established in federal or state regulations or, in the absence of these, the latest professional standards.

#### **3.19.4.2. Participation in in-service training**

Employees are expected to participate in in-service training on a regular basis. Such training will normally be offered during working hours. Employees should give their supervisor as much notice as possible of any upcoming training that they will be involved in so that other staff can be scheduled to cover for them during their absence.

### **3.19.5. Health & Welfare**

Every employee is responsible for the safety of themselves as well as others in the workplace. To achieve our goal of maintaining a safe workplace, everyone must be safety conscious at all times. In compliance with California law, and to promote the concept of a safe workplace, the District maintains an Injury and Illness Prevention Program. The injury and illness prevention program is to be reviewed and be a part of the initial training of all employees. Every employee shall sign an acknowledgment that the injury prevention program has been explained to them. Said review should

occur immediately upon employment and upon introduction of revisions to the policy.

In compliance with California Proposition 65, the District will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

### **3.19.6. Smoking Policy**

The regulation of smoking is governed by California law and District policy. Lawful smoking includes tobacco and vapor devices. Smoking is not allowed in or in District facilities, public areas, or District vehicles. Smoking is not permitted in designated zones around gasoline storage areas, gasoline pumps, chlorine, chemical, or other hazardous areas at any time. Designated outdoor smoking (tobacco and vapor devices) areas may be identified, in compliance with California laws.

Irrespective of state laws regarding the personal use of marijuana, any employee that reports to work under the influence of a drug, is subject to the terms of the District Reasonable Suspicion guidelines regulating the ability to perform their work duties in a safe manner.

### **3.19.7. Housekeeping Policy**

All employees are expected to keep their work areas and vehicles clean and organized. Common areas such as lunch rooms, locker rooms, District vehicles, equipment, and restrooms should be kept clean by those using them. Please clean up after meals and breaks. Dispose of trash properly. It is the responsibility of all employees to be vigilant in keeping District facilities and work areas orderly and neat.

### **3.19.8. Postage Meter**

Valley Sanitary District's postage meter is not to be used for personal mailings under any circumstances. Staff may use the courier services for pickup, however, use of the District account for such purposes is prohibited.

### **3.19.9. Parking**

Employee vehicles shall be parked in designated areas only. Personally, owned vehicles shall not be parked outside of these areas, adjacent to District buildings (except for motorcycles or bicycles), inside of District buildings or be operated on the plant utility service roads. Employees may not use parking areas specifically designated for customers, vendors, District vehicles, or management vehicles. The District is not responsible for any loss or damage to employee vehicles or contents while parked on District property. Except for the General Manager, and Disabled Parking, employee parking is on a first come, first served basis and there is no preferred parking for any employee.

### **3.19.10. District Vehicle Use**

District vehicles are for the sole use by employees on official District business. Any other use is expressly forbidden and such use may result in discipline including the termination of the employee. Only District employees or Board Members may be passengers in District vehicles, except on District property, where vendors or contractors conducting District business may be passengers.

In accordance with California law (California Vehicle Code 23123), no person shall use a cell phone or other personal data device while operating a District vehicle or rental vehicle on official District business, without the use of an approved hands-free device.

This includes telephone conversations, texting, and information retrieval. Employees must comply with this policy. If a call or use is necessary, the employee should cease driving, when it is safe to do so, and operate the equipment in a safe and secure location, not causing an obstruction to others.

This policy applies to all electronic equipment, either District owned or employee owned, while operating District vehicles, or rental vehicles, on official District

business.

District owned cell phones and other personal data devices are subject to the electronic media policies as outlined in Section 4.5.1.

### **3.19.11. District Information Systems**

The District has a comprehensive policy (Section 4.5.1) covering all District-owned communication equipment and related software. This is a summary of that comprehensive policy. You are encouraged to familiarize yourself with the entire policy.

- The purpose of all District communication equipment is to conduct District business.
- Incidental and occasional personal use of District communication equipment that is in conformity with this Policy and the law is permitted. Such use is subject to the same conditions as District use. The District may request reimbursement for costs incurred for the personal use of any District communication equipment.
- Users are responsible for all transactions made using their passwords. Users are responsible for safeguarding their passwords for access to the computer system. Individual passwords should not be printed, stored online, or given to others. No user may access the computer system with another User's password or account.
- Employees do not have and should not expect or assume privacy or confidentiality when using any District communication equipment. Use of passwords to gain access to the computer system or to encode particular files or messages does not imply that the users have an expectation of privacy in the material they create or receive on the computer system.
- The District has legitimate reasons to monitor, audit, intercept, record, access, disclose, and otherwise control the use of District communication equipment, without notice to employees, consultants or other communication equipment

users. The District is not required to inform employees when electronic information is monitored and/or being controlled.

- The District reserves the right to regulate the sources of and control electronic information to and from its employees. It may also forbid employees from and sanction employees for accessing or subscribing to certain sites, including for occasional personal use.
- Employees are reminded that, under some circumstances, communications sent by e-mail may be subject to disclosure under the Public Records Act or during litigation. Therefore, it is important not to compromise themselves or the District under these circumstances.
- The District reserves the right to record, archive, store, and eventually purge electronic information. The District also reserves the right to use available technology to screen out inappropriate/offensive information but has no control over the content of messages or information postings on the Internet or on-line services.

Employees are not permitted to install any software or applications from any source without the prior written approval of the General Manager or their designee.

- Employees are responsible for virus checking all attachments received and data disks used on District Communication Equipment. Any viruses, worms, Trojan horses, and the like ("malware") found must be reported immediately to the General Manager or their designee.
- District communication equipment shall not be used to distribute any commercial messages or for any personal financial gain. It may not be used to solicit or proselytize for private or commercial ventures, unauthorized outside organizations, or other non-job-related activities. District communication equipment may not be used to communicate offensive, disruptive, or illegal electronic information. Among the information considered offensive are any messages that are threatening or that contain sexual implications, racial slurs, gender explicit comments, or any other comment that offensively addresses

someone's age, sexual orientation, religious or political beliefs, national origin or disability.

- Failure to comply with the guidelines and procedures set forth in this Communication Equipment Policy may result in disciplinary actions, including termination.

## **3.20. Employee Benefits**

The District provides health and welfare benefits to its employees in accordance with the terms set forth in this section. The District reserves the right to modify these benefits except as otherwise prohibited by federal or state law.

### **3.20.1. Leave**

#### **3.20.1.1. Statutory Holidays**

The District observes the following paid holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

When a holiday falls on a Sunday, it is usually observed on the following Monday. and, when it falls on a Saturday, it is usually observed on Friday. However, the

District may close on another day or credit vacation time instead of closing. Holiday observance will be announced in advance.

To be eligible for holiday pay, you must be regularly scheduled to work on the day on which the holiday is observed and must work your regularly scheduled working days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by your supervisor or if you have a valid medical physician's certificate. In rare cases an exception can be authorized by the General Manager. An employee may use any accrued leave balance to substitute for the lost holiday pay.

When a paid holiday falls on an employee's regularly scheduled workday, the employee will be paid holiday pay for his/her regularly scheduled hours. No additional day off will be given.

When a paid holiday falls on an employee's regularly scheduled flex day, the employee will have eight (8) hours (or ten (10) hours for the 4/10 schedule) added to their vacation leave.

If you are required to work on a paid holiday you will receive: Holiday pay for regularly scheduled hours AND overtime pay for actual hours worked.

In accordance with the revised vacation policy, no additional deduction for holiday time needs to be taken.

### 3.20.1.2. Vacation Leave

Full-time employees accrue vacation leave in accordance with the following schedule:

<b>Year</b>	<b>Days per Year</b>	<b>Hours Per Pay Period</b>
Year 1 through Year 3	15	4.62
Year 4 through Year 10	20	6.15
Year 10 and greater	25	7.69

Any vacation leave exceeding two continuous weeks must be approved by the General Manager.

Temporary employees do not accrue paid vacation leave. Regular part-time employees accrue a prorated share of vacation leave after six (6) months of employment. Full-time employees accrue vacation time during the first six (6) months of employment, but no vacation leave may be taken until after completion of the first six (6) months of employment.

Maximum vacation accrual shall be two (2) times the applicable annual accumulation at the current rate of earning. The District encourages employees to take vacation on an annual basis. When the maximum vacation accrual is reached, NO additional vacation will be earned until accrued vacation time has been taken unless circumstances at the District make it infeasible for the employee to be granted the use of accumulated vacation time. Under these circumstances, the General Manager may approve the maximum vacation accrual to exceed the

maximum allowed until such time as the employee's absence from work will not adversely impact the District.

Employees who terminate employment shall be paid a lump sum payment for all unused accrued vacation leave earned prior to the effective date of termination.

Vacation leave shall be scheduled to provide adequate coverage of District operational needs, job responsibilities and staffing requirements. The General Manager will make final determinations and must approve your vacation schedule in advance. Employees should strive to schedule vacation requests in blocks of five days of continuous time. Vacation requests that are approved in advance will take priority over other employee requests that are submitted at a later date. No request will be approved more than ten (10) months in advance.

Employees on unpaid leave do not accrue vacation time. If a holiday occurs during your vacation period, that time will not be deducted from the vacation leave balance.

### **3.20.1.3. Sick Leave**

Sick leave is a form of insurance that is accumulated to provide a cushion for incapacitation due to illness. It is to be used when actually required to recover from illness or off-the-job injury. Time off for scheduled medical and dental appointments will be treated as sick leave. Sick leave is not for other purposes.

One half (0.5) of the annual allocation (48 hours) may be used to care for a child, spouse, domestic partner or parent (Kin Care, Labor Code 233). Abuse or misuse of the sick leave privilege is not acceptable.

Sick leave for full-time employees shall be accrued at the rate of eight (8) hours per month for a maximum accumulation of 960 hours. Upon termination, the employee will be paid one hundred percent (100%) of the accumulated sick leave.

Full-time employees who retire from the District may apply all accrued sick leave balances toward CalPERS for retirement credit.

Sick leave for temporary or part-time service employees shall be accrued at the rate of one (1) hour per every 30 hours worked, paid at the employee's regular wage rate. Accrual shall begin on the first day of employment. Temporary or part-time employees may begin using accrued sick leave on the 90th calendar day of employment.

For all employees absent due to illness, medical evidence of your illness and/or medical certification of your fitness to return to work, satisfactory to the District, may be required when absent for more than three (3) work days before sick pay will be given. If there is reason to believe that sick leave has been misused, sick pay may not be awarded. In order to receive compensation while absent from duty on sick leave, the employee must notify or cause to be notified their immediate supervisor or the Administration & Finance Manager prior to or within fifteen (15) minutes within the time set for the employee's regular daily duties.

Full-time employees may cash out accrued sick leave as follows:

- Employees may request reimbursement for up to one-half (0.5) of accrued sick leave per year, however, (1) a minimum of one year's entitlement (96 hours) is retained after said reimbursement and (2) a request for reimbursement is submitted in writing no later than the first Friday in December of each year and will be paid in the second pay period in December.

#### **3.20.1.4. Disability Leave**

Disability leave will be granted by the District governed by the policies and procedures of the District's Family, Medical, and Pregnancy Disability Leave Policy.

### **3.20.1.5. Family Medical Leave Act & California Family Rights Act**

In accordance with applicable family and medical leave laws, including the federal Family and Medical Leave Act (“FMLA”) and the California Family Rights Act (“CFRA”), the District has adopted the following policy regarding the rights and responsibilities of eligible employees absent from work for a family and medical leave purpose.

This policy also explains the separate right to take leave under the California Fair Employment and Housing Act (“FEHA”) for employees who are temporarily disabled by pregnancy, childbirth, or related conditions (referred to as “pregnancy disability leave”).

#### **Employee Eligibility for FMLA and CFRA Leave.**

Employees are eligible to take leave under FMLA and CFRA if, at the time leave commences, both of the following apply:

- The employee has at least a total of 12 months of service with the District.
- The employee has worked at least 1,250 hours during the 12 months immediately prior to the period of leave.

#### **Purpose of Leave.**

The District will provide leave under the FMLA and/or CFRA to eligible employees for any of the following reasons:

#### Basic Leave Entitlements:

Eligible employees may take up to 12 workweeks of unpaid, job-protected leave during the applicable 12-month period for any of the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or childbirth.

- To care for the employee’s son or daughter within 12 months after birth, or placement for adoption or foster care.
- To care for the employee’s spouse, son, daughter, or parent who has a serious health condition. under CFRA, an employee may also use leave to care for a registered domestic partner who has a serious health condition. or,
- For a serious health condition that makes the employee unable to perform the functions of the employee’s job.

Definition of serious health condition:

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the employee’s covered family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment as well.

Military Family Leave Entitlements:

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

Military Caregiver Leave: Eligible employees may take up to 26 workweeks of FMLA leave in a single 12-month period to care for a “covered service member,” if the employee is the spouse, son, daughter, parent, or next of kin of the covered service member.

### **Calculating the 12-Month Period.**

For the purpose of this policy, the applicable “12-month period” shall mean a 12-month period measured forward, starting on the date the employee first uses leave.

### **Employee Notice Requirements.**

Timing of notice: Employees must notify their immediate supervisor or the Administration & Finance Manager of the need to take leave from work, verbally or preferably in writing, within the timeframes discussed below. Failure to comply with these requirements may result in delay or denial of protected coverage for the leave under the relevant law(s).

Foreseeable leave: Employees must provide at least 30 calendar days advance notice before the leave is to begin if the need for leave is foreseeable (such as for an expected birth or planned medical treatment). If 30 days’ notice is not practicable, notice must be given as soon as possible and practical under the circumstances – typically the same day or the next business day.

When scheduling planned medical treatment, the employee must consult with the employer and make a reasonable effort to schedule the treatment so as not to unduly disrupt the employer’s operations, subject to the approval of the health care provider.

Unforeseeable leave: When the approximate timing of the need for leave is not foreseeable, the employee must provide notice to the employer as soon as possible and practical under the circumstances. Absent unusual circumstances, it

generally should be possible and practical for the employee to provide notice of unforeseeable leave within the time prescribed by the District's usual and customary absence notification requirements. Notice may be given by the employee's spokesperson (e.g. spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

Content of employee notice: Employees must provide sufficient information for the District to determine if the leave may qualify for protection under the FMLA and/or CFRA, and the anticipated timing and duration of the leave. Sufficient information may include, for example, that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. The notice does not need to disclose the underlying diagnosis of a serious health condition.

Employees also must inform the employer if the requested leave is for a reason for which FMLA and/or CFRA leave was previously taken or certified.

### **Certification.**

Medical certification of serious health condition: A request for leave due to a serious health condition must be supported by a medical certification issued by the health care provider of the individual requiring care. A medical certification form will be provided to eligible employees.

Time frame for medical certification: Medical certification must be provided within 15 calendar days of the District's request to provide one, unless it is not practicable under the circumstances to do so despite the employee's diligent, good faith efforts. If the certification is incomplete or insufficient, the District will notify the employee about what additional information is necessary to make the certification complete. Failure to provide sufficient information in a timely

manner may result in the leave not being designated as or granted the protections of FMLA or CFRA leave.

Second and third opinions: Where the District has reason to doubt the validity of the employee's medical certification for his or her own serious health condition, the District may require that the employee obtain a second medical opinion from a health care provider designated by the District and who is not regularly used by the District for this purpose. Where the second opinion differs from the first, the District has the right to require the employee to obtain a third and binding medical opinion from a health care provider designated or approved jointly by the District and the employee. Second and third opinions are at the District's expense.

Recertification: An employee may be required to submit a later medical certification when additional leave is requested, or after 12 months has passed since the previous certification.

Fitness-for-duty certification: The District will also uniformly require all employees to provide a certification at the time the employee seeks reinstatement from a block of leave due to the employee's own serious health condition that the employee is fit for duty and able to return to work. The District may delay restoration until such certification is provided.

Certification for military family leave: The District may require that leave requested for a qualifying exigency or to care for a covered service member be supported by a certification.

Documentation of family relationship: Where leave involves a family relationship (such as spouse or parent/child), the District may require the employee to provide reasonable documentation (such as a child's birth certificate, a court document, etc.) or a statement of the family relationship.

### **District Notification and Designation of Leave.**

After receiving notice of the need for leave, the District will inform the employee whether he or she is an eligible employee under FMLA and CFRA. If the employee is eligible, the District will provide a notice specifying any additional information required from the employee, as well as the employee's rights and responsibilities. If the employee is not eligible, the District will provide a reason for the ineligibility.

After any additional necessary information is submitted by the employee, the District will separately notify eligible employees whether or not the leave will be designated and count against the employee's entitlement to leave under FMLA, CFRA, or both.

### **Concurrent Designation of FMLA and CFRA Leave.**

In most cases, family and medical leave will count concurrently against an employee's entitlement to both FMLA and CFRA leave. This means that most eligible employees taking family and medical leave will exhaust their entitlement to protected leave under both FMLA and CFRA at the same time, with the following exceptions:

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

- Leave taken to care for a registered domestic partner with a serious health condition will be counted against an employee's entitlement to CFRA leave, but not against FMLA leave.

### **Minimum Period of Leave. Intermittent and Reduced Schedule Leave.**

Employees do not need to use their leave entitlement in one block of time. Leave may be taken intermittently or on a reduced leave schedule when medically necessary, or when necessary because of a qualifying exigency. For employees taking intermittent leave following the birth, adoption or foster care placement of a child, such leave must be concluded within 12 months of the birth, or placement for adoption or foster care.

When an employee takes leave on an intermittent or reduced schedule basis, the employee's FMLA and/or CFRA leave entitlement will not be reduced by more than the leave amount actually taken. The District will account for such leave using 15-minute increments.

Temporary Transfer to Accommodate Intermittent/ Reduced Schedule Leave: To better accommodate recurring periods of foreseeable leave, the District may require an employee taking foreseeable intermittent or reduced schedule leave to transfer temporarily to an alternate position for which the employee is qualified. The alternate position will provide equivalent pay and benefits. Transfer may include altering an existing job to better accommodate the employee's need for intermittent or reduced schedule leave. When the employee no longer needs to continue on leave and is able to return to full-time work, the employee will be placed in the same or equivalent job he or she left.

### **Continuation of Health and Other Benefits.**

Employee status: During leaves under FMLA and/or CFRA, the employee shall retain employee status with the District, and the leave shall not constitute a break

in service for purposes of longevity, seniority under the collective bargaining agreement, or any employee benefit plan. An employee returning from leave shall return with no less seniority than the employee had when the leave commenced, for purposes of layoff, recall, promotion, job assignment, and seniority-related benefits.

Group health benefits: The District will continue group health care benefits during the period of FMLA and/or CFRA leave on the same terms and conditions as applied prior to the commencement of the leave.

Employee's obligation to pay premiums: Employees on leave continue to be responsible for paying their portion of the group health insurance premiums and any other insurance premium payment(s), if any. The employee is responsible for working with the Administration and Finance Department Payroll Section to arrange for the submission of such payments while on leave. If premiums are raised or lowered during an employee's absence, the employee will be required to pay the new premium rates.

Recovery of premiums paid: If the employee fails to return after the period of leave is exhausted or has expired, the District may be entitled to reimbursement for any benefit premiums paid by the District during a period of unpaid family leave, unless the employee does not return due to: 1) The continuation, recurrence or onset of a serious health condition of the employee or the employee's son or daughter, parent, spouse, registered domestic partner, or covered service member, which would otherwise entitle the employee to FMLA and/or CFRA leave, or 2) Other circumstances beyond the control of the employee as set forth in applicable law and regulations.

Paid leave accruals: Employees on FMLA and/or CFRA leave will continue to accrue vacation, sick leave, and be entitled to paid holidays, only for the first 20 days of an unpaid period of leave. After 20 consecutive days of unpaid leave, these accruals will stop, and will recommence upon the employee's return to work.

Benefits other than group health benefits: During any period of leave which is unpaid, the employee may continue to participate in other benefit plans only as required by law and the current collective bargaining agreement applicable to that employee, and in accordance with the terms of the plan. The District may require the employee to pay premiums at the group rate during unpaid leave as a condition of such participation.

**Substitution of Paid Leave.**

FMLA and CFRA leaves are unpaid, except to the extent that paid leave is substituted for leave that would otherwise be unpaid. All accrued paid leave taken will also count against the employee's entitlement to FMLA and/or CFRA leave and will not extend the total amount of leave time. The substitution of accrued paid leave may be allowed or required by the District before taking any unpaid leave, as follows:

- Employees are required to use all accrued and available sick time during any period of FMLA and/or CFRA leave due to the employee's own serious health condition.
- Employees are allowed to use a portion of their accrued and available sick leave entitlement for other family and medical leave purposes, such as the serious health condition of the employee's son or daughter, spouse, parent, or domestic partner, in accordance with California law and any relevant rules in the current collective bargaining agreement applicable to that employee.
- Employees are allowed and encouraged, but not required, to use accrued vacation and any other type of accrued paid time off, such as compensatory time off.

FMLA and/or CFRA leave may also run concurrently with a leave of absence covered by workers' compensation or short-term or long-term disability.

**Intent to Return to Work.**

Employees are asked to contact their direct supervisor or the Administration & Finance Manager within a week of their anticipated return to work date to confirm whether they plan to return to work on the originally scheduled date. If changed circumstances make it reasonably foreseeable that the employee will not be able to return on the scheduled date, the employee should provide reasonable notice to the District at least two business days before the originally scheduled return date.

**Reinstatement.**

Generally, upon return from FMLA and/or CFRA leave, employees will be restored to their original or an equivalent position with equivalent pay, benefits, and other employment terms, subject to exceptions allowed by applicable laws.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated to the same or an equivalent position by the date agreed upon. If the reinstatement date differs from the District's and employee's original agreement, the employee will be reinstated to the same or an equivalent position within two business days, where feasible, after the employee notifies the District of his or her readiness to return.

The employee's use of FMLA and/or CFRA leave may not result in the loss of any employment benefit that the employee earned or was entitled to before going on leave.

**Denial of Reinstatement.**

An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during FMLA and/or CFRA leave. Thus, for example, but not by way of limitation, if an employee is laid off while on leave and employment is terminated, the

District's responsibility to maintain group health plan benefits and reinstate the employee ceases at the time the employee is laid off.

### **Unlawful Acts and Enforcement.**

Under the FMLA and CFRA, employers may not: 1) interfere with, restrain, or deny the exercise of any right provided under the FMLA. and 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA and/or CFRA, or for involvement in any proceeding under or relating to FMLA and/or CFRA.

An employee may file a complaint with the U.S. Department of Labor or the California Department of Fair Employment and Housing, or bring a civil action, to enforce the provisions of the FMLA or CFRA. FMLA and CFRA do not affect any federal or state law prohibiting discrimination or supersede any state or local law which may provide greater rights.

### **Pregnancy Disability Leave.**

Separate and Distinct Entitlement to Leave: An employee who is disabled on account of pregnancy, childbirth, or related conditions may take pregnancy disability leave under the FEHA. The right to take pregnancy disability leave is separate and distinct from the right to take CFRA leave, and there is no length of service or other eligibility requirements before an employee can take leave. Thus, even if an employee is not eligible for CFRA, she may take pregnancy disability leave during her period(s) of actual disability, up to 4 months. If an employee is eligible for FMLA, her FMLA leave will run concurrent with her pregnancy disability leave for up to 12 workweeks.

The maximum combined leave entitlement under FMLA, CFRA, and FEHA for childbirth and related medical conditions is 4 months plus 12 workweeks. This assumes that the employee has: 1) exhausted all 4 months of pregnancy disability leave, 2) exhausted her entitlement of up to 12 workweeks of FMLA leave during

the period of pregnancy disability leave, and 3) requested and was eligible for a 12-week CFRA leave following the birth of her child to bond with the child, or for other eligible family and medical leave purposes.

CFRA Leave Following Pregnancy Disability Leave: At the end of the employee's period(s) of pregnancy disability, or at the end of 4 months of pregnancy disability leave (whichever occurs first), a CFRA-eligible employee may request to take CFRA leave of up to 12 workweeks to bond with her child if the child has been born by that date. There is no requirement that either the child or the employee have a serious health condition in order for the employee to take such CFRA leave.

Where an employee has exhausted her entitlement to pregnancy disability/ FMLA leave prior to the birth of her child, and her health care provider certifies that continued leave is medically necessary, the District may, but is not required to, allow the employee to utilize CFRA leave prior to the birth of her child.

Notice: An employee must provide at least 30 days advanced notice to her immediate supervisor or the Administration & Finance Manager Department when the leave is foreseeable, such as based on an expected birth, placement for adoption or foster care. If such notice is not practicable under the circumstances, notice must be given as soon as possible and practical. The notice should include the projected date that the leave will begin, and its estimated duration.

Certification: Employees will be required to obtain medical certification from their health care provider of their pregnancy disability or the medical advisability of a temporary transfer to a less strenuous or hazardous position or job duties. A medical certification form will be provided to employees who request this type of leave.

Intermittent Leave: Pregnancy disability leave does not need to be taken in one continuous period of time but can be taken on an as-needed basis. Such leave may be taken intermittently, or on a reduced-hours schedule, when medically

necessary as determined by the employee's health care provider. Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth would all be covered.

Seniority and Benefits: In general, employees taking pregnancy disability leave will be treated the same as other similarly situated employees taking disability leave. An employee returning from a pregnancy disability leave shall return with no less seniority than she had when the leave commenced for purposes of layoff, recall, promotion, job assignment, and seniority-related benefits such as vacation. Employees shall retain employee status during the period of leave, and the leave shall not constitute a break in service for purposes of longevity and/or seniority. When an eligible employee is on pregnancy disability leave running concurrent with FMLA leave, the District will continue the employee's benefits as outlined under "Continuation of Health and Other Benefits" in this policy.

### **Requests for Reasonable Accommodation**

An employee may request a reasonable accommodation for pregnancy, childbirth, or related medical conditions if she provides the District with medical certification from her health care provider. In addition to other possible forms of reasonable accommodation, a pregnant employee may transfer temporarily to a less strenuous or hazardous position or to less hazardous or strenuous duties if she so requests, and the transfer request is supported by proper medical certification, and the transfer can be reasonably accommodated.

Such reasonable accommodation will not involve the District creating additional employment that would otherwise not be created, discharging other employees, transferring another employee with more seniority, violating a collective bargaining agreement, or promoting any employee (including the pregnant employee) to a position for which the employee is not qualified.

Pay During Leave: Employees with pregnancy-related disabilities are required to use any accrued and available sick leave during any otherwise unpaid portion of their disability leave. They are allowed and encouraged, but not required, to use any accrued and available vacation or other paid leave as well. The employee may also be eligible to receive short-term or long-term disability payments during her pregnancy disability leave.

Reinstatement: Employees are generally entitled to be reinstated to the same position at the end of the leave upon release to return to work by her health care provider, subject to exceptions allowed by applicable law.

Fitness-for-Duty: Following childbirth and upon release from medical treatment for the disability resulting from the pregnancy, an employee must submit to the District a medical statement of fitness to perform the duties of the position.

**Additional Information.**

Should you have any questions about your rights and responsibilities in connection with FMLA, CFRA, or pregnancy disability leave, please contact the Administration & Finance Manager Department.

**3.20.1.6. Military Leave**

All employees entitled to military leave shall be given such leave as required by State and Federal law. Such leave shall be granted upon submission of written Deployment Orders.

An employee returning from active military service after honorable release, discharge, or separation shall be entitled to reinstatement as required by State and Federal Law.

### **3.20.1.7. Bereavement Leave**

In the event of the death of your current Spouse/domestic partner, child, parent, legal guardian, brother, sister, grandparent, grandchild, or mother-, father-, sister-, brother-, son- or daughter-in-law, you may take up to three (3) consecutive scheduled work days off with pay for bereavement leave where the location of bereavement leave is 249 miles or less and five (5) days for where the location of the bereavement is 250 miles or more with the approval of the General Manager. The distance is calculated from the District Office. Additional time beyond the allowed three or five days shall be charged to vacation leave.

### **3.20.1.8. Voting Time Off**

In the event that an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take off enough working time to enable him/her to vote (California Election Code 14000). Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours. Under these circumstances, an Employee will be allowed a maximum of two (2) hours on the Election Day without loss of pay. Where possible, the employee shall give their supervisor at least two days' notice that time off to vote is needed.

### **3.20.1.9. Jury Duty or Witness Leave**

The District encourages employees to serve on jury selection or jury duty when called. You must notify your supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received.

If you are summoned to serve on jury duty, the District will pay your regular pay. You must declare with the Court that you are a public employee and not entitled

to receive Jury Pay. Any mileage compensation received from the Court may be retained by the employee.

If you are required to be a witness in a court related proceeding, you should declare to the Court that you are a Public Employee and not entitled to the Witness Pay. Any mileage compensation receive from the Court may be retained by the employee. In all cases, you must report your notice to appear to your supervisor before requesting time off to be a witness. If the proceeding is strictly a personal matter, then the time off will be charged to vacation leave.

Employees should request from the Court a Notice of Service for Jury Duty / Witness Duty.

Note that employees must return to work to complete their regularly work schedule when being released from Jury/Witness Duty unless it is within 30 minutes of the end of their work day.

### **3.20.1.10. Public Safety or Volunteer Firefighter Time Off**

An employee may be allowed to serve as a volunteer firefighter or police officer with written permission of the General Manager. District employees are expected to be emergency workers at District facilities as a primary duty. Any approval of participation as a volunteer for another agency shall be conditional and in writing. The conditional approval shall be an agreement between the employee and the District.

### **3.20.1.11. School Conference Involving Suspension of Pupil**

If it becomes necessary for an Employee, who is the parent or guardian of a child, to attend the child's school to discuss possible suspension, the employee should alert his or her supervisor, as soon as possible, so that alternative arrangements may be made. Pursuant to California Labor Code Section 230.7 & 230.8, no

discriminatory action will be taken against the employee for taking time off for this purpose. Time off for this purpose shall be charged to vacation leave.

### **3.20.1.12. Leave With-Out Pay (LWOP)**

The District may grant Leave with-out Pay to employees, in certain circumstances, for a period of up to six (6) months. It is important to request any leave in writing as far in advance as possible, to keep in touch with the General Manager during your leave, and to give prompt notice if there is any change in your return date. If your leave expires and you have not contacted the General Manager, it will be assumed that you do not plan to return and that you have terminated your employment. Upon return from a leave of absence, you will be credited with the full employment status which existed prior to the start of the leave. During leave without pay, sick and vacation leave shall cease to accrue and pay for statutory holidays will not be received.

During Leave without Pay (LWOP), the District does not continue to pay premiums for benefits, such as medical, dental or Vision care. The employee may arrange for the continued coverage under the provisions of the Federal COBRA and California COBRA (if applicable).

If the Leave without Pay period exceeds more than three (3) months, the District will drop coverage for the Life Insurance.

Note that the Short-Term Disability, Long-Term Disability, and Worker's Compensation coverage is only applicable during regular (full- or part-time) employment status.

Where applicable, LWOP will run concurrently with family-medical leave and pregnancy disability leave.

## 3.20.2. Health Benefits

### 3.20.2.1. CalPERS

The District offers medical coverage through the California Public Employees Public Retirement System (CalPERS). The plan may cover: Employees, their spouse, registered domestic partners and children. The District pays a portion of the premium for any employee enrolling in any of the District-sponsored medical plans. The “Medical Allowance” is found in the Appendix A4.

There are nine (9) Medical Plans available through CalPERS sponsored medical plans.

Description	Employer Premium Contribution (\$)
Employee Only	688.82
Employee + 1 (Spouse/domestic partner)	1,377.64
Employee + Family	1,790.93

#### RULES RELATING TO THE MEDICAL ALLOWANCE:

- An employee seeking duplicate coverage by electing to receive medical benefits from the District shall receive the Employee Only Medical Allowance.
- A portion of the Medical Allowance is identified as the District’s Minimum Employer Contribution with respect to active employees. The minimum Employer Contribution may be adjusted annually in accordance with Section 22892(b) of the California Government Code.

### **3.20.2.2. 125 Plan (“Cafeteria Plan”)**

The Cafeteria Plan applies to active full-time employees. This funds the District-paid Medical Allowance, described below, through the Cafeteria Plan. In addition, the Cafeteria Plan allows employees to use pre-tax income for the payment of the employee share of medical and dental benefits and to fund, at the employee’s election, the medical and dependent care reimbursement accounts.

- Eligible benefits offered through the Cafeteria Plan include medical and dental insurance premiums, the Dependent Care Reimbursement Plan, the Medical Reimbursement Plan and a flexible benefit allowance for those employees eligible to opt out of medical coverage. Medical insurance premiums are funded through a combination of the Medical Allowance and employee salary reductions to cover the employee’s share. The employee’s share of the dental insurance premiums is funded with salary reductions and/or the flexible benefit allowance, if available.
- Cash benefits received from the Cafeteria Plan are subject to state and federal taxes and may not be designated to the deferred compensation account of the employee.
- Retirees are not eligible to participate in the Cafeteria Plan.
- Enrollment and changes in election of benefits under the Cafeteria Plan are restricted to times specified by CalPERS and are subject to the enrollment rules that apply to cafeteria plans.
- Employees who wish to waive enrollment in a medical plan offered by CalPERS pursuant to the Public Employees’ Medical and Hospital Care Act (PEMHCA) and who demonstrate to the satisfaction of the District their enrollment in another medical plan, shall receive a monthly flexible benefit allowance. The amount of the monthly allowance shall be \$450.00.

### **3.20.3. Dental Benefits**

The District offers an optional, comprehensive dental insurance plan for employees, their spouse/domestic partner and children. The primary coverage is provided by an insurance company, Humana. The District pays a portion of the premium for any employee enrolling in the District-sponsored dental plan. The “Dental Insurance Plan Allowance” is found in the Appendix A4.

### **3.20.4. Vision Benefits**

The District provides a fully paid, vision insurance plan for all employees, their spouse/domestic partner, and their children, through the Vision Service Plan (VSP).

### **3.20.5. Wellness Program**

Valley Sanitary District provides employees with a health and well-being allowance benefit of up to \$35 per month for expenses related to exercise, good health and personal well-being. Examples of eligible items include:

- Gym memberships
- Exercise and fitness classes

Only full time, permanent employees are eligible for this allowance.

Expenses will be reimbursed once a year for a maximum benefit of \$420 per fiscal year (July 1 – June 30).

A completed and signed District Expense Report, along with attached proof of payment, needs to be received by the Administration and Finance Department no later than June 15 of each fiscal year. Reimbursements will be made through payroll on the last payroll date in June, as this is taxable benefit.

Valley Sanitary District offers a wellness consultation program once a month.

### **3.20.6. Short-Term Disability**

Each employee contributes to the State of California Short Term Disability Plan. Contributions are made through a payroll deduction. Short term disability is payable when an employee is unable to work due to an illness or injury that is not employment related at the District. Information is available from the Administration & Finance Manager.

### **3.20.7. Long-Term Disability**

The District fully funds a long-term disability insurance program for employees that will cover (in coordinated benefits) up to 66.6 percent of their salary (to a maximum of \$8,000/month) in case of long term disability. This benefit, if applicable, takes effect after 90 days of a verified disability event.

### **3.20.8. Workers Compensation**

The District provides Workers Compensation coverage to all employees. The cost of the benefit is provided by the District and covers employee occupational injury or illness, due to work-related activities.

The workers' compensation benefits provided to injured employees may include:

- Medical care
- Cash benefits, tax free, to replace lost wages
- Vocational rehabilitation to help qualified injured employees return to suitable employment

As of July 1, 1994, Valley Sanitary District's workers' compensation program is self-funded pursuant to agreement with the California Sanitation Risk Management Authority (CSRMA).

Neither the District nor its insurer will be liable for the payment of workers' compensation benefits for any injury that arises during an employee's voluntary

participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

Report of injuries or illness related to work

It is the responsibility of all District employees to report work-incurred injuries and illnesses immediately to their supervisor NO MATTER HOW MINOR. An employee should not leave the job without notifying a supervisor, the Administration and Finance Manager, or the General Manager that an injury or illness has occurred. If the employee is working alone, a phone call is sufficient. Notice can come from any source, including but not limited to: co-workers, treating physicians, or family members in the case of serious injury or death. It is the responsibility of the employee to keep the District Administration and Finance Manager and their supervisor informed about the status of an injury or illness related to work.

The supervisor, Administration and Finance Manager, or General Manager is responsible for providing the employee with the Employee's Claim for Workers' Compensation Benefits (DWC-1), with lines 9-17 completed, within one working day from hearing about the injury or illness. The claim form must be given to the employee personally or sent by certified mail. If requested by the employee, the supervisor, General Manager, or spouse of the employee can complete the form on behalf of the employee.

At the earliest time, the employee shall fill in lines 1-8 on the Claim Form (DWC-1). The employee gets the green copy of the completed form.

The supervisor's Report of Employee Injury (form 414.337) is to be completed and turned in to the Administration and Finance Manager, or the General Manager in the absence of the Administration and Finance Manager, within one working day from the time the supervisor hears about the injury or illness.

The Employer's Report to the workman's compensation administrator must be faxed or e-mailed within five days of the initial report of injury or illness.

## Treatment

All employees have the right to pre-select a physician for treatment in the event of an industrial injury by filing the attached form WC003 with the Administration and Finance Manager.

If no physician is designated, the employee will report to the medical facility as designated by the District for the first 30 days of medical treatment.

Designated physicians:

Arthur Davis, MD	81-709 Carreon Blvd. C-5, Indio	760-347-7730
Wallace Wheeler, MD	81-709 Carreon Blvd D-2, Indio	760-347-2381
Chee-soon Yau, MD	81-709 Carreon Blvd D-1, Indio	760-347-2665
JFK HOSPITAL	47-111 Monroe, Indio	760-347-6191
Eisenhower Occupational Health Services	78-822 Highway 111, La Quinta	760-777-7701

Before an employee uses the services of a physician or hospital you must have an authorization from the District. For "minor" injuries or illness, the first choice will be a physician. In the event of an emergency where no help is available, go to the hospital.

Employees must provide the District with a certification from their health care provider regarding the need for workers' compensation disability leave and the employee's ability to return to work from the leave.

## Administration of policy

The Administration & Finance Manager has primary responsibility for administration of the District's Worker's Compensation program.

### Return to Work

Upon submission of medical certification of being able to return to work, an employee will be offered the same position held at the time of leaving, unless the job has been filled in order to meet District needs and requirements, or if the employee is unable to perform the job responsibilities upon return. If the former position is not available, a substantially similar position will be offered unless there is no substantially similar position available or filling the available position would substantially undermine the District's ability to operate safely and efficiently, or the employee is not capable of performing the job responsibilities. If, after returning from workers' compensation disability leave, you are unable to perform the essential functions of the job because of a physical or mental condition, the District's obligations to you may include reasonable accommodation, as governed by the Americans with Disabilities Act and the State Fair Employment and Housing Act.

### **3.20.9. Life Insurance**

The District pays premiums for life insurance coverage on all full-time employees after completion of three (3) months service, provided by The Standard. The current plan provides for one times (1x) the employees base salary, with a minimum of \$50,000 coverage. Basic life insurance coverage for a spouse / domestic partner is \$10,000 and each child (up to 26 years of age) is \$5,000. Optional coverage, funded by the employee, is available for employees, their spouse/domestic partner and children.

### **3.20.10. Social Security (Federal FICA)**

Social Security is an important part of every employee's retirement benefit. The District pays a matching contribution to each employee's Social Security taxes, with the employee funding their portion. This benefit is coordinated with the CalPERS retirement program. There is also a deduction for an employee's share of Medicare withholding.

### **3.20.11. Retirement (CalPERS)**

All employees are covered by the State of California Retirement Pension Plan (CalPERS). The CalPERS retirement program is a defined benefit program. On January 1, 2013, California law created a mandatory two-tiered CalPERS pension system, requiring any new employee to CalPERS be placed in Tier 2 (2% @ 62) plan. Existing CalPERS members, and employees who have moved between employers within six (6) months, are eligible for the Tier 1 (2.5% @ 55) plan. Vesting and other eligibility requirements are set by CalPERS. The employer share for premiums is set in the District agreement with CalPERS. Currently, the Employee pays the total employee share. Eligible survivors of retirees will continue to be eligible for this benefit. This program is coordinated with the Social Security Retirement Program. Information regarding this plan can be found at [www.calpers.ca.gov](http://www.calpers.ca.gov)

### **3.20.12. 457 Plan (Deferred Compensation)**

Employees are also eligible to participate in the optional District sponsored deferred compensation plans, at their own cost, which has special tax benefits for public employees. Details on the plans are available from the Administration & Finance Manager. The District currently offers the following plans (commonly known as 457 Plans):

- CalPERS sponsored 457 Plan
- International City/County Management Association (ICMA)
- Nationwide
- MassMutual

### **3.20.13. Unemployment Insurance**

The District is self-insured for unemployment compensation, and pays unemployment as required by the State of California, subject to State laws and regulations.

### **3.20.14. Retiree Medical Coverage (Per CalPERS)**

Employees that currently participate in the CalPERS Retirement Plan may be eligible to continue their CalPERS medical coverage into retirement. Except with respect to the minimum employer contribution required pursuant to Government Code §22892(c) that the District must pay directly to CalPERS on behalf of an eligible retiree, an employee's enrollment in retiree medical coverage is at the employee's own expense. This plan is subject to the rules of CalPERS ([www.calpers.ca.gov](http://www.calpers.ca.gov)). Generally, to be eligible, an employee MUST:

- Be currently covered during District employment, by the CalPERS Retirement Plan.
- Be vested in CalPERS (5 years of vesting and at least 50 years old).
- Retire from a CalPERS member agency within 120 days of separation.
- Receive a CalPERS pension warrant.
- Premiums will be deducted from the CalPERS pension check.

In order to have continued eligibility, the District must contract with CalPERS for health care benefits.

### **3.20.15. Education & Training**

The District recognizes the benefit of having a well-educated work force as a means to achieve effective operations through qualified employees. therefore, each budget normally provides for employee training costs. As addressed by this policy, training is defined as any formal training course or work-related program, seminar, conference, convention, or workshop attended by an employee whose tuition and expenses are funded in whole or in part by the District.

Employee attendance at authorized outside activities will be considered hours worked for non-exempt employees and will be compensated in accordance with normal payroll practices, except as otherwise provided in relation to formal

academic education.

This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions may generally lead to improved job performance. While the District generally encourages all employees to improve their job skills and promotional qualifications, such activities will not be subject to the policy regarding reimbursement or compensation unless prior written approval is obtained.

### **3.20.15.1. Definitions**

- **Accreditation.** Recognition and certification of a bona fide college or university by a regional accrediting body.
- **Certification.** A certificate required by a state or federal regulatory body required to hold a specific job classification at the District.
- **Certificate of attendance.** A statement of attendance from the provider of the training.
- **Receipt.** A statement of fees and payment received.
- **Transcript.** A formal report of grades and attendance at a college or university, or training obtaining Continuing Education Units (CEU)

### **3.20.15.2. Education and Training Types**

There are three types of education and training:

- informal education and training (conferences, seminars, and workshops),
- occupational certifications,
- formal academic education.

#### **Informal Training (Conferences, Seminars and Workshops)**

Informal training, such as conferences, seminars, and workshops, add value to the employees' knowledge and may benefit the District, even though they do not lead to a formal academic degree. If deemed beneficial and approved in advance,

the District will pay in advance or through reimbursement all expenses related to this training, including travel, tuition, meals, and lodging.

### **Occupational Certification**

Operator certifications and technical certifications are important to a majority of the District's positions as a means to verify a minimum level of knowledge, and for purposes of determining job classification, advancement, or merit pay. Certain job classifications require the employee to maintain a certification in the associated discipline. Examples of such certifications are the State of California Wastewater Treatment Plant Operator Certification, the California Water Environment Association Technical Certification Program, and the Board for Professional Engineers and Land Surveyors. Encouraging and supporting employees to pursue and achieve certifications is in the District's interest.

The District will pay the employee's fees for application, examination, and renewal of certifications. The District will pay in advance for a renewal provided that the District has sufficient time to process a check through the normal payment cycle to meet the deadline (two weeks minimum). If there is insufficient time for the District to process a check through the Board of Directors and meet the deadline for filing, the employee is responsible for making the payment, and for submitting documentation for reimbursement to the District.

Upon passing an examination, the District will reimburse the expense.

Employees are responsible for initiating their own applications and for meeting deadlines to take tests for certifications. Any training required to pass a certification exam would fall under the section on informal training above.

### **Formal Academic Education**

The District recognizes that employees may pursue formal academic training in furthering their knowledge, skills, and abilities at the District. These formal

training opportunities lead to the receipt of a formal academic degree. A conferred degree acceptable to the District is one from an accredited university, recognized by the regional accreditation agencies of the United States and Canada. Eligible expenses include tuition and course materials. audited and non-graded courses will not be reimbursed.

This training is typically pursued by the employee on their own time and is not eligible for reimbursement of lodging, room, or board.

### **3.20.15.3. Reimbursement**

Reimbursement is subject to availability of District funds. The District's annual budget establishes a dollar amount for training. That amount is not a right of the employee to receive, and the amount of training expenditure can be more or less, depending on the needs.

The maximum tuition and course materials reimbursement per employee per quarter, semester, or course is \$1,000, with a maximum tuition reimbursement of \$3,000 per employee in a single fiscal year.

### **3.20.15.4. Approval for Reimbursement**

Approval for reimbursement will be granted upon receipt of evidence of acceptable performance and attendance at such training, as well as evidence of (receipt for) the payment(s) to be reimbursed. Employees should submit a certificate or attendance certificate for certification and informal training.

Formal academic education requires evidence, such a grade report or transcript, showing that the employee received a passing grade ("C" or equivalent or better).

When an employee received non-reimbursable financial educational assistance from another source, in the form of a grant, scholarship, or other award, District reimbursement will be limited to the difference between the amount of such assistance and the maximum amount of reimbursable tuition under this policy.

The General Manager has the authority to approve reimbursement requests for employees. the Board of Directors will approve reimbursement for the General Manager.

### **3.20.15.5. Application Procedure**

Full-time employees who have completed twelve (12) months of employment with the District are eligible for this program. part-time employees are not eligible for this program.

Education and training must be beneficial to the District and be related to the employee's current job title or to a position within the District to which the employee could reasonably be promoted. Courses leading to formal degrees must be taken at an accredited college, university, or trade or technical school and should be related to the employee's general development within the District.

An employee request for training will be in writing, utilizing the Education & Training Application Form. The General Manager has the authority to approve training for employees. The Board of Directors will approve education and training requests for the General Manager.

### **3.21. Pay Periods and Paychecks**

Paydays are bi-weekly with twenty-six (26) pay periods per year. If a regular payday falls on a weekend or holiday, employees will be paid on the preceding workday.

Pay stubs are normally available by 11:00 AM from the Administration & Finance Manager. If there is an error on your pay, please report it immediately to the Administration & Finance Manager.

### **3.22. Mandatory Direct Deposit of Pay**

The District requires the use of “direct deposit” for payroll deposit. This is mandatory, and there is no paper check issued to employees for the purposes of payroll. Direct

deposit transfers are completed on the appropriate payday directly into your designated account.

### **3.23. Advance of Wages or Leave**

The District does not permit advances against paychecks or un-accrued leave time.

### **3.24. Garnishment of Wages**

In accordance with California Government Code Section 1151.5, the District will comply with any court order to garnish an employee's wages.

### **3.25. Reimbursement of Expenses**

It is the policy of the District to encourage employee participation in professional associations and similar professional activities that benefit the District. Attendance at professional business meetings must fall within the parameters of this policy to qualify for reimbursement. All reimbursement and advances for travel, training, and memberships must be within the authorized budget. The General Manager must approve employee travel, training, and participation in events directly related to District functions. Any travel or attendance that requires an overnight stay requires prior approval of the Board of Directors.

"Travel" is used here in connection with District employees' participation in business meetings, professional conferences, workshops, seminars, and public hearings, either formal or informal.

Participation in activities which are primarily educational in nature is covered under "Education and Training" within the section on employee benefits.

Reimbursement of necessary expenses includes: registration or annual dues, transportation, accommodations, meals, supplies, and related incidental expenses.

"Disallowed" expenses include: alcohol, entertainment (including in-room movies), and expenses incurred for traveling companions. In addition, expenses otherwise paid by

others are not eligible for reimbursement by Valley Sanitary.

Transportation: Factors such as time, distance traveled, cost to the District shall be considered to determine the most economical means.

Automobile: District vehicles should be used whenever available. Carpools (2 or more employees) should be used to encourage shared rides. For certain Group Training events, the use of carpools is mandatory and the coordination of such travel will be reviewed by the Administration and Finance Manager before travel commences.

Use of personal vehicle: If authorized by the General Manager, an employee may use a private vehicle for District business.

In order to be authorized to use a private vehicle the employee must show evidence of insurance coverage with the following limits: \$100,000/\$300,000 public liability and \$25,000 property damage or a combined single limit of \$300,000 public liability and \$25,000 property damage.

Mileage: Shall be paid at the current allowable non-reportable rate established by the U.S. Internal Revenue Service (IRS). Mileage shall be calculated from the District office to the point of destination by the most direct route. If a District credit card is used to pay for fuel, the mileage rate will not apply.

Air: Air travel will be arranged by the District to take advantage of discount fares and carrier competition.

Accommodation: Out of town accommodations will be arranged by the District to take advantage of conference and government rates.

Meal Expenses: Reimbursement is allowable for meals consumed in route and while attending a meeting on behalf of the District. Reimbursement shall be on the basis of actual cost. Tips up to 15% will be allowed. The amounts should be justified by a receipt (or other documentation if the bill was paid by others).

Certain Group Training events will have a Per Diem Meal policy for group employee travel. This method will provide each employee with a meal per-diem which will not require the submittal of receipts, to facilitate ease of implementation.

No reimbursement will be allowed for meals provided as part of a paid event registration.

The General Manager and authorized employees may receive reimbursement for meals of representatives of entities doing business with the District. When requesting reimbursement or submitting a credit card receipt, a list of the persons along with their business affiliations must be submitted.

Incidental Expenses: Parking fees, computer expenses, fax expenses, local ground transportation, tips, and other incidentals directly related to District business shall be reimbursed on the basis of actual cost, based on receipts.

Requests for reimbursement: Requests for reimbursements must be submitted within five (5) working days from the employee's return from a trip or event on a Valley Sanitary District "Reimbursement Expense Claim", in Excel format.

Advances: The practice of giving cash advances for District travel is discouraged. Only under extenuating circumstances will cash advances be considered.

Credit Cards: For convenience and to lessen the number of advances or personal funds which a Board member or employee may incur, District credit cards are available to authorized persons. The card holder is responsible for the care and safety of the credit card. Any personal accidental use of the card must be reported immediately to the Administration and Finance Manager.

## **3.26. Separation**

### **3.26.1. Resignation**

An employee who voluntarily resigns their employment or fails to report to work for three (3) consecutively scheduled work shifts without notice or approval by their supervisor, will be deemed to have voluntarily terminated their employment with the District. All District owned property (vehicles, keys, access cards and FOBS, uniforms, identification badges, credit cards, computers, cell phones, etc.) must be returned immediately upon termination of employment.

### **3.26.2. Involuntary / Termination**

#### **3.26.2.1. Reduction of Force / Furlough**

The District may find it necessary to restructure or reduce its workforce or reduce the number of hours worked. If these actions become necessary, the District will attempt to provide advance notice so as to minimize the impact on those affected. If possible, employees subject to layoff or reductions in hours will be informed of the nature of the change and the foreseeable duration of the change, whether short-term or indefinite.

It is the sole discretion of the District to determine which employees may be affected by the workforce change. Factors that may be taken into consideration include operational needs and requirements; the skill, productivity, ability and past performance of those involved; and also, where feasible, the employee's length of service.

### **3.26.3. Exit Interviews**

The District may conduct an exit interview with the employee in order to obtain information to better serve our employees, operations at the District, and make improvements for District/Employee relations.

### **3.26.4. COBRA Benefits**

The District offers Federal COBRA (a federal law that allows you and your immediate family members to stay on an employer-sponsored health plan under certain circumstances) benefits to employees following their departure from the District. See the Administration and Finance Manager or [an-employees-guide-to-health-benefits-under-cobra.pdf](#) for further information. In addition, there are additional rules governing California COBRA, which may be of benefit to employees upon separation from employment.

### **3.26.5. Conversion of sick leave to CalPERS service credit**

Accrued sick leave can be converted to service credit at the time of your retirement. Sick leave service credit does not change your age at retirement or your effective retirement date. It simply increases the amount of service credit used in determining your retirement benefit. To qualify, your effective retirement date must be within 120 days of your separation from employment. Vacation and other types of leave time cannot be converted to service credit.

## **3.27. Employee References and Letters of Recommendation**

All requests for references must be directed to the General Manager. No other manager, supervisor, or employee is authorized to release references for current or former employees. The District's policy regarding references for employees who have left the District is to disclose only the dates of employment and the title of the last position held. If authorized in writing by the employee, the District will report your last wage earned.

## **3.28. Reemployment Rights**

A regular employee who has terminated from Valley Sanitary District employment, and who is subsequently rehired in a regular position in the same classification or job family within six months (i.e., beginning the first day of work by the 180th calendar day), may receive restoration of salary step, vacation accrual rate, sick leave balance (unless the

employee has received payment for unused sick leave in accordance with the Leave Provisions section and the Retirement Plan contribution rate), subject to the approval and conditions established by Valley Sanitary District. Such employees begin accruing vacation and sick leave and may utilize the same immediately. The employee shall be required to serve a new probationary period, unless waived by the General Manager or designee. The employee shall be provided a new date of hire for purposes of Valley Sanitary District seniority.

A regular employee who has terminated Valley Sanitary District employment, and who is subsequently rehired to a regular position in another job family within a ninety (90) calendar-day period, must begin the first day of work within ninety (90) calendar days, and may receive restoration of salary step (in the instance of rehire in the same classification at the same pay range as the position originally held), vacation accrual rate, sick leave, and retirement contribution rate in the same manner as described above. The employee shall be required to serve a new probationary period, unless waived by the General Manager or designee.

A regular employee who has been laid off from Valley Sanitary District employment and is subsequently rehired to a regular position within one (1) year shall receive restoration of vacation accrual rate and sick leave in the same manner as described above. Restoration of retirement contribution rate shall be in accordance with applicable state law and in compliance with any requirements established by CalPERS. For purposes of this section, a regular employee shall mean an employee in a regular position who held regular status in any classification during the previous period of Valley Sanitary District employment.

